

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
July 15, 2010

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing On Judicial Nominations
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Today we welcome to the Committee five of President Obama's well-qualified judicial nominees. Senator Kyl and Senator McCain support the nomination of Judge Mary Murguia of Arizona to the Ninth Circuit. Similarly, Carlton Reeves of Mississippi has the support of his Republican home state Senators, Senator Cochran and Senator Wicker. And Denise Jefferson Casper of Massachusetts has the support of Senator Kerry and Senator Brown. These nominations demonstrate again how President Obama continues to work with Senators from both sides of the aisle to identify qualified nominees to fill vacancies on the Federal bench.

I thank Senator Durbin for chairing this hearing. He and Senator Burris strongly support Edmond Chang, the nominee from Illinois who is appearing before the Committee today. I appreciate his willingness to preside over this important proceeding.

I trust that with the support of so many Members of this Committee and so many Republican Senators, all of these nominees will be treated fairly. I hope that in light of the vacancies on the Federal courts, we can proceed without delay to consider their nominations both in Committee and before the Senate. That should be the case for all nominees. Sadly, the Senate Republican leadership has insisted on months of delay before agreeing to vote on judicial nominations that are confirmed unanimously and refuses to consider many others. This serves no good purpose. This obstruction is wrong. I have called for it to end, but the Republican Senate leadership persists in their practice.

Early this week, the Senate finally confirmed Judge Sharon Coleman to a seat on the U.S. District Court for the Northern District of Illinois. Judge Coleman waited nearly three months before her nomination came to a vote because of obstruction by the Senate Republican leadership. When allowed to vote, Senators confirmed her unanimously. She should have been confirmed months ago, as should have the dozen other judicial nominees who were reported by the Judiciary Committee with no objection and yet remain stalled by Republican refusal to consent to final Senate action. In all there remain 21 judicial nominees already considered by this Committee and favorably reported that are being stalled from a final vote.

The Senate Republican leadership refuses to enter into time agreements on pending judicial nominations that have support from both Democrats and Republicans, including nominees with

bipartisan support from North Carolina, Tennessee, South Carolina, California, New York, Delaware, Virginia, Utah, Maryland, Minnesota and Rhode Island. Democrats are prepared to vote on these nominations; the Republican leadership is not and continues to obstruct progress.

The Senate is dramatically behind the pace I set for President Bush's judicial nominees in 2001 and 2002. In 2002, the second year of the Bush administration, the Democratic Senate majority's hard work led to the confirmation of 72 Federal circuit and district judges nominated by a President from the other party. We are more than halfway through the second year of the Obama administration, and we have confirmed just 24 so far--72 to 24.

In the first two years of the Bush administration, we confirmed 100 Federal circuit and district court judges. So far in the first two years of the Obama administration, the Republican leadership has successfully obstructed all but 36 of his Federal circuit and district court nominees--100 to 36.

Federal judicial vacancies around the country continue to hover around 100. Of these, 42 vacancies have been declared by the Administrative Office of the U.S. Courts to be judicial emergencies. Nominees to fill more than 10 of these emergency vacancies remain stalled on the Senate Executive Calendar. Each vacancy represents an overburdened Federal court handicapped by Senate Republicans' refusal to act. Republican obstructionism and delay has real meaning for litigants in those jurisdictions--they are often forced to wait months or even years before their cases are heard. This is just wrong.

Last year, Senate Republicans refused to move forward on judicial nominees. The Senate confirmed the fewest judges in 50 years. The Senate Republican leadership allowed only 12 Federal circuit and district court nominees to be considered and confirmed despite the availability of many more for final action. They have continued their obstruction throughout this year. By every measure, the Republican obstruction is a disaster for the Federal courts and for the American people. We owe it to the American people to do better, and I hope we start with the judicial nominees before us today.

Judge Mary Murgia is nominated to serve on the Ninth Circuit. She has spent the last decade as a Federal district court judge in Arizona, where she has presided over thousands of civil and criminal cases. She is a former Federal and local prosecutor, and she was the first Latina to become a Federal judge in Arizona. Judge Murgia earned her undergraduate and her law degrees from the University of Kansas.

President Obama nominated Edmond Chang to sit on the U.S. District Court for the Northern District of Illinois. He has served as a Federal prosecutor in that district for more than a decade, and he is currently the Chief of Appeals for its Criminal Division. Previously, he practiced labor and employment litigation in the Chicago office of Sidley Austin. He earned his B.S., cum laude, from the University of Michigan and his J.D., cum laude and Order of the Coif, from Northwestern University School of Law. If confirmed, Mr. Chang will be the first Asian Pacific American to serve as a Federal judge in Illinois.

Judge Leslie Kobayashi is nominated to be a district court judge in Hawaii. She has served that district as a Federal magistrate judge since 1999, before which she was a lawyer in private

practice and a local prosecutor. Judge Kobayashi earned her B.A. from Wellesley College and her J.D. from Boston College School of Law. If confirmed, she will become the second female Asian Pacific American Federal judge in the District of Hawaii.

The President nominated Denise Jefferson Casper to serve as a Federal judge in the District of Massachusetts. She is currently the Deputy District Attorney in Cambridge, Massachusetts, and she previously was a Federal prosecutor in the U.S. Attorney's Office in Boston, where she rose to become Deputy Chief of the Organized Crime Drug Enforcement Task Force Unit. She has also worked as a lawyer in private practice and as a legal writing instructor at Boston University School of Law. She received her B.A. from Wesleyan University and her J.D. from Harvard Law School.

Carlton Reeves is nominated to sit on the U.S. District Court for the Southern District of Mississippi. He is a partner in a Jackson, Mississippi law firm, and he also serves as a Family Master in a local court, as part of which he adjudicates cases related to paternity and child support. He previously was the Chief of the Civil Division in the U.S. Attorney's office in the Southern District of Mississippi. He earned his B.A., magna cum laude, from Jackson State University and his J.D. from the University of Virginia School of Law. If confirmed, Mr. Reeves will be second African American to serve as a district court judge in Mississippi.

I welcome the nominees and their families to the Committee today.

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