

Statement of

The Honorable Chuck Grassley

United States Senator
United States Senate
March 14, 2012

I join you in welcoming the nominees who are appearing before us today, their friends and families. I would especially like to extend a warm Iowa welcome to Stephanie Marie Rose, her husband - Mr. Robert Rose, as well as other family and friends in attendance today or viewing the hearing elsewhere. The President has nominated Ms. Rose to serve as a United States District Judge for the Southern District of Iowa.

Ms. Rose is a Hawkeye through and through, receiving two degrees from the University of Iowa - her B.A in 1994 and her J.D. in 1996. Ms. Rose, I guess you were on the fast track for law school.

After her graduation from law school, Ms. Rose wisely chose to remain in Iowa. She first served as a law clerk in the United States Attorney's Office for the Northern District of Iowa. In 1997, she was hired as a full-time attorney in that office, where she has risen through the ranks and now heads the office.

She served as a Special Assistant United States Attorney from 1997 to 1999 and as an Assistant United States Attorney from 1999 to 2009. During this time, she was lead counsel in the prosecution of more than 250 cases. These cases spanned a wide range of legal issues from violent crimes and drug offense to immigration violations and money laundering. Additionally, she has handled approximately 45 federal civil cases. These cases have included post-conviction relief and asset forfeiture matters, as well as Freedom of Information Act and property return lawsuits.

In 2009, Ms. Rose was confirmed by the Senate and appointed by President Obama to serve as the United States Attorney for The Northern District of Iowa. In this role, she oversees most every aspect of the office. This includes overseeing the civil and criminal work completed by office staff and making final determinations regarding charging decisions, plea offers, and civil settlements.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously rated Ms. Rose as "Well Qualified" for this position.

I congratulate Ms. Rose and the other nominees on being nominated. I look forward to her testimony and that of the other nominees today.

William J. Kayatta, Jr., is nominated to be United States Circuit Judge for the First Circuit. Upon graduation from Harvard Law School in 1979, Mr. Kayatta served as a law clerk to Chief Judge

Frank Coffin on the United States Court of Appeals for the First Circuit. Upon completion of his clerkship in 1980, he went to work as an attorney at the law firm of Pierce Atwood LLP, where he has remained, becoming a partner in 1986. He has worked on a mix of trial court and appellate matters, which have increased in size and complexity over the years. His work has involved a wide range of subject matters, including energy regulations and contracts, ERISA, antitrust, construction, banking, and class actions. With the exception of the occasional arbitration matter, the entirety of his practice has been in litigation.

Mr. Kayatta estimates that he has argued 37 appeals, including two cases before the Supreme Court of the United States. He estimates he has tried 24 cases to verdict, judgment or final decision. While Mr. Kayatta has never served as a Judge, he was appointed by the Supreme Court of the United States to serve as Special Master in *Kansas v. Nebraska* and *Colorado*, No. 126 Orig. (U.S.), on April 4, 2011 and continues to hold this position.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously rated Mr. Kayatta as "Well Qualified" for this position.

John Thomas Fowlkes, Jr., is nominated to be United States District Judge for the Western District of Tennessee. Judge Fowlkes received his B.A. from Valparaiso University in 1975 and his J.D. from University of Denver School of Law in 1977. From 1978 to 1979 he worked as an assistant public defender at the Shelby County Public Defender's Office, where he represented indigent defendants. In 1979, he joined the Shelby County District Attorney General's Office and served as an Assistant District Attorney for the next ten years. There he tried nearly 150 jury trials, handling homicide, assault, sex offense, robbery, and burglary cases. In 1989, he became an Assistant United States Attorney, trying criminal cases until 2002. As an AUSA, he tried over 100 jury trials and handled all appellate level work. During his time at the Attorney's Office, Judge Fowlkes was a First Assistant for several years, directing day to day operations of the office. From 2002 to 2007, Judge Fowlkes was the Chief Administrative Officer for Shelby County. He was not engaged in the practice of law during this period.

In 2007, then-Governor Phil Bredesen appointed Judge Fowlkes to be a Criminal Court Judge for Division VI of the 30th Judicial District at Memphis. In November 2008, he was elected to a full, eight year term. In 2011, he was elected by judges of the 30th Judicial District to serve as presiding judge.

Judge Fowlkes has presided over 85 jury trials.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously rated Judge Fowlkes as "Well Qualified" for this position.

Kevin McNulty is nominated to be United States District Judge for the District of New Jersey. Mr. McNulty received his B.A. from Yale University in 1976 and his J.D. from New York University School of Law in 1983. Upon graduation, Mr. McNulty served as a law clerk to Judge Frederick B. Lacey, United States District Judge for the District of New Jersey. After his clerkship, Mr. McNulty began his legal career as a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison. From 1984 through 1987, he worked at the firm handling civil litigation and white-collar criminal defense in both state and federal court.

From 1987 to 1998, he was a federal prosecutor in the United States Attorney's Office for the District of New Jersey. In that office he served in a number of positions. He was a member of the Criminal Division; was selected to head the Organized Crime and Drug Enforcement Task Force; and then prosecuted large white-collar fraud cases in the Frauds Division. In 1992, he was appointed Deputy Chief of the Criminal Division. In 1995, he was named Chief of Appeals. In that position, he briefed and argued criminal appeals to the United States Court of Appeals for the Third Circuit, supervised other attorneys in the division, served as Ethics Officer, and acted as general legal adviser to the Office and United States Attorney.

In 1998, Mr. McNulty joined Gibbons P.C., where he presently is a Director and chairs the firm's appellate practice. Nearly all of Mr. McNulty's legal practice has been in litigation, and he has appeared in court frequently. He has tried twelve cases to verdict.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously rated Mr. McNulty as "Well Qualified" for this position.

Michael A. Shipp is nominated to be United States District Judge for the District of New Jersey, where he presently serves as a Magistrate Judge. Judge Shipp received his B.S. from Rutgers University in 1987 and his J.D. from the Seton Hall University School of Law in 1994. Upon graduation, he clerked for the Honorable James H. Colman, Jr., a Justice on the Supreme Court of New Jersey. After his clerkship, Judge Shipp joined Skadden, Arps, Slate, Meagher & Flom LLP as a litigation associate. There, he worked in general litigation matters, handling labor and employment work. He also developed an expertise in mass tort law and products liability litigation.

In 2003, Judge Shipp became an Assistant Attorney General in-charge of Consumer Protection with the Department of Law and Public Safety of New Jersey. There, he managed five practice groups: Consumer Fraud Prosecution, Insurance Fraud Prosecution (civil), Securities Fraud Prosecution, Professional Boards Prosecution, and Debt Recovery. In 2005, he was promoted to the Attorney General's front office, providing advice to the Attorney General on matters related to ethics and appointments.

In 2007, Judge Shipp was appointed as a United States Magistrate Judge for the District of New Jersey. As a Magistrate Judge, he presides over pre-trial proceedings in civil cases and presides over civil actions in full when all parties consent. He also presides over the initial phase of all criminal matters, including bail hearings and initial appearances. According to his questionnaire, Judge Shipp has presided over 2 trials.

A substantial majority of the American Bar Association's Standing Committee on the Federal Judiciary gave Judge Shipp a rating of "Qualified." A minority of that Committee rated Mr. McNulty as "Not Qualified."

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