

Vice Chair, Natural Resources
and Economic Development
Texas Judicial Council
Chair, Eagle Ford Shale
Legislative Caucus



Judith Zaffirini
State Senator, District 21
President Pro Tempore, 1997

Committees
Administration
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State Affairs

March 19, 2018

The Honorable
Charles E. Grassley, Chair
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable
Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Re: PN-1645 (115th Congress)

Dear Chair Grassley and Ranking Member Feinstein:

This is to confidently, enthusiastically, and without reservation urge you to recommend the confirmation of Andrew "Andy" Oldham of Austin, Texas, to serve as a Circuit Judge on the United States Court of Appeals for the Fifth Circuit. My recommendation is based on our interaction as *ex-officio* members of the Texas Access to Justice Commission and on our six-year collaboration on priority legislation ranging from guardianship and mental health to human trafficking and court security. Our bipartisan success has been superb, and I am confident that Mr. Oldham would excel in succeeding my longtime dear and valued friend, Judge Ed Prado of San Antonio, Texas, who recently was nominated to serve as Ambassador to Argentina.

As a senior counselor to Texas Governor Greg Abbott, Mr. Oldham helped improve, ensure passage, and secure gubernatorial approval of numerous bills and resolve countless legislative issues that are priorities for me, for the legal

community, and for millions of Texans. After the attempted assassination of Travis County District Judge Julie Kocurek in 2015, for example, the Chief Justice of the Supreme Court of Texas, the Texas Judicial Council, and I worked together to improve court security across the state. I authored Senate Bill 42, the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017, which created the position of Director of Security and Emergency Preparedness at the Texas Office of Court Administration, established local court security committees, and required court security training of judges and court personnel. Mr. Oldham's knowledge and insight were as impressive as they were valuable as he helped develop and pass my bill while working with legislators and our staffs, Chief Justice Nathan Hecht and his staff, and advisers in Governor Abbott's office.

Last year this highly capable attorney also worked on Senate Bill 1326, a bill I authored to implement recommendations from the Texas Judicial Council to provide treatment for criminal defendants with mental illnesses and to broaden judicial discretion over local competency restoration options. Equally important, he helped develop and pass my legislative package of bills reforming Texas guardianship law, including Senate Bill 1096 and Senate Bill 1710. Again, he worked with staff and principals, including the Governor, who signed each of these bills into law.

One of many issues of mutual interest that is near to Mr. Oldham's heart is sexual assault prevention and education. While a University of Virginia undergraduate, he co-founded a peer-education group focused on preventing sexual assault and helping its survivors. He brought those experiences to bear on Senate Bill 2039, a bill I authored, which requires the Texas Commissioner of Education to develop a curriculum for preventing sexual abuse and sex trafficking. The Governor signed it into law on June 12, 2017.

Also notable is Mr. Oldham's work on House Bill 435, which initially allowed concealed handgun license holders to carry firearms in the state's mental health hospitals. Working tirelessly with legislators and our staffs, as well as with executive branch staff members and various interest groups, he identified a way to close that loophole. That remedy was amended into the bill in the Texas Senate, and Governor Abbott signed it into law last June.

Through these and other experiences Mr. Oldham reflected the ideal qualities of a judge. He is not only open-minded, fair, compassionate, and able to collaborate

with diverse groups to achieve commonsense solutions, but also extremely knowledgeable, intelligent, thoughtful, and analytical. From my perspective as a student of classical rhetoric, he personifies the teachings of great thinkers such as Aristotle and Socrates.

On a related note, Mr. Oldham is the perfect choice for succeeding my dear and valued friend, Judge Ed Prado. The judge and his wife, María, are members of our four-couple dinner group and fellow members of the Texas Philosophical Society. A brilliant jurist and committed public servant, Judge Prado has presided over annual Mock Trials of Santa Claus and of Gold E. Locks for the San Antonio Bar Association and The University of Texas Law School. His efforts ensured thousands of students in San Antonio and from a statewide pool were introduced to the importance of obeying the law and to the consequences of disobeying it.

Recently he helped me extend the mock trial program into Laredo, where Judge Victor Villarreal added defendants such as the Easter Bunny, the Big Bad Wolf, Superman, and Batman. In these projects and many others, my family and I have seen a side of Judge Prado that few others have seen. As witty, personable, and engaging as he is intelligent, compassionate, and insightful, Judge Prado cares not only about the law, but also about the community, young people, and civic engagement. So does Mr. Oldham. Truly, the two are very much alike in these respects and others.

Knowing both accomplished men as friends and colleagues, I am completely confident that Mr. Oldham would exceed your highest expectations in succeeding Judge Prado as a Circuit Judge on the United States Court of Appeals for the Fifth Circuit. Accordingly, it is my privilege and honor to recommend him for your favorable consideration. Please contact me immediately if I can provide additional information or support for this very fine and most worthy nominee.

Respectfully,

A handwritten signature in black ink, reading "Judith Zaffirini". The signature is written in a cursive, flowing style with a large initial "J".

Judith Zaffirini