

Statement of

# **The Honorable Evan Bayh**

United States Senator  
Indiana  
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Chairman Leahy, Ranking Member Specter, and other distinguished members of the Judiciary Committee, thank you for the opportunity today to introduce an individual for whom I have great respect and admiration, Judge David Hamilton.

Before I speak to Judge Hamilton's qualifications, I would like to comment briefly on the judicial nominations process generally. In my view, this process has too often been consumed by ideological conflict and partisan acrimony. During the last Congress, I was proud to work with Senator Lugar to recommend Judge John Tinder as a bipartisan, consensus nominee for the Seventh Circuit Court of Appeals. Judge Tinder was nominated by President Bush and unanimously confirmed by the United States Senate by a vote of 93-0. It was my hope that Judge Tinder's confirmation would serve as an example of the benefits of nominating qualified, non-ideological jurists to the federal bench.

In selecting Judge Hamilton as his first judicial nominee, President Obama has demonstrated that he also appreciates the benefits of this approach. I was proud to once again join with Senator Lugar to recommend Judge Hamilton to President Obama, and I hope that going forward other Senators will adopt the "Hoosier approach" of working together to select consensus nominees.

On the merits, Judge Hamilton is an accomplished jurist who is well qualified to be elevated to the Seventh Circuit Court of Appeals. He has served with distinction as a United States District Judge for almost 15 years, during which time he has presided over approximately 8,000 cases. Since January 2008, he has served as the Chief Judge for the Southern District of Indiana, where he has been widely praised for his effective leadership style. Throughout his career, Judge Hamilton has demonstrated the highest ethical standards and a firm commitment to applying our country's laws fairly and faithfully.

In recommending Judge Hamilton, I have the benefit of being able to speak from personal experience, as I had the opportunity to work closely with him while I was Governor of Indiana. In his role as Counsel to the Governor, Judge Hamilton helped me to craft bipartisan solutions to some of the most pressing problems facing our state. In particular, he helped to favorably resolve several major lawsuits that threatened our state budget and drafted a tough new ethics policy to ensure that our state government was operating openly and honestly. In addition to his insightful legal analysis, I could always count on David for his sound judgment and the common-sense Hoosier values he learned growing up in southern Indiana.

During his service in state government, Judge Hamilton also developed a deep appreciation for the separation of powers and the appropriate role of the different branches of government. If confirmed, Judge Hamilton will bring to the Seventh Circuit a unique understanding of the important role of the States in our federal system and will be ever mindful of the appropriate role of the Federal judiciary. He understands that the appropriate role for a judge is to interpret our laws, not to write them.

On a personal note, I have known Judge Hamilton for over 20 years. I know him to be a devoted husband to his wife, Inge, and loving father to his two daughters, Janet and Devney. He is the nephew of former Congressman Lee Hamilton and the embodiment of good judicial temperament, intellect, and even-handedness. I have high confidence that, if confirmed, Judge Hamilton will be a superb addition to the Seventh Circuit Court of Appeals, and I am pleased to give him my highest recommendation.

Mr. Chairman and Ranking Member Specter, it is my distinct pleasure to present for this committee's consideration Chief Judge David Hamilton.