

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
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Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
On Judicial Nominations
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Today, the Judiciary Committee holds its second confirmation hearing of the 112th Congress, welcoming five more outstanding nominees for lifetime appointments to the Federal bench. All of these nominees were first nominated by President Obama last year and have been re-nominated.

I thank Senator Blumenthal for chairing this important confirmation hearing. I also want to thank Senator Grassley, the Committee's ranking member, and all the members of the Committee for working with me at the start of this Congress to establish a fair and timely schedule for holding confirmation hearings and considering nominations in this Committee.

We started this week in the Senate by considering two of President Obama's judicial nominations that were reported unanimously by this Committee last year but were not then considered by the Senate. When finally considered, they were both confirmed unanimously. I have been seeking a return to regular order in which this Committee holds periodic hearings and then promptly considers nominees, and in which the Senate then proceed without delay to consider the nominations for which a majority of this Committee has endorsed.

I ask that a letter sent to the Senate leaders, Senator Reid and Senator McConnell, be made part of the Record. This February 15, 2011, letter is from 76 public interest organizations urging the leaders to work together in a bipartisan fashion to proceed with prompt confirmation votes on judicial nominees who have been approved by the Committee on the Judiciary. These groups include disability groups, environmental organizations, labor, and many, many others. They note: "[A] growing number of Americans, from all walks of life and across all economic strata, are finding it increasingly more difficult to assert their legal rights and to have their fair day in court."

The Senate should consider noncontroversial nominations without unnecessary delays. There remain before the Senate another six judicial nominees unanimously reported by the Judiciary Committee to fill vacancies in Georgia, California, North Carolina and the District of Columbia. These nominees are ready for final consideration and final action by the Senate and there is no reason they could not all be considered before the Presidents' Day recess.

When I was Chairman of the Judiciary Committee during 17 months of President Bush's first two years in office with a Democratic majority, we favorably reported 100 of his Federal circuit and district court nominees. All 100 were confirmed. I continued to work hard to make progress considering President Bush's circuit and district court nominations as Ranking Member during President Bush's third and fourth years in office when Senator Hatch was the Committee chairman, and the Senate confirmed another 105. During the four years of President Bush's first term the Senate considered and confirmed 205 Federal judicial nominations.

Overall, judicial vacancies were reduced during the Bush administration from more than 10 percent to less than four percent. During the Bush administration, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits. Regrettably, this progress has not continued with a Democratic President in office. Instead, the minority has only allowed votes on 65 of President Obama's Federal circuit and district court nominees favorably reported by the Judiciary Committee and vacancies have again skyrocketed and remained over 100.

We must do better. Tomorrow the Committee has the opportunity to consider five more judicial nominees. I hope that we will be able to complete our consideration, vote on them, and report all of them favorably to the Senate without unnecessary delay. I trust that the nominees participating at this hearing today will be allowed to be promptly considered by the Committee and by the Senate.

The real costs of these unnecessary delays fall on Americans who depend on our Federal courts.

The nominations we consider today demonstrate President Obama's commitment to working with home state Senators to select well qualified nominees and his commitment to increase diversity on the Federal bench.

Jimmie Reyna has been nominated to fill a vacancy on the U.S. Court of Appeals for the Federal Circuit. Mr. Reyna has excelled in private practice for 30 years, specializing in international trade law. He was unanimously rated by the American Bar Association (ABA) Standing Committee on the Federal Judiciary as well qualified to serve on this court--its highest possible rating.

The Committee has received letters of support for Mr. Reyna's nomination from the Customs and International Trade Bar Association (CITBA) and from the former Chairs of the ABA Section of International Law. In its letter, CITBA described Mr. Reyna's temperament as "ideal" and commented that "[h]e is fair and focused and he has dedicated his life not just to practice in this field of law, but to scholarly writing in this field." The former Chairs of the ABA Section of International Law write that they "believe he has the professional credentials, the experience and skills, the appropriate temperament, and the fair and sound judgment that would enable him to serve on the Court of Appeals for the Federal Circuit with distinction and honor."

Mr. Reyna earned his B.A. from the University of Rochester and his J.D. from the University of New Mexico School of Law. If confirmed, Mr. Reyna will become the first Latino to serve on the U.S. Court of Appeals for the Federal Circuit.

Judge John Kronstadt has been nominated to fill a judicial emergency vacancy in the Central District of California. He currently serves on the Los Angeles County Superior Court and previously spent 24 years in private practice. Judge Kronstadt earned his B.A. from Cornell University and his J.D. from Yale Law School.

Vincent Briccetti has been nominated to fill a judicial emergency vacancy in the Southern District of New York. An attorney for the past 30 years, Mr. Briccetti has spent time in private practice and as a Federal prosecutor. He was unanimously rated by the ABA Standing Committee on the Federal Judiciary as well qualified to serve on the district court. Mr. Briccetti earned his B.A. from Columbia University and his J.D. from Fordham University School of Law.

Arenda Wright Allen has been nominated to fill a vacancy in the Eastern District of Virginia. Currently a Supervisory Assistant Federal Public Defender in the Eastern District of Virginia, Ms. Allen was previously an Assistant U.S. Attorney and actively served in the U.S. Navy's Judge Advocate General's Corps. After leaving active duty, Ms. Allen continued her service in the JAG Corps as a reserve member until 2005. She earned her B.A. from Kutztown University of Pennsylvania and her J.D. from North Carolina Central University School of Law. If confirmed, Ms. Allen will be the first African-American woman to serve on a Federal district court bench in Virginia.

Judge Michael Urbanski has been nominated to fill a vacancy on the U.S. District Court for the Western District of Virginia, where he has served as a magistrate judge since 2004. Judge Urbanski previously spent more than 20 years in private practice. He was unanimously rated by the ABA Standing Committee on the Federal Judiciary as well qualified to serve on the district court. Judge Urbanski earned his A.B., with high honors, from the College of William and Mary and his J.D. from the University of Virginia School of Law.

I welcome the nominees and their families to this hearing.

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