

**Statement of Senator Chuck Grassley**  
**Before the Committee on the Judiciary**  
**On the Nominations of:**

*Jacqueline H. Nguyen, to be United States Circuit Judge for the Ninth Circuit*

*Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas*

*David Campos Guaderrama, to be United States District Judge for the Western District of Texas*

**November 2, 2011**

Mr. Chairman:

I welcome the nominees appearing before us today as well as their families and friends. A nominee's hearing is an important event for the nominee themselves, their families, and for this institution and for the public.

The Committee has taken this responsibility seriously.

Today's hearing is the seventeenth nominations hearing held during this Congress. After today, we will have reviewed the qualifications of 69 judicial nominees during this year. That

means, after today, nearly 93% of President Obama's judicial nominees have had a hearing. In total, this year we have made real progress on 86 of the 99 nominations submitted during the 112<sup>th</sup> Congress. We have confirmed 53 judicial nominees this year, making this Session of Congress one of the most productive over the last 30 years. In total, more than 70% of President Obama's judicial nominees have been confirmed. That is real progress.

Mr. Chairman, today we have two nominees to be District Judges in Texas. Mr. Gregg Costa, for the Southern District, is presently an Assistant United States Attorney in Houston. Judge David Guaderrama is presently serving as a United States Magistrate Judge for the Western District of Texas, in El Paso.

Judge Jacqueline Nguyen, nominated to be United States Circuit Judge for the Ninth Circuit, was confirmed by the Senate less than two years ago as United States District Judge for the Central District of California. She was

nominated for elevation just 41 days ago. Although she has trial court experience, I am less familiar with her appellate experience. I hope to hear about that at today's hearing. Furthermore, she has at least two cases that give me concern, and I will be asking about those. I also hope to hear from each of the nominees regarding their judicial philosophy.

I will not repeat the full biographies of the nominees, but will insert my full statement into the record. Again, I welcome the nominees and look forward to their testimony.

Jacqueline H. Nguyen is nominated to be United States Circuit Judge for the Ninth Circuit. Judge Nguyen received her A.B. from Occidental College in 1987 and her J.D. from the University of California, Los Angeles (UCLA) School of Law in 1991. She began her legal career as an associate in the Litigation Department at the Los Angeles law firm of Musick, Peeler & Garrett.

From 1995 until 2002, Judge Nguyen was an Assistant U.S. Attorney in the U.S. Attorney's Office for the Central District of California. She was assigned to various criminal divisions, including the Organized Crime Strike Force and the Public Corruption and Government Fraud Section. She was also selected to become Department of Defense Fraud Coordinator, where she oversaw all Department of Defense fraud prosecutions in the Central District of California. In 2000, Judge Nguyen became Deputy Chief of the General Crimes Section. In that position, she handled the training and supervision of all new Assistant U.S. Attorneys and various types of criminal cases involving violent crimes, drug trafficking, firearms violations, and fraud.

In 2002, Governor Gray Davis appointed Judge Nguyen to the Superior Court for the County of Los Angeles. The California State Superior Court is a trial court with general jurisdiction over all civil and criminal matters brought within the county where it sits. In 2009, she was appointed by President Obama as a United States District Judge for the Central

District of California. The Senate approved her nomination on December 1, 2009 by a vote of 97 –0.

Gregg Jeffrey Costa is nominated to be United States District Judge for the Southern District of Texas. He is a 1994 graduate of Dartmouth College and received his law degree from the University of Texas School of Law in 1999.

Following graduation from law school, Mr. Costa clerked for the Honorable A. Raymond Randolph on the D. C. Court of Appeals from August 1999 to July of 2000 and then for Chief Justice Rehnquist from July 2001 to July 2002. Between his two clerkships, he worked as a Bristol Fellow in the United States Department of Justice, Office of the Solicitor General.

In 2002, Mr. Costa joined the law firm Weil Gotshal & Manges as an associate. In 2005, he joined the United States Attorney's Office for the Southern District of Texas (Houston Office) as an Assistant United States Attorney. Mr. Costa has worked in the criminal division of the office in the Major Offenders and Major Fraud sections, investigating and

prosecuting matters in the areas of: mortgage fraud, investment fraud, securities fraud, public corruption, internet fraud, human trafficking, child pornography, and narcotics and firearms violations. As an AUSA, Mr. Costa also has handled numerous appellate matters before the United States Court of Appeals for the Fifth Circuit.

In addition to prosecuting cases for the office, Mr. Costa serves as the Deputy International Affairs Coordinator for the United States Attorney's Office. In this capacity, he helps coordinate incoming and outgoing requests on behalf of the governments of Malaysia, Turkey, Columbia, Greece, France and the United Kingdom. Mr. Costa also helps and provides guidance to other AUSAs on extradition matters. And in 2005, after Hurricane's Katrina and Rita, Mr. Costa served as the Hurricane Fraud Coordinator for his office that investigated fraud cases relating to the Hurricanes. Mr. Costa's office prosecuted more than 100 individuals for crimes such as government-benefit fraud, identify theft offenses, charitable fraud and investment fraud.

David Campos Guaderrama is nominated to be United States District Judge for the Western District of Texas. After graduation from New Mexico State University in 1975, and Notre Dame Law School in 1979, Judge Guaderrama worked as a solo practitioner from December 1979 to August 1980. He then formed a partnership practice with his then wife. In 1987, he was appointed to serve as El Paso County's first public defender and was charged with starting up and developing an office that would be capable of handling at least 50% of all indigent felony cases. He served in that capacity until his election to the State bench in 1994.

In November 1994, Judge Guaderrama was elected Judge of the 243<sup>rd</sup> Judicial District Court of Texas. He was elected for a four-year term and subsequently re-elected on four occasions. During his term as a Texas District Court Judge, he was instrumental in establishing the 243<sup>rd</sup> Drug Court Program and Access to Recovery Program. Both programs are aimed at helping rehabilitate defendants guilty of minor drug offenses through counseling and supervision, rather

than incarceration. Also while on the 243<sup>rd</sup> Judicial District he served as chairman of a subcommittee that oversaw reform of the jury selection process that implemented mailing jury qualification questionnaires to potential jurors. He also piloted a program to use video conference technology to conduct arraignments.

In 2008, Judge Guaderrama was an unsuccessful candidate for Justice, Eight Court of Appeals of Texas. In 2010, he was appointed by the United States District Court of the Western District of Texas to serve an eight-year term as a United States Magistrate Judge.