JEFFREY S. SUTTON: A LAWYER'S LAWYER

On May 9, 2001, President Bush nominated Jeffrey S. Sutton, of Columbus, Ohio, to a vacant seat on the United States Court of Appeals for the Sixth Circuit. Today, January 9, 2003—*610 days later*—he is still waiting to be confirmed. We enthusiastically add our voice to the chorus of those calling on the United States Senate expeditiously to confirm him to the chronically-understaffed Sixth Circuit bench.

For Jeff Sutton is as skilled a lawyer as one can find in the United States. Both during his tenure as a government official and in private practice, he has represented clients from all walks of life: the disabled, racial minorities, liberal interest groups such as the NAACP and the Center for the Prevention of Handgun Violence, state governments, businesses, and death-row inmates. His work on behalf of persons with disabilities in particular has been extensive. In doing so, he has done what good lawyers do, and are required by the rules of professional conduct to do: advance the arguments he believes will bring victory to his clients, not necessarily the ones that reflect his personal views, whatever they happen to be. And far more often than not, his clients have prevailed; one year saw Sutton achieve an almost unprecedented perfect four-for-four record before the United States Supreme Court. No wonder *The American Lawyer* recently named him one of the 45 best lawyers in the nation under the age of 45. In a word, Jeff Sutton is a lawyer's lawyer. And when he is confirmed, we are confident that he will become a judge's judge.

A Distinguished Legal Career

Not to put too fine a point on it, Jeff Sutton is one of best lawyers in the United States. On January 2 of this year, *The American Lawyer* named him one of its "45 under 45"—i.e., the 45 best attorneys in the country who are less than 45 years old. Though Sutton rightly is regarded as an excellent all-around lawyer, it is in the field of appellate litigation that he has made his mark. Since graduating from The Ohio State University College of Law in 1990—where he finished first in his class—Jeff Sutton has established a reputation for himself as a consummate appellate advocate. He has extensive experience before appellate courts across the country, having argued some 20 cases before the federal Courts of Appeals and state Supreme Courts.

Sutton's record of practice before the United States Supreme Court is even more impressive. As of January 6, 2003, he has argued a total of twelve cases before the High Court, winning nine of them and losing just two (one case currently is pending). During the Supreme Court's October Term 2000, Sutton argued and won four cases—the best win-loss record of any private lawyer in the country that year. In recognition of his stellar performance, a *Washington Post* columnist named Sutton "champion of the Hearsay Supreme Court Sweepstakes for the 2000-01 term," observing that Sutton's four-for-four batting average was "by far the best

record."[1] We are not aware that any Sixth Circuit judge, past or present, has ever had as much experience in front of the Supreme Court before taking the bench.

Jeff Sutton has earned such a stellar reputation among our nation's judges that they regularly recruit him to participate in proceedings before them, in cases covering the full spectrum of legal issues. In *Becker v. Montgomery*,[2] the Supreme Court appointed Sutton to represent an inmate in a prisoners-rights lawsuit against his jailors. In the course of agreeing with Sutton's position unanimously, the Court, in an opinion by Justice Ginsburg, took the unusual step of thanking him for his excellent advocacy: "His able representation . . . permit[s] us to decide this case satisfied that the relevant issues have been fully aired."[3] The High Court similarly asked for Sutton's assistance in *Hohn v. United States*,[4] a case involving a civil-procedure question. And in *Westside Mothers v. Haveman*,[5] a Medicaid case, a federal district judge invited Sutton to participate as a "friend of the court" (amicus curiae) after it found the parties' briefing "to be less than fully satisfactory."[6] Like the Supreme Court in *Becker*, the *Westside Mothers* judge went out of his way to thank Sutton for his efforts: "Particularly noteworthy for its quality and helpfulness is the *amicus* participation *at the court's request* of the League and its *pro bono* counsel, Mr. Jeffrey Sutton."[7]

The fact that Sutton has now reached the pinnacle of the legal profession should come as no surprise to those familiar with how his career as a lawyer began. Upon graduating from law school in 1990, he was offered and accepted a clerkship with the Honorable Thomas J. Meskill of the United States Court of Appeals for the Second Circuit. Even more impressively, from 1991-92 he served as a law clerk to Justice Lewis Powell (retired) and Justice Antonin Scalia on the United States Supreme Court. Sutton developed a close bond with Justice Powell, in part because he admires the Justice's moderate and pragmatic judicial philosophy. In a 1998 article for the *Columbus Dispatch* entitled "Justice Powell's Path Worth Following," Sutton praised his mentor for being a "balanced voice" who represented "the center of gravity in landmark debates over affirmative action, civil rights, school funding, abortion and federalism."[8] He concluded by emphasizing that Powell "believed in people more than ideas, in experience more than ideology and in the end, embraced a judicial pragmatism that served the country well."[9]

Public service is nothing new to Jeff Sutton. From 1995 through 1998, he served as Ohio's State Solicitor—the state's top litigator, and the equivalent of the Solicitor General of the United States. In that capacity, Sutton was responsible for representing the state of Ohio and its people in all appeals before the federal and state courts, including the United States Supreme Court. His efforts won him accolades from state-government lawyers across the country. Four

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[1] *See* James V. Grimaldi, *It's All a Matter of Perception in How to View the Microsoft Ruling*, WASH. POST, July 2, 2001, at E06.
[2] 532 U.S. 757 (2001).
[3] *Id.* at 762 n.1.
[4] 524 U.S. 236 (1998).
[5] 133 F. Supp. 2d 549 (E.D. Mich. 2001).
[6] *Id.* at 552 n.3.
[7] *Id.* (emphasis added); *see also id.* at 552 ("[T]he court invited and accepted the participation of the Michigan Municipal League ('the League') as *amicus curiae* to address the *issues raised by the court*." (emphasis added)).
[8] Jeffrey S. Sutton, *Justice Powell's Path Worth Following*, COLUMBUS DISPATCH, Oct. 24, 1998.
[9] *Id.*

years in a row the National Association of Attorneys General honored him with a Best Brief Award for his practice before the Supreme Court. Some 30 state attorneys general, representing states from across the nation and occupying all points on the political spectrum, support Sutton's nomination. Twenty-seven of them signed a single letter attesting that: "Mr. Sutton is an award-winning, highly-qualified attorney. Jeff Sutton's intelligence and qualifications are unquestioned, with a great deal of experience in commercial, constitutional and appellate litigation. . . . His career has been distinguished, and he has displayed a rare sense of principled fairness throughout it."[10]

Sutton earned the support of the attorneys general not just because of his proficiency as a litigator, but because of his willingness to subordinate his personal views, whatever they may happen to be, in service of his clients. The attorneys general know that, by making an argument on behalf of a client, a lawyer does not thereby adopt it as his own belief. Under the American Bar Association's legal-ethics rules, "[a] lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities."[11] That's why the attorneys general reject the notion that a lawyer's personal views can be gleaned from the arguments he makes in court—especially in the case of public-sector lawyers, who have a special obligation to defend the laws the people put in place through their democratically elected representatives:

> This distinction, between personal policy preferences and legal advocacy, is a crucial one, and we Attorneys General have a unique perspective on the importance of that distinction. We are legal advocates, sworn to uphold the interests of our clients, and while we also serve as policy advocates for our States, we often must adopt legal positions that do not match our personal beliefs.
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> As you know, all attorneys have an ethical duty to zealously represent their clients' interests within the bounds of the law, even where the lawyer may not personally share the client's views. This is especially true for public sector lawyers, because we are bound not only by the same ethical rules as all lawyers, but we are also bound by law to represent our legislatures, governors, and agencies. As Attorney General, each of us has worked to advocate legal positions that may not reflect our personal beliefs. Doing so may be difficult, but that is our job as lawyers and as public servants.[12]

Even when Jeff Sutton has not been employed by government, he has dedicated himself to bettering the lives of his neighbors through community service. Community service is not something that comes unnaturally to Sutton; his father ran a school for children with cerebral palsy, and his mother continues to teach middle school and high school. Indeed, Sutton and his wife are both former middle-school teachers. Between 1985 and 1987, after graduating from college and before enrolling in law school, Sutton taught geography to seventh graders and history to tenth graders; he also found time to coach the school's soccer and baseball teams. Even today, Sutton continues to teach, serving as an adjunct professor of law at his alma mater,

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[10] *See* Letter of State Attorneys General to Senators Daschle, Lott, Leahy, and Hatch, at 1 (July 31, 2001).
[11] ABA Model Rules of Professional Conduct Rule 1.2(b).
[12] Attorneys General letter, *supra* note 10, at 2.

The Ohio State University. He also is an elder, deacon, and Sunday School teacher at the Broad Street Presbyterian Church. Sutton's pastor David A. Van Dyke—who describes himself as "an independent who almost always votes for the Democrat on the ticket"—enthusiastically supports his nomination:

> As his pastor, I don't believe I'm breaching confidentiality in sharing a conversation Jeff and I had shortly after his nomination. Jeff told me that he had some major reservations regarding his nomination. He expressed concern over the brutal nomination process. He worried about the substantial pay cut he'd have to take in order to become a judge and about how that would impact his ability to pay for his children's education. But he also spoke about his commitment to the law and to being a good judge as his "calling" in life. He stressed that life was not about making money, but was about doing what one was called to do; making the most of one's unique gifts and abilities. In our conversation he used terms like "duty, "responsibility" and "honor" to describe his decision to accept this nomination. Jeff loves the law and is committed to the high calling of public service. As a pastor, it's wonderful to see conviction, especially when the motives are good and the purpose is admirable.[13]

Like Pastor Van Dyke, we look forward to the day Jeff Sutton takes his seat on the Sixth Circuit, and continues his long tradition of service to the community.

Representing a Diverse Group of Clients

Just thirteen years removed from law school, Jeff Sutton has firmly established his reputation as the consummate appellate lawyer. Sutton agrees to represent clients, not based on whether he agrees with their political, social, or economic aims, but because of his commitment to using his skills to help resolve people's legal problems. And he makes the arguments he believes will bring about a victory for his clients, not simply the ones that reflect his personal views, whatever they may be.

During his career as a lawyer for the state of Ohio, and as an attorney in private practice, Sutton has represented a diverse array of individuals and groups, occupying every conceivable point on the political spectrum. His clients include Cheryl Fischer, a blind woman who was denied admission to an Ohio medical school; the National Coalition of Students with Disabilities; the NAACP; the Anti-Defamation League; the National Congress of American Indians; the Center for the Prevention of Handgun Violence; Joe D'Ambrosio, a death-row inmate; and Richard Fox, another capital defendant.

This is not to say that, by serving as a lawyer to these groups and individuals, Sutton thereby adopts their viewpoints as his own—any more than it is true that by representing a state government, Sutton thereby endorses its policies. Again, ABA ethics rules make clear that "[a] lawyer's representation of a client, including representation by appointment, does not constitute

[13] Letter from David A. Van Dyke to Senator Leahy, at 2 (Aug. 8, 2002).

an endorsement of the client's political, economic, social or moral views or activities."[14] The point is that Sutton does what all good lawyers do: subordinate his own interests to those of the client, and do everything possible, within the bounds of the law, to win.

On a number of occasions, Sutton has lent his considerable legal skills to individuals and organizations dedicated to improving the lives of the disabled. In *Ohio Civil Rights Commission v. Case Western Reserve University*,[15] Sutton, who then was serving as State Solicitor of Ohio, argued that Case Western's medical school violated Ohio's antidiscrimination law when it denied admission to Cheryl Fischer, who is blind, on the sole ground of her disability. Because the case pitted one Ohio agency against another, Sutton had to choose whether he would take the blind woman's side or that of the medical school. He chose the blind woman. Betty Montgomery, Ohio's attorney general, recalls that:

> As occasionally happens in government litigation, different state agencies took different stands on Ms. Fischer's case when it arrived at the Ohio Supreme Court. . . . As State Solicitor, Mr. Sutton was responsible for overseeing appellate litigation in my office. When the Fischer case arrived at the Ohio Supreme Court, he explained the views of the different state agencies on the case and the need to assign different lawyers in the office to argue these two very-different positions. He then specifically asked me if he could represent Ms. Fischer's side of the case while another lawyer in the office represented the state universities. It was clear that Jeff thought Cheryl Fischer had the better legal argument, that he believed in her position, and that he thought the State Solicitor should advocate that position before the Ohio Supreme Court.[16]

Sutton threw himself into Cheryl Fischer's case with characteristic vigor and dedication—despite the existence of an adverse precedent from the U.S. Supreme Court that cut against her claim.[17] It's not surprising, then, that Ms. Fischer is a strong backer of his nomination to the Sixth Circuit. In a letter to Ohio Senator DeWine, she writes:

> Working for the State, Jeff took my case on, firmly convinced I had been wronged. I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and wanted badly to win for me. I recall well sitting in the courtroom of the Ohio Supreme Court listening to Jeff present my case. It was then that I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless of others with both similar disabilities and dreams."[18]

Cheryl Fischer is not the only disabled student to reap the benefits of Jeff Sutton's legal acumen. In *National Coalition of Students with Disabilities v. Taft*,[19] he was recruited to serve as

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[14] ABA Model Rules of Professional Conduct Rule 1.2(b).
[15] 666 N.E.2d 1376 (Ohio 1996).
[16] Letter from Betty D. Montgomery to Senator Leahy, at 1-2 (Jan. 7, 2003).
[17] *See* Southeastern Community College v. Davis, 442 U.S. 397 (1979) (holding that a nursing school did not violate the federal Rehabilitation Act of 1973 when it decided not to admit a deaf student).
[18] Letter from Cheryl A. Fischer to Senator DeWine, at 1 (May 21, 2001).
[19] No. 2:00-CV-1300, 2002 WL 31409443 (S.D. Ohio Aug. 2, 2002).

lead counsel in a lawsuit claiming that Ohio's state-run universities were violating the federal "motor voter" law by failing to provide their disabled students with voter registration materials. Sutton both authored the brief and conducted the oral argument, and as a result of his efforts, the disabled students prevailed. Benson Wolman, former Executive Director of the ACLU in Ohio and self-described "liberal Democrat," asked Sutton to help in the *NCSD* case, and strongly supports his nomination. He writes:

> In another case, I asked him to assume the role of lead counsel on behalf of the National Coalition of Students with Disabilities (he secured a declaratory judgment and preliminary injunction that required the Ohio Secretary of State to set up voter-registration-and-assistance locations at State colleges and universities as required by federal law. . . . His 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.[20]

Beyond actively litigating cases on their behalf, Sutton has advanced the interests of the disabled through his service on the board of trustees of the Equal Justice Foundation, a pro bono organization that provides free legal services to the disadvantaged, including the disabled. During his tenure on the board, which dates to the year 2000, the Equal Justice Foundation has handled a number of high-profile cases designed to better the lives of disabled citizens in Ohio, including by:

- Bringing three lawsuits against Ohio cities to force them to build "curb cuts" to make their sidewalks wheelchair accessible;
- Filing suit against an amusement park company that had a blanket policy banning the disabled from using their rides;
- Representing a mentally ill woman who lived in subsidized housing when her landlord tried to evict her because of her disability; and
- Representing a girl with tubular sclerosis in a case alleging that her school was not providing her with an adequate education plan.

Sutton became involved with the Equal Justice Foundation through the efforts of its Executive Director, Kimberly M. Skaggs, who recruited him in 2000 to join the organization's board of trustees. Now as then, Ms. Skaggs remains deeply impressed by Sutton's abilities and his compassion. In a letter to Senator DeWine, she testifies that: "I admired Mr. Sutton's abilities so much that, upon joining the Equal Justice Foundation, I actively recruited him to become a member of the Equal Justice Foundation's Board of Trustees. Much to his credit, Mr. Sutton accepted and has been extremely supportive of the Foundation's work." She concludes: "I believe that Mr. Sutton possesses all the necessary qualities to be an outstanding federal judge. I have no hesitation whatsoever in supporting his nomination."[21]

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[20] Letter from Benson A. Wolman to Senators Leahy and Hatch, at 2 (Jan. 3, 2003).
[21] Letter from Kimberly M. Skaggs to Senator DeWine, at 1 (May 29, 2001).

The skill with which Sutton defended the interests of Cheryl Fischer and of the National Coalition of Students with Disabilities, and his service to the Equal Justice Foundation, help explain why so many people in the disability-rights movement back his nomination to the Sixth Circuit. For example, Professor Francis Beytagh, who served as Legal Director of the National Center for Law and the Handicapped, writes that:

> I believe that Jeff Sutton would be an excellent federal appellate judge. He is a very bright, articulate and personable individual who values fairness highly. . . . I do not regard him as a predictable ideologue, and believe that your committee will reach the same conclusion after his hearing before you. I recommend and support his confirmation without reservation.[22]

The co-director of the University of Alabama's Disability Law Institute, Professor James Leonard, agrees, certifying that "Jeffrey Sutton is well qualified to sit on the Sixth Circuit and should be confirmed." He continues:

> It's important to keep in mind that as State Solicitor of Ohio, he represented the Ohio Civil Rights Commission in its attempt to require that Case Western's Medical School admit an academically accomplished blind woman, Cheryl Fischer. Just as I would not infer an anti-disabled agenda from Mr. Sutton's participation in *Garrett*, neither would I assume from his role in the *Fischer* case that he had the opposite inclination. Rather, he seemed to be a good lawyer acting in his client's interests."[23]

Nor are these glowing reviews limited to disability-rights advocates in the legal academy. Beverly Long—who has served, among other things, as President of the World Federation of Mental Health, and a Commissioner on President Carter's Commission on Mental Health—testifies that "Mr. Sutton is a sensitive and caring person who is a knowledgeable, ethical, and competent lawyer. I believe he is the kind of attorney who would be a substantive asset to the federal judiciary."[24] And President Clinton's Solicitor General Seth Waxman, who has litigated several matters against Sutton, including a disability case, affirms that:

> I have known Mr. Sutton professionally for four years and have high regard for him. Both as Solicitor General [sic] for the State of Ohio and as a partner at Jones, Day, Mr. Sutton handled important cases in the United States Supreme Court in which I was personally involved. I consider Mr. Sutton both a gifted appellate advocate and a fine human being.[25]

Persons with disabilities may be some of the principal beneficiaries of Jeff Sutton's legal abilities, but they are not the only ones. He also has sought to protect the interests of racial minorities, both as Ohio's State Solicitor and in private practice. In two separate cases, Sutton

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[22] Letter from Francis X. Beytagh to Senator Leahy, at 2 (July 2, 2001).
[23] Letter from James Leonard to Senator Hatch, at 2 (Aug. 1, 2001) (citation omitted).
[24] Letter from Beverly B. Long to Senator Leahy, at 1 (July 6, 2001).
[25] Letter from Seth P. Waxman to Senators Leahy and Hatch, at 1 (June 18, 2001).

defended the constitutionality of Ohio's "set-asides law," which required that a certain percentage of the state's contracts be awarded to businesses owned by racial minorities.[26] He even defended The Ohio State University's policy of awarding *fully 100%* of its painting contracts to minority-owned firms. An Ohio civil-rights lawyer who worked on the set-asides cases emphasizes that "Mr. Sutton was a tenacious defender of Ohioans, regardless of their race, gender, disability, or nationality. . . . Despite the constitutional hurdles present in defending such statutes, Mr. Sutton was creative and unwavering in his defense of the statute. . . . As an African-American and Democrat, I believe that Mr. Sutton is well-qualified to sit on the Sixth Circuit and would be an unbiased jurist."[27]

In 1992, Sutton was a key member of the legal team that defended the state of Ohio's hate-crimes law against a First Amendment challenge. In *Ohio v. Wyant*,[28] he authored a pro bono amicus brief on behalf of organizations including the NAACP, Anti-Defamation League, and Columbus Urban League, arguing that Ohio's ban on "ethnic intimidation" was constitutional. (In addition to these groups, Sutton has represented the Center for the Prevention of Handgun Violence; in *Springfield Armory v. City of Columbus*,[29] he helped defend the constitutionality of a Columbus law banning the sale and possession of "assault weapons.") According to Sutton's co-counsel in the hate-crimes case, a Democratic officeholder in Ohio:

> Jeff is a fair and open-minded person who will always give advocates before the Sixth Circuit everything they could ask for: the fullest opportunity to present their case, the confidence that he will listen carefully to their arguments, the certainty that he will be prepared, the great relief that he will listen to them with every kindness and courtesy, and the satisfaction that his decision in each case will be made on the basis of the law and justice to the parties, entirely divorced from any personal sense of bias, intolerance, or prejudice—of which he has none.[30]

The National Congress of American Indians recently recruited Sutton to file an amicus brief on its behalf in the Supreme Court case *United States v. Navajo Nation*.[31] Sutton's brief argues that Congress specifically intended to create a private right of action for Native Americans to sue the federal government over mineral-rights disputes. Riyaz Kanzi, the lawyer who asked Sutton to write the brief (and who formerly served as a law clerk to Justice David Souter), recalls:

> In August, I called Mr. Sutton to see whether he would be interested in writing an amicus brief for the National Congress of American Indians . . . . In our ensuing conversations, it became apparent to me that Mr. Sutton did not simply want to work on the matter for the small amount of compensation it would bring him (he readily agreed to charge far below his usual rates for the brief), but that he instead

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[26] *See* Ritchey Produce Co. v. Ohio, 707 N.E.2d 871 (Ohio 1999); Henry Painting Co. v. Ohio State University, No. C2-94-0196 (S.D. Ohio).
[27] Letter from Fred G. Pressley, Jr. to Senators Leahy and Hatch, at 1 (Dec. 11, 2002).
[28] 624 N.E.2d 722 (Ohio 1994).
[29] 29 F.3d 250 (6th Cir. 1994).
[30] Letter from Richard A. Cordray to Senator Leahy, at 2 (Jan. 3, 2003).
[31] No. 01-1375

> had a genuine interest in understanding why Native American Tribes have fared as poorly as they have in front of the Supreme Court in recent years, and in trying to help improve that record. . . . In my experience, the principles that resonate with him most deeply, and that he has a knack of expressing so well, have to do with fairness and equity.[32]

Jeff Sutton has made a name for himself in the area of civil litigation, but he also has represented a number of criminal defendants on a *pro bono* basis—including two death-row inmates. He currently is the lawyer for capital-murder convict Joe D'Ambrosio, who was charged when, after a night of using alcohol and drugs with his friends, one of the group was found dead. Sutton got involved with the *D'Ambrosio* case through the efforts of David Van Dyke, the pastor at his church who is "very active in my opposition of the death penalty in Ohio." According to Pastor Van Dyke:

> Through my involvement in one particular case, I learned about the plight of another inmate whose court-appointed attorney had literally slept through his trial. I approached Jeff regarding that case and he eagerly accepted it, making it the second death penalty case in which Jeff is currently involved. . . . Jeff would make an excellent judge, and I write this as an independent who almost always votes for the Democrat on the ticket."[33]

In addition to the *D'Ambrosio* case, Sutton presently is representing Richard Fox, another death-row inmate who was convicted of stabbing an 18-year-old woman multiple times, strangling her, and leaving her body in a ditch.[34]

Jeff Sutton is perhaps best known for his Supreme Court advocacy on behalf of the state of Ohio. But he also has had occasion to represent Ohio's opponents before the High Court. In *Becker v. Montgomery*[35]—a lawsuit against Ohio attorney General Betty Montgomery, his former boss—he represented a prisoners-rights plaintiff who had appealed an adverse ruling by a district court, but had failed to sign his notice of appeal. Sutton convinced all nine Justices that the inmate's mistake did not require the appellate court to dismiss the lawsuit. As mentioned above, the Court went out of its way to praise Sutton's abilities: "His able representation . . . permit[s] us to decide this case satisfied that the relevant issues have been fully aired."[36] The nine Justices of the Supreme Court weren't the only ones who were impressed with Sutton's advocacy. Stewart Baker, the opposing counsel in *Becker* and General Counsel of the NSA under President Clinton, strongly backs Sutton's nomination:

> Mr. Sutton argued with great zeal and enthusiasm on Becker's behalf. By asking the Court to forgive the pro se litigant's failure to sign the notice of appeal, Mr. Sutton took a position that facilitated the Ohio inmate's ability to challenge state

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[32] Letter from Riyaz Kanji to Senators Leahy and Hatch, at 1-2 (Dec. 12, 2002).
[33] Letter from David A. Van Dyke to Senator Leahy, at 1-2 (Aug. 8, 2002).
[34] *See* Fox v. Coyle, 271 F.3d 658 (6th Cir. 2001).
[35] 532 U.S. 757 (2001).
[36] *Id.* at 762 n.1.

> prison conditions in federal court. His advocacy for Becker's access to the court never wavered.[37]

Once he takes his seat on the Sixth Circuit, we have every reason to believe that Jeff Sutton's commitment to the rule of law will be equally unwavering.

Confirm Sutton Now!

Jeffrey S. Sutton represents the very best in the legal profession. An attorney of unquestioned ability, intelligence, and experience, his ambition is to use his talents not to accumulate as much wealth as possible, but rather in service of his neighbors, his community, and his nation. He has spent the last thirteen years, since graduating from law school, doing just that. Over the course of his career, Sutton has been a lawyer to any client he could help, regardless of the popularity of their cause. That's why the editorial page of the *Cleveland Plain Dealer*, no friend to Republicans, ran an article favorably comparing Jeff Sutton to John Adams, who represented the British troops accused of committing the Boston Massacre:

> It is the duty of a lawyer to represent to the best of his ability the interest of his clients. That, the record shows, Sutton has done throughout his career. . . . [T]he fact that his advocacy has countered the goals of a powerful special interest group should not sway that consideration. A good lawyer, doing his job, will make enemies. A good judge, doing his job, will have but one abiding friend—the law he is sworn to uphold. Sutton's ability to honor that friendship should be the criterion of his consideration.[38]

Jeff Sutton has been waiting since May 9, 2001 to demonstrate his commitment to the rule of law, and it is high time for the United States Senate to confirm this superlatively qualified lawyer to the court that needs him.

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[37] Letter from Stewart A. Baker to Senator Leahy, at 2 (Sept. 22, 2001).
[38] Editorial, *A Man of the Law*, THE PLAIN DEALER (Cleveland), June 17, 2001.