



Federal Bar Association

Office of the President

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February 9, 2012

The Honorable Patrick Leahy
United States Senate
437 Russell Senate Bldg
Washington, DC 20510

RE: Magistrate Judge Robert E. Bacharach, Nominee for the Tenth Circuit Court of Appeals

Dear Senator Leahy:

I write to recommend that Magistrate Judge Robert E. Bacharach be confirmed to fill the open seat on the Tenth Circuit Court of Appeals.

I have known Judge Bacharach for over a decade and know him to be a man of the highest intelligence and exceptional integrity. I know Judge Bacharach from my work with the Federal Bar Association (FBA); I am a Past President of the FBA (2009-2010). However, because the FBA does not take official positions on the nominations of judges, my endorsement of Judge Bacharach is personal.

You will hear from others all that I would say about his exceptional work ethic and fairness. Therefore, I write you primarily from the perspective of an American Indian bar leader. I have served as President of the National Native American Bar Association three times and am currently its Treasurer. At the United States Department of Justice, where I worked for 32 years, I was the Deputy Director of the Office of Tribal Justice at the time of my retirement. These positions give me a unique perspective on a judgeship in a circuit where federal Indian law questions arise frequently.

Because I was Chairman of the FBA Indian Law Section for 20 years I have had many opportunities to talk about a variety of Indian law issues with Judge Bacharach at FBA meetings over the past decade. While Judge Bacharach has no litigation experience or expertise in the field of Indian law, he is not unfamiliar with federal Indian law. He is always thoughtful when discussing Indian law issues, he listens well to any proposition put forward and he asks the right questions. Those are the keys to why he would make an exceptional appellate judge. He has the keen ability to analyze an issue of federal Indian law and ask the right questions, then discuss the case intelligently.

There is no expectation that federal judges will be specialists in any area of law. It is in the nature of appellate work that the judge must be a generalist. As a litigant I can direct the judge to what he or she needs to know. In Judge Bacharach I know there is an exceptional mind

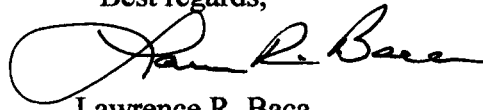
that will grasp the issues, ask the right questions and render an opinion with a thoughtful and compassionate approach. From my extensive discussions with him, I have every confidence that Judge Bacharach can analyze and address any federal Indian law issue that would come before the Tenth Circuit Court of Appeals and render a sound, fair and well-reasoned opinion.

Judge Bacharach is an excellent nominee for the Tenth Circuit Court of Appeals. He is an extremely dedicated and hard-working individual. He brings 12 years of judicial experience to his nomination.

As you know, magistrate judges are chosen by sitting federal district court judges. Judge Bacharach clearly had the respect of those judges before whom he had practiced at the time of his selection. Since that time, he has developed a track record that demonstrates their judgment was correct. The continued respect he has from the district judges who selected him is demonstrated in their letters of recommendation to President Obama in support of his nomination.

I urge strongly that the Senate confirm Robert E. Bacharach for the Tenth Circuit Court of Appeals.

Best regards,

A handwritten signature in black ink, appearing to read "Lawrence R. Baca", with a large, stylized initial "L" and "B".

Lawrence R. Baca