

[The prepared statement of Ms. Tallman appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Ms. Tallman.

Our next witness is Judge Denise Posse-Blanco Lindberg, a State Court Judge in Utah. An immigrant from Cuba, Judge Lindberg and her family fled Castro, coming here when she was 10-years-old. After receiving her bachelor's degree from BYU she then added three advanced degrees, including a law degree.

Among her many accomplishments are clerkship for Justice O'Connor. She worked in the D.C. Office of the Law Firm of Hogan & Hartson, and has been a State Court Judge in Utah since 1998.

Thank you for joining us, Judge Lindberg, and your testimony begins simultaneously with the re-arrival of Senator Hatch.

[Laughter.]

Senator HATCH. I would not miss this for the world, I will tell you.

**STATEMENT OF DENISE POSSE-BLANCO LINDBERG, JUDGE,
THIRD JUDICIAL DISTRICT COURT, STATE OF UTAH, SALT
LAKE CITY, UTAH**

Judge LINDBERG. Thank you, Mr. Chairman, members of the Committee. My name is Denise Posse-Blanco Lindberg, and I am a State Trial Court Judge from the State of Utah. I am honored to appear before you today in enthusiastic support for the nomination of Judge John Roberts as Chief Justice of the United States.

He brings to this appointment a keen intellect, sound judgment, honesty, fairness and decency, and exceptional knowledge of and respect for the law, the courts, and our constitutional system. He has all the attributes necessary to be a Chief Justice in the highest traditions of that office.

Over the past 15 years, I have observed his career from at least three different vantage points; first as a law clerk to Justice Sandra Day O'Connor; second as his colleague at the Washington, D.C. law firm of Hogan and Hartson; and as a member of the Appellate Practice Group, which he headed; and now as a fellow judge who has reviewed his judicial record.

My first exposure to Judge Roberts came on opening day of October term 1990 at the Supreme Court when then-Deputy Solicitor General Roberts presented one of the First Monday arguments. I expected a professional presentation from members of the Solicitor General's office, but the skill and effectiveness with which he argued his case far exceeded my expectations. Notwithstanding his youth, his composure, his clear command of the relevant facts in law, and his exceptional ability to engage with the Court in a discussion of the issues made a lasting impression on me.

After clerking for Justice O'Connor, I joined Hogan's appellate practice group and I worked with John on a number of cases following his return to the firm. I remember many cases that we worked on, but I specifically remember his support and guidance during my first solo effort at drafting a brief for a case before the D.C. Circuit. It was a pro bono matter and he willingly spent considerable time reviewing drafts, providing feedback, and that was invariably insightful, helpful, and courteous. He analyzed issues creatively without distorting precedent or stretching a point of law

beyond what was permitted by the bounds of law. And on top of that, he was an incredibly nice, genuine human being who was incredibly bright but never arrogant.

John's work has always been principled and carefully circumscribed. I learned much of what I know about appellate practice from watching John work and being taught by him. He reveres the law and he treats it and everyone associated with it with the utmost respect. He has taught by word and deed the importance of civility in the practice of law.

My final comments come from perspective as a judge. I reviewed a substantial number of his body of published opinions and some of the commentary. I have noted at least three problems with some of that commentary. Some commentators have failed to acknowledge that judges do not get to choose the cases that come before them but must instead respond to the particular facts in light of applicable law.

Others overlook the fact that whenever an appellate judge writes for the court, that opinion must also reflect the views of at least one, if not two, other members of the appellate panel.

Others appear to misunderstand the essential judicial role. John has correctly noted that judges, quote, "do not have a commission to solve society's problems as they see them, but simply to decide cases before them according to the rule of law."

In each opinion that I reviewed, John focused on the case before him, did not overreach, or did not use it as a vehicle to further any personal preferences. He was respectful of precedent. In fact, he demonstrated the very kind of judicial restraint that this body has indicated is an important consideration for any nominee to the Court.

To this high office, John brings a remarkable combination of skills, personality, and respect for constitutional principles that will make him a highly effective Chief Justice. His towering intellectual skills and engaging personality will enable John to work effectively with his colleagues and bring consensus to a divided Court. Those same traits will make him an outstanding leader of the Federal judiciary and will allow him to work very cooperatively with the coordinate branches of government.

I respectfully urge this Committee to recommend to the full Senate swift confirmation of John Roberts as Chief Justice of the United States. Thank you.

Chairman SPECTER. Thank you very much, Judge Lindberg.

[The prepared statement of Judge Lindberg appears as a submission for the record.]

Chairman SPECTER. Our final witness on the panel is Mr. Reginald Turner, President of the National Bar Association, the nation's oldest and largest association of African-American lawyers. A member of the Detroit-based law firm of Clark, Hill, he has been a White House fellow and worked as an aide to former HUD Secretaries Cisneros and Cuomo. He has a law degree from the University of Michigan and an undergraduate degree from Wayne State University.

We appreciate your being here, Mr. Turner, and the floor is yours.