

# CONFIRMATION HEARINGS ON FEDERAL APPOINTMENTS

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## HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE ONE HUNDRED FIFTH CONGRESS SECOND SESSION

ON  
CONFIRMATION OF APPOINTEES TO THE FEDERAL JUDICIARY

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COUNTY OF LOS ANGELES,  
SHERIFF'S DEPARTMENT HEADQUARTERS,  
Monterey Park, CA, April 8, 1996.

Hon. ORRIN G. HATCH,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I have been advised that United States District Judge Richard A. Paez has been nominated by President Clinton to serve on the Ninth Circuit Court of Appeals.

Judge Paez has been a United States District Judge since 1994. In 1981, Governor Edmund G. Brown, Jr. appointed Judge Paez to the Los Angeles Municipal Court. As a member of the Los Angeles Municipal Court, Judge Paez held positions of Presiding Judge, Assistant Presiding Judge, and Supervising Judge. He has also been a Temporary Judge in the California Court of Appeals, Second Appellate District, and the Los Angeles Superior Court, Law and Discovery.

Judge Paez is a hard working member of the legal profession with impeccable character and integrity. His desire to serve on the Ninth Circuit Court of Appeals is sincere, and a position for which I feel he is well-qualified.

Based on my knowledge of Judge Paez' dedication and experience, I would like to recommend that his appointment to the Ninth Circuit Court of Appeals be favorably considered.

Sincerely,

SHERMAN BLOCK, Sheriff.

Senator GRASSLEY. Thank you, Senator Boxer.

The Senator from Oregon, the senior Senator and then the junior Senator from Oregon.

#### STATEMENT OF HON. RON WYDEN, A U.S. SENATOR FROM THE STATE OF OREGON

Senator WYDEN. Thank you very much, Mr. Chairman, and let me express my thanks to you not just for your work here but all the help you have given me both on the Aging Committee and dealing with our effort to bring some sunshine to the Senate. And I thank you for your many courtesies.

I will be brief today, but it really is a special pleasure to come with my colleague, Senator Smith, and introduce Susan Graber to the committee. She is a long-time personal friend of my wife, Laurie, and I. She has a wonderful family who are here: her husband, Bill June, and her daughter, Rachel, who is about Lilly Wyden's age, and like Lilly, she comes with her beanie babies to wish her mother luck. We are very glad that the family is here.

I also, prior to discussing Susan Graber's qualifications, would like to thank my colleague, Senator Smith. He and I have worked together every step of the way with respect to judicial nominations for our State, and he has worked, as I have, on behalf of this nominee very hard, and I want to thank him for all his help.

Mr. Chairman and colleagues, Justice Graber comes today with the strong bipartisan support of the Oregon congressional delegation, with extensive support from Oregon's law enforcement community, and with superb recommendations from both the bench



and the bar. From across our home State, from both sides of the aisle, from judges and litigants alike, we have heard praise for this dedicated jurist, who has just recently reached her 10th anniversary as an appellate judge at the age of 48.

I would also note that our former colleague, Senator Hatfield, has also been a strong supporter of Judge Graber, and I will tell you that Senator Hatfield and I years ago expressed our hope that one day Justice Graber will be serving on the U.S. Supreme Court. And I believe her qualifications are of that caliber, and we wanted the committee to know just how strongly we feel about her contribution on the bench.

She is a graduate of Wellesley College and Yale Law School, and she has excelled at every step of her legal career. And there were two points with respect to her qualifications that I wanted to emphasize.

She has authored over 300 opinions in the past 10 years and is considered in our State an extraordinary writer. I think we all know that much of what is written in the law barely resembles English. A lot of it, when you read it, the sentences don't have any beginning, middle, end, or point. And that is not the case when you read a Susan Graber opinion. And it has long been said in legal circles in Oregon that if you need someone to write an opinion well and cogently and quickly, you go to Susan Graber. And I think it is a special qualification that she brings to the bench.

The second is her strong support in the law enforcement community, which I think to a great extent stems from the fact that she understands and respects her role as a judge. She understands the difference between being a legislator and being a judge, and her opinions reflect a firm adherence to the law as written by the Oregon Legislature. She knows the role of the judge is to follow not make the law, and that is what we need on the Federal appellate bench.

So, Mr. Chairman, without any further speechifying, let me tell you that I think this is an extraordinary individual. She is a personal friend and one who I think will bring stellar credentials to the bench, and I look forward to her consideration by the committee.

Senator GRASSLEY. The junior Senator from Oregon.

#### **STATEMENT OF HON. GORDON SMITH, A U.S. SENATOR FROM THE STATE OF OREGON**

Senator SMITH of Oregon. Thank you, Mr. Chairman and members of the committee. It is an honor to appear before you today, and I am pleased to join with Senator Wyden in expressing my sincere gratitude to all of you for according us this time.

I want to take this opportunity to particularly thank my friend and colleague, Senator Wyden, for his very kind remarks and also for his efforts on behalf of this nominee and on the cause of the Oregon judiciary for which we have labored together very hard to make sure that our positions are filled with good, qualified people. I am also very pleased to be able to once again work with him on another outstanding nominee from Oregon.

Mr. Chairman, while I, unlike Senator Wyden, have not personally known Justice Graber for long, I have had the opportunity to



meet with her and to speak privately with her, and I have been very impressed. It is appropriate that she is here today before this committee, and it is not a surprise to me that she is.

Justice Graber has earned an excellent reputation among her colleagues on the Oregon Supreme Court and throughout the Oregon bar. She has earned an outstanding reputation not only because of her legal scholarship, but also because of the high professional standards that she has consistently displayed in her advocacy, in her private practice, and during the years she served on our State bench. I am confident that Justice Graber will bring to the U.S. Court of Appeals the same dedication, professionalism, and integrity that has been the hallmark of her legal career.

I want to thank the chairman again for moving us to this point in the process, and I urge the committee to complete the nomination process and to move Justice Graber's name to the floor for a vote at the earliest possible time.

Thank you, sir.

Senator GRASSLEY. Thank you, Senators from Oregon.

I would call on Senator Feinstein to speak about the nominee Paez, and in the meantime, I would ask the three or however many Members there are of the House of Representatives here to come to the table to be in place for me to call on you next.

#### **STATEMENT OF HON. DIANNE FEINSTEIN, A U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator FEINSTEIN. Thank you very much, Mr. Chairman. I am particularly pleased that the nomination of Judge Richard Paez is scheduled today, because he has been waiting for a long time.

I know in my selection process and in the nominees I present to the President, it is always important, I believe, to have some knowledge of whether an individual actually has tested the judicial temperament. I believe in this case, that test has been firmly met.

I think you will find that observations of Judge Paez show that he is firm, he is fair, he is experienced, and that he has a positive and good judicial temperament. I don't mean to say that everybody has to have been a judge, but if one has served as a judge, the tests are there and the tests are met. And I think that is an important criterion.

Judge Paez was born and raised in Utah. He attended Brigham Young University. He received his law degree from Boalt Hall. He worked as a staff attorney for California Rural Legal Assistance and the Western Center on Law and Poverty. He served both as acting director of litigation for Legal Aid of Los Angeles. He also has served on the Los Angeles Municipal Court bench from 1981 to 1994, and during this time, he was appointed twice by the chief justice of the California Supreme Court to serve as a member of the California Judicial Council, the policymaking body of the California judiciary, where he supported reforms to improve the efficiency of the courts.

He was elected chair of the Los Angeles County Municipal Court Judges' Association in 1990. This organization was created so the county's 188 municipal court judges could work on issues of common concern. Further, for several years, Judge Paez taught at a number of judicial education programs sponsored by the California