

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
United States Senate  
July 13, 2011

Statement Of Senator Patrick Leahy (D-Vt.)  
Chairman, Senate Judiciary Committee  
Hearing On Judicial Nominations  
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Today we will hear from five of President Obama's outstanding nominees for lifetime appointments to the Federal bench. The Committee welcomes Morgan Christen of Alaska, nominated to fill a judicial emergency vacancy on the Ninth Circuit; Scott Skavdahl, nominated to the District of Wyoming; Sharon Gleason, nominated to the District of Alaska; Yvonne Gonzalez Rogers, nominated to the Northern District of California; and Richard Andrews, nominated to the District of Delaware.

I thank Senator Coons for chairing this important hearing and for his strong support of the nominee from Delaware. I also thank our Ranking Member, Senator Grassley, for continuing to work cooperatively with me to schedule hearings on judicial nominations. With judicial vacancies remaining above 90 we have serious work to do both in Committee and in the full Senate to address this crisis that threatens to undermine the ability of courts to provide justice to Americans around the country.

Regrettably our progress in Committee considering judicial nominations in regular order has not been matched in the Senate, where agreements to debate and vote on judicial nominations have ground to a halt. Since May 17, two months ago, the Senate has been allowed to vote on only four judicial nominations at a time when vacancies have remained around 90. Before the Memorial Day recess I urged that the Senate take up and vote on the many consensus judicial nominations then on the calendar, as it traditionally has done before a recess. Republican Senators would not agree to consider a single one.

In June, I again urged the Senate to take steps to address the judicial needs of the American people by confirming the many qualified, consensus judicial nominations reported favorably by the Judiciary Committee. However, Republicans would consent to vote on only four judicial nominations during that month. Three of them were confirmed unanimously. In fact, one of the nominees we considered was, finally, the last of the judicial nominations that had been reported by the Committee last year that, in my view, should have been considered then. Left on the calendar throughout June and now halfway into July are 18 judicial nominations reported favorably by the Judiciary Committee, 15 of which were reported unanimously. These nominees, three of whom were reported unanimously at the beginning of April, and all of whom have been pending on the Senate's Executive Calendar for a month or more have the support of every

Senator, Democratic or Republican, on the Judiciary Committee. They are by any measure noncontroversial and will, I expect, be confirmed unanimously when Republicans consent to have votes on them.

We continue to work hard to make progress in Committee. With cooperation, tomorrow the Judiciary Committee could report as many as 11 judicial nominations. These nominations will join the many already on the Senate's Executive Calendar in the coming weeks. As the number of judicial nominations pending before the Senate climbs well above 20, I hope Senators from both parties will join together to finally bring down the excessive number of vacancies that have persisted on Federal courts throughout the Nation for far too long, and which have led the Chief Justice, the President, the Attorney General and judges around the country to urge the Senate to act.

From his first judicial nomination over two years ago, President Obama has worked with Democratic and Republican home state Senators to identify superbly qualified, consensus nominations. The first nominee appearing before the Committee today, Justice Morgan Christen, continues this practice. Both of Alaska's Senators, Republican Senator Lisa Murkowski and Democratic Senator Mark Begich support Justice Morgan's nomination, and are here today to introduce her to the Committee. Several Republican leaders from Alaska have also written to the Committee to express their support, including former Alaska State Senator Arliss Sturgulewski and the former Alaska Commissioner for Public Safety under Governor Palin, Walt Monegan. Connecticut State Representative Lile Gibbons, a Republican, has also written to the Committee to express her support.

Justice Christen is an experienced jurist who has served on Alaska's highest court for the past three years. She was nominated to that position by then-Governor Sarah Palin, and she is the second woman in Alaska's history to sit on its Supreme Court. Justice Christen previously served for seven years as a judge on the Superior Court for Alaska's Third Judicial District, three of those years as the Presiding Judge. She worked in private practice for 13 years in the Anchorage office of the law firm Preston, Gates & Ellis, clerked for Judge Brian Shortell of the Alaska Superior Court, and has demonstrated a deep commitment to her community throughout her career. If confirmed, Justice Christen will be the first woman from Alaska to serve on the United States Court of Appeals for the Ninth Circuit.

The second nominee from Alaska we will hear from today is Judge Sharon Gleason, who has been nominated to fill a vacancy on the District of Alaska. Since 2001, Judge Gleason has served as a judge on the Superior Court for Alaska's Third Judicial District, for the past two years as Presiding Judge. Prior to joining the bench, Judge Gleason spent 17 years in private practice, before that clerking for Chief Justice Edmond Burke of the Alaska Supreme Court. In addition to her distinguished legal career, Judge Gleason has played clarinet in the Anchorage Symphony Orchestra for over 25 years. Like Justice Christen, Judge Gleason has the bipartisan support of both of Alaska's Senators. If confirmed, she will be the first woman to serve as a Federal district court judge in Alaska.

Judge Scott Skavdahl is another outstanding consensus nominee who has the support of his two home-state senators, Republican Senators Enzi and Barrasso. Judge Skavdahl is nominated to the

District Court for the District of Wyoming, where he is currently serving as a magistrate judge and where he previously served as a law clerk for the judge whom he is now nominated to replace, Chief Judge William Downes. Prior to his Federal appointment, Judge Skavdahl spent eight years as a state court judge for the Seventh Judicial District of Wyoming and worked in private practice in the Wyoming law firms Williams Porter P.C. and Brown & Drew LLP. Born in Lincoln, Nebraska, Judge Skavdahl received his bachelor's degree and his law degree from the University of Wyoming, where he played varsity football as an undergraduate.

Judge Yvonne Gonzalez Rogers is nominated to the Northern District of California. Since 2008, she has served as a judge for the Superior Court of California in Alameda County. She previously served for two years as a civil grand juror for Alameda County, and worked for 12 years as a litigator in private practice in the San Francisco office of Cooley LLP. Judge Gonzalez Rogers currently sits on the Council of the American Law Institute, where she has participated in the efforts to develop Restatements of the Law for employment law, election law, and the model penal code. She is also a leader on education issues in her community, steering efforts to improve resources and funding for local schools in Piedmont, California. She has the strong support of both of her home state Senators, including Senator Feinstein, a member of this Committee who is here today to introduce the nominee.

Richard Andrews has dedicated his entire legal career to public service for the state of Delaware. He worked for 24 years as a Federal prosecutor in Delaware, rising through the ranks to become First Assistant U.S. Attorney and Chief of the Criminal Division. Mr. Andrews was also appointed to serve as the Acting U.S. Attorney for Delaware on three occasions, by Janet Reno, a Democrat, and by John Ashcroft, a Republican. In 2007, Mr. Andrews was appointed by Delaware Attorney General Beau Biden to serve as State Prosecutor and has been commended on numerous occasions for his skill and commitment to public service. Mr. Andrews also clerked for Chief Judge Collins Seitz of the United States Court of Appeals for the Third Circuit. He has the strong support of both Delaware Senators, Senator Carper, who is here to introduce the nominee today, and Senator Coons, who I again thank for chairing the hearing today.

I welcome the nominees and their friends and families to the hearing today.

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