

January 11th, 2023

To: The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20515

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20515

The Honorable Lindsey Graham
Incoming Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20515

From: Roberto J. Espinosa, Esq.
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Dear Senate Judiciary Committee,

I write this letter with great pleasure and excitement for the nomination of the Hon. Robert Kirsch, to the federal bench. Judge Kirsch is an amazing individual, judge, attorney and human being. It is no surprise to me that he is being nominated to the Federal bench. President Biden couldn't have made a better pick. When I was an intern for the Public Defender's Office back in 2011, I met Judge Kirsch for the first time when he was the newly assigned Juvenile Judge. I remember being in his courtroom and I was sitting in the benches observing my colleagues, when he turned to me and asked me what case I had on the docket that day. I was caught a bit off guard and responded with, "Nothing Your Honor, I'm just an intern." He responded back, "Don't say that you are not just an intern, you are way more than that." "Being an intern is going to be one of the most valuable experiences for you and one that you won't forget for the rest of your law career." He was the only Judge that made me feel important that summer as an intern. He acknowledged me when he really didn't have to and I always bring this example up, because Judge Kirsch treats everyone with respect, love and professionalism. Every client that I represented in front of Judge Kirsch as a public defender and as a private attorney has been treated with dignity, respect and looked at more than just a criminal. He is a Judge that I can say looks beyond the crime that a person has committed and really treats defendants as human beings. Don't get me wrong, when the time comes to be tough on crime, Judge Kirsch is not afraid. He can be a tough sentencer, but he is always reasonable under the circumstances.

He spends countless hours after work working on opinions. He takes work with him on vacation and he's constantly thinking about the next case.

I've seen clients cuss at Judge Kirsch, disrespect him, interrupt him while talking and every time he's kept his composure and never took anything personal. When there are triable issues, he acknowledges them. He holds conferences with defense attorneys and prosecutors and he challenges both parties on their proofs. I've witnessed Judge Kirsch confront a prosecutor for being unreasonable on a plea deal. I have also seen Judge Kirsch tell a prosecutor that they should really reevaluate their case, because the proofs just are not there. Vice versa, I've been challenged by Judge Kirsch on certain occasions where I thought that I had a great defense. Only to realize after a status conference, that I needed to reevaluate. The interactions that I've witnessed come from experience that many Judge's don't have. Maybe Judge Kirsch gained that experience from being a federal prosecutor and seeing how federal judges work their caseloads in the federal system or maybe Judge Kirsch simply knows how different attorneys think. He knows how to deal with attorneys that never back down from an argument and others that are too unfrontational in court. I've seen Judge Kirsch offer guidance and advice to new attorneys and take advice himself from seasoned attorneys. He truly has a kind heart and the State bench is going to be short an amazing Judge.

Judge Kirsch is also very punctual in the courtroom. I absolutely loved that about him when I was a public defender. He always started on time and always finished early. He always got his work done and was always rewarded with more cases by the assignment Judge. I've tried about 8 criminal cases in front of Judge Kirsch. The way he conducts jury selection has always been fair and efficient and his trials are always pleasant. What I mean by pleasant, Judge Kirsch is not the type of Judge to take sides. He doesn't prosecute or defend from the bench and he lets both parties simply try their cases. His written opinions are always very knowledgeable, informative, professional and well detailed. I've seen him feel strongly about a certain ruling and then change his position after receiving great legal briefs. He is truly an amazing judge and I am so sad to see him leave the State bench for the federal. I am very happy for Judge Kirsch, but he is going to be deeply missed.

Aside from what is written above, I would like to say that I truly love Judge Kirsch as a person. Judge Kirsch is the type of person that even outside of work he is not shy to say hello, he is not shy to speak his mind and he has a great sense of humor. He doesn't take things personal and he does all these things while still maintaining a level of professionalism. If I ever have the opportunity to become a Judge one day, I would want to be a Judge like the Honorable Robert Kirsch. He's thoughtful, considerate, understanding and polite to both private attorneys and government attorneys alike. He always makes it a priority, no matter the issue, to always speak highly of attorneys on the record in front of their clients. Not once, have I seen him bad mouth an attorney in front of their client and that is not something I can say about every Judge I have encountered in my law career.

Judge Kirsch is fair, respectful and intelligent. He amazes me with the level of dedication he puts into his work and the passion he has for his profession. He has a big heart for people and a mindset focused on justice and fairness. I can truly write pages about Judge Kirsch. Again, I interned for the public defender's office in 2011 when I first met Judge Kirsch and I am

going into the tenth year of my legal career. Nine out of those ten years starting from 2013, I appeared before Judge Kirsch on many occasions. I've had private attorney cases before him as well as public defender cases. I've experienced Judge Kirsch as an attorney probably more than most attorneys can say. I truly don't have anything negative to say about Judge Kirsch and I hope he gets affirmed on the nomination.

Thank you for your time, consideration and for allowing me the opportunity to express my opinion about the Hon. Robert Kirsch.

Very Truly Yours,

Roberto J. Espinosa
Roberto J. Espinosa, Esq.