

Statement of
The Honorable Orrin Hatch.

United States Senator
Utah
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Statement of Chairman Orrin G. Hatch

Before the United States Senate Committee on the Judiciary

Executive Business Meeting

On the Nomination of

Dora L. Irizarry for the

United States District Court for the Eastern District of New York

The next nominee on our agenda is Judge Dora Irizarry, who has been nominated for the Eastern District of New York.

A majority of the American Bar Association Standing Committee on the Federal Judiciary found Judge Irizarry "not qualified" based on her temperament. I want to make a few points in response.

Let me state at the outset that I have personally found the ABA's ratings to be helpful and I appreciate their efforts. I also support the right of each senator to assign any weight to the rating he or she may wish. Certainly I do not view ratings as determinative. I can think of at least three Clinton nominees [Alexander Williams, David F. Hamilton and David A. Katz] with similar ratings, and all three were confirmed by the Senate.

I have done my best to ensure Judge Irizarry's nomination is treated with fairness and respect, and I believe we've succeeded. During the confirmation hearing for Judge Irizarry, we heard from the ABA and we also heard from three distinguished members of the New York legal community. We heard from New York Supreme Court Justice Michael Pesce, the presiding justice, and New

York Supreme Court Justice Lewis Douglass, as well as James Castro-Blanco, immediate past president of the Puerto Rico Bar Association. They unanimously praised her legal aptitude and experience, her integrity, and, most notably, her judicial temperament.

Mr. Castro-Blanco testified that earlier this year, the Board of Directors of the Puerto Rican Bar Association voted to approve Judge Irizarry's nomination to the district court and that its decision was based upon the Board's review of Judge Irizarry's record and reputation.

"The Board agreed that she possesses the intellect and judicial demeanor to be an outstanding district court judge," he said.

I think 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 put the weight of their admirable reputations behind Judge Irizarry's nomination--which I believe speaks volumes about her qualifications for the federal bench. Their testimony should more than dispel any lingering questions about Judge Irizarry's temperament. Significantly, Judge Irizarry also enjoys the unqualified support of her home state senators, Senators Schumer and Clinton.

Furthermore, the Committee received a number of letters in support of Judge Irizarry's nomination from those who were unable to attend her hearing, which I will submit for the record.

I would call particular attention to a letter from Andrew Hahn Sr., the president-elect of the Asian American Bar Association of New York and chair of its Judicial Screening Panel. Mr. Hahn writes that after a thorough investigation of Judge Irizarry's integrity, intellectual ability and judicial temperament, 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."

I would also call attention to a letter from Judge Sterling Johnson Jr., a federal district judge for the Eastern District of New York, who worked with Judge Irizarry when she served on his staff at the Office of the Special Narcotics Prosecutor in New York. During their 10-year working relationship, Judge Johnson described her as "an excellent prosecutor." He "enthusiastically endorse[s]" her nomination without reservation, and looks forward to working with her as a colleague.

And finally, this committee has just received a strong letter in support of Judge Irizarry from the Congressional Hispanic Caucus, which I will also submit for the record.

When I look at the full record in this case, including the impressive testimony on behalf of Judge Irizarry from her judicial colleagues and former associates, the endorsements of the Brooklyn, Asian American and Puerto Rican Bar associations, and her own answers to the questions that have been raised, I am persuaded that she is prepared to be a fine federal judge. I support her confirmation, and I ask my colleagues to do the same.