

Testimony of

The Honorable Patrick Leahy

April 11, 2002

I would like to welcome the nominees to today's hearing. The nominees before us represent a number of regions of our nation: West, Central, Mid-Atlantic, and Northeast. Many of the nominees' family members have made the long journey with them, and I extend the welcome of this Committee to the friends and families in attendance. I am especially grateful to Senator Kohl for volunteering to chair this important hearing on behalf of the Committee.

Today, we are holding the confirmation hearing for Jeffrey Howard, nominated to the Court of Appeals for the First Circuit; Percy Anderson, nominated to the United States District Court for the Central District of California; Michael Baylson, nominated to the United States District Court for the Eastern District of Pennsylvania; Judge William Griesbach, nominated to the United States District Court for the Eastern District of Wisconsin; Justice Joan Lancaster, nominated to the United States District Court for the District of Minnesota; Judge Cynthia Rufe, nominated to the United States District Court for the Eastern District of Pennsylvania; and John (Jack) Walter, nominated to the United States District Court for the Central District of California.

I am pleased to include Jeffrey Howard on the hearing today at Senator Bob Smith's request. Of the five Court of Appeals nominees who have received hearings in 2002 by the Committee, all have been at the request of Republican Senators. By including Mr. Howard on this hearing, we hope to provide some relief to the First Circuit, an important Circuit that is facing a large caseload. Mr. Howard is the eleventh Circuit Court nominee to receive a hearing before this Committee since the Senate reorganized last July.

That is more than all of the Circuit Court nominees given hearings by the Committee in all of the 1996 Session and all of the 2000 session combined. We have had hearings for more Circuit Court nominees in less than ten months than were held in two of the six and one-half years of Republican control of the Senate.

I am particularly pleased to welcome three nominees who participated in bipartisan selection processes. The Wisconsin nominee, Judge William Griesbach, emerged from a bipartisan commission established by Senator Kohl, Senator Feingold and Chairman Sensenbrenner. He has more than 20 years of diverse legal experience. Percy Anderson and Jack Walter are the first two nominees who have emerged from a bipartisan selection process that Senators Feinstein and Boxer established last year with the Administration. Both Mr. Anderson and Mr. Walter received unanimous support from the bipartisan commission and appear to be extremely well-qualified. Both come to this Committee with more than 25 years' experience as trial attorneys. All appear to be the type of qualified, consensus nominees that the Senate has been confirming expeditiously to help fill vacancies on our federal courts.

I am also pleased to welcome Justice Joan Lancaster to this hearing. Justice Lancaster comes to this Committee with significant legal experience, as an Associate Justice on the Minnesota Supreme Court, a trial court judge in Minnesota, a Assistant United States Attorney in Minnesota for nearly a decade, and a partner in private practice. Judge Lancaster also has been dedicated to improving the lives of children in her community and has strong bipartisan support.

Judge Cynthia Rufe and Michael Baylson are two more nominees to help fill vacancies on the Pennsylvania District Courts that existed long before the majority shifted last summer. One of the two vacancies has existed since December 31, 1998. Despite the fact that President Clinton nominated David Fineman to fill this judicial vacancy, Mr. Fineman never received a hearing and his nomination was returned to the President without action at the end of 2000. We are pleased to welcome Judge Cynthia Rufe and Michael Baylson to this hearing, less than three months after their nominations by President Bush, and within days of their files being complete. Both nominees have been practicing law for more than 25 years and have a distinguished history of public service.

This is the sixteenth hearing on judicial nominees we have held since the Committee was assigned members on July 10, 2001, after the change in majority. With these nominees we will have held hearings on 55 judicial nominees in less than 10 months. After this hearing there will be less than 20 judicial nominees pending who have home-state Senator support and on which the Committee has received ABA peer reviews who have not participated in a hearing. There will remain 38 vacancies without a nominee, including 17 judicial emergency vacancies without a nominee, however.