

Originally Processed With FOIA(s):
2025-0373-S

FOIA Number:
2025-0373-S

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Chief of Staff, White House Office of
Series: Card, Andrew, Files
Subseries: Briefing Books

OA/ID Number: CF00556
Folder ID Number: CF00556-003a

Folder Title:
Briefing Book: Federal Judgeships - 1989 [1]

Stack:	Row:	Section:	Shelf:	Position:
G	15	22	2	

Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Resume	Re: David D. Gregory; contains Personally Identifiable Information. (3 pp.)	n.d.	(b)(6)	
02. Resume	Re: D. Brock Hornby; contains Personally Identifiable Information. (4 pp.)	Dec. 1988	(b)(6)	
03. Resume	Re: Vincent L. McKusick; contains Personally Identifiable Information. (2 pp.)	n.d.	(b)(6)	
04. Resume	Daniel Everett Wathen; contains Personally Identifiable Information. (1 pp.)	n.d.	(b)(6)	
05. Resume	Re: Jose A. Cabranes; contains Personally Identifiable Information. (3 pp.)	n.d.	(b)(6)	
06. Resume	Re: Dennis G. Jacobs; contains Personally Identifiable Information. (2 pp.)	n.d.	(b)(6)	
07. Resume	Re: Standish Forde Medina, Jr.; contains Personally Identifiable Information. (9 pp.)	01/31/89	(b)(6)	
08. Form	Detailed Evaluation/ Control Sheet: Office of Resume Review. (1 pp.)	02/05/89	(b)(6)	

Page 1 of 2

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Pinksheet Number: RML16197
OA/ID Number: CF00556-003a
Date Closed: 6/9/2025
FOIA/Sys Case #: 2025-0373-S
Re-review Case #:
P-2/P-5 Review Case #:

Withdrawal/Redaction Sheet

(George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
09. Resume	Re: G. robert Witmer, Jr.; contains Personally Identifiable Information. (3 pp.)	n.d.	(b)(6)	
10. Resume	Re: Jacques L. Wiener, Jr.; contains Personally Identifiable Information. (12 pp.)	n.d.	(b)(6)	

Page 2 of 2

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Pinksheet Number: RML16197
OA/ID Number: CF00556-003a
Date Closed: 6/9/2025
FOIA/Sys Case #: 2025-0373-S
Re-review Case #:
P-2/P-5 Review Case #:

CONGRESSIONAL RECOMMENDATIONS FOR FEDERAL JUDGESHIPS
3/16/89

/ Senator Cohen

Gov. will discuss w/ Bill Cohen

Wrote letter to Sununu and would like to discuss candidate for the First Circuit Court of Appeals

Senator Ford & McConnell

Sidney B. Douglas
Paul D. Gudge
Joseph M. Hood
Daniel J. Venters
Anthony M. Wilhoit
All for the U.S. District Court for the Eastern District of Kentucky

Senator Gramm

Melinda Harmon, U.S. Judge for the Southern District of Texas

Senator Heinz and Specter

Judge James McGregor
U.S. District Court for the Western District, PA

Senator Jeffords

Fred Parker, U.S. District Court in Vermont

Senator McClure

Former Congressman Ken Kramer, Chief Judge (If exists) to the United States Court of Veterans

Senator Nickles

Donald E. Crawl, U.S. Marshal for the Northern District of Oklahoma

Senator Nickles

James L. Webb, U.S. Marshal for the Eastern District of Oklahoma

Senator Wilson

Craig Meacham, U.S. Marshall for Central District of California

Congresswoman Bentley

Marvin Garbis, U.S. District Court of Maryland

Congressman Bill Green

Former Congressman Ken Kramer, Chief Judge to the U.S. Court of Veterans Appeals

Congressman Hammerschmidt

Wrote letter to Gray and
the Attorney General to
Judge Morris Arnold and
Susan Weber Wright for
Federal judgeships

Congressman Michel

John J. Adams, U.S.
Marshal for Northern
District of Illinois

Congressman Montgomery

Jonathan R. Steinberg,
Judge on the new U.S.
Court of Veterans Appeals

Congressman Tom Sawyer

Joyce George, U.S.
Attorney for Northern
District of Ohio

Congressman Christopher Smith

Former Congressman Ken
Kramer, Chief Judge
to the U.S. Court of
Veterans Appeals

United States Senate

WASHINGTON, DC 20510

February 8, 1989

The Honorable Richard Thornburgh
Attorney General
Department of Justice
Washington, D.C. 20530

Dear Mr. Attorney General:

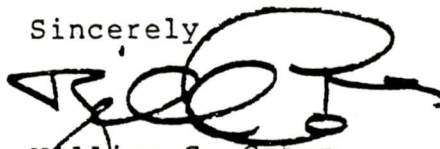
On December 27, 1988, I sent you a letter recommending Chief Justice Vincent McKusick and Associate Justice Brock Hornby as candidates for appointment to the "Maine seat" on the First Circuit Court of Appeals.

Since that time, Associate Justice Daniel Wathen has advised me that he would also like to be considered for the position. I am well acquainted with Justice Wathen's professional background and judicial experience, and I respectfully request that his application be given serious consideration.

I have enclosed a copy of Justice Wathen's resume. If any further information is required, I will be pleased to provide it.

With best wishes, I am

Sincerely



William S. Cohen
United States Senator

WSC:tad

Enclosure

W.S. COHEN
MAINE

United States Senate

WASHINGTON, DC 20510

January 18, 1989

Hon. Richard Thornburgh
Attorney General
Department of Justice
Washington, DC 20530

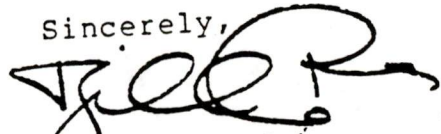
Dear Mr. Attorney General:

On December 27, 1988, I sent you a letter recommending Chief Justice Vincent McKusick and Associate Justice Brock Hornby as candidates for appointment to the "Maine seat" on the First Circuit Court of Appeals.

Since that time, Professor David Gregory of the University of Maine School of Law has advised me that he would also like to be considered for the position. I have attached a copy of his resume for your information. If you have any questions about Professor Gregory, I hope that you will not hesitate to contact me.

With best wishes, I am

Sincerely,



William S. Cohen
United States Senator

WSC:tad

Enclosure

1:23

0020144

United States Senate

WASHINGTON, DC 20510

December 27, 1988

The Honorable Richard Thornburgh
Department of Justice
10th and Constitution, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

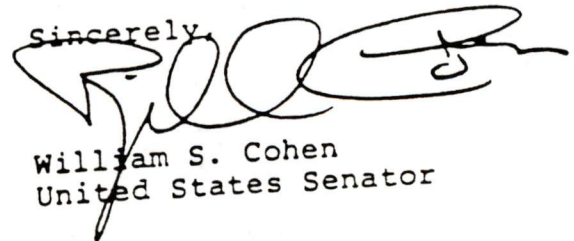
Earlier this month, I had a brief discussion with you about candidates for appointment to the "Maine seat" on the First Circuit Court of Appeals.

Since that time, I have been advised that two distinguished members of the Maine Supreme Judicial Court -- Chief Justice Vincent McKusick and Associate Justice Brock Hornby -- are willing to be considered for the position. Both of these individuals are extraordinarily skilled jurists who enjoy the respect of the entire legal community in Maine. I strongly suspect that both would be on almost any list of potential candidates for the vacancy and believe that either would be a splendid choice.

If you have any questions about Chief Justice McKusick or Justice Hornby, I hope you will not hesitate to contact me.

With best regards, I am

Sincerely,



William S. Cohen
United States Senator

WSC:dms

9686100

01 6 ... 00 00 00

1 5 0 1 0 0

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Resume	Re: David D. Gregory; contains Personally Identifiable Information. (3 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025	OA/ID Number: CF00556-003a
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

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

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Resume	Re: D. Brock Hornby; contains Personally Identifiable Information. (4 pp.)	Dec. 1988	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025	OA/ID Number: CF00556-003a
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

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

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Resume	Re: Vincent L. McKusick; contains Personally Identifiable Information. (2 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025	OA/ID Number: CF00556-003a
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

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

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04. Resume	Daniel Everett Wathen; contains Personally Identifiable Information. (1 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025	OA/ID Number: CF00556-003a
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
 C(2) Closed by statute or by the agency which originated the information
 C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
 PRM. Removed as a personal record misfile

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

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05. Resume	Re: Jose A. Cabranes; contains Personally Identifiable Information. (3 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025	OA/ID Number: CF00556-003a
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

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

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]



Republican National Committee

Luis A. Ferré
State Chairman
Member for Puerto Rico

April 12, 1985

The Honorable Fred F. Fielding
Counsel to the President
THE WHITE HOUSE
Washington, D.C. 20500

Dear Fred:

I write with regard to a vacancy on the United States Court of Appeals for the Second Circuit. My colleagues and I strongly urge you and your associates in the President's Committee on Judicial Appointments to favorably consider the appointment of Judge José A. Cabranes of the United States District Court for the District of Connecticut.

As you may know, Judge Cabranes was the first Puerto Rican appointed to the Federal bench in the continental United States. At the time of his appointment in 1979 he was serving as the General Counsel of Yale University. Born in Puerto Rico and reared in the mainland, he has distinguished himself in private practice and in academic work. (Among other things, he is the author of a legislative history of the American citizenship of the people of Puerto Rico, published in 1979 by Yale University Press). He has many friends and admirers in his native Puerto Rico, who view his career and professional accomplishments as a model of the contributions of Puerto Ricans to the nation.

By all accounts, Judge Cabranes has served with great ability and distinction as a District Judge. Judge Robert H. Bork of the District of Columbia Circuit and Judge Ralph K. Winter of the Second Circuit are among those who could speak to his professional and judicial career. President A. Bartlett Giamatti of Yale is also someone who could and would speak favorably of Judge Cabranes' work as a lawyer and jurist.

I thank you for your consideration and assistance.

Sincerely,

LUIS A. FERRE
State Chairman

PAUL, WEISS, RIFKIND, WHARTON & GARRISON
345 PARK AVENUE NEW YORK, NEW YORK 10154

TELEPHONE (212) 644-8000
TELECOPIER (212) 644-8202
RAPIFAX (212) 355-0118
TELEX WU 12-7831: WUI 666-843

RANDOLPH E. PAUL (1946-1956)
LOUIS S. WEISS (1927-1950)
JOHN F. WHARTON (1927-1977)

ADRIAN W. DEWIND
LLOYD K. GARRISON
JAMES B. LEWIS
MORDECAI ROCHLIN
HOWARD A. SEITZ
SAMUEL J. SILVERMAN
JOHN C. TAYLOR, 3RD
COUNSEL

SAMUEL MYERS
EUROPEAN COUNSEL

WRITER'S DIRECT DIAL NUMBER

1714 MASSACHUSETTS AVENUE, N. W.
WASHINGTON, D. C. 20036
TELEPHONE (202) 822-1800
TELECOPIER (202) 822-1845
TELEX 248237

8, PLACE VENDÔME
75001 PARIS, FRANCE
TELEPHONE 296.10.15
TELECOPIER 260.63.59
TELEX 213649F

EDINBURGH TOWER (34TH FLOOR)
15 QUEEN'S ROAD, CENTRAL
HONG KONG
TELEPHONE 5-220041
TELECOPIER 852-123-4286
TELEX HX66208

MORRIS B. ABRAM
NEALE M. ALBERT
MARK H. ALCOTT
DANIEL J. BELLER
MARK A. BELNICK
ALLAN BLUMSTEIN
RICHARD S. BORISOFF
JOHN F. BREGGIO
DAVID C. BRODHEAD
RICHARD J. BRONSTEIN
JOSEPH E. BROWDY
CAMERON CLARK
JEROME ALAN COHEN
EDWARD N. COSTIKY
JAMES M. DUBIN
RICHARD A. ENGELMAN
LESLIE GORDON FAGEN
PETER L. FELCHER
GEORGE P. FELLEMAN
BERNARD FINKELSTEIN
MITCHELL S. FISHMAN
MARTIN FLUMENBAUM
MAX GITTER
RICHARD D. GOLDSTEIN
BERNARD H. GREENE
JAY GREENFIELD
PETER R. HAJE
ALBERT P. HAND
SEYMOUR HERTZ
JOSEPH S. ISEMAN
ARTHUR KALISH
LEWIS A. KAPLAN
ANTHONY B. KUKLIN
JEROME KURTZ
STEVEN E. LANDERS
ROBERT L. LAUFER
WALTER F. LEINHARDT

RECEIVED
OFFICE OF THE ATTORNEY GENERAL
JUN 10 1985
ARTHUR LITMAN
MARTIN LONDON
BAYLESS MANNING
JOHN E. MASSENGALE
JOHN P. MCENROE
COLLEEN MCMAHON
ROBERT E. MONTGOMERY, JR.
ROBERT H. MONTGOMERY, JR.
DONALD F. MOORE
TOBY S. MYERSON
PAUL J. NEWLON
MATTHEW NIMETZ
KEVIN J. OBRIEN
JOHN J. ONEIL
STUART I. ORAN
JAMES L. PURCELL
LEONARD V. QUIGLEY
SIMON H. RIFKIND
STUART ROBINOWITZ
SIDNEY S. ROSENBERG
STEVEN B. ROSENFELD
PETER J. ROTHENBERG
ERNEST RUBENSTEIN
MOSES SILVERMAN
EILEEN S. SILVERS
STEVEN SIMKIN
ROBERT S. SMITH
THEODORE C. SORESENSEN
GERALD D. STERN
ALLEN L. THOMAS
JUDITH R. THOYER
JAY TOPKIS
JOSÉ E. TRIAS
DAVID T. WASHBURN
ALFRED D. YOUNGWOOD
NORMAN ZELENGO

(212) 644-8654

May 31, 1985

Hon. Edwin Meese, III
Attorney General of the
United States
U.S. Department of Justice
10th Street and Constitution Ave., NW
Washington, D.C. 20530

Dear Ed:

You and I have not been able to talk on the phone but I want to emphasize in this way my support of Judge Jose Cabranes for a judgeship on the Second Circuit Court of Appeals. I know Judge Cabranes from our mutual membership on the Board of Trustees of the Twentieth Century Fund. He and I share views on a host of legal principles. Roughly, we are opposed to preferential treatment of any citizen, support individual and not group rights, and strongly believe in the Constitution as a bulwark of our freedoms. The country would be well served by his appointment. I suggest that you may gain additional information by reference to Judge Bork and/or Judge Winter.

With kindest personal regards.

Sincerely,

pmf
cc: Hon. Jose Cabranes

Morris B. Abram

Dictated but not read

Howard M. Love
Chairman and Chief Executive Officer

NATIONAL
Intergroup, Inc.

May 7, 1985

Mr. James M. Spears
Acting Assistant Attorney General
for Legal Policy
U.S. Department of Justice
10th & Constitution Ave., N.W.
Washington, DC 20530

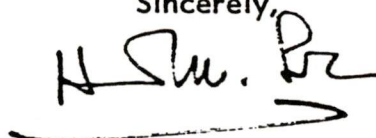
Dear Mr. Spears:

I am writing to support the appointment of Jose' A. Cabranes to United States Circuit Judge, U.S. Court of Appeals, Second Circuit. Judge Cabranes is United States District Judge, District of Connecticut, where he has served since 1979.

As a trustee of Colgate University, a position also held by Judge Cabranes, I know him to be a man of excellent character and a source of expert counsel and advice to the University. He has served in a number of responsible positions during his career and has performed with exceptional merit in all those assignments.

I recommend him highly for appointment to the position of United States Circuit Judge, U.S. Court of Appeals, Second Circuit. I am enclosing a copy of his biographical statement with this recommendation.

Sincerely,



HML:mm

Enclosure

cc: George Bush
T. Kenneth Cribb, Jr.
Max Friedersdorf
Robert Tuttle
Edward J. Rollins

Edwin Meese, III
D. Lowell Jensen
Fred F. Fielding ✓
Donald Regan

KOHLBERG KRAVIS ROBERTS & CO.

New York • San Francisco

March 1, 1989

The Honorable George Bush
President of the United States
The White House
Washington, D.C. 20500

Dear George,

I've recently learned that Dennis Jacobs is being considered to fill the judicial vacancy on the Second Circuit Court of Appeals. I want you to know that I strongly endorse his candidacy.

Dennis is a partner in the New York law firm of Simpson Thacher & Bartlett, which has been my firm's counsel for over twenty years. Dennis has been involved in most of the firm's important business litigations and he has personally represented my firm in matters of utmost seriousness and financial consequence.

I value his advice because he has a keen intellect and strong commitment to values we care about. These values would inevitably attract him to public service at the sacrifice of his limitless opportunities in private practice.

While I would be sorry to lose his counsel, I am confident that he will serve the public with real distinction if you choose to appoint him to the bench.

Respectfully,



Henry R. Kravis

cc: The Honorable Dick Thornburgh
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
06. Resume	Re: Dennis G. Jacobs; contains Personally Identifiable Information. (2 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025	OA/ID Number: CF00556-003a
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

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

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
07. Resume	Re: Standish Forde Medina, Jr.; contains Personally Identifiable Information. (9 pp.)	01/31/89	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025	OA/ID Number: CF00556-003a
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

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

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
08. Form	Detailed Evaluation/ Control Sheet: Office of Resume Review. (1 pp.)	02/05/89	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025	OA/ID Number: CF00556-003a
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

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

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

LETTER OF RECOMMENDATION TICKET

WITMER, R

Batch No: ~~2500~~ A009
 Accession No: 43871
 Last Name: _____ F.I. _____

LETTER OF RECOMMENDATION

FILESTAT: W
 BATCH NO: ~~2500~~ A009

LTR 1:

Enter from document,
 FNAME, LNAME, SEX, ADDRESS, CITY
 STATE, ZIP

RLTRCD: ✓ #11 _____ #12 _____ #14
 _____ #15 _____ #17 _____ #18

RECFOR: Judge USDC 2d Circuit

AGCY: ~~DOJ~~ ~~DEFCCT~~

INTERNAL ROUTING

Initial Sort: PC 1/4/89
 Initial Data Entry: 151/8
 Flow Coordinator: _____
 Detailed Eval: _____
 Coding: _____
 Detailed Data Entry: _____
 Resume Storage: _____

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
09. Resume	Re: G. robert Witmer, Jr.; contains Personally Identifiable Information. (3 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025 **OA/ID Number:** CF00556-003a

FOIA/SYS Case #: 2025-0373-S

Appeal Case #:

Re-review Case #:

Appeal Disposition:

P-2/P-5 Review Case #:

Disposition Date:

AR Case #:

MR Case #:

AR Disposition:

MR Disposition:

AR Disposition Date:

MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

- C(1) Closed by Executive Order 13526, governing access to national security information
- C(2) Closed by statute or by the agency which originated the information
- C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
- PRM. Removed as a personal record misfile

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

- P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

Barbara Zartman
60 Hawthorne Street
Rochester, New York 14610
716-461-1383

December 14, 1988

RESUME MANAGEMENT
JAN 5 1989
[Signature]

The Honorable George Bush ,
Vice President of the United States
The White House
Washington, D. C. 20500

Dear Mr. Vice President:

It is with the greatest of pleasure that I write to encourage your consideration of the appointment of Bob Witmer to the Second Circuit vacancy on the United States Court of Appeals.

G. Robert Witmer, Jr., enjoys the highest regard of his professional colleagues; he has continuously been awarded positions of leadership and honor as a member of the legal community. His resume, which is enclosed, easily attests to his exceptional competence.

For nearly twenty years, Bob has been a partner in the prestigious local law firm of Nixon Hargrave Devans & Doyle, the now 272-lawyer firm in which Story Zartman was a partner before joining Eastman Kodak. Bob ably handled the special responsibilities of being the firm's managing partner.

During my years as Vice Chairman and Chairman of the County Republican organization, I frequently called upon Bob's wise counsel in evaluating candidates for various judicial (and other) offices. Just this year, he was invaluable in helping me structure a cross-endorsement program with Democrats that allowed three able Republicans and two able Democrat sitting judges to remain on the bench. For a dozen years, Bob has chaired the county GOP Judicial Screening Committee, providing sound and confidential analysis of prospective judicial candidates for me, as he did for my predecessor Ron Starkweather.

Bob has also served in and given generously to Republican fundraising activities; his firm has supported both the party and its candidates, always in a manner that was above reproach. Bob has been a state Republican committeeman for thirteen years, and last winter, when forces supporting Senator Dole were particularly active in our community; Bob willingly put his name on our designating petitions as an alternate delegate in support of George Bush; he was prepared for a primary campaign in the five-county area of the 29th Congressional District.

The Honorable George Bush

December 14, 1988 (2)

Moreover, Bob signed on as Cochair of Lawyers for Bush/Quayle 'ii in New York State. In addition to the statewide responsibilities that entailed, he recruited a large and eager body of young attorneys who provided yeoman service in securing court-ordered ballots for voters who would otherwise have been denied their franchise and they worked Election Day as poll-watchers in areas of high partisan Democratic activity.

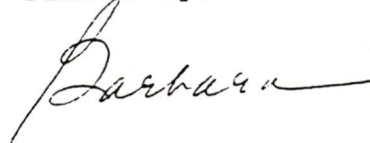
Bob is also a strongly committed family man; he and his wife Nancy have done an exemplary job in raising their four children. They share vacation time, church time, and even political time (Wendy joined here dad at the convention in New Orleans). Again, Bob's resume offers further evidence of his broad community activity.

It is rare for a western New Yorker to be appointed to the Second Circuit, but Bob Witmer brings a rare combination of the highest ethical standards, the best legal preparation, and the finest regard for the goals of our political system. His appointment would represent a singular recognition of the best that upstate New York offers the federal bench. Bob would bring credit to the Bush Administration and honor to the work of the court.

If there is anything further that I can do to encourage Bob's nomination, please have your staff let me know.

With kindest regards,

Sincerely,



Enclosure

Copy: Senator Alfonse D'Amato

Barbara Zartman
60 Hawthorne Street
Rochester, New York 14610
716-461-1383

December 14, 1988

RECEIVED
OFFICE OF
DEPUTY ATTORNEY
GENERAL

The Honorable Richard Thornburgh
United States Attorney General
Department of Justice
Washington, D. C. 20530

Dear Mr. Attorney General:

I am writing to encourage consideration of the name of G. Robert Witmer, Jr., for appointment to fill the Second Circuit vacancy on the United States Court of Appeals.

I believe Bob Witmer offers the very best of what we seek for the Appeals Court: he has the highest of ethical standards, the best legal preparation, and the strength of character that will serve him and the court well over many years.

Bob's academic preparation is first-class: he was Phi Beta Kappa at the University of Rochester, where he was awarded his undergraduate degree with honors, and his LL.B. is from Harvard Law School. He has continued to perfect his legal skills throughout his professional life, as his resume attests, and he has been generous in sharing his knowledge with others. He is a leader in the legal community, not only of his home county, but in New York State as well; he is currently Secretary of the State Bar Association.

I have known Bob for more than ten years, initially through the political life of our community. Bob has served for a dozen years as the chair of the county Republican Party's Judicial Screening Committee, an instrument established by the party to assure the nomination of the best qualified candidates to run on our party's line for judicial office. Year-in and year-out, Bob assembled a talented committee to interview prospects and review their work product. The fruits of these deliberations were shared with the county party chair, to be factored into nomination decisions.

It is hard to overestimate the value of this counsel, first to my predecessor as county Republican chair and then to myself when, in 1985, I took over as leader of the county party. We were able to identify candidates of conservative judicial inclination, of temperate demeanor, of highest ethical and moral conduct. This past year, in addition, Bob played a crucial part in helping me structure a cross-endorsement program for five able sitting judges of Family and State Supreme Court.

The Honorable Richard Thornburgh

December 14, 1988 (2)

But more than the academic and professional credentials - superb as they are - it is Bob's character that makes me such a strong advocate of his appointment. He is simply one of the most decent people I have ever worked with. A quiet and gentle man with a quick and generous sense of humor, he will nonetheless be unshakable in his commitment to do what he believes is right.

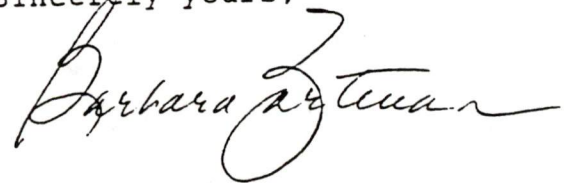
This may serve as a case in point: a prospective judicial nominee, whose candidate was quite popular in certain legal and political circles, was in Bob's judgment not yet mature enough to handle the delicate and confidential caseload of Family Court. Some on the Screening Committee thought Bob's standards overly demanding, too rigorous, but Bob's assessment stood. The nomination went to a more seasoned candidate, and Bob offered mentoring opportunities for the young attorney, in order to prepare for future nomination.

The telling chapter in this incident is its most recent one: the shortcomings that Bob saw in the young attorney became apparent to other members of the committee, who now realize what a mistake it would have been to push this candidate too soon.

As cochair of the George Bush for President campaign in New York State, I was pleased to have Bob as a member of our delegation to the Nominating Convention in New Orleans this summer. I believe Bob Witmer represents the very best of Republican philosophy: a commitment to strong family values, to staunch support of individual freedom - but to a kinder and gentler society as well.

As I wrote in my letter to the President-elect, I believe Bob Witmer would bring credit to the Bush Administration, and honor to the work of the court.

Sincerely yours,



Enclosure

Copy: Senator Alfonse D'Amato

Nixon, Hargrave, Devans & Doyle

Attorneys and Counselors at Law

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

LINCOLN FIRST TOWER

POST OFFICE BOX 1051

ROCHESTER, NEW YORK 14603

(716) 546-8000

CABLE: NIXONHARG ROCHESTER

TELEX: 978450 (WUT)

TELECOPIERS: (716) 546-3843

(716) 546-3011

30 ROCKEFELLER PLAZA
NEW YORK, NEW YORK 10112
(212) 586-4100
CABLE: NIXONHARG NEW YORK
TELEX: 66521 (MCI)
TELECOPIER: (212) 333-4216

ONE KEYCORP PLAZA
ALBANY, NEW YORK 12207
(518) 434-6000
TELECOPIER: (518) 434-4006

SUITE 800
ONE THOMAS CIRCLE
WASHINGTON, D. C. 20005
(202) 223-7200
TELEX: 5106008427 (WUT)
TELECOPIER: (202) 429-1956

REYNOLDS PLAZA
1061 EAST INDIANTOWN ROAD
JUPITER, FLORIDA 33477
(407) 746-1002
(407) 283-5004 (MARTIN COUNTY)
TELECOPIER: (407) 747-4113

December 15, 1988

BY FEDERAL EXPRESS

The Honorable Richard Thornburgh
United States Attorney General
Department of Justice
Washington, D.C. 20530

Dear Mr. Attorney General:

I am writing to encourage consideration of my partner, G. Robert Witmer, Jr. to fill the vacancy on the Court of Appeals for the Second Circuit. I have known Bob Witmer for over 20 years and have known his parents for even longer. I served on the New York State Supreme Court with his father, who had a distinguished career as a trial and appellate judge for 34 years.

To begin with, Bob is 51 years old and graduated with honors from the University of Rochester where he was both elected to membership in Phi Beta Kappa and was captain of the Varsity Basketball team. He received his law degree from Harvard Law School, and returned to Rochester to practice law. His activities in his profession and community have demonstrated without question that he possess the qualities of integrity, judgment, hard work and leadership which will make him an outstanding appellate judge.

Bob has excelled in the practice of law for more than 25 years with Nixon, Hargrave, Devans & Doyle. He has had extensive trial and appellate experience, including serving for seven years on the Committee to Advise and Consult with the Judicial Conference of the State of New York on the Civil Practice Law and Rules

The Honorable Richard Thornburgh
December 15, 1988
Page 2

(incidentally, a current Judge of the Second Circuit, George C. Pratt, Jr., served with him on that Committee). At Nixon Hargrave, Bob formed and was the first Chairman of the Environmental Department which now has more than 30 lawyers. Although usually representing corporate clients, Bob has successfully represented the National Wildlife Federation in major national litigation. For his efforts in the environmental field, he received the Distinguished Service Award from the Environmental Law Section of the New York State Bar Association, and has served on that Section's Executive Committee since its inception.

During his tenure with Nixon Hargrave, we have grown from 40 lawyers located in Rochester, New York to over 270 lawyers located in Rochester, New York City, Albany, Long Island, Washington, D.C., and Florida. Bob recently served a three year term as Chairman of the Management Committee of the law firm. I observed at first hand the judgment, integrity and leadership skills which he so amply displayed. His collegiate experience in a team sport taught him the lesson that he looks good by making others around him look good. He has applied this principle in leadership positions within our firm, our profession and our community, and would do the same on the Appellate Bench where the ability to cooperate with and influence your fellow judges is critical.

Bob has also been a leader in professional organizations. He has served as a Vice President of the nearly 50,000 member New York State Bar Association, and last year was elected Secretary, one of the four general officerships in the Association. He was instrumental in preparing a recent Task Force Report for the Association which severely criticized the New York State Department of Motor Vehicles for its hearing procedures. In further recognition of his abilities and contributions, Bob has been elected to membership in the American Law Institute, and is a member of the Fellows of the American Bar Foundation, and of the Fellows of the New York State Bar Foundation.

Bob would bring a critical added dimension to the Second Circuit: his commitment to community and the political process. Starting with his first year of practice when he Chaired his Town's Community Chest Campaign, he has been a contributor and leader within our community. He has been Master of his Masonic Lodge, and a Director of the Rochester Rotary Club. He has also served

The Honorable Richard Thornburgh
December 15, 1988
Page 3

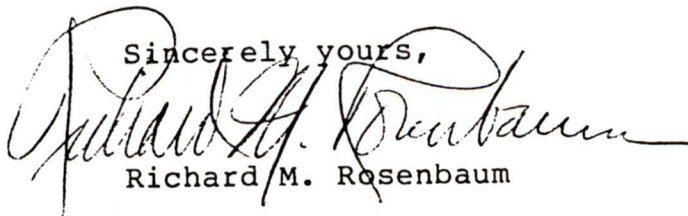
for ten years on the Board of Trustees of the University of Rochester, one of the leading research university's in our country. He has been instrumental in conducting major, critical studies for the University, and currently serves as Chairman of its Facilities Committee and of its Nominating Committee. In addition, he is Vice President of the Board of Trustees of the Eastman Dental Center, one of the major private dental research institutes in the country.

In addition, Bob has been a life long Republican, and for 12 years has served on the New York State Republican Committee, and has chaired a Committee which screens all Republican judicial candidates in Monroe County. In that latter capacity, he has built a reputation for integrity and judgment in handling extremely sensitive matters involving the professional reputations of candidates. Bob was also one of the Vice President's early supporters, and was an alternate delegate for him in New Orleans from New York's 29th Congressional District. During the campaign, he was Co-Chair of New York Lawyers for Bush/Quayle '88.

Finally, and most importantly as I am sure you recognize, Bob and his wife are the devoted parents of four children who range in age from 13 to 18, and are all active in church, school and sports.

I apologize for the length of this letter, but there is much to tell. Please have your staff contact me if there is anything more I can do to further Bob's appointment.

Sincerely yours,



Richard M. Rosenbaum

RMR/bb
cc: Honorable Alfonse D'Amato



Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM

January 17, 1989

TO: Michael A. Wermuth
Deputy Assistant Attorney General
Office of Legislative Affairs

FROM: Stephen J. Markman *SJM/raj*
Assistant Attorney General

SUBJECT: Fifth Circuit

A longstanding controversy in the Fifth Circuit has been the matter of allocating new judicial appointments to the three states within the Circuit -- Texas, Louisiana and Mississippi. Although the Reagan Administration, as with its predecessors, has consistently argued that individual states have no "entitlement" to any particular number of seats on the circuits, it has attempted nevertheless to achieve some rough statistical balance on the basis of geography. To do otherwise is to invite the kind of controversy that has attended the filling of the immediate vacancy for all circuit vacancies. This statistical balance has been defined alternatively in terms of the proportion of a state's population to the circuit's population and in terms of the proportion of a state's caseload to the circuit's caseload.

Quite simply, the catalyst for the ongoing controversy in the Fifth Circuit has been the insistence of the Mississippi delegation that it is entitled to an additional circuit position despite an absence of any statistical claim to such a position on the basis of geography or caseload (see figures).

<u>State</u>	<u>% Population</u>	<u>% Cases</u>	<u>% Judges/Number</u>
Louisiana	20	39	31 (5 judges)*
Mississippi	12	9	13 (2 judges)
Texas	68	52	56 (9 judges)

* Assumes current vacancy goes to Louisiana.

Senator Cochran and Representative (now-Senator) Lott have grown increasingly insistent in recent years that we appoint a Mississippian to a "non-Mississippi" slot despite strong counter-pressures upon the Department from both the Texas and Louisiana delegations. Senator Cochran believes that a commitment to this effect was made by an unidentified individual early in the Reagan Administration. The intensity of this effort peaked in 1987 with the death of Fifth Circuit Judge Robert Hill of Texas. This coincided with equally strongly-stated claims by Senator Johnston and Representative Livingston that Louisiana was "entitled" to this seat because of caseload under-representation.

After discussions by the Department with Senator Gramm (who himself has been a forceful proponent of maximum Texas representation on the Circuit), he agreed to "delegate" this seat to Louisiana. In large part, this decision was influenced by Senator Johnston's earlier removal of a "hold" on the immediately prior Fifth Circuit nomination of Jerry Smith of Texas. This nomination also had been challenged by Louisiana (and Mississippi) as one properly belonging to them. After considerable effort, the Department recommended to the White House that the President nominate Jacques Weiner of Louisiana, an individual philosophically compatible with the President and the Louisiana GOP delegation and personally compatible with Senator Johnston (having been a former college roommate).

This nomination was held up for many months in the Administration as a result of forceful objections expressed by Senator Johnston to Senator Baker at the White House. Finally, after lengthy negotiations by the Department with Senator Cochran, he acceded to Mr. Weiner's nomination, convinced that no Mississippian could possibly be confirmed in 1988 over Senator Johnston's objections. Although another Fifth Circuit seat was filled late in the 100th Congress (John Duhe of Louisiana), Weiner's nomination ultimately succumbed to a "hold" placed by Louisiana's other Senator, John Breaux, who hoped to preserve this vacancy for a Dukakis Administration. Because Senator Johnston has subsequently persuaded him that Louisiana's best chance to retain this seat is with Jacques Weiner, Senator Breaux now has indicated that he will no longer object to the nomination.

Thus, Mississippi and Louisiana are continuing to grapple for this seat. Because Senator Gramm's "delegation" was to Louisiana, it is unclear what his views would be if the seat were to go to Mississippi. There is a possibility of as many as four Fifth Circuit judges taking senior status in the next two years -- three from Texas and one from Louisiana.

An important side issue is to communicate to the Mississippi Senators that, even if the seat ultimately goes to Mississippi, the Administration, as it is with all circuit court positions, is responsible for taking the principal initiative in identifying the appointee.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
10. Resume	Re: Jacques L. Wiener, Jr.; contains Personally Identifiable Information. (12 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries: Briefing Books
WHORM Cat.:
File Location: Briefing Book: Federal Judgeships - 1989 [1]

Date Closed: 6/9/2025	OA/ID Number: CF00556-003a
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

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

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES:

AGRICULTURE, RURAL DEVELOPMENT,
AND RELATED AGENCIESCOMMERCE, JUSTICE, STATE,
AND JUDICIARYCHAIRMAN
HOUSE TASK FORCE ON
COAL EXPORTS

Congress of the United States

House of Representatives

Washington, DC 20515

April 19, 1985

208 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-4601DISTRICT OFFICE:
216 POPLAR AVENUE
SOMERSET, KY 42501
(606) 879-8348 OR
1-800-632-8588The Honorable Edwin Meese, III
Attorney General
Department of Justice
Washington, D. C. 20530

Dear Mr. Attorney General:

First, let me thank you for your fine responses to my questions as you recently appeared before our Commerce, Justice, State, and Judiciary Subcommittee of Appropriations.

Second, again, my congratulations to you upon being confirmed as Attorney General.

I am writing, today, to express my strong and unequivocal support for the nomination of U.S. District Judge Eugene Siler, Jr. to fill one of the four vacancies in the Sixth Circuit Court.

As you are aware, additional judgeships were authorized last year. Unfortunately, time ran out during the 98th Session to consider nominations for all the newly created judgeships.

During the brief period, however, when it appeared the vacancies would be filled last year, the entire Republican hierarchy in Kentucky united behind Eugene Siler. Following consultation with the State Chairman of the Republican Party of Kentucky, the National Committeeman and Committeewoman, and the Reagan/Bush State Chairman; the three Republican members of the Kentucky delegation wrote Attorney General William French Smith in Judge Siler's behalf. I have attached a copy of this letter for your review.

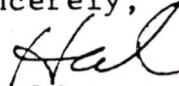
It is notable that in all conversations with the Office of Legal Policy it was certainly implied that one of these vacancies would be a Kentucky seat. At no time during the early discussions did anything but the need to find a qualified jurist enter the equation. No one, but no one, questions Judge Siler's qualifications!

It appears now, though, there has been a question raised as to the need for Kentucky to have an additional judge. I have personally reviewed the numbers being quoted as a rationale for this thinking and they certainly are not convincing. Furthermore, the "case load rationale" becomes even more ludicrous since the Sixth Circuit Court sits en banc and most three judge panels are drawn from around the Circuit.

DEPT OF JUSTICE
RECEIVED
1985 APR 23 11:34
OFFICE OF
GENERAL COUNSEL
AND LEGAL POLICY
UNIT

There is probably no way I can overstate how strongly I feel on this issue. I look forward to the matter being resolved in such a way that Kentucky has one of the additional judgeships.

Sincerely,

A handwritten signature in dark ink, appearing to read "Hal", written over the word "Sincerely,".

Harold Rogers
MEMBER OF CONGRESS

HR:md

cc: Senator Mitch McConnell
Congressman Gene Snyder
Congressman Larry Hopkins
Mr. Lawrence Forgy
Mr. Robert E. Tuttle

STROM THURMOND, SOUTH CAROLINA, CHAIRMAN
CHARLES McC. MATHIAS, JR., MARYLAND
PAUL LAXALT, NEVADA
ORRIN G. HATCH, UTAH
ALAN K. SIMPSON, WYOMING
JOHN EAST, NORTH CAROLINA
CHARLES E. GRASSLEY, IOWA
JEREMIAH DENTON, ALABAMA
ARLEN SPECTER, PENNSYLVANIA
MITCH McCONNELL, KENTUCKY

JOSEPH R. BIDEN, JR., DELAWARE
EDWARD M. KENNEDY, MASSACHUSETTS
ROBERT C. BYRD, WEST VIRGINIA
HOWARD M. METZENBAUM, OHIO
DENNIS DeCONCINI, ARIZONA
PATRICK J. LEAHY, VERMONT
HOWELL HEFLIN, ALABAMA
PAUL SIMON, ILLINOIS

DENNIS W. SHEDO, CHIEF COUNSEL AND STAFF DIRECTOR
DEBORAH K. OWEN, GENERAL COUNSEL
DEBORAH G. BERNSTEIN, CHIEF CLERK
MARK H. GITENSTEIN, MINORITY CHIEF COUNSEL

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510

May 2, 1985

DEPT OF JUSTICE
RECEIVED
MAY -2 3 5:40
EXECUTIVE SECRET
OFFICE OF THE
DEPUTY ATTORNEY
GENERAL
HAND DELIVER

The Honorable Edwin Meese, III
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Attorney General:

In the two weeks since my last letter to you regarding Judge Eugene Siler's stalled nomination for appointment to the United States Court of Appeals for the Sixth Circuit, several facts have come my way that the Department of Justice should keep in mind as it completes its recommendations.

With regard to the statistical analysis your Office of Legal Policy has been using, it is important to keep in mind that the raw numbers, as is typical, can be extremely misleading. While Ohio and Michigan may have a larger number of cases, many of those cases are of a perfunctory or insubstantial nature. As a matter of fact, I have learned that Michigan has one of the very highest percentages of Social Security appeals relative to its overall case load of any state in the country. As you know, those cases are among the courts of appeals' least substantial appeals, and are quickly resolved. Consequently, it would be inappropriate to give undue consideration to case load statistics. Indeed, given the nature of the three judge panel approach, I find the Justice Department's entire emphasis on statistical analysis unreasonable.

I believe that you would find the members of the court to be more concerned that the new appointments preserve the relative balance of judges between the states, so that the ratio of judges is not skewed, with the southern tier of states being placed in a distinct minority relative to the northern tier. Should Kentucky not receive one of the four new appointments, there would be a ten to five distribution of judges between the northern and southern tiers, a situation inconsistent with the rationale underlying the system of regional courts.

Finally, I feel it important to point out that Judge Siler has sat with the circuit court on some ten occasions, and is already an experienced appellate judge. There has been a general assumption

The Honorable Edwin Meese, III
May 1, 1985
Page 2

among the judges of the court that Judge Siler would be joining them. He, I am told, would hit the ground running, while most other judges in the circuit will require a substantial adjustment period.

Let me stress again the seriousness of the political damage that the failure to appoint Judge Siler would wreak. As the only Republican Senator in the four states of the Sixth Circuit, it would be an enormous slap in the face to see the entire slate of positions go to states represented by Democrats, especially in light of the history of Judge Siler's case. I recognize that the Administration views appointment to the court of appeals differently than it does district court appointments, but I also know that if the notion of Senatorial courtesy is to have any vitality at all, one of these nominations must go to Gene Siler. As I view it, the failure to nominate Judge Siler could not be justified on any basis, and could certainly not be defended from a political point of view.

I do not believe that I am being unreasonable about this. Please give me a call if I can provide you with further insight into this matter.

Cordially,



MITCH McCONNELL
UNITED STATES SENATOR

MM/vms

United States Senate

WASHINGTON, DC 20510

April 17, 1985

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
APR 22 10 53 AM '85
EXECUTIVE SECRETARIAT
DEPUTY ATTORNEY
GENERAL

The Honorable Edwin Meese, III
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Meese:

As you know, I have proposed Judge Eugene E. Siler of the United States District Court for the Eastern District of Kentucky for nomination to a position on the United States Court of Appeals for the Sixth Circuit. Until last week, neither Judge Siler nor I had reason to believe that there was any problem with the proposed nomination.

Recently, however, Judge Siler was informed by the Justice Department's Office of Legal Policy that there is a likelihood that he will not receive the nomination. My staff received similar though less conclusive information this week from Mr. Mitt Spears of that office. According to Mr. Spears, there is a real doubt within the Justice Department that any of the vacancies on the Sixth Circuit will be filled from Kentucky.

While I understand and appreciate the important work of the Office of Legal Policy, as well as the professional manner in which its work is performed, I want to emphasize my concern about this nomination. Should Kentucky not receive one of the new appointments to the Sixth Circuit, the state would have only two of the 15 judgeships on the court, with one of those judges fulfilling the additional duties of chief judge. Moreover, while both Ohio and Michigan have several senior yet nevertheless frequently active judges, Kentucky has none.

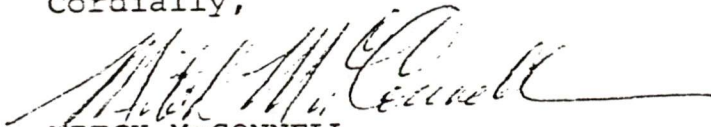
At the same time, I know that your investigation of Judge Siler will have demonstrated that he is a superior candidate for appointment to the court of appeals, with a long record of solid and scholarly decisions, a reputation of fairness and integrity, and an appropriate judicial philosophy.

The Honorable Edwin Meese, III
April 17, 1985
Page 2

Finally, let me point out the fact that of the eight Senators representing the states comprising the Sixth Circuit, I am the only Republican. I would not expect Kentucky to be penalized under such circumstances.

Judge Siler is eminently qualified for the court of appeals, and his appointment has been pending for a great deal of time. I urge you to resolve this problem within your Department and to submit Judge Siler's name to the President for nomination to the court at the earliest possible time.

Cordially,



MITCH McCONNELL
UNITED STATES SENATOR

MM/vms

DORSEY & WHITNEY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2200 FIRST BANK PLACE EAST
MINNEAPOLIS, MINNESOTA 55402
(612) 340-2600

TELEX 29-0605
TELECOPIER (612) 340-2868

RAYMOND A. REISTER
(612) 340-2732

January 12, 1989

350 PARK AVENUE
NEW YORK, NEW YORK 10022
(212) 415-9200

3 GRACECHURCH STREET
LONDON EC3V 0AT, ENGLAND
01-929-3334

36, RUE TRONCHET
75009 PARIS, FRANCE
01-42-66-59-49

640 FIRST NATIONAL BANK BUILDING
P. O. BOX 848
ROCHESTER, MINNESOTA 55903
(507) 288-1156

510 NORTH CENTRAL LIFE TOWER
415 MINNESOTA STREET
ST. PAUL, MINNESOTA 55101
(612) 227-8017

1200 FIRST INTERSTATE CENTER
401 NORTH 31ST STREET
P. O. BOX 7184
BILLINGS, MONTANA 59103
(406) 252-3800

201 DAVIDSON BUILDING
8 THIRD STREET NORTH
GREAT FALLS, MONTANA 59401
(406) 727-3632

127 EAST FRONT STREET
MISHOULA, MONTANA 59802
(406) 721-6025

315 FIRST NATIONAL BANK BUILDING
WATZATA, MINNESOTA 55391
(612) 475-0373

The Honorable Richard Thornburgh
Attorney General of the United States
Department of Justice
Constitution Avenue and Tenth Street N.W.
Washington, D.C. 20530

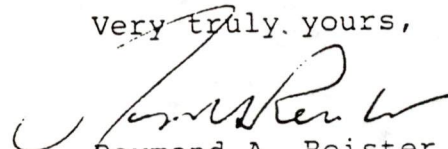
Dear Mr. Attorney General:

Yesterday I spoke with Ms. Shiela Joy of the Office of Legal Policy with regard to the vacancy resulting from the retirement of Judge Heaney in the 8th Circuit Court of Appeals. I would like to present my name for consideration to that post.

At Ms. Joy's suggestion, I am enclosing my resume. I would very much appreciate being advised as to the procedures appropriate for this purpose.

Thank you for your consideration.

Very truly yours,


Raymond A. Reister

RAR:sp
Enc.

cc: Ms. Shiela Joy, Office of Legal Policy

PERSONAL

Name:

Raymond Alex Reister

Born:

December 22, 1929; Sioux City, Iowa; son of Harold W.
and Anne E. Reister

Present Residence Address and Telephone Number:

93 Groveland Terrace, Minneapolis, Minnesota 55403;
(612) 377-0862

Present Office Address and Telephone Number:

2200 First Bank Place East, Minneapolis,
Minnesota 55402; (612) 340-2732

MARITAL

Married on October 7, 1967, to Ruth Elizabeth Alkema,
who was born May 30, 1936 at Grandville, Michigan;
A.B. - University of Michigan, 1958; Harvard-Radcliffe
Program in Business Administration, 1959;
J.D.-University of Michigan, 1964; Program for
Management Development, Harvard Business School,
1976; President, First Bank Systems Agricultural
Credit Corporation, Minneapolis, Minnesota, 1983-1984;
Deputy Undersecretary of Agriculture for Rural and
Community Development, 1981-1982; Secretary and
Assistant Vice-President of the Federal Reserve
Bank of Minneapolis, 1977-1981; Assistant Secretary
to the Board of Governors of the Federal Reserve
in Washington, D.C. 1977; Participant, Republican
Party affairs; served as Director - Hennepin County
American Red Cross, United Fund of Minneapolis and
Jones-Harrison Home; National Rural Telephone Board;
no children

EDUCATION

Central High School, St. Paul, Minnesota, 1945-1948;

Harvard College, Cambridge, Massachusetts, 1948-1952,
A.B. (magna cum laude), Harvard College National
Scholarship;

Harvard Law School, Cambridge, Massachusetts, 1952-1955,
J.D., George Chase Christian Scholarship

ADMISSIONS TO PRACTICE

New York State Court of Appeals, Appellate Division -
March 12, 1956;

U. S. Court of Military Appeals - January 18, 1957;

Supreme Court, State of Minnesota - May 23, 1960;

U. S. District Court, District of Minnesota -
November 14, 1960;

Supreme Court of the United States - March 29, 1976

EMPLOYMENT

Paul, Weiss, Rifkind, Wharton and Garrison, New
York, New York; Associate, 1955-1956;

Dorsey & Whitney, Minneapolis, Minnesota; Associate
1959-1963; Partner 1965 - ; Senior Partner; Specializing
in estate and tax planning and trust and estate
administration

MILITARY

First Lieutenant, U.S. Army Judge Advocate Corps,
1956 - 1959;

Office of Staff Judge Advocate, 7th U.S. Army,
Stuttgart, Germany and USAREUR Headquarters,
Heidelberg, Germany;

Staff and Faculty, Judge Advocate General School,
Charlottesville, Virginia

PROFESSIONAL MEMBERSHIP AND ACTIVITIES

American Bar Association, 1960 -

Section on Real Estate, Probate
and Trust Law - 1976;
Section of Taxation, 1977

American College of Probate Counsel, 1970 -

Editor, "Studies" 1975 - 1977
Committee on Estate Tax Reform, 1976 - 1981
Regent, 1980 - 1986

Minnesota State Bar Association, 1960 -

President's Committee on Uniform Probate Code,
1975 - 1976;

Section on Probate Law, 1970 -

Chairman, 1976 - 1977

Vice Chairman, 1975 - 1976,

Secretary, 1974-1976,

Executive Committee, 1974 - 1986

International Academy of Estate and Trust Law, 1979 -

Hennepin County Bar Association, 1960 -

Probate Court Committee, Chairman, 1970

American Law Institute, 1984 -

Selden Society, 1970 -

American Society of Legal History, 1972 -

Supreme Court Historical Society, 1982 -

University of Minnesota School of Law - Visiting
Committee

Lecturer -

American Bar Association - National
Practice Institute, November, 1976;

University of Michigan - Institute on
Continuing Legal Education,
August, 1978; March, 1980;

Minnesota and Hennepin County Bar Associations -
Continuing Legal Education, numerous
presentations

North Hennepin Community College, Legal Assistant
Advisory Committee, 1977 -

Harvard Law School Association of Minnesota

PUBLICATIONS

Minnesota Probate Administration, (with Larry W.
Johnson), 1968;

American College of Probate Counsel, Probate Notes,
Commentary on "TR-7500" - 1978

HONORS

Bush Foundation Scholarship, 1975;

Visiting Scholar, Brookings Institution, 1976;
Topic - "Federal Estate Tax Credit for State
Death Taxes Paid"

CIVIC AND OTHER ORGANIZATIONS

Trustee, Minneapolis Society of Fine Arts, 1981-1987

Minnesota State Historical Society

Treasurer, 1986 -

Executive Committee, 1981 -

Harvard University

Regional Director, Associated Harvard Alumni,

1977 - 1979;

Harvard Club of Minnesota

President, 1977-78

Minnesota Area Vice Chairman, Harvard Campaign

American Enterprise Institute, Associate;

Active, Republican Party Affairs

Advisory Committee, Minnesota Association of

County Health Officers and Drafting of Minnesota

Statute for Commitment of the Mentally Ill,

1967

Citizen's League

55 Club

Twin City Civil War Roundtable

HEALTH

Excellent

United States Senate

WASHINGTON, D.C. 20510

June 27, 1985

325560

The President
The White House
Washington, D.C.

Dear Mr. President:

We write to express our support for the appointment of Richard H. Kyle to the United States Court of Appeals for the Eighth Circuit.

Judge Bright's decision to take senior status has created a vacancy on the Eighth Circuit. That circuit, comprised of Minnesota, the Dakotas, Iowa, Missouri, Nebraska and Arkansas, has a complement of ten active judges, supplemented at the present time by three senior judges. The attached table demonstrates the present allocation of the active and senior circuit judges among the states.

There is no hard and fast formula for allocating judgeships among the states within the Circuit. Population, volume of litigation, existing judgeships, representation of individual states and political considerations are factors taken into consideration. We have previously written you on behalf of Richard H. Kyle, and furnished the Department of Justice with our recommendation as well as detailed background information. We write now to address the appropriateness of the appointment of a lawyer from our state.

Minnesota is the second most populated state in the Circuit, has elected two Republican United States Senators, and by any allocation of judges (active or active/senior) to population, is underrepresented on the Eighth Circuit. The only judge appointed from Minnesota is Gerald Heaney, an active Democrat who is likely to remain on active status until a Democrat occupies the White House. By contrast, North Dakota is the least populated state in the Circuit, will have continued representation on the Court because of Judge Bright's status as a senior judge and will, as a practical matter, share with its sister state of South Dakota, the new appointee from that state. Viewed from any perspective, population, existing judgeships, or political representation or considerations, Minnesota deserves the appointment.

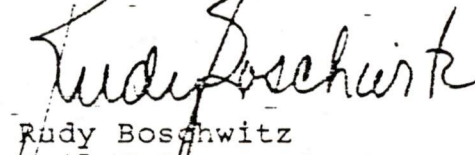
Furthermore, we have a special need for another circuit judge from our state. The Eighth Circuit reapportioned Minnesota's state legislative and Congressional districts after the last two censuses. In both cases Judge Heaney headed a three-judge panel that redrew the districts. The resulting plans have seriously hampered our chances of taking control of the legislature and have cost us two Congressional seats. Another circuit judge from Minnesota could help prevent us from spending a third decade under another debilitating reapportionment plan.

Notwithstanding the foregoing, we would not be urging Dick Kyle's selection if we were not convinced that he possesses the necessary qualifications for the position. He is a highly skilled and respected lawyer, a community leader, and an active and recognized Republican. His attitudes on the major issues of the day, including the proper role of the judiciary, are fully consistent with those of the Administration. We urge that you appoint him to the court.

Sincerely,



Dave Durenberger
United States Senator



Rudy Boschwitz
United States Senator

<u>State and Population</u>	<u>Active Judges</u>	<u>Senior Judges</u>	<u>Total Judges</u>
North Dakota (653,000)	0	1 (Judge Bright)	1
South Dakota (691,000)	1 (to be appointed)	0	1
Nebraska (1,570,000)	2* (includes Chief Judge Lay)	0	2
Arkansas (2,287,000)	1	1 (Judge Henley)	2
Iowa (2,914,000)	1	0	1
Minnesota (4,076,000)	1* (excludes Chief Judge Lay)	0	1
Missouri (4,917,000)	3	1 (Judge Gibson)	4
	9	1	12

* Chief Judge Lay was appointed from Nebraska and moved his residence to Minnesota two years ago. He is not, and should not be considered, a Minnesotan for purposes of representation on the Eighth Circuit.

+

MEMORANDUM

1D AHO

DATE: , March 16, 1989
RE: Judge Appointments

District Court

1. Blake Hall
2. Ed Lodge
3. Tom Moss
4. Alfred Hagen
5. Duff McKee
6. Bill Woodland
7. Mike Crapo

9th Circuit

1. Tom Nelson
2. Gerald Schroeder
3. Tim Hopkins
4. Duff McKee

THOMAS G. NELSON

Home
2343 Eastdale Drive
Boise, Idaho 83712
(208) 383-0041

Office
1020 Main Street, Suite 400
Boise, Idaho 83701
(208) 336-0700

PERSONAL

Born November 14, 1936, Idaho Falls, Idaho
Married to Sharon R. Hall
Two children, two step-children
Leisure time activities include snowmobiling, white water rafting and reading.

LEGAL EDUCATION

University of Idaho College of Law
LLB 1962

WORK EXPERIENCE

September 1987 to Present
Resident shareholder in the Boise office of the firm of Nelson, Rosholt, Robertson, Tolman & Tucker, Chtd. Emphasis on public utility law and water rights.

April 1979 to September 1987
Officer, shareholder and director of Nelson, Rosholt, Robertson, Tolman & Tucker, Chtd. in Twin Falls, Idaho. Practice emphasized public utility law, municipal law, construction contract disputes and water rights.

November 1965 to April 1979
Associate, junior partner and ultimately full partner in the Twin Falls law firm of Parry, Robertson and Daly. Practice emphasized personal injury defense, municipal law, public utility law and water rights. Firm was dissolved in 1979.

March 1963 to November 1965
Assistant Attorney General and Deputy Attorney General, Office of the Attorney General, State of Idaho, Boise, Idaho. Represented various state agencies, including Department of Law Enforcement; the various boards in the Bureau of Occupational Licensing; State Board of Pharmacy; and State Board of Corrections. Ultimately designated Chief Deputy Attorney General for criminal matters, including appeals and habeas corpus petitions.

1950 to 1962

Worked summers and weekends for family road construction business in Idaho Falls.

MILITARY SERVICE

September 1962 to October 1965

Idaho Air National Guard. Served four months active duty during training in Texas and Mississippi.

October 1965 to August 1968

Commissioned officer, Army of the United States, Judge Advocate General's Corps (Reserve).

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

Member of the bars of the following courts:

Supreme Court of the United States

Supreme Court of the State of Idaho

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the District of
Columbia Circuit

United States District Court for the District of Idaho

United States Claims Court

Member of the following professional organizations:

Idaho State Bar (Board of Commissioners 1972-1975;
President 1974-1975)

American Bar Association (House of Delegates 1974,
1986-1988)

American Board of Trial Advocates, Idaho Chapter
charter member (President 1985-1986)

American College of Trial Lawyers - Fellow

International Association of Defense Counsel

American Bar Foundation - Fellow

Idaho Law Foundation - Lifetime Fellow

Idaho Association of Defense Counsel (President
1972-1973)

OTHER ACTIVITIES

Twin Falls Civitan Club (President 1969)

Twin Falls City Council 1970-1973

Twin Falls United Way

Various Idaho Supreme Court Rules Committees

Idaho Republican Party

GOP Victory Fund

National Water Resources Association (Chairman, Water
Rights Committee 1987-1988)

Mr. _____
September _____, 1985
Page -2-

Tom is married to the former Sharon Hall of Pocatello. He has two sons.

Tom is regarded as a lawyer's lawyer in the Twin Falls area for his analytical mind and ability to cut through chaff to get to the gut issue. He has been active both in the courtroom and outside. As you can see by the hereinafter compiled list of matters in which Mr. Nelson has participated, they all have one thing in common - they are complex. In addition to his involvement in insurance company representation, he has recently specialized defending malpractice claims against engineers and architects. He also represents business interests and has been active in municipal law. He currently represents the South Central Idaho Health District. A partial list of his involvements is as follows:

1. Criminal Appeals. As an Assistant Attorney General and Chief Criminal Deputy from 1963 - 1965; argued twenty-eight appeals before the Idaho Supreme Court.
2. Idaho Power Company v. Morrison Knudsen Co. The case arose in 1965 over a dispute in amounts owed by IPC to the contractor in the construction of the multi-million dollar Hells Canyon Dam on Snake River. The case went to formal arbitration. Tom Nelson represented Idaho Power Company as co-counsel and first demonstrated his ability to defend against a construction claim in a case involving the presentation of technical evidence through engineering experts and the evaluation of detailed construction specifications, plans, and designs as well as construction schedules. The claim was reduced by nearly \$1 million. The arbitration lasted nearly a month.
3. Ketchum Livestock Case. In the late 1960s, Tom undertook presentation of a case to quiet title to a livestock driveway through Ketchum on behalf of eighty property owners.
4. United States v. Idaho First National Bank and Fidelity National Bank. The Justice Department filed suit to block the merger of the Fidelity Bank by Idaho First National Bank in 1969. Tom Nelson was lead

counsel for the Fidelity National Bank. Trial preparation involved formulating defenses to the allegation that the merger was an anti-trust violation because banking competition would be reduced. The trial took several months and the case was extremely complex. The court approved the merger.

5. Utility Matters. Between 1965 and 1975, Tom Nelson represented Idaho Power Company in several contract negotiations with major power purchasers, including FMC Corporation in Pocatello. He was also lead counsel in presenting evidence before the P.U.C. in support of requested rate increases. Nelson also represented the Company in presenting their plan for the construction of the coal-fired Pioneer Plant.

6. Federal Power Commission v. Idaho Power Company. In the late 1960s and early 1970s, Nelson represented Idaho Power Company in defending the Company in regard to mitigation measures for anadromous fish as a result of the construction of the Hells Canyon Power Complex. The proceeding again required the presentation of complex testimony on a complex subject.

7. Kerner v. Johnson, 99 Idaho 433. American Falls Reservoir District obtained congressional approval to replace the government dam at American Falls. Suits were initiated to block construction of the dam and the repayment plan. Nelson served as lead litigation attorney on behalf of eleven irrigation districts, the result of which was to facilitate the reconstruction and financing of the project. The case was the consolidation of two complex cases. Trial of the matter took approximately thirty days. In a connected case, Nelson successfully obtained the dismissal of a claim by the Burley Irrigation District against the United States and the American Falls Reservoir District which sought damages against the AFRD Directors in the amount of \$450 million.

8. Arizona v. California. During the 1970s, Tom served as an Assistant Attorney General for the State of Nevada concerning that State's rights to Colorado River waters. The cases were the aftermath of this historic case and involved claims to lands for Nevada because of a meandering river channel.

Mr. _____
September _____, 1985
Page -4-

9. Baker v. Ore-Ida Foods, 95 Idaho 575. Tom represented several pioneer ranchers in Golden Valley who sought to stop interference with artesian flows in their irrigation water. This was the Idaho Court's first interpretation of the Groundwater Code. Some fifty wells were involved and trial preparation took five years. The trial was a month long. Since then several connected cases have emerged.

10. National Wildlife Federation v. Costle, 629 F.2d 118 (1980). Tom prepared an Amicus Curie brief for the National Water Resources Association in a suit seeking to force EPA to issue NPDES permits for water discharges from all dams and reservoirs in the United States. Tom also prepared legislation for consideration on the subject by Congress. The D.C. Circuit Court reversed in favor of NWRA's position.

11. Idaho Power Company v. State of Idaho, et al, 104 Idaho 575 (1983). Nelson's defense of a \$4 million refund claim by ratepayers against Idaho Power Company in a P.U.C. action, led to Idaho Power Company's declaratory judgment action to determine respective property rights in water used for hydropower and irrigation. The Supreme Court's reversal of the District Court in Idaho Power Company's favor led to the need for agreements and legislation to facilitate order as to the acquisition of water rights in the future. The case concerned all the water issues in Idaho that have developed since statehood.

12. Canyon View Irrigation Co. v. Twin Falls Canal Company, 101 Idaho 604 (1980). Tom was involved as lead counsel in defending an eminent domain action for joint use of a canal system. While the defense was unsuccessful for the client, the case was extremely complicated and decided a myriad of issues as to joint use of rights-of-way.

I have personal knowledge of most of the cases I have itemized. I submit Tom's name for consideration.

Sincerely,

John Hepworth

JH/kk
Enclosures

Judge Gerald J. Schroeder
DISTRICT JUDGE
FOURTH DISTRICT COURT OF THE STATE OF IDAHO
ADA COUNTY COURTHOUSE
BOISE, IDAHO 83702

April 27, 1988.

Senator James A. McClure
U.S. Senate
Washington, D.C. 20510

Dear Senator McClure,

I hesitate to write in the aftermath of the untimely and tragic death of Judge Anderson. However, I do wish to express my interest in the federal judiciary. I have enclosed a resume and would like to outline my background for your benefit.

I am forty-eight years old and a native of Idaho. My parents grew up near Kamiah and Kooskia and now live in Emmett. I was born in Boise, and my family lived in Caldwell for some time when I was young. I graduated from the College of Idaho, magna cum laude, in 1961 and from Harvard Law School in 1964. I have lived in Boise since that time. My wife, Carole, is also from Idaho, with family in Blackfoot, Idaho Falls and McCall. My two sons were born in the same hospital as I.

I am presently senior judge and administrative district judge for the fourth judicial district. I have been a judge for nineteen years. I was the last probate judge in Ada County before court reform and then served in the magistrates division for nearly five years. I have been a district judge for the last twelve and a half years. I have made the judiciary my career and have made my best effort to meet high standards in performing my duties on the bench and administratively. I have tried more than three hundred cases and have handled a number of cases involving major litigation. I have been an appellate judge in numerous appeals from administrative agencies and the magistrates division. Additionally I have sat on the Idaho Supreme Court and the Court of Appeals by designation.

As a judge I have sought to improve myself and the legal system. I have served on the faculty at the National Judicial College and have been a lecturer at bar association and ALI-ABA conferences in more than a dozen states ranging from Alaska to Connecticut. I have appeared as an expert witness on reform in legislative committees in Michigan, Ohio and California. I have been published extensively and have served on numerous committees, including chairing the Supreme Court committee to draft magistrate removal rules and the committee to formulate

the press guide to the courts. For a number of years I have taught classes for new judges on the subjects of judicial ethics and court and jury trial techniques and problems. I am listed in "Who's Who in American Law."

I have practiced in the federal district court as an Assistant United States Attorney, a position that required FBI clearance.

As a citizen in my community I have attempted to contribute to its welfare. I am vice-president of the board of directors of the Boise Racquet and Swim club and have served on the board of directors of the Boise Philharmonic and the Boise Opera. I have assisted or participated as a member in a large number of community organizations and enterprises. For the past three years I have taught "The Legal Environment of Business" at Boise State University.

As a judge I have been precluded from public activity in partisan politics. However, I have counseled Republican candidates and office holders, and my wife has contributed both labor and money to Republican candidates. She was committee secretary for President Reagan's visit to Idaho and served as office manager of the advance office for Vice President Bush's visits to Idaho. She has recently been invited to assist in Vice President Bush's forthcoming visit and is going to work daily in his advance office. I was chairman of what I believe was the largest Young Republican organization in Idaho in 1960. More to the point, my professional and personal record establish clearly that my judicial and social attitude is consistent with the goals of the present administration. I am not a newcomer to the concepts of judicial restraint and government withdrawal from inappropriate areas of activity. I hope to have the opportunity to submit references to you.

So far as qualities of a good judge, I think that one must be committed to serious legal scholarship and have a deep commitment to administer justice in the individual case according to the law and improve the total administration of justice in those ways possible. If selected for a position in the federal judiciary, I would do my utmost to serve with honor and competence.

Thank you for your consideration.

Yours very truly,

Gerald F. Schroeder

9 it current
file

Judge Gerald J. Schroeder
DISTRICT JUDGE
FOURTH DISTRICT COURT OF THE STATE OF IDAHO
ADA COUNTY COURTHOUSE
BOISE, IDAHO 83702

December 19, 1988

Senator James A. McClure
U.S. Senate
Washington, D.C. 20510

Dear Senator McClure:

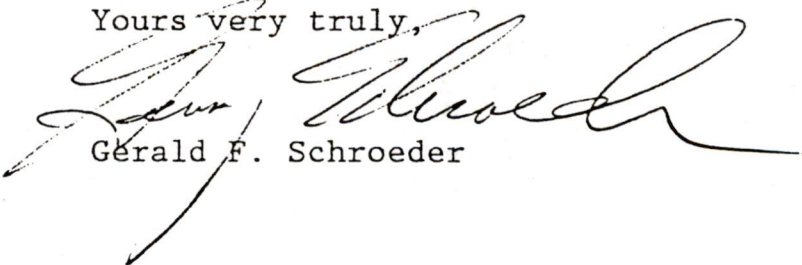
I am again writing to express my interest in the position that is available with the Ninth Circuit Court of Appeals. For your convenience I have enclosed copies of the letter and resume I submitted in April. Little has changed since that time, so I'll make only a few comments.

My wife, Carole, was asked to serve as paid staff for President elect Bush's office during the campaign. Job conflicts prevented her from undertaking that desirable task. However, she did volunteer work in Vice-president elect Quayle's advance office when he visited Idaho, as well as volunteer work for Jim Risch.

I continue to believe that I can make a positive and effective contribution to the federal judiciary. While the District Court where I now sit is predominantly a trial court it also includes significant appellant work in cases from administrative agencies and the magistrates division. Additionally, I have sat with the Idaho Supreme Court and Court of Appeals and have authored several opinions of some consequence with the Supreme Court. I have worked as a judge with judges for approximately twenty years and have acquired a pretty good sense of how to deal effectively and persuasively with the judicial mind.

Again, thank you for your consideration.

Yours very truly,


Gerald F. Schroeder

Gerald F. Schroeder
District Judge
Fourth Judicial District
State of Idaho

Address: Ada County Courthouse, Boise, Idaho 83702

Education: B.A., 1961, The College of Idaho, Caldwell, Idaho
Magna Cum Laude

Juris Doctor, 1964, Harvard Law School, Cambridge,
Massachusetts

Professional
Experience:

Judge of the District Court, 1975 - present. At the
present time this includes the position of
Administrative District Judge for the Fourth Judicial
District.

Judge of the District Court, Magistrates Division,
1971-1975

Ada County Probate Judge, 1969-1971

Assistant U.S. Attorney, U.S. Department of Justice,
1967-1969

Sole Practice, 1966-1967

Associate, Moffatt, Thomas, Barrett & Blanton,
1964-1966

Adjunctive Faculty, Boise State University, Department
of Management, 1986-present.

Publications: Peterson & Schroeder, Idaho Probate Procedure

Idaho Probate Forms

"A Tentative, Partial, and Inconclusive Review of
the Uniform Probate Code," The Advocate

Alaska Probate Forms

"The Altered Role of the Court Under the UPC,"
UPC Notes

"Developments in the Enforcement of Parental and
State Standards in Juvenile Proceedings," Idaho
Law Review

LeRoy & Schroeder, Manual of Legal Forms for Social Work in Idaho

Contributor, Guide to the Idaho Courts

Schroeder, Thomas and Spurling, Idaho Practical Rules of Evidence.

"The Constitution from an Agrarian Society to our Modern, High-Tech, Electronic Communication Society,"
The Advocate

Major
Speaking
Appearances:

- (1) Third Annual Conference on the UPC sponsored by the American Law Institute-American Bar Association in Kansas City
- (2) Fourth Annual Conference on the UPC in Hartford, Connecticut
- (3) Conference on the UPC in Salt Lake City, Utah
- (4) Alaska Continuing Legal Education, Anchorage, Alaska
- (5) Greater Cleveland Bar Association, Cleveland, Ohio
- (6) Idaho Continuing Legal Education and State Judicial Conference
- (7) Indiana State Bar Convention, Evansville, Indiana, and subsequent conference on the UPC in South Bend on the Notre Dame Campus
- (8) Montana State Bar Conference, Missoula, Montana
- (9) North Dakota Continuing Legal Education Conference, Bismarck, North Dakota
- (10) Oregon, Department of Higher Education Continuing Education, Baker, Oregon
- (11) South Dakota State Bar Convention, Sioux Falls, South Dakota
- (12) Wyoming State Bar Convention, Laramie, Wyoming
- (13) Instructor, Idaho Police Officers Standards Training Academy
- (14) Boise State University, various classes on criminal justice and estate affairs
- (15) Faculty, National College of the State Judiciary, Reno, Nevada

Legislative

- (16) Expert witness, Sacramento, California, State Legislative Committee, Probate Reform
- (17) Expert witness, Lansing, Michigan, State Committee, Probate Reform
- (18) Expert witness, Columbus, Ohio, State Legislative Committee

Professional
and
Community
Honors:

Marquis Publications, Who's Who in American Law

Outstanding Young Men of America, 1969

Idaho Delegate to the National College of the State Judiciary Conference on the ABA Standards and Goals for Criminal Justice

1975 Lawyer of the Year, Boise Legal Secretaries Association

Portrait of a Distinguished Citizen, Idaho Statesman

Past and
Present
Community
Services:

Board of Directors, Boise Racquet and Swim Club

Board of Directors, Boise Philharmonic Association

Board of Directors, Boise Opera

Youth Tennis Foundation

Governor's Council on Crime and Delinquency

Region II, Law Enforcement Planning Commission,
Chairman for two years

Chairman, Supreme Court Committee to Develop Guide
to the Idaho Courts

Chairman, Supreme Court Committee to Develop
Rules for Magistrate Discipline and Removal

Lecturer, New Judge Orientation, "Ethics" and
"Court and Jury Trial Techniques and Problems"

Supervisor, Pre-Law Interns, The College of Idaho,
Northwest Nazarene College, and the University of Idaho

Member Supreme Court Committee on Jury Usage and
Management

Panelist and Commentator, various occasions, public
television, Channel 4, KAID

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

C. TIMOTHY HOPKINS
GREGORY L. CROCKETT
D. FREDRICK HOOPES
LARRY L. GOINS
LARY S. LARSON
STEPHEN R. MAY
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN
TERREL F. TRANSTRUM

SALISBURY BUILDING-428 PARK AVENUE
P. O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

SEWARD H. FRENCH
(1941-1984)
TED C. SPRINGER
(1943-1984)

February 22, 1989

Tim
copy filed
up workload
Item 70
sent
3-10-89

The Honorable James A. McClure
U.S. Senator
Room 309, Hart Building
Washington, D.C. 20510

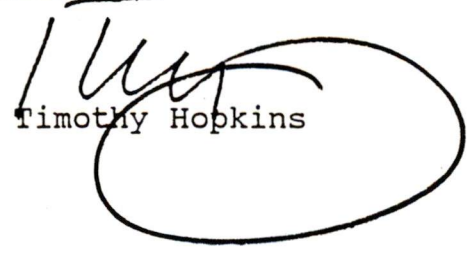
Dear Jim:

Anne and I both enjoyed seeing you and Louise when you were in Idaho for Lincoln Day and related activities. As I mentioned, it was very good to see Jim McClure in top form.

In a recent conversation I had with Jim Goller concerning my interest in filling the Idaho vacancy on the U.S. Ninth Circuit Court of Appeals, Jim suggested that perhaps you would be interested in information about my previous acquaintance with and commitments to George Bush. While I admired greatly his roles in the latter days of the Nixon administration and in the Ford administration, I did not meet him personally until 1978. As you may recall, he was invited to address the East Idaho Lincoln Day Society that year and at the request of your office, Anne and I hosted a reception after the banquet where an opportunity was provided for then Ambassador Bush to meet local Republican supporters. We enjoyed doing that in that a good client and personal friend of mine, Tom Devine, had told us much of the quality and qualifications of George Bush and we were delighted to have the opportunity to meet him. When he made his move to run for President in 1980 I served as a member of the George Bush for President National Steering Committee from Idaho. As you know, in 1988 I was a member of the Idaho Committee to elect George Bush and attended the National Convention in New Orleans as a Bush delegate. It was Jim Goller's thought that this history of support for the President might have some relevance to my interest in the Ninth Circuit.

It was good to see you again Jim. Thank you for your continuing consideration.

Sincerely,


C. Timothy Hopkins

CTH/lc

Item 6017 sent 2/17/89
Begin for response
HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

C. TIMOTHY HOPKINS
GREGORY L. CROCKETT
D. FREDRICK HOOPES
LARRY L. GOINS
LARRY S. LARSON
STEPHEN R. MAY
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN
TERREL F. TRANSTRUM

SALISBURY BUILDING-428 PARK AVENUE
P. O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

SEWARD H. FRENCH
(1941-1984)
TED C. SPRINGER
(1943-1984)

January 17, 1989

35326
(copy filed by you)
9th cir ct. app applicant
Jim
JAN 18 1989

The Honorable James A. McClure
U. S. Senator
Room 309 Hart Building
Washington, D.C. 20510

May -18- 88

Re: Ninth Circuit Court of Appeals

8141012034

Dear Jim:

This will simply confirm our telephone conversation following the election of George Bush in which I expressed continued interest in filling the existing Idaho vacancy on the United States Ninth Circuit Court of Appeals. With Guy Hurlbut's subsequent withdrawal and the President-elect's imminent inauguration I am presuming that you will soon again make recommendations to the Justice Department for the purpose of filling the vacancy. I would of course be both honored and grateful if you should see fit to again include my name among those proposed.

Because some time has passed since this matter was previously active you will see that I have enclosed an updated copy of my resume and an article authored on Appellate Brief Writing which was published as part of an Appellate Advocacy program presented by the Idaho State Bar. If there are additional steps I should be taking with respect to this matter outside your office I would much appreciate you or Todd letting me know.

Thank you very much for your previous confidence in me, Jim.

Sincerely,

1/11/89
C. Timothy Hopkins

CTH/lc
Encl.

C. TIMOTHY HOPKINS

P. O. Box 51219
428 Park Avenue
Idaho Falls, Idaho 83405-1219
208-523-4445 (office)
208-523-6900 (home)

DATE AND PLACE OF BIRTH:

March 30, 1936, at Idaho Falls, Idaho

FAMILY:

Wife: Anne Hardy

Children: Mary Katherine, Graduate of College of Idaho
Hilary Anne, Student at College of Idaho
Talcott Edward, Student at Boise State
University

EDUCATION:

Primary and Secondary: Idaho Falls Public Schools,
graduated from Idaho Falls High School 1954

College: Stanford University, 1956-1960, A.B., Political
Science

Law School: George Washington University Law School,
1960-1963; J.D. Degree, with honors; Order of the
Coif; Assistant Editor George Washington Law Review

MILITARY:

United States Army, enlisted, 1954-1956, Honorably
Discharged

PROFESSIONAL:

Admitted to Practice: Idaho and California

Courts: Supreme Court of the United States
United States Circuit Court of Appeals, Ninth
Circuit
United States District Court for the District of
Idaho
United States District Court for the Northern
District of California

Professional Associations:

Idaho State Bar Association
State Bar of California
American Bar Association (Section on Corporation,
Banking and Business Law)
American Judicature Society
Idaho Trial Lawyers Association, former member
Board of Directors
Executive Committee George Washington Law
Association, Member (1956-1973)
Board of Directors, Idaho Law Foundation (1983-1988)
Member, Idaho Supreme Court Appellate Rules
Advisory Committee (1984-)
Member, Idaho State Legislative Compensation
Commission (1986-)
President, Seventh Judicial District Bar
Association (1987-1988)
Commissioner Idaho State Bar (1988-)

Practice:

Private practice of law since graduation from law school, includes two (2) years of practice in San Francisco, California (McCutchen, Doyle, Brown & Enersen), and twenty-four (24) years of practice in Idaho Falls, Idaho. Currently senior partner of Hopkins, French, Crockett, Springer & Hoopes. Practice has included a wide range of trial, appellate and general practice, and numerous state and local Bar Association and Law Foundation offices and activities. Author and speaker on appellate practice. Recipient of Idaho State Bar Outstanding Service Award, 1986.

COMMUNITY SERVICE:

President, Vice President and Board Member, United Way of Idaho Falls and Bonneville County, Inc., (1971-1983). Recipient of Edwin F. McDermott Award--1983.
President, Vice President and Member, Idaho Falls Rotary Club (1968-)
President, Vice President and Member Board of Directors, Idaho Falls Chamber of Commerce (1975-1984)
President, Vice President and Board Member, Idaho Falls Y.M.C.A. (1970-1973)
President, Vice President and Board Member, Bonneville Interagency Council (1969-1971)
President and Vice President, Longfellow Elementary School P.T.A., Idaho Falls, Idaho (1969-1970)
Board of Directors, Idaho Falls Community Concert Association (1971-1976)

Board of Directors, TRAC, Inc., general partner for Teton
Racing Associates, a limited partnership
Board of Directors, Intermountain Science Experience Center,
Inc. (1974-1977)
Resolutions Committee, Idaho Water Resource Association
(1968-1974)
Member and Elder, Idaho Falls First Presbyterian Church
Republican Precinct Committeeman (1966-1970)
Republican Primary Candidate for Attorney General of the
State of Idaho (1974)
Delegate, or Alternate, Idaho State Republican Conventions
(1968-1978)
Delegate Republican National Convention (1988)
Delegate Republican National Convention (1976)
Honorary Assistant Sergeant-at-Arms Republican National
Convention (1960)
Past President Idaho Falls Lincoln Day Society

RECREATIONAL INTERESTS:

Fly fishing, bird hunting, downhill and cross country
skiing and horses.

(TN) Ninth District Judge McKee
DISTRICT COURT
FOURTH JUDICIAL DISTRICT
STATE OF IDAHO



D. DUFF MCKEE
DISTRICT JUDGE
(208) 383-1217

46233/3 2/7
w/ITEM 681
(copy filed w/ Data sheet)
Duff
RESIDENT CHAMBERS
ADA COUNTY COURTHOUSE
P.O. BOX 2766
BOISE, IDAHO 83701

January 17, 1989

Hon. James A. McClure
United States Senator
Senate Hart Office Building
Washington, D.C.

Dear Senator:

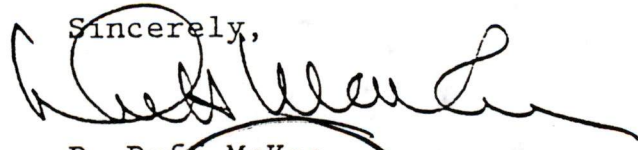
My letter seeking your recommendation for appointment to the Ninth Circuit Court of Appeals was barely in the mail when Marion Callister announced his decision to elect senior status. The announcement comes as no surprise, but the timing of it is a bit awkward.

I renew my request for consideration for the position on the Ninth Circuit. In addition, I would like to offer my name as a qualified candidate for the District Court position as well. I believe that I have the necessary professional, academic and political credentials for either position.

By the time Judge Callister moves to senior status, I will have been a state trial judge for four years. I have thoroughly enjoyed the trial bench, and I believe that I have already achieved a reputation as a solid trial judge. While the opportunity to serve on the circuit court would be the epitome of my aspirations, service as a federal district judge would be an equally high honor.

I submitted an informal resume with my earlier letter. Again, I would be pleased to meet with you or your staff at your convenience.

Sincerely,


D. Duff McKee

Celebrate
IDAHO
1890 • CENTENNIAL • 1990

JAN 03 1989
DISTRICT COURT
FOURTH JUDICIAL DISTRICT
STATE OF IDAHO



D. DUFF McKEE
DISTRICT JUDGE
(208) 383-1217

Item 46233 27
Duff (copy filed w/ work order)
RESIDENT CHAMBERS
ADA COUNTY COURTHOUSE
P.O. BOX 2766
BOISE, IDAHO 83701

December 29, 1988,

Hon. James A. McClure
United States Senate
Washington, D.C.

See attached
(same resume)
attached to
this one)

Dear Senator:

If the "window of opportunity" is open again, I respectfully solicit your recommendation to the President for appointment to the position on the Ninth Circuit Court of Appeals left vacant by the untimely death of Blaine Anderson. It is a bit ticklish to strike for a position on a candidate list as distinguished as that you already have before you, and I fully understand the political realities if this window is in fact closed. However, if you are constructing a new list, I believe I have the academic, professional, judicial, and political qualifications for the appointment.

I love the law, and have consistently attempted to give to it all that I am able. The judiciary has always been my ultimate professional goal. I have found the trial bench to be especially enriching and rewarding, both personally and professionally. I thoroughly enjoy the work, and I think I am good at it. The appellate bench would offer even greater opportunity for service to our profession and to society. It is what I have trained for all of my adult life.

Enclosed is an informal resume. I would be pleased to provide further information, or to meet with you or your staff at your convenience.

Sincerely,

D. Duff McKee

Celebrate
IDAHO
1890 • CENTENNIAL • 1990

Curriculum Vitae
D. Duff McKee

1. Judicial: I was appointed to the state district bench for the Fourth Judicial District in July of 1985, and elected to a four year term in May of 1986. The district court is the trial court of general jurisdiction, with appellate jurisdiction over the magistrate's division. The Fourth Judicial District is the largest district in the state, covering Elmore, Ada, Boise and Valley counties, with the highest volume of cases. In 1986, I was designated by case statistics as the most productive judge in the state in terms of case disposition. I was on the Supreme Court Committee on Rules of Civil Procedure, and am on the Trial Court Information Systems Committee, studying and implementing computer systems for court administration.

2. Private Practice: I practiced law for 21 years in Boise, beginning in 1964. I was an "a" rated lawyer in Martindale-Hubble, and senior principle in McKee, Harwood and McColl, a five lawyer firm which Bart Harwood and I formed in 1973. In the early 70's I was in partnership with Wayne Kidwell, prior to his becoming Idaho's Attorney General, and before that, from 1964 to 1970, I was a member of Moffatt, Thomas, Barrett & Blanton.

3. Academic: I am an honor graduate of the University of Idaho College of Law. I received my JD Degree in 1964, and stood third in my class at graduation. I received the William

Borah award for leading my class through the first five semesters, but Gary Randall (now a professor of law at Gonzaga University) and Bob Brown passed me by in our last semester. I understand that less than 1/10th of a point separated the three of us at graduation. I was on law review, and a member of the intercollegiate moot court team.

My undergraduate degree is from the University of Idaho. I received a BS (Business) degree with a major in accounting in 1961. I sat for and passed the CPA examination that year, although I never practiced public accounting to complete the experience requirement for a certificate. I went on to law school instead.

4. Professional Activities: I have written and lectured extensively over the years for C.L.E. programs and seminars sponsored by the Idaho State Bar, the Idaho Law Foundation and the Idaho Trial Lawyers Association. Seminar lectures and papers include topics on real estate, taxation, corporate law, probate procedure, litigation, and rules of civil procedure. I contributed the chapter on tax deferred exchanges for the manual on real estate practice published by the Idaho Law Foundation, and the chapter on proof of facts for the manual on litigation published by the Idaho Trial Lawyers Association. I taught one semester of business law for the College of Business, and a special section on real estate law for the program on Real Estate Education and Development both at BSU.

I have served on numerous committees for the state bar, including the standing committee on judicial relations, and the special bar-legislative committee responsible for revising and updating the corporate laws of Idaho.

5. Military: I served as an officer in the U.S. Army, Armor Branch, on active duty from April of 1965 to April of 1967. Included was a tour of duty in Vietnam, where I received a bronze star for meritorious service. I received an honorable discharge from the Army Reserve with the rank of captain.

6. Family: I am married to the former Judith C. Fuller. Although we have no children, Judy has two children, both grown, by her prior marriage. I claim to be a fifth generation native of Idaho. I am told that one of my great-great-grandfathers pioneered to what became the Idaho Territories in the 1860's, and settled near Lewiston. Both my parents were born and raised in Idaho, and I was born in Kellogg.

7. Political: I am a life long Republican, beginning in 1944 when I went door to door with my mother for Governor Dewey. I have been an active Republican ever since, active in Young Republicans, in staff work as a legal advisor to the State Central Committee, and in campaign work and financial support to many campaigns both statewide and local. Needless to say, I have been a consistent supporter of Jim McClure, clear back to when he beat Compton White in 1966.