

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	District Court Candidates - Pending (7 pages)	05/16/1993	b(6)
002. resume	Re: candidate (4 pages)	05/17/1993	b(6)
003. resume	Re: Janis Graham Jack (partial) (1 page)	05/18/1993	b(6)
004. resume	Re: candidate (4 pages)	05/17/1993	b(6)
005. questionnaire	Re: Solomon Oliver, Jr. (partial) (1 page)	n.d.	b(6)
006. resume	Re: Lesley Brooks Wells (partial) (1 page)	n.d.	b(6)
007. questionnaire	Re: candidate (3 pages)	n.d.	b(6)
008. questionnaire	Re: James G. Carr (partial) (1 page)	n.d.	b(6)
009. questionnaire	Re: David Allan Katz (partial) (1 page)	n.d.	b(6)
010. questionnaire	Re: Billy Michael Burrage (partial) (1 page)	n.d.	b(6)
011. questionnaire	Re: Terry Curtis Kern (partial) (1 page)	n.d.	b(6)
012. list	Court of Appeals Candidates (18 pages)	04/14/1993	b(6)
013. letter	To Melanne Verveer from candidate re: judicial selection (2 pages)	05/04/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S

ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014. list	Judicial Recommendations From Democratic Senators (1 page)	03/14/1993	b(6)
015. list	District Court Candidates - Pending (2 pages)	04/21/1993	b(6)
016. memo	For the President from Bernie Nussbaum, et al., re: Court of Appeals Vacancies - Decision Memo (4 pages)	06/28/1993	b(6)
017. list	re: non-selection (8 pages)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Vermeer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S

ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

26
May 19, 1993

MEMORANDUM FOR MEETING PARTICIPANTS -- JUDICIAL SELECTION

FROM: RON KLAIN

SUBJECT: DISTRICT COURT UPDATE

Attached is an update on where we stand with respect to District Court nominees. All materials on the "old" candidates are being reviewed by DoJ at present.

We have several new names from Senators or their equivalents since our last meeting. Please review the attached materials on these "new candidates" (pages 4-6) and be prepared with your comments at our meeting on Thursday. We very much want to get these people into the pipeline, if possible.

If you have any questions, call me at x7901.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	District Court Candidates - Pending (7 pages)	05/16/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

ERIC V. MOYÉ

ADDRESS

3800 Bank One Center
1717 Main Street
Dallas, Texas 75201
(214) 698-2750
Fax (214) 698-2770

EDUCATION

HARVARD LAW SCHOOL
Doctor of Jurisprudence, 1979

SOUTHERN METHODIST UNIVERSITY
Bachelor of Arts w/Distinction, 1976

PROFESSIONAL EXPERIENCE

1991-Present LANNEN & MOYÉ, P.C.
Shareholder. Commercial litigation practice -
concentration in employment (contract & disputes);
government affairs; administrative law; municipal
finance; entertainment and sports

1990-1991 BAEZA, LANNEN & MOYÉ
Partner. Commercial litigation practice -
concentration in employment (contract & disputes);
government affairs; administrative law; municipal
finance; entertainment and sports

1983-1990 ERIC V. MOYÉ & ASSOCIATES
Principal. Commercial litigation practice;
concentration in contract disputes, restrictive
covenant litigation, civil rights litigation.

1989-Present SOUTHERN METHODIST UNIVERSITY
Adjunct Professor of History.

1989-1991 THE DALLAS TIMES HERALD
Weekly Columnist

1979-1983 AKIN, GUMP, STRAUSS, HAUER & FELD
Associate. Concentration in commercial litigation
practice.

1978 FULBRIGHT & JAWORSKI
Law Clerk

1977 CENTRAL INTELLIGENCE AGENCY, McLean, VA
Law Clerk

PROFESSIONAL MEMBERSHIPS:

State Bar of Texas
State Bar of New York
Dallas Bar Association
The Association of the Bar of the City of New York
Inn of Court - Dallas, Texas (Barrister)

LICENSED TO PRACTICE BEFORE:

The Supreme Court of the United States
The United State Court of Claims
The U.S. Court of Appeals, Fifth Circuit
The U. S. District Court, Northern, Southern and
Eastern Districts of Texas
The U.S. District Court, Northern District of
California
All Courts of the State of Texas
All Courts of the State of New York

ACTIVITIES:**Director/Chairman:**

Dallas Bar Association Professional Services
Committee, 1985; Dallas Bar Association Admissions
and Membership Committee, 1989-1990; Mayor's Task
Force on Housing and Economic Development in
Southern Dallas, 1983-1985; Dallas Homeowners
League Political Action Fund, 1985; Dallas Civil
Liberties Union, 1987-Present; Dallas Urban League
1980-1983; Dallas Democratic Forum 1980-1990;
Dispute Mediation Service of Dallas, 1980-1989;
Leadership Dallas Alumni Association, 1985; Office
of Public Utility Counsel Advisory Board, 1984-
1986; President, Harvard Law School Alumni
Association of Texas - 1990-present.

Member:

American Adjudicature Society, 1984-present;
Association of Trial Lawyers of America, 1981-
present; Committee on Admissions, State Bar of
Texas, District VI, 1989-present; Panel of
Arbitrators, American Arbitration Association,
1987-present; Permit and License Appeal Board, City
of Dallas, 1985-1988; State Bar of Texas Minimum
continuing Legal Education Referendum Committee,
1985; State Bar of Texas Model Rules of
Professional Responsibility Committee, 1984-1986.;
State Bar of Texas Liason with the Federal
Judiciary Committee, 1990-present.

Other:

Fellow, Texas Bar Foundation, 1984-present;
Liaison, Harvard Law School Association of Dallas,
Centennial Committee, 1984-1985; Member, American
Association Litigation Section, Small Firm and Sole
Practitioner Committee, 1984-1986; Treasurer,
Dallas Civil Liberties Foundation, 1989; Treasurer,
Dallas Democratic Forum 1984-1985; Trustee, St.
Phillip's Episcopal School, 1983-1985; Governor,
Dallas Symphony Association, 1987-90; Delegate,
Democratic National Convention, 1992.

HONORS AND AWARDS

1988, 1990, 1992 Who's Who in Emerging Leaders of
America; 1987, 1990 Who's Who in American Law
1983-4 Outstanding Young Men of America
1976 Pi Sigma Alpha (Political Science Honorary),
Blue-Key, Senior Men's Honorary, "M" Award
(All-University Senior)
Numerous University Achievement Awards

05/17/93 16:45

RESUME

JOHN HANNAH, JR.

- Age: 52
- Born: Macogdoches County, Texas - 1939
- Graduated from Diboll High School - 1957
- Served in the United States Navy from 1958 to 1962
- Graduated in 1964 from Sam Houston State University with a degree in History and English.
- Served 3 terms in the Texas House of Representatives from 1967 to 1973, representing Angelina, Trinity, San Jacinto and Polk Counties.
- Licensed to practice law in 1971
- Served as District Attorney of Angelina County from 1973 to 1975.
- Served as United States Attorney for the Eastern District of Texas from 1977 to 1981.
- Private practice of law with extensive trial practice in state and federal district courts throughout Texas and other states from 1981 to 1991. Handled complex federal litigation involving multi-month trials with subjects as diverse as criminal racketeering and civil antitrust litigation.
- Served on several State Bar committees including liaison with Federal Judiciary, Penal Code and Criminal Procedure and Model Rules of Professional Conduct, a special committee to revise the conduct of Texas attorneys.
- From January, 1991 to present, serving as Texas Secretary of State by appointment of Governor Ann Richards.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. resume	Re: candidate (4 pages)	05/17/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S

ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. resume	Re: Janis Graham Jack (partial) (1 page)	05/18/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

CURRICULUM VITAEOFJANIS GRAHAM JACKBirthdate:

(b)(6); Los Angeles, California

Occupation:

Attorney at Law

Address:

Home:

(b)(6)

Business: 1650 Texas Commerce Plaza
Corpus Christi, Texas 78470

[003]

Education:

Amon Carter High School, Fort Worth, Texas; graduated 1964

St. Thomas School of Nursing, Nashville, Tennessee;
received registered nursing diploma in 1969

University of Baltimore, Baltimore, Maryland;
received B.A. in Sociology in 1974

South Texas College of Law, Houston, Texas;
received J.D., Jurisprudence Doctorate,
summa cum laude (2nd in class) - 1981

Boards and Commissions:

Leadership Corpus Christi, Class VI

Texas Women's Political Caucus: vice chair for membership,
1977; vice chair for legislation, 1978

National Women's Political Caucus: membership committee
1977-1978

Past member of the board of the Y.W.C.A. of Corpus Christi

Past member of the Corpus Christi Bar Association Medical-
Legal Committee

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. resume	Re: candidate (4 pages)	05/17/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S

ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. questionnaire	Re: Solomon Oliver, Jr. (partial) (1 page)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S

ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

I. BIOGRAPHICAL INFORMATION

1. Full name (include any former names used).

Solomon Oliver, Jr.

2. Address: List current place of residence and office address(es).

Residence:

(b)(6)

Office: Cleveland-Marshall College of Law, Cleveland State University, 1801 Euclid Avenue, Cleveland, Ohio 44115.

3. a. Date and place of birth.

(b)(6)

; Bessemer, Alabama

- b. How long have you been an Ohio resident?

Since July, 1972.

4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

Married to Louisa Stroop Oliver, Career Education Specialist, Cleveland Heights-University Heights Board of Education, 2155 Miramar Boulevard, University Heights, Ohio 44118.

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Miles College, 1965-66.

College of Wooster, 1966-69, B.A. with Honors in Philosophy and Political Science, June, 1969.

New York University School of Law, 1969-72, J.D., June, 1972.

Case Western Reserve University, Graduate School, 1973-74, M.A. in Political Science, June, 1974.

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

1972-76, Assistant Professor, Political Science, College of Wooster, Wooster, Ohio (leave of absence 1975-76).

Summer 1975, Interim Associate, Jones, Day, Reavis and Pogue, Cleveland, Ohio.

1975-76, Senior Law Clerk, Judge William H. Hastie, U.S. Third Circuit Court of Appeals, Philadelphia, Pennsylvania.

1976-82, Assistant U.S. Attorney Office of U.S. Attorney, Cleveland, Chief, Civil Division, 1978-82, Chief, Appellate Litigation, 1982.

1979-82, Case Western Reserve University School of Law, Cleveland, Ohio, Lecturer in Law, Trial Practice.

1982-present, Professor, 1982-present, and Associate Dean for Faculty and Administration, 1991-present, Cleveland-Marshall College of Law, Cleveland State University.

1982-85, Special Assistant U.S. Attorney (part-time), U.S. Attorney's Office, Cleveland.

Spring 1991, Comenius University, Bratislava, Czechoslovakia, and Charles University, Prague, Czechoslovakia, Visiting Professor of Law.

7. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

Summer 1987, National Endowment for the Humanities Fellowship; among twelve law professors chosen nationwide to serve as Visiting Scholar at Stanford University College of Law to participate in Seminar entitled "Political Experience and Thought in the Making of the Constitution."

8. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

1973-75, Wayne County Bar Association, Legal Aid Services and Referral Committee.

1973-present, Ohio State Bar Association, Federal Courts Committee 1992-present.

1980-present, Norman S. Minor Bar Association, Chairman, Judicial Selection Committee 1980-82.

1986, Cleveland Bar Association, Ethics Committee 1986-present and Long Range Planning Committee 1989; Chair, CLE Program Committee on Ethics, 1989, which sponsored the first programs by the Cleveland Bar for lawyers on this subject after state mandatory CLE requirements became effective.

1989, American Bar Association, Section on Legal Education and Admission to Bar and Litigation Section.

1991, Civil Justice Reform Act Advisory Group, Northern District of Ohio.

9. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

I am not aware that any of the organizations to which I belong are active in lobbying before public bodies. I am a trustee of the Cuyahoga Plan, a fair housing organization in Greater Cleveland; I am a member of the Board of Trustees at the College of Wooster; I am a member and past Chairman of the O. M. Hoover Education Fund Committee of the Olivet Institutional Baptist Church.

10. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses, if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

Ohio State Bar Association, May 5, 1973; U.S. District Court for the Northern District of Ohio, October 10, 1977; U.S. Sixth Circuit Court of Appeals, April 20, 1977; U.S. Supreme Court, August 8, 1980.

11. Health: What is the present state of your health? List the date of your last physical examination.

My health is very good. The date of my last physical was July 7, 1992.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. resume	Re: Lesley Brooks Wells (partial) (1 page)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S

ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

JUDGE LESLEY BROOKS WELLS

I. Biographical Information

1. Lesley Brooks Wells
Born: Lesley Simpson Wells
Formerly: Lesley Simpson Brooks

2. Residence:

(b)(6)

Office:

Court of Common Pleas
Cuyahoga County
Justice Center, 16-B
1200 Ontario Street
Cleveland, Ohio 44113
(216) 443-8676

[006]

3. a) Date and place of birth: (b)(6)
Muskegon, Michigan
- b) Length of Ohio Residency: 30 years

4. Marital Status: Divorced mother of four (4) adult children

5. Education:

J.D., cum laude, 1974	Cleveland State University, Cleveland-Marshall College of Law Cleveland, Ohio	1969 - 1970 1972 - 1974
B.A. Philosophy, English, 1959	Chatham College, Pittsburgh, Pennsylvania	1955-1959
Certificates	National Judicial College, University of Nevada Reno, Nevada	1983 - Present
Graduate Study College of Urban Affairs	Cleveland State University, Cleveland, Ohio	1979 - 1983
Fellow	Institute for Humanities and Medicine, National Endowment for Humanities	1991 - 1992

6. Employment Record*:

<u>Date</u>	<u>Employer</u>
1980 – 1983	Schneider, Smeltz, Huston & Ranney (now Schneider, Smeltz, Ranney & LaFond)
1980 – 1983	Cleveland State University, College of Urban Studies
1979 – 1981	Cleveland State University, Cleveland-Marshall College of Law
1975 – 1979	Brooks & Moffet, Attorneys at Law
1975	Lesley Brooks, Attorney at Law
1970 – 1973	Design Corner
1962 – 1963	University of Michigan
1961 – 1962	Brandeis Co-op
1960 – 1961	Brown Jug Restaurant
1955 – 1959	Chatham College
1957	Camp Wohelo
1956	The Washington Post

* Worked from age 16 at a wide variety of jobs, waitress to lawyer, helping support husband, self and four children through college and law schools.

7. Honors and Awards:

• Fellow, Institute for Humanities and Medicine, National Endowment for Humanities	1991 – 1992
• Alumni Award for Civic Achievement, Cleveland State University	1992
• Distinguished Alumna Award, Chatham College	1988
• Compassionate Judicial Insight Award, The Women's City Club	1985
• Josephine Irwin Award for Outstanding Service, WomenSpace	1984
• Merit Service Award, Bar Association of Greater Cleveland	1982
• Superior Judicial Award, Supreme Court of Ohio	

7. Honors and Awards, cont.:

- Who's Who in America, American Law, the World
- Martindale-Hubbell: AV (highest rating)
- Alumnae Scholar, Chatham College

8. Bar Associations, Legal or Judicial Committees, or Conferences:

- Ohio Women's Bar Association 1992 – Present
Founding Member
Co-Chair, Bar Liaison Committee
- Representative of the Supreme Court of Ohio: 1991 – Present
Steering Committee of the Ohio Supreme Court/Ohio State
Bar Association, Joint Task Force on Gender Fairness
Chairperson, Gender Bias Education 1991 – Present
National Judicial College, Biomedical Ethics and the Law 1990
- Cleveland State University Law and Public Policy Program 1991 – Present
External Advisory Board
- Harold H. Burton Inns of Court 1990 – Present
Master
Membership Committee
- Common Pleas Court Committees 1989 – Present
Civil Rules, Legislative, Social, Jail Facilities,
Civil Court, Criminal Court
- College of Urban Affairs, Cleveland State University 1988 – Present
Visiting Committee
- Cleveland-Marshall College of Law, Cleveland State University 1987 – Present
Visiting Committee
- American Bar Association 1986 – Present
National Conference of State Trial Judges
Ethics and Professional Responsibility Committee
AIDS Committee 1990 – Present
- National Association of Women Judges 1984 – Present
- Ohio State Bar Association 1983 – Present
Eighth District, Nominating Committee (1989)
- Ohio Judicial Conference 1983 – Present
Vice Chair, Civil Law and Procedure Committee (1993)
- Ohio Common Pleas Judges Association 1983 – Present

8. Bar Associations, cont.:

- The Association of Trial Lawyers of America 1978 – 1983
- Cleveland Bar Association 1975 – Present
 - Commission on Women and Law;
 - Vice Chair, Reorganization Committee;
 - Committee on Mentally Disabled; Bar Advocacy Project;
 - C.A.S.E. Program (Pro bono indigent representation)
- Cuyahoga County Bar Association 1974 – Present
 - Long Range Planning Committee
 - Municipal Courts Committee
- National Association of Women Lawyers 1974 – 1983
- Cleveland Women Lawyers Association 1974 – 1983
- Cleveland-Marshall Law Alumni Association 1974 – Present
 - Life Member
- Legal Aid Society of Cleveland 1967 – 1983
 - President (1979 – 1981)
 - Treasurer; Executive Committee; Trustee; Audit Committee;
 - Chair, Nominating Committee; Personnel Committee

9. Other Memberships: All Organizations to Which I Currently Belong or in Which I Have Recently Served:

- The Free Medical Clinic of Greater Cleveland 1993
 - Volunteer
- Miami University 1988 – 1992
 - Board of Trustees
 - Treasurer
- Miami University Foundation 1989 – 1992
 - Board of Trustees
- Chatham College 1989 – Present
 - Board of Trustees
- Urban League of Cleveland 1989 – 1990
 - Board of Trustees
- Rose Mary Center (children with multiple disabilities) 1986 – 1992
 - Board of Trustees
 - Chair, Legal Committee
 - Secretary

9. Other Memberships, cont.:

- Ohio Northwest Ordinance and U.S. Constitution Bicentennial Commission 1986 – 1988
- Case Western Reserve University School of Medicine, Center For Biomedical Ethics, Advisory Board 1986 – Present
- Ohio Governor's Task Force on Family Violence Chair 1984 – 1987

10. Court Admission:

- The Supreme Court of the United States 1989
- State of Ohio 1975
- U.S. District Court, Northern District of Ohio 1975

11. Health: Excellent

Last Physical Examination: October 28, 1991

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. questionnaire	Re: candidate (3 pages)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. questionnaire	Re: James G. Carr (partial) (1 page)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S

ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

I. BIOGRAPHICAL INFORMATION

1. Full name (include any former names used.)

James G. Carr

2. Address: List current place of residence and office address(es).

Residence:

(b)(6)

[008]

Office: 318 United States Courthouse
1716 Spielbusch Avenue
Toledo, Ohio 43624

3. a. Date and place of birth

(b)(6)

Boston, Massachusetts

- b. How long have you been an Ohio resident?

We have resided in Ohio since June, 1970.

4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

Eileen M. Carr (Glynn)

Associate Professor
College of Education
University of Toledo
2801 West Bancroft Street
Toledo, Ohio 43606

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Kenyon College	1958-62	A.B. 1962
Univ. of Freiburg	1962-63	no degree
Harvard Law School	1963-66	LL.B. 1966

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit and otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

Gardner, Carton, Douglas, Chilgren & Waud 321 N. Clark St. Chicago, Illinois 60610	Summer, 1965 Summer Associate
Gardner, Carton, Douglas, Chilgren & Waud 321 N. Clark St. Chicago, Illinois 60610	1966-68 Associate
Cook County Legal Assistance Fndtn 1146 Westgate St. Oak Park, Illinois 60301	1968-70 Staff Attorney
IIT, Chicago-Kent College of Law 77 S. Wacker Dr. Chicago, Illinois 60606	Fall, 1969 Adjunct Professor
Loyola University College of Law One East Pearson St. Chicago, Illinois 60611	Spring, 1970 Adjunct Professor
College of Law University of Toledo 2801 W. Bancroft St. Toledo, Ohio 43606	1970-79 Professor
Lucas County Prosecutor Lucas County Courthouse Toledo, Ohio 43624	1971-72 Part-time Asst. Prosecutor
United States Courts 318 U.S. Courthouse 1716 Spielbusch Ave. Toledo, Ohio 43624	1979 to date United States Magistrate

7. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

Baker Scholarship	Kenyon College
Phi Beta Kappa	Kenyon College
German Academic Exchange Fellowship and Fulbright Travel Grant	Univ. of Freiburg Freiburg, Germany 1962-63
Fulbright Research Fellowship	Bonn, Germany 1977-78

8. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

A. Bar Associations

Chicago Bar Association	1966-70
Chicago Council of Lawyers	1967-70
Ohio State Bar Association	mid 1970s
American Bar Association	mid 1970s
Federal Bar Association	mid 1970s
Toledo Bar Association	1971 to date

B. Judicial-Related Committees

Committee on Criminal Law	
Judicial Conference of the United States	1986-92
U.S. District Court, N.D. Ohio	
Differentiated Case Management Oversight Comm.	1991 to date
Administrative Office of the United States Courts	
Probation and Pretrial Services Case Management and Statistics Umbrella Group	1993
Ohio Supreme Court, Civil Rules Subcommittee on Juvenile Rules (Co-reporter)	1971-72

9. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

a. Lobbying Organizations: none.

b. Other organizations:

Pretrial Services Resource Center	1991 to date
Board Member	

10. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

Illinois Supreme Court November, 1966

U.S. District Court
Northern District of Illinois November, 1966

U.S. District Court
Northern District of Ohio July, 1970

Ohio Supreme Court March, 1972

United States Supreme Court August, 1981

11. Health: What is the present state of your health? List the date of your last physical examination.

A. Health: excellent

B. Date of Last Physical Examination: July 8, 1992

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. questionnaire	Re: David Allan Katz (partial) (1 page)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

I. BIOGRAPHICAL INFORMATION

1. Full name (include any former names used).

David Allan Katz (use David A. Katz).

2. Address: List current place of residence and office address(es).

(b)(6)
608 Madison Avenue, Suite 1000, Toledo, Ohio, 43604 (Office). [009]

3. a. Date and place of birth.

(b)(6) - Toledo, Ohio.

- b. How long have you been an Ohio resident?

59 years.

4. Marital Status (Include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

Married to the former Joan G. Siegel; she is a homemaker and not employed.

5. Education: List each college and law school you have attended, including dates of attendance, degrees received and dates degrees were granted.

The Ohio State University, 1951-1955,
B.Sc. in Business Administration, August 1955.

The Ohio State University College of Law, 1954-1957,
Jurisdoctor (summa cum laude), June 1957.

6. Employment Record: List (by year) all business or professional corporations, companies, firms or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor or employee since graduation from college.

Employed as an associate of Spengler, Nathanson, Hebenstreit & Heyman (now Spengler Nathanson) July 1957 to present date; became partner February 1, 1963.

(Have been an officer and/or director of many public and private companies in the course of my practice of law, but at no time received any remuneration on account of employment, the only remuneration being legal fees.)

7. Honors and Awards: List any scholarships, fellowships, honorary degrees and honorary society memberships that you believe would be of interest to the Committee.

Order of Coif (The Ohio State University College of Law).

1967 Harry Levinson Memorial Young Leadership Award by Jewish Welfare Federation of Toledo.

1979 Outstanding Citizen Award by State of Israel.

1991 Outstanding Leadership Award - Anti-Defamation League.

The Ohio State University College of Law, Law Review - Associate Editor.

Sphinx - Senior Honorary - The Ohio State University.

Bucket and Dipper - Junior Honorary -
The Ohio State University.

Romophos - Sophomore Mens' Honorary -
The Ohio State University.

Phi Eta Sigma - Freshman Scholastic Honorary -
The Ohio State University.

8. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Member of the American, Ohio and Toledo Bar Associations.

Trustee and/or Secretary of Toledo Bar Association -
1970-1974.

Toledo Bar Association Foundation - Trustee, President - 1986
to date.

Lawyers' Roundtable of Toledo, Chairman - 1992 to date; this is a cooperative venture between the Toledo Bar Association and The University of Toledo College of Law. The thrust of the committee is to provide scholarships for minority students at the College of Law and to provide clerkships in major offices for minority students from the College of Law in an effort to increase the number of minority graduates in Toledo and other northwestern Ohio law firms.

(Member of various other committees of the Ohio State Bar Association and Toledo Bar Association from time-to-time over past 35 years.)

9. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

- (a) AIPAC (to my knowledge, this is the only organization to which I belong which is active in lobbying activities).
- (b) St. Vincent Medical Center -
Trustee and Vice Chairman of the Board of Trustees.
- (c) Northwest Ohio Heart Center -
Chairman of the Board of Directors.
- (d) B'nai Brith.
- (e) Men's Club of Temple B'nai Israel.
- (f) Temple B'nai Israel.
- (g) Toledo Museum of Art.
- (h) President's Club of The University of Toledo.
- (i) President's Club of The Ohio State University.
- (j) Anti-Defamation League.
- (k) Life Member - Hadassah.
- (l) Toledo Zoological Society.

10. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses, if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

Supreme Court of Ohio (and all Ohio courts), August 1957.

United States District Court for the Northern District of Ohio, Western Division - 1959.

United States Tax Court - 1968.

11. Health: What is the present state of your health? List the date of your last physical examination.

My present health is excellent and my last physical was in November/December 1992.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010. questionnaire	Re: Billy Michael Burrage (partial) (1 page)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S

ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.) Indicate whether you are applying for the Northern District judgeship or the roving judgeship formerly held by Judge Cook.

Billy Michael Burrage.

The name I generally go by is Michael Burrage.

I am applying for the roving judgeship formerly held by Judge Cook.

2. Address: List current place of residence and office address(es).

Residence:

(b)(6)

[010]

Main Office: Stamper, Otis & Burrage
P. O. Box 100
112 North High
Antlers, Oklahoma 74523

Branch Office: Stamper, Otis & Burrage
P. O. Box 28
701 S. Mississippi
Atoka, Oklahoma 74525

3. Place of birth.

Durant, Oklahoma.

4. Marital Status: List spouse's name, occupation, employer's name and business address(es).

Carolyn Aletha Burrage
Assistant Principal - Grade School
Antlers Public Schools
Antlers, Oklahoma 74523

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Southeastern State University
Durant, Oklahoma
Attended 1969-1971
B.S. Degree (1971)
Business Administration, major
Sociology, minor

University of Oklahoma
College of Law
Attended 1971-1974
Juris Doctor Degree (1974)

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

1. During law school I was a legal research assistant to Eugene Kuntz for his Volume 5, Kuntz on Oil & Gas.

2. During my last semester of law school, in 1974, I was a legal intern for the law firm of Stamper & Otis.

3. After graduation from law school and passing the Oklahoma Bar exam, I was an associate with Stamper & Otis until 1975.

4. Since 1975 I have been a partner in the law firm of Stamper, Otis & Burrage.

5. From 1982 to present, Director, First National Bank at Antlers, Oklahoma.

6. I have owned or own property with various individuals, as outlined below.

a) Prior to 1982, various property was purchased and sold with W. David Smith and Gary Winters. In 1982, Smith and myself purchased all interest owned by Gary Winters in this property. Mr. Smith and I still own a duplex together, as well as a promissory note and first mortgage from Brad Miller on a piece of real estate we sold Mr. Miller. Mr. Smith and myself also own a 20-acre tract of real estate.

b) I own an undivided 1/3 interest in a 100-acre tract of oil, gas and other minerals located in Pushmataha County, Oklahoma, with R. C. Pruett and W. David Smith.

c) I own two tracts of real estate in Antlers, Oklahoma, with Herbert Rowland, M.D.

- d) I own two tracts of real estate with Joe and/or Johnnie Lee Stamper.
- e) I own an undivided one-third (1/3) interest in twenty (20) acres of real estate with Foy Crockett.
- f) Michael Burrage, Inc., a Professional Corporation, in which I own 100% of the stock, is a 45% partner in the law firm of Stamper, Otis & Burrage, which has assets consisting of personal property used in connection with the operation of the law firm as well as accounts receivable. The law office building consists of two buildings that adjoin and have been made into one law office building. The north building is owned by myself as a 40% owner and Joe Stamper as a 60% owner. I own 100% of the south building.
- g) My Rollover, Individual Retirement Account, owns an interest in a tract of real estate located in Bryan County, Oklahoma, with Alan B. McPheron and is presently in the process of purchasing some mineral interest with Joe Stamper. This IRA also owns stock in the First National Bank at Antlers, Oklahoma, as well as its holding company, First Antlers Bancorporation, Inc.

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

No.

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

Graduated Order of Coif from University of Oklahoma, College of Law, 1974.

Editor, Oklahoma Law Review, 1973-1974.

1977 - Outstanding Young Lawyer Award given by the Oklahoma Bar Association.

1990 - University of Oklahoma; Distinguished Alumnus, College of Law, University of Oklahoma Centennial.

1991 - Neil E. Bogan Professionalism Award given by the Oklahoma Bar Association.

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Oklahoma Bar Association (member since 1974)

1990 - Vice President and President
1990-1991 - Member, Board of Governors
1984-1986 - Member, Board of Governors
Served as a member of the House of Delegates to the Oklahoma Bar Association as representative from Pushmataha County for various years since 1974

1987-1990 - Trustee, Oklahoma Bar Foundation
Fellow of the Oklahoma Bar Foundation

1987-1989 - Member, Legal Specialization Committee, Chairman 1989

1977 - Member, Continuing Legal Education Committee

Appointed by the Oklahoma Supreme Court to serve as a member of the Oklahoma Supreme Court Committee for Uniform Civil Jury Instructions. These instructions have been used since 1979 by the District Courts for the trial of civil cases.

Appointed by the Oklahoma Supreme Court to be a member of the second Oklahoma Supreme Court Committee for Uniform Civil Jury Instructions. The new instructions, in 1993, were submitted to the Oklahoma Supreme Court.

Appointed by the Oklahoma Supreme Court, in November of 1992, to the Standing Committee to monitor, update and revise the Oklahoma Uniform Civil Jury Instructions.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. questionnaire	Re: Terry Curtis Kern (partial) (1 page)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.) Indicate whether you are applying for the Northern District Judgeship or the routing judgeship formerly held by Judge Cook.

Terry Curtis Kern

Applying for: Northern District Judgeship

2. Address: List current place and residence and office address(es).

Residence:

(b)(6)

[011]

Office: 333 West Main, Suite 330
Neustadt Plaza
P.O. Box 1268
Ardmore, OK 73402

3. Place of birth.

Clinton, Oklahoma

4. Marital Status: List spouse's name, occupation, employer's name and business address(es).

Charlene Heinen Kern

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Juris Doctorate, University of Oklahoma College of Law,
September, 1966 - June 1969.

B.S. degree, Oklahoma State University, September 1962 - August
1966.

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

1969-70	General Attorney, Bureau of Deceptive Practices, Division of Compliance, Federal Trade Commission, Washington, D.C.
1970-86	Partner, Law Firm of Fischl, Culp, McMillin, Kern & Chaffin, Ardmore, OK.
1986-92	General Partner of Kern and Associates
1992-present	Kern, Mordy & Sperry, P.C.

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

1962-64	Reserve Officer's Training Corps, Oklahoma State University
Sept. 1969 - April 7, 1970	Oklahoma Army National Guard, Honorable discharge. (transferred to USAR)
Mar. 28, 1970- Aug. 31, 1973	United States Army Reserve, Specialist 4; Serial No. 448-42-4820; Honorable discharge.

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

- a) Faculty member of CLE Institute on "Voor Dire, Opening Statements and Closing Arguments" for the Oklahoma Bar Association Commission on Continuing Legal Education, 1988
- b) Faculty member of CLE Institute on the Oklahoma Discovery Code sponsored by Oklahoma Bar Association Commission on Continuing Legal Education. 1982
- c) Faculty member, Trial Tactics Seminar, University of Oklahoma Continuing Legal Education Program and Oklahoma Association of Defense Counsel, 1975
- d) Phi Delta Phi Legal Fraternity (President 1969)

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

- a) Oklahoma Bar Foundation, Board of Trustees, 1986-1992; President, 1991
- b) Oklahoma Bar Association
 - 1. Joint Oklahoma State Medical Association-Oklahoma Bar Association Committee, 1992 -
 - 2. Civil Procedure Committee, 1992-1995
 - 3. District Court Advisory Committee, 1987
 - 4. Legislative Action Committee, 1980-1982
 - 5. Resolutions Committee, 1979
 - 6. Chairman, Insurance Law Section, 1978
 - 7. Chairman, State Law Day Committee, 1976, 1977
 - 8. Law Schools Committee, 1974-1977
 - 9. Budget Committee, 1974
 - 10. Legislative Liaison Committee, 1973

- e) American Bar Association, 1969-present
- d) Sustaining Fellow, Oklahoma Bar Foundation
- e) Oklahoma Association of Defense Counsel
(Board of Governors, 1981-1984)
- f) Legal Institute of Pickens County I.T. (Board of
Directors 1997-)
- g) Southern Oklahoma Legal Institute (President 1972)

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

I am not aware of any of these organizations being actively involved in lobbying activities.

- a) American Academy of Hospital Attorneys
- b) Defense Research Institute, Inc.
- c) Federation of Insurance and Corporate Counsel
- d) Southern Oklahoma Memorial Hospital, Trustee
1985-present; Chairman of the Board 1989-1991;
currently Trustee and General Counsel
- e) Ardmore Development Authority, Trustee 1988-present;
Vice-Chairman 1990
- f) Ardmore Chamber of Commerce, Board of Directors, 1975,
1980-1983
- g) Oklahoma Claims Association
- h) St. Philip's Episcopal Church

JUDICIAL APPOINTMENT PROCESS

1. The President . . . shall (1) nominate, and by and with the (2) advice and consent of the Senate, shall (3) appoint, . . . judges of the Supreme Court, and all other officers of the United States . . . Article 2, Sec. 2. of the United States Constitution. Also see Title 28 United States Code.
2. . . . The judges, both of the Supreme and inferior courts, shall hold their office during good behavior . . . Article 3, Sec. 1. of the United States Constitution. (Lifetime appointment)
3. Judicial vacancies arise by:
 - a. Death,
 - b. resignation,
 - c. retirement,
 - d. disability,
 - e. enactment of laws authorizing additional positions,
 - f. impeachment (Article 1, Sec. 3).
4. Source of candidates for vacancies:
 - a.
 1. Municipal, state and federal judges,
 2. private practice,
 3. legal academic world, or
 4. state and federal officials.

(NOTE: No Senator or Congressman can be appointed to a position created during the term for which he was elected or the emoluments increased. Article 1, Sec. 6, Clause 2 of the United States Constitution.)

- b. Recommendations come from:
 1. White House,
 2. department officials,
 3. Senators (state or circuit involved),
 4. Representatives (state or circuit involved),
 5. governors,
 6. state and local bar associations,
 7. individuals wishing consideration,
 8. citizens,
 9. judicial selection panel.
5. Evaluation of candidates:

After initial screening of candidates by the Department of Justice:

 - (a) Personal Data Questionnaire sent to one candidate (on rare occasion more) who survives initial screening. Candidate sends one completed copy to the Chairman, ABA Standing Committee

on Federal Judiciary, one to the ABA Circuit Representative, and one to the Department of Justice.

ABA conducts evaluation and gives to the Department of Justice a rating of:

1. well qualified (WQ),
2. qualified (Q), or
3. not qualified (NQ).

- (b) FBI background investigation initiated. Agents interview federal and state judges, attorneys, associates, government officials, business and civil leaders, religious and civil rights leaders, neighbors and personal physician. National agency, police and credit checks are made. IRS report obtained.
- (c) Personal physician must complete a medical questionnaire. If individual hasn't undergone a physical within the past year, must submit to a physical examine by personal physician.
- (d) Candidate completes a financial questionnaire, including a complete assets and liability statement. In addition, candidate supplies information on potential conflicts of interest and the method in which he/she will close out relations with current law firm.

6. All reports and questionnaires are reviewed at the Department of Justice. Should problems surface, additional investigations are conducted and candidate is asked for explanations in an attempt to resolve any potential conflicts or derogatory information.

Recommendation is sent to the Attorney General. If the Attorney General approves, he then sends a formal letter of recommendation to the President.

7. White House Counsel's Office coordinates the process of judicial candidates through the White House system. Memorandum is prepared by the White House Counsel's Office to the President, the President calls each judicial candidate and informs the candidate he intends to nominate the individual for appointment to the court. Nomination is transmitted to the Secretary of the Senate and referred to the United States Senate Committee on the Judiciary.

8. Congressional action on the nomination:

- (a) Referred to the Senate Judiciary Committee:

1. As required by the Ethics In Government Act, nominees must file a public financial disclosure statement with the Chairman of the Judicial Ethics Committee within five days of the President transmitting their name to the United States Senate.

2. FBI background investigation is supplied by the Department of Justice to the Chief Investigator per agreement between Chairman of the Judiciary Committee, The White House and the Attorney General. Biographical sketch of nominee is supplied by the Department of Justice to the Committee. Biographical sketch is also supplied to the Administrative Office of the U. S. Courts (for the Chief Justice) and the Federal Judicial Center (for scheduling of judicial training seminars).
3. The Department of Justice orders the Presidential commission from calligrapher. Engraver returns commission to the Department; DOJ forwards to the Executive Clerk at the White House, where it is held until the Senate takes action.
4. Committee sends "blue slip" to Senators of same state as nominee. If the blue slip is returned with "objection" by either Senator, no action takes place. If position of Senator is maintained throughout session, fate of nomination is primarily in hands of the Chairman or of full Committee as to any overriding of "blue slip" objection.
5. If "no objection" the blue slips are returned, Counsel, with approval of Chairman, places a notice of scheduled hearing on the nomination.
6. Chief Investigator of Committee notifies the nominee and Justice of hearing date. The Office of Legislative Affairs' staff gives general information to the nominee on what to expect and how nominee should handle the hearing.
7. Chief Investigator meets with nominees, usually on the morning of the hearing, to go over the format and discuss any questions he has regarding nominee.

(b) Hearing

1. Senators from home state of nominee traditionally introduce nominee to Committee.
2. Unless controversial, hearings are short, usually testimony no longer than 20 minutes.
3. Representative from Office of Legislative Affairs' staff attends hearing.

(c) Confirmation

1. Full Judiciary Committee usually meets in

Executive Session once a week and usually on Thursday morning. If favorable vote occurs, nominee is reported out of Committee to the full Senate.

2. In the event the Committee does not schedule an Executive Session, Chief Investigator may attempt to "poll" the nominee out of Committee. To "poll" means calling each Senator personally and asking for a "yea" or "nea" vote.
3. Once reported out of Committee, there is normally a twenty-four hour lay-over in the Senate before any action is taken by the full Senate. (It can be brought up the same day by unanimous consent.)
4. When the Senate approves nomination, the Secretary of the Senate notifies the President in writing of the Senate's confirmation of the nominee.

NOTE: Nominations not acted on by the Senate during a Congress die with the adjournment. A motion to carry over nominations from the first session of a Congress to the second session is permissible. Must receive unanimous consent.

9. Appointment (within one to two days after confirmation):

(a) Where Senate has given advice and consent --

1. President signs commission. Date President signs commission is the appointee's date of rank on the court to which appointed.
2. If two or more nominees are appointed for the same court on the same day, the senior in age is the senior in rank.
3. Signed commissions are returned to the Department of Justice for the counter-signature of the Attorney General, placing of Department of Justice seal and for further engraving (date of appointment). Copies of the commission are made for records.
4. The Commission, confirmation document and oaths are transmitted to the newly appointed judge.

(b) Recess

1. President can appoint during recess of Senate.
 - (a) No salary can be paid appointee, however, if vacancy existed during prior session, until confirmed by Senate, unless:
 - i vacancy arose within thirty days of end

of prior session; or

- ii nomination was pending before Senate at the time of adjournment (except a nomination of a person who had been appointed during the preceding recess of Senate); or
- iii a nomination had been rejected by the Senate within thirty days of the end of the session and a person other than the one who had been rejected is given the recess appointment; and, if:
- iv nomination to fill vacancy under i, ii, iii, is submitted to Senate no later than forty days after beginning of next session.

10. Qualification (one week until commission mailed; judge may take oath anytime after President signs commission):

On the date the appointee takes oath, he enters on duty as a federal judge. Executed oath is returned to the Department (copy forwarded to the Director of Administrative Office of the United States Courts). Appointment files on all active and senior judges are maintained in file in the Office of the Deputy Attorney General. Upon death or resignation, these files are sent to Archives.

Index cards, biographical sketches and historical records on all federal judges from John Jay to date are maintained in the Office of the Deputy Attorney General.

COURTS OF APPEALS -- CURRENT STATUS

Second Circuit -- Connecticut

We are awaiting a final decision from the President, who is selecting from among three candidates we sent to him.

Second Circuit -- New York

This has been sent to the President.

Second Circuit -- Vermont

The President has approved a candidate, who will soon be ready for a final interview.

Third Circuit -- Pennsylvania

Senator Wofford has informed us that he will, shortly, have some candidates he would like us to consider.

Third Circuit -- Pennsylvania or New Jersey

We are awaiting a decision on Raymar for the Federal Circuit (and his response) before moving ahead.

Fourth Circuit -- West Virginia

The President has approved a candidate, who will soon be ready for a final interview.

Fourth Circuit -- North Carolina

The President has approved a candidate, who is ready for a final interview.

Fourth Circuit -- Virginia or Maryland

We are still searching for other Maryland candidates.

Fifth Circuit -- Texas (2 seats)

These have been sent to the President.

Fifth Circuit -- Louisiana and Mississippi (2 seats)

The President is selecting between three candidates for these two positions.

Sixth Circuit -- Tennessee

The President has approved a candidate, who will soon be ready for a final interview.

Sixth Circuit -- Michigan or Ohio

We are researching candidates from these states, including Michigan Justice Patricia Boyle.

Ninth Circuit -- California

This seat was a "Hispanic seat" (only one Hispanic remains on this 26-person court, which encompasses an area with a 25% Hispanic population); we are still conducting outreach.

Tenth Circuit -- Oklahoma

We are still studying candidates recommended to us by Senator Boren and others.

Tenth Circuit -- New Position

This seat had been created for Wyoming, and Governor Sullivan wants to send us some names before we decide on reallocating it to a state with Democratic Senators.

Eleventh Circuit -- Florida

This has been sent to the President.

D.C. Circuit

The President rejected the recommended candidates; we are still looking for new names.

Federal Circuit

The President had concerns about the recommendation, and is reconsidering.

SUMMARY

Sent to the President		13
Approved	4	
Under Decision	7	
Rejected	2	
Still Doing Initial Work		7
TOTAL VACANCIES		20

DRAFT

May 14, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BERNIE NUSSBAUM, BRUCE LINDSEY, HOWARD PASTER,
VINCE FOSTER, MELANNE VERVEER, JACK QUINN,
RON KLAIN, AND ELEANOR ACHESON

SUBJECT: COURT OF APPEALS VACANCIES -- DECISION MEMO

This memo presents our recommendations on candidates to fill four more vacant Court of Appeals judgeships. We have now sent you recommendations for 13 of the 20 current and future vacancies.

Our recommendation for each judgeship is presented on a single page. A brief biography of the recommended candidate appears, along with some analysis about the vacancy. Full profiles of the recommended candidates are behind the subsequent TABs in this book. Some of the others who were considered, but not recommended, are also listed for your information.

If you approve our recommendation, we will send that person the requisite forms, and -- upon a review of the completed forms to insure that no problems exist -- we will send that person's name to the ABA and the FBI for their investigations. We will come back to you when those investigations are complete, for a final decision on whether to proceed with their nominations.

At the end of this memorandum, we address some recommendations previously sent to you, on which you made no decision.

I. NEW RECOMMENDATIONS

April 13, 1993

MEMORANDUM FOR STAFF INTERESTED IN JUDICIAL SELECTION
(List Below)

FROM: RON KLAIN 
SUBJECT: MEETING, THURSDAY, at 10AM

We will meet Thursday, April 15, in Bernie Nussbaum's office at 10 a.m. to discuss the following matters:

- (1) Letter from the President to the Senate, regarding judicial selection;
- (2) Potential candidates for the Courts of Appeals.

For your information, I have attached a listing of the current and future Court of Appeals vacancies. The list indicates the state-allocation issues that must be resolved.

At the meeting, I will distribute a list of the potential candidates I have assembled from various sources. Please bring with you any names of candidates that you have. The principal purpose of the meeting is to begin to assemble a listing of potential candidates for these appellate vacancies.

If you have any questions, call me at x7901.

Distribution: Bernie Nussbaum
Bruce Lindsey
Vince Foster
Susan Brophy
~~Melanne~~ Verveer
Jack Quinn
Eleanor Acheson
Ricki Seidman

VACANCIES IN THE FEDERAL JUDICIARY
(Article III Judges only)
03/01/93

Page 1

NOMINATION
DATE

COURT VACANCY CREATED BY REASON VACANCY DATE NOMINEE

First Circuit

MA	Freedman, Frank H.	Senior	01/01/92
MA	McNaught, James J.	Retired	02/01/91
MA	Nelson, David S.	Senior	09/27/91
MA	Skinner, Walter Jay	Senior	09/14/92
RI	Boyle, Francis J.	Senior	12/01/92

Second Circuit

CCA-Vt	Oakes, James L.	Senior	07/01/92
CT	Burns, Ellen B.	Senior	09/01/92
CT	Eginton, Warren W.	Senior	08/01/92
CT	New Position	PL 101-650	12/01/90
NY(M)	Cholakie, Con. G.	Disability	10/23/92
NY(M)	Munson, Howard G.	Senior	11/05/90
NY(E)	New Position	PL 101-650	12/01/90
NY(E)	New Position	PL 101-650	12/01/90
NY(S)	Broderick, Vincent	Senior	11/30/88
NY(S)	Lowe, Mary J.	Senior	07/27/91
NY(S)	New Position	PL 101-650	12/01/90
NY(S)	Owen, Richard	Senior	09/30/89
NY(S)	Sweet, Robert W.	Senior	03/01/91

Third Circuit

CCA-Pa	Higginbotham, A. Leon Jr.	Senior	01/31/91
CCA-1	New Position	PL 101-650	12/01/90
PA(M)	Conaboy, Richard P.	Senior	09/01/92
PA(M)	New Position	PL 101-650	12/01/90
PA(W)	Lewis, Timothy K.	Elevated	10/08/92
PA(W)	Weber, Gerald J.	Senior	12/30/88
VI	O'Brien, David V.	Deceased	12/22/89

Fourth Circuit

CCA-2	New Position	PL 101-650	12/01/90
CCA-2	New Position	PL 101-650	12/01/90
CCA-W.Va.	Sprouse, James M.	Senior	10/31/92

¹Under Bush, this seat was allocated to Pennsylvania. Sens. Bradley and Lautenberg have expressed an interest on behalf of New Jersey.

²Under Bush, these seats went to Virginia and N. Carolina. In addition to these states, W. Virginia and Maryland have expressed interest.

<u>COURT</u>	<u>VACANCY CREATED BY</u>	<u>REASON</u>	<u>VACANCY DATE</u>	<u>NOMINEE</u>	<u>NOMINATION DATE</u>
MD	Harvey, Alexander	Senior	03/08/91		
MD	Howard, Joseph C.	Senior	11/15/91		
MD	Ramsey, Norman P.	Senior	11/01/91		
NC(M)	Erwin, Richard C.	Senior	09/22/92		
VA(E)	Bryan, Albert V. Jr.	Senior	12/01/91		
VA(E)	Williams, Richard L.	Senior	05/01/92		

Fifth Circuit

CCA-3	Clark, Charles	Retired	01/15/92		
CCA-Tex	Gee, Thomas G.	Retired	02/01/91		
CCA-Tex	Johnson, Sam D.	Senior	05/10/91		
CCA-4	New Position	PL 101-650	12/01/90		
LA(E)	Carr, Patrick E.	Senior	10/01/91		
LA(E)	Heebe, Frederick J.R.	Senior	08/25/92		
LA(E)	Mentz, Henry A. Jr.	Senior	06/30/92		
LA(W)	Stagg, Tom	Senior	02/29/92		
TX(M)	New Position	PL 101-650	12/01/90		
TX(E)	New Position	PL 101-650	12/01/90		
TX(S)	DeAnda, James	Retired	10/01/92		
TX(S)	New Position	PL 101-650	12/01/90		
TX(S)	New Position	PL 101-650	12/01/90		
TX(S)	New Position	PL 101-650	12/01/90		
TX(W)	Bunton, Lucius D.	Senior	12/01/92		
TX(W)	Garza, Emilio	Elevated	05/24/91		
TX(W)	New Position	PL 101-650	12/01/90		
TX(W)	New Position	PL 101-650	12/01/90		

Sixth Circuit

CCA-5	Krupansky, Robert B.	Senior	07/01/91		
CCA-5	New Position	PL 101-650	12/01/90		
KY(E)	Siler, Eugene	Elevated	09/12/91		
MI(E)	Gilmore, Horace W.	Senior	05/01/91		
OH(N)	Batchelder, Alice M.	Elevated	11/27/91		
OH(N)	Krensler, Alvin I.	Senior	01/01/92		
OH(N)	Manos, John M.	Senior	04/01/91		
OH(N)	McQuade, Richard B.	Resigned	10/01/89		
OH(N)	Potter, John W.	Senior	08/01/92		
TN(E)	New Position	PL 101-650	12/01/90		

Seventh Circuit

IL(N)	Bua, Nicholas J.	Retired	11/04/91		
IL(N)	Rovner, Illana Diamond	Elevated	08/12/92		
IL(N)	Shadur, Milton I.	Senior	06/25/92		
IL(S)	Beatty William L.	Senior	11/09/92		
IL(S)	New Position	PL 101-650	12/01/90		

³This was a Mississippi seat. Louisiana has expressed an interest, from Sens. Breaux and Johnston.

⁴This seat was allocated to Texas under President Bush. Alternatively, Mississippi and Louisiana are interested.

⁵These seats were given to Michigan and Tennessee under Bush. Sens. Glenn and Metzenbaum have expressed Ohio's interest.

<u>COURT</u>	<u>VACANCY CREATED BY</u>	<u>REASON</u>	<u>VACANCY DATE</u>	<u>NOMINEE</u>	<u>NOMINATION DATE</u>
Eighth Circuit					
AR(E)	Eisele, G. Thomas	Senior	08/01/91		
AR(W)	Arnold, Morris S.	Elevated	05/21/92		
IA(N)	O'Brien, Donald E.	Senior	12/30/92		
MM	Alsop, Donald D.	Senior	08/28/92		
MM	MacLaughlin, Harry E.	Senior	10/01/92		
MO(E)	Cahill, Clyde S.	Senior	04/09/92		
MO(E)	New Position	PL 101-650	12/01/90		
MO(W)	Sachs, Howard F.	Senior	10/31/92		
MO(W)	Wright, Scott O.	Senior	10/05/91		
NE	New Position	PL 101-650	12/01/90		
SD	Porter, Donald J.	Senior	03/16/92		

Ninth Circuit

CCA-Cal	Alarcon, Arthur L.	Senior	11/21/92		
CA(N)	New Position	PL 101-650	12/01/90		
CA(C)	Bonner, Robert C.	Resigned	08/13/90		
CA(C)	New Position	PL 101-650	12/01/90		
CA(C)	New Position	PL 101-650	12/01/90		
CA(C)	New Position	PL 101-650	12/01/90		
CA(C)	New Position	PL 101-650	12/01/90		
CA(S)	New Position	PL 101-650	12/01/90		
HI	New Position	PL 101-650	12/01/90		
ID	Ryan, Harold L.	Senior	12/30/92		
NV	Reed, Edward C. Jr.	Senior	07/15/92		
OR	Panner, Owen M.	Senior	07/28/92		
WA(W)	Tanner, Jack E.	Senior	01/28/91		

Tenth Circuit

CCA -Ok1	Holloway, William J. Jr.	Senior	05/31/92		
CCA -7	New Position	PL 101-650	12/01/90		
NM	Campos, Santiago E.	Senior	12/26/92		
OK(N)	Cook, E. Dale	Senior	12/31/91		
OK(N)	New Position	PL 101-650	12/01/90		
WY	New Position	PL 101-650	12/01/90		

Eleventh Circuit

CCA -Fla	Roney, Paul H.	Senior	10/01/89		
AL(N)	Halton, E. B.	Senior	01/01/92		
FL(M)	Black, Susan H.	Elevated	08/11/92		
FL(M)	Castagna, William J.	Senior	06/29/92		
FL(S)	Hoeverler, Wm. M.	Senior	01/31/91		
FL(S)	Kehoe, James W.	Senior	10/16/92		
FL(S)	King, James L.	Senior	12/20/92		

7 Under Bush, there was a presumption that this seat would go to Wyoming. Individuals from several states (Colo., Kans., N.M.) have contacted us regarding reallocation of this seat.

<u>COURT</u>	<u>VACANCY CREATED BY</u>	<u>REASON</u>	<u>VACANCY DATE</u>	<u>NOMINEE</u>	<u>NOMINATION DATE</u>
FL(S)	Paine, James C.	Senior	05/20/92		
GA(N)	Freeman, Richard C.	Senior	12/31/91		
GA(N)	Shoob, Marvin E.	Senior	09/30/91		
GA(N)	New Position	PL 101-650	12/01/90		
GA(S)	Alaimo, Anthony A.	Senior	07/01/91		

DC	Gesell, Gerhard L.	Deceased	02/20/93		
----	--------------------	----------	----------	--	--

D.C. Circuit

CCA	Thomas, Clarence	Elevated	10/15/91		
DC	Boudin, Michael	Resigned	01/30/92		
DC	Oberdorfer, Louis F.	Senior	07/31/92		
DC	Robinson, Aubrey E.	Senior	03/01/92		

Federal Circuit

CCA	Markey, Howard T.	Retired	04/30/91		
-----	-------------------	---------	----------	--	--

International Trade

	Re, Edward D.	Retired	04/30/91		
	Watson, James L.	Senior	02/28/91		

VACANCIES

Courts of Appeals:	18
District Courts:	96
Supreme Court:	0
Court of International Trade:	2

TOTAL VACANCIES: 116

NOMINEES PENDING

Courts of Appeals:	0
District Courts:	0
Supreme Court:	0
Court of International Trade:	0

TOTAL NOMINEES PENDING: 0

FUTURE VACANCIES IN THE FEDERAL JUDICIARY
(Article III Judges only)
03/01/93

Page 1

<u>COURT</u>	<u>VACANCY CREATED BY</u>	<u>REASON</u>	<u>VACANCY</u> <u>DATE</u>	<u>NOMINEE</u>	<u>NOMINATION</u> <u>DATE</u>
<u>Second Circuit</u>					
CCA-NY	Pratt, George C.	Senior	05/22/93		
NY(N)	McCurn, Neal P.	Senior	04/06/93		
CCA-Ct	Meskill, Thomas	Senior	06/30/93		

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: JM DATE: 3/10/2014

April 15, 1993

~~CONFIDENTIAL~~

MEMORANDUM FOR MEETING PARTICIPANTS -- JUDICIAL SELECTION

FROM: RON KLAIN

SUBJECT: ATTACHED CANDIDATE LISTING

Attached is a listing of the serious candidates for the Courts of Appeals which we have identified thus far -- it is clearly incomplete. It is compiled from names I have been given from all of you, plus recommendations from Senators and other prominent individuals.

I believe that our goals for the meeting should be as follows:

- First, identify candidates/vacancies on which we can quickly -- without extensive comparisons or searches -- focus on one or two individuals as prospective nominees. The goal is to identify six to ten judgeships on which we can make rapid recommendations to the President, for prompt processing.
- Second, for the balance of the positions (ten to fourteen), build a comprehensive list so that, where extensive work and analysis is needed, we can start on it immediately.

I believe that for the seats on which quick decisions are not obvious, once we fill out the lists, some of the state allocation questions may grow more clear.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012. list	Court of Appeals Candidates (18 pages)	04/14/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

April 13, 1993

MEMORANDUM FOR STAFF INTERESTED IN JUDICIAL SELECTION
(List Below)

FROM: RON KLAIN

SUBJECT: MEETING, THURSDAY, at 10AM

We will meet Thursday, April 15, in Bernie Nussbaum's office at 10 a.m. to discuss the following matters:

- (1) Letter from the President to the Senate, regarding judicial selection;
- (2) Potential candidates for the Courts of Appeals.

For your information, I have attached a listing of the current and future Court of Appeals vacancies. The list indicates the state-allocation issues that must be resolved.

At the meeting, I will distribute a list of the potential candidates I have assembled from various sources. Please bring with you any names of candidates that you have. The principal purpose of the meeting is to begin to assemble a listing of potential candidates for these appellate vacancies.

If you have any questions, call me at x7901.

Distribution: Bernie Nussbaum
Bruce Lindsey
Vince Foster
Susan Brophy
Melanne Verveer
Jack Quinn
Eleanor Acheson
Ricki Seidman

VACANCIES IN THE FEDERAL JUDICIARY
(Article III Judges only)
03/01/93

Page 1

<u>COURT</u>	<u>VACANCY CREATED BY</u>	<u>REASON</u>	<u>VACANCY DATE</u>	<u>NOMINEE</u>	<u>NOMINATION DATE</u>
First Circuit					
MA	Freedman, Frank H.	Senior	01/01/92		
MA	McNaught, James J.	Retired	02/01/91		
MA	Nelson, David S.	Senior	09/27/91		
MA	Skinner, Walter Jay	Senior	09/14/92		
RI	Boyle, Francis J.	Senior	12/01/92		
Second Circuit					
CCA-Vt	Oakes, James L.	Senior	07/01/92		
CT	Burns, Ellen B.	Senior	09/01/92		
CT	Eginton, Warren W.	Senior	08/01/92		
CT	New Position	PL 101-650	12/01/90		
NY(N)	Cholakia, Con. G.	Disability	10/23/92		
NY(N)	Munson, Howard G.	Senior	11/05/90		
NY(E)	New Position	PL 101-650	12/01/90		
NY(E)	New Position	PL 101-650	12/01/90		
NY(S)	Broderick, Vincent	Senior	11/30/88		
NY(S)	Lowe, Mary J.	Senior	07/27/91		
NY(S)	New Position	PL 101-650	12/01/90		
NY(S)	Owen, Richard	Senior	09/30/89		
NY(S)	Sweet, Robert W.	Senior	03/01/91		
Third Circuit					
CCA-Pa	Higginbotham, A. Leon Jr.	Senior	01/31/91		
CCA-1	New Position	PL 101-650	12/01/90		
PA(N)	Conaboy, Richard P.	Senior	09/01/92		
PA(N)	New Position	PL 101-650	12/01/90		
PA(W)	Lewis, Timothy K.	Elevated	10/08/92		
PA(W)	Weber, Gerald J.	Senior	12/30/88		
VI	O'Brien, David V.	Deceased	12/22/89		
Fourth Circuit					
CCA-2	New Position	PL 101-650	12/01/90		
CCA-2	New Position	PL 101-650	12/01/90		
CCA-W.Va.	Sprouse, James M.	Senior	10/31/92		

¹Under Bush, this seat was allocated to Pennsylvania. Sens. Bradley and Lautenberg have expressed an interest on behalf of New Jersey.

²Under Bush, these seats went to Virginia and N. Carolina. In addition to these states, W. Virginia and Maryland have expressed interest.

<u>COURT</u>	<u>VACANCY CREATED BY</u>	<u>REASON</u>	<u>VACANCY DATE</u>	<u>NOMINEE</u>	<u>NOMINATION DATE</u>
MD	Harvey, Alexander	Senior	03/08/91		
MD	Howard, Joseph C.	Senior	11/15/91		
MD	Ramsey, Norman P.	Senior	11/01/91		
MC(M)	Erwin, Richard C.	Senior	09/22/92		
VA(E)	Bryan, Albert V. Jr.	Senior	12/01/91		
VA(E)	Williams, Richard L.	Senior	05/01/92		

Fifth Circuit

CCA-3	Clark, Charles	Retired	01/15/92		
CCA-Tex	Gee, Thomas G.	Retired	02/01/91		
CCA-Tex	Johnson, Sam D.	Senior	05/10/91		
CCA-4	New Position	PL 101-650	12/01/90		
LA(E)	Carr, Patrick E.	Senior	10/01/91		
LA(E)	Heebe, Frederick J.R.	Senior	08/25/92		
LA(E)	Ments, Henry A. Jr.	Senior	06/30/92		
LA(W)	Stagg, Tom	Senior	02/29/92		
TX(N)	New Position	PL 101-650	12/01/90		
TX(E)	New Position	PL 101-650	12/01/90		
TX(S)	DeAnda, James	Retired	10/01/92		
TX(S)	New Position	PL 101-650	12/01/90		
TX(S)	New Position	PL 101-650	12/01/90		
TX(S)	New Position	PL 101-650	12/01/90		
TX(W)	Bunton, Lucius D.	Senior	12/01/92		
TX(W)	Garza, Emilio	Elevated	05/24/91		
TX(W)	New Position	PL 101-650	12/01/90		
TX(W)	New Position	PL 101-650	12/01/90		

Sixth Circuit

CCA-5	Krupansky, Robert B.	Senior	07/01/91		
CCA-5	New Position	PL 101-650	12/01/90		
KY(E)	Siler, Eugene	Elevated	09/12/91		
MI(E)	Gilmore, Horace W.	Senior	05/01/91		
OH(N)	Batchelder, Alice M.	Elevated	11/27/91		
OH(N)	Krenzler, Alvin I.	Senior	01/01/92		
OH(N)	Manos, John M.	Senior	04/01/91		
OH(N)	McQuade, Richard B.	Resigned	10/01/89		
OH(N)	Potter, John W.	Senior	08/01/92		
TN(E)	New Position	PL 101-650	12/01/90		

Seventh Circuit

IL(N)	Bua, Nicholas J.	Retired	11/04/91		
IL(N)	Rovner, Illana Diamond	Elevated	08/12/92		
IL(N)	Shadur, Milton I.	Senior	06/25/92		
IL(S)	Beatty William L.	Senior	11/09/92		
IL(S)	New Position	PL 101-650	12/01/90		

³This was a Mississippi seat. Louisiana has expressed an interest, from Sens. Breaux and Johnston.

⁴This seat was allocated to Texas under President Bush. Alternatively, Mississippi and Louisiana are interested.

⁵These seats were given to Michigan and Tennessee under Bush. Sens. Glenn and Metzenbaum have expressed Ohio's interest.

<u>COURT</u>	<u>VACANCY CREATED BY</u>	<u>REASON</u>	<u>VACANCY DATE</u>	<u>NOMINEE</u>	<u>NOMINATION DATE</u>
Eighth Circuit					
AR(E)	Eisele, G. Thomas	Senior	08/01/91		
AR(W)	Arnold, Morris E.	Elevated	05/21/92		
IA(W)	O'Brien, Donald E.	Senior	12/30/92		
ME	Alsop, Donald D.	Senior	08/28/92		
MM	MacLaughlin, Harry E.	Senior	10/01/92		
MO(E)	Cahill, Clyde S.	Senior	04/09/92		
MO(E)	New Position	PL 101-650	12/01/90		
MO(W)	Sachs, Howard F.	Senior	10/31/92		
MO(W)	Wright, Scott O.	Senior	10/05/91		
NE	New Position	PL 101-650	12/01/90		
SD	Porter, Donald J.	Senior	03/16/92		
Ninth Circuit					
CCA-Cal	Alarcon, Arthur L.	Senior	11/21/92		
CA(N)	New Position	PL 101-650	12/01/90		
CA(C)	Bonner, Robert C.	Resigned	08/13/90		
CA(C)	New Position	PL 101-650	12/01/90		
CA(C)	New Position	PL 101-650	12/01/90		
CA(C)	New Position	PL 101-650	12/01/90		
CA(S)	New Position	PL 101-650	12/01/90		
HI	New Position	PL 101-650	12/01/90		
ID	Ryan, Harold L.	Senior	12/30/92		
NV	Reed, Edward C. Jr.	Senior	07/15/92		
OR	Panner, Owen M.	Senior	07/28/92		
WA(W)	Tanner, Jack E.	Senior	01/28/91		
Tenth Circuit					
CCA -Okla	Holloway, William J. Jr.	Senior	05/31/92		
CCA -7	New Position	PL 101-650	12/01/90		
NM	Campos, Santiago E.	Senior	12/26/92		
OK(N)	Cook, E. Dale	Senior	12/31/91		
OK(N)	New Position	PL 101-650	12/01/90		
WY	New Position	PL 101-650	12/01/90		
Eleventh Circuit					
CCA -Fla	Roney, Paul E.	Senior	10/01/89		
AL(N)	Halton, E. B.	Senior	01/01/92		
FL(M)	Black, Susan E.	Elevated	08/11/92		
FL(M)	Castagna, William J.	Senior	06/29/92		
FL(S)	Hoeveler, Wm. M.	Senior	01/31/91		
FL(S)	Kehoe, James W.	Senior	10/16/92		
FL(S)	King, James L.	Senior	12/20/92		

⁷Under Bush, there was a presumption that this seat would go to Wyoming. Individuals from several states (Colo., Kans., N.M.) have contacted us regarding reallocation of this seat.

<u>COURT</u>	<u>VACANCY CREATED BY</u>	<u>REASON</u>	<u>VACANCY DATE</u>	<u>NOMINEE</u>	<u>NOMINATION DATE</u>
FL(S)	Paine, James C.	Senior	05/20/92		
GA(N)	Freeman, Richard C.	Senior	12/31/91		
GA(N)	Shoob, Marvin E.	Senior	09/30/91		
GA(N)	New Position	PL 101-650	12/01/90		
GA(S)	Alaimo, Anthony A.	Senior	07/01/91		
DC	Gesell, Gerhard L.	Deceased	02/20/93		
D.C. Circuit					
CCA	Thomas, Clarence	Elevated	10/15/91		
DC	Boudin, Michael	Resigned	01/30/92		
DC	Oberdorfer, Louis F.	Senior	07/31/92		
DC	Robinson, Aubrey E.	Senior	03/01/92		
Federal Circuit					
CCA	Markey, Howard T.	Retired	04/30/91		
International Trade					
	Re, Edward D.	Retired	04/30/91		
	Watson, James L.	Senior	02/28/91		

VACANCIES

Courts of Appeals: 18
 District Courts: 96
 Supreme Court: 0
 Court of International Trade: 2

TOTAL VACANCIES: 116

NOMINEES PENDING

Courts of Appeals: 0
 District Courts: 0
 Supreme Court: 0
 Court of International Trade: 0

TOTAL NOMINEES PENDING: 0

FUTURE VACANCIES IN THE FEDERAL JUDICIARY
(Article III Judges only)
03/01/93

Page 1

<u>COURT</u>	<u>VACANCY CREATED BY</u>	<u>REASON</u>	<u>VACANCY DATE</u>	<u>NOMINEE</u>	<u>NOMINATION DATE</u>
<u>Second Circuit</u>					
CCA-NY	Pratt, George C.	Senior	05/22/93		
NY(N)	McCurn, Neal P.	Senior	04/06/93		
CCA-Ct	Meskill, Thomas	Senior	06/30/93		

FIRST-YEAR PRESIDENTIAL SELECTIONS FOR THE COURTS OF APPEALS

The following is a list of the Court of Appeals judges nominated by the previous three Presidents in their first year in office. (Renominations are excluded.)

President Jimmy Carter -- Seven

- | | | |
|----|----------------------------------|------------|
| 1. | Alvin Rubin, Fifth Circuit | (08/16/77) |
| 2. | Gilbert Merrit, Sixth Circuit | (08/25/77) |
| 3. | Thomas Tang, Ninth Circuit | (08/29/77) |
| 4. | Procter Hug, Ninth Circuit | (08/29/77) |
| 5. | Leon Higginbotham, Third Circuit | (09/19/77) |
| 6. | Damon Keith, Sixth Circuit | (09/28/77) |
| 7. | James K. Logan, Tenth Circuit | (11/04/77) |

President Ronald Reagan -- Six

- | | | |
|----|-----------------------------------|------------|
| 1. | Robert Chapman, Fourth Circuit | (07/16/81) |
| 2. | Lawrence Pierce, Second Circuit | (09/08/81) |
| 3. | William Garwood, Fifth Circuit | (09/17/81) |
| 4. | Richard Cardamone, Second Circuit | (10/01/81) |
| 5. | Jesse Eschbach, Seventh Circuit | (10/20/81) |
| 6. | Richard Posner, Seventh Circuit | (10/27/81) |

President George Bush -- Five

- | | | |
|----|--------------------------------|------------|
| 1. | Conrad Cyr, First Circuit | (08/04/89) |
| 2. | S. Jay Plager, Federal Circuit | (09/12/89) |
| 3. | John Walker, Second Circuit | (09/21/89) |
| 4. | Clarence Thomas, D.C. Circuit | (10/31/89) |
| 5. | Rhesa Barksdale, Fifth Circuit | (11/17/89) |

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. letter	To Melanne Verveer from candidate re: judicial selection (2 pages)	05/04/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

DRAFT

Letter to Senior Democratic Senators¹

Dear :

As you know, one of the most important duties assigned to me under the Constitution is my responsibility to nominate men and women to serve as judges in our federal courts. It is an obligation that I take seriously, and that I intend to discharge with care and concern.

My primary objective in exercising this duty is to preserve and restore the prestige of the federal courts, and to diminish the role that political or ideological factors have played in judicial selection. The values that I intend to promote in my selection of judges for the District Courts and Courts of Appeals are excellence, diversity, and temperament -- with the aim of putting the very best people that the legal profession has to offer on the federal bench. Candidates for these nominations will not be subjected to "litmus tests" or be drawn from a narrow range, but instead, will be selected from the broad spectrum of views, backgrounds, and experiences.

With respect to criteria for selection, let me offer the following. First, candidates for nomination must be of outstanding character and temperament. These standards are so clear and obvious, that no further elaboration is required.

Beyond this, I will seek to nominate men and women who are at the apex of their legal careers. While there is no minimum or maximum age for nomination, I would expect that -- on the one hand -- my nominees will be, on average, older than those of my predecessor. On the other hand, I will want nominees to be of an age and fitness to permit them to serve at least ten years on the bench.

As to experience, nominees must have shown genuine and rare distinction in their field of practice, earning the respect of their peers and their communities. We are looking for men and women who are the finest of the profession, and who have established track records that prove it.

Next, candidates for nomination should have demonstrated a commitment to the public interest, in the form of significant pro bono work, time spent in public service, or through some other like contribution to the public good.

¹A special letter would be sent to: Senator Moynihan, because of New York's peculiar process; Senators Feinstein and Boxer, who have agreed to treat themselves as equals for this purpose; Senator Biden, acknowledging his role as Chairman of the Judiciary Committee; and the three Democratic Senators (Reid, Wellstone, and Exon) who have already sent us their names.

In addition to these criteria, candidates for nomination to the District Court must have substantial litigation experience -- including courtroom work or its substantive equivalent. Candidates for nomination to the Courts of Appeals must have a demonstrated talent for legal writing, of the sort that is critical to the appellate bench.

Historically, Senators have played an important role in this process; a role derived from your constitutional responsibility to provide your "advice and consent" with respect to my nominations. It is my view that this historical role should continue, guided by the contemporary considerations I have outlined above; i.e., the promotion of excellence and diversity in the federal judiciary.

Specifically, with respect to District Court vacancies, I will be happy to receive your recommendation of one or more candidates for nomination for each position that exists. Upon receipt of your recommendation, we will begin to review that person's record to insure that he or she meets the criteria I have outlined above. If we determine that a person you have recommended fails to meet these criteria, we will discuss with you alternative candidates for the position.

The final decision as to whether to nominate a recommended candidate rests, of course, with me.

In reaching your recommendation, you are free to utilize whatever process you believe -- based on your understanding of your state's bench and bar -- will be most effective. [I would expect, however, that you would closely consult with your state's other Senator in formulating your recommendations to me.]

With respect to vacancies on the Courts of Appeals, I would welcome your suggestions of possible candidates for these positions. I will insure that the individuals you suggest are considered as we review potential nominees for these courts.

When you are prepared to recommend or suggest individuals for nomination to the federal courts, please forward the candidates' names, and basic biographical material, to both Attorney General Reno and myself. These individuals will be contacted by the administration within two weeks from the time your materials are received.

If you have any questions regarding these criteria or procedures, please feel free to contact General Reno or my Counsel, Bernard Nussbaum.

Sincerely,

William J. Clinton

Letter to Junior Democratic Senators²

DRAFT

Dear :

Attached is a letter which I have sent today to your colleague, Senator _____, regarding judicial selection.

As you can see, in this letter, I have asked _____ to work closely with you in making recommendations and suggestions to me regarding judicial vacancies.

If you have any questions regarding the criteria I have outlined in my letter, or procedures therein, please feel free to contact Attorney General Reno or my Counsel, Bernard Nussbaum.

Sincerely,

William J. Clinton

²A special letter would be sent to Senator Kerrey, who has already submitted names jointly with Senator Exon.

March 31, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BERNARD NUSSBAUM
 VINCENT FOSTER
 RONALD KLAIN
 OFFICE OF THE COUNSEL TO THE PRESIDENT

SUBJECT: JUDICIAL SELECTION

The purpose of this memorandum is to propose a process for the selection of nominees for the U.S. Courts of Appeals and the U.S. District Courts.

I. Background

As of today, there are 116 vacancies in the federal courts: these include 18 Court of Appeals vacancies, and 96 District Court vacancies. This is approximately one-eighth of all the federal court judgeships in the country. Thus, one of the most lasting legacies of your Presidency confronts us for action right now.

Among the most significant Court of Appeals vacancies to be filled are the D.C. Circuit seat, once held by Robert Bork and Clarence Thomas; two seats on the Fourth Circuit, where Clinton appointees can shift the balance on that Court away from Reagan-Bush control; four vacancies on the Fifth Circuit -- vital to civil rights concerns -- where 11 of the 13 judgeships are held by Reagan-Bush appointees; and one seat on the Ninth Circuit, now divided between 14 Reagan-Bush judges and 13 judges appointed by other Presidents.

The 96 District Court-level vacancies are spread throughout the country, but almost two-thirds of them are concentrated in just eleven states: Texas, with ten; New York, with eight; California, with six; Florida and Ohio, five each; and Georgia, Illinois, Louisiana, Massachusetts, Missouri, and Pennsylvania, each with four.

The desire for rapid action in filling these vacancies is strong, but our expectations should be realistic. President Bush, even with the advantages of unconfirmed Reagan nominees in the pipeline for resubmission -- and with many Reagan district court judges to elevate -- won Senate confirmation of only 15 nominees during his entire first year in office.

Indeed, leaving aside the Reagan carryovers, President Bush's first judicial nominations did not come until August of 1989, and, even then, consisted of just two new judges. By late-October, Bush had nominated just ten new judges total for

the year. (His final count, aided by a push in late-October and November, was 19 new nominees in 1989.)

While we believe we can do better than President Bush did, time lags are inevitable due to FBI and ABA investigations of nominees; these produce an average four month gap between a tentative decision to nominate a judge, and the submission of that nomination to the Senate. Add to this a natural delay in start-up, and a further challenge posed by the lack of a full Justice Department team in place, and we can see that sending an initial package of 10-20 judges to the Senate by July 31st is an ambitious goal.

In our view, our overriding objective for the first year of the judicial selection process must be quality as opposed to quantity: firmly establishing in the minds of legal observers -- and the Senate -- the view that your nominees are being chosen for their excellence, their temperament, and their contribution to diversity -- and not due to litmus testing or political considerations.

For the long run, it is more important that our first 20 judges be acclaimed than it is for us to name 30, 40, or 50 judges this year. The fact is that, next year, we can recover lost ground in the pace of filling vacancies -- but we can never recoup the loss we will suffer if your initial nominees leave a bad "first impression."

Thus, the very best way to win prompt Senate approval of your nominees down the line is to establish the credibility of your selection process now. The degree of scrutiny, and the period of delay, that your nominees face in years two, three and four of this administration will be shaped, first and foremost, by the caliber of the nominees that we submit in year one.

II. General Considerations

Below, we outline the specific process to be used for filling vacancies on the Court of Appeals and the District Courts. But first, there are some aspects of the process that will remain constant for both sorts of nominations; we discuss them now.

A. Administration Committee

The heart of the process we propose for the Clinton Administration is an "Administration Committee," meeting at the White House, to coordinate and supervise the selection process. The goal is to promote cooperative work between the White House and the Justice Department, utilizing the resources of both units most effectively to achieve quick -- but careful -- decision

making. Through the composition and design of the Committee, we hope to avoid some of the delays and turf battles that have plagued previous administrations.

Our proposal is that the following persons serve on the Administration Committee:

- Bernie Nussbaum, Vince Foster and Ron Klain, White House Counsel;
- Bruce Lindsey and/or his designee, Presidential Personnel;
- Melanne Verveer, Office of the First Lady;
- Susan Brophy, Legislative Affairs;
- Representatives of the Justice Department designated by Attorney General Reno, presumably including Eleanor Acheson, from Office of Legal Policy, and the Assistant Attorney General for Legislative Affairs.

Other White House Offices -- Political Affairs and Public Liaison, for example -- would have input through those Offices represented on the Committee.

Until the initial backlog is cleared, the Committee would meet twice a week -- on Tuesdays, to review candidates for the Courts of Appeals, and on Thursdays, to review candidates for the District Courts.

The many specific functions of the Committee are discussed below. But in general, its work is to deliberate upon names, whittle down lists, review staff memoranda, and allocate responsibilities for reviewing specific nominations. As will be discussed below, at several points in the process, tasks must be assigned to either the Counsel's Office or the Justice Department; the Committee can make these assignments on an ad hoc basis.

B. Role of the Senate

You have informed Democratic Senators that they will have, under the prevailing custom, a major role in judicial selection. That role can best be summarized as follows:

- For District Court vacancies, you would expect to accord great weight to their recommendations. In making these recommendations, Senators are free to use any process they wish, and to recommend as many or as few names per vacancy as they wish -- so long as those recommendations reflect your goals of excellence, temperament, and diversity;

- For the Court of Appeals, you welcome their suggestions, and intend to give serious consideration to any person they suggest -- but you will accord no presumption or deference to these names.

With respect to the Appeals Court, the administration also retains the discretion to determine to which state within a circuit a particular seat should be allocated -- which, too, operates as a limit on the Senators' role in this area.

The question then becomes: how do we communicate this role to the Senate? Our proposal is two-fold:

- First, you send a generally-worded letter that emphasizes the standards you are setting for judicial nominees, without getting into too many specifics on process or mechanics (a draft of such a letter is attached);
- Second, you authorize White House Staff to step up face-to-face meetings with Democratic Senators to emphasize how serious we are about diversity and excellence, and how much our deference to their choices depends on their willingness to engage in a dialogue with us about who they are considering.

The sooner we get this underway, the more flexibility we will have to shape the Senators' selections. Our goal is to discuss with Senators whom they are considering sending to us, before they publicly announce their "nominees." The key to this is back-channel dialogue; Ron Klain has cautiously conducted some such meetings already, but with your approval, many more can be arranged.

C. States with No Democratic Senator

There are eleven states and three other jurisdictions (D.C., Puerto Rico, and the U.S.V.I.) where there are no Democratic United States Senators.

Traditionally, in states where there is no Senator from the President's Party, the White House has relied upon the senior Member of Congress from the President's Party to provide recommendations for judicial nominations. These recommendations do not necessarily receive the same degree of deference as do recommendations of Senators.

At the same time, this prerogative has been delegated to persons other than the senior Congressman from the President's Party. The Bush administration, in some states, looked more to the Governors, to local Bush operatives, or to other statewide figures for such recommendations. State-by-state judgments, based on the political considerations applicable to that state.

We need to begin discussions here over how we will handle this matter. Based on our initial conversations with Howard Paster and Rahm Emmanuel, we would recommend the following:

- The Political Affairs and Legislative Affairs Offices should encourage Democratic Congressional delegations to work closely with Democratic Governors to create joint processes in as many states as possible. Such arrangements already exist in Idaho and North Carolina, for example;
- This can be encouraged by permitting these White House Offices to inform Congressmen and Governors that, where they fail to unite on a choice, their divided recommendations will be given less deference than a joint proposal;
- A special arrangement is needed for the District of Columbia, where local bar leaders and local political leaders (particularly Delegate Eleanor Holmes Norton) expect more of a role -- and where the administration has historically reserved more discretion to select persons of its choosing for these courts.

We would propose to get this underway immediately, with conversations beginning on the Hill and with the Governors for the 11 states at issue (six states have one vacancy each; Missouri has four), and with our Office working with Alexis Herman to deal with the District of Columbia question.

D. Criteria for Judicial Selection

As noted above, general criteria for the selection of federal judges are outlined in a proposed draft letter to U.S. Senators. We see little need to go farther than these general nostrums.

Tremendous time and energy can be spent debating specific criteria, only to later find that exceptions are made to every set of hard-and-fast rules, when the "right" person turns up who does not meet the agreed-upon standards. Thus, rather than investing extensive efforts into formulating criteria that will ultimately be acknowledged only in the breach, we offer the following general standards to be applied:

- Litmus Tests/Ideology: Nominees for the lower federal courts will not be subjected to "litmus tests" or be drawn from a narrow ideological range, but instead, will be selected from the broad spectrum of views.
- Character/Temperament: To state the obvious, candidates for nomination must be of outstanding character and temperament. These standards are so clear, that no further elaboration is required.

- Minimum Age: Without setting any fixed minimum, nominees should be at the apex of their legal careers; on average, our nominees will be older than those of President Bush, and in only a very rare case would a nominee be under age 40.
- Maximum Age: Again, no firm age should be established. But the standard should be that the nominees be of an age and fitness to permit them to serve ten years on the bench.
- Excellence: The nominees must have shown genuine and rare distinction in their field of practice, earning the respect of their peers and their communities.
- Public Service: Nominees should have demonstrated a commitment to the public interest, in the form of significant pro bono work, time spent in public service, or through some other like contribution.
- Additional Criterion -- District Court: Moreover, nominees for the District Court must have substantial litigation experience -- including courtroom work or its substantive equivalent.
- Additional Criterion -- Court of Appeals: Nominees for the Courts of Appeals must have a demonstrated talent for legal writing, of the sort that is critical to the appellate bench.

Diversity, while not a specific criteria as to a specific person, is obviously a critical overriding concern. Of course, this means diversity with respect to race, gender, and like factors, fulfilling your pledge to nominate judges who "look like America."

But less obviously, the goal of diversity also means seeking diversity of legal experience -- under Presidents Reagan and Bush, the vast majority of nominees came from one of two legal fields: corporate law firms or criminal prosecution. Under your Presidency, candidates will come from a wider array of backgrounds: from both the public and private bars; from criminal defense and prosecution; from small and large private firms; from the civil bar's plaintiff and defense "sides."

III. Court of Appeals Process

With these general procedures and criteria as a background, we next propose a specific process for recommending to you candidates for nomination for the U.S. Courts of Appeals. Eighteen such vacancies currently exist.

A. Allocation to States

Many circuit vacancies carry with them the strong presumption that they will be filled with another judge from that state. But others are more fungible, and the administration has considerable flexibility with respect to the vacancies that are new seats, created by the Judicial Improvements Act of 1990. Of the eighteen vacancies that now exist, we have geographic discretion with respect to a total of eight judgeships.

Among the choices we face are:

- Third Circuit: A new seat was allocated by President Bush to Pennsylvania; Sens. Bradley and Lautenberg have expressed interest in seeing it moved to New Jersey.
- Fourth Circuit: Bush allocated the two new seats to Virginia and North Carolina; Democratic Senators are asking us to move them to Maryland and West Virginia.
- Fifth Circuit: There are four vacancies -- and two clearly belong to Texas. The other two must be spread among Louisiana, Texas and Mississippi.
- Sixth Circuit: Bush allocated the two vacancies to Michigan and Tennessee; Ohio wants one of these seats.
- Tenth Circuit: A new seat there had been targeted for Wyoming under President Bush; states seeking reallocation of this seat are Colorado, Kansas, and New Mexico.

Making tentative decisions on these matters should be among the first priorities of the Administration Committee as soon as it begins its meetings.

B. Setting Priorities

All 18 vacancies cannot be filled at once; and unlike the District Courts, where the receipt of names from Senators helps set our agenda on timing, we largely set the order in which we fill these positions.

In our view, we can focus on five to seven vacancies at one time. Consequently, we propose attacking the 18 vacancies in this priority order, for these reasons:

- **First Priority (7): D.C. Circuit** (this is Justice Thomas's seat, a priority due to its prestige); **Fourth Circuit (3)** (this Southern circuit is an all-white court, with only one woman member); **Ninth Circuit-California** (with one appointee, control of the Circuit is shifted from Reagan-Bush judges); **Fifth Circuit (2)** (this Southern circuit also has no blacks, and has the most total vacancies).
- **Second Priority (6): Fifth Circuit (2)** (for the same reasons as described above); **Third Circuit (2)** (this circuit, with a large African-American population, has but one black judge - - and two very old vacancies); **Sixth Circuit (2)** (with these two appointees, we come close to matching the Reagan-Bush majority on the circuit).
- **Third Priority (5): Second Circuit-Vermont** (though prestigious, this circuit is in better shape in terms of backlog than other circuits); **Tenth Circuit (2)** (one of these vacancies is relatively new, and the court backlog is lighter); **Eleventh Circuit-Florida** (with just one vacancy on this large court, it can wait); **Federal Circuit** (none of the relevant factors argue for making it a higher priority).

If this priority list is accepted, the Committee can begin to focus -- and initiate the process outlined below -- on the first seven appellate judgeships identified above.

C. Identifying Candidates/Outreach

Once the vacancies under review are targeted, the process begins. The key to this process is the consideration, by the Administration Committee, of the broadest possible collection of excellent candidates for appellate judgeships.

To achieve this, each unit represented on the Administration Committee will be assigned responsibility for systematic review of classes of potential candidates -- in addition to their collection of names of potential candidates from informal sources. Thus, for each vacancy, the following responsibilities will exist:

- **White House Counsel:** Our office will review all U.S. District Court judges and academics in the relevant area for prospective candidates. We will also work with Public Liaison on contacts with minority and womens' bar groups.
- **Legislative Affairs:** This unit will insure that persons recommended by Senators and Congressmen are reviewed.
- **Personnel:** Its major responsibility is compiling names from its files and its sources; in addition, this office will gather names from Political Affairs.

- **Melanne Verveer:** Melanne will consult with informal advisors to the administration, and others familiar to her.
- **Justice Department:** They will compile candidates from the state bench, and from the ranks of those recommended by local bar leaders.

The goal is to have "on the table" a large number of candidates for each Court of Appeals vacancy, reflecting diverse backgrounds, professional careers, philosophies, and credentials.

D. Sorting the Names

As a result of the initial discussion of the candidates, the Committee will hopefully narrow the field for each vacancy to no more than 20 candidates.

The subsequent sorting of this large field will be done in five steps:

1. Initial Inquiries

Our Office and the Justice Department will then share responsibility for collecting basic information (resumes and major publicly available materials) concerning each of the candidates. In addition, each Committee member will take responsibility for discussing the potential nominees with appropriate advisors to that person.

At the next Committee meeting, the product of this research and these inquiries will be discussed, with a goal of narrowing the list to eight to ten candidates per vacancy. The obvious criteria to be applied in this process are diversity and excellence: the list should be diverse, and all candidates on it should meet our high standards of excellence.

2. Public Record Research Reports

At this point, our Office and the Justice Department would assume responsibility for preparing public record research reports on the candidates. (These would be similar to the reports prepared on candidates for the Cabinet.) The reports would be based on:

- Resumes and basic biographical materials;
- Review of published articles about the candidates;
- Analysis of the judicial opinions or academic writings of the candidates, where appropriate.

The goal would be to produce a report on each of the eight to ten candidates, for discussion at the next Committee meeting. After reviewing the reports, the Committee would narrow the list to approximately three finalists per vacancy.

3. Forms for Candidates

At this point, the three candidates would be notified that they are under active consideration, and would be sent forms to be completed, to facilitate our further review of their candidacy. (In some cases, if a Senatorial candidate does not make the final three, that person may need to be sent forms, and interviewed (see below) in any event.)

These forms would be the following:

- The SF-86 (the FBI Background Check Form);
- The Personal Data Questionnaire (a version of the Presidential Personnel Form used for other senior level applicants) and confidential Medical and Financial Questionnaires; and
- The Senate Judiciary Committee Questionnaire for judicial nominees.

We should ask for the latter because, seeing it completed will give us the best sense of what issues might arise during confirmation, so that those issues can be taken into account as part of our consideration of the candidate.

While there is overlap in the forms, each does have its separate purpose -- and subsequent steps in the process will proceed more quickly if all of the forms are completed at this stage.

4. Interviews

At this point, the three (or four, as outlined above) finalists per vacancy would be interviewed by a representative of the Justice Department and the Administration Counsel's Office. Each candidate would be interviewed only once, with all interviewers present at a single session, lasting approximately two hours.

Interviewing three candidates per vacancy (as opposed to the single-candidate interviews used to fill many sub-Cabinet jobs) is warranted here for two reasons:

- First, candidates for judgeships are less likely to be known to administration decision-makers than are candidates for

senior posts within the administration -- thus, interviews with more candidates are required;

- Second, "runners-up" in the judicial selection process are more likely to be serious contenders for subsequent positions (i.e., future judgeships) than are "runners-up" in the bidding for administration jobs.

In any event, the interviews would explore professional background, the candidate's interest in and approach to judging, philosophy of judicial decision-making, and areas of legal expertise and interest. Judicial philosophy would be discussed, but the candidate's views on specific legal issues -- and specific cases -- would not be solicited.

While the interviews would not be background "vetting" checks, the question of any liabilities -- or assets -- that the potential nominee brings to the confirmation process would be discussed.

The interviewers would report on the product of the interviews at the first Committee meeting following the interviews.

5. Personal Checks

At the same time that the interviews are on going, all members of the Committee will be making inquiries about the finalists with relevant legal experts, constituencies, bar leaders, and others who merit consultation. The idea is to obtain, from the largest possible spectrum of persons, a sense of the caliber of the potential nominees, the likely reaction to those nominees, and the perception of those nominees.

Aside from these general checks, the Justice Department and the Counsel's Office will share responsibility for making extensive and appropriate inquiries in the potential nominees' communities, to ascertain the potential nominees' reputation and qualifications. The forms completed -- particularly the PDS and the Judiciary Questionnaire -- will be the basis for these checks.

E. Selecting a Tentative Nominee

Based on: (1) the interviews, (2) the personal checks, (3) the public background reports, and (4) the completed forms, the Committee will recommend one putative nominee to you. It will do so by reaching a consensus on that recommendation, through its deliberations. In rare cases where a consensus cannot be reached, the Committee may recommend two candidates, for your final decision.

A memorandum transmitting the recommendation to you will be prepared by the Counsel's Office, or the Department of Justice, as appropriate. The memorandum will outline the candidate's qualifications, and the factors that yielded the recommendation on his or her behalf, as well as any negative facts of which you should be aware.

If you concur in the Committee's tentative recommendation, the name of the putative nominee is turned over to:

- The FBI, which will do a full background investigation, and report back to the White House Counsel (this takes approximately one month);
- The ABA, which will perform its evaluation process and report back to the White House Counsel or the Justice Department, as appropriate (this takes approximately two months).

There will be no public announcement of an intention to nominate at this point. On a selective basis, key Senators may be informed of the tentative selection.

F. Final Recommendation to the President

After these investigations are completed, a report of the results will be made to the Administration Committee. The Committee will weigh any problems in the FBI Report, and the ABA's evaluation of the prospective nominee, and determine whether to recommend to you that you proceed with the nomination.

If the decision is to recommend the nominee, a final memorandum will be sent to you, briefly redescribing the nominee's background and outlining any potential confirmation problems that have arisen in our review.

If you accept the recommendation, you should call the prospective nominee, and offer him/her the position. Upon the nominee's acceptance -- and appropriate advance notification of the key Senators and political leaders -- the nomination will be announced and formally submitted to the Senate.

Because the FBI Check and the Senate Committee Questionnaire will be completed before the public announcement of the nomination, there will be no announcement of an intention to nominate. Instead, the first announcement will be of the nomination itself, which will -- under this plan -- be immediately ready for Senate action.

Thus, hopefully some of the extra time consumed in selecting a nominee can be "made up" by the fact that, once selected, the nominees are immediately ready for Senate consideration -- unlike

sub-Cabinet nominees, who must be investigated between their public announcement and their formal nomination.

A subsequent memorandum will outline a process for dealing with the confirmation of nominees. However, in general, it is anticipated that the Justice Department's Office of Legislative Affairs will take the lead on non-controversial nominees, with the White House Offices of the Counsel and Legislative Affairs taking the lead on controversial candidates.

IV. District Court Process

The process for selecting District Court judges has some similarities with the above -- but many differences. These differences are shaped primarily by the dominant role that Senators play in this process, and by the vastly larger numbers of vacancies: currently, a record 96 District Court judgeships are vacant.

A. Setting the Agenda and Priorities

Here, unlike the Court of Appeals, the agenda is set largely by the timing of Senatorial recommendations: because the work is overwhelming, we will find that our handling of these vacancies is sequenced largely by the order in which we receive recommendations from Senators.

Thus far, we have received recommendations from just five Senators, covering only eight of the 96 vacancies. (A current status report is attached.) Many Senators have informed us that they are employing screening or review panels to advise them; these panels will begin to report to Senators in April, with a flood of names likely to arrive here between mid-April and mid-May.

Once the names flood in, and we are forced to prioritize among those that arrive at approximately the same time, several factors should play a part in the decisions as to whom to "move" first:

- Diversity: One way to reward Senators who help us promote diversity is to move nominees who reflect this agenda -- and other nominees recommended by the same Senator -- to the front of the line. (In addition, this will help our earliest nomination packages have the best statistics on diversity.)
- Excellence: Similarly, the strongest nominees should be put at the front of the line: again, it encourages the selection of excellent nominees if Senators come to understand that we will move such persons first.
- Urgent Needs: Finally, nominations for judicial districts with urgent needs (not necessarily those with official "judicial emergencies," which are simply vacancies that have been open for more than 18 months) should receive a higher priority.

Based on these criteria, and the names we currently have, the Committee should first review the following six candidates for review: Trager and Batts from New York; Alexander and Davis from

Minnesota; Shannahan from Nebraska; and Hagen from Nevada. (This list consists of two women/four men; three blacks/three whites.)

B. Promoting our Candidates

The most difficult challenge in the District Court selection system is promoting particular candidates we want for District Court vacancies (as opposed to insisting that Senatorial candidates meet our criteria). This is particularly difficult in states where Senators have implemented merit selection or outside screening panels; i.e., where the initial culling down of lists is beyond the Senator's control.

The key to having any success in this endeavor is identifying immediately any individuals whom we wish to suggest to Senators for their consideration. The sooner we contact Senators with suggested names for their review, the easier it will be for Senators to accommodate our views into their planning.

Thus, at the first two Committee meetings, all members should come to the table with the names of individuals we wish to recommend to Senators for their consideration.

Of course, we may choose to nominate one of "our" people in lieu of a Senator's candidate at any time. But these conflicts will slow down the process, and add to discord between the branches, often needlessly. Instead, we will do better to compile a list of candidates whom we are very serious about, and begin to ask Senators to put our candidates into their mix.

C. Review of Recommended Names

Once we receive a recommended name from a Senator, our review process begins. The process will be similar to the process outlined above, however, it differs because it focuses -- from the start -- on a single candidate.

1. Initial Review

At the first Committee meeting after a name is received (and at the very first Committee meeting, with respect to the six names listed above), the Committee will perform a cursory review of the candidate recommended by the Senator.

The purpose of the review is to determine whether, at a threshold level, the candidate arguably meets our selection criteria. The review will also consider the Senator's efforts on diversity, and whether any candidates we suggested to the Senator were adequately considered.

In all but a very few cases, candidates recommended by a Senator will proceed to the next phase, where substantial evaluation begins. If a candidate does not even pass cursory review, we will immediately notify the Senator of this fact, and ask him or her to work with us to quickly supply a replacement candidate.

2. Forms for Candidates

Once passing the cursory initial review, the recommended candidate would be sent forms to be completed, to facilitate our further review of his/her candidacy.

These forms would be the following:

- The SF-86 (the FBI Background Check Form);
- The Personal Data Questionnaire (a version of the Presidential Personnel Form used for other senior level applicants), plus confidential Medical and Financial Questionnaires; and
- The Senate Judiciary Committee Questionnaire for judicial nominees.

We should ask for the latter because, seeing it completed will give us the best sense of what issues might arise during confirmation, so that those issues can be taken into account as part of our consideration of the candidate. Again, while there is overlap in the forms, each does have its separate purpose.

3. Public Record Research Reports

While the candidate is completing his or her forms, the Justice Department will assume responsibility for preparing public record research reports the candidate. (These would be similar to the reports prepared on candidates for the Cabinet.) The report would be based on:

- Resumes and basic biographical materials submitted to us by the Senator who recommended the candidate;
- Review of published articles about the candidates;
- Analysis of the judicial opinions or academic writings of the candidates, where appropriate.

The goal would be to produce a report on the candidate, for discussion at the next Committee meeting after the candidate's forms are received and reviewed.

4. Review Before Interview

At this point, the Committee will review the forms and the public record research report, and make a determination as to whether the candidacy should proceed. Here, since the interviews would be of only one candidate, the interview should not proceed unless there is an initial determination that the candidate meets our selection criteria, and would be someone we would recommend to you for nomination.

This means that members of the Committee will be making inquiries about the candidate with relevant legal experts, constituencies, bar leaders, and others who merit consultation. The idea is to obtain, from the largest possible spectrum of persons, a sense of the caliber of the potential nominees, the likely reaction to those nominees, and the perception of those nominees.

Aside from these general checks, the Justice Department will have responsibility for making extensive and appropriate inquiries in the potential nominee's community, to ascertain the potential nominee's reputation and qualifications. The forms completed -- particularly the PDS and the Judiciary Questionnaire -- will be the basis for these checks, which consists largely of contacting lawyers against whom, with whom, and before whom (i.e., judges) the candidate has practiced, to obtain a sense of the candidate's legal abilities.

At the next Committee meeting, after all of this work is completed, the Justice Department representatives will present a report on the candidate's professional review, and the review of the forms and background reports. Our Office will provide its views on the latter two items. Finally, all members of the Committee will present the results of their contacts with their relevant sources.

If the Committee concludes that it would otherwise recommend the candidate for nomination, the candidate will be invited for an interview.

5. Interviews

With respect to District Court nominees, the interviews are the final check, to insure that the prospective nominee meets our criteria. The candidate will be interviewed by representatives of the Justice Department and the White House Counsel's Office. The candidate would be interviewed only once, with all interviewers present at a single session, lasting approximately two hours.

The interview would explore professional background, the candidate's interest in and approach to judging, philosophy of

judicial decision-making, and areas of legal expertise and interest. Judicial philosophy would be discussed, but the candidate's views on specific legal issues -- and specific cases -- would not be solicited.

While the interviews would not be background "vetting" checks, the question of any liabilities -- or assets -- that the potential nominee brings to the confirmation process would be discussed.

The interviewers would report on the product of the interviews at the first Committee meeting following the interviews.

D. Tentative Recommendation to Nominate

Based on: (1) the interviews, (2) the personal checks, (3) the public background reports, and (4) the completed forms, the Committee will decide whether to recommend the putative nominee to you.

A memorandum transmitting the recommendation to you will be prepared by the Counsel's Office, or the Department of Justice, as appropriate. The memorandum will outline the candidate's qualifications, and the factors that yielded the recommendation on his or her behalf, as well as any negative facts of which you should be aware.

If you concur in the Committee's tentative recommendation, the name of the putative nominee will be turned over to:

- The FBI, which will do a full background investigation, and report back to the White House Counsel (this takes approximately one month);
- The ABA, which will perform its evaluation process and report back to the White House Counsel or the Justice Department, as appropriate (this takes approximately two months).

There will be no public announcement of an intention to nominate at this point. However, in most cases, the Senator who recommended the candidate will be informed of the tentative selection.

E. Final Recommendation to the President

After these investigations are completed, a report of the results will be made to the Administration Committee. The Committee will weigh any problems in the FBI Report, and the

ABA's evaluation of the prospective nominee, and determine whether to recommend to you that you proceed with the nomination.

If the decision is to recommend the nominee, a final memorandum will be sent to you, briefly redescribing the nominee's background and any potential confirmation problems we have identified in our review.

If you accept the recommendation, you should call the prospective nominee, and offer him/her the position. Upon the nominee's acceptance -- and appropriate advance notification of the key Senators and political leaders -- the nomination will be announced and formally submitted to the Senate.

Because the FBI Check and the Senate Committee Questionnaire will be completed before the public announcement of the nomination, there will be no announcement of an intention to nominate. Instead, as with the Court of Appeals nominees, the first announcement will be of the nomination itself, which will - under this plan -- be immediately ready for Senate action.

V. U.S. Attorneys and U.S. Marshals

For the sake of completeness, we note that the question of U.S. Attorneys and U.S. Marshals is not being overlooked here: it is the subject of a separate process, being coordinated by Personnel (Kevin O'Keefe, for Bruce) and the Justice Department. The Counsel's Office will not be involved, except to "clear" such nominees as it clears all Presidential nominees.

VI. Action

With your approval, we will begin to put this plan into action immediately, and send the attached letter to Democratic Senators.

_____ APPROVE

_____ DISAPPROVE

_____ DISCUSS

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014. list	Judicial Recommendations From Democratic Senators (1 page)	03/14/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Letter to Senior Democratic Senators¹

Dear :

As you know, one of the most important duties assigned to me under the Constitution is my responsibility to nominate men and women to serve as judges in our federal courts. It is an obligation that I take seriously, and that I intend to discharge with care and concern.

My primary objective in exercising this duty is to preserve and restore the prestige of the federal courts, and to diminish the role that political or ideological factors have played in judicial selection. The values that I intend to promote in my selection of judges for the District Courts and Courts of Appeals are excellence, diversity, and temperament -- with the aim of putting the very best people that the legal profession has to offer on the federal bench. Candidates for these nominations will not be subjected to "litmus tests" or be drawn from a narrow range, but instead, will be selected from the broad spectrum of views, backgrounds, and experiences.

With respect to criteria for selection, let me offer the following. First, candidates for nomination must be of outstanding character and temperament. These standards are so clear and obvious, that no further elaboration is required.

Beyond this, I will seek to nominate men and women who are at the apex of their legal careers. While there is no minimum or maximum age for nomination, I would expect that -- on the one hand -- my nominees will be, on average, older than those of my predecessor. On the other hand, I will want nominees to be of an age and fitness to permit them to serve at least ten years on the bench.

As to experience, nominees must have shown genuine and rare distinction in their field of practice, earning the respect of their peers and their communities. We are looking for men and women who are the finest of the profession, and who have established track records that prove it.

¹A special letter would be sent to: Senator Moynihan, because of New York's peculiar process; Senators Feinstein and Boxer, who have agreed to treat themselves as equals for this purpose; Senator Biden, acknowledging his role as Chairman of the Judiciary Committee; and the three Democratic Senators (Reid, Wellstone, and Exon) who have already sent us their names.

Next, candidates for nomination should have demonstrated a commitment to the public interest, in the form of significant pro bono work, time spent in public service, or through some other like contribution to the public good.

In addition to these criteria, candidates for nomination to the District Court must have substantial litigation experience -- including courtroom work or its substantive equivalent. Candidates for nomination to the Courts of Appeals must have a demonstrated talent for legal writing, of the sort that is critical to the appellate bench.

Historically, Senators have played an important role in this process; a role derived from your constitutional responsibility to provide your "advice and consent" with respect to my nominations. It is my view that this historical role should continue, guided by the contemporary considerations I have outlined above; i.e., the promotion of excellence and diversity in the federal judiciary.

Specifically, with respect to District Court vacancies, I will be happy to receive your recommendation of one or more candidates for nomination for each position that exists. Upon receipt of your recommendation, we will begin to review that person's record to insure that he or she meets the criteria I have outlined above. The final decision as to whether to nominate a recommended candidate rests, of course, with me.

In reaching your recommendation, you are free to utilize whatever process you believe -- based on your understanding of your state's bench and bar -- will be most effective. [I would expect, however, that you would closely consult with your state's other Senator in formulating your recommendations to me.]

With respect to vacancies on the Courts of Appeals, I would welcome your suggestions of possible candidates for these positions. I will insure that the individuals you suggest are considered as we review potential nominees for these courts.

When you are prepared to recommend or suggest individuals for nomination to the federal courts, please forward the candidates' names, and basic biographical material, to both Attorney General Reno and myself. These individuals will be contacted by the administration within two weeks from the time your materials are received.

If you have any questions regarding these criteria or procedures, please feel free to contact General Reno or my Counsel, Bernard Nussbaum.

Sincerely,

William J. Clinton

Letter to Junior Democratic Senators²

Dear :

Attached is a letter which I have sent today to your colleague, Senator _____, regarding judicial selection.

As you can see, in this letter, I have asked _____ to work closely with you in making recommendations and suggestions to me regarding judicial vacancies.

If you have any questions regarding the criteria I have outlined in my letter, or procedures therein, please feel free to contact Attorney General Reno or my Counsel, Bernard Nussbaum.

Sincerely,

William J. Clinton

²A special letter would be sent to Senator Kerrey, who has already submitted names jointly with Senator Exon.

April 21, 1993

MEMORANDUM FOR STAFF INTERESTED IN JUDICIAL SELECTION
(List Below)

FROM: RON KLAIN

SUBJECT: MEETING, FRIDAY, at 10AM

This is to remind you that we will meet Friday, April 23, in Bernie Nussbaum's office at 10 a.m. to discuss the following matters:

- (1) Redraft of the letter from the President to the Senate, regarding judicial selection [A PROPOSED REDRAFT IS ATTACHED];
- (2) Update on District Court nominations;
- (3) Review of materials on the Court of Appeals nominations we agreed upon last week.

Also, as requested at the last meeting, I have attached some demographic information about current and former Court of Appeals appointments.

If you have any questions, call me at x7901.

Distribution: Bernie Nussbaum
Bruce Lindsey
Vince Foster
Susan Brophy
Melanne Verveer
Jack Quinn
Eleanor Acheson
Ricki Seidman

Letter to Senior Democratic Senators¹

Dear :

As you know, one of the most important duties assigned to me under the Constitution is my responsibility to nominate men and women to serve as judges in our federal courts. It is an obligation that I take seriously, and that I intend to discharge with care and concern.

My primary objective in exercising this duty is to preserve and restore the prestige of the federal courts, and to diminish the role that political or ideological factors have played in judicial selection. The values that I intend to promote in my selection of judges for the District Courts and Courts of Appeals are excellence, diversity, and temperament -- with the aim of putting some of the best people that the legal profession has to offer on the federal bench. Candidates for these nominations will not be drawn from a narrow range, but instead, will be selected from the broad spectrum of views, backgrounds, and experiences.

With respect to criteria for selection, let me offer the following. First, candidates for nomination must be of outstanding character and temperament. These standards are so clear and obvious, that no further elaboration is required.

Beyond this, I will seek to nominate men and women who are mature in their legal careers and who have demonstrated genuine distinction in their field of practice. We are looking for men and women who have earned the respect of their peers and their communities.

Next, candidates for nomination should have demonstrated a commitment to the public interest, in the form of pro bono work, time spent in public service, participation in civic affairs, or through some other like contribution to the public good.

In addition to these criteria, candidates for nomination to the District Court should have substantial litigation experience -- or its substantive equivalent. Candidates for nomination to the Courts of Appeals should have a demonstrated talent for legal writing, of the sort that is critical to the appellate bench.

¹A special letter would be sent to: Senator Moynihan, because of New York's peculiar process; Senators Feinstein and Boxer, who have agreed to treat themselves as equals for this purpose; Senator Biden, acknowledging his role as Chairman of the Judiciary Committee; and the four Democratic Senators (Reid, Wellstone, Exon, and Inouye) who have already sent us their names.

Historically, Senators have played an important role in this process; a role derived from your constitutional responsibility to provide your "advice and consent" with respect to my nominations. It is my view that this historical role should continue, guided by the contemporary considerations I have outlined above; i.e., the promotion of excellence and diversity in the federal judiciary.

Specifically, with respect to District Court vacancies, I will be happy to receive your recommendation of one or more candidates for nomination for each position that exists. Upon receipt of your recommendation, we will begin to review that person's record to insure that he or she meets the criteria I have outlined above. If we determine that a person you have recommended fails to meet these criteria, we will discuss with you alternative candidates for the position.

The final decision as to whether to nominate a recommended candidate rests, of course, with me.

In reaching your recommendation, you are free to utilize whatever process you believe -- based on your understanding of your state's bench and bar -- will be most effective. [I would expect, however, that you would closely consult with your state's other Senator in formulating your recommendations to me.]

With respect to vacancies on the Courts of Appeals, I would welcome your suggestions of possible candidates for these positions. I will insure that the individuals you suggest are considered as we review potential nominees for these courts.

When you are prepared to recommend or suggest individuals for nomination to the federal courts, please forward the candidates' names, and basic biographical material, to both Attorney General Reno and myself. These individuals will be contacted by the administration within two weeks from the time your materials are received.

If you have any questions regarding these criteria or procedures, please feel free to contact Attorney General Reno or my Counsel, Bernard Nussbaum.

Sincerely,

William J. Clinton

Letter to Junior Democratic Senators²

Dear :

Attached is a letter which I have sent today to your colleague, Senator _____, regarding judicial selection.

As you can see, in this letter, I have asked _____ to work closely with you in making recommendations and suggestions to me regarding judicial vacancies.

If you have any questions regarding the criteria I have outlined in my letter, or procedures therein, please feel free to contact Attorney General Reno or my Counsel, Bernard Nussbaum.

Sincerely,

William J. Clinton

²A special letter would be sent to Senator Kerrey, who has already submitted names jointly with Senator Exon, and Senator Akaka, who has already submitted names jointly with Senator Inouye.

COURT OF APPEALS
CURRENT DEMOGRAPHICS

	Men	Women	White	Black	Hispanic
D.C. Cir	8	3	10	1	0***
First Cir.	6	0*	5	0**	1
Second Cir.	10	1	10	1	0
Third Cir.	8	3	10	1	0***
Fourth Cir.	11	1	12	0**	0***
Fifth Cir.	11	2	12	0**	1
Sixth Cir.	12	2	12	2	0***
Seventh Cir.	10	1	11	0**	0***
Eighth Cir.	11	0*	10	1	0
Ninth Cir.	21	5	23	2	1
Tenth Cir.	8	2	10	0**	0***
Elev'th Cir.	9	2	10	1	0***
Fed'l Cir.	9	2	11	0**	0***
TOTALS	134	24	146	9	3

- * No woman has ever served on this Circuit
 ** No black has ever served on this Circuit
 *** No Hispanic has ever served on this Circuit

PRESIDENTIAL APPOINTMENTS TO THE COURTS OF APPEALS:

THE HISTORICAL RECORD

	<u>WOMEN</u>	<u>BLACKS</u>	<u>HISPANICS</u>
Washington to Hoover	0	0	0
Roosevelt	1	0	0
Truman	0	1	1
Eisenhower	0	0	0
Kennedy	0	1	0
Johnson	1	2	0
Nixon	0	0	0
Ford	0	0	0
Carter	11	9	2
Reagan	6	1	1
Bush	7	2	2
TOTAL	26	16	6

FIRST-YEAR COURT OF APPEALS NOMINATIONS:

THE HISTORICAL RECORD

The potential for President Clinton to make history as a first-year President with respect to Court of Appeals nominations is obvious, when one looks at the following statistics:

<u>President</u>	<u>Number of First-Year Nominees Who Were</u>		
	<u>Women</u>	<u>Black</u>	<u>Hispanic</u>
George Washington to Gerald Ford	0	0	0
Jimmy Carter	0	2	0
Ronald Reagan	0	1	0
George Bush	1	1	1
FIRST YEAR TOTALS FOR ALL PRESIDENTS	1	4	1

Thus, were President Clinton to nominate two women and/or two Hispanics to the Courts of Appeals in the first year, he would exceed the totals of all his predecessors combined. With the nomination of three or more blacks, the President would set a first-year record in that area, as well.

2nd c

* Pseudo Calabrese. (distinct?)

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: JK DATE: 3/10/2014

April 22, 1993

~~CONFIDENTIAL~~

MEMORANDUM FOR MEETING PARTICIPANTS -- JUDICIAL SELECTION

FROM: RON KLAIN *RK*
SUBJECT: DISTRICT COURT UPDATE

Attached is an update on where we stand with respect to District Court nominees. We have no new names from Senators or their equivalents since our last meeting. I expect the flood to start next week.

As of yesterday, all materials returned from candidates were turned over to Eldie Acheson; as we discussed last week, professional reviews of these candidates will be conducted by her staff at DoJ.

Finally, FYI, I have attached two clippings concerning the candidates from Louisiana.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
015. list	District Court Candidates - Pending (2 pages)	04/21/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Iris Kelso

Trio of federal judgeship nominees

After a 12-year Republican drought, Bill Clinton Democrats at last have had a chance to nominate candidates for coveted federal judgeships in New Orleans.

Their choices, as you would expect, reflect the tone of President Clinton's administration. As Clinton said of his Cabinet, the nominees "look like America" in their diversity and they are ardent Democrats.

U.S. Sens. Bennett Johnston and John Breaux have nominated three people, reportedly with some suggestions from U.S. Rep. Bill Jefferson.

Two of the three are women, Ginger Berrigan and Dale Atkins. The third is Traffic Court Judge Perry Alarcon, who like the two women, has impeccable Democratic credentials.

Ginger Berrigan, 45, is a "child of the 60s" with a lifelong commitment to human rights and a gal career that reflects her activism. A New York native, she came to the South in 1973 to work in Charles Evers' campaign for governor of Mississippi. Evers, a brother of Medgar Evers, the Mississippi civil rights leader who was assassinated in 1963.

Atkins, now clerk of Civil District Court, has been seen as a player in New Orleans politics since her 1990 election. If appointed to the court, as expected, she would be the youngest member

of the court at 34 and the first black woman on the New Orleans federal bench. There are only two women judges on that bench now, Judges Edith B. Clement and Veronica Wicker.

Alarcon, 44, has mixed a passion for politics with his legal career. His sponsors include former U.S. Rep. Lindy Boggs, for whom he managed four campaigns, and Mayor Sidney Barthelmy, whom he served as executive counsel and chief of staff from 1986 to 1990. Like the others, Alarcon is a Democrat with a capital "D."

Like many women who are successful in politics or business, Berrigan had her mentors. The first was her father, now 99 years old, who heartily approved of her going to Mississippi to work in Evers' campaign. Then Evers encouraged her to go to law school, although she already had a master's degree in journalism.

"I wanted to change the world as a journalist and he said, 'Change it as a lawyer,'" she says.

After graduating from Louisiana State University Law School and working with the state correctional system, Berrigan joined the law firm of Camille Gravel, the legendary lawyer, Democratic leader and adviser to governors from Earl Long to Edwin Edwards.

"I thought he was going to be a wheeler-dealer, a cigar-smoking

back room type," she recalls, "but I found he was the most decent, honorable, loving, sensitive person I knew. He almost replaced my Daddy."

Berrigan, who was widely known as Ginger Roberts before her marriage to lawyer Joseph Berrigan in 1984, now represents the Gravel law firm in New Orleans. She became president of the New Orleans chapter of the American Civil Liberties Union in 1989, and is now a vice president.

Atkins is one of the young female lawyers who have become the new stars of New Orleans politics. A native of New Orleans, she graduated from Southern Methodist University law school in Texas, then came home to work as an assistant district attorney. She then went to work as chief deputy to the Civil District Court clerk, Dan Foley. With his support, she was elected to succeed him in 1990.

A lawyer for only nine years, Atkins has had less experience as a lawyer than Berrigan or Alarcon, but she points out that as an assistant DA, she handled over 100 judge and jury trials.

In the court nomination process, Atkins has support from Jefferson as well as the senators. She has practiced law part-time with his former law firm.

Alarcon has seen the justice system from many angles. He became an assistant to Criminal

Sheriff Charles Foti even before he graduated from Loyola University Law School. He then became an assistant district attorney and later first assistant to Orleans District Attorney Harry Connick.

He was a division head as an assistant DA under Jefferson District Attorney John Mamoulides and, in 1986, became Barthelmy's executive counsel. He was elected traffic judge in 1990.

Most political people expect Clinton's approval of the nominees to be just a formality, but Alarcon believes Clinton will involve himself in the approval of judgeship nominees over the country. "He's a hands-on president, and I expect him to get involved. I can live with that," he says.

Clinton is expected to nominate the three this fall, and after that they will have to be confirmed by the Senate.

Alarcon's and Atkins' departure from their jobs will set off a round of elections, but that's a column for another day.

Iris Kelso is a staff writer.

Correction

In the April 13 Point of View article by Moon Landrieu on judicial reform in Orleans Parish, the number of elected judicial officials in Orleans Parish was misprinted as 554; the correct number is 54. We regret the error.

METRO/STATE

B

SECTION

Hymel recommended for U.S. attorney

By JOAN McKINNEY
Advocate Washington bureau

WASHINGTON — Louisiana Democrats have recommended seven people for federal judiciary jobs in the state, including L.J. Hymel of Baton Rouge for U.S. attorney in the Middle District and Mike Skinner of Lafayette for the Western District.

In a step toward meeting the Clinton administration's request for "diversity" in the judiciary, four of the candidates are white men and three are either black or female.

The three recommended nominees for U.S. attorneys — the federal government's

prosecutors in Louisiana — were confirmed Wednesday by U.S. Sen. John Breaux after months of speculation.

They are:

- Hymel, a white male, for Middle District, which includes the greater Baton Rouge area;

- Skinner of Lafayette, a white male, for the Western District, which includes southwest and North Louisiana.

- Walter "Jeff" Wilkerson of New Orleans, a black male, for the Eastern District, which includes the greater New Orleans area.

For a federal district judgeship in the Western District, Democrats suggest Tucker Melancon of Marksville, a white male.

For federal district judgeships in the New Orleans-based Eastern District, the recommended names are Ginger Berrigan of New Orleans, a white woman; Dale Atkins of New Orleans, a black woman; and Terry Alarcorn of New Orleans, a white male.

No judgeships are open in the Baton Rouge-based Middle District, although congressional subcommittees reportedly are considering adding a third spot on the federal bench here to alleviate a crowded docket.

"These are names that we have submitted," Breaux, D-La., said. "So it is just a submission. The White House nominates. We only submit."

The required Federal Bureau of

Investigation background checks "have just begun," and the candidates are beginning to receive FBI questionnaires, Breaux said.

If nominated by Clinton, all of the candidates would have to be confirmed by the U.S. Senate.

Hymel, who would replace current Republican-appointed U.S. Attorney Raymond Lamonica, declined to comment on his recommendation Wednesday.

U.S. attorneys prosecute criminal cases in U.S. District Courts, including high-profile cases involving drug offenses, white-collar crime such as bank fraud, tax evasion and

□ See JUDGES, Page 2B

Judges

They also represent government in civil cases.

reside for life over courts.

judgeship candidates, has been attacked by conservative church organizations. They object to the American Civil Liberties Union, which they contend is an anti-family, pro-pornography and pro-criminal organization.

The ACLU contends that it represents clients of all ideological bent, when their causes involve due process and individual liberty guarantees of the U.S. Constitution.

"I think the woman's qualified," Breaux said of Berrigan. "We wouldn't have recommended her otherwise."

"Qualifications were the first consideration" for all the recommended candidates, Breaux said.

"Consideration of balance, in terms of women and minorities, was an important consideration. But qualification was the first consideration," he said. "It doesn't help anyone to name an unqualified person. At the same time, we made an effort to make sure they represented our state."

Breaux chaired Clinton's presidential campaign in Louisiana. Breaux said he, other Louisiana congressional Democrats and Louisiana Democratic Party Chairman Jim Brady all had input into the judicial



L.J. Hymel:
For Middle District

recommendations.

"But we had discussions with others in the party, community activists," said Breaux. "We had tons of recommendations. We got, literally, close to a hundred proposals for the judgeships."

For most of the 1970s, Hymel worked in the Louisiana Attorney General's office, first as a prosecutor and then as deputy chief of the criminal division.

From 1979 through early 1992, he served on Baton Rouge city and state district courts. In March 1992, Hymel returned to the attorney general's office as head of the criminal division.

Letter to Senior Democratic Senators¹

Dear :

As you know, one of the most important duties assigned to me under the Constitution is my responsibility to nominate men and women to serve as judges in our federal courts. It is an obligation that I take seriously, and that I intend to discharge with care and concern.

My primary objective in exercising this duty is to preserve and restore the prestige of the federal courts, and to diminish the role that political or ideological factors have played in judicial selection. The values that I intend to promote in my selection of judges for the District Courts and Courts of Appeals are excellence, diversity, and temperament -- with the aim of putting some of the best people that the legal profession has to offer on the federal bench. Candidates for these nominations will not be drawn from a narrow range, but instead, will be selected from the broad spectrum of views, backgrounds, and experiences.

With respect to criteria for selection, let me offer the following. First, candidates for nomination must be of outstanding character and temperament. These standards are so clear and obvious, that no further elaboration is required.

Beyond this, I will seek to nominate men and women who are mature in their legal careers and who have demonstrated genuine distinction in their field of practice. We are looking for men and women who have earned the respect of their peers and their communities.

Next, candidates for nomination should have demonstrated a commitment to the public interest, in the form of pro bono work, time spent in public service, participation in civic affairs, or through some other like contribution to the public good.

In addition to these criteria, candidates for nomination to the District Court should have substantial litigation experience -- or its substantive equivalent. Candidates for nomination to the Courts of Appeals should have a demonstrated talent for legal writing, of the sort that is critical to the appellate bench.

¹A special letter would be sent to: Senator Moynihan, because of New York's peculiar process; Senators Feinstein and Boxer, who have agreed to treat themselves as equals for this purpose; Senator Biden, acknowledging his role as Chairman of the Judiciary Committee; and the four Democratic Senators (Reid, Wellstone, Exon, and Inouye) who have already sent us their names.

Historically, Senators have played an important role in this process; a role derived from your constitutional responsibility to provide your "advice and consent" with respect to my nominations. It is my view that this historical role should continue, guided by the contemporary considerations I have outlined above; i.e., the promotion of excellence and diversity in the federal judiciary.

Specifically, with respect to District Court vacancies, I will be happy to receive your recommendation of one or more candidates for nomination for each position that exists. Upon receipt of your recommendation, we will begin to review that person's record to insure that he or she meets the criteria I have outlined above. If we determine that a person you have recommended fails to meet these criteria, we will discuss with you alternative candidates for the position.

The final decision as to whether to nominate a recommended candidate rests, of course, with me.

In reaching your recommendation, you are free to utilize whatever process you believe -- based on your understanding of your state's bench and bar -- will be most effective. [I would expect, however, that you would closely consult with your state's other Senator in formulating your recommendations to me.]

With respect to vacancies on the Courts of Appeals, I would welcome your suggestions of possible candidates for these positions. I will insure that the individuals you suggest are considered as we review potential nominees for these courts.

When you are prepared to recommend or suggest individuals for nomination to the federal courts, please forward the candidates' names, and basic biographical material, to both Attorney General Reno and myself. These individuals will be contacted by the administration within two weeks from the time your materials are received.

If you have any questions regarding these criteria or procedures, please feel free to contact Attorney General Reno or my Counsel, Bernard Nussbaum.

Sincerely,

William J. Clinton

Letter to Junior Democratic Senators²

Dear :

Attached is a letter which I have sent today to your colleague, Senator _____, regarding judicial selection.

As you can see, in this letter, I have asked _____ to work closely with you in making recommendations and suggestions to me regarding judicial vacancies.

If you have any questions regarding the criteria I have outlined in my letter, or procedures therein, please feel free to contact Attorney General Reno or my Counsel, Bernard Nussbaum.

Sincerely,

William J. Clinton

²A special letter would be sent to Senator Kerrey, who has already submitted names jointly with Senator Exon, and Senator Akaka, who has already submitted names jointly with Senator Inouye.

COURT OF APPEALS
CURRENT DEMOGRAPHICS

	Men	Women	White	Black	Hispanic
D.C. Cir	8	3	10	1	0***
First Cir.	6	0*	5	0**	1
Second Cir.	10	1	10	1	0
Third Cir.	8	3	10	1	0***
Fourth Cir.	11	1	12	0**	0***
Fifth Cir.	11	2	12	0**	1
Sixth Cir.	12	2	12	2	0***
Seventh Cir.	10	1	11	0**	0***
Eighth Cir.	11	0*	10	1	0
Ninth Cir.	21	5	23	2	1
Tenth Cir.	8	2	10	0**	0***
Elev'th Cir.	9	2	10	1	0***
Fed'l Cir.	9	2	11	0**	0***
TOTALS	134	24	146	9	3

- * No woman has ever served on this Circuit
- ** No black has ever served on this Circuit
- *** No Hispanic has ever served on this Circuit

PRESIDENTIAL APPOINTMENTS TO THE COURTS OF APPEALS:

THE HISTORICAL RECORD

	<u>WOMEN</u>	<u>BLACKS</u>	<u>HISPANICS</u>
Washington to Hoover	0	0	0
Roosevelt	1	0	0
Truman	0	1	1
Eisenhower	0	0	0
Kennedy	0	1	0
Johnson	1	2	0
Nixon	0	0	0
Ford	0	0	0
Carter	11	9	2
Reagan	6	1	1
Bush	7	2	2
TOTAL	26	16	6

FIRST-YEAR COURT OF APPEALS NOMINATIONS:

THE HISTORICAL RECORD

The potential for President Clinton to make history as a first-year President with respect to Court of Appeals nominations is obvious, when one looks at the following statistics:

<u>President</u>	<u>Number of First-Year Nominees Who Were</u>		
	<u>Women</u>	<u>Black</u>	<u>Hispanic</u>
George Washington to Gerald Ford	0	0	0
Jimmy Carter	0	2	0
Ronald Reagan	0	1	0
George Bush	1	1	1
FIRST YEAR TOTALS FOR ALL PRESIDENTS	1	4	1

Thus, were President Clinton to nominate two women and/or two Hispanics to the Courts of Appeals in the first year, he would exceed the totals of all his predecessors combined. With the nomination of three or more blacks, the President would set a first-year record in that area, as well.

THE WHITE HOUSE
WASHINGTON

August 31, 1993

MEMORANDUM FOR MELANNE VERVEER

FROM: RON KLAIN *RKL*
SUBJECT: JUDICIAL SELECTION

As we discussed in the hallway, the press coverage being generated by our nominees has been generally positive. This is even more true in regional papers. I am sending you these editorials on the President's nomination of Cissy Daughtrey as one example.

As the fall spins out, I think we will continue to win praise for the pace, quality and diversity of our nominees. Given what is in the pipeline, we are on a track to nominate more judges than did Carter, Reagan or Bush in their first year; our judges will have higher ABA ratings than did their nominees -- and we will name considerably more women and black nominees than any first-year President in history.



SUPREME COURT
STATE OF TENNESSEE
NASHVILLE 37243-0619

CHAMBERS OF
MARTHA CRAIG DAUGHTREY
JUSTICE

August 27, 1993

President Bill Clinton
The White House
Washington, D.C. 20500-2000

Dear Mr. President:

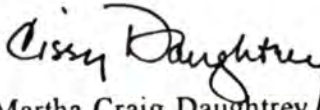
I am writing to thank you for nominating me to the United States Court of Appeals for the Sixth Circuit. I appreciate the confidence you have placed in me and, if confirmed, I hope to live up to the high honor of sitting on the federal appeals court.

The appointment is particularly satisfying because it comes on the 25th anniversary of my graduation from law school in 1968, at a time when I was unable to secure even an interview with a Nashville law firm, let alone a position of employment. Despite how far I have come in those years, I am determined not to forget the lessons I have learned along the way.

You will be pleased to know that the nomination has proved to be popular in my home state. I am enclosing copies of editorials that have appeared in the five leading newspapers in Tennessee.

Again, please let me express my gratitude for my appointment. You and the First Lady are fulfilling the mandate that the country has given you in such a magnificent way. You both have my best wishes for continued success.

Sincerely,


Martha Craig Daughtrey

MCD:pn

xc: Vice President Gore
Mr. Nussbaum
Mr. Klain



The Knoxville News-Sentinel

A SCRIPPS HOWARD NEWSPAPER

Established December 23, 1856

Harry Moskos
Editor

Robert J. Hively
President, General Manager
and Chief Executive Officer

Managing Editor
Vince Vawter

Assistant Managing Editors

Frank Cagle/News
Wade Sava/Publications
Georgiana Vines/Administration
Robert Wilson/Graphics

Senior Editors

Hoyt Canady/Editorial Page
Donald Cruze/News Editor
Jack Lall/Metro Editor
Linda Felts Fields/Living
Barbara Asbury/Entertainment
Jack Kirdand/Photography
Steve Ahlert/Sports

"Give light and the people will find their own way"

An apt nomination

■ Daughtrey merits federal judgeship

President Clinton has reached into Tennessee and tapped Martha Craig Daughtrey as his nominee for a seat on the 6th U.S. Circuit Court of Appeals.

He could not have chosen more aptly.

Since 1990, Daughtrey has served as an associate justice on the Tennessee Supreme Court, the high point thus far in a career that has seen her serve as assistant district attorney, assistant U.S. attorney and associate judge on the state Court of Criminal Appeals, as well as assistant and now adjunct professor of law at Vanderbilt.

As far as records tell and anyone can remember, Daughtrey has been the first woman to hold most of those posts. She may have been a first, but no one can accuse her of being a token.

She has a reputation for hard work both on and off the bench. In addition to her work in the justice system, she actively promoted opportunities for women and minorities in the profession and has given much time to improving legal education. A graduate of Vanderbilt University and its law school, she has impeccable credentials, including membership in Phi Beta Kappa and the Order of the Coif.

Daughtrey's intelligence is reflected in her decisions during 15 years on the Tennessee Court of Criminal Appeals and the past three years on the state Supreme Court. Nowhere is that more evident than in the decision she authored for her colleagues on *Davis vs. Davis*, also known as the frozen-embryo case. The decision drew national attention for the way it explored the uncharted legal ground where technology, biology and family law collide. Significantly, all four of her fellow Supreme Court justices signed it without dissent.

Based on the individual's "right to be let alone" by his or her government, Daughtrey's decision squares solidly with Thomas Jefferson's conservative democratic principle: That government governs best that governs least, especially when it comes to the rights of the individual to be free of unwarranted governmental intrusion.

Daughtrey's chief interest and expertise has been in family law, but her role in recent decisions on the death penalty has raised opposition to her. Her critics, however, fail to acknowledge that Daughtrey has frequently supported rulings that favor the prosecution in criminal cases, including some involving the death penalty.

Dispensing justice under the rule of law is not a popularity contest. What's important in Daughtrey's career is that she has had the courage to follow the implications of the law into whatever tangled thickets they lead her. Nor do we think that focus on a single legal issue should be a litmus test for judicial competence.

With the nomination to the 6th Circuit Court of Appeals, Justice Daughtrey is in the fortunate position of not having to be a first anymore. Women have served on the 6th Circuit for years. Her challenge now is to be the best judge the federal bench has known. She has the talent and the temperament for it, and we've every confidence she can meet the challenge.

While she'll be missed in Tennessee, the nation will be the better for her confirmation.

Nashville Banner

The Nashville Banner Publishing Company

Chairman of the Board **Brownlee O. Currey**
Publisher **Irby C. Simpkins Jr.**
Editor **Edward F. Jones**

Deputy to the Editor **Mike McGehee**
Managing Editor **Tony Kessler**
Forum Editor **Dan Coleman**
Business Editor **Tim Tanton**
State Editor **Tim Ghianni**
National Editor **Max Moss**
Graphics Editor **Lucas Hendrickson**

Sports Editor Emeritus **Fred Russell**
Senior Business Editor **Bob Battle**
Executive Sports Editor **Brad Zimanek**
City Editor **Pat Embry**
Lifestyles Editor **Lance McKerley**
Chief Photographer **Turner Hutchison**

General Counsel **Elise McMillan**
Comptroller **Imogene Stoneking**

Special Projects **Jack Gunter**
Assistant to Publisher **Claudia Allison**

EDITORIALS

A fitting appointment

Daughtrey well prepared for U.S. appellate court

President Clinton's nomination of Tennessee Supreme Court Justice Martha Craig Daughtrey to a seat on the 6th U.S. Circuit Court of Appeals advances a judge who has already had a steady rise through the state's judicial ranks.

Daughtrey is well prepared for the position. She is the first woman to serve on the state Supreme Court, and she has been the first of her gender to serve in a long series of legal positions. She was the first female prosecutor on the U.S. attorney's staff in Nashville and the first in the office of the Davidson County district attorney general.

She was the first woman to serve on the state Court of Criminal Appeals, a position she held for 15 years until she

was appointed by Gov. Ned McWherter to the state's highest court in 1990. She has gained national prominence as a judge, chairing the largest organization of judges in the nation and serving as a long-time faculty member of the summer Appellate Judges Seminar at New York University.

On the 6th Circuit Court of Appeals, which sits in Cincinnati, Daughtrey will hear appeals of cases from federal district courts in Tennessee, Kentucky, Ohio and Michigan. She will join another Nashvillian, Chief Judge Gilbert Merritt, on the court.

Clinton picked well in naming Daughtrey. Her nomination is subject to confirmation by the U.S. Senate, which is in recess until September. She should win an enthusiastic endorsement.

"Give light and the people will find their own way."

ANGUS McEACHRAN
Editor

HENRY A. STOKES
Managing Editor

DAVID VINCENT
Editorial Page Editor



SCRIPPS HOWARD

The Memphis Commercial. 1889
The Appeal 1841
The Avalanche. 1867
Consolidated July 1, 1894

THE COMMERCIAL APPEAL

Published by MEMPHIS PUBLISHING COMPANY
495 UNION AVENUE MEMPHIS, TN 38103

JOSEPH R. WILLIAMS, General Manager

Fine choice for court

POLITICS cost West Tennessee a seat on the Sixth Circuit Court of Appeals, but the Tennessee nominee, state Supreme Court Judge Martha 'Cissy' Daughtrey of Nashville, is an excellent choice nevertheless.

Congratulations go to Daughtrey, and hopes for a speedy confirmation.

The state's chief justice, Lyle Reid, paid Daughtrey a fitting tribute when he said that her "extraordinary judicial talent will be missed by our court."

The Sixth Circuit vacancy was created when Memphis Republican Harry Wellford took senior status two years ago. That's when Memphis would have retained the seat, except for the intrusion of White House infighting.

Rep. Don Sundquist (R-Tenn.) recommended U.S. Dist. Judge Julia Gibbons of Memphis to replace Wellford. Gibbons had outstanding credentials, but White House conservatives torpedoed the recommendation because they thought she was too liberal.

It wasn't much of a victory for conservative efforts to shape the ideological makeup of the federal courts. Daughtrey seems to be a decidedly more liberal judge than Gibbons. Thus do politicians make bumbling idiots of themselves.

In any event, ideology should

not be among the major standards for selecting a federal judge. Far more important are intelligence, experience, judicial temperament and the "talent," difficult to define, to which Reid referred.

Memphis stayed in the search after President Bush's eventual nominee, attorney Justin Wilson of Nashville, received unfavorable publicity in the Nashville Tennessean. Senate Democrats refused to act on the nomination as Bush's presidency ran out of time.

When the Democrats got their chance to nominate Wellford's replacement, Rep. Harold Ford of Memphis recommended Bankruptcy Court Judge Bernice Donald, another outstanding Memphis jurist. Two other Memphians also had strong support and would have been fine choices: former U.S. attorney and state attorney general Michael Cody and Circuit Court Judge D'Army Bailey.

Politics again prevailed. Middle Tennessee Democrats have more influence in the Clinton administration than Democrats from the Western Division. Understandably, Daughtrey had the support of Vice President Al Gore.

In this case, however, the judicial system will be well served in spite of politics. Daughtrey will be a distinguished member of the federal appeals court.

EDITORIALS

THE TENNESSEAN

Craig Moon
Publisher and President

John Seigenthaler
Chairman Emeritus

Frank Sutherland
Editor

C.W. Johnson Jr., Managing Editor
Sandra Roberts, Managing Editor/Opinion
David Green, Managing Editor/News
Ray Wong, Systems Editor
Frank Ritter, Reader Advocate

Mike Christopher

Assistant to the President

Mike Ciarrimboli, Special Projects/Planning Director
Marian Eichelman, Marketing Director
Guy Gilmore, Circulation Director
Ron Krengel, Production Director
Rick Koelz, Systems Director
Sharon Lewis, Human Resources Director
Lawrence M. St. Cyr, Finance Director
Donald M. Stinson, Advertising Director

A GANNETT NEWSPAPER

Daughtrey excellent pick

THE federal judiciary gets a lot of firsts with the nomination of Tennessee Supreme Court Justice Martha Craig (Cissy) Daughtrey to the Sixth Circuit Court of Appeals, beginning with a first-rate legal talent.

Her intelligence and hard work carried her to trail-blazing heights, admired across the state for her many accomplishments. Another Tennessean, Vice President Al Gore, was one of those firmly in her corner when President Clinton nominated Daughtrey last weekend.

Daughtrey was the first woman prosecutor in Tennessee, the first woman tenure-track professor at Vanderbilt University Law School and finally the first woman to sit on the Tennessee Supreme Court. If approved by the Senate, Daughtrey will now be the first Tennessee woman on the court of appeals.

When President Clinton came into office pledging more judicial opportunities for women and minorities, Daughtrey was naturally the first name to come to the minds of many Tennesseans.

Daughtrey's nomination, however, isn't just another gain for women; the federal judiciary will benefit enormously from her talent.

She has reasoned and written some difficult opinions as a state Supreme Court justice, including the celebrated dispute over frozen embryos which firmly established Tennessee's constitutional protection of privacy.

This newspaper admits a deep, personal pride in Daughtrey's successes. She is married to Larry Daughtrey, a veteran political reporter for *The Tennessean*.

A move to the Sixth Circuit will reunite Daughtrey with chief Judge Gil Merritt for whom she was an assistant in the U.S. attorney's office in 1968.

The nomination should also end a long,

Sixth Circuit will benefit enormously from her talent

bitter dispute on choosing a Tennessee successor to the job left by Judge Harry Wellford of Memphis, who took senior status in 1991.

U.S. District Judge Julia Gibbons of Memphis, who had the support of Daughtrey and many others in Tennessee, was considered the leading contender but her nomination got caught up in cross-state Republican politics and a White House not as committed to the advancement of women. By the time Nashville attorney Justin Wilson was finally nominated for the post, the nomination fell to presidential election year politics when the Senate held up confirmation.

Daughtrey's confirmation should face no such obstacles. She is a superb choice. Tennessee hates to lose her judicial skills, but this state is extremely proud that her outstanding career began here. The state, especially Nashville, has offered up many of its brightest leaders to federal offices this year. Few will have the chance to serve as long or to distinguish themselves as Daughtrey is certain to do in her new position. ■

Correction

DUE to a typographical error, a Tuesday editorial misstated the rate of growth in the deficit. The editorial said that the deficit, which is now almost \$300 billion, was \$74 billion in 1991. It should have stated that the deficit was \$74 billion in 1981. ■

The Chattanooga Times

ESTABLISHED 1869 / ADOLPH S. OCHS, PUBLISHER 1878 - 1935

RUTH S. HOLMBERG

Chairman

PAUL NEELY

Publisher

RONALD C. SMITH

Managing editor

MARY CLARKE GUENTHER

Assistant managing editor

MICHAEL LOFTIN

Editorial page editor

PAT WILCOX

HARRY AUSTIN

Associate editors

Justice Daughtrey's next step

Martha Craig Daughtrey became the first female justice on the Tennessee Supreme Court just over three years ago, but now she seems poised to take another step on the judicial ladder. By nominating her to a seat on the 6th U.S. Circuit Court of Appeals, President Clinton has recognized that she is an excellent jurist, and that her confirmation would enhance the appeals court's reputation.

If the Senate confirms her, and there is little doubt that it will, then she will bring to the 6th Circuit the same legal scholarship that has distinguished her career so far.

Before joining the judiciary in 1975, when she was appointed to the state Court of Criminal Appeals, Ms. Daughtrey served as a state and federal prosecutor. That gave her valuable insight into the legal justice system, which no doubt made her a better judge for a court that handles criminal cases exclusively. And as a law professor at Vanderbilt University, currently on an adjunct basis, she is able to give future lawyers the benefit of her vast experience.

On the state Supreme Court Justice

Daughtrey has enhanced her reputation for thoughtful legal leadership, with one example being the controversial frozen embryo case. In that divorce case, a dispute arose over the disposition of several frozen embryos that the couple had produced for future pregnancies. Once the marriage ended, however, the man argued against allowing his former wife to make him a father against his will.

The state Supreme Court, in an opinion by Justice Daughtrey, ruled in his favor. That ended the divorce dispute, but it also established in effect a constitutional basis for privacy in pregnancy issues that concern only the parties involved.

This issue, as well as the state court's death-penalty rulings, may come up during the Senate Judiciary Committee's consideration of Justice Daughtrey's nomination. Neither, however, can detract from the fact that in choosing Martha Craig Daughtrey for the 6th Circuit bench, President Clinton has demonstrated once again the importance of outstanding legal scholarship for the nation's justice system. She deserves swift confirma-

THE WHITE HOUSE

WASHINGTON

June 25, 1993

MEMORANDUM FOR MEETING PARTICIPANTS -- JUDICIAL SELECTION

FROM: RON KLAIN 

SUBJECT: DRAFT OF COURT OF APPEALS DECISION MEMORANDUM

Attached is a draft of a memorandum which encompasses the recommendations we agreed on at our last meeting. It is my intention to send this on Monday to the President.

Please let me know before 5:00 pm on Monday if you have any objections to, or changes for, the memorandum.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
016. memo	For the President from Bernie Nussbaum, et al., re: Court of Appeals Vacancies - Decision Memo (4 pages)	06/28/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Vermeer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S
ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
017. list	re: non-selection (8 pages)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20039

FOLDER TITLE:

Judges III [1]

2013-0534-S

ry1589

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]