

Court of Appeals Nominees of President George W. Bush



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OF
PRESIDENT GEORGE W. BUSH

(AS OF JANUARY 29, 2003)

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PRESIDENT BUSH'S 14 PENDING NOMINEES TO THE U.S. COURTS OF APPEALS SHOULD RECEIVE PROMPT SENATE CONFIRMATION

(January 29, 2003)

America is facing a judicial vacancy crisis in the federal courts.

- The U.S. Courts of Appeals currently are 15% vacant, with 25 vacancies out of 167 authorized seats.
 - The Sixth Circuit (Ohio, Michigan, Kentucky, and Tennessee) has 6 vacancies on a 16-judge court, and the D.C. Circuit has 4 vacancies on a 12-judge court.
- Caseloads in the federal courts continue to grow dramatically. Filings in the federal appeals courts reached an all-time high again last year.
- The Chief Justice recently warned that the current number of vacancies, combined with the rising caseloads, threatens the proper functioning of the federal courts. He asked the Senate to provide every nominee a prompt up-or-down vote.
- The Secretary of the Judicial Conference stated in 2002 that the shortage of judges is "staggering," and the American Bar Association called the situation an "emergency."

The President has proposed a commonsense plan that will end the vacancy crisis and ensure an orderly and predictable judicial appointments process, no matter who is President or which party controls the Senate.

- The President has proposed a plan in which judges provide at least one-year notice before retirement (which builds on existing Judicial Conference policy), Presidents submit nominations within 180 days of learning of a possible vacancy, and the Senate holds a hearing within 90 days of a nomination and holds an up-or-down vote within 180 days of a nomination. This plan should apply now *and* in the future, no matter who is President or which party controls the Senate.
- The President's plan ensures (i) that a new judge is ready to take office at or near the time that a current judge actually retires, (ii) that the Senate has ample time to evaluate nominees, and (iii) that *all* Senators have their voices heard and votes counted.
- The President's plan is consistent with and builds upon recommendations of the Chief Justice, the American Bar Association, and independent outside groups -- as well as statements on multiple occasions in 2000 by Senator Leahy in which he expressly agreed with then-Governor Bush that every judicial nominee is entitled to a timely up-or-down Senate vote. The 2002 ABA report stated the basic principle: "Vote them or down, but don't hang them out to dry."

President Bush's 14 appeals court nominees have been subjected to extraordinary delays. They deserve up-or-down Senate votes as soon as possible.

- Of the 14 pending nominees, 12 were nominated in 2001 and thus have had to wait well over a year for Senate votes. Indeed, 6 of the President's 11 original nominees from May 9, 2001, still await Senate votes (Estrada, Roberts, Boyle, Owen, Sutton, and Cook).
- *More appeals court nominees have had to wait over a year for a hearing in President Bush's Presidency than in the last 50 years combined.*
- The delays have occurred despite the crisis in the appeals courts. Of the 14 nominees, 10 have been nominated to fill seats classified as "judicial emergencies" by the Judicial Conference of the United States.
- In recent weeks, some Democrat Senators have publicly mentioned the possibility of filibustering nominees to prevent up-or-down Senate votes. That would be an extraordinary escalation of the obstruction and bitterness that President Bush has sought to permanently overcome, including with his proposed plan for timely consideration of judicial nominees. *There has never been a successful filibuster to prevent an up-or-down floor vote on an appeals court nominee.*

President Bush's 14 pending appeals court nominees are highly qualified and respected individuals of experience, intellect, character, and bipartisan support.

- Of the 14 nominees, 9 have served as judges (including 2 on state supreme courts, 3 on federal district courts, and 4 on state lower courts). Of the 5 remaining nominees, 3 have served in high-ranking positions in the U.S. Department of Justice, and the 2 others have served as state solicitors general.
- All 14 nominees have been rated "well-qualified" or "qualified" by the American Bar Association, which Democrat Senators Leahy and Schumer have referred to as the "gold standard."
- **Miguel Estrada**, nominee to the D.C. Circuit, has argued 15 cases before the U.S. Supreme Court and has worked as a federal prosecutor, Assistant U.S. Solicitor General, and Supreme Court law clerk for Justice Kennedy. Estrada came to America as a teenager who spoke virtually no English, and if confirmed would be the first Hispanic to serve on the D.C. Circuit. He represented a capital defendant pro bono before the Supreme Court. He is supported by prominent Democrat lawyers such as Seth Waxman and Ron Klain and received a *unanimous* well-qualified ABA rating.
- **John Roberts**, nominee to the D.C. Circuit, is one of the nation's most respected Supreme Court lawyers, having argued 38 cases before the Supreme Court and served as Deputy U.S. Solicitor General and Associate White House Counsel. He clerked for Supreme Court Justice Rehnquist. He is supported by prominent Democrat lawyers such

as Lloyd Cutler and Seth Waxman and received a *unanimous* well-qualified ABA rating.

- **Judge Terrence Boyle**, nominee to the 4th Circuit (North Carolina), was unanimously confirmed to be a federal district judge in 1984 and has served with distinction since, now as Chief Judge. Judge Boyle has been appointed twice by Chief Justice Rehnquist to serve on Judicial Conference committees and has sat by designation on the Fourth Circuit. The former chairman of the state Democratic Party supports Judge Boyle's nomination, stating that he gives everyone "a fair trial."
- **Justice Priscilla Owen**, nominee to the 5th Circuit (Texas), has served on the Texas Supreme Court since 1994. In her successful reelection bid in 2000, every major newspaper in Texas endorsed her. She is supported by a bipartisan group of 15 past Presidents of the state bar, 3 former Democrat Justices of the Texas Supreme Court, and the former head of Legal Aid of Central Texas. She received a *unanimous* well-qualified ABA rating.
- **Judge Charles Pickering**, nominee to the 5th Circuit (Mississippi), was unanimously confirmed to be a federal district judge in 1990. He was rated well-qualified by the ABA. He has a long record of advancing race relations in Mississippi: investigating and prosecuting the KKK in the 1960's, sending his daughters to newly integrated public schools, hiring the first African-American staffer for the state party in 1976, representing African-Americans in private practice, chairing a Jones County committee on racial progress, and serving on the board of the Mississippi Institute for Racial Reconciliation. He is strongly supported by local African-Americans and Democrats, including Democrat Governor Musgrove, Attorney General Moore, and former Clinton Administration Assistant Attorney General Frank Hunger, as well as Sixth Circuit Judge Damon Keith and U.S. District Judge Henry Wingate.
- **Justice Deborah Cook**, nominee to the 6th Circuit (Ohio), has served as a Justice on the Ohio Supreme Court since she was elected in 1994 and then re-elected in 2000. She served for four years before that as a state trial judge. Before becoming a judge, she was the first woman partner at Akron's oldest law firm. She also has been extensively involved in community service activities and has broad support in Ohio. She established a foundation to pay the college tuition for disadvantaged children currently in grade school. She received a qualified ABA rating.
- **Jeffrey Sutton**, nominee to the 6th Circuit (Ohio), is another of America's leading appellate attorneys. He was recently rated one of America's 45 best lawyers under 45 by *American Lawyer*. He graduated first in his class from Ohio State law school. He has served as Solicitor of the State of Ohio and has argued 12 cases before the U.S. Supreme Court and many more before state supreme courts and federal appeals courts. He has represented a diverse array of clients, including a blind woman denied admission to an Ohio medical school. The former ACLU Director in Ohio has called him a "superb choice." He received a qualified ABA rating.

- **Judge David McKeague**, nominee to the 6th Circuit (Michigan), was unanimously confirmed by the Senate to be a federal district judge in 1992. He served in private practice for 25 years before that and is widely respected for his intellect and integrity. He received a well-qualified ABA rating.
- **Judge Susan Neilson**, nominee to the 6th Circuit (Michigan), has been a judge on the Michigan 3rd Judicial Circuit Court since 1991. She has more than 10 years of experience in private practice and was co-editor and author of Michigan Civil Procedure, a two-volume treatise on all areas of Michigan civil practice that received an award from the State Bar of Michigan. Judge Neilson is also active in numerous community service organizations. She received a *unanimous* well-qualified ABA rating.
- **Judge Henry Saad**, nominee to the 6th Circuit (Michigan), has served since 1994 on the Michigan Court of Appeals. In his re-election, he received broad bipartisan support, including endorsements from the Michigan Chamber of Commerce and the UAW. Since 1996, Judge Saad has taught legal ethics at Wayne State University Law School. He received the Arab-American and Chaldean Council Civic and Humanitarian Award for Outstanding Dedication to Serving the Community with Compassion and Understanding in 1995. He received a qualified ABA rating.
- **Judge Richard Griffin**, nominee to the 6th Circuit (Michigan), has served on the Michigan Court of Appeals since 1988 and was in private practice for 13 years before that. He is very active in community activities in Michigan. He received a well-qualified ABA rating.
- **Jay Bybee**, nominee to the 9th Circuit (Nevada), currently serves as Assistant Attorney General for the Office of Legal Counsel, a position formerly held by two of the current Supreme Court Justices. He has been a professor at UNLV Law School and previously served as Associate White House Counsel. Bybee is supported by Democrat Senator Reid and Republican Senator Ensign of Nevada. He received a well-qualified ABA rating.
- **Judge Carolyn Kuhl**, nominee to the 9th Circuit (California), currently serves as a state trial judge on the Superior Court in California. She clerked for then-Judge Anthony Kennedy on the 9th Circuit, worked as an adviser to Attorney General Smith, and served as Deputy Solicitor General of the United States. She then became a partner at a leading Los Angeles law firm. She is supported by prominent Democrats such as Vilma Martinez, former President of the Mexican American Legal Defense and Educational Fund, and Ron Olson, as well as a bipartisan group of 23 women judges on the Los Angeles Superior Court. She received a well-qualified ABA rating.
- **Tim Tymkovich**, nominee to the 10th Circuit (Colorado), is currently a partner at a Denver firm. He has served as Solicitor of the State of Colorado. For two years, he served as counsel to the Governor's Columbine Review Commission, which reviewed the public agency and law enforcement response to the Columbine High School shootings in

1999. At the same time, he co-chaired the Governor's Task Force on Civil Justice Reform, which led to improvements in Colorado's civil justice laws and practice. He has the support of Democrat Attorney General Ken Salazar. He received a qualified ABA rating.

AMERICAN BAR ASSOCIATION RATINGS OF PRESIDENT BUSH'S NOMINEES

- American Bar Association Standard for Evaluation of Nominees:
The ABA evaluation "is directed solely to professional qualifications: integrity, professional competence and judicial temperament. Integrity is self-defining. The nominee's character and general reputation in the legal community are investigated, as are his or her industry and diligence. Professional competence encompasses such qualities as intellectual capacity, judgment, writing and analytical ability, knowledge of the law and breadth of professional experience. . . . In investigating judicial temperament, the Committee considers the nominee's compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias and commitment to equal justice under the law." *ABA Web Site*.
- Senator Leahy and Senator Schumer sent a letter to President Bush on March 16, 2001, in which they stated that the ABA rating was the "**gold standard**" by which judicial nominees should be and traditionally were evaluated.
- All 14 pending court of appeals nominees of President Bush have met this "gold standard." The ABA ratings of the President's appeals court nominees are as follows:

WELL QUALIFIED

Jay Bybee
Miguel Estrada (unanimous)
Judge Richard Griffin
Judge Carolyn Kuhl
Judge David McKeague
Judge Susan Neilson (unanimous)
Justice Priscilla Owen (unanimous)
Judge Charles Pickering
John Roberts (unanimous)

QUALIFIED

Judge Terrence Boyle
Justice Deborah Cook
Judge Henry Saad
Jeffrey Sutton
Timothy Tymkovich

NOT QUALIFIED

None

MIGUEL ESTRADA
Nominee to U.S. Court of Appeals for the District of Columbia Circuit
(Nominated May 9, 2001)

- Estrada is currently a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, where he is a member of the firm's Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group.
- The American Bar Association unanimously rated Estrada "Well Qualified," its highest possible rating.
- Estrada was born and raised in Honduras, and came to the United States at age 17. If confirmed, Estrada would be the first Hispanic ever to sit on the U.S. Court of Appeals for the D.C. Circuit, which many consider to be the second most important federal court in the United States after the Supreme Court.
- Estrada has extensive appellate experience and is widely regarded as one of the country's best appellate lawyers. He has argued 15 cases before the U.S. Supreme Court.
 - From 1992 until 1997, Estrada served as Assistant to the Solicitor General of the United States. From 1990 to 1992, he served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney's Office, Southern District of New York, where he argued appeals before the Second Circuit and tried cases in federal district court.
 - Estrada served as a law clerk to Justice Anthony M. Kennedy of the U.S. Supreme Court in 1988-89, and to Judge Amalya L. Kearse of the U.S. Court of Appeals for the Second Circuit in 1986-87.
- Estrada received a J.D. degree *magna cum laude* in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Estrada graduated with a bachelor's degree *magna cum laude* and Phi Beta Kappa in 1983 from Columbia College.
- Estrada has performed significant *pro bono* service, including representation of a death row inmate before the Supreme Court – a case to which he dedicated approximately 400 hours.

SELECT HISPANIC COMMUNITY SUPPORT FOR MIGUEL ESTRADA

The following groups, among others, have announced their support for Estrada:

- League of United Latin American Citizens (LULAC) (nation's oldest and largest Hispanic civil rights organization)
- U.S. Hispanic Chamber of Commerce
- Hispanic National Bar Association
- Hispanic Business Roundtable
- The Latino Coalition
- National Association of Small Disadvantaged Businesses
- Mexican American Grocers Association
- Phoenix Construction Services
- Hispanic Chamber of Commerce of Greater Kansas City
- eHEBC Hispanic Engineers Business Corporation
- Hispano Chamber of Commerce de Las Cruces
- Casa Del Sinaloense
- Republican National Hispanic Assembly
- Hispanic Engineers Business Corporation
- Hispanic Contractors of America, Inc.
- Charo - Community Development Corporation

STATEMENTS BY SELECT SUPPORTERS OF MIGUEL ESTRADA

League of United Latin American Citizens, Rick Dovalina, National President

"On behalf of the League of United Latin American Citizens (LULAC), the nation's oldest and largest Hispanic civil rights organization, I write to express our strong support for the confirmation of Mr. Miguel A. Estrada ... Few Hispanic attorneys have as strong educational credentials as Mr. Estrada who graduated magna cum laude and Phi Beta Kappa from Columbia and magna cum laude from Harvard Law School, where he was editor of the Harvard Law Review. He also served as a law clerk to the Honorable Anthony M. Kennedy in the U.S. Supreme Court making him one of a handful of Hispanic attorneys to have had this opportunity. He is truly one of the rising stars in the Hispanic community and a role model for our youth." (*Excerpt from Letter to Senator Leahy, July 3, 2001.*)

Hispanic National Bar Association, Rafael A. Santiago, National President

"The Hispanic National Bar Association, national voice of over 25,000 Hispanic lawyers in the United States, issues its endorsement ... Mr. Estrada's confirmation will break new ground for Hispanics in the judiciary. The time has come to move on Mr. Estrada's nomination. I urge the Senate Committee on the Judiciary to schedule a hearing on Mr. Estrada's nomination and the U.S. Senate to bring this highly qualified nominee to a vote," said Rafael A. Santiago, of Hartford, Connecticut, National President of the Hispanic National Bar Association." (*Excerpt from HBNA Press Release, October 12, 2001.*)

National Association of Small Disadvantaged Businesses, Henry T. Wilfong, Jr., President

"The NASDB would like to add our support. . . for Miguel Estrada's nomination as United States Court of Appeals Judge for the District of Columbia Circuit. Mr. Estrada is a brilliantly talented and accomplished attorney who will make an outstanding addition to the prestigious DC Circuit ... While we do not dwell on symbolism, we feel that Mr. Estrada's appointment as the first Hispanic member of the DC Circuit will be of benefit to us in further illustrating the wide range of talent in the minority communities, just waiting to be effectively and fully used." (*Excerpt from Letter to Senator Leahy, July 12, 2001.*)

Hispanic Business Roundtable, Mario Rodriguez, President

"From his humble beginnings as an immigrant from Honduras who achieved a stellar academic career at Columbia University and Harvard Law School, to his varied and impressive achievements in the Justice Department and private firms, Mr. Estrada has shown himself to be of superior talents and accomplishments ... I am confident that this first Hispanic member of the DC Circuit will continue to lead a distinguished career with

thoughtful and fair decisions.” (*Excerpt from Letter to Senator Leahy, July 17, 2001.*)

Seth Waxman, former Solicitor General to President Clinton

“During the time Mr. Estrada and I worked together, he was a model of professionalism and competence.... I greatly enjoyed working with Miguel, profited from our interactions, and was genuinely sorry when he decided to leave the office in favor of private practice... I have great respect both for Mr. Estrada’s intellect and for his integrity.” (*Excerpt from Letter to Senator Leahy, September 17, 2001.*)

Ronald Klain, former Counselor to Vice President Al Gore

“Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent... Miguel will rule justly toward all, without showing favor to any group or individual.... the challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need.” (*Excerpt from Letter to Senator Leahy, January 16, 2002.*)

Bipartisan group of 14 former colleagues in the Office of the Solicitor General at U.S. Department of Justice

“Miguel is a brilliant lawyer, with an extraordinary capacity for articulate and incisive legal analysis and a commanding knowledge and appreciation for the law. Moreover, he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench. In addition, Miguel has a deep and abiding love for his adopted country and the principles for which it stands, and in particular the rule of law. We hold varying ideological views and affiliations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints.” (*Excerpt from Letter to Senator Leahy, September 19, 2002.*)

Randolph Moss, former Assistant Attorney General for the Office of Legal Counsel for President Clinton

“I write to express my strong support for the nomination of Miguel Estrada to the United States Court of Appeals for the District of Columbia ... Although I am a Democrat and Miguel and I do not see eye-to-eye on every issue, I hold Miguel in the highest regard, and I urge the Committee to give favorable consideration to his nomination.” (*Excerpt from Letter to the Senate Judiciary Committee, May 18, 2001.*)

“Randolph Moss, who clerked for Justice John Paul Stevens while Estrada clerked for Kennedy, says he ‘did not find Estrada at all divisive. He was always an extremely principled guy, very honest and ethical. I worked amicably with him.’” (*Legal Times,*

June 25, 2001.)

Leonard F. Joy, Attorney-in-Charge, Federal Defender Division, Legal Aid Society of New York

“Over Miguel’s tenure in the United States Attorney’s Office, we became good friends and frequently had lunch together. He has a good sense of humor and never had an ivory tower approach to life. It is fair to say that all the lawyers in my office liked him. Many of them are liberal in their politics and it is a credit to Miguel that he was able to get along with people who may have had different views than he. I think Miguel would make an excellent Circuit Court Judge. He is as fine a lawyer as I have met and, on top of all his intellectual abilities and judgment he would bring to bear, he would bring a desirable diversity to the Court. I heartily recommend him.” *(Excerpt of Letter to Senator Leahy, September 16, 2002.)*

Robert S. Litt, Deputy Assistant Attorney General for President Clinton

“I disagreed with Mr. Estrada on a number of the issues that we faced, but I have no doubt that his positions were sincerely held and honestly advocated.... I never felt that the arguments he made were in any way outside the scope of legitimate legal analysis.... While I may disagree with some aspects of Mr. Estrada’s legal philosophy, I believe that he is eminently qualified to serve on the Court of Appeals.” *(Excerpt from Letter to Senator Leahy, August 28, 2002.)*

JOHN ROBERTS
Nominee to U.S. Court of Appeals for the District of Columbia Circuit
(Nominated May 9, 2001)

- John Roberts is currently a partner at the Washington law firm of Hogan & Hartson. He is widely recognized as one of the best Supreme Court and appellate lawyers in America and has strong bipartisan support, including from Lloyd Cutler, who was Counsel to Presidents Carter and Clinton, and from Seth Waxman, who was Solicitor General for President Clinton.
- Roberts has argued 38 cases before the Supreme Court of the United States.
- The American Bar Association *unanimously* rated Roberts "Well Qualified," its highest possible rating.
- In his career, Roberts often has represented clients on both sides of major legal issues.
 - In the 2002 case of *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency*, Roberts successfully argued in the U.S. Supreme Court on behalf of a state regulatory agency in favor of limits on property development and in support of protection of the pristine Lake Tahoe Basin area. "Environmental groups hailed the majority decision, saying it would help protect America's countryside from suburban sprawl." (*San Diego Union-Tribune*, 4/24/02).
 - In the 2001 landmark *Microsoft* antitrust case, Roberts argued on behalf of a bipartisan group of state attorneys general.
 - In the 2000 case *Rice v. Cayetano*, Roberts argued in the Supreme Court to defend a Hawaii program to benefit Native Hawaiians.
- Roberts graduated from Harvard College, *summa cum laude*, in 1976, and received his law degree, *magna cum laude*, in 1979 from the Harvard Law School, where he was managing editor of the *Harvard Law Review*.
- Following graduation, he served as a law clerk for Judge Henry J. Friendly on the U.S. Court of Appeals for the Second Circuit and for then-Justice William H. Rehnquist on the Supreme Court.
- From 1982 to 1986, John Roberts served as Associate Counsel to the President. From 1989 to 1993, he served as Principal Deputy Solicitor General at the U.S. Department of Justice.

- Roberts is a member of the American Law Institute and the American Academy of Appellate Lawyers, and also received the Edmund J. Randolph Award for outstanding service to the Department of Justice.

STATEMENTS BY SELECT SUPPORTERS OF JOHN ROBERTS

Bipartisan Group of Former Colleagues from the Office of the Solicitor General at the U.S. Department of Justice

"Although we are of diverse political parties and persuasions, each of us is firmly convinced that Mr. Roberts would be a truly superb addition to the federal court of appeals ... The Office then, as now, comprised lawyers of every political affiliation – Democrats, Republicans, and Independents. Mr. Roberts was attentive to and respectful of all views, and he represented the United States zealously but fairly." (*Letter to Sen. Leahy*, June 25, 2001).

The National School Boards Association, Anne L. Bryant and Julie Underwood

"He is not outcome oriented in his approach to legal issues. Instead, he seeks accuracy and fairness in his work. He is always willing to take the time to do things right; and he is willing to support others who exhibit similar values. Above all, he personifies the qualities of an outstanding jurist with his even-temper and respectful demeanor." (*Letter to Sen. Leahy*, May 23, 2001).

More Than 150 Members of the District of Columbia Bar, Including Lloyd Cutler and Seth Waxman

"Although, as individuals, we reflect a wide spectrum of political party affiliation and ideology, we are united in our belief that John Roberts will be an outstanding federal court of appeals judge and should be confirmed by the United States Senate. He is one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate. He is also a wonderful professional colleague both because of his enormous skills and because of his unquestioned integrity and fair-mindedness." (*Letter to Sens. Daschle, Hatch, Leahy and Lott*, December 18, 2002).

Neal Katyal, Yale Law School Professor

"... I asked Mr. Roberts whether he would be comfortable taking me – a Democratic young lawyer – under his wing [at their private law firm]. His response: 'Not only would I be comfortable with it, I want you here because I want to learn what others who may at times see the world differently than I think.' Over the years, I have often come back in my mind to Mr. Roberts' response, as an aspiration for me to strive towards and as an example for my students ... I would have no hesitation whatsoever in recommending any student of mine – liberal or conservative – to clerk for him. He would quite simply

be one of the top handful of judges in the country, not simply in terms of sheer intelligence, but also in terms of disposition." (*Neal Katyal Letter to Sen. Leahy*, February 22, 2002).

Richard Lazarus, Director, Supreme Court Institute at Georgetown University Law Center

"[Mr. Roberts] is not an ideological person at all ... In the eight years since he left the solicitor general's office, I don't think Roberts has filed a single amicus brief for a conservative ideological organization. And I will guarantee that given his prominence, he's being asked all the time to do so. He just hasn't played at all in that game." (*See Jonathan Groner, "Left Builds Case Against Bush Judges: Attack on D.C. Circuit Nominee Distorts Record, Supporters Say", Legal Times, June 4, 2001 at 1.*)

JUDGE TERRENCE BOYLE

Nominee to U.S. Court of Appeals for the Fourth Circuit (North Carolina) (Nominated May 9, 2001)

- Terrence Boyle has been a federal district court judge on the United States District Court for the Eastern District of North Carolina since 1984. He has been Chief Judge since 1997.
 - Judge Boyle was confirmed *unanimously* by the United States Senate to be a federal district judge.
 - Based on Judge Boyle's record, the American Bar Association rated him "Qualified" for a seat on the Fourth Circuit.
 - The seat to which Judge Boyle has been nominated has been designated a "judicial emergency" by the Judicial Conference of the United States.
- Judge Boyle has been designated to sit with the Fourth Circuit Court of Appeals 12 times during his career and has authored over 20 appellate opinions.
- Judge Boyle began his career working in Congress, where he was Minority Counsel to the House Subcommittee on Housing, Banking and Currency from 1970 to 1973. He served for one year as Legislative Assistant to United States Senator Jesse Helms, before entering private practice in 1974.
- From 1974 to 1984, Judge Boyle practiced law with the North Carolina law firm of LeRoy, Wells, Shaw, Hornthal and Riley. While in private practice, Judge Boyle handled a variety of matters, including civil and criminal litigation in state and federal court.
- Since joining the federal bench, Judge Boyle has been appointed twice by Chief Justice Rehnquist to serve on committees of the Judicial Conference. From 1987 to 1992, he served on the Judicial Resources Committee, and since 1999 he has been a member of the Judicial Branch Committee.
- Judge Boyle also has worked with the Federal Public Defender's Office in his District to enhance the local bar's participation in providing legal services to indigent criminal defendants.
- Judge Boyle received his undergraduate degree in 1967 from Brown University, and his J.D. in 1970 from the American University, Washington College of Law.

SELECT SUPPORTERS OF JUDGE TERRENCE BOYLE

Wade Smith, a Raleigh lawyer and the former chairman of North Carolina's Democratic Party

"I can walk in there [Judge Boyle's courtroom] with somebody the community despises and hates, and he is going to give that person a fair trial." *Washington Post*, May 18, 2001. "I think he would happily rule against me and happily rule for me whether I'm a Republican or a Democrat. I think he makes his decisions on the facts, and that's the best we could ever hope. Give me judges like that." *The News and Observer*, August 14, 2001.

Joe Cheshire, a respected Raleigh criminal defense lawyer

"I've never felt he was ideological at all. I think he is his own man who does what he thinks is right in each situation. I think he'd be a first-class judge on the 4th Circuit." *The News and Observer*, May 10, 2001.

Everett Thompson, Elizabeth City lawyer and Democrat

"I think he is really one of the best trial judges I've ever appeared before. He's a student of the law, he works hard, he's bright, he's fair. And I never saw him be political at all about anything." *The News and Observer*, August 14, 2001.

Thomas McCormick, Raleigh City Attorney

"He's very smart, he gets through his matters quickly and he turns out his opinions promptly." *The News and Observer*, May 10, 2001.

Robinson O. Everett, a Duke Law Professor and lifelong Democrat

"...I perceive Boyle to be an excellent judge- intelligent, hard-working and with a no-nonsense approach to the trial process. His opinions reflect a respect for the role of law, rather than for the role of ideology." *The News and Observer*, June 1, 2001.

I. Beverly Lake Jr., chief justice of North Carolina's Supreme Court

"He has demonstrated while he's been on the bench a substantial independence." *The Washington Post*, May 18, 2001.

Tony Hornthal, past President of the North Carolina Bar Association and former law partner of Judge Boyle's

"He has always been a very pragmatic guy. He had a way of cutting through the chaff and getting down to the heart of the matter." *The News and Observer*, August 14, 2001.

JUSTICE PRISCILLA OWEN
Nominee to U.S. Court of Appeals for the Fifth Circuit (Texas)
(Nominated May 9, 2001)

- Since 1995, Justice Priscilla Owen has served as a Justice on the Supreme Court of Texas.
 - The American Bar Association *unanimously* rated Justice Owen "Well Qualified," its highest possible rating.
 - She has significant bipartisan support, including from three former Democrat judges on the Texas Supreme Court and a bipartisan group of 15 past Presidents of the State Bar of Texas.
 - The seat to which Justice Owen has been nominated has been designated a "judicial emergency" by the Judicial Conference of the United States.
- In 1994, Justice Owen was elected to the Texas Supreme Court. She overwhelmingly won a second term in 2000, with 84% of the vote.
 - During her 2000 re-election bid, every major newspaper in Texas endorsed Justice Owen.
- Before joining the Texas Supreme Court, Justice Owen was a partner with the well-respected law firm of Andrews & Kurth, L.L.P. She practiced commercial litigation for 17 years, acquiring significant courtroom experience.
- Justice Owen is a member of the American Law Institute, the American Judicature Society, the American Bar Association, and a Fellow of the American and Houston Bar Associations.
- Justice Owen has served as the liaison to the Supreme Court of Texas' Court-Annexed Mediation Task Force and to statewide committees on providing legal services to the poor and *pro bono* legal services. She was part of a committee that successfully encouraged the Texas Legislature to enact legislation that has resulted in millions of dollars per year in additional funds for providers of legal services to the poor. Justice Owen also serves as a member of the board of the A.A. White Dispute Resolution Institute.
 - Justice Owen was instrumental in organizing a group known as Family Law 2000, which seeks to find ways to educate parents about the effect that the dissolution of a marriage can have on their children and to lessen the adversarial nature of legal proceedings when a marriage is dissolved.
- Among her community activities, Justice Owen serves on the board of Texas Hearing & Service Dogs. Additionally, she is a member of St. Barnabas Episcopal Mission in Austin, Texas, where she teaches Sunday School and serves as the head of the altar guild.

- Some interest groups have criticized Justice Owen's rulings in a small number of cases interpreting a Texas parental notice abortion statute. Importantly, the Texas Supreme Court hears cases arising under this law only rarely – namely, when *both* lower courts have required parental notice and not granted an exception. In some of those cases, Justice Owen has agreed with the lower courts and voted to require notice to a parent; on other occasions, she has voted to grant an exception to the parental notice requirement, or to remand, based on the facts of the case. Her decisions in all instances have been based on her interpretation of the requirements of the ambiguous Texas statute in light of governing U.S. Supreme Court precedent, as her decisions explain. She has not questioned *Roe v. Wade* in her decisions, and she has further testified that, as a lower-court judge, she would adhere to and strictly follow *Roe v. Wade*.
- Justice Owen earned a B.A. *cum laude* from Baylor University and graduated *cum laude* from Baylor Law School in 1977. She was a member of the Baylor Law Review, and has been honored as Baylor Young Lawyer of the Year and as a Baylor University Outstanding Young Alumna.
- After graduating from law school, Justice Owen earned the highest score in the state on the December 1997 Texas Bar Exam.

STATEMENTS BY SELECT SUPPORTERS OF JUSTICE PRISCILLA OWEN

Mary Sean O'Reilly, Life-time Member of the NAACP and Democrat

"I met Justice Owen in January, 1995, while working with her on the Supreme Court of Texas Gender Neutral Task Force ... I worked with Justice Owen on Family Law 2000, an important state-wide effort, initiated in great part by Justice Owen ... In the almost eight years I have know Justice Owen, she has always been refined, approachable, even-tempered and intellectually honest." (*Letter to Sen. Biden*, August 14, 2002).

Raul Gonzalez, Former Democratic Justice on the Supreme Court of Texas

"I found her to be apolitical, extremely bright, diligent in her work, and of the highest integrity. I recommend her for confirmation without reservation." (*Letter to Sen. Leahy*, July 19, 2002).

John L. Hill, Former Democratic Chief Justice on the Supreme Court of Texas

"After years of closely observing Justice Owen's work, I can assert with confidence that her approach to judicial decision-making is restrained, that her opinions are fair and well reasoned, and that her integrity is beyond reproach." (*Letter to Sen. Leahy*, July 19, 2002).

Jack Hightower, Former Democratic Justice on the Supreme Court of Texas

"I am a Democrat and my political philosophy is Democratic, but I have tried very hard not to let preconceived philosophy influence my decision on matters before the court. I believe that Justice Owen has done the same." (*Letter to Sen. Feinstein*, August 14, 2002).

Bipartisan Group of 15 Former Presidents of the State Bar of Texas

"Although we profess different party affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a truly unique and outstanding candidate for appointment to the Fifth Circuit ... Justice Owen has served on committees regarding legal services to the poor and diligently worked with others to obtain legislation that provides substantial resources for those delivering legal services to the poor." (*Letter to Sen. Leahy*, July 15, 2002).

Hector De Leon, Past President of Legal Aid

"As the immediate past president of Legal Aid of Central Texas, it is of particular significance to me that Justice Owen has served as the liaison from the Texas Supreme Court to statewide committees regarding legal services to the poor and pro bono legal services. Undoubtedly, Justice Owen has an understanding of and a commitment to the availability of legal services to those who are disadvantaged and unable to pay for such legal services. It is that type of insight and empathy that Justice Owen will bring to the Fifth Circuit. (*Letter to Chairman Leahy*, June 26, 2002).

Former Law Clerk of Justice Owen, Lori Plager

"During my time with her, I developed a deep and abiding respect for her abilities, her work ethic, and, most importantly, her character. Justice Owen is a woman of integrity who has a profound respect for the rule of law and our legal system. She takes her responsibilities seriously and carries them out diligently and earnestly. . . . Justice Owen is a role model for me and for other women attorneys in Texas. (*Letter to Chairman Leahy*, June 27, 2002).

Editorial Board, Dallas Morning News

"... Justice Owen's lifelong record is one of accomplishment and integrity. She is one of the few judicial nominees to receive a unanimous 'well qualified' rating from the American Bar Association." (*Dallas Morning News*, editorial, February 10, 2002).

"She has limited her campaign contributions and supported proposals to remove politics from the judicial process." (*Dallas Morning News*, editorial, October 26, 2000).

Texas Supreme Court Chief Justice, Tom Phillips

"Texas Chief Justice Tom Phillips characterized Owen's work as fair and diligent. 'She's what Bush said (in nominating her): She tries to follow the legislative will in every case and apply the law, not invent it,' he said." (*Houston Chronicle*, May 10, 2001).

Baylor University President and Chancellor Emeritus Herbert Reynolds; former Chair, Texas Commission on Judicial Efficiency

"Justice Owen is a superlative individual in every way. She is extremely bright, she possesses great integrity and is equipped with the character and moral virtues necessary for the high office she holds as well as the high office for which she has been nominated Based on my knowledge of Justice Owen for the past 30 years, I believe that you simply cannot make a more solid choice for the 5th U.S. Circuit Court of Appeals." (*Herbert H. Reynolds Letter to All Members of the Senate Judiciary Committee*, March 25, 2002).

JUDGE CHARLES PICKERING
Nominee to U.S. Court of Appeals for the Fifth Circuit (Mississippi)
(Nominated May 25, 2001)

- Judge Charles Pickering has served as a judge on the federal district court since 1990. The Democrat-controlled Senate *unanimously* confirmed Judge Pickering to the district court.
- The American Bar Association rated Judge Pickering "Well Qualified" to serve on the Fifth Circuit.
 - The seat to which Judge Pickering has been nominated has been designated a "judicial emergency" by the Judicial Conference of the United States.
- Judge Pickering graduated first in his law school class at the University of Mississippi in 1961.
- Upon graduating, he became a partner in a law firm in Mississippi. Judge Pickering was appointed and served as Prosecuting Attorney of the city of Laurel in 1962, and was elected and served four years as Prosecuting Attorney of Jones County from 1964-68. In 1969, he became a City of Laurel Municipal Court Judge
- He was elected to two terms in the Mississippi State Senate, 1972 to 1980. In his first election, he received two-thirds of the African-American vote. He was the Republican nominee for Attorney General in 1979 and served as Chairman of the Mississippi Republican Party from 1976 to 1978.
- Throughout his career, Judge Pickering has shown a commitment to his community in both a professional and personal capacity. His numerous civic contributions include serving as the head of the March of Dimes campaign in Jones County; as the Chairman of the Jones County Chapter of the American National Red Cross; and as the Chairman of the Jones County Heart Fund. In 1963 he was recognized as one of the three Outstanding Young Men in Mississippi.
- Judge Pickering is active in his church and has served many years as a Sunday School teacher, as Sunday School Superintendent, and as Church Treasurer.

FACTS ON JUDGE PICKERING

Judge Pickering's record in his community and as a judge demonstrates his strong record on improving racial relations and enforcing laws protecting civil rights.

- Judge Pickering has improved race relations in his home state through numerous actions since the 1960s:
 - ✓ Testified in 1967 at great risk to both himself and his family against the Imperial Wizard of the KKK for fire bombing a civil rights activist in Mississippi
 - ✓ Received majority of African-American vote in election to the Mississippi State Senate
 - ✓ Hired the first African-American Republican staffer for Mississippi Republican Party in 1976
 - ✓ Successfully defended an African-American man accused of robbing a 16-year-old white girl in 1981
 - ✓ Chaired a race relations committee for Jones County Mississippi in 1988
 - ✓ Served on the board of the Institute for Racial Reconciliation at the University of Mississippi since 1999
 - ✓ Worked with at-risk African-American youth in Laurel, Mississippi in 2000
- Some interest groups have raised questions about Judge Pickering's sentencing of a defendant in a cross-burning case. Four facts bear emphasis:
 - First, there were three defendants involved, and the prosecutors allowed two (including the ringleader of the crime) to plead guilty with *no* prison time.
 - Second, Judge Pickering sentenced the third defendant to 27 months' imprisonment, which was *more* prison time than the Justice Department had offered this same defendant in plea bargain negotiations. Moreover, the Justice Department did not appeal the sentencing decision.
 - Third, Judge Pickering expressed concern about a possible inequity and disparity that might arise if a mandatory minimum sentence applied to this case (as he has similarly explained in other cases), all of which stemmed from the fact that the prosecutors had allowed the ringleader of the crime to plead guilty with *no* prison time.
 - Fourth, and most important for present purposes, Judge Pickering believed the crime reprehensible. At the sentencing hearings, Judge Pickering stated the following:

"This is conduct that is reprehensible. It cannot, it will not be tolerated You are going to the penitentiary because of what you did. And it is an area that we have got to stamp out, that we have got to learn to live races among each other. And the type of conduct that you exhibited cannot and will not be tolerated. You did that which does hinder good race relations and was a despicable act. I would suggest to you that during the time that you are in the prison that you do some reading on race relations and maintaining good race relations and how that can be done."
- There has been a broad outpouring of support for Judge Pickering's nomination to the Fifth

Circuit from the African-Americans who know him best.

- ✓ Charles Evers, brother of slain civil rights leader Medgar Evers;
- ✓ Federal District Judge Henry Wingate of Jackson, Mississippi;
- ✓ Sixth Circuit Court of Appeals Judge Damon Keith;
- ✓ Melvin Mack, a member of the Board of Supervisors for Jones County, Mississippi;
- ✓ Deborah Gambrell, a civil rights attorney who has practiced before Judge Pickering in Mississippi;
- ✓ Reverend George Barnes of Laurel, Mississippi, who has known Judge Pickering and his family for years;
- ✓ Reverend Nathan Jordan, Pastor, St. John United Methodist Church and Past President of the Forrest County NAACP;
- ✓ Henry Naylor, Hattiesburg City Councilman and Board Member of Forrest County NAACP;
- ✓ Reverend Kenneth E. Fairley, state coordinator for the Rainbow Coalition and former President of the Forrest County NAACP;
- ✓ Charles Bolton, First African-American Deputy Sheriff of Forrest County;
- ✓ Reverend Arthur L. Siggers, Pastor, Mount Olive Baptist Church, Hattiesburg, MS;
- ✓ Reuben Anderson, partner, Phelps Dunbar law firm and former Justice of the Mississippi Supreme Court;
- ✓ James King, first African-American political staffer for the Mississippi Republican Party;
- ✓ Johnny L. Williams, Chancellor, Tenth District Chancery Court of Mississippi

STATEMENTS BY SELECT SUPPORTERS OF JUDGE CHARLES PICKERING

William F. Winter, Former Democratic Governor of Mississippi

"As a former Democratic Governor of Mississippi and as a long-time colleague of Judge Pickering in the legal profession and in the public service, I can vouch for him as one of our state's most respected leaders." *Letter to Senator Leahy, October 25, 2001.*

Judge Damon Keith, United States Court of Appeals for the Sixth Circuit

"I am absolutely convinced that Judge Pickering's entire life has been dedicated to the principle spelled out in the Declaration of Independence that says '... all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.' I recommend Judge Charles W. Pickering, Sr. to you without reservation." *Letter to Senator Leahy, November 8, 2001.*

Judge Henry T. Wingate, United States District Court Judge, Southern District of Mississippi

"More than just colleagues, we [have] spent quality time together discussing not only our judicial concerns, but also the plight of our country relative to the race issue. I have found Judge Pickering genuinely committed to making a difference on this matter... Since I am highly visible in the Southern District of Mississippi.... I should like to think that attorneys aggrieved over Judge Pickering's rulings on racial grounds would have mentioned that allegation to me. I have not heard any such criticisms.... I am convinced that he will be a fair judge on the United States Court of Appeals for the Fifth Circuit." *Letter to Senator Leahy, October 25, 2001.*

James Charles Evers, brother of slain civil rights leader Medgar Evers

"As someone who has spent all my adult life fighting for equal treatment of African Americans, I can tell you with certainty that Charles Pickering has an admirable record on civil rights issues. He has taken tough stands at tough times in the past, and the treatment that he and his record are receiving at the hands of certain interest groups is shameful." *Op-ed, "A Brave Judge's Name Besmirched," Wall Street Journal, February 7, 2002 at A16.*

Johnny Magee, City Councilman, Laurel, Mississippi

"The state of Mississippi has and continues to have its share of challenges as it relates to racial, gender, economic, moral and other issues, but Charles Pickering is in the forefront of bringing about needed changes in all these and other areas. I have found Mr. Pickering to be open, fair-minded, progressive and one whom I would have every

confidence in his assuming the post on the 5th Circuit of Appeals." *Letter to Senator Leahy, October 25, 2001.*

Reverend George L. Barnes, Pastor, New Homer Missionary Baptist Church, Laurel, Mississippi

"I have known Charles Pickering all my life. I have always known Judge Pickering to be a fair man that offered help to many individuals regardless of their beliefs or race. He is an open-minded person and has a reputation of being accessible to all individuals. He has started a local program to try to positively influence the young people of the African-American community in Jones County." *Letter to Senator Leahy, October 25, 2001.*

Deborah Jones Gambrell, Attorney-at-Law

"As an African-American attorney who practices in the federal courts of the Southern District of Mississippi.... I have appeared before Judge Pickering on numerous occasions during the past eleven (11) years, most often that not, in cases involving violations of civil rights and employment discrimination matters. I have found Judge Pickering not only to be a fair jurist, but one who is concerned with the integrity of the entire judicial process and assures every participant of a "level playing field" and a judge who will apply the law without regard for the sensitive nature of cases of this sort." *Letter to Senator Leahy, October 25, 2001.*

Early M. Gray

"[Pickering] represented my son David Gray in 1981 in an armed robbery trial. My son was accused of robbing a white teenage girl at knifepoint. Judge Pickering believed that my son was entitled to a good defense even though it was not a popular move for him politically. The first trial ended in a mistrial, and the second trial ended with a not-guilty verdict. I knew that Judge Pickering is a strong believer in the constitutional rights of all people. He should be approved for the judiciary position for which President Bush nominated him." *Letter to Senator Leahy, October 25, 2001.*

Melanie Rube, Deputy U.S. Marshal

"I am overwhelmed at the compassion that Judge Pickering shows each and every defendant. He truly cares for the welfare of these defendants and their families. I believe it grieves him to see mothers and fathers separated from their loved ones. As a man of great conviction, I know that Judge Pickering would make a positive impact on the Fifth Circuit." *Letter to Senator Leahy, October 25, 2001.*

Reverend Nathan Jordan, Pastor, St. John United Methodist Church, Former President of the Forrest County NAACP

"Without hesitation, I can truthfully say that Judge Pickering is an extremely fair judge who serves all our citizens.... It seems to me that he pushed very hard to insure the fair treatment of minorities." *Letter to Senator Leahy, October 26, 2001.*

Henry E. Naylor, Hattiesburg City Councilman

"As an executive board member for 12 years with the Forrest County Branch of the NAACP and now serving on the Hattiesburg City Council, I have witnessed Judge Pickering demonstrate fairness, honesty, and certainly integrity through out the court. Also, while it should not matter, Judge Pickering has received much praise from local and state African-Americans leaders who can attest to his commitment to being fair toward all citizens." *Letter to Senator Leahy, October 29, 2001.*

Johnny L. DuPree, Mayor, City of Hattiesburg

"Judge Pickering has consistently advocated racial reconciliation for as long as I have known him and has testified against such men as convicted Ku Klux Klan member Sam Bowers in 1967, for the firebombing and murder of civil rights leader Mr. Vernon Dahmer." *Letter to Senator Leahy, October 29, 2001.*

Reverend Kenneth E. Fairley, Pastor, Mount Carmel Ministries, Former President of Forrest County Branch of the NAACP

"I served as president of the Forrest County Branch of the NAACP, a county adjacent to Jones County, where Judge Pickering has lived. I currently serve as a State Coordinator for the Rainbow Coalition under the leadership of Reverend Jesse Jackson. While serving in these positions, I have watched Judge Pickering become a major bridge builder in the State of Mississippi. He has developed platforms that have eased racial tensions. I am aware that he serves as a member of the Board of Directors for the Institute of Racial Reconciliation at the University of Mississippi. This institute has helped all Americans of different races to understand and respect each other." *Letter to Senator Leahy, October 30, 2001.*

Shane Langston, President, Mississippi Trial Lawyers Association

"Judge Pickering is held in the highest esteem among the members of the Mississippi Bar. His reputation for fairness is shared across legal spectrum; from the criminal defense lawyer to the prosecutor; from the civil defense lawyer to the plaintiff's lawyer. We practice before him daily. We know that he applies the law fairly and equally without regard to economic status, party affiliation, race, sex or religion." *Letter to Senator Leahy, October 30, 2001.*

Charles Bolton, Deputy Sheriff, Forrest County, Mississippi

"I have been involved in law enforcement for approximately 23 years and have had the privilege of holding the highest office that an African American has held in law enforcement for the Forrest County Sheriff's Office.... I have had the opportunity to observe Judge Pickering during his administration of the United States District Court... and also have had the opportunity to testify on numerous occasions in his Court. He has always demonstrated a policy of not only fairness and one of upholding the law as it applies to all persons, but he has been particularly careful in preserving the rights of all prisoners, including African Americans who sought to pursue remedies in [his] court."
Letter to Senator Leahy, October 30, 2001.

JUSTICE DEBORAH COOK
Nominee to U.S. Court of Appeals for the Sixth Circuit (Ohio)
(Nominated May 9, 2001)

- Justice Deborah Cook has served as a justice on the Ohio Supreme Court since her election in 1994. She was re-elected to a second six-year term in 2000.
- The American Bar Association rated Justice Cook “qualified” to serve on the Sixth Circuit.
- Justice Cook has been nominated to fill one of six vacancies on the Sixth Circuit, five of which have been designated “judicial emergencies” by the Judicial Conference of the United States.
- Before serving on the Ohio Supreme Court, Justice Cook served for four years as a judge on the Ninth District Court of Appeals for the State of Ohio. She decided over 1000 cases in her capacity as a judge on that court.
- Justice Cook practiced for 15 years in Akron’s oldest law firm, Roderick Linton.
 - Justice Cook was the first woman associate hired by the firm and then the firm’s first woman partner.
- Justice Cook received her B.A. and J.D. degrees from the University of Akron. In 1996, the University of Akron presented her with an Honorary Doctor of Laws Degree. She was president of the Delta Gamma Fraternity and her senior class at the University of Akron. She is a member of the Omicron Delta Kappa leadership and academic honorary.
- Justice Cook has performed significant community service.
 - Justice Cook and her husband established a foundation, Collegescholars, Inc., in 1999 with their own private funds. The twenty “collegescholars” in their program were selected from teacher recommendations at the end of third grade. Each knows that the foundation will pay four years college tuition upon graduation from high school. The scholars are now sixth- and seventh-graders.
 - Justice Cook works with the United Way through its Tocqueville Society. Prior to her judicial career, she served as a member of the Board of Trustees.
 - Justice Cook is a recipient of the Delta Gamma National Shield Award for Leadership and Volunteerism and an Akron Women’s Network Woman of the Year. In 1997, Justice Cook received the University of Akron Alumni Award.

STATEMENTS BY SELECT SUPPORTERS OF JUSTICE DEBORAH COOK

Kevin Kellems, Ohio Governor Taft's spokesman

"Gov. Taft has spoken with Justice Cook about the vacancy and she is an extremely well-qualified candidate and someone who has broad support in the legal community and among those who have elected her." *Dayton Daily News*, February 6, 2001.

Robert Kulinski, President of the United Way of Summit County

"I serve as president of United Way of Summit County and have had an opportunity to observe the many contributions Justice Cook has made to our community. In addition to important roles in United Way's fund raising efforts, she has served on our Board of Trustees, is very active with our Akron Bar Association, delivers mobile meals to frail elderly, and is a volunteer with Safe Landing Shelter. Justice Cook is a person of the highest integrity and is a consummate and conscientious judge." *Letter to Senator Leahy*, August 25, 2002.

William H. Harsha, Judge on the Ohio Court of Appeals, Fourth District

"Always courteous and seldom impatient, she is the antithesis of the ill-tempered despot that comes to mind when one thinks of 'black robe fever.'" *Letter to Senator DeWine*.

John W. Reece, Retired Judge

"Judge Cook and I served together on the Ninth Judicial District Court of Appeals in Ohio from 1991 to 1995. I believe we became friends as well as colleagues, working closely together although she was a Republican and I a Democrat."

"I became impressed with Judge Cook's work ethic and legal mind. She quickly became a talented Appellate Judge. In fact, in a rather brief period of time she became a leader on the Court. Later, when she was elected to the Ohio Supreme Court, I was privileged to sit by assignment with her on the Court a few times. She has exhibited an ability and willingness to be an independent thinker and member of that Court." *Letter to Senate Judiciary Committee Members*, January 6, 2003.

J. Dean Carro, Director of the Legal Clinic at the University of Akron

"...I feel comfortable with expressing an opinion on the qualities I like to see in judges. These qualities are independence, intelligence, and integrity. Justice Cook scores high in all three categories." *Letter to Senator Leahy*, August 14, 2002.

Christopher Pon, A Master Commissioner for the Ohio Supreme Court

"Contrary to the beliefs of a few special-interest groups, Justice Cook's decisions have not been dictated by the parties involved or by political expedience. Instead, her decisions have emanated from her unbiased interpretation and analysis of the law."

"... on a personal note, as one of the rare minority attorneys employed by the Ohio Supreme Court to research and draft its legal opinions, I have thoroughly enjoyed working with Justice Cook and her employees. Her work ethic, legal knowledge, professional demeanor, and kindness ... over the years have been unequalled." *Letter to Senator DeWine, January 5, 2003.*

The Cincinnati Enquirer, Editorial

"Ms. Cook offers impeccable qualifications, and her services are sorely needed to help restore some judicial restraint, balance and clarity to the 6th Circuit." May 22, 2001.

The Columbus Dispatch, Editorial

"Cook ... believes a judge's job is to apply the law without fear or favor, not to make policy or to favor a constituency. Cook does not believe the court should legislate, a point she has underlined in her dissents to the court's two rulings in the DeRolph school-funding lawsuit. ... Cook uniquely combines keen intellect, careful legal scholarship and consistency in her opinions. She is committed to rendering decisions validated by the constitution, not popularity polls and special interests." October 1, 2000.

The Cincinnati Enquirer, Editorial

"Justice Cook ... has distinguished herself with well-written opinions that are faithful to the law and the constitution." October 25, 2000

The Cleveland Plain Dealer, Editorial

"Cook is a thoughtful, mature jurist - perhaps the brightest on the state's highest court." December 29, 2002.

JEFFREY SUTTON
Nominee to U.S. Court of Appeals for the Sixth Circuit (Ohio)
(Nominated May 9, 2001)

- Sutton is a partner in the international law firm of Jones Day, where he is a member of the firm's Issues and Appeals practice. He is one of the top appellate lawyers in the country. On January 2, 2003, *The American Lawyer* rated him one of its "45 under 45" as one of the 45 best lawyers in the country under the age of 45.
 - Sutton was rated "Qualified" by the American Bar Association.
 - Sutton has been nominated to fill one of six vacancies on the Sixth Circuit, five of which have been designated "judicial emergencies" by the Judicial Conference of the United States.
- Sutton has argued 12 cases in the United States Supreme Court, and has a 9-2 record (with one case pending). In the Supreme Court's 2000-01 Term, Sutton argued more cases than any other private litigant in the country, and won all four cases. In addition to his practice in the U.S. Supreme Court, Sutton has argued over 30 cases in state and federal appeals courts around the country.
- From 1995 to 1998, Sutton was the State Solicitor of Ohio, the State's top appellate lawyer. During his service, the National Association of Attorneys General presented him with a Best Brief Award for practice in the U.S. Supreme Court an unprecedented four years in a row.
- Sutton has been the lawyer for a wide range of clients on a variety of issues. For example:
 - (1) he represented Cheryl Fischer, a blind woman who was denied admission to a state-run medical school in Ohio because of her disability;
 - (2) he represented the National Coalition of Students with Disabilities in a lawsuit alleging that Ohio universities were violating the federal "motor voter" law by failing to provide their disabled students with voter-registration materials.
 - (3) he filed an amicus brief in the Ohio Supreme Court defending Ohio's hate-crime statute on behalf of the NAACP, the Anti-Defamation League, and an assortment of other civil-rights groups;
 - (4) he defended Ohio's minority set-aside statute against constitutional attack;
 - (5) he filed an amicus brief in the Sixth Circuit on behalf of the Center for the Prevention of Handgun Violence defending an assault-weapon ordinance;

(6) he represented two capital inmates in state and federal court;

(7) he represented an inmate who brought a prisoners-rights lawsuit in the United States Supreme Court; and

(8) he filed an amicus brief in the United States Supreme Court on behalf of the National Congress of American Indians arguing for a private right of action.

- Sutton serves on the Board of Trustees of the Equal Justice Foundation, a non-profit provider of legal services to disadvantaged individuals and groups, including the disabled.
- Sutton is an elder and deacon in the Presbyterian Church, as well as a Sunday school teacher. He participates in numerous other community activities, including I Know I Can (which provides college scholarships to inner-city children), and ProMusica (a chamber music organization), and coaches youth soccer and basketball teams.
- Sutton graduated with honors in history from Williams College, where he was a Lehman Scholar and varsity soccer player. Sutton then graduated first in his class from The Ohio State University College of Law, where he served as issue planning editor of the Law Review.
- Sutton clerked for Justice Powell (ret.) and Justice Scalia on the United States Supreme Court, and for Thomas Meskill on the U.S. Court of Appeals for the Second Circuit.
- From 1985 to 1987, Sutton was a 7th grade geography teacher and a 10th grade history teacher, as well as the high school varsity soccer coach and the middle school baseball coach. Since 1994, he has been an adjunct professor of state and federal constitutional law at The Ohio State University College of Law.

STATEMENTS BY SELECT SUPPORTERS OF JEFF SUTTON

Cheryl Fischer, a blind woman Sutton represented in her efforts to gain admission to medical school

"Working for the State, Jeff took my case on, firmly convinced I had been wronged. I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and wanted badly to win for me. I recall well sitting in the courtroom of the Ohio Supreme Court listening to Jeff present my case. It was then that I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless of others with both similar disabilities and dreams."

Kim Skaggs, Executive Director of the Equal Justice Foundation

"I admired Mr. Sutton's abilities so much that, upon joining the Equal Justice Foundation, I actively recruited him to become a member of the Equal Justice Foundation's Board of Trustees. . . . I believe that Mr. Sutton possesses all the necessary qualities to be an outstanding federal judge. I have no hesitation whatsoever in supporting his nomination."

Francis Beytagh, "lifelong Democrat," Legal Director of the National Center for Law and the Handicapped, and former law clerk to Chief Justice Earl Warren

"I believe that Jeff Sutton would be an excellent federal appellate judge. He is a very bright, articulate and personable individual who values fairness highly. . . . I do not regard him as a predictable ideologue, and believe that your committee will reach the same conclusion after his hearing before you. I recommend and support his confirmation without reservation."

James Leonard, co-director of the University of Alabama's Disability Law Institute, and ACLU member

"Jeffrey Sutton is well qualified to sit on the Sixth Circuit and should be confirmed. . . . By any objective measure, Mr. Sutton has demonstrated the depth and quality of experience that are necessary for a Court of Appeals judge."

Benson Wolman, former head of the ACLU in Ohio

"His commitment to individual rights, his civility as an opposing counsel, his sense of fairness, his devotion to civic responsibilities, and his keen and demonstrated intellect all reflect the best that is to be found in the legal profession."

Fred Pressley, a civil rights lawyer who helped defend Ohio's set-asides law

"As Solicitor General, Mr. Sutton was a tenacious defender of Ohioans, regardless of their race, gender, disability, or nationality. . . . As an African-American and Democrat, I believe that Mr. Sutton is well-qualified to sit on the Sixth Circuit and would be an unbiased jurist."

David Van Dyke, the minister at Sutton's church

"Jeff would make an excellent judge, and I write this as an independent who almost always votes for the Democrat on the ticket."

Seth Waxman, President Clinton's Solicitor General

"I have known Mr. Sutton professionally for four years and have high regard for them. Both as Solicitor General for the State of Ohio and as a partner at Jones, Day, Mr. Sutton handled important cases in the United States Supreme Court in which I was personally involved. I consider Mr. Sutton both a gifted appellate advocate and a fine human being."

Edward Foley, law professor at The Ohio State University

"Jeff has an amazing capacity for empathy. Unlike anyone else I know, he is able to see the world from the point of view of others and to imagine what it would be like to be in their shoes. . . . This power of empathy would enable him to see the kernel of truth in each side's position and to craft judicial opinions that validate, so far as possible, the opposing points of view. . . . This approach would confirm to the jurisprudence of Justices O'Connor and Kennedy, as well as other historically moderate jurists, like Justices Powell and Harlan."

John Jeffries, law professor at the University of Virginia

"[H]is record reveals, as I personally can confirm, an individual of breadth and balance as well as lawyerly ability. He is compassionate, humane, and modest. He does not rush to judgment, nor is he burdened by the kind of unwarranted confidence in his own opinions that closes the mind to the concerns of others. He is genuinely respectful of other persons. Of all the attributes of good judging, the most valuable—in my view—is the ability of some individuals that they are not too smart to learn. . . . Jeff Sutton is an exceptionally gifted individual with just that ability. He will listen. He will reflect. He will make a superb judge."

Rosa Davis, Alabama's Chief Assistant Attorney General, and self-described "life-long Alabama Democrat"

"Mr. Sutton will follow the rule of law without regard to the popularity of the causes presented to him as a judge. . . . His work provides a standard to which all members of the legal profession should aspire. He will bring these same qualities of thoroughness, honesty, and adherence to the rule of law to the position of circuit court of appeals judge."

Twenty-seven state attorneys general, including 12 Democrats

"[A]ll attorneys have an ethical duty to zealously represent their clients' interests within the bounds of the law, even where the lawyer may not personally share the client's views. This is especially true for public sector lawyers, because we are bound not only by the same ethical rules as all lawyers, but we are also bound by law to represent our legislatures, governors, and agencies. . . . We respectfully suggest that Mr. Sutton should not be criticized because he has been a vigorous and effective advocate. That has been his duty, and it is to his credit that he has discharged that duty well."

David McKeague

JUDGE DAVID McKEAGUE
Nominee to U.S. Court of Appeals for the Sixth Circuit (Michigan)
(Nominated November 8, 2001)

- Judge McKeague has served on the U.S. District Court for the Western District of Michigan since 1991.
 - The Democrat-controlled Senate *unanimously* confirmed Judge McKeague to the federal district court in 1991.
- The American Bar Association has rated Judge McKeague "Well-Qualified" to serve on the Sixth Circuit.
 - Judge McKeague has been nominated to one of six vacancies on the Sixth Circuit, five of which have been designated "judicial emergencies" by the Judicial Conference of the United States.
- Judge McKeague has been designated to sit on a panel of the Sixth Circuit seven times during his career and has authored several appeals court opinions.
- Chief Justice Rehnquist appointed Judge McKeague to serve on the Judicial Conference's Committee on Defender Services, where Judge McKeague chairs the funding subcommittee. The Chief Justice also appointed Judge McKeague to the District Judges Education Committee of the Federal Judicial Center, which Judge McKeague chairs.
- Judge McKeague has led his district to a national reputation for innovation in technology. As Chairman of the Automation Committee of the Western District of Michigan, Judge McKeague instituted a pilot civil electronic filing program, which allows attorneys in all civil cases in his district to file case documents electronically. It is the first such program in Michigan, and only the seventh nationwide. He also serves as Chairman of the ADR Committee of the Western District of Michigan.
- Judge McKeague belongs to the Western Michigan Chapter of the Federal Bar Association, the State Bar of Michigan, the District of Columbia Bar Association, and is a founding Master and President of the American Inns of Court, Michigan State University, Detroit College of Law.
- Judge McKeague serves as an adjunct professor at Michigan State University, Detroit College of Law.
- Prior to joining the bench, Judge McKeague practiced law as a partner with the Lansing law firm of Foster, Swift, Collins & Smith.

- While in private practice, Judge McKeague handled a variety of matters involving financial transactions and mergers, regulation of public utilities, commercial litigation, and bankruptcy.
- Judge McKeague has served in the community as a member of the boards of directors of Junior Achievement of Mid-Michigan, of Camp Highfields, and of Impression 5 Science Museum. He also sits on the advisory council of the Wharton Center for the Performing Arts.
- Judge McKeague received his undergraduate Bachelor of Business Administration degree in 1968, and his J.D. in 1971, both from the University of Michigan.

STATEMENTS BY SELECT SUPPORTERS OF JUDGE McKEAGUE

Chief Judge Robert Holmes Bell, W.D. Michigan

“He’s an excellent choice. He’s not a doctrinaire judge. You can’t say he’s an arch-conservative or he’s a liberal. He’s reasonably pragmatic in his approach to applying the law. He lets the law and the facts take him where they take him.”

The Grand Rapids Press, November 9, 2001

Susan Neilson

JUDGE SUSAN BIEKE NEILSON
Nominee to U.S. Court of Appeals for the Sixth Circuit (Michigan)
(Nominated November 8, 2001)

- Judge Susan Bieke Neilson has served on the 3rd Judicial Circuit Court of Michigan since 1991. She was first appointed by Governor John M. Engler, and then reelected in 1992 and 1996.
 - The 3rd Judicial Circuit Court serves Wayne County, Michigan, and is the largest trial court in the State of Michigan.
 - The American Bar Association *unanimously* rated Judge Neilson "Well Qualified" for the Sixth Circuit, its highest possible rating.
 - Judge Neilson has been nominated to fill one of six vacancies on the Sixth Circuit, five of which have been designated "judicial emergencies" by the Judicial Conference of the United States.
- Before her appointment, Judge Neilson was a partner at Dickinson Wright PLLC, one of the oldest and most prestigious law firms in Michigan. At Dickinson Wright, she specialized in products liability claims, general negligence claims, medical malpractice claims, and commercial litigation.
- Judge Neilson received her J.D. degree (cum laude) from Wayne State University School of Law in 1980 and was a member of its law review. She graduated with high distinction from the University of Michigan Honors College in 1977 and was elected to Phi Beta Kappa.
- Judge Neilson has been recognized by her colleagues for her contributions to legal scholarship. She has written numerous articles and was co-editor and author of Michigan Civil Procedure, a two-volume treatise on all areas of Michigan civil practice. This treatise was selected by the Michigan Judicial Institute for purchase on behalf of every trial court judge in the State of Michigan and received the "Plain English Award" from the State Bar of Michigan.
- Judge Neilson has been active in efforts to improve the quality of practice in her state. She is a member of the advisory board of the Institute for Continuing Legal Education. She has also been selected to serve on several on several Court administrative committees.
- Judge Neilson is also active in numerous community service organizations, including the Catholic Lawyers Society and Soroptimist International (where she has served as President). She also serves as chair of the worship committee at her local Catholic church.

STATEMENTS BY SELECT SUPPORTERS OF JUDGE SUSAN NEILSON

John Engler, former Governor of Michigan

"Judge Susan Bieke Neilson is an experienced jurist with a well established reputation for intellect, diligence and temperament. She is personally and professionally committed to the highest ethical standards and is genuinely esteemed by lawyers for her preparation, knowledge of the law and decisiveness. Judge Neilson brings comprehensive, in-the-trenches experience to the federal appellate bench."

Maura Corrigan, Chief Justice of the Michigan Supreme Court

"Judge Susan Bieke Neilson has earned the reputation of being one of the most dedicated and knowledgeable trial court jurists in the State of Michigan. I believe her experience as a trial court judge coupled with her legal writing abilities will make her an outstanding addition to the U.S. Court of Appeals for the 6th Circuit."

Thomas G. Kienbaum, Past President of the State Bar of Michigan

"I know Judge Neilson as a fellow lawyer, a law partner, and more recently as a trial judge when I appeared before her. She brought unique qualities to the bench—a quick, perceptive mind and a tremendous work ethic which she applies evenly to all matters that come before her—when appropriate, with a degree of good humor. She has an unbridled enthusiasm for the law—even with respect to the most tedious aspects of the work required of judicial officers. She deserves to be quickly confirmed."

Roger Winkelman, Treasurer of the Michigan Democratic Party

"I have known Judge Neilson for many years. She is well deserved of her reputation as a fair minded judge who treats all parties who appear before her with a high degree of respect and dignity. Her knowledge of the law and dedication to rendering rulings in conformity with controlling legal authority will make her an excellent addition to the Court of Appeals."

Jules Olsman, Past President of the Michigan Trial Lawyers Association and current member of the Board of Governors of the American Trial Lawyers Association

"I have known Judge Neilson for sixteen years. As a lawyer she was both reasonable and honorable. Since she became a judge, she has distinguished herself as a fair minded individual who treats both sides with respect and who truly cares about the rights of people to have access to the courts. Many members of the Michigan Trial Lawyers Association regard her as an excellent trial judge who lets lawyers try their case without unsolicited intervention by the court."

Edward Kronk, President of the Michigan Defense Trial Counsel

"I have known Judge Neilson since she took the bench as a Wayne County, Michigan trial judge. She quickly developed a reputation as hard-working, thoroughly knowledgeable and prepared, appropriately respectful of the law, courteous to all who appear before her, decisive and fair. She is held in high esteem by both sides of the civil trial bar and will be a worthy addition to the distinguished bench of the Sixth Circuit."

JUDGE HENRY W. SAAD
Nominee to U.S. Court of Appeals for the Sixth Circuit (Michigan)
(Nominated November 8, 2001)

- Judge Henry Saad serves as a judge on the Michigan Court of Appeals. He was appointed in 1994 by Governor John M. Engler, and then elected to retain the seat in 1996.
 - During his 1996 retention election, Judge Saad received broad bi-partisan support, including endorsements from the Michigan Chamber of Commerce and the United Auto Workers.
 - The American Bar Association has rated Judge Saad "qualified."
 - Judge Saad has been nominated to fill one of six vacancies on the Sixth Circuit, five of which have been designated "judicial emergencies" by the Judicial Conference of the United States.
- Judge Saad spent 20 years practicing law at Dickinson Wright PLLC, one of the oldest and most prestigious law firms in Michigan. There, he built a national practice and reputation in the areas of employment law, school law, and media law.
- Judge Saad has dedicated himself to improving the ethics of the legal profession. Since 1996, he has taught legal ethics at Wayne State University Law School and evidence at the University of Detroit Mercy School of Law. He was also an adjunct professor at both schools before his elevation to the bench.
- When he was in private practice, Judge Saad also served as President of the Wayne State University Law School Alumni Association, Chairman of the Board of the Oakland Community College Foundation and as a Board Member on the National Conference of Christians and Jews.
- Judge Saad received a special Order of the Coif award from Wayne State University Law School in September 2000, which was awarded based on a faculty vote to a distinguished graduate of the school who had graduated before Wayne State University Law School could induct members into the Order of the Coif. Judge Saad also received the Arab-American and Chaldean Council Civic and Humanitarian Award for Outstanding Dedication to Serving the Community with Compassion and Understanding in 1995.
- Judge Saad is a member of the Holy Name Catholic Church where he has been a member of the choir for fifteen years. He is also on the board of the American Heart Association and a trustee for WTVS Channel 56 Educational Television Foundation.

STATEMENTS BY SELECT SUPPORTERS OF JUDGE SAAD

John M. Engler, former Governor of Michigan

"The President selected individuals [Henry Saad] who are experienced judges and whose reputations for intellect, knowledge of the law, diligence and temperament are well established. Judge Saad has established a distinguished reputation on Michigan's appellate court which he will take to the federal appeals court."

Hon. Stephen Markman, Michigan Supreme Court

"In his seven years on the Michigan Court of Appeals, Judge Saad has been one of its most thoughtful and fair-minded jurists. His opinions and his judicial integrity have earned him the respect of a remarkably broad range of his colleagues."

E. Spencer Abraham, Secretary of Energy

"I have known Henry for twenty years on a personal and professional level. He is a person of unimpeachable integrity and will serve our country and our justice system remarkably well."

Stephen Yokich, President of the UAW

"I've known Judge Saad for twenty-five years: he is a man of the highest integrity and a judge who is fair, balanced and hard-working. I strongly support President Bush's nomination of Judge Saad to the federal appellate bench."

Joseph Knollenberg, Republican Congressman from Michigan

"I have known Judge Saad for over twenty-five years. He was an outstanding lawyer and is a highly regarded appellate jurist known for his scholarly opinions, balance and fairness. I am confident he will be a great addition to the federal appellate bench."

Honorable Hilda R. Gage, Michigan Court of Appeals

"I have served with Judge Saad on the Michigan Court of Appeals for six years. I admire his judicial independence and his scholarly analysis of the law. I applaud the President's nomination of Judge Saad to the Sixth Circuit Court of Appeals."

JUDGE RICHARD GRIFFIN
Nominee to U.S. Court of Appeals for the Sixth Circuit (Michigan)
(Nominated June 26, 2002)

- Judge Richard Griffin has served on the Michigan Court of Appeals since 1989.
 - The American Bar Association has rated Judge Griffin “Well-Qualified” to serve on the Sixth Circuit.
 - Judge Griffin has been nominated to one of six vacancies on the Sixth Circuit, five of which have been designated “judicial emergencies” by the Judicial Conference of the United States.
- Judge Griffin has served the bench and bar in a number of voluntary capacities. He is a former member of the federal judicial selection committee for the Western District of Michigan, and he currently serves as Chairman of the Quality Review Committee for the Michigan Court of Appeals.
- Before joining the bench, Judge Griffin practiced law as a partner with the firm of Read & Griffin, and before that with the firm of Coulter, Cunningham, Davison & Read.
- In private practice, Judge Griffin represented clients in matters, including automobile negligence, employment law, civil rights, products liability, breach of contract, and probate disputes.
- Judge Griffin has been an active member of his community. Among other civic endeavors, he has served as Chief Judge of the YMCA Youth-in-Government Mock Trial program and President of the Grand Traverse Zoological Society.
- Judge Griffin received his undergraduate B.A. degree *magna cum laude* from the Western Michigan University Honors College in 1973, and his J.D. in 1971, from the University of Michigan.

STATEMENTS BY SELECT SUPPORTERS OF JUDGE GRIFFIN

Hon. Gerald R. Ford, 38th President of the United States

"I write to strongly support the nomination of Richard Allen Griffin to the United States Court of Appeals for the Sixth Circuit. He is a highly qualified nominee by President Bush for this important federal judicial post. His approval by the Senate will alleviate the current judicial emergency in the 6th Circuit.

"I can say with conviction that Judge Griffin is a person of highest quality character. As the record shows, he has been a very excellent Judge with unquestioned integrity." *Excerpt from letter to Senator Patrick Leahy, Chairman, Senate Judiciary Committee, August 13, 2002, and to Senators Carl Levin and Debbie Stabenow of Michigan.*

Maura D. Corrigan, Chief Justice of the Michigan Supreme Court

"I have known Judge Griffin since 1992, when I first joined the Michigan Court of Appeals. I was fortunate to hear cases on panels with Judge Griffin on many occasions during my seven years as a Court of Appeals judge. Judge Griffin is intellectually gifted. He is a spirited questioner who 'cuts to the chase.' He is consistently well-prepared for oral argument and offers incisive views on the assigned cases to his colleagues. He is current in all his own writing assignments and promptly circulates his votes on his colleagues' opinions. He acquired excellent work habits from private practice that he applies to the business of appellate judging. Judge Griffin brings a depth of practical experience and a grasp of real life problems to the decision of cases. His thinking assists his colleagues in their deliberations. Richard Allen Griffin is a man of integrity and probity who is fully capable of discharging the duty of protecting our Constitution and laws. He is deserving of the public trust as he has already proven himself worthy of that trust during his years of service to the State of Michigan. I have every confidence that he will serve our country with honor and distinction." *Excerpt from letter to Senators Carl Levin and Debbie Stabenow of Michigan, July 5, 2002.*

Hon. Roman S. Gribbs, Former Mayor City of Detroit and Retired Judge, Michigan Court of Appeals

"I have known Judge Griffin for many years and have worked with him as a colleague on the Michigan Court of Appeals for 14 years.

"Working together on hundreds of opinions has given me the opportunity to observe and know Rick very well. He is in many respects a 'judge's judge': integrity personified, intelligent, hardworking, fair, sensitive with level temperament and good judgment plus the uncanny ability to decide and write in a clear and understandable manner that resolves complex and obscure issues. He is a dedicated public servant.

"It has been a pleasure and honor to work with Judge Griffin these many years. I know he will serve with honor and distinction as a Judge of the United States Court of Appeals."

Excerpt from letter to Senators Carl Levin and Debbie Stabenow of Michigan, August 16, 2002.

William C. Whitbeck, Chief Judge of the Michigan Court of Appeals

“Judge Griffin has served with great distinction on the Michigan Court of Appeals for fourteen years. He is a decisive scholarly judge with an instinct for the core issues and with a flair for authoring crisp understandable opinions. He has written over 280 published opinions, has written hundreds of unpublished opinions, and has decided thousands of cases. His integrity has been above reproach; indeed, I am unaware of any circumstance in which anyone has called Judge Griffin’s integrity into question. Certainly, he is highly qualified by education, by background, by practical experience, by work ethic, and by temperament to serve on the Sixth Circuit. In particular, I should emphasize that Judge Griffin works hard, and successfully, at a job of being a judge. Thus, not only does he prepare for and decide his cases and circulate his opinions promptly, he has served on several of this Court’s operating committees and has made important contributions to this Court’s continued standing as one of the premier intermediate appellate courts in the country.

“Judge Griffin is a good man and a good judge. Considered on the merits, there is no question in my mind that he is fully qualified to serve on the Sixth Circuit; the operative word here is ‘serve’ as that is precisely what Judge Griffin will do, serve the people and the public interest to the full extent of his considerable abilities.” *Excerpt from letter to Senators Carl Levin and Debbie Stabenow of Michigan, July 19, 2002.*

Jay Bybee

JAY BYBEE
Nominee to U.S. Court of Appeals for the Ninth Circuit (Nevada)
(Nominated June 22, 2001)

- Jay Bybee currently serves at Assistant Attorney General for the Office of Legal Counsel at the U.S. Department of Justice, a post formerly held by two of the current Supreme Court Justices.
 - Bybee was *unanimously* confirmed by the Senate to serve as Assistant Attorney General on October 23, 2001.
 - The American Bar Association has rated Bybee "Well Qualified."
 - The seat for which Bybee has been nominated has been designated a "judicial emergency" by the Judicial Conference of the United States.
 - Democrat Senator Harry Reid and Republican Senator John Ensign of Nevada both strongly support Mr. Bybee's nomination.
- As head of the Office of Legal Counsel, Bybee assists the Attorney General in his function as legal advisor to the President and all executive branch agencies. The Office also is responsible for providing legal advice to the executive branch on all constitutional questions and reviewing pending legislation for constitutionality.
- Bybee also worked at the Department of Justice from 1984 until 1989. He first joined the Office of Legal Policy, and then went on to the Appellate Staff of the Civil Division. In that capacity, Bybee prepared briefs and presented oral arguments in the U.S. Courts of Appeals. From 1989 to 1991, Bybee served as Associate Counsel to President George H.W. Bush.
- Bybee joined the faculty of the Paul M. Hebert Law Center at Louisiana State University as an Assistant Professor of Law in 1991, becoming a Professor of Law in 1998. The following year, he joined the founding faculty of the William S. Boyd School of Law at the University of Nevada, Las Vegas. Bybee's scholarly interests have been in the areas of constitutional law and administrative law, both of which he taught. Bybee was named professor of the year in 2000.
- Bybee earned his J.D., Cum Laude, from the J. Reuben Clark Law School at Brigham Young University, where he was on the editorial board of the BYU Law Review. Bybee received a bachelor's degree in economics from Brigham Young University, graduating Magna Cum Laude and with Highest Honors.
- Following his graduation from law school, Mr. Bybee served as law clerk to Judge Donald Russell of the U.S. Court of Appeals for the Fourth Circuit.

STATEMENTS BY SELECT SUPPORTERS OF JAY BYBEE

U.S. Senator John Ensign (R-NV)

"Professor Jay Bybee has embodied the best in public service, legal aptitude and is admired throughout the field as a leader. He has a brilliant legal mind and will be a valued addition to the Ninth Circuit." *The Recorder*, May 23, 2002 at 1.

U.S. Senator Harry Reid (D-NV)

"The 9th Circuit Court of Appeals is faced with an overwhelming caseload, and I am pleased the president has moved forward with Jay Bybee's nomination." *Las Vegas Review Journal*, May 23, 2002 at 3B.

"He is a competent nominee and has served the state of Nevada with distinction. I look forward to working with Sen. Ensign to move his nomination through the Senate." *Las Vegas Sun*, May 23, 2002 at B2

Carl Tobias, fellow law professor at the William S. Boyd School of Law, University of Nevada, Las Vegas

"He has all the important qualities. He is very industrious and very independent. He will make an excellent federal judge." *Las Vegas Review Journal*, May 23, 2002 at 3B.

Stuart Green, a law professor at Louisiana State University, who described himself as a "liberal Democrat and active member of the ACLU":

"... I have always found [Jay Bybee] to be an extremely fair-minded and thoughtful person. Indeed, Jay truly has what can best be described as a 'judicious' temperament, and I would fully expect him to be a force for reasonableness and conciliation on a court that has been known for its fractiousness." *Letter to Judiciary Committee Chairman Orrin Hatch*, January 13, 2003.

Carolyn Kuhl

JUDGE CAROLYN KUHL
Nominee to U.S. Court of Appeals for the Ninth Circuit (California)
(Nominated June 22, 2001)

- Judge Carolyn Kuhl has served as a judge on the Superior Court of the State of California for the County of Los Angeles since 1995. She has served in both the civil and criminal divisions of the court, and is presently the Supervising Judge of Civil Division.
 - A bipartisan group of 23 women judges on the Superior Court who serve with Judge Kuhl have written to the Judiciary Committee, stating: "As sitting judges, we more than anyone appreciate the importance of an independent, fair-minded and principled judiciary. We believe that Carolyn Kuhl represents the best values of such a judiciary."
 - Democrat Senator Dianne Feinstein of California, who serves on the Senate Judiciary Committee, has stated that Judge Kuhl deserves a hearing.
 - The American Bar Association rated Judge Kuhl "Well Qualified" to serve on the Ninth Circuit.
 - Judge Kuhl has been nominated to a seat designated as a "judicial emergency" by the Judicial Conference of the United States.
- Throughout her career, Judge Kuhl has been dedicated to improving the law and the administration of justice. She was elected to the prestigious American Law Institute, reflecting the esteem in which she is held by her colleagues. Since joining the state bench, Judge Kuhl has served as Chair of the Superior Court's Research Attorney Committee and on the Superior Court's Committee on Alternative Dispute Resolution and Judicial Council Task Force on Jury Instructions. In addition, she has served as the supervising judge of the Complex Litigation Program and the Civil Division.
 - Judge Kuhl participates in court programs to introduce youth to the state court system. She is also on her court's Alternative Dispute Resolution Committee, and has assisted in the supervision of the program by which the Superior Court provides free mediation services to the public in civil and family law cases.
- Judge Kuhl has an exemplary record of public service. From 1981 to 1986, she served in important positions in the United States Department of Justice. She served as Deputy Solicitor General, Deputy Assistant Attorney General in the Civil Division, and as Special Assistant to Attorney General William French Smith.
- As Deputy Solicitor General of the United States, she argued cases before the United States Supreme Court and supervised the work of the other attorneys in the office. As Deputy Assistant Attorney General in the Civil Division, Judge Kuhl supervised all civil

appellate litigation handled by the Department nationwide. She also supervised civil trial litigation involving federal agency programs, in particular, high-impact cases challenging the legality or constitutionality of agencies' actions or regulations.

- Judge Kuhl has extensive appellate experience. As a partner in the Los Angeles law firm of Munger, Tolles & Olson, her practice focused on civil business litigation in both federal and state courts with a specialty in appellate litigation.
- Some interest groups have raised questions about Judge Kuhl's views on *Roe v. Wade* and her role in a brief filed by the United States in a 1985 case involving Pennsylvania's abortion laws. Judge Kuhl explained in a June 1, 2001, letter to Senators Feinstein and Boxer that this brief represented the public position of President Reagan and that the role of the Department of Justice in that case was to present the President's views to the Supreme Court. She added: "As a judge I am fully committed to following the precedent established by [*Roe v. Wade*] and would do so fairly and properly. . . . I am fully committed to following the state laws that protect a woman's right to have an abortion and Supreme Court precedent stating that a woman's right to choose to have an abortion is protected under the Constitution."
- Some interest groups have pointed to Judge Kuhl's role in a brief filed by the United States in a 1981 case involving Bob Jones University and the IRS's ability to deny tax-exempt status to educational institutions that engaged in discrimination. In her letter to Senators Feinstein and Boxer, Judge Kuhl stated: "The federal government has played, and should continue to play, an aggressive, vigorous role in fighting discrimination. . . . I now believe that the government's . . . position in the case was wrong. . . . [A]t the time I was 29 years old I was on the staff of the Attorney General [and] had no decisionmaking authority with respect to the government's position. The decision was made by the Attorney General and other high-level officials at the Department of Treasury and the White House. I conducted legal research on the issues involved in the case, primarily on the issue of the effect of legislative inaction subsequent to the IRS's adoption of the policy of denying tax exempt statutes to educational institutions that discriminated on the basis of race. Professor Laurence Tribe subsequently wrote the Attorney General a letter agreeing with the Justice Department's analysis of the issue of the effect of legislative inaction. . . . I was concerned that the IRS might deny tax-exempt status to all-girls or all-womens' schools on the ground that they discriminated on the basis of sex."
- Judge Kuhl is a 1977 graduate of Duke Law School where she was an editor of the Duke Law Journal, graduated with distinction, and was awarded membership in the Order of the Coif. In 1974, she received a B.A. in Chemistry from Princeton University, graduating cum laude. After law school, she clerked for Judge Anthony Kennedy, who was then a Judge on the U.S. Court of Appeals for the Ninth Circuit.

STATEMENTS BY SELECT SUPPORTERS OF JUDGE KUHL

Vilma S. Martinez, former Director of the Mexican American Legal Defense and Educational Fund

"I'm a lifelong Democrat. . . . Even though we don't share the same political views, necessarily, I consider her mainstream. . . . She's careful and she's thoughtful. She's been an excellent [state court] judge, and I think she will be an excellent 9th Circuit judge, one who will approach that job the way I think that job should be approached: with great care and deference." Los Angeles Daily Journal, May 24, 2001.

"She has the ability, temperament and dedication to do the job as well as she possibly can." Martinez added, "[s]he is a proven quantity as a fair judge, who has made her courtroom accessible to all." City News Service of Los Angeles, June 22, 2001.

23 Women Judges on the Superior Court of Los Angeles (February 22, 2002, Letter)

"Judge Kuhl is seen by us and by members of the Bar who appear before her as a fair, careful and thoughtful judge who applies the law without bias. She is respected by prosecutors, public defenders, and members of the plaintiffs' and defense bar. She is conscientious, scholarly, courteous, and willing to listen with an open mind to the arguments of counsel. Judge Kuhl approaches her job with respect for the law and not a political agenda. Judge Kuhl has been a mentor to new women judges who join our Court She has helped promote the judicial careers of women, both Republican and Democrat. She supported the Hon. Margaret Morrow when Judge Morrow was awaiting a hearing She also wrote in support of President Clinton's nomination of the Hon. Richard Paez She is also a very decent, caring, honest and patient human being who is a delight to have as a professional colleague and friend. As sitting judges, we more than anyone appreciate the importance of an independent, fair-minded and principled judiciary. We believe that Carolyn Kuhl represents the best values of such a judiciary."

Leo James Terrell, an attorney for the NAACP who appeared before Judge Kuhl in *Iwekaogwu v. City of Los Angeles* (75 Cal. App. 4th 803 (1999))

"I vigorously recommend the appointment of Judge Carolyn B. Kuhl to the United States Court of Appeals for the 9th Circuit." He went on to say that, "...I found that Judge Kuhl was fair, impartial, competent and at all times, extremely professional." Excerpt from May 23, 2001, letter to Senator Boxer.

Judge James A. Bascue, Presiding Judge, Los Angeles Superior Court

". . . [Judge Kuhl] is one of the true "stars" of our Court, which is quite an honor since we have more than 500 judges and more than 200 commissioners. She is fair, open-minded and committed to providing equal justice under the law. Just as importantly, she is a very decent, kind and honest human being." Excerpt from May 10, 2001 letter to Senator Feinstein.

Justice Paul Boland, Court of Appeal, Second Appellate District, State of California and self-described Democrat

"Judge Kuhl is widely regarded as one of the most dedicated, knowledgeable, skillful and thoughtful judges sitting on the Los Angeles Superior Court. In criminal and civil judicial assignments, she has distinguished herself as a judge who is highly intelligent, renders balanced, reasoned decisions, is intellectually honest, and is even-handed and fair." Excerpt from May 17, 2001 letter to Senator Feinstein.

Judge Terry B. Friedman, Presiding Judge, Los Angeles Superior Court, Juvenile Division

"I have known Judge Kuhl since her appointment to the Superior Court and, based on this experience, share the widespread view of my colleagues that she is one of the finest members of our bench." Excerpt from May 3, 2001 letter to Senator Feinstein.

Bruce Broillet, a noted plaintiff's attorney in Los Angeles

"I certainly didn't get all the rulings I wanted [in the cases I tried before Judge Kuhl], but I felt all of her rulings were reasonable. . . . She had an excellent judicial temperament. As you can tell, I hold her in high regard. A lot of consumer attorneys have very good things to say about Carolyn Kuhl; I'm not the only one." *Los Angeles Daily Journal*, May 24, 2001.

Ronald L. Olson, Judge Kuhl's former Partner at Munger, Tolles & Olson and self-described Democrat

Praised Judge Kuhl as "bright and hard-working. She has all the qualities to make a great judge." *Los Angeles Times*, April 5, 2001.

Joan Dempsey Klein, Presiding Justice, State of California Court of Appeal, Second Appellate District, Division Three

"If we could be assured that all President Bush's judicial picks would be of Judge Kuhl's high caliber, those of us with major concerns in this area could feel more secure." Excerpt from letter to Senator Dianne Feinstein, April 12, 2001.

TIMOTHY TYMKOVICH
Nominee to U.S. Court of Appeals for the Tenth Circuit (Colorado)
(Nominated May 25, 2001)

- Tim Tymkovich has been a partner in the Denver law firm of Hale Hackstaff Tymkovich & ErkenBrack since 1996. His practice includes civil litigation and appeals, with an emphasis on regulatory and administrative law, particularly in the areas of telecommunications and public utilities.
- The American Bar Association has rated Tymkovich "Qualified" to serve on the Tenth Circuit.
- Tymkovich has a strong commitment to public service:
 - ✓ Tymkovich served for five years as Colorado's Solicitor General, from 1991 to 1996. As Solicitor General, he was the chief appellate lawyer for the people of Colorado, charged with defending the laws duly enacted by the people of Colorado.
 - ✓ Tymkovich served as legal counsel to the Columbine Review Commission from 2000 to 2001. This commission investigated the Columbine High School shootings. The bipartisan commission spent over 18 months reviewing the facts and circumstances surrounding the shootings and made a number of recommendations to the Governor and law enforcement regarding public policy responses. Many of those recommendations have been adopted by law enforcement agencies or enacted into law by the Colorado Legislature.
 - ✓ Tymkovich was the Co-Chair of the Colorado Governor's Task Force on Civil Justice Reform (1999-2000). The Task Force proposed numerous reforms of Colorado's civil justice system that have been enacted by the Colorado legislature.
 - ✓ Tymkovich has served as the Chairman of the Colorado Board of Ethics since 1999.
 - ✓ Tymkovich recently provided volunteer legal work to the Colorado Children's Campaign regarding its 2003 legislative initiative to increase funding for early childhood education.
- Born in Denver, Tymkovich received a bachelor of arts degree from Colorado College in 1979 and a J.D. degree from University of Colorado School of Law in 1982.

- After law school, Tymkovich began his career by clerking for William H. Erickson, Chief Justice of the Colorado Supreme Court, and then joined the law firm of Davis Graham and Stubbs, where he focused on general litigation and trade regulation.

STATEMENTS BY SELECT SUPPORTERS OF TIMOTHY TYMKOVICH

Roy Romer, former Democratic Governor of Colorado

"Mr. Tymkovich served the State of Colorado from 1991 through 1996 during the latter part of my tenure as Governor of the State of Colorado. He served with distinction and was a strong advocate in legal matters for Colorado. He also demonstrated a capacity to work closely with Colorado Democrats as well as Republicans as Solicitor General He was always a straight shooter in giving legal advice to me and my top Staff." *Letter to Senator Patrick Leahy, September 6, 2002.*

Wayne Allard, United States Senator for Colorado

"Tim Tymkovich is an outstanding choice. Tim is well known in the Colorado legal community for being an outstanding lawyer. His experience as Colorado Solicitor General and being in private practice make him uniquely qualified to serve on the Tenth Circuit Court of Appeals." *Excerpt from Senator Allard Press Release, May 25, 2001.*

Michael Huttner, Partner at Foster, Graham & Huttner, LLP in Denver

"I first worked with Mr. Tymkovich during my time as policy advisor to Governor Romer in 1998. At this time Mr. Tymkovich was the state solicitor general. His reputation in our office was top-notch. Among his colleagues, he was known for and continues to be respected for his integrity, intellect and his ability to befriend people across the political spectrum." *Letter to Senator Russ Feingold, July 22, 2002.*

William H. Erickson, former Justice on the Colorado Supreme Court

"I served on the Colorado Supreme Court for twenty-five years and had the privilege of working with a number of outstanding law clerks. Tim was one of the finest clerks that served in my chambers. He has an outstanding legal background that qualifies him for service on the Tenth Circuit." *Letter to Senator Patrick Leahy, August 6, 2002.*

John M. Hereford, Executive Director of Great Outdoors Colorado

"Tim has been outside counsel to my organization for the past six years. Having worked with Tim for four of those years, I consider him to be, without question, the best constitutional lawyer in Colorado. Not only is Tim one of the best prepared professionals with whom I have ever worked, his balanced views and composed demeanor have helped us through many difficult situations." *Letter to Senator Hatch, January 2, 2003.*

William H. Hanson, Colorado Attorney

"Tim is an outstanding lawyer whose knowledge and competence are well known in the Colorado Legal community. His knowledge, skill, and personal qualities make him well suited to serve on the Court of Appeals. He is fair-minded, respects the rule of law, and exhibits the intelligence and temperament that is characteristic of outstanding judges." *Letter to Senator Hatch, January 2, 2003.*

Robert F. Nagel, resident of Boulder, Colorado

"He is, as you indicate, an intelligent, insightful, hard-working lawyer." *Denver Post, June 17, 2001.*

Rocky Mountain News, Editorial

"If Senators give Tymkovich a serious look, they'll find someone who combines intellectual heft and steady temperament." June 3, 2001.

Denver Post, Editorial

"...[H]e has gained a local reputation as a thoughtful, insightful attorney who knows the law and works hard to uphold it." May 30, 2001.

