

Remington, Kristi L

From: Remington, Kristi L
Sent: Wednesday, December 4, 2002 11:15 AM
To: Willett, Don; Keefer, Wendy J; Charnes, Adam; 'Brett Kavanaugh'
Subject: SJC meeting

There was one other issue I forgot to mention:

(b) (5)

. Alex Dahl will
be handling logistics.

-----Original Message-----

From: Willett, Don
Sent: Wednesday, December 04, 2002 11:04 AM
To: Remington, Kristi L
Subject: RE: RE: RE: Tues meetings

Did they see these weekly counsel meetings starting in Jan.?

-----Original Message-----

From: Remington, Kristi L
Sent: Wednesday, December 04, 2002 10:59 AM
To: Willett, Don; Goodling, Monica
Cc: Charnes, Adam; Keefer, Wendy J; 'Brett Kavanaugh (E-mail)'
Subject: RE: RE: RE: Tues meetings

The SJC staff called the meeting to let everyone know that January - March would be very busy with judges. They also wanted to make sure the counsels would get their individual Senators involved. There was a lot of talking at the meeting, but the following were the major issues for OLP/WH:

(b) (5)

-----Original Message-----

From: Willett, Don
Sent: Wednesday, December 04, 2002 10:11 AM

007104-001877

Sent: Wednesday, December 04, 2002 10:11 AM

To: Remington, Kristi L; Goodling, Monica
Cc: Charnes, Adam; Keefer, Wendy J; Brett Kavanaugh (E-mail)
Subject: FW: RE: RE: Tues meetings

Kristi --

When you get a chance today, can you e-mail us a download on yesterday's 2:15 Manny mtg.? Thanks.

DRW

-----Original Message-----

From: Manuel Miranda [mailto:Manuel_Miranda@judiciary.senate.gov]
Sent: Thursday, November 28, 2002 2:44 PM
To: Willett, Don
Cc: Remington, Kristi L
Subject: Re:RE: RE: Tues meetings

Kristi is great, it's really so that one person can report back to all at OLP what we are looking at from a final product perspective.

I am copying Brett on this string in case he wants to attend. This meeting is just to touch base and I didn't want to just take a lot of folk's time, but Brett or any others from the WH Counsel are welcome.

(Brett, it would be useful if your new press person attended the 3:15 along with Merci.)

Reply Separator _____ Subject: RE: RE: Tues meetings
Author: "Willett; Don" <Don.Willett@usdoj.gov> Date: 11/27/2002 4:37 PM

Manny, I now have 4 judicial interviews scattered throughout Tues. afternoon.

Kristi can cover the Hill mtg. if you want to keep the 2:15 time slot.

Is this Hill/DoJ only, no WH?

DRW

-----Original Message-----

From: Manuel Miranda [mailto:Manuel_Miranda@judiciary.senate.gov]
Sent: Wednesday, November 27, 2002 2:48 PM
To: Willett, Don; Goodling, Monica
Subject: Re:RE: Tues meetings

Great, it's just for purposes of reporting to everyone at OLP. And so as not to take to many people's time.

Reply Separator _____ Subject: RE: Tues meetings
Author: "Willett; Don" <Don.Willett@usdoj.gov> Date: 11/27/2002 2:30 PM

007104-001878

I have a judicial interview @ 2:00 on Tues. but can likely get someone to cover it.

Bottom line: I and/or probably Adam (maybe Wendy and/or Kristi, too) will be there.

DRW

-----Original Message-----

From: Manuel Miranda [mailto:Manuel_Miranda@judiciary.senate.gov]

Sent: Wednesday, November 27, 2002 2:20 PM

To: Willett, Don; Goodling, Monica

Subject: Tues meetings

Monica and Don,

I copied you on an email to counsel with the thought that you or someone from your offices could attend the respective meetings on Tuesday.

Let me know.

Manny

Forward Header To: JC Counsels Subject:
Nominations Meetings Author: Manuel Miranda Date: 11/27/2002 2:20 PM

Hello friends.

Now that we all have had time to think a few things through, we would like to bring us all together for some joint thinking on judicial nominations in the immediate future.

Let's meet on Tuesday at 2:15 in the Utah Room (Hatch personal office). Feel free to bring other counsel or staff who will work with you on nominations issues. Although the hope is to get us to have a relaxed discussion, the meeting should last no more than one hour.

One other thing, please invite your Senator's press secretary or communications staff on nominations issues either to attend with you at 2:15 or to arrive at 3:15 for a meeting on communications.

Have a peaceful and Happy Thanksgiving!

Manny

Newstead, Jennifer

From: Newstead, Jennifer
Sent: Tuesday, December 11, 2001 6:07 PM
To: '/DDV=H._Christopher_Bartolomucci@who.eop.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/'; Dinh, Viet; 'Bradford_A._Berenson@who.eop.gov'; 'Rachel_L._Brand@who.eop.gov'; 'Courtney_S._Elwood@who.eop.gov'; 'Noel_J._Francisco@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'; 'Kyle_Sampson@who.eop.gov'; 'Helgard_C._Walker@who.eop.gov'
Subject: RE: Wash. Times Story on Judges

At yesterday's confirmation working group meeting we discussed a possible strategy (b) (5)

Any views on your end would be welcome.

In the meantime, (b) (5). I'll have more to report on that later.

Jen

-----Original Message-----

From: /DDV=H._Christopher_Bartolomucci@who.eop.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/
[mailto:/DDV=H._Christopher_Bartolomucci@who.eop.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/]
Sent: Tuesday, December 11, 2001 5:55 PM
To: Newstead, Jennifer; Dinh, Viet; Bradford_A._Berenson@who.eop.gov; Rachel_L._Brand@who.eop.gov; Courtney_S._Elwood@who.eop.gov; Noel_J._Francisco@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; Kyle_Sampson@who.eop.gov; Helgard_C._Walker@who.eop.gov
Subject: Wash. Times Story on Judges

(b) (5)

(b) (5)

007104-001880

(b) (5)

Newstead, Jennifer

From: Newstead, Jennifer
Sent: Wednesday, January 23, 2002 3:36 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; 'Anne_Womack@who.eop.gov'
Cc: Dinh, Viet
Subject: RE: Pickering (b) (5)
Attachments: (b) (5)

Here are talking points on Pickering that (b) (5)

[REDACTED]

[REDACTED]

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, January 23, 2002 3:18 PM
To: Anne_Womack@who.eop.gov
Cc: Newstead, Jennifer; Dinh, Viet; Alberto_R._Gonzales@who.eop.gov;
Timothy_E._Flanigan@who.eop.gov; Noel_J._Francisco@who.eop.gov;
Helgard_C._Walker@who.eop.gov; Bradford_A._Berenson@who.eop.gov;
Heather_Wingate@who.eop.gov
Subject: Re: Pickering (b) (5)

Anne: I'll talk to Viet/Jen who have the lead on this and will make sure you get the info you need.

Anne Womack
01/23/2002 03:11:31 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message Subject: Re: Pickering (b) (5)
(Document link: Brett M. Kavanaugh)

007104-001882

someone please give me some background on what the problem is with him.

Message Copied To: _____

alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
noel j. francisco/who/eop@eop
helgard c. walker/who/eop@eop
bradford a. berenson/who/eop@eop
viet.dinh@usdoj.gov @ inet
jennifer.newstead@usdoj.gov @ inet
heather wingate/who/eop@eop

Dinh, Viet

From: Dinh, Viet
Sent: Wednesday, January 23, 2002 5:41 PM
To: 'Bradford_A._Berenson@who.eop.gov'; Newstead, Jennifer; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: WSJ

We're taking care of it- (b) (5)

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Wednesday, January 23, 2002 4:53 PM
To: Newstead, Jennifer; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: WSJ

Jess Bravin of the WSJ is doing a story on tomorrow's news conference with a specific focus on Pickering. His number is (b) (6). Someone should probably (b) (5)

007104-001884

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Thursday, January 24, 2002 9:57 AM
To: Newstead, Jennifer; Dinh, Viet
Subject: Pickering

This is almost certainly not a novel idea, but I think (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

007104-001885

Newstead, Jennifer

From: Newstead, Jennifer
Sent: Thursday, January 24, 2002 10:34 AM
To: 'Anne_Womack@who.eop.gov'
Cc: Dinh, Viet; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Pickering (b) (5)

My unscientific answer is (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: Anne_Womack@who.eop.gov [mailto:Anne_Womack@who.eop.gov]
Sent: Thursday, January 24, 2002 9:51 AM
To: Newstead, Jennifer
Cc: Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: RE: Pickering (b) (5)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

007104-001886

Newstead, Jennifer

From: Newstead, Jennifer
Sent: Thursday, January 24, 2002 12:39 PM
To: Dinh, Viet; 'brett_m._kavanaugh@who.eop.gov'
Cc: Benedi, Lizette D; Benczkowski, Brian A
Subject: FW: Pickering Op-Ed
Attachments: Dillard.Oped.wpd

Here's the current draft which (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

FYI, our first report on this morning's press conference is that (b) (5)

[REDACTED]

Pickering heard again that the hearing will be the first week in Feb. with Feinstein chairing.

Jen

-----Original Message-----

From: Ed Haden [mailto:Ed_Haden@judiciary.senate.gov]
Sent: Thursday, January 24, 2002 12:33 PM
To: Newstead, Jennifer
Subject: Pickering Op-Ed

Mime message with no plain text.

007104-001887

Dinh, Viet

From: Dinh, Viet
Sent: Friday, January 25, 2002 9:25 AM
To: 'Anne_Womack@who.eop.gov'; Newstead, Jennifer
Cc: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Pickering (b) (5)

Anne and Brett, can you (b) (5)

We will monitor item 2; we already have pre-arranged surrogates and op-ed materials to go.

-----Original Message-----

From: Anne_Womack@who.eop.gov [mailto:Anne_Womack@who.eop.gov]
Sent: Thursday, January 24, 2002 8:23 PM
To: Newstead, Jennifer
Cc: Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: RE: Pickering (b) (5)

Based on today's meeting, (b) (5)

Brett and I can work together on that from this end, or Viet and Jennifer, if you all would like to take the lead, that's fine too. Just let me know.

Second, (b) (5)

just an idea.

Let me know how everyone wants to divide up the labor. Thanks

007104-001888

Dinh, Viet

From: Dinh, Viet
Sent: Sunday, January 27, 2002 2:55 PM
To: 'Bradford_A._Berenson@who.eop.gov'; 'Alberto_R._Gonzales@who.eop.gov'; 'Timothy_E._Flanigan@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Newstead, Jennifer
Subject: RE: Letter to Leahy

Brad,

Great draft. I suggest (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Best,

Viet

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Saturday, January 26, 2002 3:55 PM
To: Alberto_R._Gonzales@who.eop.gov; Timothy_E._Flanigan@who.eop.gov;
Brett_M._Kavanaugh@who.eop.gov
Cc: Newstead, Jennifer; Dinh, Viet
Subject: Letter to Leahy

007104-001889

(See attached file: Response to Leahy Floor Statement.doc)

Here's the draft. I'm also sending it to Viet and Jennifer in case they have suggestions. (b) (5)

[REDACTED]

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, February 6, 2002 5:57 PM
To: Newstead, Jennifer; Dinh, Viet; Alberto_R._Gonzales@who.eop.gov;
Timothy_E._Flanigan@who.eop.gov; Bradford_A._Berenson@who.eop.gov;
Helgard_C._Walker@who.eop.gov;
Courtney_S._Elwood@who.eop.gov; /DDV=H._Christopher_Bartolomucci@who.eop.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/;
Kyle_Sampson@who.eop.gov; Rachel_L._Brand@who.eop.gov;
Noel_J._Francisco@who.eop.gov; Robert_W._Cobb@who.eop.gov
Subject: Pickering/Holmstead precedent

I missed the meeting, but Kyle informs me that there was discussion of the DOJ documents related to Pickering. Four thoughts:

(b) (5)

007104-001891

Dinh, Viet

From: Dinh, Viet
Sent: Thursday, February 21, 2002 9:28 AM
To: 'Heather_Wingate@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'; Sutton, Jason
Cc: Newstead, Jennifer; '/DDV=H._Christopher_Bartolomucci@who.eop.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/'
Subject: RE: couple of things that need immediate attn.

Done with Rufe. Jason sutton will coordinate redaction briefing.

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Wednesday, February 20, 2002 7:04 PM
To: Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Cc: Newstead, Jennifer;
'/DDV=H._Christopher_Bartolomucci@who.eop.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/'
Subject: couple of things that need immediate attn.

Viet and Brett, during our meeting today w/Specter's staff they mentioned that they had rec'd a call from Cynthia Rufe inquiring about whether or not she should sign the ABA confidentiality waiver or if she should sign the one from OLP. (b) (5)

[REDACTED]

[REDACTED]

Also, Viet, I need to know what time you all can do the briefing tomorrow for Judiciary on the content contained in the redacted portions of the Pickering documents.

007104-001892

Dinh, Viet

From: Dinh, Viet
Sent: Wednesday, March 13, 2002 11:03 AM
To: 'Heather_Wingate@who.eop.gov'; O'Brien, Pat; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: 'Ziad_S._Ojakli@who.eop.gov'
Subject: RE: Judicial Nominations & The Biz Community

We are already on it.

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Wednesday, March 13, 2002 10:00 AM
To: O'Brien, Pat; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Cc: Ziad_S._Ojakli@who.eop.gov
Subject: Judicial Nominations & The Biz Community

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded by Heather Wingate/WHO/EOP on 03/13/2002 09:55 AM -----

(Embedded
image moved Chris_Myers@src.senate.gov (Chris Myers)
to file: 03/12/2002 02:15:24 PM
pic06555.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc: (b) (6) (Barbara Ledeen), Heather
Wingate/WHO/EOP@EOP, Ziad S. Ojakli/WHO/EOP@EOP Subject: Judicial Nominations & The Biz
Community

To: Dept of Justice & White House Ofc of Legal Counsel Fr: Chris Myers (42928) & Barbara Ledeen

007104-001893

Duplicative records



Koebele, Steve

From: Koebele, Steve
Sent: Tuesday, May 21, 2002 6:54 PM
To: Willett, Don; Dinh, Viet; 'brett_m._kavanaugh@who.eop.gov'
Cc: Loughlin, Ann L (OLP); Keefer, Wendy J; Sales, Nathan
Subject: Sen Hutchison - Request for Approval to Send
Attachments: Abortion Case Cites-Feinstein Version.wpd; Enron-Cases-Line Comment final 4-17-02.wpd; Enron-Cases-Analysis 04-17-02.wpd; PaytoPlay-Rebuttal-Very Close Hold-Front Page.doc; PaytoPlay-Rebuttal-Very Close Hold-Exhibit.DOC

Don, Viet & Brett --

Approval Request Re Justice Owe (b) (5)

Background: During the May 16 meeting of Justice Owen, Sen Feinstein, Sen. Hutchison and staff of the two senators', Sen Feinstein requested (1) copies of the parental notification and buffer zone cases, (2) two articles published by the Houston Chronicle and the Austin American-Statesman covering the July 1998 buffer zone case, and (3) Enron case information. Further, parroting the Texans for Public Justice Pay to Play report (linking contributions to the contributors' success rate), Sen Feinstein also questioned Justice Owen regarding connections between lawyer/law firm contributions and contributor success at the Court. Sen Hutchison inquired of Justice Owen, out of Sen Feinstein's hearing, whether countervailing arguments could be proffered.

Sen Hutchison Request: Counsel Joe Jacquot, would like all Pay to Play rebuttal information in order to present in camera to Sen Hutchison. This documentation is in addition to the parental notification, buffer zone, and Enron case information.

Key Commentary: (b) (5)

Arguments: (b) (5)

(b) (5)

Attached are the following:

1. Index to copies of the parental notification and buffer zone cases.

007104-001895

2. Enron case information, two items.
3. Report rebuttal cover sheet.
4. Link to Pay to Play report on TPJ website (our Exhibit A).
<http://www.tpj.org/reports/paytoplay/paytoplay.pdf>
5. Report rebuttal Exhibit B.

Thank you very much. Steve 307-3024.

Opinions of the Supreme Court of Texas Involving Parental Notification and Buffer Zones

Parental Notification Cases

- TAB 1** *In re Doe*, 19 S.W.3d 249 (Tex. 2000)
TAB 2 *In re Doe 2*, 19 S.W.3d 278 (Tex. 2000)
TAB 3 *In re Doe 1*, 19 S.W.3d 300 (Tex. 2000)
TAB 4 *In re Doe 3*, 19 S.W.3d 300 (Tex. 2000)
TAB 5 *In re Doe 4*, 19 S.W.3d 322 (Tex. 2000)
TAB 6 *In re Doe 4*, 19 S.W.3d 337 (Tex. 2000)
TAB 7 *In re Doe*, 19 S.W.3d 346 (Tex. 2000)
TAB 8 *In re Doe 10*, 2002 Tex. LEXIS 47 (No. 02-0376)
TAB 9 Orders in which the Supreme Court of Texas did not issue a written opinion.
 In re Doe 5, (00-0636); *In re Doe 6*, (00-0801); *In re Doe 7*, (00-1242);
 In re Doe 8, (01-0705); and *In re Doe 9*, (02-0132).

Owen Writes for Majority While Dissent Points to Parental Notification Statute

- TAB 10** *Abrams v. Jones*, 35 S.W.3d 620 (Tex. 2000).

Buffer Zones Around Abortion Clinics

- TAB 11** *Operation Rescue-National v. Planned Parenthood of Houston and Southeast Texas, Inc.*, 975 S.W.2d 546 (Tex. 1998).
TAB 12 Media clips covering the buffer zone cases.
 Houston Chronicle, July 4, 1998; and *Austin American-Statesman*, July 4, 1998.

Rider Barring Use of State Funds to Dispense Drugs to Minors Without Parental Consent

- TAB 13** *Patterson v. Planned Parenthood of Houston and Southeast Texas, Inc.*, 971 S.W.2d 439 (Tex. 1998).

Sales, Nathan

From: Sales, Nathan
Sent: Friday, July 19, 2002 2:14 PM
To: Brett Kavanaugh (E-mail); Anne Womack (E-mail); Heather Wingate (E-mail)
Cc: Willett, Don; Remington, Kristi L; Koebele, Steve; Charnes, Adam; Keefer, Wendy J
Subject: Owen's opening statement
Attachments: Owen opening statement 2.doc

All,

Here's a proposed draft for Owen's opening statement. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,
Nathan

007104-001898

Sales, Nathan

From: Sales, Nathan
Sent: Wednesday, July 17, 2002 10:45 AM
To: Dinh,
Viet; 'Heather_Wingate@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Willett, Don; Koebele, Steve; Remington, Kristi L; 'Anne_Womack@who.eop.gov';
Keefer, Wendy J
Subject: RE: Administration Document on Owen to give to Repubs and Dems

The purple kool-aid is starting to look mighty refreshing to Kristi, Steve, and I.

-----Original Message-----

From: Dinh, Viet
Sent: Wednesday, July 17, 2002 10:44 AM
To: 'Heather_Wingate@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Willett, Don; Sales, Nathan; Koebele, Steve;
'Anne_Womack@who.eop.gov'; Keefer, Wendy J
Subject: RE: Administration Document on Owen to give to Repubs and Dems

Okay, then let's re-prioritize accordingly. Don and Wendy, please ensure adequate staff support--I fear that Nathan is about to die in his office. thanks

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Wednesday, July 17, 2002 10:01 AM
To: Brett_M._Kavanaugh@who.eop.gov
Cc: Willett, Don; Sales, Nathan; Koebele, Steve; Dinh, Viet;
Heather_Wingate@who.eop.gov; Anne_Womack@who.eop.gov
Subject: Re: Administration Document on Owen to give to Repubs and Dems

Duplicative

007104-001899

Sales, Nathan

From: Sales, Nathan
Sent: Friday, July 19, 2002 2:21 PM
To: Willett, Don; Remington, Kristi L; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam; Koebele, Steve; 'Heather Wingate (E-mail)'; Keefer, Wendy J
Subject: RE: FW: Administration Document on Owen to give to Repubs and Dems

Roger.

-----Original Message-----

From: Willett, Don
Sent: Friday, July 19, 2002 2:20 PM
To: Sales, Nathan; Remington, Kristi L; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam; Koebele, Steve; 'Heather Wingate (E-mail)'; Keefer, Wendy J
Subject: RE: FW: Administration Document on Owen to give to Repubs and Dems

(b) (5)

-----Original Message-----

From: Sales, Nathan
Sent: Friday, July 19, 2002 2:17 PM
To: Willett, Don; Remington, Kristi L; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam; Koebele, Steve; 'Heather Wingate (E-mail)'; Keefer, Wendy J
Subject: RE: FW: Administration Document on Owen to give to Repubs and Dems

Sounds good.

The 3-pager on (b) (5), etc. cases is done. I'll tackle the (b) (5)

-----Original Message-----

From: Willett, Don
Sent: Friday, July 19, 2002 2:15 PM
To: Sales, Nathan; Remington, Kristi L; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam; Koebele, Steve; Heather Wingate (E-mail); Keefer, Wendy J
Subject: RE: FW: Administration Document on Owen to give to Repubs and Dems

007104-001900

I invite Brett's input, but err toward this (b) (5)

-----Original Message-----

From: Sales, Nathan

Sent: Friday, July 19, 2002 2:02 PM

To: Willett, Don; Remington, Kristi L; 'Brett_M._Kavanaugh@who.eop.gov'

Cc: Charnes, Adam; Koebele, Steve

Subject: RE: FW: Administration Document on Owen to give to Repubs and Dems

I don't think it's possible to do a one-pager for every single case cited by the Dems. (b) (5)

-----Original Message-----

From: Willett, Don

Sent: Friday, July 19, 2002 1:55 PM

To: Remington, Kristi L; 'Brett_M._Kavanaugh@who.eop.gov'

Cc: Charnes, Adam; Sales, Nathan; Koebele, Steve

Subject: RE: FW: Administration Document on Owen to give to Repubs and Dems

Everyone, Brett and I just spoke.

Brett, pls. correct me if I get any of this wrong.

For sec. vii, Brett had envisioned, (b) (5)

Brett also envisioned (b) (5)

(b) (5)



DRW

-----Original Message-----

From: Remington, Kristi L

Sent: Friday, July 19, 2002 1:37 PM

To: 'Brett_M._Kavanaugh@who.eop.gov'; Willett, Don

Cc: Charnes, Adam; Sales, Nathan; Koebele, Steve

Subject: RE: FW: Administration Document on Owen to give to Repubs and
Dems

(b) (5)



-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]


Sent: Friday, July 19, 2002 1:06 PM

To: Willett, Don

Cc: Charnes, Adam; Remington, Kristi L; Sales, Nathan; Koebele, Steve

Subject: Re: FW: Administration Document on Owen to give to Repubs and
Dems

I think I envisioned a one-pager on (b) (5)



(Embedded

image moved "Willett, Don" <Don.Willett@usdoj.gov>

to file: 07/19/2002 01:02:01 PM

pic08380.pcx)

Record Type: Record

007104-001902

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: "Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Subject: FW: Administration Document on Owen to give to Repubs and Dems

Brett, see below. Did you envision (b) (5)

[REDACTED] We're trying to decipher what you have in mind for that part of your proposed outline.

-----Original Message-----

From: Willett, Don

Sent: Friday, July 19, 2002 12:25 PM

To: Remington, Kristi L; Sales, Nathan; Koebele, Steve

Subject: FW: Administration Document on Owen to give to Repubs and Dems

Does Brett's proposed outline for the (b) (5) materials (below) envision putting (b) (5)

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

DRW

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Wednesday, July 17, 2002 10:01 AM

To: Heather_Wingate@who.eop.gov

Cc: Willett, Don; Sales, Nathan; Koebele, Steve; Dinh, Viet;

Heather_Wingate@who.eop.gov; Anne_Womack@who.eop.gov

Subject: Re: Administration Document on Owen to give to Repubs and Dems

I agree with Heather. I think it would be great to (b) (5)

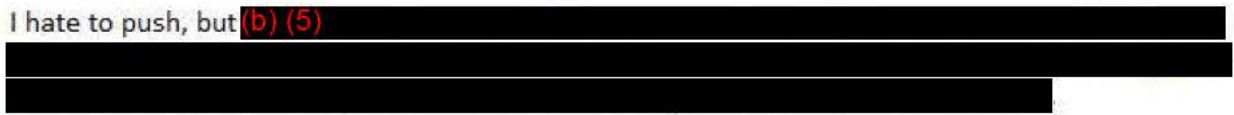
[REDACTED]
[REDACTED]

Heather Wingate
07/17/2002 09:40:56 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message bcc:
Subject: Re: Administration Document on Owen to give to Repubs and Dems
(Document link: Brett M. Kavanaugh)

I hate to push, but (b) (5)


A large rectangular area of the document is redacted with black ink, covering several lines of text.

Brett M. Kavanaugh
07/17/2002 08:58:43 AM

Record Type: Record

To: "Sales, Nathan" <Nathan.Sales@usdoj.gov> cc: See the distribution list at the bottom of this message bcc:
Subject: Re: Administration Document on Owen to give to Repubs and Dems
(Document link: Heather Wingate)

Maybe a goal of (b) (5)

A small rectangular area of the document is redacted with black ink.

(Embedded
image moved "Sales, Nathan" <Nathan.Sales@usdoj.gov> to file: 07/16/2002 10:26:03
PM pic21603.pcx)

Record type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Re: Administration Document on Owen to give to Repubs and Dems

This sounds like a good idea to me. We definitely can put this together, but timing may be a bit of an issue. OLP is currently (b) (5)

-----Original Message-----

From: Heather_Wingate@who.eop.gov <Heather_Wingate@who.eop.gov>

To: Willett, Don <Don.Willett@USDOJ.gov>; Sales, Nathan

<Nathan.Sales@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>; Dinh, Viet

<Viet.Dinh@USDOJ.gov>; Brett_M._Kavanaugh@who.eop.gov

<Brett_M._Kavanaugh@who.eop.gov>; Anne_Womack@who.eop.gov

<Anne_Womack@who.eop.gov>

Sent: Tue Jul 16 22:07:57 2002

Subject: Re: Administration Document on Owen to give to Repubs and Dems

(b) (5)

..

----- Original Message -----

From: Brett M. Kavanaugh/WHO/EOP

To: <don.willett@usdoj.gov>,

<steve.koebele@usdoj.gov>,

<viet.dinh@usdoj.gov>,

anne womack/who/eop@eop,

nathan.sales@usdoj.gov,

Heather Wingate/WHO/EOP@EOP

Cc:

Date: 07/16/2002 07:30:59 PM

Subject: Administration Document on Owen to give to Repubs and Dems

I propose that (b) (5)

(b) (5)

007104-001905

(b) (5)

(largely done) (also with a 1-page summary of each major subject matter-- again largely done)
[this part (b) (5)
]

Message Sent To: _____

"Willett, Don" <Don.Willett@usdoj.gov>
"Koebele, Steve" <Steve.Koebele@usdoj.gov>
"Dinh, Viet" <Viet.Dinh@usdoj.gov>
Heather Wingate/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Anne Womack/WHO/EOP@EOP

Message Copied To: _____

"willett, don" <don.willett@usdoj.gov>
"koebele, steve" <steve.koebele@usdoj.gov>
"dinh, viet" <viet.dinh@usdoj.gov>
heather wingate/who/eop@eop
anne womack/who/eop@eop

Message Copied To: _____

"Koebele, Steve" <Steve.Koebele@usdoj.gov>

saies, natnan <natnan.sai@usdoj.gov>
"willett, don" <don.willett@usdoj.gov>
"koebele, steve" <steve.koebele@usdoj.gov>
"dinh, viet" <viet.dinh@usdoj.gov>
heather wingate/who/eop@eop
anne womack/who/eop@eop

Koebele, Steve

From: Koebele, Steve
Sent: Monday, July 22, 2002 8:44 PM
To: 'brett_m._kavanaugh@who.eop.gov'; Willett, Don
Cc: Dinh, Viet; Charnes, Adam; Remington, Kristi L
Subject: Cases - Length of Time at TX S CT
Attachments: Ford v. Miles-Other Case Wait-Rev.xls

Brett -- Following up on the Ford v Miles case, attached is a breakdown of cases and the lenth of wait at the Supreme Court of Texas (far right hand column provides the number of days). Ford Motor v. Mile is 173rd longest time on the Court.

Thank you, Steve.

007104-001908

Number	Style	Granted	Issued	Time
94-0287	State Farm Lloyds v. Nicolau	06/15/94	07/09/97	1120
94-0325	Healthtrust, Inc. v. Caldwell	06/22/94	05/16/97	1059
94-0329	St. Paul Fire & Marine Ins. Co. v. Caldwell	06/22/94	05/16/97	1059
94-0385	Healthtrust, Inc. v. Caldwell	06/22/94	05/16/97	1059
D-0446	Foremost Paving, Inc. v. Lopez	02/06/91	11/24/93	1022
C-9639	Chapa v. Garcia	03/21/90	12/31/92	1016
C-6649	Amarillo Oil Co. v. Energy-Agri Prod., Inc.	09/23/87	06/27/90	1008
C-6733	Kinerd v. Colonial Leasing Co.	02/24/88	11/14/90	994
C-9343	State Dept. of Highways v. Payne	04/04/90	12/22/92	993
C-9502	Minton v. Perez	03/21/90	11/11/92	966
C-8576	Travis v. City of Mesquite	10/25/89	05/20/92	938
D-1507	Transportation Ins. Co. v. Moriel	12/11/91	06/08/94	910
C-6617	DeSantis v. Wackenhut Corp.	12/16/87	06/06/90	903
C-8405	Alvarado v. Farah Mfg. Co.	09/20/89	03/11/92	903
C-9343	State Dept. of Highways v. Payne	04/04/90	09/23/92	903
C-7376	Bowman v. Lumberton Indep. School Dist.	07/13/88	12/31/90	901
D-2022	Texas Educ. Agency v. Leeper	10/07/92	03/16/95	890
D-1239	American Physicians Ins. Exchange v. Garcia	10/16/91	03/09/94	875
D-0184	Twyman v. Twyman	12/19/90	05/05/93	868
C-6007	Day & Co. v. Texland Petroleum, Inc.	10/28/87	03/07/90	861
95-1159	Uniroyal Goodrich Tire Co. v. Martinez	06/14/96	10/15/98	853
C-6733	Kinerd v. Colonial Leasing Co.	02/24/88	06/20/90	847
99-0673	Rocor Int'l, Inc. v. National Union Fire Ins. Co.	01/27/00	05/23/02	847
C-7480	Stauffer v. Henderson	09/14/88	12/31/90	838
C-9403	Walker v. Packer	01/24/90	05/07/92	834
C-6000	Sun Exploration & Prod. Co. v. Jackson	07/15/87	10/25/89	833
97-0954	City of Midland v. O'Bryant	03/13/98	06/15/00	825
95-0355	Schlumberger Technology Corp. v. Swanson	09/14/95	12/11/97	819
C-9556	Texas Ass'n of Business v. Texas Air Control Bd.	12/12/90	03/03/93	812
96-0583	X.L. Ins. Co. v. Mehaffy	11/15/96	02/04/99	811
D-1794	HL Farm Corp. v. Self	03/11/92	05/11/94	791
D-1507	Transportation Ins. Co. v. Moriel	12/11/91	02/02/94	784
95-0969	Hyundai Motor Co. v. Alvarado	04/12/96	06/05/98	784
99-0313	Barnett v. Barnett	10/21/99	12/06/01	777
D-1693	Exxon Corp. v. Chick Kam Choo	04/29/92	06/08/94	770
C-7339	Martin v. Credit Protection Ass'n, Inc.	05/04/88	06/06/90	763
C-9403	Walker v. Packer	01/24/90	02/19/92	756
D-0715	McRoberts v. Ryals	06/05/91	06/30/93	756
D-1326	C&H Nationwide, Inc. v. Thompson	05/27/92	06/22/94	756
96-1154	Quick v. City of Austin	09/04/97	09/30/99	756
97-0954	City of Midland v. O'Bryant	03/13/98	04/06/00	755
D-0872	State v. Flag-Redfern Oil Co.	05/01/91	05/19/93	749
D-0874	State v. Rutherford Oil Corp.	05/01/91	05/19/93	749
95-1159	Uniroyal Goodrich Tire Co. v. Martinez	06/14/96	07/03/98	749
D-3173	Krishnan v. Sepulveda	06/03/93	06/15/95	742
C-9989	May v. United Services Ass'n	12/12/90	12/22/92	741
D-4561	Saenz v. Fidelity & Guar. Ins. Underwriters	06/08/94	06/14/96	737
D-0740	Valenzuela v. Aquino	05/01/91	05/05/93	735
D-0296	Greathouse v. Charter Nat'l Bank-Southwest	12/19/90	12/22/92	734
94-0992	Universe Life Ins. Co. v. Giles	07/07/95	07/09/97	733
95-0085	Morgan Stanley & Co. v. Texas Oil Co.	06/22/95	06/20/97	729
94-0856	Vesecky v. Vesecky	12/08/94	11/15/96	708

D-0756	Graff v. Beard	06/19/91	05/19/93	700
D-1794	HL Farm Corp. v. Self	03/11/92	02/09/94	700
97-1027	Osterberg v. Peca	03/13/98	02/10/00	699
97-1027	Osterberg v. Peca	03/13/98	02/03/00	692
D-2775	Celtic Life Ins. Co. v. Coats	12/16/92	11/03/94	687
D-0235	William H. McGee & Co. v. Schick	01/23/91	12/09/92	686
D-0963	Boyles v. Kerr	06/19/91	05/05/93	686
D-1903	Ruiz v. Conoco, Inc.	03/25/92	02/09/94	686
97-1068	Dubai Petroleum Co. v. Kazi	03/26/98	02/10/00	686
C-7291	Eckman v. Centennial Sav. Bank	04/13/88	02/21/90	679
D-2830	Public Utility Comm'n v. GTE-Southwest, Inc.	06/09/93	04/13/95	673
D-0872	State v. Flag-Redfern Oil Co.	05/01/91	03/03/93	672
D-0874	State v. Rutherford Oil Corp.	05/01/91	03/03/93	672
95-1036	Merrell Dow Pharmaceuticals, Inc. v. Havner	02/09/96	12/11/97	671
D-0650	Railroad Comm'n v. Lone Star Gas Co.	03/06/91	12/31/92	666
D-3096	Prudential Ins. Co. v. Jefferson Assoc., Ltd.	05/19/93	03/16/95	666
94-0278	Lenape Resources Corp. v. Tennessee Gas Pipeline Co.	06/22/94	04/18/96	666
D-1794	HL Farm Corp. v. Self	03/11/92	01/05/94	665
94-0023	United States Brass Corp. v. Kochie	05/18/94	03/07/96	659
D-1006	State v. Schmidt	01/08/92	10/27/93	658
D-1509	State v. Austex, Ltd.	01/08/92	10/27/93	658
97-1068	Dubai Petroleum Co. v. Kazi	03/26/98	01/06/00	651
99-0793	Lee Lewis Constr., Inc. v. Harrison	03/09/00	12/20/01	651
96-1201	State Farm Mut. Auto. Ins. Co. v. Traver	03/21/97	12/31/98	650
D-1693	Exxon Corp. v. Chick Kam Choo	04/29/92	02/02/94	644
98-1128	Pustejovsky v. Pittsburgh Corning Corp.	02/25/99	11/30/00	644
95-1036	Merrell Dow Pharmaceuticals, Inc. v. Havner	02/09/96	11/13/97	643
94-0008	Amstadt v. United States Brass Corp.	06/08/94	03/07/96	638
94-0123	United States Brass Corp. v. Andraus	06/08/94	03/07/96	638
C-8282	Southwestern Bell Telephone Co. v. Delanney	09/20/89	06/19/91	637
D-1235	Forbau v. Aetna Life Ins. Co.	04/08/92	01/05/94	637
94-0433	Computer Assoc. Int'l, Inc. v. Altai, Inc.	06/22/94	03/14/96	631
D-0489	Russell v. Ingersoll-Rand Co.	01/23/91	10/14/92	630
C-6007	Day & Co. v. Texland Petroleum, Inc.	10/28/87	07/12/89	623
D-1693	Exxon Corp. v. Chick Kam Choo	04/29/92	01/12/94	623
98-0685	FM Properties Operating Co. v. City of Austin	10/01/98	06/15/00	623
C-7880	Wingate v. Hajdik	10/19/88	07/03/90	622
94-0781	State Farm Fire & Cas. Co. v. Gandy	11/03/94	07/12/96	617
C-7641	Higginbotham v. General Life & Accident Ins. Co.	02/01/89	10/10/90	616
C-7796	Wilson v. Dunn	02/15/89	10/24/90	616
C-7910	Raborn v. Davis	10/19/88	06/27/90	616
D-1349	Sage Street Assoc. v. Northdale Constr. Co.	10/23/91	06/30/93	616
D-1639	Exxon Corp. v. Tidwell	04/01/92	12/08/93	616
D-2022	Texas Educ. Agency v. Leeper	10/07/92	06/15/94	616
D-4260	Werner v. Colwell	11/24/93	08/01/95	615
C-7286	Mitchell v. Missouri-Kansas-Texas R.R.	06/22/88	02/21/90	609
C-7551	Southwestern Bell Telephone Co. v. FDP Corp.	10/18/89	06/19/91	609
C-8367	Guardian Royal Exchange Assurance, Ltd. v. English China Clays	06/28/89	02/27/91	609
95-1014	City of Tyler v. Likes	04/12/96	12/11/97	608
96-0079	Murphy v. Campbell	04/12/96	12/11/97	608
C-7805	Juliette Fowler Homes, Inc. v. Welch Assoc., Inc.	10/12/88	06/06/90	602
94-1124	Minnesota Mining & Mfg. Co. v. Nishika Ltd.	02/09/96	10/02/97	601
95-1291	Formosa Plastics Corp. USA v. Presidio Engineers & Contractors, Inc.	05/31/96	01/16/98	595

96-0287	Owens-Corning Fiberglas Corp. v. Malone	10/18/96	06/05/98	595
96-0512	Owens-Corning Fiberglas Corp. v. Wasiak	10/18/96	06/05/98	595
D-3733	City of La Porte v. Barfield	09/10/93	04/27/95	594
D-3836	City of La Porte v. Prince	09/10/93	04/27/95	594
D-4100	Mosley v. Employers Cas. Co.	02/02/94	09/14/95	589
94-1317	Federal Sign v. Texas Southern Univ.	11/09/95	06/20/97	589
D-0671	Keetch v. Kroger Co.	04/24/91	12/02/92	588
C-8910	Stewart Title Guaranty Co. v. Sterling	06/13/90	01/15/92	581
D-1742	In re J.W.T.	07/01/92	02/02/94	581
96-0881	Bristol-Myers Squibb Co. v. Marshall	12/13/96	07/14/98	578
96-0931	Ethyl Corp. v. Stone	12/13/96	07/14/98	578
D-0180	Larsen v. FDIC	11/14/90	06/10/92	574
00-0081	Johnson v. Brewer & Pritchard	08/24/00	03/21/02	574
95-0771	Mayhew v. Town of Sunnysvale	08/16/96	03/13/98	574
D-0992	State v. Durham	09/05/91	03/31/93	573
D-0650	Railroad Comm'n v. Lone Star Gas Co.	03/06/91	09/23/92	567
96-0244	Johnson & Higgins of Texas, Inc. v. Keneco Energy, Inc.	06/28/96	01/16/98	567
96-1131	In re EPIC Holdings, Inc.	06/12/97	12/31/98	567
96-1133	In re George	06/12/97	12/31/98	567
C-9115	Joachim v. First Court of Appeals	11/15/89	05/30/91	561
D-2747	Oliver v. Oliver	11/18/92	06/02/94	561
D-4260	Werner v. Colwell	11/24/93	06/08/95	561
D-0296	Greathouse v. Charter Nat'l Bank-Southwest	12/19/90	07/01/92	560
00-0325	Mariner Fin. Group v. Bossley	11/30/00	06/13/02	560
D-0571	Hines v. Hash	05/30/91	12/09/92	559
96-0986	Latham v. Castillo	12/13/96	06/23/98	557
D-2786	Natividad v. Alexsis, Inc.	10/21/92	04/28/94	554
D-0138	Delaney v. University of Houston	10/24/90	04/29/92	553
D-2775	Celtic Life Ins. Co. v. Coats	12/16/92	06/22/94	553
C-7611	Eye-Site, Inc. v. Blackburn	03/22/89	09/19/90	546
C-8910	Stewart Title Guaranty Co. v. Sterling	06/13/90	12/11/91	546
D-0732	Westgate, Ltd. v. State	06/05/91	12/02/92	546
D-1326	C&H Nationwide, Inc. v. Thompson	05/27/92	11/24/93	546
97-0182	Northern Natural Gas Co. v. Conoco, Inc.	10/02/97	04/01/99	546
98-0968	Texas Ass'n of Counties Pool v. Matagorda County	06/24/99	12/21/00	546
D-1903	Ruiz v. Conoco, Inc.	03/25/92	09/19/93	543
96-0425	General Tire, Inc. v. Kepple	12/13/96	06/05/98	539
98-1076	Golden Eagle Archery, Inc. v. Jackson	01/07/99	06/29/00	539
D-4131	Smithkline Beecham Corp. v. Doe	02/02/94	07/21/95	534
D-4353	National Union Fire Ins. Co. v. CBI Industries, Inc.	04/20/94	10/05/95	533
C-6649	Amarillo Oil Co. v. Energy-Agri Prod., Inc.	09/23/87	03/08/89	532
C-7743	Dow Chem. Co. v. Alfaro	11/16/88	05/02/90	532
C-8282	Southwestern Bell Telephone Co. v. Delaney	09/20/89	03/06/91	532
C-9128	Peat Marwick Main & Co. v. Haass	03/28/90	09/11/91	532
C-9611	Orange County v. Ware	06/06/90	11/20/91	532
D-0963	Boyles v. Kerr	06/19/91	12/02/92	532
96-0244	Johnson & Higgins of Texas, Inc. v. Keneco Energy, Inc.	06/28/96	12/11/97	531
94-1227	American Tobacco Co. v. Grinnell	01/11/96	06/20/97	526
C-6821	Donwerth v. Preston II Chrysler-Dodge, Inc.	01/27/88	07/05/89	525
C-7446	Chenault v. Bexar County Commissioners Court	07/13/88	12/20/89	525
C-7806	Gorman v. Life Ins. Co. of North America	10/18/89	03/27/91	525
C-9343	State Dept. of Highways v. Payne	04/04/90	09/11/91	525
D-0233	MBank El Paso v. Sanchez	01/23/91	07/01/92	525

98-0479	Continental Cas. Ins. Co. v. Functional Restoration Assocs.	10/29/98	04/06/00	525
98-0539	Ford Motor Co. v. Sheldon	12/03/98	05/11/00	525
96-1201	State Farm Mut. Auto. Ins. Co. v. Traver	03/21/97	08/25/98	522
98-0218	Crown Life Ins. Co. v. Casteel	08/25/98	01/27/00	520
D-2197	Richards v. League of United Latin American Citizens	05/06/92	10/06/93	518
99-0273	Williams v. Lara	01/27/00	06/28/01	518
95-1036	Merrell Dow Pharmaceuticals, Inc. v. Havner	02/09/96	07/09/97	516
94-0504	Concord Oil Co. v. Pennzoil Exploration & Production Co.	05/25/95	10/18/96	512
C-8203	Eagle Properties, Ltd. v. Scharbauer	11/01/89	03/27/91	511
C-9294	Transamerican Natural Gas Corp. v. Powell	01/24/90	06/19/91	511
D-3000	Goodyear Tire & Rubber Co. v. Portilla	01/27/93	06/22/94	511
95-0515	Heritage Resources, Inc. v. NationsBank	10/27/95	03/21/97	511
95-1344	Edward D. Jones & Co. v. Fletcher	12/13/96	05/08/98	511
96-0545	Ford Motor Co. v. Miles	10/25/96	03/19/98	510
C-8271	Sun Marine Terminals, Inc. v. Artoc Bank & Trust, Ltd.	04/19/89	09/06/90	505
C-7551	Southwestern Bell Telephone Co. v. FDP Corp.	10/18/89	03/06/91	504
D-0503	LeLeaux v. White	12/12/90	04/29/92	504
00-0037	Monsanto Co. v. Boustany	11/09/00	03/28/02	504
97-0654	American Home Prods. Corp. v. Ramirez	08/15/97	12/31/98	503
97-0655	American Home Prods. Corp. v. Tanner	08/15/97	12/31/98	503
97-1027	Osterberg v. Peca	03/13/98	07/29/99	503
94-0989	Juhl v. Airington	02/16/95	06/28/96	498
94-1233	Tilton v. Marshall	03/02/95	07/12/96	498
C-7743	Dow Chem. Co. v. Alfaro	11/16/88	03/28/90	497
C-7744	Moreno v. Sterling Drug, Inc.	11/16/88	03/28/90	497
C-9438	Braden v. Downey	02/07/90	06/19/91	497
D-0477	Weirich v. Weirich	02/13/91	06/24/92	497
D-0562	Holt Atherton Industries, Inc. v. Heine	02/06/91	06/17/92	497
98-0617	City of Garland v. The Dallas Morning News	12/03/98	04/13/00	497
C-7910	Raborn v. Davis	10/19/88	02/21/90	490
D-2393	State v. Morales	09/09/92	01/12/94	490
97-0403	HECI Exploration Co. v. Neel	10/02/97	02/04/99	490
C-6817	Summers v. Consolidated Capital Special Trust	02/24/88	06/21/89	483
C-6820	Lee v. Key West Towers, Inc.	02/24/88	06/21/89	483
D-1001	Caballero v. Central Power & Light Co.	01/22/92	05/19/93	483
D-1183	Dreyer v. Greene	07/01/92	10/27/93	483
D-2501	Guynes v. Galveston County	07/01/92	10/27/93	483
96-0194	Texas Mexican Ry. v. Bouchet	10/18/96	02/13/98	483
98-1107	Wal-Mart Stores, Inc. v. Sturges	11/12/99	03/08/01	482
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01-0810	Perry v. Cotera	09/07/01	09/12/01	5
01-0827	In re Bentsen	09/07/01	09/12/01	5
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C-7658	Sullivan v. Sullivan	04/05/89	04/05/89	0
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C-8607	Johnson v. City of Fort Worth	06/28/89	06/28/89	0
C-8642	State Bar v. Evans	06/28/89	06/28/89	0
C-8665	Paragon Sales Co. v. New Hampshire Ins. Co.	06/28/89	06/28/89	0
C-8672	Talmantez v. Strauss	06/28/89	06/28/89	0
C-8729	State v. Arnold	10/18/89	10/18/89	0
C-8736	American Medical Int'l, Inc. v. Casseb	07/12/89	07/12/89	0
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C-9003	Vawter v. Garvey	03/07/90	03/07/90	0
C-9028	INA v. Briscoe	11/29/89	11/29/89	0
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C-9211	Athari v. Hutcheson	01/16/91	01/16/91	0
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C-9250	Emerson v. Tunnell	05/02/90	05/02/90	0
C-9254	Shadowbrook Apartments v. Abu-Ahmad	01/31/90	01/31/90	0
C-9303	Chase Manhattan Bank v. Lindsay	02/28/90	02/28/90	0
C-9369	Hayden v. Liberty Mut. Fire Ins. Co.	02/28/90	02/28/90	0
C-9391	Smith v. Williams	02/28/90	02/28/90	0
C-9439	Berry v. Berry	03/28/90	03/28/90	0
C-9449	Lee v. Braeburn Valley West Civic Ass'n	03/07/90	03/07/90	0
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C-9559	Mayhew v. Caprito	05/30/90	05/30/90	0
C-9589	Holmes v. Harrison	11/21/90	11/21/90	0
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D-0047	Tesoro Petroleum v. Smith	10/17/90	10/17/90	0
D-0081	Garvey v. Vawter	09/19/90	09/19/90	0
D-0124	DSC Finance Corp. v. Moffitt	10/24/90	10/24/90	0
D-0130	Blackman v. Langford	09/19/90	09/19/90	0
D-0163	Ex parte Garcia	09/06/90	09/06/90	0
D-0171	Ragsdale v. Progressive Voters League	12/31/90	12/31/90	0
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D-0371	Powers v. Palacios	06/12/91	06/12/91	0
D-0420	Tricentrol Oil Trading, Inc. v. Annesley	05/08/91	05/08/91	0
D-0422	Anderson v. Snider	04/10/91	04/10/91	0
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D-0848	Grand Prairie Indep. Sch. Dist. v. Southern Parts Imports, Inc.	06/19/91	06/19/91	0
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D-0898	Welex v. Broom	10/16/91	10/16/91	0
D-0940	Johnson v. Butler	06/19/91	06/19/91	0
D-0953	Smith v. O'Neill	06/19/91	06/19/91	0
D-0954	Ex parte Sproull	09/11/91	09/11/91	0
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D-0996	Halsell v. Dehoyos	06/05/91	06/05/91	0
D-1024	Wood v. Brown	11/20/91	11/20/91	0
D-1060	Ex parte Eastland	06/19/91	06/19/91	0
D-1063	Ex parte Perales	09/05/91	09/05/91	0
D-1069	Dancy v. Daggett	09/18/91	09/18/91	0
D-1086	In re C.C.G.	12/04/91	12/04/91	0
D-1093	Briones v. Solomon	11/06/91	11/06/91	0
D-1102	City of San Antonio v. Rodriguez	02/26/92	02/26/92	0
D-1126	Malaysia British Assurance v. El Paso Reyco, Inc.	05/06/92	05/06/92	0
D-1132	Gannon v. Baker	11/06/91	11/06/91	0
D-1145	Chapin & Chapin, Inc. v. Texas Sand & Gravel Co.	09/18/91	09/18/91	0

D-1145	Chapin & Chapin, Inc. v. Texas Sand & Gravel Co.	09/30/92	09/30/92	0
D-1170	General Elec. Credit Corp. v. Midland Central Appraisal Dist.	10/16/91	10/16/91	0
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D-1194	Thordson v. City of Houston	09/18/91	09/18/91	0
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D-1287	Service Lloyds Ins. Co. v. Harbison	11/06/91	11/06/91	0
D-1289	State v. \$11,014	10/23/91	10/23/91	0
D-1291	Creel v. District Attorney	10/30/91	10/30/91	0
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D-1323	Merrill, Lynch, Pierce, Fenner & Smith, Inc. v. Hughes	04/22/92	04/22/92	0
D-1325	Estate of Pollack v. McMurrey	05/06/92	05/06/92	0
D-1366	Exxon Corp. v. Perez	05/27/92	05/27/92	0
D-1373	Felderhoff v. Felderhoff	11/13/91	11/13/91	0
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D-1404	Southwestern Bell Telephone Co. v. John Carlo Texas, Inc.	12/09/92	12/09/92	0
D-1418	Scott v. Twelfth Court of Appeals	03/13/92	03/13/92	0
D-1421	Ex parte Briley	10/09/91	10/09/91	0
D-1452	Crown Life Ins. Co. v. Estate of Gonzalez	11/06/91	11/06/91	0
D-1476	H. E. Butt Grocery Co. v. Warner	12/02/92	12/02/92	0
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D-1518	Gulf Coast Investment Corp. v. Brown	12/04/91	12/04/91	0
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D-1557	John v. State	02/26/92	02/26/92	0
D-1592	State v. \$435,000	10/07/92	10/07/92	0
D-1597	Cahill v. Lyda	02/05/92	02/05/92	0
D-1603	Orozco v. Sander	01/22/92	01/22/92	0
D-1670	American Trading & Production Corp. v. Delgado	01/22/92	01/22/92	0
D-1677	Gold Kist, Inc. v. Texas Utilities Electric Co.	05/06/92	05/06/92	0
D-1678	Geo Viking, Inc. v. Tex-Lee Operating Co.	04/22/92	04/22/92	0
D-1680	Green v. Morales	06/24/92	06/24/92	0
D-1701	Klein Indep. Sch. Dist. v. Wilson	04/29/92	04/29/92	0
D-1714	Bank One v. Sunbelt Savings	02/05/92	02/05/92	0
D-1734	Esquivel v. Watson	01/22/92	01/22/92	0
D-1772	Smith v. Lippmann	02/19/92	02/19/92	0
D-1827	Eli Lilly & Co. v. Marshall	12/04/91	12/04/91	0
D-1836	Chandler v. Hyundai Motor Co.	05/06/92	05/06/92	0
D-1840	Otis Elevator Co. v. Parmelee	01/20/93	01/20/93	0
D-1898	In re V.C.	04/29/92	04/29/92	0
D-1899	In re R.P.	04/29/92	04/29/92	0
D-1900	In re D.V.	04/29/92	04/29/92	0
D-1970	Borden, Inc. v. De la Rosa	07/01/92	07/01/92	0
D-1988	Larouche v. Secretary of State	01/29/92	01/29/92	0
D-2005	Ex parte Hernandez	03/25/92	03/25/92	0
D-2018	State v. Tex-J Ranches, Inc.	10/21/92	10/21/92	0
D-2025	Kennedy v. Eden	09/16/92	09/16/92	0
D-2031	Mueller v. Saravia	03/25/92	03/25/92	0
D-2057	Gibson v. Methodist Hospital	06/24/92	06/24/92	0
D-2072	Exxon Gas System, Inc. v. Brandywine Indus. Gas, Inc.	06/17/92	06/17/92	0
D-2090	Miller Brewing Co. v. Villarreal	04/29/92	04/29/92	0

D-2136	Martinez v. Windsor Park Dev. Co.	06/24/92	06/24/92	0
D-2180	Landoll Corp. v. Morris	12/09/92	12/09/92	0
D-2205	Clements v. Barnes	06/17/92	06/17/92	0
D-2228	Getters v. Eagle Ins. Co.	06/24/92	06/24/92	0
D-2234	City of Wichita Falls v. ITT Commercial Finance Corp.	05/27/92	05/27/92	0
D-2257	HCA Health Serv. of Texas, Inc. v. Salinas	10/07/92	10/07/92	0
D-2278	Harbison-Fischer Mfg. Co. v. Mohawk Data Sciences Corp.	11/11/92	11/11/92	0
D-2282	Pietila v. Crites	02/24/93	02/24/93	0
D-2293	McGough v. First Court of Appeals	06/17/92	06/17/92	0
D-2294	Rooke v. Jenson	09/09/92	09/09/92	0
D-2296	State v. Munday Enterprises	11/24/93	11/24/93	0
D-2299	Thomas v. Allen	09/23/92	09/23/92	0
D-2304	Bacon v. General Devices, Inc.	06/03/92	06/03/92	0
D-2320	R.V. Industries v. County of Webb	04/07/93	04/07/93	0
D-2321	Commonwealth Lloyd's Ins. Co. v. Thomas	01/20/93	01/20/93	0
D-2348	Rogers v. Stell	07/01/92	07/01/92	0
D-2360	State Dept. of Highways & Public Transp. v. Cotner	01/20/93	01/20/93	0
D-2425	Howell v. Thompson	10/21/92	10/21/92	0
D-2444	Kidder, Peabody & Co. v. Lutheran Brotherhood	11/11/92	11/11/92	0
D-2479	Texas Health Enterprises, Inc. v. Krell	07/01/92	07/01/92	0
D-2518	Schein v. American Restaurant Group, Inc.	04/07/93	04/07/93	0
D-2522	One 1985 Chevrolet v. State	02/24/93	02/24/93	0
D-2539	Fanning v. Fanning	01/27/93	01/27/93	0
D-2559	Bowen v. Aetna Cas. & Sur. Co.	09/16/92	09/16/92	0
D-2595	Stiles v. Resolution Trust Corp.	12/08/93	12/08/93	0
D-2601	H. B. Zachry Co. v. Gonzalez	02/03/93	02/03/93	0
D-2608	State v. Brister	07/03/92	07/03/92	0
D-2616	Schindler v. Austwell Farmers' Cooperative	10/14/92	10/14/92	0
D-2638	State v. Spurs	10/07/92	10/07/92	0
D-2683	Guaranty County Mut. Ins. Co. v. Kline	12/31/92	12/31/92	0
D-2686	Quail Harbor Condominium Ass'n, Inc. v. Gonzales	10/14/92	10/14/92	0
D-2780	State v. Dowd	11/24/93	11/24/93	0
D-2781	Commonwealth Land Title Co. v. Dulworth	12/16/92	12/16/92	0
D-2848	Capital Income Properties-LXXX v. Blackmon	12/16/92	12/16/92	0
D-2878	Eckles v. City of Lubbock	12/31/92	12/31/92	0
D-2893	Meyerland Co. v. FDIC	01/27/93	01/27/93	0
D-2932	State v. \$80,631	12/16/92	12/16/92	0
D-2947	The Island on Lake Travis, Ltd. v. The Hayman Co.	03/03/93	03/03/93	0
D-2962	Old Republic Ins. Co. v. Scott	12/02/92	12/02/92	0
D-2987	Bennett v. French Int'l & Calvert Motor Co.	12/02/92	12/02/92	0
D-3108	Faulkner v. Culver	03/24/93	03/24/93	0
D-3138	Oak Park Townhouses v. Brazosport Bank	03/24/93	03/24/93	0
D-3153	Berger v. Berger	05/19/93	05/19/93	0
D-3156	Fruehauf Corp. v. Carrillo	02/24/93	02/24/93	0
D-3162	Horrocks v. Texas Dept. of Transp.	04/14/93	04/14/93	0
D-3166	El Paso Natural Gas Co. v. Berryman	05/19/93	05/19/93	0
D-3185	Federal Express Corp. v. Dutschmann	02/03/93	02/03/93	0
D-3190	Houston Cable TV, Inc. v. Inwood West Civic Ass'n	05/19/93	05/19/93	0
D-3198	Blair v. Fletcher	03/03/93	03/03/93	0
D-3201	Levit v. Adams	03/24/93	03/24/93	0
D-3251	Martinez v. The Crime Stoppers Advisory Council	01/08/93	01/08/93	0
D-3252	In re B.I.V.	02/02/94	02/02/94	0
D-3258	State v. Kitchen	03/24/93	03/24/93	0

D-3262	Light v. Centel Cellular Co.	10/06/93	10/06/93	0
D-3274	City of San Antonio v. Singleton	04/14/93	04/14/93	0
D-3301	FDIC v. Gray	03/24/93	03/24/93	0
D-3322	Sawyer v. Millard	03/24/93	03/24/93	0
D-3326	Nuernberg v. Texas Employment Comm'n	06/16/93	06/16/93	0
D-3328	Barbero v. Wittig	02/03/93	02/03/93	0
D-3377	Vanscot Concrete Co. v. Bailey	05/19/93	05/19/93	0
D-3387	Edwards v. Holleman	06/16/93	06/16/93	0
D-3427	Hennigan v. I.P. Petroleum Co.	06/30/93	06/30/93	0
D-3430	Penrod Drilling Corp. v. Williams	06/16/93	06/16/93	0
D-3488	State Farm Fire & Cas. Co. v. Costley	06/23/93	06/23/93	0
D-3519	Hughes v. Habitat Apartments	09/10/93	09/10/93	0
D-3564	Forman v. Fina Oil & Chem. Co.	06/30/93	06/30/93	0
D-3627	State v. Edwards	11/24/93	11/24/93	0
D-3637	Riner v. Briargrove Park Property Owners, Inc.	06/30/93	06/30/93	0
D-3648	Chicago Title Ins. Co. v. McDaniel	01/05/94	01/05/94	0
D-3654	VE Corp. v. Ernst & Young	06/16/93	06/16/93	0
D-3659	Sears, Roebuck & Co. v. Meadows	04/20/94	04/20/94	0
D-3666	Mauze v. Curry	09/10/93	09/10/93	0
D-3678	Marino v. Hartsfield	01/05/94	01/05/94	0
D-3703	Little v. Daggett	06/23/93	06/23/93	0
D-3741	Viola v. Ratner Corp.	08/26/93	08/26/93	0
D-3773	State v. Centennial Mortgage Corp.	11/24/93	11/24/93	0
D-3800	State v. Burris	05/11/94	05/11/94	0
D-3803	Springer v. Spruiell	11/24/93	11/24/93	0
D-3804	Springer v. First Nat'l Bank	11/24/93	11/24/93	0
D-3811	State Bar of Texas v. Humphreys	06/23/93	06/23/93	0
D-3819	McConathy v. McConathy	01/05/94	01/05/94	0
D-3831	Davis v. Zoning Board of Adjustment	11/24/93	11/24/93	0
D-3844	Walling v. Metcalfe	10/06/93	10/06/93	0
D-3850	Sanchez v. Board of Disciplinary Appeals	04/20/94	04/20/94	0
D-3860	Jamar v. Patterson	11/17/93	11/17/93	0
D-3866	Cadle Co. v. Estate of Weaver	03/09/94	03/09/94	0
D-3927	Dallas/Fort Worth Int'l Airport Bd. v. City of Irving	09/29/93	09/29/93	0
D-3927	Dallas/Fort Worth Int'l Airport Bd. v. City of Irving	10/27/93	10/27/93	0
D-3928	Borden, Inc. v. Rios	08/26/93	08/26/93	0
D-3962	County of Alameda v. Smith	09/29/93	09/29/93	0
D-3990	Liberty Mut. Ins. Co. v. Cruz	12/08/93	12/08/93	0
D-3994	Allstate Ins. Co. v. Carter	09/10/93	09/10/93	0
D-4005	Academy of Model Aeronautics, Inc v. Packer	09/10/93	09/10/93	0
D-4031	In re R.A.G.	11/24/93	11/24/93	0
D-4044	City of Abilene v. Public Util. Comm'n	07/21/95	07/21/95	0
D-4055	State Bar of Texas v. Kilpatrick	01/05/94	01/05/94	0
D-4061	Nationwide Mut. Ins. Co. v. Crowe	11/03/93	11/03/93	0
D-4071	State v. Allen	01/05/94	01/05/94	0
D-4088	State v. Hynes	11/24/93	11/24/93	0
D-4095	State Farm Fire & Cas. Co. v. Simmons	07/09/97	07/09/97	0
D-4150	Henderson v. Floyd	01/12/95	01/12/95	0
D-4152	Tippy v. Walker	11/17/93	11/17/93	0
D-4157	EKA Liquidators v. Phillips	03/09/94	03/09/94	0
D-4177	Old Republic Ins. Co. v. Scott	03/30/94	03/30/94	0
D-4220	Service Lloyds Ins. Co. v. Thomas	12/22/93	12/22/93	0
D-4231	Commercial Life Ins. Co. v. Texas State Bd. of Ins.	02/09/94	02/09/94	0

D-4258	Walden v. Jeffery	03/16/95	03/16/95	0
D-4260	Werner v. Colwell	11/24/93	11/24/93	0
D-4276	Ex parte Jordan	11/17/93	11/17/93	0
D-4296	M.R. Champion, Inc. v. Mizell	01/05/94	01/05/94	0
D-4305	Aetna Cas. & Sur. Co. v. Texas Comm'r of Ins.	12/31/93	12/31/93	0
D-4357	Rios v. Calhoon	04/20/94	04/20/94	0
D-4386	GNB, Inc. v. Collin County Appraisal Dist.	03/09/94	03/09/94	0
D-4393	Martinez v. Humble Sand & Gravel, Inc.	04/20/94	04/20/94	0
D-4400	Office of Public Utility Counsel v. Public Utility Comm'n	06/22/94	06/22/94	0
D-4415	Freis v. Canales	04/28/94	04/28/94	0
D-4506	Ex parte Lowe	06/08/94	06/08/94	0
D-4516	Atchison, T. & S.F. Ry. v. Sanchez	03/30/94	03/30/94	0
D-4546	Szczepanik v. First Southern Trust Co.	06/02/94	06/02/94	0
D-4560	Ex parte Delcourt	03/30/94	03/30/94	0
D-4582	Mischer Corp. v. Heil-Quaker Corp.	05/25/94	05/25/94	0
D-4588	Groves v. Gabriel	04/20/94	04/20/94	0
D-4597	Classen v. Irving Healthcare Sys.	04/27/95	04/27/95	0
00-0040	Diversified Fin. Sys., Inc. v. Hill, Heard, O'Neal, Gilstrap & Goetz	09/20/01	09/20/01	0
00-0137	Brown v. Fullenweider	03/29/01	03/29/01	0
00-0140	In re Doe 1	03/02/00	03/02/00	0
00-0191	In re Doe 2	03/09/00	03/09/00	0
00-0193	In re Doe 3	03/13/00	03/13/00	0
00-0213	In re Doe 4	03/22/00	03/22/00	0
00-0224	In re Doe 1(II)	06/22/00	06/22/00	0
00-0233	Madison v. Gordon	02/01/01	02/01/01	0
00-0278	Brents v. Haynes & Boone	04/26/01	04/26/01	0
00-0285	Valley Baptist Med. Ctr. v. Gonzalez	10/26/00	10/26/00	0
00-0299	Dow Chem. Co. v. Francis	04/26/01	04/26/01	0
00-0317	In re Doe 4(II)	04/13/00	04/13/00	0
00-0324	John v. Marshall Health Servs., Inc.	09/20/01	09/20/01	0
00-0413	Texas Dept. of Pub. Safety v. Callender	06/21/01	06/21/01	0
00-0457	Rose City Sand Corp. v. Watson	01/18/01	01/18/01	0
00-0458	Estrada v. Dillon	04/12/01	04/12/01	0
00-0465	Compania Financiera Libano, S.A. v. Najarro	06/21/01	06/21/01	0
00-0474	In re University Interscholastic League	05/25/00	05/25/00	0
00-0485	Eiland v. Turpin, Smith, Dyer, Saxe & McDonald	04/26/01	04/26/01	0
00-0517	Kagan-Edelman Enterprises v. Bond	05/25/00	05/25/00	0
00-0554	In re J.W.	04/05/01	04/05/01	0
00-0763	Henry v. Dillard's Dept. Stores, Inc.	02/14/02	02/14/02	0
00-0774	Bobbitt v. Stran	04/26/01	04/26/01	0
00-0827	DSI Staff Connxions Southwest, Inc. v. Farias	01/18/01	01/18/01	0
00-0847	Wilmer-Hutchins Indep. Sch. Dist. v. Sullivan	06/21/01	06/21/01	0
00-0859	Gainsco County Mut. Ins. Co. v. Martinez	10/12/00	10/12/00	0
00-0907	In re K.R.	11/08/01	11/08/01	0
00-0908	Parks v. Texas Dept. of Pub. Safety	06/21/01	06/21/01	0
00-0911	Nash v. Harris County	11/08/01	11/08/01	0
00-0967	E. I. DuPont de Nemours & Co. v. Bee Agricultural Co.	12/06/01	12/06/01	0
00-0974	Parsons v. Turley	04/26/01	04/26/01	0
00-1014	Parking Co. v. Wilson	09/20/01	09/20/01	0
00-1103	Jacobs v. Satterwhite	12/13/01	12/13/01	0
00-1185	In re Van Waters & Rogers, Inc.	11/08/01	11/08/01	0
00-1234	Guajardo v. Conwell	04/26/01	04/26/01	0
00-1249	Gulf States Utils. Co. v. Low	05/30/02	05/30/02	0

00-1297	Sungard Data Sys., Inc. v. Southwest Securities, Inc.	05/17/01	05/17/01	0
00-1321	In re Texas Senate	12/28/00	12/28/00	0
01-0142	Limestone Prods. Distrib., Inc. v. McNamara	02/14/02	02/14/02	0
01-0260	SCI Mgmt. Corp. v. Galvan	04/12/01	04/12/01	0
01-0405	Ohio Cas. Ins. Co. v. Mansfield	07/26/01	07/26/01	0
01-0432	Texas Dept. of Trasp. v. Ramirez	04/25/02	04/25/02	0
01-0456	Hayden v. Skelley	08/23/01	08/23/01	0
01-0523	Mid-Century Ins. Co. v. Boyte	05/23/02	05/23/02	0
01-0719	Castle v. The Cadle Co.	11/29/01	11/29/01	0
01-0814	Bowie Memorial Hosp. v. Wright	06/13/02	06/13/02	0
01-0822	In re M.A.C.	02/28/02	02/28/02	0
01-0884	Samedan Oil Corp. v. Freeman	05/30/02	05/30/02	0
01-0948	Tuesday Morning, Inc. v. Melendrez	04/11/02	04/11/02	0
01-1019	Samedan Oil Corp. v. Intrastate Gas Gathering, Inc.	06/13/02	06/13/02	0
02-0013	Ritzell v. Espeche	06/20/02	06/20/02	0
02-0034	In re Bell	01/22/02	01/22/02	0
02-0055	Rendon v. Avance	05/09/02	05/09/02	0
02-0097	Richardson v. American Fracmaster, Ltd.	05/30/02	05/30/02	0
02-0305	In re Pasadena Indep. Sch. Dist.	04/09/02	04/09/02	0
02-0317	In re Sanchez	04/18/02	04/18/02	0
02-0376	In re Jane Doe 10	04/29/02	04/29/02	0
02-0450	In re Texas Nat. Resource Conservation Comm'n	06/13/02	06/13/02	0
94-0016	Office of Public Utility Counsel v. Public Utility Comm'n	06/22/94	06/22/94	0
94-0060	TransAmerican Natural Gas Corp. v. Flores	02/02/94	02/02/94	0
94-0066	Benefit Trust Life Ins. Co. v. Littles	04/20/94	04/20/94	0
94-0097	Lewis v. Blake	05/11/94	05/11/94	0
94-0119	Walles v. McDonald	02/23/94	02/23/94	0
94-0122	Porter v. Vick	06/02/94	06/02/94	0
94-0154	Ex parte Roosth	06/02/94	06/02/94	0
94-0156	Cantu v. Longoria	06/08/94	06/08/94	0
94-0160	Maxfield v. Terry	06/22/94	06/22/94	0
94-0198	State v. Walker	03/30/94	03/30/94	0
94-0200	Vaughan v. Walther	04/28/94	04/28/94	0
94-0222	Weck v. Sharp	09/15/94	09/15/94	0
94-0234	Texas Division-Tranter, Inc. v. Carrozza	05/11/94	05/11/94	0
94-0244	Bradley Motors, Inc. v. Mackey	06/15/94	06/15/94	0
94-0246	J.P. v. First Court of Appeals	11/10/94	11/10/94	0
94-0302	Omega OB/GYN Assoc. v. First Court of Appeals	11/10/94	11/10/94	0
94-0327	Estate of Howley v. Haberman	06/15/94	06/15/94	0
94-0349	Blankenship v. Robins	06/15/94	06/15/94	0
94-0364	Linwood v. NCNB Texas	10/13/94	10/13/94	0
94-0379	Uptmore v. Fourth Court of Appeals	06/22/94	06/22/94	0
94-0442	Enis v. Smith	06/15/94	06/15/94	0
94-0443	Metropolitan Life Ins. Co. v. Syntek Finance Corp.	06/22/94	06/22/94	0
94-0456	In re Ament	12/22/94	12/22/94	0
94-0466	Geary v. Peavy	06/22/94	06/22/94	0
94-0473	Mackie v. McKenzie	11/03/94	11/03/94	0
94-0525	Lone Star Gas Co. v. Lemond	04/13/95	04/13/95	0
94-0527	McDonald v. Tenth Court of Appeals	11/10/94	11/10/94	0
94-0558	State Farm Fire & Cas. Co. v. Mower	12/22/95	12/22/95	0
94-0581	Grant v. Thirteenth Court of Appeals	10/06/94	10/06/94	0
94-0587	Herald-Post Publishing Co. v. Hill	12/22/94	12/22/94	0
94-0595	Public Util. Comm'n v. Texas-New Mexico Elec. Co.	11/17/94	11/17/94	0

94-0618	Texaco, Inc. v. Sanderson	05/25/95	05/25/95	0
94-0657	Bel-Ton Electric Serv., Inc. v. Pickle	01/18/96	01/18/96	0
94-0696	Texaco, Inc. v. Sanderson	05/25/95	05/25/95	0
94-0712	Helena Laboratories Corp. v. Snyder	11/03/94	11/03/94	0
94-0723	Primate Construction, Inc. v. Silver	09/15/94	09/15/94	0
94-0745	Texaco, Inc. v. Garcia	01/12/95	01/12/95	0
94-0762	Smith v. Babcock & Wilcox Constr. Co.	12/22/95	12/22/95	0
94-0820	Hyundai Motor Co. v. Alvarado	02/16/95	02/16/95	0
94-0830	Gunn Chevrolet, Inc. v. Hinerman	05/25/95	05/25/95	0
94-0844	S&A Restaurant Corp. v. Leal	02/16/95	02/16/95	0
94-0886	Sanchez v. Hastings	04/27/95	04/27/95	0
94-0896	Humphreys v. Caldwell	11/03/94	11/03/94	0
94-0954	Gormley v. Stover	03/16/95	03/16/95	0
94-0960	Board of Disciplinary Appeals v. McFall	12/01/94	12/01/94	0
94-0993	Lofton v. Allstate Ins. Co.	03/30/95	03/30/95	0
94-1037	Sage Street Assocs. v. Northdale Constr. Co.	06/28/96	06/28/96	0
94-1052	George Grubbs Enterprises, Inc. v. Bien	06/15/95	06/15/95	0
94-1057	Maritime Overseas Corp. v. Ellis	07/09/97	07/09/97	0
94-1058	Williams Distributing Co. v. Franklin	05/25/95	05/25/95	0
94-1071	Public Utility Comm'n v. Texas Utilities Elec. Co.	02/09/96	02/09/96	0
94-1125	Davis v. Shanks	04/13/95	04/13/95	0
94-1136	Silk v. Terrill	04/27/95	04/27/95	0
94-1139	City of McAllen v. De la Garza	05/25/95	05/25/95	0
94-1149	Mauriceville Nat'l Bank v. Zernial	02/16/95	02/16/95	0
94-1184	Leonard & Harral Packing Co. v. Ward	04/12/96	04/12/96	0
94-1186	Firemen & Policemen's Pension Fund Bd. v. City of San Antonio	08/01/95	08/01/95	0
94-1199	Smith v. McCorkle	03/30/95	03/30/95	0
94-1204	National Union Fire Ins. Co. v. Reyna	05/11/95	05/11/95	0
94-1210	D.F.W. Christian Television, Inc. v. D'Andrea	05/10/96	05/10/96	0
94-1248	Wilson v. Burford	05/25/95	05/25/95	0
94-1249	Wilson v. Hodges	05/25/95	05/25/95	0
94-1250	Wilson v. Jones	05/25/95	05/25/95	0
94-1251	Wilson v. Parker	05/25/95	05/25/95	0
94-1294	Ex parte Hudson	02/09/96	02/09/96	0
94-1302	Farris v. Ray	03/02/95	03/02/95	0
94-1310	Quest Chem. Corp. v. Elam	05/25/95	05/25/95	0
94-1324	State Farm Mut. Auto. Ins. Co. v. Azima	03/30/95	03/30/95	0
94-1338	Smith v. Clary Corp.	07/07/95	07/07/95	0
95-0014	City of Beverly Hills v. Guevara	06/22/95	06/22/95	0
95-0015	Lesikar v. Rapoport	05/11/95	05/11/95	0
95-0036	Farmer v. Ben E. Keith Co.	06/15/95	06/15/95	0
95-0039	Anderson v. Gilbert	05/11/95	05/11/95	0
95-0043	Ex parte Lesikar	05/11/95	05/11/95	0
95-0056	Texas Builders v. Keller	08/16/96	08/16/96	0
95-0057	Grigsby v. Coker	05/11/95	05/11/95	0
95-0088	General Motors Corp. v. Tanner	02/16/95	02/16/95	0
95-0115	Judice v. Mewbourne Oil Co.	04/25/96	04/25/96	0
95-0150	Tarrant County Hosp. Dist. v. Curry	03/16/95	03/16/95	0
95-0155	Gomez v. Texas Dept. of Criminal Justice	03/30/95	03/30/95	0
95-0166	Jordan v. Jordan	06/08/95	06/08/95	0
95-0170	Butcher v. Scott	08/01/95	08/01/95	0
95-0184	Murray v. Crest Construction, Inc.	06/22/95	06/22/95	0
95-0186	Liberty Mut. Ins. Co. v. Soignet	08/01/96	08/01/96	0

95-0224	Frank A. Smith Sales, Inc. v. Flores	06/08/95	06/08/95	0
95-0267	American Gen. Fire & Cas. Co. v. Vandewater	06/15/95	06/15/95	0
95-0293	Ex parte Carney	07/07/95	07/07/95	0
95-0306	Ex parte Alloju	06/08/95	06/08/95	0
95-0320	Blount v. Bordens, Inc.	11/02/95	11/02/95	0
95-0321	State v. Owens	06/08/95	06/08/95	0
95-0335	Thompson v. Community Health Investment Corp.	04/12/96	04/12/96	0
95-0339	Ex parte Anderson	06/15/95	06/15/95	0
95-0353	American Maintenance & Rentals, Inc. v. Estrada	06/08/95	06/08/95	0
95-0370	Rosser v. Squier	06/29/95	06/29/95	0
95-0377	GSC Realty Corp. v. Brown	07/21/95	07/21/95	0
95-0398	Cathey v. Wood County Central Hosp.	06/22/95	06/22/95	0
95-0399	Thompson v. Davis	06/29/95	06/29/95	0
95-0405	Stokes v. Aberdeen Ins. Co.	03/07/96	03/07/96	0
95-0419	Kuhl v. City of Garland	11/02/95	11/02/95	0
95-0420	Lone Star Energy Storage, Inc. v. Texacadian Fuels, Inc.	05/10/96	05/10/96	0
95-0423	Mathiessen v. Schaefer	12/22/95	12/22/95	0
95-0442	Bi-Ed, Ltd. v. Ramsey	12/13/96	12/13/96	0
95-0462	Ex parte Keene	11/02/95	11/02/95	0
95-0481	Regency Advantage Limited Partnership v. Bingo Idea-Watauga, Inc.	07/12/96	07/12/96	0
95-0507	Hall v. Lawlis	06/15/95	06/15/95	0
95-0514	Volkswagen, A.G. v. Valdez	11/16/95	11/16/95	0
95-0519	In re B.I.V.	04/12/96	04/12/96	0
95-0548	Dillard Dept. Stores, Inc. v. Hall	07/07/95	07/07/95	0
95-0555	Jones v. City of McKinney	11/02/95	11/02/95	0
95-0597	Flores v. Haberman	08/01/95	08/01/95	0
95-0605	NationsBank, N.A. v. Dilling	05/10/96	05/10/96	0
95-0694	El Periodico, Inc. v. Parks Oil Co.	02/09/96	02/09/96	0
95-0697	Withem v. Underwood	05/31/96	05/31/96	0
95-0698	Prudential Securities Inc. v. Marshall	11/16/95	11/16/95	0
95-0703	IKB Indus. (Nigeria) Ltd. v. Pro-Line Corp.	01/31/97	01/31/97	0
95-0746	Ex parte Keene	11/02/95	11/02/95	0
95-0783	Hamill v. Level	02/09/96	02/09/96	0
95-0789	Burns v. Miller Hiersche Martens & Hayward	11/02/95	11/02/95	0
95-0793	Nueces Canyon Consol. Indep. Sch. Dist. v. Central Education Agency	02/09/96	02/09/96	0
95-0796	Mendoza v. Eighth Court of Appeals	03/07/96	03/07/96	0
95-0802	Innovative Office Systems, Inc. v. Johnson	11/22/95	11/22/95	0
95-0819	Cantella & Co. v. Goodwin	06/28/96	06/28/96	0
95-0834	Sosa v. Central Power & Light	11/16/95	11/16/95	0
95-0859	Ellis County State Bank v. Keever	11/16/95	11/16/95	0
95-0861	Baptist Memorial Hosp. Sys. v. Arredondo	02/09/96	02/09/96	0
95-0871	In re M.C.	03/07/96	03/07/96	0
95-0892	City of San Antonio v. Rodriguez	10/18/96	10/18/96	0
95-0921	Fetchin v. Meno	02/09/96	02/09/96	0
95-0941	In re Waugh	06/14/96	06/14/96	0
95-0996	Maryland Ins. Co. v. Head Indus. Coatings & Servs., Inc.	10/18/96	10/18/96	0
95-0999	Harris County Precinct Four Constable Dept. v. Grabowski	05/10/96	05/10/96	0
95-1007	Ysleta Indep. Sch. Dist. v. Meno	02/09/96	02/09/96	0
95-1037	Brownwood Regional Hosp. v. Eleventh Court of Appeals	07/12/96	07/12/96	0
95-1057	Montalvo v. Fourth Court of Appeals	11/16/95	11/16/95	0
95-1067	Dallas County v. Harper	12/22/95	12/22/95	0
95-1070	Brownwood Regional Hosp. v. Eleventh Court of Appeals	07/12/96	07/12/96	0
95-1104	Phillips v. Beavers	01/31/97	01/31/97	0

95-1123	Peterson v. Reyna	04/12/96	04/12/96	0
95-1135	Specialty Retailers, Inc. v. Demoranville	05/10/96	05/10/96	0
95-1148	Golden Rule Ins. Co. v. Harper	07/08/96	07/08/96	0
95-1149	Calvillo v. Gonzalez	05/10/96	05/10/96	0
95-1151	Franks v. Sematech, Inc.	01/10/97	01/10/97	0
95-1152	Ortiz v. Jones	02/09/96	02/09/96	0
95-1199	Crawford v. Ace Sign, Inc.	02/09/96	02/09/96	0
95-1218	H.E. Butt Grocery Co. v. Jefferson County Appraisal Dist.	05/10/96	05/10/96	0
95-1227	Plexchem Int'l, Inc. v. Harris County Appraisal Dist.	05/10/96	05/10/96	0
95-1239	Bosler v. Travelers Ins. Co.	01/10/97	01/10/97	0
95-1242	Scott & White Mem. Hosp. v. Schexnider	08/16/96	08/16/96	0
95-1272	Simmons v. Texas State Bd. of Dental Examiners	07/08/96	07/08/96	0
95-1311	Walnut Equipment Leasing Co. v. Wu	04/12/96	04/12/96	0
95-1319	Mattix-Hill v. Reck	05/31/96	05/31/96	0
95-1339	L.M. Healthcare, Inc. v. Childs	04/12/96	04/12/96	0
96-0010	K Mart Corp. v. Sanderson	10/18/96	10/18/96	0
96-0042	Bluebonnet Sav. Bank v. Jones Country, Inc.	04/12/96	04/12/96	0
96-0073	Motor Express, Inc. v. Rodriguez	07/08/96	07/08/96	0
96-0096	Inglish v. Union State Bank	01/10/97	01/10/97	0
96-0124	Temple-Inland Forest Prods. Corp. v. Henderson Family Partnership	07/09/97	07/09/97	0
96-0125	Ryland Group, Inc. v. Hood	05/31/96	05/31/96	0
96-0148	St. Paul Surplus Lines Ins. Co. v. Dal-Worth Tak Co.	02/13/98	02/13/98	0
96-0150	Friendswood Dev. Co. v. McDade + Co.	06/28/96	06/28/96	0
96-0153	Tate v. E.I. duPont de Nemours & Co.	11/15/96	11/15/96	0
96-0156	Purcell v. Bellinger	01/31/97	01/31/97	0
96-0198	Mantas v. Fifth Court of Appeals	07/12/96	07/12/96	0
96-0199	Currie v. Travis County	12/13/96	12/13/96	0
96-0202	Larchmont Farms, Inc. v. Parra	02/21/97	02/21/97	0
96-0216	Tenery v. Tenery	06/28/96	06/28/96	0
96-0237	United States Fire Ins. Co. v. Williams	07/09/97	07/09/97	0
96-0274	Stelly v. Papania	06/28/96	06/28/96	0
96-0275	Motel 6 G.P., Inc. v. Lopez	06/28/96	06/28/96	0
96-0292	State v. Thirteenth Court of Appeals	06/06/96	06/06/96	0
96-0330	Isern v. Ninth Court of Appeals	06/14/96	06/14/96	0
96-0371	Harris County Appraisal Dist. v. Herrin	06/14/96	06/14/96	0
96-0374	Newman v. Obersteller	04/18/97	04/18/97	0
96-0389	Ex parte Rojo	07/12/96	07/12/96	0
96-0391	EZ Pawn Corp. v. Mancias	11/15/96	11/15/96	0
96-0428	De Los Santos v. Occidental Chemical Corp.	10/18/96	10/18/96	0
96-0453	Dorchester Hugoton, Ltd. v. Dorchester Master Ltd. Partnership	09/12/96	09/12/96	0
96-0478	Southland Corp. v. Lewis	02/28/97	02/28/97	0
96-0521	Bridgestone/Firestone, Inc. v. Thirteenth Court of Appeals	09/19/96	09/19/96	0
96-0555	Republican Party of Texas v. Dietz	06/19/96	06/19/96	0
96-0590	Bandera Electric Cooperative, Inc. v. Gilchrist	03/21/97	03/21/97	0
96-0595	Awde v. Dabeit	01/31/97	01/31/97	0
96-0598	In re Bennett	12/04/97	12/04/97	0
96-0617	D'Unger v. De Pena	09/19/96	09/19/96	0
96-0627	Elliott v. Rich	01/31/97	01/31/97	0
96-0633	National Union Fire Ins. Co. v. Merchants Fast Motor Lines, Inc.	02/21/97	02/21/97	0
96-0706	General Motors Corp. v. Carter-Wood Motor Co.	01/22/98	01/22/98	0
96-0736	Bright & Co. v. Hamman	02/13/97	02/13/97	0
96-0739	Littlefield v. Schaefer	10/30/97	10/30/97	0
96-0742	Downing v. Brown	12/13/96	12/13/96	0

96-0743	Angus Chem. Co. v. IMC Fertilizer, Inc.	01/10/97	01/10/97	0
96-0757	Kunstoplast of America, Inc. v. Formosa Plastics Corp.	12/13/96	12/13/96	0
96-0789	Lewis v. Lewis	02/21/97	02/21/97	0
96-0802	Moore v. State Bar of Texas	02/13/97	02/13/97	0
96-0853	Beneficial Personnel Servs. of Texas, Inc. v. Rey	01/23/97	01/23/97	0
96-0854	Beneficial Personnel Servs. of Texas, Inc. v. Porras	01/10/97	01/10/97	0
96-0861	Velsicol Chem Corp. v. Winograd	07/09/97	07/09/97	0
96-0863	United Mobile Networks v. Deaton	02/21/97	02/21/97	0
96-0872	Davis v. Taylor	09/25/96	09/25/96	0
96-0898	Farmers Texas County Mut. Ins. Co. v. Griffin	02/21/97	02/21/97	0
96-0910	Bird v. Rothstein	10/02/96	10/02/96	0
96-0916	Flores v. Banner	10/24/96	10/24/96	0
96-0917	Dunn v. Street	01/31/97	01/31/97	0
96-0932	Ex parte Acker	07/09/97	07/09/97	0
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96-0988	Page v. Geller	03/21/97	03/21/97	0
96-1041	CU Lloyd's v. Feldman	08/27/98	08/27/98	0
96-1047	Wilde v. Murchie	07/09/97	07/09/97	0
96-1110	Ex parte Guetersloh	12/13/96	12/13/96	0
96-1121	Geochem Tech Corp. v. Verseckes	02/13/98	02/13/98	0
96-1137	Wal-Mart Stores, Inc. v. Deggs	04/14/98	04/14/98	0
96-1193	Bonds v. Texas Dept. of Criminal Justice	10/02/97	10/02/97	0
96-1213	Ex parte Evans	02/21/97	02/21/97	0
96-1240	Dallas Mkt. Ctr. Dev. Co. v. Liedeker	12/04/97	12/04/97	0
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96-1275	Ex parte Shaklee	02/21/97	02/21/97	0
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97-0092	Waite Hill Servs., Inc. v. World Class Metal Works, Inc.	01/16/98	01/16/98	0
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97-0181	Stangel v. Parker	03/21/97	03/21/97	0
97-0276	State Bar of Texas v. Jefferson	04/02/97	04/02/97	0
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97-0346	Gallagher v. Fire Ins. Exch.	07/09/97	07/09/97	0
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97-0400	Reeves v. Texas Dept. of Criminal Justice	03/19/98	03/19/98	0
97-0465	In re Dallas Area Rapid Transit	02/13/98	02/13/98	0
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97-0941	State v. Roland	05/08/98	05/08/98	0
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98-1091	In re K.L.C.	04/01/99	04/01/99	0
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99-0110	Velsicol Chem. Corp. v. O'Nan	07/22/99	07/22/99	0
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99-0228	Koch Refining Co. v. Chapa	12/16/99	12/16/99	0
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99-0443	University of Texas Southwestern Med. Ctr. v. Margulis	01/06/00	01/06/00	0
99-0446	Johnstone v. State	03/09/00	03/09/00	0
99-0450	In re Univ. of Texas Health Ctr.	10/26/00	10/26/00	0
99-0463	Johnstone v. State	03/09/00	03/09/00	0
99-0466	Cris Equipt. Co. v. D. Wilson Constr. Co.	04/20/00	04/20/00	0
99-0500	In re Daisy Mfg. Co.	04/13/00	04/13/00	0
99-0501	State & County Mut. Fire Ins. Co. v. Miller	01/18/01	01/18/01	0
99-0612	Mireles v. Texas Dept. of Public Safety	12/09/99	12/09/99	0
99-0621	Kinnear v. Texas Comm'n on Human Rights	04/20/00	04/20/00	0
99-0634	Bishop v. Texas A&M Univ.	06/29/00	06/29/00	0
99-0671	Texas Dept. of Pub. Safety v. Story	06/21/01	06/21/01	0
99-0672	Texas Dept. of Pub. Safety v. Whitefield	06/21/01	06/21/01	0
99-0679	Texas Workforce Comm'n v. Texas AFL-CIO	06/22/00	06/22/00	0
99-0704	In re Union Pacific Resources Co.	12/02/99	12/02/99	0
99-0769	City of Sherman v. Hudman	02/03/00	02/03/00	0
99-0772	In re Living Centers of America, Inc.	04/13/00	04/13/00	0
99-0916	Levy v. City of Plano	03/09/00	03/09/00	0
99-0950	In re G.C.	07/06/00	07/06/00	0
99-0986	In re K.C.A.	06/22/00	06/22/00	0

99-0995	Lenert v. State Farm Lloyds Ins. Co.	10/21/99	10/21/99	0
99-1018	Morgan v. Anthony	08/24/00	08/24/00	0
99-1027	Atchison, T. & S.F. Ry. v. Guerrero	12/21/00	12/21/00	0
99-1037	M. D. Anderson Hosp. & Tumor Inst. v. Willrich	08/24/00	08/24/00	0
99-1075	Nunez v. Caldarola	04/26/01	04/26/01	0
99-1112	K-Mart Corp. v. Honeycutt	06/29/00	06/29/00	0
99-1131	Clark v. Pimienta	04/26/01	04/26/01	0
99-1204	Texas Workers' Compensation Ins. Fund v. Mandlbauer	08/24/00	08/24/00	0
99-1212	In re Southwestern Bell Tel. Co.	06/29/00	06/29/00	0
99-9082	In re Petition of Nolo Press, Inc.	04/15/99	04/15/99	0

Benczkowski, Brian A

From: Benczkowski, Brian A
Sent: Monday, July 29, 2002 8:30 PM
To: Dinh, Viet; 'brett_m._kavanaugh@who.eop.gov'
Subject: FW: NRA/Raggi

FYI. NRA alert sent out on Reena Raggi on Friday- see below. Monica Goodling is beginning to get press calls, although press is telling her that no one at NRA will go on record. Sounds like (b) (5)

BAB

-----Original Message-----

From: Barbara Ledeen <(b) (6)>
To: Willett, Don <Don.Willett@USDOJ.gov>; manuel_miranda@judiciary.senate.gov
<manuel_miranda@judiciary.senate.gov>
Sent: Mon Jul 29 18:08:03 2002
Subject: NRA/Raggi

have you got this already?

Barbara Ledeen
Director of Coalitions
Senate Republican Conference
(b) (6)

Forward Header Subject: IMPORTANT
INFORMATION ABOUT A CERTAIN JUDICIAL NOMINATION Author: "Charles H. Cunningham"
<ChuckC@visi.net> Date: 7/26/2002 6:31 PM

U.S. District Judge Reena Raggi, who is nominated for the U.S. Court of Appeals for the Second Circuit, upheld in its entirety New York City's "assault weapons" ban in *Richmond Boro Gun Club, Inc. v. City of New York*, 896 F. Supp. 276 (E.D. N.Y. 1995), *aff'd* 97 F.3d 681 (2nd Cir. 1996).

Signed into law by then-Mayor Dinkins, the ban defined "assault weapon" extremely broadly, to include even the 8-shot M1 Garand carried by GIs in World War II, sold to citizens ever since through the federal government's Civilian Marksmanship Program, and used by tens of thousands of competitive shooters in government-supported matches. The law had no grandfather clause, and police used the City's rifle/shotgun registration system to contact and threaten gun owners.

Judge Raggi's opinion accepted arguments made by the city and by the Center to Prevent Handgun violence; parts of the opinion read like anti-gun propaganda, as when she stated, "The rational link between public

007104-001949

between public

safety and a law proscribing possession of semiautomatic rifles and shotguns is so obvious that it would seem to merit little serious discussion." (In fact, the plaintiffs had presented documentation that misuse of any kind of rifle or shotgun in the city was extraordinarily low.)

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<META http-equiv=Content-Type content="text/html; charset=windows-1252"> <META
content="MSHTML 5.50.4134.600" name=GENERATOR> <STYLE></STYLE>
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<BODY bgColor=#ffffff>
<DIV><FONT face=Arial size=2>
<DIV><FONT face=Arial size=2>
<DIV><FONT face=Arial size=2><FONT face="Times New Roman" size=3>U.S. District
Judge Reena Raggi, who is nominated for the U.S. Court of Appeals for the Second
```

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Richmond Boro Gun Club, Inc. v. City of New York, 896 F. Supp. 276 (E.D. N.Y.

1995), aff'd 97 F.3d 681 (2nd Cir. 1996).</DIV> <DIV><FONT face=Arial
size=2>
Signed into

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extremely
broadly, to include even the 8-shot M1 Garand carried by GIs in World War II,
sold to citizens ever since through the federal government's Civilian
Marksmanship Program, and used by tens of thousands of competitive shooters in
government-supported matches. The law had no grandfather clause, and police used

the City's rifle/shotgun registration system to contact and threaten gun
owners.

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the Center to Prevent Handgun violence; parts of the opinion read like anti-gun
propaganda, as when she stated, "The rational link between public
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a law proscribing possession of semiautomatic rifles and shotguns is so
obvious that it would seem to merit little serious discussion." (In fact, the
plaintiffs had presented documentation that misuse of any kind of rifle or
shotgun in the city was extraordinarily
low.)</DIV></DIV></DIV></BODY></HTML>

Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov with SMTP
(IMA Internet Exchange 3.13) id 0049CE30; Fri, 26 Jul 2002 18:33:49 -0400 Received: from visi.net
(arsenal.visi.net) by mailsims1.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10
) with SMTP id <0GZV00EK6O0DK4@mailsims1.senate.gov> for Barbara_Ledeen@src.senate.gov; Fri,
26 Jul 2002 18:33:51 -0400 (EDT) Received: from [216.2.18.66] (HELO Cunningham) by visi.net
(CommuniGate Pro SMTP 3.5.6) with ESMTP id 41301166 for (b) (6); Fri, 26
Jul 2002 18:31:53 -0400 Date: Fri, 26 Jul 2002 18:31:55 -0400 From: "Charles H. Cunningham"
<ChuckC@visi.net> Subject: IMPORTANT INFORMATION ABOUT A CERTAIN JUDICIAL NOMINATION
To: "Ledeen, Barbara (SRC)" (b) (6) > Message-id: <01a101c234f4\$3f6121b0
\$710012ac@Cunningham> MIME-version: 1.0 X-Mailer: Microsoft Outlook Express 5.00.2919.6700
Content-type: MULTIPART/ALTERNATIVE; X-Virus-Scanner: McAfee Virus Engine X-MSMail-Priority:
Normal X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2919.6700 X-Priority: 3

Willett, Don

From: Willett, Don
Sent: Thursday, September 5, 2002 8:53 PM
To: Heather Wingate (E-mail); Dinh, Viet; Brett Kavanaugh (E-mail)
Subject: FW: (no subject)

Kay's e-mail below.

-----Original Message-----

From: (b)(6) Kay Daly email
Sent: Thursday, September 05, 2002 8:02 PM
To: Willett, Don
Cc: Tim Goeglein (E-mail)
Subject: (no subject)

Don, I hope you know that I do not in any way, shape or form have any kind of frustration with you whatsoever. You are truly awesome and it is just such a privilege to work with you.

It just seems like we have spent every waking and sleeping hour on something so futile. I don't mind losing a battle or two so long as I can take some of the bastards out as well. And I see them not only emerging unscathed but victorious, smug and even better financed than before. There is no downside for them. And frankly, there is no upside for all the blood we've shed.

To that end? I think a couple of things need to happen, and I told Tim Goeglein this: (b) (5)

[REDACTED]

(b) (5)

(b) (5)

007104-001951

(b) (5)

Oh well. I hope that you are home with a large, ice cold beer. I'm going to go and do something rare -- spend time with my child and read to him before he goes to sleep.

Talk to you later --

KRD

Sales, Nathan

From: Sales, Nathan
Sent: Wednesday, September 11, 2002 10:59 AM
To: Koebele, Steve; Benczkowski, Brian A; Charnes, Adam; Dinh, Viet; 'Brett M. Kavanaugh (E-mail)'; Willett, Don
Subject: RE: Prep Session for Hearing

(b) (5)

-----Original Message-----

From: Estrada, Miguel A. [mailto:MEstrada@gibsondunn.com]
Sent: Wednesday, September 11, 2002 10:58 AM
To: Sutton, Jason; Koebele, Steve; Sales, Nathan; Benczkowski, Brian A;
Charnes, Adam; Dinh, Viet; 'Brett M. Kavanaugh (E-mail)'
Cc: Willett, Don
Subject: RE: Prep Session for Hearing

(b) (5)

-----Original Message-----

From: Dinh, Viet [mailto:Viet.Dinh@usdoj.gov]
Sent: Wednesday, September 11, 2002 10:46 AM
To: Charnes, Adam; Benczkowski, Brian A; Sales, Nathan; Koebele, Steve;
Sutton, Jason; Estrada, Miguel A.; 'Brett M. Kavanaugh (E-mail)'
Cc: Willett, Don
Subject: RE: Prep Session for Hearing

Duplicate

007104-001953

September 17, 2002

NOTICE OF SUBCOMMITTEE HEARING

The Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts has scheduled a hearing for Tuesday, September 24, 2002 at 10:00 a.m. in Room 226 of the Senate Dirksen Office Building on "The DC Circuit: The Importance of Balance on the Nation's Second Highest Court."

Senator Schumer will preside.

By order of the Chairman

Sales, Nathan

From: Sales, Nathan
Sent: Wednesday, September 25, 2002 6:07 PM
To: Brett Kavanaugh (E-mail)
Subject: Miguel report
Attachments: estradalatinocoalition2.doc

Brett,

(b) (5)

(b) (5) And could you forward it to Mercy and Leonard (whose emails I can't seem to find)?

Gracias!
Nathan

007104-001955



Miguel Estrada and the Future of American Latinos

The Mexican American Legal Defense and Education Fund's (MALDEF) newfound "concerns" about the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit reveal more about the group than they do about the nominee. The special-interest groups like MALDEF that purport to speak for American Latinos are showing how out of touch they are with the everyday concerns of our community. Miguel Estrada is a nominee of unmatched qualifications. When confirmed, he will become the first Hispanic ever to sit on the D.C. Circuit, which is widely regarded as the second-highest court in the land. This will be an historic achievement, one that was unthinkable only a generation ago, and one that represents a significant milestone in our long struggle to overcome racism, poverty, and cultural exclusion. We in the Latino community should be cheering Miguel Estrada, not just for his own sake, but because his accomplishments show what every one of us is capable of achieving if we put our minds to it.

And yet some entrenched special-interest groups call them the Hispanic Establishment have chosen to place their narrow political agenda ahead of the broader interest in seeing a qualified Latino confirmed to one of the nation's highest courts. These groups advocate the defeat of one of their own simply because he may not subscribe to the political orthodoxy that they have presumed to establish. Estrada has committed the unpardonable sin for a Hispanic: independent thought. Some of our Latino leaders have decided to put partisan politics over our community's interests simply to satisfy the needs of their party bosses. Sacrificing Estrada's nomination to the demands of a partisan lynch mob is an act of betrayal to the millions of Latinos who live in this country, and the millions more who one day hope to.

The Hispanic Establishment's reaction to the Miguel Estrada nomination makes clear that more is at stake than whether this superbly well-qualified attorney takes the federal bench. More is at stake than whether one more barrier to Hispanic achievement our historical exclusion from the D.C. Circuit bench falls today, tomorrow, or some time in the near future. What's at stake is the identity of the American Latino community, and our colorful diversity of voices. MALDEF and like-minded groups apparently believe that one cannot be an authentic Latino unless one agrees to toe their party line, and to refuse to think for oneself. If these groups have their way, no Hispanic will ever be promoted to high government office unless he or she holds the Establishment-approved set of political beliefs.

We at The Latino Coalition know that the Hispanic community in America is far more diverse than MALDEF and others give us credit for being: we are a rich tapestry representing the full range of political perspectives, religious views, and socio-economic circumstances. As a federal judge on the D.C. Circuit, we are confident that Miguel Estrada will be a credit to Latinos everywhere, no matter what their background or beliefs.

Defending Anti-Gang Initiatives

Perhaps the most preposterous and repetitive claim MALDEF makes is that Estrada's effort to defend the constitutionality of anti-gang laws in Chicago and Annapolis somehow is evidence of his indifference to the difficulties faced by racial minorities, including Latinos. Nothing could be further from the truth. The innovative anti-loitering initiatives in Chicago, Annapolis, and countless other American cities represent efforts by minority communities to take back their streets from the gang members and drug dealers who habitually terrorize innocent citizens, most of whom are minorities themselves. Estrada's efforts to defend these ordinances before the U.S. Supreme Court and before a federal trial court in Maryland demonstrate his commitment to using the law to better the lives of poor residents of the inner city, who regrettably tend to be members of minority groups.

People from across the political spectrum, and members of all races, agree that gang-related violence and drug trafficking have had a devastating impact on the lives of inner-city residents. Gang members routinely loiter on street corners, both to establish control over neighborhood residents and to "mark their turf" against rival gangs. As a result, people who live in gang-infested neighborhoods often are afraid to even leave their homes. Simply walking to the grocery store, or escorting one's children to the neighborhood park, exposes them to the risks of drive-by shootings and drug solicitations. No wonder a Justice Department report issued during the Clinton Administration concluded that **gangs have "[v]irtually overtake[n] certain neighborhoods, contributing to the economic and social decline of these areas and causing fear and lifestyle changes among law-abiding residents."** *OJP Monograph, Urban Street Gang Enforcement* (1997).

That's why anti-gang laws like the ones in Chicago and Annapolis have the strong backing of minorities who live in our nation's crime-ridden neighborhoods. After 74-year-old Chicagoan Emmett Moore saw his house sprayed with bullets during a recent gang turf war, he explained: **"The constitution is supposed to protect my rights too. What's a more basic right than feeling safe on my property or being able to walk on my street?"** *Patriot-Ledger* (Quincy, Mass.), June 11, 1999. Bennie Meeks, head of the Southwest Austin Council on Chicago's west side, likewise wondered **"if we don't use this law as a tool, how are we going to get these guys off the corner? What about the constitutional rights of my neighbors whose kids have to walk by that corner every day on their way to school?"** *New York Times*, June 12, 1999.

Chicago Mayor Richard Daley, a Democrat who the *New York Times* calls the "fiercest advocate" of Chicago's anti-gang law, *New York Times*, June 12, 1999, explains that his ordinance was designed to protect these vulnerable citizens from predatory gang members who seek to do them harm. In fact, Mayor Daley likens gang members to terrorists: **"I tell you one thing, those drug dealers and gang-bangers are terrorists, too."** *Chicago Sun-Times*, Nov. 23, 2001. Mayor Daley knows what inner-city minorities know, but what their self-appointed "representatives" in Washington-based interest groups apparently do not: that these laws were written to help the residents of poor, urban neighborhoods, who suffer disproportionately from the scourges of gang violence and drug trafficking. **"I don't see too many gangbangers on Lake Shore Drive."** *Chicago Tribune*, Oct. 1, 2000. Those who criticize such efforts to

improve the lot of our nation's most vulnerable citizens rarely live in the conditions that prompted Chicago, Annapolis, and countless other cities to adopt these innovative measures.

Estrada is hardly the only lawyer to submit briefs defending the constitutionality of anti-gang laws. In fact, the President Clinton's **Solicitor General Seth Waxman** filed a Supreme Court brief arguing in favor of Chicago's ordinance. So did **Representative Luis V. Gutierrez (D-IL)**, a member of the Congressional Hispanic Caucus. And so did the Attorneys General from 31 states, including five states represented by Democrats on the Senate Judiciary Committee: **California, Delaware, Illinois, New York, and North Carolina.**

MALDEF also faults Estrada for his service on the Board of Directors of the Center for the Community Interest. CCI is a mainstream organization dedicated to serving as a voice for the community on crime and quality-of-life issues. It would seem that inner-city residents can no longer count on establishment groups to advance their interests, and organizations like CCI have stepped in to fill the void. In particular, CCI has defended "Megan's Laws" and other measures to protect children from sexual predators, has assisted public-housing tenants in evicting drug dealers from their housing projects, and has fought for mandatory HIV testing of rapists.

CCI is supported by individuals and organizations from across the political spectrum. According to the group's web site, one of its principal sources of funding is the New York-based Bernard and Anne Spitzer Foundation. In fact, their son, New York Attorney General **Eliot Spitzer** served on CCI's board before he was elected to public office. No one would mistake Spitzer for a right-wing activist; a Democrat, he is best known for spearheading a lawsuit brought by several states against the tobacco industry. CCI's advisory board also includes **Ronald Truss**, president of the Birmingham, Alabama chapter of the NAACP. Other prominent liberals and Democrats with ties to CCI include Milwaukee Mayor **John Norquist**; **Fred Siegel**, a scholar with the Democratic Leadership Council; **Richard Girgenti**, former New York State Director of Criminal Justice under Governor Mario Cuomo; **Seymour Lachman**, a member of the New York State Senate; and **Stephen Kaufman** and **Nettie Mayersohn**, members of the New York State Assembly.

Remarkably, MALDEF and the rest of the Hispanic Establishment were nowhere to be seen several months ago, when the Senate confirmed **Michael Baylson** to be a U.S. District Judge for the Eastern District of Pennsylvania. Like Estrada, Judge Baylson has served on CCI's board of directors. And yet his affiliation with the group got a free pass. The groups' latter-day concern about CCI illustrates that they are less concerned about improving the lot of underprivileged Latinos, than they are in ensuring that American Latinos dutifully subscribe to their established political orthodoxy.

A Balanced Approach to Law Enforcement

Although Estrada spent his early career as an Assistant U.S. Attorney in New York, and as a lawyer in the Solicitor General's office during the Clinton Administration, he also has gone out of his way to ensure that criminal defendants receive proper treatment from the criminal justice system. For instance, in *Strickler v. Greene*, 527 U.S. 263 (1999), Estrada represented a

capital-murder convict in his death-row appeal before the Supreme Court. Tommy David Strickler, whom Estrada represented free of charge, was convicted of abducting a college student from a shopping center and murdering her. Estrada argued that the Commonwealth of Virginia had unlawfully withheld potentially exculpatory evidence. He thus showed his willingness to stand up for the rights of all people, even those convicted of brutal crimes, when the government abuses its law-enforcement powers.

Estrada's commitment to the constitutional rights of criminal defendants, as well as his manifest skills as an appellate advocate, explain why Barbara Hartung, his co-counsel in the case, asked him to help represent Tommy Strickler. Hartung has written the Senate Judiciary Committee to emphasize that **Estrada "values highly the just and proper application of the law. . . . Miguel's respect for the Constitution and the law may explain why he took on Mr. Strickler's case, which at the bottom concerned the fundamental fairness of a capital trial and death sentence. . . .** I should note that Miguel and I have widely divergent political views and disagree strongly on important issues. However, I am confident that Miguel Estrada will be a distinguished, fair and honest member of the federal appellate bench."

MALDEF wrongly assumes that Estrada was responsible for deciding what positions to take in the cases he argued on behalf of law enforcement when he was at the Solicitor General's office. In fact, Estrada was a career lawyer in a civil service position, and it was his role in the cases cited by MALDEF to advance the positions chosen by his supervisors in this case, representatives of the Clinton Administration not to make policy himself. To the extent that it is "troubled" by any of these positions, MALDEF's beef is with policymakers like President Clinton and Attorney General Reno, not with line attorneys like Miguel Estrada.

Take, for example, the first case MALDEF cites as evidence of Estrada's alleged prosecution bias: *Richards v. Wisconsin*, 520 U.S. 385 (1997), where the court considered whether to create an exception to the "knock and announce rule" when police officers execute a search warrant in a felony drug investigation. The first name listed on the Clinton Administration's amicus brief in that case was **Walter Dellinger**, then serving as President Clinton's Solicitor General. The same is true of the second cited case: *Powell v. Nevada*, 511 U.S. 79 (1994), where the Clinton Administration's amicus brief was authorized by Solicitor General **Drew Days**.

MALDEF's treatment of *Richards* is additionally problematic because the group inaccurately describes the Clinton Administration's position in that case. Although the state of Wisconsin was arguing for a categorical, per se exception in felony drug cases, Estrada argued for a much narrower, case-by-case exception, as the following excerpt from the oral argument transcript reveals:

Question: "You are suggesting a general standard, not a per se rule. Is that an appropriate characterization of your brief and of your argument?"

Mr. Estrada: "That is right, Justice Kennedy. All we're saying is that the standard that is offered by [defense counsel] is so low that in the absence of any further information the officer's knowledge that the case involves drug-dealing will itself be

a reasonable basis for a case-specific reasonable belief that there is danger to the officers.”

Question: “Well, you’re not supporting the Wisconsin rule in any event, the Wisconsin supreme court per se rule.”

Mr. Estrada: “No, we’re not.”

It should come as no surprise that the Supreme Court unanimously adopted the position Estrada articulated on behalf of the Clinton Administration.

Defending Congressional Prerogatives

MALDEF next objects to an amicus brief Estrada filed in *Dickerson v. United States*, 530 U.S. 428 (2000), where he urged the Supreme Court to defer to a congressional statute that limited the reach of *Miranda v. Arizona*, 384 U.S. 436 (1966). In fact, Estrada has appeared on both sides of *Miranda*-type cases. In *Campaneria v. Reid*, 891 F.2d 1014 (2d Cir. 1989) Estrada’s first case as a practicing lawyer, and a pro bono matter to boot Estrada argued that a police interrogation must cease immediately after a suspect unequivocally invokes his constitutional right to remain silent.

Campaneria, who was stabbed, was believed by police to have shot his assailant. After the altercation, Campaneria was treated at a hospital, and police officers read him his *Miranda* warnings. The defendant who had little understanding of the English language, was being treated in an intensive care unit, and was on medication replied, “No, I don’t want to talk to you now, maybe come back later.” Although Campaneria had unequivocally invoked his right under *Miranda* to remain silent, the officer continued, “If you want to talk, now is the time to do it.” Campaneria then agreed to talk, and during the subsequent interview made incriminating statements. Estrada, who was working with the Legal Aid Society and the Federal Defender Services Unit in New York City, argued both that his client’s statements were not voluntarily made, and that they had been obtained in violation of *Miranda*.

As the *Campaneria* case makes plain, the arguments Estrada advanced in *Dickerson* on behalf of his client do not reflect any latent hostility to the rights of criminal defendants. Instead, Estrada’s client the Maricopa County Attorney’s Office believed that the Supreme Court should defer to an act of Congress, 18 U.S.C. § 3501, that sought to restore the traditional “voluntariness” test for the admissibility of confessions. Under that standard, coerced confessions are unconstitutional, but a voluntary confession need not be excluded simply because of a technical defect in warnings given to a suspect.

Estrada’s central argument in *Dickerson* was that a congressional enactment was entitled to judicial deference, and he urged the Supreme Court to respect Congress’s independent power to interpret the Constitution. Estrada’s argument thus was consistent with the Senate Judiciary Committee’s report accompanying § 3501, which concluded that **“voluntary confessions have been admissible in evidence since the earliest days of the Republic.”** 1968 USCCAN at

2137, 2124. The brief was consistent with the Senate's additional conclusion that **"the rigid and inflexible requirements of the majority opinion in the *Miranda* case are unreasonable, unrealistic, and extremely harmful to law enforcement."** 1968 USCCAN at 2132. Thus, to the extent that the *Dickerson* brief reveals anything at all about Estrada's personal views, it shows only that he has a healthy respect for the power of Congress to enact laws designed to address pressing social problems.

More fundamentally, the arguments a lawyer makes on behalf of a client are not evidence of his or her personal views. Rule 1.2(b) of the ABA's Model Rules of Professional Conduct makes clear that **"[a] lawyer's representation of a client . . . does not constitute an endorsement of the client's political, economic, social, or moral views or activities."** On the contrary, lawyers have an ethical obligation to make all reasonable arguments that will advance their clients' interests. According to Rule 3.1 **a lawyer may make any argument if "there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law."** Lawyers would violate their ethical duties to their clients if they only made arguments with which they would agree if they were a judge.

If confirmed, Estrada can be trusted to apply the Supreme Court's decision in *Miranda*, just as he would do with all other binding precedents. History is full of examples where a lawyer who loses a case faithfully applies that precedent after being elevated to the bench. In a companion case to *Miranda*, U.S. Solicitor General Thurgood Marshall argued that police officers should not be required to give warnings before questioning crime suspects. **"An inflexible constitutional rule turning on . . . the recitation or omission of a warning may be easier to apply, but we believe that it will, more often than not, cast out the baby with the bath."** Brief of the United States at 38. Yet as a Justice on the Supreme Court, Justice Marshall had no difficulty applying *Miranda* and its progeny. In *Duckworth v. Eagan*, 492 U.S. 195 (1989), Justice Marshall dissented from the majority's decision to narrow the scope of *Miranda*: **"I refuse to acquiesce in the continuing debasement of this historic precedent."**

A Commitment to Eradicating Racial Discrimination

As a lawyer who has himself overcome significant obstacles, Estrada has shown a keen awareness of the continuing problem of racial discrimination, and an equally keen commitment to eradicating it. For example, Mary Jo White, President Clinton's U.S. Attorney for the Southern District of New York, invited Estrada to join a working group that she tasked with finding ways to increase the number of Assistant U.S. Attorneys from minority groups. Estrada gladly accepted this invitation and has made important contributions to the group's efforts to enhance minority hiring in that office.

As one of only four Hispanics ever hired to clerk for the Supreme Court, Estrada is profoundly aware of the lack of minorities in the upper echelons of the judiciary. He now seeks to become the first Hispanic ever to sit on the D.C. Circuit. Given the difficulty he himself has faced throughout his career, as a Circuit Judge, Estrada would go out of his way to give

consideration to all qualified clerkship candidates, no matter what their race or economic circumstances.

MALDEF's citation to a 1998 *USA Today* article about how Supreme Court Justices rarely hire minority clerks suggests nothing to the contrary. Estrada was quoted as stating that the statistical underrepresentation does not mean that the Justices are deliberately discriminating against minority applicants: "if there was some reason for underrepresentation, it would be something to look into, but I don't have any reason to think it's anything other than a reflection of trends in society." In other words, Supreme Court Justices hire their clerks from a narrow pool of applicants: those who have graduated at the top of their classes from the nation's top law schools, and who have gone on to clerk for well-regarded lower-court judges. For a variety of reasons, this pool does not include a large number of minorities. According to Estrada, these "trends in society," not invidious discrimination on the part of the Justices, explain why there are relatively few minority Supreme Court clerks.

Fairness to All, Rich and Poor Alike

Both in government service and private practice, Estrada has sought to ensure that all citizens regardless of their economic, social or ethnic background receive the law's fullest protections and benefits. Because of his commitment to upholding the law, he has garnered strong bipartisan support from those who are familiar with his record. These individuals are certain that Estrada would guarantee everyone who came before him a fair trial. The Chief of Staff to former Vice President Al Gore wrote to the Senate Judiciary Committee that: "Miguel will rule justly toward all, without showing favor to any group or individual. . . . The challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need. . . . Those without means or without advantage will get a fair hearing from Miguel Estrada."

Although Estrada has represented corporations in some cases, this in no way implies that as a judge he would give them an unfair advantage in court any more than the fact that he represented a death row inmate means that he would give an advantage to convicted murderers. As discussed above, ethics rules make plain that an attorney's representation of a particular client does not mean that the attorney endorses the client's views or actions. As a well-respected appellate lawyer, it has been Estrada's professional duty to represent his clients to the best of his ability. It would be inaccurate and unfair to characterize any position he has taken on behalf of a client as indicative of how he would rule as a judge.

The Senate and, more to the point, the Hispanic Establishment have followed this understanding when examining the records of recent nominees now serving on Circuit Courts. For example, Roger Gregory, originally nominated by President Clinton to the 4th Circuit, once represented General Motors against sex-discrimination and pay-disparity claims under Title VII. And Clinton appointee Sandra Lynch of the 1st Circuit represented General Electric in a race-discrimination claim by an African-American employee who alleged that he was passed over for promotions in favor of white employees. Both were confirmed with relatively little to-do, and MALDEF never saw fit to oppose their nominations.

Confirm Estrada Now!

Not much can be said about Miguel Estrada's superlative qualifications that hasn't already been discussed. The recipient of the American Bar Association's highest possible rating a unanimous "well qualified" Estrada is an American success story. But regrettably, some self-appointed "representatives" of the Hispanic community have chosen to overlook Estrada's stellar legal career and oppose him not because they believe he lacks the necessary skills, not because they doubt his fairness and integrity, but because he dares to think for himself. Now, when American Latinos are on the verge of another milestone in our long struggle for equality and prosperity one of our own on the second highest court in the land some in the Hispanic Establishment have sold out the aspirations of our people, trading it for a bit of momentary influence with the power brokers in Washington, DC. We have every confidence that the Senate will ignore this cynical ploy, and confirm Miguel Estrada to the D.C. Circuit speedily.

Image not available for this document, ID: 0.7.19343.8668 000001

Dinh, Viet

From: Dinh, Viet
Sent: Friday, November 15, 2002 1:34 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: 'Bradford_A._Berenson@who.eop.gov'
Subject: RE: Shedd and McConnell

Great. thanks

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, November 15, 2002 1:29 PM
To: Dinh, Viet
Cc: Bradford_A._Berenson@who.eop.gov
Subject: RE: Shedd and McConnell

Heather is on this.

(Embedded
image moved "Dinh, Viet" <Viet.Dinh@usdoj.gov>
to file: 11/15/2002 01:25:35 PM
pic03884.pcx)

Record Type: Record

To: "Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested), Bradford A. Berenson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP

cc: "Ayres, David" <David.T.Ayres@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested), "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested), "Ciongoli, Adam"
<Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested)

Subject: RE: Shedd and McConnell

007104-001965

Brad and Brett,

Can you raise for immediate senior staff consideration (b) (5)

thanks

-----Original Message-----

From: Charnes, Adam

Sent: Friday, November 15, 2002 1:06 PM

To: 'Bradford_A._Berenson@who.eop.gov'; Dinh, Viet

Subject: RE: Shedd and McConnell

We are on it. Thanks.

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov

[mailto:Bradford_A._Berenson@who.eop.gov]

Sent: Friday, November 15, 2002 12:38 PM

To: Charnes, Adam; Dinh, Viet

Subject: Re: Shedd and McConnell

I think you guys need to know about this. (b) (5)

----- Forwarded by Bradford A. Berenson/WHO/EOP on 11/15/2002 12:34 PM -----

Bradford A. Berenson

11/15/2002 12:31:07 PM

Record Type: Record

To: Heather Wingate/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message bcc: Records Management@EOP Subject: Re: Shedd and McConnell (Document link: Bradford A. Berenson)

Senator Hollings has just informed certain individuals that the Democrats are planning to filibuster Dennis Shedd and that there will be a cloture vote -- not a confirmation vote -- on the Shedd nomination Monday evening. (b) (5)

007104-001966

(b) (5)

Heather Wingate
11/15/2002 12:23:09 PM

Record Type: Record

To: See the distribution list at the bottom of this message cc:
bcc:
Subject: Re: Shedd and McConnell (Document link: Bradford A. Berenson)

Update: looks like McConnell/Shedd will not move until early next week now. My guess is (b) (5)

I'll keep you updated.

Heather Wingate
11/15/2002 10:26:37 AM

Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP

cc: brett m. kavanaugh/who/eop@eop, alberto r. gonzales/who/eop@eop, timothy
e. flanigan/who/eop@eop, heather wingate/who/eop@eop Subject: Re: Shedd and McConnell

No worries. (b) (5)

...

----- Original Message -----

From: Kyle Sampson/WHO/EOP
To: Bradford A. Berenson/WHO/EOP@EOP
Cc: brett m. kavanaugh/who/eop@eop,
alberto r. gonzales/who/eop@eop,
timothy e. flanigan/who/eop@eop,
heather wingate/who/eop@eop

007104-001967

Date: 11/15/2002 10:15:16 AM
Subject: Re: Shedd and McConnell

(b) (5)

Bradford A. Berenson
11/15/2002 10:12:34 AM
Record Type: Record

To: See the distribution list at the bottom of this message cc:
Subject: Shedd and McConnell

(b) (5)

Message Sent To: _____ Brett M.
Kavanaugh/WHO/EOP@EOP Kyle Sampson/WHO/EOP@EOP Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP Heather Wingate/WHO/EOP@EOP

Message Sent To: _____

kyle sampson/who/eop@eop
bradford a. berenson/who/eop@eop
brett m. kavanaugh/who/eop@eop
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
heather wingate/who/eop@eop

007104-001968

Message Copied To: _____

kyle sampson/who/eop@eop
bradford a. berenson/who/eop@eop
brett m. kavanaugh/who/eop@eop
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
heather wingate/who/eop@eop

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, January 14, 2003 7:44 PM
To: Ciongoli, Adam; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam
Subject: RE: Ronnie White, the Sequel

I would also note (b) (5)

"

-----Original Message-----

From: Ciongoli, Adam
Sent: Tuesday, January 14, 2003 7:32 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Dinh, Viet
Cc: Charnes, Adam
Subject: Re: Ronnie White, the Sequel

These are quite good.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
To: Dinh, Viet <Viet.Dinh@USDOJ.gov>
CC: Charnes, Adam <Adam.Charnes@USDOJ.gov>; Ciongoli, Adam <Adam.Ciongoli@USDOJ.gov>
Sent: Tue Jan 14 17:53:26 2003
Subject: Re: Ronnie White, the Sequel

Background points we gave press office last week are as follows:

(b) (5)

007104-001970

(b) (5)

Dinh, Viet

From: Dinh, Viet
Sent: Friday, January 17, 2003 2:56 PM
To: Benczkowski, Brian A; Charnes, Adam
Cc: 'Kavanaugh, Brett'; 'David_G._Leitch@who.eop.gov'
Subject: RE: Pryor

I love it when a plan comes together. This is exactly how this game should be played. Congratulations, Brian, and please pass my thanks on to Ed Haden also. Brett, can you pass on to Ben with my congrats?

thanks

Viet

-----Original Message-----

From: Benczkowski, Brian A
Sent: Friday, January 17, 2003 11:34 AM
To: Dinh, Viet; Charnes, Adam
Subject: FW: Pryor

FYI

BIRMINGHAM NEWS

Pryor's reputation eyed

Inquiries standard for judicial nominees

01/17/03

MARY ORNDORFF

News Washington correspondent

WASHINGTON The U.S. Justice Department is polling Alabama lawyers about the legal reputation of Attorney General Bill Pryor, a sign his candidacy for a seat on a federal appeals court is gaining steam.

The White House is considering nominating Pryor to the 11th U.S. Circuit Court of Appeals, and government inquiries into his qualifications and background are standard before the nomination is submitted to the U.S. Senate.

"I told them that I think he is very qualified by intellect, temperament, character and his fairness," said Anthony Joseph, a Birmingham lawyer who has worked both for and against Pryor on past cases. He

007104-001972

said a Justice Department employee called him this week.

If confirmed by the Senate, Pryor would take a lifetime seat on the Atlanta-based appeals court that is one judicial level below the U.S. Supreme Court.

U.S. Sen. Jeff Sessions, a member of the Senate Judiciary Committee and Pryor's former boss, has said President Bush was considering nominating the 40-year-old state prosecutor.

The president's original nominee, federal magistrate William Steele of Mobile, languished for 15 months without a confirmation hearing. Black organizations had objected to Steele's ruling in a racial harassment case that eventually was overturned. For the 108th Congress, which took office this month, Bush instead nominated Steele for a district court seat in Mobile.

Race can be a major factor in judicial nominations and since Senate Majority Leader Trent Lott of Mississippi endorsed a segregationist for president and had to resign his post, Republicans are especially sensitive to the issue. Sessions himself was turned down for a federal judgeship by the committee on which he now sits because of allegations of racial insensitivity.

Joseph, who is black, said the Justice Department did not ask any race-related questions.

"Based on my knowledge of him, I would be very surprised (if race became an issue in Pryor's confirmation)," Joseph said.

Cleo Thomas, an Anniston lawyer, said the Justice Department called him Tuesday about Pryor.

"I told them he had an excellent reputation in the legal community," Thomas said. "He has a breadth of legal experience and education and the right judicial temperament."

Thomas, who is black, said race was never mentioned, but they did ask who he thought would oppose a Pryor nomination.

"I told them I didn't know of anybody who would oppose him," Thomas said.

But Pryor, a partisan Republican, prolific writer and frequent public speaker, has made no secret of his positions on several major issues facing the federal judiciary. He's against abortion, and he believes in protecting the Second Amendment rights regarding gun ownership, states' rights trumping the federal government's, government displays of the Ten Commandments and student-led prayer in public schools.

Democrats in the U.S. Senate have in the past opposed nominees they believe are too beholden to their political beliefs to be an objective jurist, but there has not been public criticism of Pryor along those lines.

Sales, Nathan

From: Sales, Nathan
Sent: Friday, January 24, 2003 10:44 AM
To: Charnes, Adam; Benczkowski, Brian A; Dinh, Viet; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Hatch

Adler just posted the following on National Review's Corner:

WHAT'S HATCH THINKING? [Jonathan H. Adler]

The good news is that Judiciary Committee Chairman Orrin Hatch will expedite the confirmations of most of President Bush's judicial nominations. I say most because Hatch is definitely putting the brakes on some others. At this morning's business meeting, Hatch announced he plans to hold more hearings on Justice Priscilla Owen and Judge Charles Pickering. As if giving Schumer & Co. another chance to take pot shots at the nominees will somehow make their confirmation easier. In more positive news, it looks like Miguel Estrada may finally get a committee vote next week.

-----Original Message-----

From: Sales, Nathan
Sent: Friday, January 24, 2003 9:56 AM
To: Charnes, Adam; Benczkowski, Brian A; Dinh, Viet; 'Brett_M._Kavanaugh@who.eop.gov'; Willett, Don; Benedi, Lizette D; Koebele, Steve; Hall, William; Remington, Kristi L; Chenoweth, Mark; Joy, Sheila
Subject: Hatch

Hatch just said, explicitly: "in due course, we're going to have hearings for Priscilla Owen and Judge Pickering."

-----Original Message-----

From: Sales, Nathan <Nathan.Sales@USDOJ.gov>
To: Charnes, Adam <Adam.Charnes@USDOJ.gov>; Benczkowski, Brian A <Brian.A.Benczkowski@USD
OJ.gov>
Sent: Fri Jan 24 09:41:14 2003
Subject: Miguel

Hatch just announced that he's being held over.

007104-001974

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, January 28, 2003 9:37 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: 'David_G._Leitch@oa.eop.gov'; 'Alberto_R._Gonzales@oa.eop.gov'
Subject: RE: ABA alert

will check immediately, but we should (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, January 27, 2003 9:23 PM
To: Dinh, Viet
Cc: David_G._Leitch@oa.eop.gov; Alberto_R._Gonzales@oa.eop.gov
Subject: ABA alert

The ABA web site indicates that the ABA committee has "re-rated" all 14 of the circuit nominees except for Pickering. Any idea what is going on? (b) (5)

007104-001975

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Tuesday, January 28, 2003 3:26 PM
To: Alberto_R._Gonzales@oa.eop.gov; David_G._Leitch@oa.eop.gov;
Kyle_Sampson@who.eop.gov; Ashley_Snee@oa.eop.gov;
Heather_Wingate@oa.eop.gov
Cc: Dinh, Viet
Subject: Wash Post editorial page views on Sutton

Post is likely to strongly oppose Sutton, as expected. (Wittes WILL await the hearing to hear Sutton's side of case.) The Post is very concerned about the federalism line of cases and views Sutton as an extreme crusader on that issue, particularly in two Federalist Society speeches of Sutton that Wittes has read. (As always, Wittes has done his homework and read everything.) (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]: the Post has supported Owen. Pickering, Estrada, and Roberts.

007104-001976

Dinh, Viet

From: Dinh, Viet
Sent: Friday, January 31, 2003 10:49 AM
To: Corallo, Mark; Goodling, Monica; 'Kavanaugh, Brett';
'David_G._Leitch@who.eop.gov'; 'Ashley_Snee@who.eop.gov';
'Jennifer_G._Newstead@who.eop.gov'; Charnes, Adam; Benczkowski, Brian A
Subject: Neil Lewis and Pickering

Need help; please advise.

(b) (5)

[REDACTED]

007104-001977

Dinh, Viet

From: Dinh, Viet
Sent: Monday, February 3, 2003 12:39 PM
To: Benczkowski, Brian A; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam; Brown, Jamie E (OLA); 'Heather_Wingate@who.eop.gov'; 'Wendy_J._Grubbs@who.eop.gov'
Subject: RE: Estrada Rapid Response distribution list

(b) (5)

-----Original Message-----

From: Benczkowski, Brian A
Sent: Monday, February 03, 2003 11:00 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Charnes, Adam; Brown, Jamie E (OLA); Dinh, Viet; 'Heather_Wingate@who.eop.gov'; 'Wendy_J._Grubbs@who.eop.gov'
Subject: RE: Estrada Rapid Response distribution list

(b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, February 03, 2003 10:53 AM
To: Benczkowski, Brian A
Cc: Charnes, Adam; Brown, Jamie E (OLA); Dinh, Viet; Heather_Wingate@who.eop.gov; Wendy_J._Grubbs@who.eop.gov
Subject: RE: Estrada Rapid Response distribution list

(b) (5)

(Embedded
image moved "Benczkowski, Brian A"
to file: <Brian.A.Benczkowski@usdoj.gov>

007104-001978

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Dinh, Viet" <Viet.Dinh@usdoj.gov>

Subject: RE: Estrada Rapid Response distribution list

This list looks good from the legislative and press sides of things.

(b) (5)

Finally, can we also set up a dedicated fax into the Veeps office, and get key fax numbers for Senate leadership offices? As you may be aware, when things are busy, e-mail often takes several hours to penetrate the Senate's firewall. In the interest of keeping the Rapid Response truly rapid, we probably should have a back-up plan via fax.

BAB

-----Original Message-----

From: Brown, Jamie E (OLA)

Sent: Monday, February 03, 2003 9:46 AM

To: Benczkowski, Brian A

Cc: Charnes, Adam; Heather Wingate (E-mail); Wendy Grubbs (E-mail)

Subject: Estrada Rapid Response distribution list

As per my conversation with Heather, below are the e-mails for an Estrada Rapid Response distribution group list. It includes the e-mails into the Veep's office, RPC, Senate R leadership, Hatch nominations team, and a counsel to each Republican member of the committee.

(b) (5)

Sara_nokes@vp.senate.gov

(b)(6) V.P. Senate Email

heather_wingate@who.eop.gov

wendy_j._grubbs@who.eop.gov

jamie.e.brown@usdoj.gov

nancy.scottfinan@usdoj.gov

rena_johnson_comisac@judiciary.senate.gov

Alex_Dahl@Judiciary.senate.gov

(b)(6) Barbara Ledeen Senate email

brett_kavanaugh@who.eop.gov

Alex_Vogel@frist.senate.gov

(b)(6) John Abegg Senate Email

Margarita_Tapia@Judiciary.senate.gov

frank_brown@specter.senate.gov

James_Galyean@lgraham.senate.gov

Chad_Groover@Judiciary.senate.gov

Makan_Delrahim@Judiciary.senate.gov

Amy_Haywood@Judiciary.senate.gov

Manuel_Miranda@Judiciary.senate.gov

Swen_Prior@Judiciary.senate.gov

(b)(6) Stephen Higgins Senate Email

William_Smith@Judiciary.senate.gov

monica.goodling@usdoj.gov

asnee@who.eop.gov

(b)(6) Beth Jafari Senate Email

steven_duffield@rpc.senate.gov

Katie_Gumerson@rpc.Senate.Gov

Steve_Taylor@Judiciary.senate.gov

brooke_roberts@craig.senate.gov

Jim_Irwin@chambliss.senate.gov

Message Sent To: _____

"Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov>

"Charnes, Adam" <Adam.Charnes@usdoj.gov>

Heather Wingate/WHO/EOP@EOP

Wendy J. Grubbs/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, March 5, 2003 4:20 PM
To: Dinh, Viet
Subject: Re: for nomination next Tuesday March 11

I am tiger woods.

.

----- Original Message -----

From: <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/05/2003 04:16:09 PM
Subject: RE: for nomination next Tuesday March 11

I am dinh

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, March 05, 2003 4:14 PM
To: Dinh, Viet
Subject: Re: for nomination next Tuesday March 11

I am kuhl.

...

----- Original Message -----

From: <Viet.Dinh@usdoj.gov>
To: <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested),
Brett M. Kavanaugh/WHO/EOP@EOP
Cc: <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested),
<Sheila.Joy@usdoj.gov> (Receipt Notification Requested),
Helgard C. Walker/WHO/EOP@EOP,
Benjamin A. Powell/WHO/EOP@EOP
Date: 03/05/2003 04:05:05 PM
Subject: RE: for nomination next Tuesday March 11

I have one phone call out (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

007104-001981

(b) (5)

. I know that is optimistic, but you know me.

Who is WH lead on Carolyn Kuhl?

-----Original Message-----

From: Charnes, Adam

Sent: Wednesday, March 05, 2003 3:59 PM

To: 'Brett_M._Kavanaugh@who.eop.gov'

Cc: Benczkowski, Brian A; Joy, Sheila; 'Helgard_C._Walker@who.eop.gov';

'Benjamin_A._Powell@who.eop.gov'; Dinh, Viet

Subject: RE: for nomination next Tuesday March 11

We had a conference call this morning with OLP, Ben, Bill, Sen. Sessions' staff, and Ed Haden to discuss planning for this nomination, and I think (b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Wednesday, March 05, 2003 3:41 PM

To: Brett_M._Kavanaugh@who.eop.gov

Cc: Charnes, Adam; Benczkowski, Brian A; Joy, Sheila;

Helgard_C._Walker@who.eop.gov; Benjamin_A._Powell@who.eop.gov

Subject: Re: for nomination next Tuesday March 11

false alarm: (b) (5)

Brett M. Kavanaugh

03/05/2003 03:27:32 PM

Record Type: Record

To: "Joy, Sheila" <Sheila.Joy@usdoj.gov>, adam.arnes@usdoj.gov,

brian.a.benczkowski@usdoj.gov

cc: Helgard C. Walker/WHO/EOP@EOP, Benjamin A. Powell/WHO/EOP@EOP bcc: Records

Management@EOP Subject: for nomination next Tuesday March 11 (Document link: Brett M.

007104-001982

Kavanaugh)

(b) (5)



Dinh, Viet

From: Dinh, Viet
Sent: Monday, March 17, 2003 5:54 PM
To: Brown, Jamie E (OLA); 'Brett_M._Kavanaugh@who.eop.gov'; 'Wendy Grubbs (E-mail)'; Benczkowski, Brian A
Subject: RE: Estrada Reply

Jamie, (b) (5)

thanks

-----Original Message-----

From: Brown, Jamie E (OLA)
Sent: Monday, March 17, 2003 4:48 PM
To: Dinh, Viet; 'Brett_M._Kavanaugh@who.eop.gov'; Wendy Grubbs (E-mail); Benczkowski, Brian A
Subject: FW: Estrada Reply

Duplicate

007104-001984

Dinh, Viet

From: Dinh, Viet
Sent: Monday, March 17, 2003 9:04 PM
To: Benczkowski, Brian A; 'Brett_M._Kavanaugh@who.eop.gov'; Brown, Jamie E (OLA)
Cc: 'Wendy_J._Grubbs@who.eop.gov'
Subject: Re: Estrada Reply

Me four.

--- Sent from my BlackBerry.

-----Original Message-----

From: Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>
To: 'Brett_M._Kavanaugh@who.eop.gov' <Brett_M._Kavanaugh@who.eop.gov>; Brown, Jamie E (OLA) <Jamie.E.Brown@USDOJ.gov>
CC: Dinh, Viet <Viet.Dinh@USDOJ.gov>; 'Wendy_J._Grubbs@who.eop.gov' <Wendy_J._Grubbs@who.eop.gov>
Sent: Mon Mar 17 18:46:26 2003
Subject: RE: FW: Estrada Reply

(b) (5)

[REDACTED]

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, March 17, 2003 6:44 PM
To: Brown, Jamie E (OLA)
Cc: Benczkowski, Brian A; Dinh, Viet; Wendy_J._Grubbs@who.eop.gov
Subject: Re: FW: Estrada Reply

I tend to think (b) (5)

[REDACTED]

(Embedded

image moved "Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov>
to file: 03/17/2003 04:48:26 PM
pic08634.pcx)

007104-001985

Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), Wendy J. Grubbs/WHO/EOP@EOP, "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Estrada Reply

As per the e-mail below, Tom Boyd (former AAG/OLA) has offered to send the following letter. (b) (5)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
(b) (5). Thanks

-----Original Message-----

From: Boyd, Tom [mailto:TBoyd@alston.com]
Sent: Monday, March 17, 2003 1:52 PM
To: Brown, Jamie E (OLA)
Subject: FW: Estrada Reply

Jamie, the attached is what I would propose to send to the Senate Judiciary Committee if the Department thinks it to be useful. Please let me know what the collective wisdom is at your earliest opportunity. And I would also need to have confirmation that what the text says is accurate; it is my understanding of past and present Departmental policy and it squares with John Bolton's recollection as well. He has also reviewed and approved this draft.

> Dear Senator:

>

> On February 11, you introduced into the Senate Record a copy of a May 10, 1988, letter which I wrote when I served as Assistant Attorney General in charge of the Department of Justice's Office of Legislative Affairs during the Reagan Administration. In my letter, I noted that the Department had historically provided the Senate Judiciary Committee with documents generated by nominees to the Supreme Court during their earlier tenure as senior policy officials in the Department of Justice. In particular, I outlined the policy of the Department that had been applied to the production of documents pursuant to the nomination of Robert Bork to be an Associate Justice on the Supreme Court. These included privileged documents relating to "purely internal deliberations" involving Judge Bork, as well as his "work product" while Solicitor General. You used my letter as proof of a Departmental precedent for the release of similar documents relating to the time spent in the Department by Manuel Estrada, whose > nomination to become a judge on the District of Columbia Court of Appeals is now

007104-001986

pending before the full Senate. I am afraid that I must respectfully disagree, however, with your conclusion.

>

> Judge Bork, and Chief Justice William Rehnquist and Associate Justice Antonin Scalia before him, held senior policy positions in the Department before being nominated to positions on the Supreme Court. They had been placed in those positions, each one a senior political position with policy responsibilities, by virtue of a presidential nomination and subsequent confirmation by vote of the United States Senate. Mr. Estrada, so far as I know, was never in such a position at the Department of Justice. He was, instead, a career line attorney in the Solicitor General's Office. As such, he was apolitical, a member of the career civil service, and without any public policy portfolio. Historically, the Department has treated line attorneys like Mr. Estrada very differently from more senior, policy officials such as Judge Bork. For example, it has generally declined to provide line attorneys as witnesses before Congress on matters of public policy, and it has similarly declined, generally, to release their > internal deliberations for review without cause.

>

> Judge Bork held the position of Solicitor General of the United States, the Government's chief advocate before the United States Supreme Court.

Chief Justice Rehnquist, like Associate Justice Scalia after him, had been Assistant Attorney General for the Department's Office of Legal Counsel (OLC).

Next to the Attorney General, the head of OLC is President's chief lawyer. All of these gentlemen were appointed by the President of the United States and all of them held their positions at his pleasure. Not so for Mr. Estrada. Except for his area of expertise, he was no different from the (number?) of career civil servants who populate the lawyer ranks within the Department and who serve regardless of political affiliation. In fact, Mr. Estrada served with distinction under both President George H.W. Bush and President Bill Clinton. He should be treated no differently than other career lawyers are or have been.

Accordingly, unless some independent cause can be established which would provide a basis for > the Senate to review the work he produced in confidentiality during his service as a career line attorney, I believe it would be both unwise and unprecedented for the Department and President Bush to do so unilaterally.

>

>

>

Sincerely,

NOTICE: This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone (404-881-7000) or by electronic mail (postmaster@alston.com), and delete this message and all copies and backups thereof. Thank you.

Sales, Nathan

From: Sales, Nathan
Sent: Thursday, April 10, 2003 2:41 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Charnes, Adam
Subject: RE: Sutton
Attachments: Sutton TPs--positive.doc; Sutton TPs--disability.doc; Sutton TPs--federalism.doc; Sutton letters--disability.pdf

Here are the essential TPs: (1) the positive, general talkers; (2) disability talkers; and (3) federalism talkers.

(b) (5)

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, April 10, 2003 2:36 PM
To: Charnes, Adam
Cc: Sales, Nathan
Subject: Re: Sutton

yes, but can you send me the best "allegations/responses" talkers. Also, if we (b) (5)

(Embedded
image moved "Adam.Charnes@usdoj.gov" <Adam.Charnes
to file: 04/10/2003 12:09:12 PM
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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: "Nathan.Sales@usdoj.gov" <Nathan.Sales@usdoj.gov> Subject: Sutton

007104-001989

(b) (5)

?

11501 Mayfield Road Apt. 902
Cleveland, OH 44106

May 21, 2001

The Honorable Senator Mike DeWine
Member of the Senate Judiciary Committee
140 Russell Senate Building
Washington, DC 20510

Dear Senator DeWine

A few weeks ago my sister called to tell me that President Bush nominated Jeff Sutton to serve on the Sixth Circuit Court of Appeals. I was thrilled to hear the news.

While working as Solicitor General for the State of Ohio, Jeff represented me in a lawsuit the Ohio Civil Rights Commission brought against Case Western Reserve University on my behalf. I sought but was denied admission to the Case Western medical school. I alleged then, as I continue to believe now, that the school denied my application for one impermissible reason: I'm blind. The Ohio Civil Rights Commission agreed with me. After a thorough investigation, the Commission determined that I was otherwise qualified for admission and that the school could make reasonable accommodations to enable me to pursue training to become a psychiatrist.

The case worked its way through the Ohio courts and ultimately landed in the Ohio Supreme Court. It was at this point that I first met Jeff Sutton. Working for the State, Jeff took my case on, firmly convinced I had been wronged. I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and wanted badly to win for me. I recall well sitting in the courtroom of the Ohio Supreme Court listening to Jeff present my case. It was then that I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless of others with both similar disabilities and dreams.

Although I ultimately fell short in the courts, Jeff Sutton stood firm by my side. My experience confirmed what President Bush understands: Our nation would be greatly served with Jeff Sutton on the federal bench.

Sincerely yours,



Cheryl A. Fischer



Equal Justice Foundation

Protecting the rights of Ohio's disadvantaged citizens

Kimberly M. Skaggs, Esq.
Executive Director

Gary M. Smith, Esq.
Special Litigation Counsel

John A. Bell, Esq.
Senior Attorney

36 W. Gay St. • Suite 300
Columbus, Ohio 43215
t 614.221.9800
800.898.0545
f 614.221.9810

May 29, 2001

VIA FACSIMILE AND U.S. MAIL

Honorable Mike DeWine
United States Senate
140 Russell Senate Bldg.
Washington, DC 20510

Re: Jeffrey S. Sutton

Dear Senator DeWine:

I am writing to express my support of President Bush's nomination of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit. I have had the pleasure of knowing Mr. Sutton for several years and I, like many others, have the utmost regard for his intellect and talent. What may be somewhat different about my support for Mr. Sutton is the fact that I do not share the "conservative" views for which Mr. Sutton is known. In fact, my views may be the polar opposite.

I serve as Executive Director of the Equal Justice Foundation, a non-profit, legal services provider that specializes in class-action, impact litigation for the benefit of disadvantaged individuals and groups. Prior to this position, I served as law clerk to two federal judges. In those capacities, I became quite familiar with Mr. Sutton's work. I admired Mr. Sutton's abilities so much that, upon joining the Equal Justice Foundation, I actively recruited him to become a member of the Equal Justice Foundation's Board of Trustees. Much to his credit, Mr. Sutton accepted and has been extremely supportive of the Foundation's work.

In sum, I believe that Mr. Sutton possesses all the necessary qualities to be an outstanding federal judge. I have no hesitation whatsoever in supporting his nomination. Please do not hesitate to contact me if I can provide further information.

Sincerely,

Kimberly M. Skaggs



Office of the Dean
College of Law

John Deaver Drinko Hall
55 West 12th Avenue
Columbus, OH 43210-1391
Phone 614-292-2631
FAX 614-292-1383

July 2, 2001

Senator Patrick J. Leahy
Chairman, Senate Judiciary Committee
United States Senate
433 Russell Senate Office Building
Washington, DC 20510

Dear Senator Leahy:

I am writing to you in your capacity as Chairman of the Senate Judiciary Committee with regard to your committee's consideration of President Bush's nomination of Jeffrey S. Sutton to serve on the U.S. Court of Appeals for the Sixth Circuit.

Let me first mention a few things about myself, to put my support for Mr. Sutton's confirmation by your committee and the current Senate in context.

I am a lifelong Democrat, and served as the Senior Law Clerk to Chief Justice Earl Warren and as Assistant Solicitor General of the U.S. in the 1960's. In the latter capacity I argued on behalf of the United States and various government agencies in 18 cases in the U.S. Supreme Court. For the past 31 years I have been a legal educator, teaching at Notre Dame, visiting at Virginia, Michigan, and S.M.U., and serving as Dean at the University of Toledo and, from 1985 to 1993, as Dean at The Ohio State University College of Law. In that latter capacity I came to know Jeff Sutton, first as an outstanding law student, and then, with my assistance, as a law clerk for Justices Powell and Scalia on the U.S. Supreme Court. When Jeff returned to Columbus to engage in private law practice with the Jones Day law firm's office, I asked him to co-teach a U.S. Supreme Court seminar with me (something I had been doing for over 20 years), and we did so with considerable success until I retired from Ohio State in 1997 and moved to Florida. Jeff and I complemented each other in the seminar, bringing somewhat differing views to some matters but agreeing on many. I might add that, in addition to teaching Constitutional Law and related subjects for over 30 years, I served for several years as the Legal Director of the National Center for Law and the Handicapped in South Bend, Indiana, and have both expertise in and sensitivity toward those with disabilities.

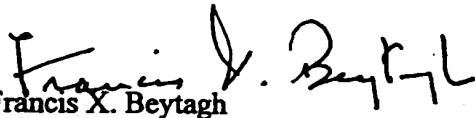
July 2, 2001

Page 2

I believe that Jeff Sutton would be an excellent federal appellate judge. He is a very bright, articulate and personable individual who values fairness highly. He is also a competent and experienced appellate lawyer. Indeed, Jeff's qualifications for such a position should be evident from perusal of his resume. I do not regard him as a predictable ideologue, and believe that your committee will reach the same conclusion after his hearing before you. I recommend and support his confirmation without reservation.

Thank you for your attention and consideration.

Sincerely yours,


Francis X. Beytagh
Dean Emeritus
The Ohio State University College of Law



August 1, 2001

Senator Orrin Hatch
104 Hart Senate Office Building
Washington DC 20510

Dear Senator Hatch:

I am writing in support of Jeffrey Sutton's nomination to the Sixth Circuit Court of

Let me first identify myself and state my interest in this nomination. I am Professor of Law and Library Director at The University of Alabama School of Law. I am also the Co-Director of the school's Disability Law Institute. My academic interests and scholarship focus on the interaction between disability law and our system of federalism. I attended oral argument last October in the *Garrett* case where I saw Mr. Sutton and two other capable attorneys (Michael Gottesman and Seth Waxman) represent their clients in a complicated case that tested the limits of Congress's power under the Americans with Disabilities Act to regulate state entities through the imposition of damages awards. I also heard Mr. Sutton give a presentation several years ago when I was on the law faculty at Ohio Northern University in Ada, Ohio, and he was the State Solicitor of Ohio. I have spoken with Mr. Sutton on limited occasions, but can't say that I know him personally. For what it's worth, I'm also a Democrat, a member of the ACLU, a member of the Sixth Circuit Bar, and support the policy objectives of federal disability laws such as the ADA. I also want to make clear that I am speaking for myself and not on behalf of my employer, The University of Alabama.

In my opinion, Jeffrey Sutton is well qualified to sit on the Sixth Circuit and should be confirmed. The primary qualification for a court of appeals judge is intellectual capacity, adequate legal experience and the ability to apply the precedents established by the Supreme Court faithfully and intelligently. There is little question that he meets these standards. He graduated first in his law class from Ohio State, then clerked for Judge Meskill on the Second Circuit, then for Justices Powell and Scalia. He has served as Ohio's State Solicitor. He has become a partner in the prestigious Jones Day law firm. He has argued nine cases before the Supreme Court. He teaches a course in Supreme Court Litigation at the College of Law at Ohio State. By any objective measure, Mr. Sutton has demonstrated the depth and quality of experience that are necessary for a Court of Appeals judge. My limited interactions with him also give me the sense that he is a kind and decent man.

There have been several well publicized objections to Mr. Sutton's nomination by disability rights advocacy groups. I'm sure that you are aware of them, so I won't repeat them here in detail. I am frankly concerned by the prospect that nominees for federal judgeships may be penalized for doing what good lawyers are supposed to do: representing their clients zealously. Similarly, I am also alarmed by criticisms that Mr. Sutton's participation in the *Garrett* case has single handedly dismantled federal protections for


Box 870383
Tuscaloosa, Alabama 35487-0383
(205) 348-5925
FAX (205) 348-1112

disabled citizens. I consider that assertion to be flawed, most obviously because courts and not lawyers decide cases. The problem with the criticism, however, goes deeper and reflects a misunderstanding of the role of the courts in deciding constitutional issues. The matter of Congressional power to regulate the states, whether under section 5 of the Fourteenth Amendment, the Commerce Clause or the Spending Clause is a constitutional issue of the greatest significance. There is a division of opinion on these important points of law, supported by respectable arguments made in good faith by each side. To treat Jeffrey Sutton's participation, as an attorney, in the resolution of these issues has the unfortunate effect of reducing the process of judicial review to one of issue advocacy stripped of the structural constitutional questions.

I also see no "agenda" on Mr. Sutton's part to target disabled citizens. The objections to his nomination seem to focus on the result in *Garrett*. That decision, however, turned on the issue of the remedy for an alleged violation of the ADA by a state entity, not on the substantive obligation not to discriminate. I read or heard nothing in the briefs or oral arguments to indicate that Mr. Sutton was pursuing an agenda wider than the issues on which the Court had granted certiorari, or doing anything other than representing his client's interests. It's important to keep in mind that as State Solicitor of Ohio in *Ohio Civil Rights Commission v. Case Western Reserve University*, 76 Ohio St. 3d 168 (1996), he represented the Ohio Civil Rights Commission in its attempt to require that Case Western's Medical School admit an academically accomplished blind woman, Cheryl Fischer. Just as I would not infer an anti-disabled agenda from Mr. Sutton's participation in *Garrett*, neither would I assume from his role in the Fischer case that he had the opposite inclination. Rather, he seemed to be a good lawyer acting in his client's interests.

In sum, I encourage you to view Jeffrey Sutton's nomination to the Sixth Circuit favorably and expeditiously. Thank you for your consideration.

Sincerely,


James Leonard
Professor of Law
Co-Director, Disability Law Institute
Director, Bounds Law Library

cc: Senator Leahy
Senator DeWine

3417 ORDWAY STREET, N.W.
WASHINGTON, D.C. 20016

June 18, 2001

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Orrin G. Hatch
Ranking Member, Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510

re: Jeffrey Sutton

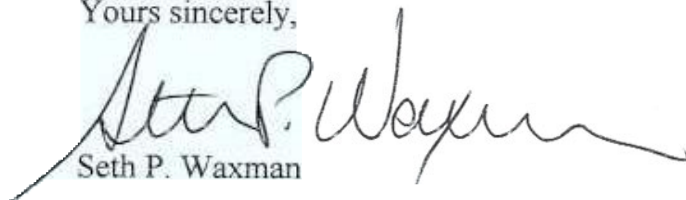
Dear Chairman Leahy and Senator Hatch:

I understand that Jeffrey Sutton is under consideration as a nominee for the position of United States Circuit Judge for the Sixth Circuit. I have known Mr. Sutton professionally for four years and have high regard for him. Both as Solicitor General for the State of Ohio and as a partner at Jones, Day, Mr. Sutton handled important cases in the United States Supreme Court in which I was personally involved. I consider Mr. Sutton both a gifted appellate advocate and a fine human being.

I know that some have questioned whether the position Mr. Sutton advocated last Term in the Garrett case reflected antipathy on his part toward the Americans with Disabilities Act. I argued that case against Mr. Sutton, and I discerned no such personal antipathy. Mr. Sutton vigorously advanced the constitutional position of his client in the case, the State of Alabama; doing so was entirely consistent with the finest traditions of the adversary system.

Thank you for considering these views.

Yours sincerely,



Seth P. Waxman

007104-001997

Dinh, Viet

From: Dinh, Viet
Sent: Friday, April 25, 2003 11:47 AM
To: Brown, Jamie E (OLA); Benczkowski, Brian A
Cc: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Pickering

Because of the shortage of office space in OLP, we will move a temporary desk into BB's office for the judge to utilize while he is in town to prepare for his upcoming hearing. On second thought, Brian, pls tell judge that he can come in any time, because an extra week of preparation in your proximity would be good in any event.

-----Original Message-----

From: Brown, Jamie E (OLA)
Sent: Friday, April 25, 2003 11:44 AM
To: Benczkowski, Brian A
Cc: Dinh, Viet; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Pickering

But we have you scheduled to eat all of your meals with him when he's in town for his hearing. I think they're even getting you a room in the hotel where he's staying, just to make things more convenient.

-----Original Message-----

From: Benczkowski, Brian A
Sent: Friday, April 25, 2003 11:40 AM
To: Dinh, Viet; Brown, Jamie E (OLA); 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Pickering

I am unavailable today for any calls unless they originate from a 202 area code. And I'm on a flight out of town this evening. Someone else needs to be Omega Travel.

-----Original Message-----

From: Dinh, Viet
Sent: Friday, April 25, 2003 11:37 AM
To: Brown, Jamie E (OLA); 'Brett_M._Kavanaugh@who.eop.gov'; Benczkowski, Brian A
Subject: RE: Pickering

thanks. That's our understanding also. Bencz, have a fun one hour conversation with the judge.

-----Original Message-----

From: Brown, Jamie E (OLA)
Sent: Friday, April 25, 2003 11:36 AM

007104-001998

To: Dinh, Viet; 'Brett_M._Kavanaugh@who.eop.gov'; Benczkowski, Brian A
Subject: RE: Pickering

As of yesterday afternoon, (b) (5)

-----Original Message-----

From: Dinh, Viet
Sent: Friday, April 25, 2003 11:34 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Benczkowski, Brian A
Cc: Brown, Jamie E (OLA)
Subject: RE: Pickering

he is also on my call list. Can someone loop in with Makan also? Jamie, you got any intell?

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, April 25, 2003 11:17 AM
To: Benczkowski, Brian A
Cc: Dinh, Viet
Subject: Re: Pickering

I know nothing; (b) (5)

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image moved "Brian.A.Benczkowski@usdoj.gov"
to file: <Brian.A.Benczkowski
pic29656.pcx> 04/25/2003 11:14:55 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: "Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> Subject: Pickering

007104-001999

....is calling me repeatedly (b) (5)

Thanks.

BAB

Brian A. Benczkowski
Staff Director and Senior Counsel
Office of Legal Policy
United States Department of Justice
950 Pennsylvania Ave., NW
Room 4228
Washington, DC 20530
Telephone: (202) 616-2004
Fax: (202) 514-1685
E-mail: Brian.A.Benczkowski@usdoj.gov

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, May 6, 2003 6:57 PM
To: 'Benjamin_A._Powell@who.eop.gov'
Cc: Charnes, Adam; Benczkowski, Brian A; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: Re: Pryor and ABA

Agreed let's chat manana.

-----Original Message-----

From: Benjamin_A._Powell@who.eop.gov <Benjamin_A._Powell@who.eop.gov>
To: Dinh, Viet <Viet.Dinh@USDOJ.gov>
CC: Charnes, Adam <Adam.Charnes@USDOJ.gov>; Benczkowski, Brian A <Brian.A.Benczkowski@USD
OJ.gov>; Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
Sent: Tue May 06 18:45:58 2003
Subject: Re: Pryor and ABA

true, and we should discuss if (b) (5)

[REDACTED]

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image moved "Viet.Dinh@usdoj.gov" <Viet.Dinh
to file: 05/06/2003 06:28:06 PM
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Record Type: Record

To: "Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov>,
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov>, Benjamin
A. Powell/WHO/EOP@EOP

cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Re: Pryor and ABA

No idea but suffice it to say (b) (5)

[REDACTED]

-----Original Message-----

007104-002001

From: Benjamin_A._Powell@who.eop.gov <Benjamin_A._Powell@who.eop.gov>
To: Charnes, Adam <Adam.Charnes@USDOJ.gov>; Benczkowski, Brian A
<Brian.A.Benczkowski@USDOJ.gov>; Dinh, Viet <Viet.Dinh@USDOJ.gov>
CC: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
Sent: Tue May 06 16:56:18 2003
Subject: Pryor and ABA

I understand from Pryor that they switched the person doing his nominee from an attorney in GA to an attorney in NC. (b) (5)

The new attorney is E. Osborne Ayscue Jr. of Helms, Mulliss & Wicker in Charlotte, NC.

(b) (5)