



## **Nancy L. Moritz**

### **Nominee to the United States Court of Appeals for the Tenth Circuit**

On August 1, 2013, President Obama nominated Nancy L. Moritz to the United States Court of Appeals for the Tenth Circuit. When confirmed, she will serve in the seat vacated by Judge Deanell Reece Tacha, who took senior status on January 27, 2011. Justice Moritz currently serves as a Justice of the Kansas Supreme Court. Following her nomination, President Obama observed that Justice Moritz “will bring an unwavering commitment to fairness and judicial integrity to the federal bench.”<sup>1</sup> U.S. Senator Jerry Moran also praised Justice Moritz’s “professional credentials” and “commitment to the rule of law.”<sup>2</sup>

### **Biography**

Justice Moritz was born in Beloit, Kansas in 1960. She spent her childhood in the small town of Tipton before her family moved to Salina in central Kansas when she was fifteen.<sup>3</sup> She graduated as valedictorian from Sacred Heart High School in Salina in 1978, and received an honorary degree from Tipton Catholic High School in 2012. In 1982, Justice Moritz received her bachelor of business administration from Washburn University. In 1985, she earned her J.D. from Washburn Law School, where she served as the Notes Editor of the Washburn Law Journal and worked as a law clerk to the judges of the Shawnee County District Court.

After law school, Justice Moritz worked as a research attorney for Justice Harold Herd on the Kansas Supreme Court, and then served as law clerk to Judge Patrick Kelly on the U.S. District Court for the District of Kansas. From 1989 to 1995, she was an associate at the law firm of Spencer Fane Britt & Browne in Overland Park, Kansas and Kansas City, Missouri. In 1995, Justice Moritz left private practice and joined the U.S. Attorney’s Office for the District of Kansas. There, she worked as an Assistant U.S. Attorney in the Civil Division until 2000 when she was selected to serve as Appellate Coordinator.

Governor Kathleen Sebelius appointed Justice Moritz to Kansas’s intermediate appellate court—the Kansas Court of Appeals—in 2004. She served on that court until Governor Mark Parkinson appointed her to the Kansas Supreme Court in 2011.

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<sup>1</sup> White House Press Release, *President Obama Nominates Three to Serve on the United States Courts of Appeals*, available at <http://www.whitehouse.gov/the-press-office/2013/08/01/president-obama-nominates-three-serve-united-states-courts-appeals>.

<sup>2</sup> *Moritz Nominated to 10th U.S. Court of Appeals*, THE TOPEKA CAPITAL-JOURNAL (Aug. 1, 2013), available at <http://cjonline.com/news/2013-08-01/update-moritz-nominated-10th-us-circuit-court-appeals>.

<sup>3</sup> Senate Judiciary Committee Questionnaire, available at <http://www.judiciary.senate.gov/nominations/113thCongressJudicialNominations/upload/Moritz-Senate-Questionnaire-Final.pdf>.

## Legal Experience and Expertise

Before taking the bench in 2004, Justice Moritz developed an expertise defending employment litigation in both private practice and as an Assistant U.S. Attorney. She also became a prolific appellate advocate, appearing often before the Tenth Circuit Court of Appeals.

As a litigation associate, Justice Moritz primarily defended businesses and municipalities against federal claims of discrimination, and state law claims of retaliatory discharge and negligent supervision. She continued her civil defense work in the U.S. Attorney's Office, where she defended a variety of medical malpractice and employment discrimination claims. In five years as Appellate Coordinator, Justice Moritz wrote more than 170 briefs in both civil and criminal matters, and personally argued about 25 cases before the Tenth Circuit.

As an appellate judge, Justice Moritz has authored several opinions that protect core Fourth Amendment rights from law enforcement overreach. In *State v. Morales*<sup>4</sup> and *State v. Williams*,<sup>5</sup> for example, Justice Moritz held that police officers cannot detain people and hold onto their identification cards without any suspicion of criminal wrongdoing, and that subsequent discovery of an arrest warrant does not “purge the taint” of the unlawful detention. Similarly, in *State v. Diaz-Ruiz*,<sup>6</sup> Justice Moritz relied on Tenth Circuit precedent to hold that a police officer unlawfully extended a traffic stop. According to Moritz's opinion, after an officer stopped a truck for carrying a loose load and found that the load was in fact secure, the Fourth Amendment barred the officer from running a license check and further questioning the vehicle occupants.

She also wrote an opinion that secured the rights of Kansans to access the courts and protect the environment. In *Board of County Commissioners of Sumner County v. Bremby*,<sup>7</sup> the Kansas Court of Appeals overturned the trial court and reinstated a suit challenging a state-issued permit to build a solid waste landfill. Justice Moritz explained that the petitioners had standing because they had participated in the public hearing process.

## Professional and Community Activities

Throughout her legal career, Justice Moritz has been actively involved in community service and various professional organizations. Justice Moritz has served on the Board of Editors of the Kansas Bar Journal, and was the first woman to chair that organization. She has also served on the Tenth Circuit Advisory Committee and the Board of Governors of Washburn Law School. She continues to be an active member of the Kansas Bar Association, and is a frequent CLE presenter in Kansas. Her volunteer experience includes mentoring students through the Washburn Law School Alumni Association Mentor Program.

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<sup>4</sup> 300 P.3d 1090 (2013).

<sup>5</sup> 300 P.3d 1072 (2013).

<sup>6</sup> 211 P.3d 836 (2009) (citing *United States v. Edgerton*, 438 F.3d 1043 (10th Cir. 2006)).

<sup>7</sup> 168 P.3d 1034 (2007), *aff'd* 189 P.3d 494 (2008).