

Statement of
The Honorable Orrin Hatch.

United States Senator
Utah
October 1, 2003

Statement of Chairman Orrin G. Hatch

Before the United States Senate Committee on the Judiciary

On the Nomination of

Dora L. Irizarry for the

United States District Court for the Eastern District of New York

I am pleased to welcome to the Committee this morning Judge Dora Irizarry, whom President Bush has nominated to fill a vacancy on the United States District Court for the Eastern District of New York.

Judge Irizarry comes to us with an impressive record of academic achievement and public service. She is a cum laude graduate of Yale University and a graduate of Columbia University School of Law. She has spent the great bulk of her career in public service, including 16 years as an assistant district attorney prosecuting complex narcotics cases. In 1995, then-Mayor Rudolph Giuliani appointed her to the New York City Criminal Court. Two years later, she was elevated by Governor George Pataki to the New York Court of Claims, where she served as an acting justice on the New York Supreme Court. After seven years of service as a judge, she left the bench in 2002 to campaign as the Republican candidate for state Attorney General. She is currently in private practice with the New York law firm of Hoguet Newman & Regal.

Despite these accomplishments, a majority of the American Bar Association Standing Committee on the Federal Judiciary returned a rating of Not Qualified for Judge Irizarry. In such instances, it has been the practice of this Committee to invite representatives of the ABA to explain the basis for the rating. We accordingly will hear from Tom Hayward, chair of the ABA Standing Committee, and Patricia Hynes, a former chair of the Standing Committee who conducted the evaluation that led to Judge Irizarry's rating. I welcome them on behalf of the Committee.

We will also hear from three distinguished members of the New York legal community who will attest to Judge Irizarry's fitness for the federal bench: Her legal aptitude and experience, her integrity, and, most notably, her judicial temperament. It is my understanding that concerns pertaining to temperament served as the basis for the ABA's rating. But I expect that these witnesses' testimony will more than dispel any lingering questions about Judge Irizarry's temperament. I am thus pleased that the Committee will hear from two of Judge Irizarry's former colleagues on the New York Supreme Court: Justice Michael Pesce, the presiding justice, and Justice Lewis Douglass, the Chair of the New York State Commission on Minorities. We will also hear from James Castro-Blanco, immediate past president of the Puerto Rico Bar Association. It is a great testament to Judge Irizarry that each one of these extremely busy gentlemen were eager to come to Washington on relatively short notice to testify on her behalf. They have put the weight of their admirable reputations behind Judge Irizarry's nomination, and I firmly believe that speaks volumes about her qualifications for the federal bench - more so than the anonymous musings of her detractors that contributed to the ABA's rating.

In addition to the testimony of our three New York witnesses, the Committee has received strong letters in support of Judge Irizarry's nomination, which I will submit for the record. Since we will not hear from these witnesses in person, I would like to take a moment to share with you their views on Judge Irizarry.

New York Supreme Court Justice Francois Rivera found it "rather peculiar" that the ABA did not contact him in connection with its evaluation of Judge Irizarry, especially since she had listed him as a reference. Justice Rivera writes that he "had the pleasure of working with [Judge Irizarry] as a colleague and had the benefit of her keen legal mind on many issues for which I sought her counsel. Had the American Bar Association contacted me, I would have highly recommended Judge Irizarry for the position of United States District Court Judge."

Another letter is from Barry Kamins, from the law firm of Flamhaft Levy Kamins Hirsch & Rendeiro. Mr. Kamins has chaired numerous bar association committees relating to criminal law and justice. He says that in that role he has spoken to "scores of prosecutors and defense attorneys who have tried cases before Judge Irizarry, appeared in her court, negotiated plea bargains and handled various criminal proceedings over which she has presided. She has earned a reputation among other attorneys as a fair, hard-working jurist who is knowledgeable on the law and whose decisions are well-reasoned." Mr. Kamins characterizes Judge Irizarry as "a judge who was aggressive when appropriate and compassionate when the facts required it."

Yet another letter is from Andrew Hahn, Sr., president-elect of the Asian American Bar Association of New York and chair of its Judicial Screening Panel, which examines the qualifications of nominees to determine if they possess the requisite integrity, intellectual ability and judicial temperament -- much in the same way as the ABA does. At the end of its selection process, the panel issues a finding of Not Approved or Approved, based solely on merit. Mr. Hahn says that, after a thorough investigation, the panel issued a finding of Approve for Judge Irizarry. Significantly, the panel found that the issue pertaining to her temperament "was raised by a disgruntled litigant who embarked on a smear campaign to undermine [her] appointment. It is unknown whether the other bar associations who reviewed Dora Irizarry's qualifications had such information when they made their recommendations."

Finally, Judge Sterling Johnson, Jr., a United States District Judge for the Eastern District of New York, was unable to be here today to testify in support of Judge Irizarry's nomination due to a scheduling conflict. He worked with Judge Irizarry when she served on his staff at the Office of the Special Narcotics Prosecutor for the City of New York. During their 10-year working relationship, Judge Johnson described her as "an excellent prosecutor" who was able to diplomatically coordinate competing law enforcement interests - which is no small task, as anyone who has ever worked as a prosecutor on multi-agency cases knows. He "enthusiastically endorse[s]" her nomination without reservation, and looks forward to working with her as a colleague.

In addition to all of these supporters, Judge Irizarry has a very effective advocate in her corner: The senior senator from New York, Senator Schumer. I will now turn to him for his introduction of Judge Irizarry.

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