

**Statement of Introduction on the Nomination of
John B. Owens to the U.S. Court of Appeals for the Ninth Circuit**

Senator Dianne Feinstein

Senate Judiciary Committee

October 30, 2013

I will now introduce John Owens, who has been nominated to serve on the U.S. Court of Appeals for the Ninth Circuit.

I know his wife Marjorie, and his daughters Jaclyn and Audrey, are here, as are his daughter's godmother and her family. I would like to welcome them all to this Committee, and to thank them for being here.

Though born in Washington, D.C., John Owens was raised in California. He lived in Silicon Valley during the school year, but he spent summers and many weekends on a farm in rural Modesto.

He earned his Bachelor's Degree with high distinction from U.C. Berkeley in 1993, and was inducted into Phi Beta Kappa.

He graduated first in his class at Stanford Law School in 1996, where he was inducted into the *Order of the Coif* and served as Executive Editor of the *Stanford Law Review*.

From 1996 to 1997, he served as a law clerk to Judge J. Clifford Wallace, a noted conservative jurist appointed by President Nixon, on the Ninth Circuit.

Then, from 1997 to 1998, he served as a law clerk to Justice Ruth Bader Ginsburg on the Supreme Court of the United States.

From 1998 to 1999, he served as a Trial Attorney in the Office of Consumer Litigation at the Department of Justice, where he handled white collar criminal investigations and affirmative civil litigation under statutes like the Food, Drug, and Cosmetic Act.

He then joined the Washington office of the law firm O'Melveny & Myers, where he co-tried two jury trials.

In 2001, he joined the United States Attorney's Office in Los Angeles, where he served as a Federal prosecutor.

He began in the General Crimes Section, prosecuting a wide variety of violent crimes, drug crimes, and white collar crimes. He also served in the Public Corruption and Government Fraud Section.

In addition, during his time in the Los Angeles U.S. Attorney's Office, Mr. Owens served as counsel of record in more than 20 cases before the Ninth Circuit.

From 2004 to 2012, he served as an Assistant U.S. Attorney in San Diego. His primary focus was investigating and prosecuting complex white collar crimes, including fraud, health care, money laundering, public corruption, and national security cases.

In 2008, he rose to become Deputy Chief of the Major Frauds Section in San Diego, and in 2010 he was named Chief of the Criminal Division.

In multiple cases, Mr. Owens prosecuted individuals for conspiracy and wire fraud in financial fraud cases where victims lost millions of dollars. These were highly complex cases, often involving dozens of witnesses at trial. The defendants were convicted and sentenced, and those judgments were affirmed by the Ninth Circuit.

One of these cases – *United States v. Treadwell* – received nationwide press attention on the CNBC show “American Greed.”

This case, in the words of the Ninth Circuit, involved “a massive four-year Ponzi scheme in which more than 1,700 investors across the United States lost over \$40 million.”

As Chief of the Criminal Division, he was responsible for supervising more than 100 attorneys and more than 5,000 prosecutions, and he reviewed each appellate brief filed by his office.

The role of Chief of the Criminal Division is especially important in San Diego, because the federal court’s criminal docket is huge.

In fact, in recent statistics, the San Diego Federal Court ranked second nationally in terms of the number of criminal felony filings per judgeship.

John Owens served as Chief of the Criminal Division in this busy district with great distinction, receiving the Director's Award from the Justice Department for his Superior Performance in that role.

He also earned numerous other awards for his prosecutorial service, including the Secret Service Honor Award, another Director's Award from the Justice Department, a Special Achievement Award from the Justice Department, and an Award for Excellence from the Federal Bureau of Investigation.

In 2012, he joined the prestigious law firm of Munger, Tolles, & Olsen as a Partner in the firm's Los Angeles Office.

During his time at the Munger firm, Mr. Owens has represented individuals and corporations in a wide variety of cases, including civil, criminal, and administrative cases, as well as internal investigations.

And, he has devoted part of his time to *pro bono* cases, including amicus briefs in the U.S. Supreme Court filed on behalf of the National Association of Criminal Defense Lawyers, the National Association of Federal Defenders, and California Attorneys for Criminal Justice.

The record I have just described is one of great distinction. It is a record of excellence at every level. And, it is a record of balance and good judgment that will serve Mr. Owens and the people of all states in the Ninth Circuit very well.

In fact, Mr. Owens has a broad base of support across the ideological spectrum.

For example, several corporate general counsels and other corporate officials wrote to the Committee to support this nomination.

They stressed that the Ninth Circuit's extraordinary caseload produces significant delays in resolving appeals, and how the backlog of cases in the Ninth Circuit undermines the need for certainty and resolution of litigation.

A group of 27 individuals who clerked on the Supreme Court the same year Mr. Owens clerked for Justice Ginsburg also wrote to support his nomination.

These individuals clerked for every Justice who served that year, including Chief Justice Rehnquist, Justice Scalia, and Justice Thomas.

They wrote: "During that year, we developed a deep appreciation for John's sharp legal mind, incredible good humor, openness to all points of view, and adherence to the highest possible standard of personal and professional ethics."

Four individuals who served as United States Attorneys in California under President George W. Bush also wrote in praise of John Owens.

They wrote that: “While his impeccable academic credentials are impressive, that is not all John brings to this nomination. John is both smart and thoughtful, and he performs his job with the combination of judgment, skill, fairness and appropriate restraint that is so important in the world of criminal prosecution.”

They concluded their letter by stating: “In a time of rising caseloads and shrinking judicial resources, this is truly an appointment of which both parties and the President can be proud.” In fact, one of those U.S. Attorneys told my Judicial Selection Committee that Mr. Owens “was simply the best legal mind in the U.S. Attorney’s Office.”

Paul Charlton, who served as U.S. Attorney for the District of Arizona under President Bush from 2001 to 2007, also wrote in to support Mr. Owens.

He said: “what distinguishes good prosecutors from great ones is the ability to do what is right, to make sure that neither ‘the innocent suffer nor the guilty escape.’ By continually doing what is right, by proving himself a person of integrity, Mr. Owens earned the reputation of a great prosecutor.”

When my judicial selection committee considered candidates for the Ninth Circuit, John Owens truly stood out from the pack. And when I reviewed Mr. Owens’ record, what emerged for me was an individual who will be an outstanding Ninth Circuit Judge. It is as simple as that.

Thus, he has my strongest support, and I urge my colleagues on this Committee and in the full Senate to support his nomination.