

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

brief, as he was appointed to the Municipal Court of Los Angeles in 1988. Two years later, he was elevated to the Superior Court.

His 13-year career on the State bench has been distinguished. Notably, from 1994 to 1996, he served as a supervising judge of the Northern District in Los Angeles.

In 2002, he was named assistant supervising judge for the court's Civil Division, and he has earned a reputation as one of the top judges in Los Angeles City.

I can give you many quotes from Judge Gregory O'Brien, Attorney Tom Girardi, Los Angeles Superior Court Judge Chris Conway, who has described him as one of the best judges on the court.

He is active in professional and civic activities. He is secretary of the California Latino Judges' Association and previously served as vice president of the California Judges' Association.

He is a board member of the Salesian Boys & Girls Club and the Salesian Family Youth Center.

I could also note he is a fitness buff, and over the past years, he has run in over 100 races, including 10 marathons.

I think it is fair to say that I strongly recommend Judge Otero, and I thank you, Mr. Chairman.

Chairman HATCH. Well, thank you, Senator Feinstein.

Now, here is what we are going to do. We are going to move down to SD-G50. We would like all of you in this room—we are trying to accommodate you by having the Sergeant of Arms and his people accompany you downstairs so you can get seated down there. So we would like you, row by row, after the dais is cleared, to come through this door, just come up through there, through that door, and we will try and get this started.

We are going to recess for 10 minutes, and hopefully we can get set up in that time down there.

[Recess from 10:45 a.m. to 11:00 a.m., to move to Room SD-G50.]

Chairman HATCH. If everybody will come to order. I, personally, feel very, very good that we have been able to accommodate everybody, and I apologize that we did not get this done—can we turn these up somehow or another? I wonder if we can get these mikes—that is better. Now, the mikes are all open, for everybody, so they will know.

I, personally, apologize that this was not taken care of in advance. We did not know. We tried to get 216 and other large rooms, and they were not available. But when I found this was available, then we have made this accommodation which I think absolutely had to be made.

[Applause.]

Chairman HATCH. Thank you, but we would like no further demonstrations. This is a very, very serious hearing. These are three very important people who have been nominated by the President. And if you have heard the statements, and we have one more to go, a very important statement by the distinguished Senator from Ohio, then you will understand that this a hearing that deserves dignity.

So we will now turn to Senator DeWine, who is from the State of Ohio, and ask him—if you would go ahead, Senator Leahy. We will turn to Senator—

Senator LEAHY. I also want to thank the Chairman for moving down here. It was the right thing to do. It was something that, when it was suggested, we moved quickly. I applaud you for doing that and then moving out of our regular place. But I just wanted to note my applause of the Chairman for moving us down here as quickly as he did.

Chairman HATCH. Well, thank you, and I am very grateful to the Senate for scrambling and getting this room prepared and helping us to get this done in an efficient and quick manner.

Now, we will have one more statement, and then we are going to call on the witnesses, the three Circuit witnesses. We will finish with them before we call on the District Court witnesses. I know it is going to be a pain to wait for you District Court nominees, but that is the way it is going to have to be, and we will turn to our good friend and colleague, Senator DeWine.

PRESENTATION OF DEBORAH L. COOK AND JEFFREY S. SUTTON, NOMINEES TO BE CIRCUIT JUDGES FOR THE SIXTH CIRCUIT BY HON. MIKE DEWINE, A U.S. SENATOR FROM THE STATE OF OHIO

Senator DEWINE. Well, thank you, Mr. Chairman. It is my pleasure, as a U.S. Senator from Ohio, to introduce to this Committee today two very distinguished Ohioans, who have been nominated by President Bush to serve on the Sixth Circuit Court of Appeals.

First, I would like to introduce to the Committee Justice Deborah Cook, who is from Akron, Ohio. Justice Cook currently is serving her second term as an Ohio Supreme Justice, a post she was first elected to in 1994.

Let me welcome to the Committee several people who are here to support Justice Cook. First, is her husband, Bob Linton. Bob, thank you very much for being with us today.

Let me also welcome Justice Cook's brother, Kevin Cook, and his wife Katerina, and their 8-year-old son Jordan, and 6-year-old Christina, as well as Justice Cook's sister, Susan Adgate, and her two children, Frankie and Audrey, as well as two of Justice Cook's judicial clerks, Shawn Judge and his wife Corie, and another judicial clerk, Amy Cadle.

Justice Cook is an excellent judge and a gracious and giving individual who has dedicated a great deal of her personal time and energy to helping the underprivileged.

First, let me give the members of the Committee a little bit about her work as a judge. Justice Cook has been an appellate judge for over 11 years—4 years on the Ohio Court of Appeals, over 7 years on the Ohio Supreme Court.

While Justice Cook was on the Court of Appeals, she participated in deciding over a thousand cases. Of the opinions that she wrote, she was reversed just six times. Of the cases in which she joined other judge's opinions, her appeals panel was reversed eight times. So, together, of course, that is a 1.4-percent reversal rate, and by any standards, that is a remarkable record.

Now, let us take a look at the statistics during her time on the Ohio Supreme Court. As we are all aware, few State Supreme Court cases are taken for review by the United States Supreme Court. The Ohio Supreme Court is certainly no exception to that