Friedman Lecture in Appellate Advocacy
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When Dan was under consideration for the judicial appointment, supporters of another candidate objected to Dan’s age: sixty-two. He had a medical exam, and the physician concluded that he was fit enough to fly military jets. Members of the Solicitor General’s Office then asked the judicial-vetting staff in the Department of Justice what they really wanted: fifteen years of a good judge, or thirty years of a mediocre one. The President picked the good judge—and it turned out that Dan gave not fifteen but thirty-three years of service as a bonus to the profession and the citizenry.

Before Dan Friedman’s promotion to the judiciary, I benefitted from his accumulated wisdom and skill. He spent four years editing my petitions and briefs, and providing pointers to all of the Office’s staff. His briefs and oral arguments—he delivered about eighty—were a model to us all.

I want to talk today about what that model was—about what made and makes the Solicitor General’s output distinctive. I also want to talk about whether the Office’s practices and qualities are possible or desirable in private practice.