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COLLECTION TITLE:
Counsel's Office, White House

SERIES:
Kavanaugh, Brett - Subject Files

FOLDER TITLE:
Horn, Marian

FRC ID:
9122

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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From the Desk of
King Mallory

DATE: January 24, 2001

TO: Brett Kavanaugh
Special Assistant & Associate Counsel to the President
128 Old Executive Office Bldg.

FROM: King Mallory

Here are the papers on Judge Horn. I hope you find this material helpful. If I can be of further assistance, please feel free to call me at

(b)(6)

CKM/jsd

Enc.

Reappointment of Judge Marian Blank Horn to the United States Court of Federal Claims

Marian Blank Horn was appointed to the United States Court of Federal Claims by President Ronald Reagan in 1986 after serving in the Reagan administration for five years at the United States Department of the Interior. Her final position at the department was as the Principal Deputy and Acting Solicitor under Secretary Donald Hodel. A resume is attached.

Judge Horn's fifteen year term on the court will expire on April 13, 2001. She seeks reappointment to the job in which she has served ably as one of the highest producers on the court in terms of dispositions. She has authored numerous complex opinions and manages one of the largest caseloads on the court. Although the time between now and April is short, it is important for court continuity and for reasons of insurance and benefits that, if possible, there be no lapse in service.

Reappointment of a member of the judiciary, assuming productive and loyal service as well as willingness to serve, should be evaluated with thoughts of continuity and benefits to the judicial system in mind. It should be considered differently from a judicial position for which no incumbent requests to continue in service.

There is one vacancy already on the court following the assumption of senior status by a judge last summer. Judge Horn's term expires on April 13, 2001. Judge Horn has submitted the statutorily required letter to the President requesting reappointment. The term of a third judge expires on April 15, 2001. Although that third judge has submitted the required letter requesting reappointment, he has informally indicated that he will take senior status or seek a different appointment. A fourth vacancy on the court will occur on October 13, 2001.

Her husband offered active support from the beginning of the campaign to elect President Bush. He is the Chairman of the Republican Lawyers Association at the RNC and was on the ground in several primary states, in additional states during the election campaign, and was in Florida as one of the lawyers in the Broward County canvassing room during the recount.

On January 19, 2001, outgoing President Clinton appointed Sarah L. Wilson to be a Judge on the Court of Federal Claims. At the time, she was serving in the White House Counsel's office as the Senior Counsel for Nominations. She was sworn in on January 22, 2001.

Marian Blank Horn

United States Court of Federal Claims, (b)(6)

(b)(6)

(b)(6)

• Marian_Horn@ao.uscourts.gov

Professional Experience:

- 1986 to present **Judge, United States Court of Federal Claims.** Appointed by President Ronald Reagan and confirmed by the Senate. Fifteen year term expires on April 13, 2001. The United States Court of Federal Claims is a trial court with national jurisdiction over claims against the United States in government contracts, constitutional claims for government takings of property without compensation, tax refunds, patent and copyright infringements against the government, Native American claims, civilian and military pay cases, vaccine compensation cases, and Congressional Reference cases.
- 1992 to present **Adjunct Professor of Law, The George Washington University Law School.** Teach Trial Advocacy and Conflict Resolution/Negotiations, Arbitration and Mediation (LL.M. students) in the fall and spring semesters.
- 1994 to present **Woodrow Wilson Visiting Fellow.** The purpose of the program is to expose students at small liberal arts colleges to diverse issues and opportunities. Lecture on topics such as government, politics, the environment, civil and criminal law, and the working woman. Washington and Jefferson College, Pennsylvania (1994); Lake Forest College, Illinois (1995, 1996); Simpson College, Iowa (1997); Wheaton College, Massachusetts (1998); Albion College, Michigan (2000); and McMurry University, Texas (scheduled 2001).
- 1997 to present **Member, Prettyman-Leventhal American Inn of Court.** President 1999-2000.
- 1985 - 1995 **Member, Administrative Conference of the United States.**
- 1995 **Dean's Medal of Recognition, Fordham University School of Law.**
- 1969 to present **Guest Speaker.** Addressed numerous bar association and training seminars, Fordham University School of Law, the Administrative Conference of the United States, the Presidential Classroom, and the D.C. Partnership for Education tutoring program for inner city youth on topics such as dispute resolution, government contracts, tax, intellectual property, environmental law, the law of privilege, criminal justice, and career development.
- 1981 - 1986 **United States Department of the Interior (DOI).**
Acting Solicitor and Principal Deputy Solicitor, June 1985 to April 1986. Acted as the chief attorney to the Secretary and Under Secretary of DOI and supervised all Regional and Field Offices of the Solicitor's Office. Participated in the development of the Department's policy positions and new programs, proposed legislation, supported and appeared at congressional oversight hearings, supervised litigation, and supervised regulation development.

Associate Solicitor, Division of General Law, September 1983 to June 1985. Supervised attorneys, paralegals and support staff in Washington, D.C. and coordinated with the regional and field offices throughout the country. The Division of General Law handled government contracts, appropriations, patents, labor, personnel, the Freedom of

Information Act, equal opportunity, torts, the Office of Territorial and International Affairs, and acted as the general legal practitioner for issues not covered by the other divisions in the Solicitor's Office and as the coordinator for special projects.

Deputy Associate Solicitor, Division of Surface Mining, June 1981 to September 1983. Supervised the work of the Division, litigated cases, developed regulations and provided ongoing legal advice to the Office of Surface Mining, the Assistant Secretary for Energy and Minerals, and the Secretary and Under Secretary of DOI.

• 1975 - 1981

United States Department of Energy (DOE)/Federal Energy Administration (FEA). *Deputy Assistant General Counsel for Procurement and Financial Incentives, Office of General Counsel (DOE)*, August 1979 to June 1981. Supervised all legal work related to financial incentives at DOE including loan guarantees, price supports, and purchase commitments for the development of synthetic and alternate fuels from resources such as coal, shale, biomass, and urban waste. Also served as legal advisor to the Assistant Secretaries for Fossil Energy and Resource Applications, the Office of Energy Research, and the Synthetic Fuels Transition Office.

Senior Attorney, Office of General Counsel (DOE) for the Strategic Petroleum Reserve (SPR), September 1976 to August 1979. Negotiated and drafted contracts for the procurement of oil terminal, pipeline, barging, and storage sites. Served as principal legal adviser to the SPR Office of Site Operations, which operated the oil storage sites following construction and supervised transportation of government oil from the point of landing on domestic shores.

Attorney, Office of General Counsel, Litigation Section (FEA), January 1975 to September 1976. Handled lawsuits brought in jurisdictions throughout the country by large oil companies, small producers, refiners, marketers, and individuals challenging the FEA statutory and regulatory authority.

• 1973 - 1975

American University Washington College of Law. *Adjunct Professor of Law and Project Manager*, "Study of Alternatives to Conventional Criminal Adjudication." The study was financed by the U.S. Department of Justice, Law Assistance Enforcement Administration and published by the American University, Washington College of Law. Researched, wrote, edited and supervised the staff of full-time professionals, supplemented by the extensive use of consultants and law students. As an Adjunct Professor at the Law School, also taught the Introductory Legal Methods Course.

• 1972 - 1973

Arent, Fox, Kintner, Plotkin and Kahn. *Associate Litigation Attorney.* Responsibilities included courtroom trial work, negotiations, legal research, drafting and brief writing primarily on civil cases, supplemented by occasional white collar criminal and pro bono criminal cases.

• 1969 - 1972

District Attorney's Office, Bronx County, New York. *Deputy Chief, Appeals Bureau.* Researched, wrote, argued, edited and managed cases in federal and New York State, trial and appellate courts. Also prepared cases for argument in the United States Supreme Court. Drafted legislative revisions to the New York State Penal Law and the New York Code of Criminal Procedure.

Education:

- Fordham University School of Law - J.D., 1969.
- Barnard College, Columbia University - A.B., 1965.
- New York University Graduate School of Arts & Sciences - 30 graduate credits in American Diplomatic History, 1965-66.

Admitted to the Bar:

New York State, 1969; District of Columbia, 1973; United States Supreme Court, 1973; United States District Courts for the Southern and Eastern Districts of New York, 1970; United States Court of Appeals for the Second Circuit, 1970; United States District Court for the District of Columbia, 1973; United States Court of Appeals for the District of Columbia Circuit, 1973; United States Court of Appeals for the Federal Circuit, 1991.

Married, three adult daughters.