

this time, staff tells me I am supposed to recognize Senator Hutchison.

Senator HUTCHISON. Thank you very much, Senator. I can wait. I would rather let Senator Bingaman finish with this wonderful nominee from New Mexico, and then I will go. My markup is at 3:15, so I will be okay, I think, unless you are very long-winded.

Senator CORNYN. Very well. Thank you. I think bipartisanship is breaking out all over, which is a rare thing in the Judiciary Committee, but it is welcome nonetheless.

**PRESENTATION OF JAMES O. BROWNING, NOMINEE TO BE DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, BY HON. JEFF BINGAMAN, A U.S. SENATOR FROM THE STATE OF NEW MEXICO**

Senator BINGAMAN. Well, we are glad to bring a change to your Committee. Thank you very much, Mr. Chairman. Let me just second the comments that Senator Domenici already made and indicate that I strongly support this nominee. James Browning is extremely well respected as a lawyer in our State, and I have heard from many of my friends who are practicing law in New Mexico about his reputation for fairness and straight dealing as well. And I think that he comes highly recommended by Republicans, by Democrats, by Independents, by people of all political persuasions, as somebody who will add greatly to the Federal court in our State.

He does have an excellent background, as Senator Domenici indicated. His legal background and his educational background are without blemish. So I strongly recommend him to the Committee, and I urge you to act quickly on his nomination so that we can have a new Federal district judge in New Mexico.

Thank you.

Senator CORNYN. Very good. Thank you, Senator Bingaman.

At this time the Chair will recognize Senator Kay Bailey Hutchison, my colleague and fellow Senator from the State of Texas.

**PRESENTATION OF KATHLEEN CARDONE, FRANK MONTALVO AND XAVIER RODRIGUEZ, NOMINEES TO BE DISTRICT JUDGES FOR THE WESTERN DISTRICT OF TEXAS BY HON. KAY BAILEY HUTCHISON, A U.S. SENATOR FROM THE STATE OF TEXAS**

Senator HUTCHISON. Well, thank you, Mr. Chairman. I am very pleased to have three nominees today for Texas, and I'm also very pleased that these are nominees from the Western District, and especially two from El Paso, which was a new court created by this Senate because of the great backlog and the really huge caseload that we have in the Western District in El Paso. So we are going to fill these judgeships with very qualified nominees.

It is my pleasure to introduce Kathleen Cardone. Kathleen would be serving as a U.S. District Judge for the Western District of Texas. If confirmed, she would preside in El Paso, and she is a New York native who graduated from the State University of New York at Binghamton and St. Mary's School of Law in San Antonio, Texas.

After graduating from law school, Kathy clerked for a U.S. magistrate for the Southern District of Texas before moving into private practice. Ms. Cardone has the distinction of serving as the first judge of the 388th Judicial District Court, a new State court created in El Paso in 1999. While serving as the judge of the 388th, she developed and founded the El Paso County Domestic Relations Office. This office serves as an intermediary between courts and litigants in family law matters. Ms. Cardone also presided over another judicial district court in El Paso and has a great deal of judicial trial experience.

Kathy has an excellent record of civic involvement as well. She is a member of the board of directors of the Upper Rio Grande Workforce Development Board and the El Paso Center for Family Violence. She is a past board member of the YWCA, the El Paso Holocaust Museum and Study Center, the El Paso Bar Foundation, the El Paso Mexican American Bar Association, and the Child Crisis Center of El Paso. She is joined today by her husband, Bruce, and their son, Dominic. Her parents and four of her siblings are here from New York. And I would like to ask all of them, including Kathy, to stand, please.

Senator CORNYN. Please stand so we can recognize all of you. Thank you very much and welcome.

Senator HUTCHISON. She has been certified as well qualified by the ABA.

Frank Montalvo is our second nominee. Judge Montalvo currently presides over the 288th District Court in San Antonio, and he also will be nominated for another bench in El Paso. He is a Puerto Rican native who moved to Texas in 1988. He has served both the community and the San Antonio Bar Association with distinction. He is an engineer by training, receiving his bachelor of science with honors from the University of Puerto Rico in 1976, then a master of science in bioengineering from the University of Michigan in 1977, and a J.D. from Wayne State University Law School in 1985.

He then worked as an automotive safety engineer, both for General Motors and the Chrysler Corporation. That was before he became a full-time lawyer.

He moved to San Antonio in 1998 working as an associate at Groce, Locke & Hebdon. He worked at Ball & Weed in San Antonio and had a lot of litigation and trial experience. He continues to preside today over the judicial district court in San Antonio, a State court.

He is an active member of the San Antonio Bar Association, speaking at a number of bar related functions over the past 10 years, currently serving as Chairman of the Bexar County Juvenile Board Budget Committee. While chairman, he assisted with the effort to have the juvenile probation department of Bexar County assume direct responsibility for the operation and management of the Bexar Juvenile Correctional Treatment Center, a post-adjudication residential treatment facility.

He is joined today by his son, Carlos. If you would please stand?

Senator CORNYN. Thank you. Welcome, Carlos and Judge Montalvo.

Senator HUTCHISON. And my third Texan is Xavier Rodriguez. Judge Rodriguez has been nominated for the U.S. District Court for the Western District in San Antonio. He earned his B.A. from Harvard University in 1983. In 1987, he earned his master of public administration and juris doctorate from the University of Texas.

Following his graduation from Harvard, Judge Rodriguez was commissioned as an officer in the U.S. Army Reserve and served in the JAG Corps until 1993. After graduating from law school, he returned to San Antonio where he went with Fulbright & Jaworski and is currently a partner at that firm. He has concentrated in the areas of labor and employment law for which he is board-certified.

He is an active member of the community, routinely providing pro bono legal services to Respite Care of San Antonio, a non-profit organization that provides services to families caring for disabled children. He has also worked with Any Baby Can, a non-profit that provides support and crisis assistance to families with children with special health care needs.

In 2001, he was appointed to serve as a justice for the Texas Supreme Court. He did an outstanding job, and I know will do the same outstanding job on the Federal bench that he did while serving on the Supreme Court of Texas.

Judge Rodriguez is accompanied today by his wife, Raenell, and his daughters, Lauren and Sarah. If they would please stand?

Senator CORNYN. Thank you very much. Good to have you here.

Senator HUTCHISON. These three, as you know, Mr. Chairman, from personal knowledge as well and from the joint selection process that we have, are three highly qualified nominees who have the total support of the ABA. All three do, and they have the support of the bar associations and the people in their communities, as I am sure you know as well. I couldn't be more proud to nominate these three and ask for their support from the Judiciary Committee.

Thank you.

Senator CORNYN. Thank you very much, Senator Hutchison.

We have our friend and colleague, Hon. Silvestre Reyes, from the House of Representatives here, who represents El Paso in the United States House of Representatives. And I know you have some remarks you would like to make, and please proceed.

**PRESENTATION OF KATHLEEN CARDONE, FRANK MONTALVO, AND XAVIER RODRIGUEZ, NOMINEES TO BE DISTRICT JUDGES FOR THE WESTERN DISTRICT OF TEXAS BY HON. SILVESTRE REYES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Representative REYES. Thank you, Mr. Chairman, and it occurs to me sitting here listening to our senior Senator, the thought goes through my mind that it is a good day for Texas with three new judges. You know, our mantra is "Don't Mess With Texas." With three outstanding candidates like this, we hope they will go through a very speedy process through the Committee. It will be increasingly harder for people to mess with Texas.

But I do want to offer my congratulations to Judge Rodriguez and his family; and, of course, Judge Montalvo and his son, Carlos, who are here, who are soon to be part of my district in West Texas;