

January 2, 2021

Senator Kellie Warren  
Chair, Kansas Senate Judiciary Committee

Dear Chair Warren and Distinguished Committee Members:

I write in support of the nomination of Assistant Federal Public Defender, Carl Folsom, to serve as a judge on the Kansas Court of Appeals. I have known Carl since he was an undergraduate student at KU and took an Honors course that I taught. I also taught him in law school, and I have interacted with him both professionally and personally in the intervening years. That interaction includes being opposing counsel in a case with Carl in my role as U.S. Attorney for Kansas, as well as reports and observations of Carl when he has represented numerous defendants that my office has prosecuted the past three years.

Having known Carl for over 20 years, I am confident that he will approach judging with humility and modesty, seeking to reach the right answers to legal questions while being fair, considerate and courteous to everyone he encounters; he will not be driven by an agenda, nor will he be “political” as a judge. Carl will simply be an excellent, careful, and thoughtful judge. I base that conclusion on my personal observations and knowledge of Carl, as well as my many years of experience which include serving as a law clerk to U.S. Supreme Court Justice Clarence Thomas, as an attorney for a wide variety of clients (private and governmental, in both civil and criminal cases), as the Solicitor General of Kansas (a position in which I argued numerous times for Kansas before the U.S. Supreme Court and the Kansas Supreme Court, as a law professor and, most recently, as the U.S. Attorney for Kansas, the chief federal prosecutor for the state.

I have complete faith in Carl’s abilities, integrity, and fairness. He is one of the most sincere people I have ever known, and he always represents his clients earnestly, zealously, and with integrity, as the best attorneys on either side – prosecution or defense – do, and should do. The work and role of prosecutors could not be successful without good defense attorneys, of which Carl is one. Our criminal justice system depends on adversarial proceedings where the government is put to the burden of proof and defendants’ constitutional rights are observed and protected. Good defense attorneys make it easier to be good prosecutors, and help ensure appropriate justice in criminal cases. I welcome an appellate bench that includes both former defense attorneys and prosecutors, as well as attorneys from private practice or academia.

Carl Folsom has the substantial and appropriate experience necessary to serve as an excellent appellate judge. He had a strong academic record during his undergraduate and law school days. And he has built on that academic record over the past 15 years, with experience in private practice and in various public defender offices, including in both the state and federal systems. Carl has real strength and tremendous experience in writing and analysis, the essence of an appellate judge's work. Carl has impeccable integrity and is trusted by the prosecutors and the defense bar. Carl also is fair-minded, sensible and reasonable. He fights for his clients, but he resolves cases in fair and appropriate ways that prosecutors and judges respect.

Notably, Carl also has demonstrated the ability and taken the time to write about legal topics when it was not part of a case or work. His involvement in KBA publications shows his development of expertise and his ability to explain it to others. Those are highly valuable skills in an appellate judge, and demonstrate a selflessness and willingness to share knowledge that also is important for judges.

I appreciate the opportunity to express my enthusiastic and unqualified personal support for Carl Folsom's nomination to serve on the Kansas Court of Appeals, and I commend Governor Kelly for making this worthy nomination.

Respectfully,



Stephen R. McAllister