

New Document

Title: 02.02.06.10thCircuit.Interview(2.00)

**U.S. COURT OF APPEALS FOR THE TENTH CIRCUIT INTERVIEW  
(HARRIET MIER'S OFFICE)**

**DATE:** Thursday, February 2, 2006

**TIME:** 2:00 P.M.

**ATTENDING:** Neil Gorsuch  
Harriet Miers  
Leslie Fahrenkopf

**BACKGROUND:** Neil Gorsuch of the Department of Justice is interviewing for the U.S. Court of Appeals for the Tenth Circuit.

There is a resume included.

**CONTACT:** Heather Roebke 6-5081

New Document

Title: 02.02.06

## **Daily Schedule for Bill Kelley**

### **Thursday, February 2, 2006**

(as of 2/01/06, 7:30 p.m.)

8:15 a.m. (30 min)	Counsel's Office Staff Meeting HM's Office
8:45 a.m. (2 hr, 15 min)	Office Time WKK's Office
11:00 a.m. (1 hr)	NEC Deputies: Entitlement Commission EEOB 160
12:00 p.m. (2 hr)	Office Time WKK's Office
2:00 p.m. (45 min)	10 <sup>th</sup> Circuit Interview – Neil Gorsuch HM's Office
2:45 p.m. (3 hr, 15 min)	Office Time WKK's Office
6:00 p.m. (30 min)	Daily Conference Call on NSA issues WKK's Office
6:30 p.m. (Rest of the day)	Office Time WKK's Office

New Document

Title: 109 2nd Session Accomplishments

# Major Legislative Activity of the 109th Congress

## Second Session

As of 10/17/06

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### Signed Into Law

1. S. 1932 – Deficit Reduction Act of 2005
  - Passed House on 11/18/05 (without objection, House bill as amended); Conference Report passed on 12/19/05 (212-206)
  - Passed Senate on 11/03/05 (52-47); Conference Report passed on 12/21/05, with amendment (51-50)
  - POTUS signed on 02/08/06
2. H.R. 3199 – USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005
  - Passed House on 07/21/05 (257-171); Conference Report passed on 12/14/05 (251-174)
  - Passed Senate on 07/29/05 (UC); Conference Report passed on 03/02/06 (89-10)
  - POTUS signed on 03/09/06
3. H.R. 4297 – Tax Relief Extension Reconciliation Act of 2006
  - Passed House on 12/08/05 (234-197); Conference Report passed on 05/10/06 (244-185)
  - Passed Senate on 02/02/06 (66-31); Conference Report passed on 05/11/06 (54-44)
  - POTUS signed on 05/17/06
4. H.R. 5037 – Respect for America’s Fallen Heroes Act of 2006
  - Passed House on 05/09/05 (408-3)
  - Passed Senate on 05/24/06 (UC)
  - POTUS signed on 05/29/06
5. H.R. 4939 – Emergency Supplemental Appropriations for FY 2006
  - Passed House on 03/16/06 (348-71); Conference Report passed on 06/13/06 (351-67)
  - Passed Senate on 05/04/06 (77-21); Conference Report passed on 06/15/06 (98-1)
  - POTUS signed on 06/15/06
6. S. 2803 – MINER Act of 2006
  - Passed House on 06/07/06 (381-37)
  - Passed Senate on 05/24/06 (UC)
  - POTUS signed on 06/15/06
7. S. 250 – Carl D. Perkins Career and Technical Education Improvement Act of 2006
  - Passed House on 07/29/06 (399-1)
  - Passed Senate on 03/10/05 (99-0)
  - POTUS signed on 08/12/06
8. H.R. 5684 – To implement the United States-Oman Free Trade Agreement
  - Passed House on 07/20/06 (221-205)
  - Passed Senate on 09/19/06 (62-32)
  - POTUS signed on 09/26/06
9. S. 2590 - Federal Funding Accountability and Transparency Act of 2006
  - Passed House on 09/13/06 (Voice Vote)
  - Passed Senate on 09/07/06 (UC)
  - POTUS signed on 09/26/06
10. H.R. 5631 – Making appropriations for Department of Defense

- Passed House on 06/20/06 (407-19); Conference Report passed on 09/26/06 (394-22)
  - Passed Senate on 09/07/06 (98-0); Conference Report passed on 09/29/06 (100-0)
  - POTUS signed on 09/29/06
11. S. 418 - Military Personnel Financial Services Protection Act
    - Passed House on 09/21/06 (418-3)
    - Passed Senate on 07/19/06 (UC)
    - POTUS signed on 09/29/06
  12. S. 3850 - Credit Rating Agency Reform Act of 2006
    - Passed House on 09/27/06 (Voice Vote)
    - Passed Senate on 09/22/06 (UC)
    - POTUS signed on 09/29/06
  13. H.R. 5441 – Making appropriations for the Department of Homeland Security
    - Passed House on 06/06/06 (389-9); Conference Report passed on 09/12/06 (412-6)
    - Passed Senate on 07/13/06 (100-0); Conference Report passed on 09/29/06 (Voice Vote)
    - POTUS signed on 10/04/06
  14. H.R. 4954 - Security and Accountability For Every Port Act
    - Passed House on 05/04/06 (421-2); Conference Report passed on 09/30/06 (409-2)
    - Passed Senate on 09/14/06 (98-0); Conference Report passed on 09/30/06 (UC)
    - POTUS signed on 10/13/06
  15. H.R. 5122 – John Warner National Defense Authorization Act for Fiscal Year 2007
    - Passed House on 05/11/06 (396-31); Conference Report passed on 09/29/06 (398-23)
    - Passed Senate on 06/22/06 (UC); Conference Report passed on 09/30/06 (UC)
    - POTUS signed on 10/17/06
  16. S. 3930 - Military Commissions Act of 2006
    - Passed House on 09/29/06 (250-170)
    - Passed Senate on 09/28/06 (65-34)
    - POTUS signed on 10/17/06

**Passed by the House of Representatives and the Senate**

1. H.Con. Res. 376/S. Con. Res. 83 – FY 2007 Congressional Budget
  - Passed House on 05/18/06 (218-210)
  - Passed Senate on 03/06/06 (51-49)

**Passed by the House of Representatives**

1. H.R. 5386 – Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007
  - Passed House on 05/18/06 (293-128)
2. H.R. 5385 – Making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007
  - Passed House on 05/19/06 (395-0)
3. H.R. 5384 – Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007
  - Passed House on 05/23/06 (378-46)

4. H.R. 5427 – Making appropriations for energy and water development for the fiscal year ending September 30, 2007
  - Passed House on 05/24/06 (404-20)
5. H.R. 5521 – Making appropriations for the Legislative Branch
  - Passed House on 06/07/06 (361-53)
6. H.R. 5522 – Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007
  - Passed House on 06/09/06 (373-34)
7. H.R. 5576 – Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007
  - Passed House on 06/14/06 (406-22)
8. H.R. 5672 – Making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007
  - Passed House on 06/29/06 (393-23)

#### **Passed by the Senate**

1. S. 2611 – A bill to provide for comprehensive immigration reform and for other purposes
  - Passed Senate on 05/22/06 (62-36)

#### **Cabinet Nominees Confirmed by the Senate**

- Dirk Kempthorne, of Idaho, to be Secretary of the Interior (confirmed by voice vote on 5/26/06)
- Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget (confirmed by voice vote on 5/26/06)
- Susan C. Schwab, of Maryland, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary (confirmed by voice vote on 6/8/06)
- Henry M. Paulson, Jr., of New York, to be Secretary of the Treasury (confirmed by voice vote on 6/28/06)
- Mary E. Peters, of Arizona, to be Secretary of Transportation (confirmed by voice vote on 9/29/06)

#### **Supreme Court Nominees Confirmed by the Senate**

- Samuel A. Alito, Jr., of New Jersey, to be an Associate Justice of the Supreme Court of the United States (confirmed by a vote of 58-42 on 1/31/06)

#### **Judicial Nominees Confirmed by the Senate**

- Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico (confirmed by voice vote on 3/6/06)
- Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia (confirmed by a vote of 88-0 on 3/6/06)
- Jack Zouhary, of Ohio, to be United States District Judge for the Northern District of Ohio (confirmed by a vote of 96-0 on 3/16/06)



- Michael A. Chagares, of New Jersey, to be United States Circuit Judge for the Third Circuit (confirmed by a vote of 98-0 on 4/4/06)
- Gray Hampton Miller, of Texas, to be United States District Judge for the Southern District of Texas (confirmed by a vote of 93-0 on 4/25/06)
- Patrick Joseph Schiltz, of Minnesota, to be United States District Judge for the District of Minnesota (confirmed by voice vote on 4/26/06)
- Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio (confirmed by a vote of 90-0 on 5/1/06)
- Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York (confirmed by a vote of 95-0 on 5/4/06)
- Milan D. Smith, of California, to be United States Circuit Judge for the Ninth Circuit (confirmed by a vote of 94-0 on 5/16/06)
- Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit (confirmed by a vote of 57-36 on 5/26/06)
- Susan Davis Wigenton, of New Jersey, to be United States District Judge for the District of New Jersey (confirmed by voice vote on 5/26/06)
- Renee Marie Bumb, of New Jersey, to be United States District Judge for the District of New Jersey (confirmed by a vote of 89-0 on 6/6/06)
- Thomas L. Ludington, of Michigan, to be United States District Judge for the Eastern District of Michigan (confirmed by voice vote on 6/8/06)
- Sean F. Cox, of Michigan, to be United States District Judge for the Eastern District of Michigan (confirmed by voice vote on 6/8/06)
- Peter G. Sheridan, of New Jersey, to be United States District Judge for the District of New Jersey (confirmed by a vote of 98-0 on 6/8/06)
- Noel Lawrence Hillman, of New Jersey, to be United States District Judge for the District of New Jersey (confirmed by a vote of 98-0 on 6/8/06)
- Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit (confirmed by a vote of 81-0 on 6/19/06)
- Andrew J. Guilford, of California, to be United States District Judge for the Central District of California (confirmed by a vote of 93-0 on 6/22/06)
- Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina (confirmed by voice vote on 6/22/06)
- Daniel Porter Jordan III, of Mississippi, to be United States District Judge for the Southern District of Mississippi (confirmed by voice vote on 7/20/06)
- Gustavo Antonio Gelpi, of Puerto Rico, to be United States District Judge for the District of Puerto Rico (confirmed by voice vote on 7/20/06)
- Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit (confirmed by voice vote on 7/20/06)
- Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit (confirmed by voice vote on 7/20/06)
- Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit (confirmed by a vote of 67-30 on 7/25/06)
- Jennifer M. Anderson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia (confirmed by voice vote on 9/03/06)

- Frances Marie Tydingco-Gatewood, of Guam, to be Judge for the District Court of Guam (confirmed by voice vote on 9/03/06)
  - Anna Blackburn-Rigsby, of the District of Columbia, to be Associate Judge of the District of Columbia Court of Appeals (confirmed by voice vote on 9/03/06)
  - Phyllis D. Thompson, of the District of Columbia, to be Associate Judge of the District of Columbia Court of Appeals (confirmed by voice vote on 9/03/06)
  - Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit (confirmed by a vote of 92-0 on 9/05/06)
  - Fransisco Augusto Besosa, of Puerto Rico, to be the United States District Judge for the District of Puerto Rico (confirmed by a vote of 87-0 on 9/25/06)
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### **Second Session Stalled Legislation**

#### **Failed in the House**

#### **Stalled in the Senate**

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### **Appropriations Process**

#### **Signed Into Law**

New Document

Title: Circuit Nominees Nominated After 5.9.06

## **CIRCUIT NOMINEES NOMINATED AFTER 5/9/06**

- **Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit, vice David M. Ebel, retired.**
- **Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, vice Raymond C. Clevenger, III, retired.**
- **Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, vice Morris S. Arnold, retiring.**

New Document

Title: coalition TPs - 6 1 06

## Talking Points

- Over the past five years, President Bush has appointed judges who clearly understand the role of a judge is to interpret the law, not to legislate from the bench. The President's standard for nomination is informed by the oath that each judge takes: to administer justice without respect to persons, and to do equal right to all. His nominees have sterling credentials and have met high standards of legal training, temperament, and judgment.
- As of June 1, 2006, the President has appointed 242 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter of the entire federal judiciary.
- If the 24 (10 circuit; 14 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 259 and Reagan 264.)
  - Six circuit court nominees are pending in committee: Jim Haynes (Fourth Circuit); Michael Wallace (Fifth Circuit); Bobby Shepherd (Eighth Circuit); Jerome Holmes (Tenth Circuit); Neil Gorsuch (Tenth Circuit); and Kimberly Moore (Federal Circuit).
  - Four circuit court nominees are pending on the floor: Terrence Boyle (Fourth Circuit); William Myers (Ninth Circuit); Randy Smith (Ninth Circuit); Sandra Ikuta (Ninth Circuit).
  - Nine district court nominees are pending in committee: Vanessa Bryant (District of Connecticut); Andrew J. Guilford (Central District of California); Valerie Baker (Central District of California); Philip Gutierrez (Central District of California); Frances Tydingco-Gatewood (District of Guam); Daniel Jordan (Southern District of Mississippi); Frank Whitney (Western District of North Carolina); Gustavo Gelpi (District of Puerto Rico); and Francisco Besosa (District of Puerto Rico).
  - Five district court nominees are pending on the floor: Thomas Ludington (Eastern District of Michigan); Sean Cox (Eastern District of Michigan); Renee Marie Bumb (District of New Jersey); Noel Lawrence Hillman (District of New Jersey); and Peter Sheridan (District of New Jersey).
- President Bush has seen 88% of his nominees confirmed. At the same point in their presidencies, President Clinton had 81% and President Reagan had 94%. President Bush 41 had 78% confirmed during his term.
- The White House is working diligently to fill all existing and anticipated circuit and district court vacancies—
  - Of the 21 Circuit Court vacancies, the President has made a choice in 16 of them. Ten are in the Senate, and we anticipate up to 3 more nominations in the next few weeks.
  - Of the 46 District Court vacancies, the President has made a choice in 27 of them. Fourteen are in the Senate, and we anticipate up to 4 more nominations next week, followed by up to 9 more in the next few weeks to come.

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New Document

Title: Gorsuch bio TPs (2)

**Neil M. Gorsuch**  
**U.S. Court of Appeals for the Tenth Circuit**

Confirmed July 20, 2006

- Neil Gorsuch was confirmed on July 20, 2006, to the U.S. Court of Appeals for the Tenth Circuit, which hears appeals from the federal district courts of Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming
- Mr. Gorsuch has a distinguished record as a practicing attorney with extensive trial and appellate litigation experience, and as a public servant who served as a senior official in the Department of Justice.
  - In 2005, Mr. Gorsuch joined the Department of Justice as the Principal Deputy Associate Attorney General. In that capacity, Mr. Gorsuch assisted in managing the Department's civil litigating components (Antitrust, Civil, Civil Rights, Environment and Natural Resources, and Tax), as well as developing and implementing of a wide variety of civil justice initiatives and policies.
  - From 1995 to 2005, Mr. Gorsuch worked as an associate and partner at the law firm of Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, where he represented clients that included small corporations, Fortune 100 corporations, non-profit organizations, and individuals.
  - While in private practice, Mr. Gorsuch had a thriving litigation practice, and was involved in some very significant litigation, including what was believed to be the largest private antitrust damages award to stand on appeal—more than one billion dollars. He has tried several cases to verdict and briefed dozens of cases in the courts of appeals. The range of issues Mr. Gorsuch worked on included antitrust, breach of contract, securities litigation, breach of fiduciary duty and fraud, and shareholders rights.
  - Mr. Gorsuch is known for his outstanding intellect, keen analytical skills, writing skills, excellent courtroom skills, work ethic, and integrity. Clients, co-counsel, colleagues, judges, and opposing counsel all praised Mr. Gorsuch's nomination to the federal appellate bench.
  - Mr. Gorsuch has long been dedicated to pro bono service and improvement of the legal profession, most recently participating in the Department of Justice's pro bono legal clinic and representing the Department before various judicial and legal groups.
- Mr. Gorsuch has impeccable academic credentials and professional training.
  - He served as a law clerk for Justice Byron White (also assisting Justice Kennedy) of the United State Supreme Court, and Judge David Sentelle of the United States Court of Appeals for the D.C. Circuit.

- He attended Harvard Law School as a Harry Truman Scholar and graduated with honors in 1991. He graduated with honors from Columbia University in 1988, where he was elected to Phi Beta Kappa.
- Mr. Gorsuch attended Oxford University as a Marshall Scholar and received his Doctorate in Philosophy in 2004.
- Mr. Gorsuch has used his legal skills to assist clients on a pro bono and reduced fee basis.
- Mr. Gorsuch represented Columbia Hospital for Women, the Council of Institutional Investors, and several individuals on issues ranging from breach of contract to shareholders rights to criminal investigations.
- Mr. Gorsuch participated in the Harvard Prison Legal Assistance Project and the Harvard Defenders program while in law school and also participated in the Justice Department's legal aid clinic.

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- Mr. Gorsuch has a distinguished record as a practicing attorney with extensive trial and appellate litigation experience, and as a public servant who served as a senior official in the Department of Justice.
  - In 2005, Mr. Gorsuch joined the Department of Justice as the Principal Deputy Associate Attorney General. In that capacity, Mr. Gorsuch assisted in managing the Department's civil litigating components (Antitrust, Civil, Civil Rights, Environment and Natural Resources, and Tax), as well as developing and implementing of a wide variety of civil justice initiatives and policies.
  - From 1995 to 2005, Mr. Gorsuch worked as an associate and partner at the law firm of Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, where he represented clients that included small corporations, Fortune 100 corporations, non-profit organizations, and individuals.
  - While in private practice, Mr. Gorsuch had a thriving litigation practice, and was involved in some very significant litigation, including what was believed to be the largest private antitrust damages award to stand on appeal—more than one billion dollars. He has tried several cases to verdict and briefed dozens of cases in the courts of appeals. The range of issues Mr. Gorsuch worked on included antitrust, breach of contract, securities litigation, breach of fiduciary duty and fraud, and shareholders rights.
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New Document

Title: Gorsuch Decision Memo

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS

SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Neil M. Gorsuch, of Virginia, to be United States Circuit Judge for the Tenth Circuit, vice David M. Ebel, retired.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: \_\_\_\_\_ DISAPPROVE: \_\_\_\_\_

New Document

Title: gorsuch memo

May 04, 2006

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: HARRIET MIERS

SUBJECT: JUDICIAL NOMINATION

Attached for your signature is the nomination of the following individual:

**Neil M. Gorsuch, of Virginia, to be United States Circuit Judge for the Tenth Circuit, vice David M. Ebel, retired.**

You approved this nomination on March 16, 2006.

All necessary clearances have been completed.

New Document

Title: Judicial Talking Points- 5 15 06

## Judicial Talking Points

- Over the past five years, President Bush has appointed judges who clearly understand the role of a judge is to interpret the law, not to legislate from the bench. The President's standard for nomination is informed by the oath that each judge takes: to administer justice without respect to persons, and to do equal right to all. His nominees have sterling credentials and have met high standards of legal training, temperament, and judgment.
- As of May 15, 2006, the President has appointed 239 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter (27%) of the entire federal judiciary.
- If the 24 (10 circuit; 14 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 255 and Reagan 263.)
  - Five circuit court nominees are pending in committee: Jim Haynes (Fourth Circuit); Michael Wallace (Fifth Circuit); Sandra Ikuta (Ninth Circuit); Jerome Holmes (Tenth Circuit); Neil Gorsuch (Tenth Circuit).
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- The White House is working diligently to fill all existing and anticipated circuit and district court vacancies—
  - Of the 23 Circuit Court vacancies, the President has made a choice in 19 of them. Ten are in the Senate, 9 are in clearance.
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New Document

Title: Judicial Talking Points- 5 15 06 1

## Judicial Talking Points

- Over the past five years, President Bush has appointed judges who clearly understand the role of a judge is to interpret the law, not to legislate from the bench. The President's standard for nomination is informed by the oath that each judge takes: to administer justice without respect to persons, and to do equal right to all. His nominees have sterling credentials and have met high standards of legal training, temperament, and judgment.
- As of May 15, 2006, the President has appointed 239 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter (27%) of the entire federal judiciary.
- If the 24 (10 circuit; 14 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 255 and Reagan 263.)
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New Document

Title: Judicial Talking Points- 5 17 06

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- As of May 17, 2006, the President has appointed 240 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter (27%) of the entire federal judiciary.
- If the 24 (9 circuit; 15 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 259 and Reagan 264.)
  - Five circuit court nominees are pending in committee: Jim Haynes (Fourth Circuit); Michael Wallace (Fifth Circuit); Sandra Ikuta (Ninth Circuit); Jerome Holmes (Tenth Circuit); Neil Gorsuch (Tenth Circuit).
  - Four circuit court nominees are pending on the floor: Terrance Boyle (Fourth Circuit); William Myers (Ninth Circuit); N. Randy Smith (Ninth Circuit); Brett Kavanaugh (D.C. Circuit).
  - Nine district court nominees are pending in committee: Vanessa Lynne Bryant (District of Connecticut); Andrew J. Guilford (Central District of California); Virginia Baker (Central District of California); Philip Gutierrez (Central District of California); Frances Tydingco-Gatewood (District of Guam); Daniel Jordan (Southern District of Mississippi); Frank Whitney (Western District of North Carolina); Gustavo Gelpi (District of Puerto Rico); Francisco Augusto Besosa (District of Puerto Rico).
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- The White House is working diligently to fill all existing and anticipated circuit and district court vacancies—
  - Of the 22 Circuit Court vacancies, the President has made a choice in 18 of them. Nine are in the Senate, 9 are in clearance.
  - Of the 46 District Court vacancies, the President has made a choice in 31 of them. Fifteen are in the Senate, 16 are in clearance. Of the remaining 15 vacancies, we are currently awaiting recommendations from home state senators in 12 of them.

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Title: Judicial Talking Points- 5 19 06

## Judicial Talking Points

- Over the past five years, President Bush has appointed judges who clearly understand the role of a judge is to interpret the law, not to legislate from the bench. The President's standard for nomination is informed by the oath that each judge takes: to administer justice without respect to persons, and to do equal right to all. His nominees have sterling credentials and have met high standards of legal training, temperament, and judgment.
- As of May 19, 2006, the President has appointed 240 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter (27%) of the entire federal judiciary.
- If the 26 (11 circuit; 15 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 259 and Reagan 264.)
  - Seven circuit court nominees are pending in committee: Jim Haynes (Fourth Circuit); Michael Wallace (Fifth Circuit); Bobby Shepherd (Eighth Circuit); Sandra Ikuta (Ninth Circuit); Jerome Holmes (Tenth Circuit); Neil Gorsuch (Tenth Circuit); Kimberly Moore (Federal Circuit).
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- The White House is working diligently to fill all existing and anticipated circuit and district court vacancies—
  - Of the 22 Circuit Court vacancies, the President has made a choice in 18 of them. Eleven are in the Senate, 7 are in clearance.
  - Of the 46 District Court vacancies, the President has made a choice in 30 of them. Fifteen are in the Senate, 15 are in clearance. Of the remaining 16 vacancies, we are currently awaiting recommendations from home state senators in 13 of them.



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Title: Judicial Talking Points- 6 6 06

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- As of June 6, 2006, the President has appointed 241 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter (27%) of the entire federal judiciary.
- If the 25 (10 circuit; 15 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 259 and Reagan 266.)
  - Six circuit court nominees are pending in committee: Jim Haynes (Fourth Circuit); Michael Wallace (Fifth Circuit); Bobby Shepherd (Eighth Circuit); Jerome Holmes (Tenth Circuit); Neil Gorsuch (Tenth Circuit); Kimberly Moore (Federal Circuit).
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New Document

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- As of June 7, 2006, the President has appointed 242 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter (28%) of the entire federal judiciary.
- If the 26 (10 circuit; 16 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 260 and Reagan 271.)
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- As of June 12, 2006, the President has appointed 248 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter (28%) of the entire federal judiciary.
- If the 23 (10 circuit; 13 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 260 and Reagan 271.)
  - Six circuit court nominees are pending in committee: Jim Haynes (Fourth Circuit); Michael Wallace (Fifth Circuit); Bobby Shepherd (Eighth Circuit); Jerome Holmes (Tenth Circuit); Neil Gorsuch (Tenth Circuit); Kimberly Moore (Federal Circuit).
  - Four circuit court nominees are pending on the floor: Terrance Boyle (Fourth Circuit); William Myers (Ninth Circuit); N. Randy Smith (Ninth Circuit); Sandra Ikuta (Ninth Circuit).
  - Eleven district court nominees are pending in committee: Vanessa Lynne Bryant (District of Connecticut); Virginia Baker (Central District of California); Philip Gutierrez (Central District California); Marcia Morales Howard (Middle District of Florida); Lisa Godbey Wood (Southern District of Georgia); Frances Tydingco-Gatewood (District of Guam); Daniel Jordan (Southern District of Mississippi); Leslie Southwick (Southern District of Mississippi); Gregory Frizzell (Northern District of Oklahoma); Gustavo Gelpi (District of Puerto Rico); Francisco Augusto Besosa (District of Puerto Rico).
  - Two district court nominees are pending on the floor: Andrew J. Guilford (Central District of California); Frank Whitney (Western District of North Carolina).
- President Bush has seen 87% of his nominees confirmed. At the same point in their Presidencies, President Clinton had 80% and President Reagan had 96%. President Bush 41 had 78% confirmed during his term.
- The White House is working diligently to fill all existing and anticipated circuit and district court vacancies—
  - Of the 21 Circuit Court vacancies, the President has made a choice in 18 of them. Ten are in the Senate, 8 are in clearance.
  - Of the 41 District Court vacancies, the President has made a choice in 27 of them. Thirteen are in the Senate, 14 are in clearance. Of the remaining 14 vacancies, we are currently awaiting recommendations from home state senators in 9 of them.

New Document

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- As of June 23, 2006, the President has appointed 248 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter (28%) of the entire federal judiciary.
- If the 20 (9 circuit; 11 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 263 and Reagan 267.)
  - Six circuit court nominees are pending in committee: Jim Haynes (Fourth Circuit); Michael Wallace (Fifth Circuit); Bobby Shepherd (Eighth Circuit); Jerome Holmes (Tenth Circuit); Neil Gorsuch (Tenth Circuit); Kimberly Moore (Federal Circuit).
  - Three circuit court nominees are pending on the floor: Terrance Boyle (Fourth Circuit); William Myers (Ninth Circuit); N. Randy Smith (Ninth Circuit).
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New Document

Title: Judicial Talking Points- 6 23 06

## Judicial Talking Points

- Over the past five years, President Bush has appointed judges who clearly understand the role of a judge is to interpret the law, not to legislate from the bench. The President's standard for nomination is informed by the oath that each judge takes: to administer justice without respect to persons, and to do equal right to all. His nominees have sterling credentials and have met high standards of legal training, temperament, and judgment.
- As of June 23, 2006, the President has appointed 248 individuals to Article III federal courts (Supreme Court, Circuit, District, and the Court of International Trade). This represents more than one-quarter (28%) of the entire federal judiciary.
- If the 20 (9 circuit; 11 district) nominees pending in the Senate are confirmed, President Bush's appointment rate will be almost identical to President Clinton's and President Reagan's. (At the same time in their administrations, Clinton had appointed approximately 263 and Reagan 267.)
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## **Judicial Talking Points**

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New Document

Title: NeilMGorsuch

Name, Last	First	Middle	Title	Occupation
<b>GORSUCH</b>	<b>NEIL</b>	<b>M.</b>		Attorney

Position Sought	Position	Firm / Agency
General Counsel, SEC	<b>Attorney</b> Present	Kellogg Huber

Notables
<ul style="list-style-type: none"> <li>- <b>Gorsuch Wrote An Article For <i>UPI</i> Eulogizing Supreme Court Justice Byron White. His Article Included Much Praise For White And Had A Neutral Political Stance.</b> Gorsuch also lamented the difficulties in the Senate confirmation process for judicial nominees. (see attached article)</li> <li>- <b>Gorsuch Conducted A Study With Michael Guzman Affirming That Term Limits Are Constitutionally Permissible Under The Doctrine That States Can Regulate The Manner In Which Elections Are Held.</b> They wrote about their work in <i>The Wall Street Journal</i> in 1992. (see attached article)</li> <li>- <b>Gorsuch Clerked For DC Circuit Court Of Appeals Judge David Sentelle.</b></li> <li>- <b>Gorsuch Wrote An Extensive Article On Physician Assisted Suicide For The <i>Harvard Law Review</i>.</b> (See attached article)</li> <li>- <b>Gorsuch Contributed To The Presidential Campaigns Of George W. Bush And John McCain, He Also Contributed To Senator Bill Frist (R-TN).</b></li> </ul>

Flags
<ul style="list-style-type: none"> <li>- No flags found.</li> </ul>

Contributor	Occupation	Date	Amount	Recipient
GORSUCH, NEIL WASHINGTON, DC 20005	ATTORNEY	8/13/1999	\$300	Frist, Bill
GORSUCH, NEIL M MR WASHINGTON, DC 20005		2/25/2000	\$250	McCain, John
GORSUCH, NEIL M MR WASHINGTON, DC 20005	KELLOGG HUBER/ATTORNEY	5/31/2000	\$250	Bush, George W

New Document

Title: Nominees Nominated After 5 9 06

## **CIRCUIT COURT NOMINATIONS SINCE 5/9/06**

- Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit, vice David M. Ebel, retired.
- Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, vice Raymond C. Clevenger, III, retired.
- Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, vice Morris S. Arnold, retiring.
- Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit, vice Jane R. Roth, retired.
- Peter D. Keisler, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, vice John G. Roberts, elevated.
- Raymond M. Kethledge, of Michigan, to be United States Circuit Judge for the Sixth Circuit, vice James L. Ryan, retired.
- Debra A. Livingston, of New York, to be United States Circuit Judge for the Second Circuit, vice John M. Walker, Jr., retiring.
- Stephen Joseph Murphy III, of Michigan, to be United States Circuit Judge for the Sixth Circuit, vice Susan Bieke Neilson, deceased.

## **DISTRICT COURT NOMINATIONS SINCE 5/9/06**

- Francisco Augusto Besosa, of Puerto Rico, to be United States District Judge for the District of Puerto Rico, vice Juan M. Perez-Gimenez, retired.
- Lisa Godbey Wood, of Georgia, to be United States District Judge for the Southern District of Georgia, vice Dudley H. Bowen, Jr., retiring.
- Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida, vice Harvey E. Schlesinger, retired.
- Leslie Southwick, of Mississippi, to be United States District Judge for the Southern District of Mississippi, vice William H. Barbour, retired.
- Gregory K. Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma, vice Sven Erik Holmes, resigned.
- Mary O. Donohue, of New York, to be United States District Judge for the Northern District of New York, vice Frederick J. Scullin, Jr., retired.
- John A. Jarvey, of Iowa, to be United States District Judge for the Southern District of Iowa, vice Ronald E. Longstaff, retiring.

- **Paul Lewis Maloney, of Michigan, to be United States District Judge for the Western District of Michigan, vice Richard A. Enslin, retired.**
- **Robert James Jonker, of Michigan, to be United States District Judge for the Western District of Michigan, vice Gordon J. Quist, retired.**
- **Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan, vice David W. McKeague, elevated.**
- **John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia, vice Frederick P. Stamp, Jr., retiring.**

New Document

Title: October 10, 2006

October 10, 2006

MEMORANDUM FOR RAUL F. YANES

FROM: HARRIET MIERS

SUBJECT: CONGRATULATORY LETTERS TO NEWLY APPOINTED JUDGES

Attached are congratulatory letters to newly appointed federal judges for the President's signature.

The following judges should receive a letter:

**Francisco Augusto Besosa, United States District Judge for the District of Puerto Rico**  
**Gustavo Antonio Gelpí, United States District Judge for the District of Puerto Rico**  
**Neil M. Gorsuch, United States Circuit Judge for the Tenth Circuit**  
**Jerome A. Holmes, United States Circuit Judge for the Tenth Circuit**  
**Daniel Porter Jordan, III, United States District Judge for the Southern District of Mississippi**  
**Kimberly Ann Moore, United States Circuit Judge for the Federal Circuit**

If you have any questions, please feel free to contact the Executive Clerk's office.

Thank you.



New Document

Title: RECENT CONFIRMATIONS- Sept12

## **RECENT CONFIRMATIONS**

**Jerome A. Holmes** was confirmed to the U.S. Court of Appeals for the Tenth Circuit on July 25, 2006.

**Judge Bobby E. Shepherd** was confirmed to the U.S. Court of Appeals for the Eighth Circuit on July 20, 2006.

**Neil M. Gorsuch** was confirmed to the U.S. Court of Appeals for the Tenth Circuit on July 20, 2006.

**Sandra S. Ikuta** was confirmed to the U.S. Court of Appeals for the Ninth Circuit on June 19, 2006.

**Brett M. Kavanaugh** was confirmed to the U.S. Court of Appeals for the District of Columbia Circuit on May 26, 2006.

**Milan D. Smith, Jr.** was confirmed to the U.S. Court of Appeals for the Ninth Circuit on May 16, 2006.

**Michael Chagares** was confirmed to the U.S. Court of Appeals for the Third Circuit on April 4, 2006.

**Judge Samuel A. Alito** was confirmed as Associate Justice of the U.S. Supreme Court on January 31, 2006.

**Judge John Roberts** was confirmed as Chief Justice of the U.S. Supreme Court on September 29, 2005.