

**PRESENTATION OF DEBORAH L. COOK AND JEFFREY S. SUTTON, NOMINEES TO BE CIRCUIT JUDGES FOR THE SIXTH CIRCUIT AND JOHN ADAMS, NOMINEE TO BE DISTRICT JUDGE FOR THE NORTHERN DISTRICT OHIO BY HON. GEORGE VOINOVICH, A U.S. SENATOR FROM THE STATE OF OHIO**

Senator VOINOVICH. Thank you, Mr. Chairman, members of the committee. I thank you for allowing me to speak on behalf of three deserving attorneys from the State of Ohio. I am anxious to express my strong recommendations for Justice Deborah Cook, Jeffrey Sutton, both of whom the President nominated to serve on the United States Court of Appeals for the Sixth District, as well as Judge John Adams, who has been nominated to serve on the U.S. District Court for the Northern District of Ohio.

Judge Cook and Mr. Sutton were members of the original group that the President of the United States nominated for the Federal judiciary, and I am very pleased that this Committee is finally having a hearing on their nominations.

I have known Judge Cook for over 25 years. I know her to be a brilliant lawyer, a wonderful person. She graduated from the University of Akron Law School in 1978, and immediately went to work for the law firm of Roderick, Myers and Linton, Akron's oldest law firm. She was the first female lawyer to be hired by this firm, and in 1983 she became its first female partner.

Deborah remained at Roderick Myers until 1991, when she was elected to Ohio's Ninth District Court of Appeals. She remained on this bench until 1995, when she was elected to the Supreme Court of the State of Ohio, an office which she continues to hold.

She is married to her husband, Robert Linton, and Deborah has always exhibited a love of her family and community, and I am glad that her brother and her nephews are here today for this hearing. It is an historic day for their family.

As a long-time resident of Akron, Deborah has demonstrated her commitment to her community, involved in the Akron Women's Network, the Akron Bar Association, the Akron Volunteer Center, Summit County United Way, and the Akron Art Museum, just to name a few.

Throughout these 25 years, I have found Deborah to be a woman of exceptional character and integrity. Her professional demeanor and thorough knowledge combine to make her truly an excellent candidate for appointment to the Sixth Circuit. Deborah has served with distinction on Ohio's Supreme Court since her election in 1994 and reelection in the year 2000.

My only regret is the confirmation to the Sixth District that we will lose and an outstanding judge in our Supreme Court. However, I am confident that she will be a real asset to the Federal bench. With the combined years of 10 years of appellate judicial experience on the Court of Appeals and the Supreme Court, she uniquely combines keen intellect, legal scholarship and consistency in her opinions.

She is a strong advocate of applying the law without fear or favor and not making policy towards a particular constituency. She is a committed individual and trusted leader, and it is my pleasure to give her my highest recommendation.

I would just like to mention, in closing, that newspapers from Ohio have endorsed her on two occasions. Recently, on January the 6th, 2003, the Columbus Dispatch said, "Since 1996, she has served on the Ohio Supreme Court, where she has distinguished herself as a careful jurist, with a profound respect for judicial restraint, and the separation of powers between the three branches of Government."

The Plain Dealer, the largest newspaper in Ohio said, "Cook is a thoughtful, mature jurist, perhaps the brightest on the State's highest court."

And in May of 2000, the Beacon Journal, the Akron paper, stated that "Deborah Cook's work has been a careful reading of the law, buttressed by closely argued opinions and sharp legal reasoning."

I think that Deborah is someone that is very ideal for the Federal bench.

Jeffrey Sutton, another nominee. I am pleased to speak on behalf of Jeffrey, a man of unquestioned intelligence and qualifications. With vast experience in commercial, constitutional and appellate legislation litigation. Jeffrey graduated first in his law school from the Ohio State University, followed by two clerkships with the United States Supreme Court, as well as the Second Circuit.

Because he was the solicitor general of Ohio when I was Governor, I worked with him extensively when he represented the Governor's office, and in my judgment, he never exhibited any predisposition with regard to an issue. He has contributed so much with his compassion for people and the law. In my opinion, Jeffrey Sutton is exactly what the Federal bench needs—a fresh, objective perspective. He is fair and eminently qualified.

His qualifications for this judgeship are best evidenced through his experience. He has argued nine cases before the United States Supreme Court, including *Hohn v. The United States*, in which the court invited Mr. Sutton's participation, and *Becker v. Montgomery*, in which he represented prisoners' interests pro bono.

It is worthy to note that when I recently visited the Supreme Court to move the admission of some of my fellow Ohio State University graduates, that the clerk of the court himself commented favorably on Jeff's abilities. I will never forget it. We were moving him through, and he went out of the way.

In addition to the U.S. Supreme Court, Jeff has argued 12 cases in the Ohio Supreme Court and six in the Sixth Circuit. While his unwillingness to shy away from challenging or controversial issues has, in some instances, led critics to question his qualifications and accomplishments, I believe such comments do not accurately reflect Jeff Sutton's heart.

What these detractors fail to mention is how he argued pro bono on behalf of a blind student seeking admission to medical school; how he filed an amicus curiae brief with the Ohio Supreme Court in support of Ohio's hate crimes law on behalf of the Anti-Defamation League, the NAACP and other human rights, Bar Association; or his work on behalf of the Equal Justice Foundation, arguing on behalf of the poor. You do not hear that much about Jeff.

Jeff Sutton also should not be criticized on assumptions that past legal positions reflect his personal views. Instead, he should be lauded for always zealously advocating his clients' interests, no

matter what the issue. In fact, the letters I received in support of Jeff's nomination are some of the best evidence of his overwhelming, across-the-board support in the State of Ohio.

I am going to ask that these letters that I have got be submitted for the record, Mr. Chairman.

Chairman HATCH. Without objection. We will put them in the record.

Senator VOINOVICH. But I would like to just read an excerpt from Benson Wolman. Benson Wolman and I have known each other since we were in law school together. He was probably the most liberal member there at the Ohio State University. He is a former executive director of the ACLU of Ohio, a self-proclaimed liberal Democrat, and here is what he said:

"Jeff's commitment to individual rights, his civility as an opposing counsel, his sense of fairness, his devotion to civic responsibilities and his keen and demonstrated intellect all reflect the best that is to be found in the legal profession."

Greg Myers, chief counsel in the Death Penalty Division of the Office of the Public Defender, remarked:

"Jeff's integrity, respect, tolerance and understanding not only for the lawyers who advocate different positions, but for the legal ideas that stand in opposition to his."

Mr. Chairman, I could go on praising Jeff for the outstanding—he is one of the brightest—may be the brightest lawyer we have got in the entire State. I have questioned his sense of wanting to serve on the Federal bench at his young age, with the family that he has, but you will see from his testimony he is an unbelievably qualified individual that really wants to serve his country.

He has been active in his community. I am glad that his wife and his children are here today with him, members of his family, and I want to thank them for the sacrifice that they are willing to make, to allow him to serve in the judiciary.

So, Mr. Chairman, I have worked with Deb and with Jeff, and they are wonderful people, and they will be real assets to the court.

The last individual, and I will try to make it short, is John Adams. John is a native of Orville, Ohio. He is a very qualified candidate for the U.S. District Court for the Northern District.

Judge Adams received his degrees from Bowling Green and his juris doctorate from the University of Akron. He currently is a judge in the Court of Common Pleas in Summit County. The Court of Common Pleas is the primary State court having original jurisdiction in all criminal felony cases and all civil cases, where the amount in controversy is over \$15,000. Prior to that, the judge worked as a partner in the law firm of Kaufman & Kaufman in Akron as a Summit County prosecutor and as an associate with the law firm of Germano, Rondy and Ciccolini.

Judge Adams has demonstrated a commitment to the community he lives in. He is a member of the Akron Bar Association, the Ohio Bar. He received a Volunteer Award in 2000 for the Dramatic Brain Injury Collaborative. He has memberships in the Summit County Mental Health Association, the NAACP, Summit County Criminal Justice Coordinating Council, Summit County Civil Justice Commission.

I sincerely hope that the Committee acts favorably on Judge Adams' nominations and sends this qualified nominee to the Senate floor as soon as possible.

Mr. Chairman, I would like to say one other thing. I know there has been a lot of controversy about the Sixth District and who did what and so on and so forth, whether it was during the Clinton administration and now the Bush administration.

The Sixth District is in need of new, more judges. They are in a crisis situation, and I would ask this Committee to expeditiously move on those two nominees. Either they are up or down, but let us get on with it. It is important. We have, I mean, it is just unbelievable to me that this has gone on as long as it has, and I am hopeful that maybe somehow all of you can work together to move forward to fill those two vacancies on that court.

Thank you very much for giving me the chance to be here.

Chairman HATCH. Thank you.

Senator SCHUMER. Would my colleague yield just for a comment?

Senator VOINOVICH. Certainly.

Senator SCHUMER. It has been a long time, and we want to fill them, but it would work a lot better if the White House consulted with some of the Senators in the area involved, such as Senators Levin and Stabenow, who had nominated people for years. They were not even given a hearing.

There is a way to move things along, but it is not simply saying, "This is who we pick after we blocked everybody you wanted. Now you must do those." That is all I would say to my good friend, who I now is a very fair-minded person.

Chairman HATCH. Well, let me just say this, that the administration has consulted with the in-State Senators from Ohio on this matter, which is their obligation, and I expect them to consult with the Senators from the other States when they have nominees that are up from their States, and I have demanded that they do, and I believe they are doing that. Now, I think they have met the requisite consultation here, without question, and both Senators are for all three of these Ohio nominees.

But your statement, Senator, is high praise, indeed, with the experience that you have had in the State of Ohio. I think you have made a terrific statement for these nominees from Ohio, and I commend you for it. I am sorry you had to wait so long, but we are grateful to have had you here.

Go ahead, Senator.

Senator LEAHY. I think it is fair to say that the two Senators from Ohio are well-liked by everybody on this Committee on both sides of the aisle, and I have certainly appreciated serving with them.

I was struck, though, by something that Senator Voinovich said about the delays in getting vacancies filled on the Sixth Circuit. I wished that, frankly, George, I wish there had been more in your party who had expressed the same concern when there were several moderate nominees, including one from your own State, and strongly supported in your State, during the Clinton administration, and been more effort to get them to at least have a hearing so that they might have been put on there.

I would contrast that with when I became chairman, we moved two people to the Sixth Circuit within a relatively short time. From the time of their hearing to the time of their vote on the floor, was a matter of weeks, at best, and I think that you would not see the vacancies had there been more of a bipartisan effort to get those nominees of President Clinton's, to get them through, rather than to be held up by Republican holds.

Chairman HATCH. Senator Feinstein has asked to be able to go now, and then I am going to give Senator DeWine—we understand the room is available downstairs now and prepared. So, Senator DeWine, if you would prefer to go here or down there, we will give you that choice.

Senator DEWINE. It does not matter, Mr. Chairman.

Chairman HATCH. Well, then we will wait.

Senator VOINOVICH. Thank you very much, Mr. Chairman.

Chairman HATCH. Thank you, Senator Voinovich.

Then, if you do not mind—

Senator DEWINE. No, it does not matter.

Chairman HATCH. —we will wait until we get down there, and then you can finish your statement.

And, Senator Feinstein, if you would care to make yours now, I would be happy to accommodate you.

**PRESENTATION OF S. JAMES OTERO, NOMINEE TO BE DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA BY HON. DIANNE FEINSTEIN, A U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator FEINSTEIN. Thank you very much, Mr. Chairman.

I am very pleased to introduce Judge James Otero to the committee. He is nominated for the Central District of California. He is the sixth candidate to come before this Committee as a product of California's Bipartisan Screening Committee, which the White House, Senator Boxer and I have set up. He received a unanimous 6-0 vote from this Screening Committee.

He is joined at the hearing today by his wife Jill, his son Evan, and his daughter Lauren. Jill is a special education teacher in the Los Angeles Unified School District. She has been that for 28 years. Evan is a junior at my alma mater, Stanford, where he is majoring in political science, and Lauren, a high school senior, just got accepted to Stanford University.

I would like to ask them to stand and be acknowledged by the committee.

Thank you very much for being here.

Judge Otero is a native Californian. He spent his entire legal career in the State. He graduated from California State University, Northridge, in 1973 and Stanford Law School in 1976.

Immediately out of law school, he joined the Los Angeles City Attorney's Office. He practiced there for 10 years. He held a number of important assignments, including assistant supervisor for the city's Criminal Division, where he was in charge of 35 trial deputies.

In 1987, he entered private practice as a lawyer for Southern Pacific Transportation Company. His time in private practice was