

SUBMISSIONS FOR THE RECORD

U.S. Senate Committee on the Judiciary

Judicial Nominations

Statement of U.S. Senator John Cornyn, Presiding

Wednesday, July 9, 2003, 3 p.m.
Dirksen Senate Office Building Room 226

I am very pleased to introduce and to chair the confirmation hearings of three great judges and three great Texans.

Each of them has been nominated to serve on the U.S. District Court for the Western District of Texas. If confirmed, each of them will continue to bolster their records of excellence on the bench.

First, **Judge Kathleen Cardone** of El Paso is a 1979 graduate of my own beloved alma mater, the St. Mary's School of Law, in San Antonio. She began her legal career as a briefing attorney for U.S. Magistrate Judge Philip Schraub in the Southern District of Texas. She then engaged in the private practice of law for nine years, on both civil and criminal matters and in federal and state court.

Earlier this year, the President nominated her to serve in a newly created seat on the Western District. Judge Cardone is no stranger to such an experience, having previously served in a number of judicial positions on newly created courts. In 1983, the City Council of El Paso appointed her to serve on a newly created Municipal Court in El Paso. In 1990, the Council of Judges for the County of El Paso unanimously appointed her to serve as an Associate Judge of the Family Law Court. In 1995, she was appointed by then-Governor George W. Bush to Texas's new 383rd Judicial District Court. And in 1999, she was appointed to Texas's new 388th Judicial District Court, where she presided over a specialized family law court. Since 2001, she has been serving as a visiting judge for the state of Texas.

Judge Cardone is also an active member of her community. She chairs the Board of Directors of the El Paso County Domestic Relations Office, and the Children Cope with Divorce Committee of the YWCA Paso Del Norte Region. In addition, she is a member of the Board of Directors of the Strong Families/Strong Future Committee and of the El Paso Holocaust Museum and Study Center.

Judge Frank Montalvo currently serves on the 288th Judicial District Court of Texas, in San Antonio, where I once served as a state district judge. He has been nominated to a newly created seat on the Western District, currently slotted for El Paso.

I'm particularly pleased that Senator Hatch has scheduled this hearing today, because I imagine that, should Judge Montalvo be confirmed to the federal district court, he would prefer to move

his family during the summertime, when his children are out of school. I sincerely hope that we can make that happen.

Judge Montalvo will bring to the federal district bench exceptional and unique qualifications. Before joining the legal profession, he was a crash test safety engineer for General Motors. And as a 2001 article in *Texas Lawyer* noted, Judge Montalvo is "still an engineer at heart. To Montalvo, the law is something to be applied with mechanical precision."

Judge Montalvo was born in Bayamon, Puerto Rico. He received his undergraduate degree from the University of Puerto Rico, and his law degree from Wayne State University Law School. He was engaged in the private practice of law until 1994, when he became Judge of the 288th Judicial District Court. He is a prolific legal writer and speaker, with a particular expertise and emphasis on issues of judicial procedure.

Judge Montalvo is also active in Boy Scout Troop 233 in Leon Spring, and a member of the board of directors of both the Child Guidance Center and the Rape Crisis Center.

Finally, **Justice Xavier Rodriguez** has been nominated to fill the vacancy created by the elevation of Judge Edward Prado to the U.S. Court of Appeals for the Fifth Circuit. I am sure Judge Prado agrees with me that he will be a worthy successor to the federal district bench.

Justice Rodriguez is a native of my hometown of San Antonio. He received his undergraduate degree from Harvard University in 1983, and a Master of Public Affairs degree and a law degree from the University of Texas in 1987. He served as a member of the U.S. Army Reserves until 1993, and practiced law with the prestigious Texas law firm of Fulbright & Jaworski until 2001, when Texas Governor Rick Perry appointed him to the Texas Supreme Court.

He is board certified in Labor & Employment Law, a subject on which he has written extensively. He is a member of the American Law Institute and the San Antonio Bar Association, and a Fellow with the Texas Bar Foundation. He has held leadership positions in the State Bar of Texas.

In addition, Justice Rodriguez is a member of the Board of the National Association for the Advancement of Minorities in Technology. He is a member of the Dean's Advisory Council for the St. Mary's University School of Law, a former chairman of the South San Antonio Chamber of Commerce, and a former president of the Harvard Club of San Antonio and Respite Care of San Antonio.

All three individuals are already exceptional judges, and I am confident that they will continue to serve with excellence if confirmed to the federal district bench.