

Remington, Kristi L

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**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

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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

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**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)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] Any views on your end would be welcome.

In the meantime, (b) (5)  
[REDACTED]. 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)  
[REDACTED]

(b) (5)  
[REDACTED]

(b) (5)

**Newstead, Jennifer**

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**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

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**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

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**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]

Newstead, Jennifer

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**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]

-----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]

Newstead, Jennifer

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**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)

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

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

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**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

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**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]  
[redacted]

[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[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

(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)

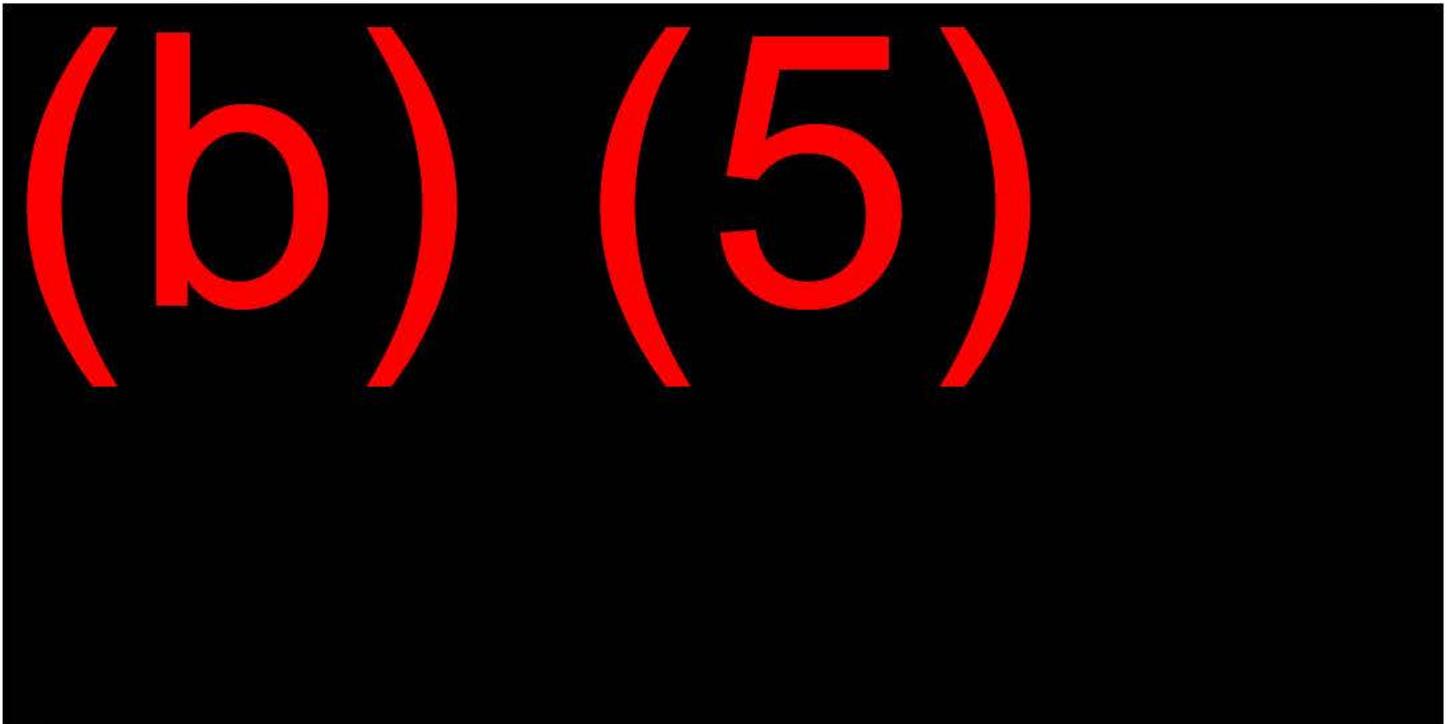
[Redacted text block]

**Brett\_M.\_Kavanaugh@who.eop.gov**

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**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:



007104-001891

**Dinh, Viet**

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**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**

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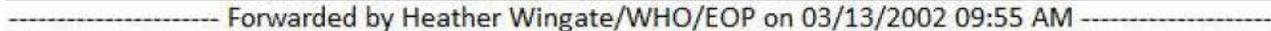
**From:** Dinh, Viet  
**Sent:** Wednesday, March 13, 2002 11:03 AM  
**To:** 'Heather\_Wingate@who.eop.gov'; O'Brien, Pat; 'Brett\_M.\_Kavanaugh@who.eop.gov'  
**Cc:** 'Ziad\_S.\_Ojakli@who.eop.gov'  
**Subject:** RE: Judicial Nominations & The Biz Community

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)



----- 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**

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**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**

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**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]

Thanks,  
Nathan

Sales, Nathan

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**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**

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**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) [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

-----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) [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

-----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) [redacted]  
[redacted]  
[redacted]  
[redacted]

Brett also envisioned (b) (5) [redacted]  
[redacted]  
[redacted]

(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]  
[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]  
[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)



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)



(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)



(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: \_\_\_\_\_

"heather wingate" <heather.wingate@usdoj.gov>

saies, natnan <natnan.saies@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 length 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.

| 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. Delaney                           | 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 |
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| C-9655  | State v. Andrews   | 03/26/90 | 05/02/90 | 37 |
| C-9243  | Advertising & Policy Comm. v. Avis Rent A Car Sys., Inc.     | 09/12/90 | 10/17/90 | 35 |
| C-9303  | Chase Manhattan Bank v. Lindsay                              | 02/28/90 | 04/04/90 | 35 |
| D-0698  | Lawrence v. Gonzalez   | 01/23/91 | 02/27/91 | 35 |
| D-2245  | Kawasaki Motors Corp. v. Thompson                            | 02/02/94 | 03/09/94 | 35 |
| D-3393  | Texas Water Comm'n v. Dellana                                | 02/17/93 | 03/24/93 | 35 |
| D-4292  | Dorsett Bros. Concrete Supp., Inc. v. Safeco Title Ins. Co.  | 01/12/94 | 02/16/94 | 35 |
| 01-0512 | In re Nitla S.A.   | 03/07/02 | 04/11/02 | 35 |
| 98-1073 | In re J7S Inc.   | 04/22/99 | 05/27/99 | 35 |
| 98-1082 | In re J7S Cattle Co.   | 04/22/99 | 05/27/99 | 35 |
| C-8861  | Minnick v. Coker   | 08/17/89 | 09/20/89 | 34 |
| D-2792  | Finlay v. Federal Deposit Ins. Corp.                         | 12/31/92 | 02/03/93 | 34 |
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| 01-0570 | In re Bolle, Inc.  | 09/20/01 | 10/23/01 | 33 |
| 00-0601 | Lone Star Gas Co. v. EFP Corp.                             | 11/19/01 | 12/20/01 | 31 |
| C-8994  | Martin v. Gulf Ins. Group                                  | 05/09/90 | 06/06/90 | 28 |
| C-9172  | Ex parte Mosquedo  | 10/25/89 | 11/22/89 | 28 |
| D-0321  | Henderson v. O'Neill                                       | 10/03/90 | 10/31/90 | 28 |
| D-0375  | Nan Travis Memorial Hosp. v. Touchy                        | 10/10/90 | 11/07/90 | 28 |
| D-0808  | Ramirez v. Packer  | 03/06/91 | 04/03/91 | 28 |
| D-4012  | Parker v. Frost Nat'l Bank                                 | 03/09/94 | 04/06/94 | 28 |
| 94-0269 | Temple Indep. Sch. Dist. v. English                        | 03/02/95 | 03/30/95 | 28 |
| 95-0750 | University Hosp., Inc. v. Cooke                            | 10/18/96 | 11/15/96 | 28 |
| 95-0805 | City of Alamo v. Montes                                    | 10/18/96 | 11/15/96 | 28 |
| 96-0481 | Aramark Uniform Servs., Inc. v. Tyson                      | 11/15/96 | 12/13/96 | 28 |
| 94-0079 | Cessna Aircraft Co. v. Chambers                            | 05/11/94 | 06/02/94 | 22 |
| D-1549  | Richards v. Mena   | 10/09/91 | 10/30/91 | 21 |
| 01-0822 | In re M.A.C.   | 02/28/02 | 03/21/02 | 21 |
| 96-0204 | Williams v. Brooks   | 01/10/97 | 01/31/97 | 21 |
| 98-0818 | In re City of Dallas                                       | 09/03/98 | 09/24/98 | 21 |
| C-9948  | Ex parte Wilson  | 06/07/90 | 06/27/90 | 20 |
| C-9949  | Ex parte Wilson  | 06/07/90 | 06/27/90 | 20 |
| C-9446  | Bloom v. Fourth Court of Appeals                           | 01/19/90 | 02/07/90 | 19 |
| D-2032  | Dawkins v. Meyer   | 02/07/92 | 02/26/92 | 19 |
| 96-0364 | Certain Underwriters at Lloyd's of London v. Johnson       | 04/24/96 | 05/10/96 | 16 |
| 02-0104 | In re Gamble   | 02/04/02 | 02/19/02 | 15 |
| C-8682  | Cropper v. Caterpillar Tractor Co.                         | 09/06/89 | 09/20/89 | 14 |
| D-0299  | Marshall v. Fifth Court of Appeals                         | 09/19/90 | 10/03/90 | 14 |
| D-1817  | Terrazas v. Ramirez  | 12/04/91 | 12/18/91 | 14 |
| 94-0593 | Dow Corning Corp. v. Schneider                             | 09/01/94 | 09/15/94 | 14 |
| 94-0759 | Dow Corning Corp. v. Soussan                               | 09/01/94 | 09/15/94 | 14 |
| 94-0761 | Dow Corning Corp. v. Bianchi                               | 09/01/94 | 09/15/94 | 14 |
| 95-0480 | Occidental Chem. Corp. v. Banales                          | 06/01/95 | 06/15/95 | 14 |
| C-9506  | Sears v. Bayoud  | 02/07/90 | 02/14/90 | 7  |
| D-0516  | Ex parte Williams  | 11/14/90 | 11/21/90 | 7  |
| D-0596  | Ex parte Boyd  | 12/12/90 | 12/19/90 | 7  |
| D-0865  | Pan American Sales Corp. v. Rhea                           | 04/03/91 | 04/10/91 | 7  |
| 01-0979 | In re Perry  | 10/15/01 | 10/22/01 | 7  |
| 99-0406 | Lehmann v. Har-Con Corp.                                   | 08/26/99 | 09/02/99 | 7  |
| 99-0461 | Harris v. Harbour Title Co.                                | 08/26/99 | 09/02/99 | 7  |
| 01-0728 | Perry v. Del Rio   | 09/07/01 | 09/12/01 | 5  |
| 01-0810 | Perry v. Cotera  | 09/07/01 | 09/12/01 | 5  |
| 01-0827 | In re Bentsen  | 09/07/01 | 09/12/01 | 5  |
| 01-0988 | Perry v. Del Rio   | 10/15/01 | 10/19/01 | 4  |
| C-9448  | Martinez v. Fourteenth Court of Appeals                    | 01/19/90 | 01/22/90 | 3  |
| 01-1002 | Del Rio v. Perry   | 10/16/01 | 10/19/01 | 3  |
| D-2856  | Slagle v. Hannah   | 09/15/92 | 09/16/92 | 1  |
| C-7192  | Warren v. Triland Investment Group                         | 11/22/89 | 11/22/89 | 0  |
| C-7194  | Responsive Terminal Systems, Inc. v. Boy Scouts of America | 07/05/89 | 07/05/89 | 0  |
| C-7555  | Dorchester Gas Producing Co. v. Hagy                       | 10/04/89 | 10/04/89 | 0  |
| C-7658  | Sullivan v. Sullivan                                       | 04/05/89 | 04/05/89 | 0  |
| C-7784  | Hellman v. Mateo   | 04/26/89 | 04/26/89 | 0  |
| C-7785  | Redland Fabricating & Welding, Inc. v. Aramco Serv. Co.    | 04/05/89 | 04/05/89 | 0  |
| C-7821  | Packer v. Fifth Court of Appeals                           | 02/08/89 | 02/08/89 | 0  |
| C-7955  | State Farm County Mut. Ins. Co. v. Ollis                   | 01/11/89 | 01/11/89 | 0  |

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| C-7986 | Bobbitt v. Weeks   | 05/17/89 | 05/17/89 | 0 |
| C-7994 | Eshleman v. Shield                                       | 02/15/89 | 02/15/89 | 0 |
| C-8103 | Migura v. Dukes  | 05/24/89 | 05/24/89 | 0 |
| C-8117 | Trevino v. Murray  | 07/12/89 | 07/12/89 | 0 |
| C-8148 | Otis Elevator Co. v. Bedre                               | 06/21/89 | 06/21/89 | 0 |
| C-8160 | Dobbins v. Redden  | 02/28/90 | 02/28/90 | 0 |
| C-8191 | Philipp Brothers, Inc. v. Oil Country Specialists, Ltd.  | 06/07/89 | 06/07/89 | 0 |
| C-8211 | Lone Star Gas Co. v. Railroad Comm'n                     | 04/05/89 | 04/05/89 | 0 |
| C-8226 | Splettstosser v. Myer                                    | 11/08/89 | 11/08/89 | 0 |
| C-8250 | Roberson v. Robinson                                     | 04/19/89 | 04/19/89 | 0 |
| C-8267 | State v. Garza   | 09/20/89 | 09/20/89 | 0 |
| C-8284 | Boothe v. Hausler  | 03/08/89 | 03/08/89 | 0 |
| C-8288 | Snoke v. Republic Underwriters Ins. Co.                  | 05/03/89 | 05/03/89 | 0 |
| C-8295 | State v. 1985 Chevrolet                                  | 06/21/89 | 06/21/89 | 0 |
| C-8356 | Palmer Well Serv., Inc. v. Mack Trucks, Inc.             | 07/12/89 | 07/12/89 | 0 |
| C-8361 | Sharp v. Broadway Nat'l Bank                             | 02/14/90 | 02/14/90 | 0 |
| C-8396 | Cincinnati Inc. v. Hernandez                             | 06/14/89 | 06/14/89 | 0 |
| C-8430 | Rose v. Fifth Court of Appeals                           | 03/22/89 | 03/22/89 | 0 |
| C-8456 | Texas Alcoholic Beverage Comm'n v. Sierra                | 02/14/90 | 02/14/90 | 0 |
| C-8461 | Rainbo Baking Co. v. Stafford                            | 10/11/89 | 10/11/89 | 0 |
| C-8473 | LBL Oil Co. v. International Power Services, Inc.        | 09/20/89 | 09/20/89 | 0 |
| C-8543 | Sadler v. Sadler   | 05/17/89 | 05/17/89 | 0 |
| C-8571 | Sosa v. City of Balch Springs                            | 06/07/89 | 06/07/89 | 0 |
| 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 |
| C-8742 | International Union v. Johnson Controls, Inc.            | 03/07/90 | 03/07/90 | 0 |
| C-8784 | Burkard v. Asco Co.                                      | 11/08/89 | 11/08/89 | 0 |
| C-8807 | Preferred Heating & Air Conditioning Co. v. Shelby       | 10/04/89 | 10/04/89 | 0 |
| C-8813 | Best v. Ryan Auto Group, Inc.                            | 11/22/89 | 11/22/89 | 0 |
| C-8864 | Dorchester Master Ltd. Partnership v. Hunt               | 04/25/90 | 04/25/90 | 0 |
| C-8971 | Emerald Oaks Hotel/Conference Center, Inc. v. Zardenetta | 09/13/89 | 09/13/89 | 0 |
| C-8976 | Gant v. DeLeon   | 02/28/90 | 02/28/90 | 0 |
| C-9003 | Vawter v. Garvey   | 03/07/90 | 03/07/90 | 0 |
| C-9028 | INA v. Briscoe   | 11/29/89 | 11/29/89 | 0 |
| C-9147 | San Jacinto River Auth. v. Duke                          | 01/10/90 | 01/10/90 | 0 |
| C-9175 | Vastine v. Bank of Dallas                                | 03/07/90 | 03/07/90 | 0 |
| C-9178 | Mr. Penguin Tuxedo Rental & Sales, Inc. v. NCR Corp.     | 04/25/90 | 04/25/90 | 0 |
| C-9211 | Athari v. Hutcheson                                      | 01/16/91 | 01/16/91 | 0 |
| C-9225 | City of Garland v. Barrera                               | 12/31/90 | 12/31/90 | 0 |
| C-9246 | Christiansen v. Prezelski                                | 01/10/90 | 01/10/90 | 0 |
| 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 |
| C-9469 | Spencer v. Eagle Star Ins. Co.                           | 06/30/93 | 06/30/93 | 0 |
| C-9470 | Biffle v. Morton Rubber Indus.                           | 02/21/90 | 02/21/90 | 0 |

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| C-9490 | Mapco, Inc. v. Forrest  | 03/07/90 | 03/07/90 | 0 |
| C-9522 | Bushell v. Dean   | 11/21/90 | 11/21/90 | 0 |
| C-9559 | Mayhew v. Caprito   | 05/30/90 | 05/30/90 | 0 |
| C-9589 | Holmes v. Harrison  | 11/21/90 | 11/21/90 | 0 |
| C-9598 | Gill Sav. Ass'n v. Chair King, Inc.                             | 10/17/90 | 10/17/90 | 0 |
| C-9621 | Grand Prairie Indep. Sch. Dist. v. Vaughn                       | 06/20/90 | 06/20/90 | 0 |
| C-9627 | Carter v. Mapco, Inc.   | 05/09/90 | 05/09/90 | 0 |
| C-9670 | City of Temple Civil Serv. Comm'n v. Bender                     | 04/25/90 | 04/25/90 | 0 |
| C-9877 | Jones v. Strauss  | 11/11/92 | 11/11/92 | 0 |
| D-0002 | Worford v. Stamper  | 11/14/90 | 11/14/90 | 0 |
| D-0032 | Pan American Life Ins. Co. v. Erbauer Constr. Corp.             | 01/30/91 | 01/30/91 | 0 |
| D-0046 | New York Underwriters Ins. Co. v. Sanchez                       | 12/05/90 | 12/05/90 | 0 |
| 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 |
| D-0206 | Brown v. Martin Gas Sales, Inc.                                 | 06/19/91 | 06/19/91 | 0 |
| D-0215 | McConnell v. May  | 10/10/90 | 10/10/90 | 0 |
| D-0239 | M.S. v. All Saints Episcopal Hosp.                              | 01/23/91 | 01/23/91 | 0 |
| D-0371 | Powers v. Palacios  | 06/12/91 | 06/12/91 | 0 |
| D-0420 | Tricentral Oil Trading, Inc. v. Annesley                        | 05/08/91 | 05/08/91 | 0 |
| D-0422 | Anderson v. Snider  | 04/10/91 | 04/10/91 | 0 |
| D-0434 | Ticor Title Ins. Co. v. Lacy                                    | 11/28/90 | 11/28/90 | 0 |
| D-0464 | Chevron U.S.A., Inc. v. Simon                                   | 06/12/91 | 06/12/91 | 0 |
| D-0478 | Landmark Amer. Ins. Co. v. Pulse Ambulance Serv., Inc.          | 06/19/91 | 06/19/91 | 0 |
| D-0508 | Isuani v. Manske-Sheffield Radiology Group                      | 01/23/91 | 01/23/91 | 0 |
| D-0569 | Southland Life Ins. Co. v. Small                                | 03/27/91 | 03/27/91 | 0 |
| D-0572 | F & A Equipment Leasing v. Federal Deposit Ins. Corp.           | 07/01/92 | 07/01/92 | 0 |
| D-0720 | Brownsville Navigation Dist. v. Izaguirre                       | 05/06/92 | 05/06/92 | 0 |
| D-0770 | Feith Systems & Software, Inc. v. Design Information Systems    | 06/05/91 | 06/05/91 | 0 |
| D-0848 | Grand Prairie Indep. Sch. Dist. v. Southern Parts Imports, Inc. | 06/19/91 | 06/19/91 | 0 |
| D-0852 | Weaver v. Southwest Nat'l Bank                                  | 06/05/91 | 06/05/91 | 0 |
| D-0858 | Ross Stores, Inc. v. Redken Laboratories, Inc.                  | 06/12/91 | 06/12/91 | 0 |
| D-0866 | O'Connor v. Sam Houston Medical Hosp., Inc.                     | 04/24/91 | 04/24/91 | 0 |
| 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 |
| D-0980 | Hood v. Amarillo Nat'l Bank                                     | 09/18/91 | 09/18/91 | 0 |
| D-0987 | Head v. Twelfth Court of Appeals                                | 06/19/91 | 06/19/91 | 0 |
| 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 |

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| 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 |
| D-1172 | Ex parte Elliot   | 09/11/91 | 09/11/91 | 0 |
| D-1192 | Towers of Texas, Inc. v. J&J Systems, Inc.                    | 04/22/92 | 04/22/92 | 0 |
| D-1194 | Thordson v. City of Houston                                   | 09/18/91 | 09/18/91 | 0 |
| D-1197 | Mapco, Inc. v. Carter   | 10/23/91 | 10/23/91 | 0 |
| D-1250 | State First Nat'l Bank v. Mollenhour                          | 09/25/91 | 09/25/91 | 0 |
| D-1276 | Texas Dept. of Human Serv. v. White                           | 10/23/91 | 10/23/91 | 0 |
| 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 |
| D-1294 | Elder Constr., Inc. v. City of Colleyville                    | 09/16/92 | 09/16/92 | 0 |
| 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 |
| D-1386 | Mossler v. Shields  | 11/06/91 | 11/06/91 | 0 |
| 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 |
| D-1503 | Smith v. Southwest Feed Yards, Ltd.                           | 06/24/92 | 06/24/92 | 0 |
| D-1518 | Gulf Coast Investment Corp. v. Brown                          | 12/04/91 | 12/04/91 | 0 |
| D-1519 | Siewert v. Siewert  | 01/22/92 | 01/22/92 | 0 |
| D-1539 | Koepp v. Utica Mut. Ins. Co.                                  | 11/20/91 | 11/20/91 | 0 |
| 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 |

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| 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 | Geters 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 |

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| 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 |

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| 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 |

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| 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 |

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| 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. Rappeport  | 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 |

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| 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 |

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| 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 |

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| 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 |
| 96-0953 | Ex Parte DeLeon   | 05/08/98 | 05/08/98 | 0 |
| 96-0969 | Texas Health Enterprises, Inc. v. Texas Dept. of Human Servs. | 07/09/97 | 07/09/97 | 0 |
| 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 |
| 96-1241 | Bocquet v. Herring  | 04/14/98 | 04/14/98 | 0 |
| 96-1262 | Memorial Medical Ctr. v. Keszler                              | 04/18/97 | 04/18/97 | 0 |
| 96-1275 | Ex parte Shaklee  | 02/21/97 | 02/21/97 | 0 |
| 96-1285 | Klein v. Dooley   | 07/09/97 | 07/09/97 | 0 |
| 96-1297 | Sauder Custom Fabrication, Inc. v. Boyd                       | 02/13/98 | 02/13/98 | 0 |
| 96-1298 | Stuart v. Bayless   | 03/13/98 | 03/13/98 | 0 |
| 96-1316 | University of Texas v. Ntneh                                  | 06/20/97 | 06/20/97 | 0 |
| 97-0026 | Robinson v. Wils  | 02/06/97 | 02/06/97 | 0 |
| 97-0066 | Banda v. Garcia   | 10/30/97 | 10/30/97 | 0 |
| 97-0081 | Great Amer. Ins. Co. v. North Austin Mun. Util. Dist. No. 1   | 07/31/97 | 07/31/97 | 0 |
| 97-0092 | Waite Hill Servs., Inc. v. World Class Metal Works, Inc.      | 01/16/98 | 01/16/98 | 0 |
| 97-0144 | White Rose Distributing Co. v. Goldman                        | 06/12/97 | 06/12/97 | 0 |
| 97-0148 | Southwestern Resolution Corp. v. Watson                       | 10/30/97 | 10/30/97 | 0 |
| 97-0176 | Trico Tech. Corp. v. Montiel                                  | 07/09/97 | 07/09/97 | 0 |
| 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 |
| 97-0288 | Texas Workers' Compensation Ins. Fund v. Serrano              | 02/13/98 | 02/13/98 | 0 |
| 97-0343 | Harlan v. Howe State Bank                                     | 12/04/97 | 12/04/97 | 0 |
| 97-0346 | Gallagher v. Fire Ins. Exch.                                  | 07/09/97 | 07/09/97 | 0 |
| 97-0347 | In re State Bar of Texas                                      | 10/30/97 | 10/30/97 | 0 |
| 97-0373 | In re Long  | 07/03/98 | 07/03/98 | 0 |
| 97-0380 | Geary v. Texas Commerce Bank                                  | 04/14/98 | 04/14/98 | 0 |
| 97-0390 | Newco Drilling Co. v. Weyand                                  | 01/16/98 | 01/16/98 | 0 |
| 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 |
| 97-0478 | Holmes v. Home State County Mut. Ins. Co.                     | 12/04/97 | 12/04/97 | 0 |
| 97-0480 | In re M.A.F.  | 02/13/98 | 02/13/98 | 0 |
| 97-0501 | In re Jones   | 04/14/98 | 04/14/98 | 0 |

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| 97-0515 | Boyd v. American Indem. Group                            | 12/04/97 | 12/04/97 | 0 |
| 97-0536 | State Farm & Cas. Co. v. Morua                           | 11/12/98 | 11/12/98 | 0 |
| 97-0558 | Wal-Mart Stores, Inc. v. Resendez                        | 02/13/98 | 02/13/98 | 0 |
| 97-0594 | Quinney Elec., Inc. v. Kondos Entertainment, Inc.        | 03/11/99 | 03/11/99 | 0 |
| 97-0601 | Harris County v. Hermann Hosp.                           | 03/13/98 | 03/13/98 | 0 |
| 97-0631 | D.S.A., Inc. c. Hillsboro Indep. Sch. Dist.              | 05/08/98 | 05/08/98 | 0 |
| 97-0638 | MacGregor Med. Ass'n v. Campbell                         | 10/29/98 | 10/29/98 | 0 |
| 97-0651 | Norman Communications v. Texas Eastman Co.               | 10/30/97 | 10/30/97 | 0 |
| 97-0710 | Lowrance v. Horton                                       | 01/16/98 | 01/16/98 | 0 |
| 97-0721 | Louisiana-Pacific Corp. v. Knighten                      | 08/25/98 | 08/25/98 | 0 |
| 97-0795 | Martin v. Martin, Martin & Richards, Inc.                | 10/08/98 | 10/08/98 | 0 |
| 97-0802 | Stary v. Debord  | 02/13/98 | 02/13/98 | 0 |
| 97-0819 | In re R.J.J.   | 01/16/98 | 01/16/98 | 0 |
| 97-0853 | In re Gabbai   | 05/08/98 | 05/08/98 | 0 |
| 97-0860 | Hoechst-Celanese Corp. v. Mendez                         | 02/13/98 | 02/13/98 | 0 |
| 97-0871 | United Servs. Auto. Ass'n v. Keith                       | 06/05/98 | 06/05/98 | 0 |
| 97-0872 | In re American Optical Corp.                             | 07/03/98 | 07/03/98 | 0 |
| 97-0883 | State Farm Fire & Casualty Co. v. Vaughan                | 05/08/98 | 05/08/98 | 0 |
| 97-0910 | Husain v. Khatib   | 03/13/98 | 03/13/98 | 0 |
| 97-0941 | State v. Roland  | 05/08/98 | 05/08/98 | 0 |
| 97-0945 | Jones v. Fowler  | 05/08/98 | 05/08/98 | 0 |
| 97-0973 | Conoco, Inc. v. Amarillo Nat'l Bank                      | 06/10/99 | 06/10/99 | 0 |
| 97-0989 | Southwestern Bell Mobile Sys., Inc. v. Franco            | 06/05/98 | 06/05/98 | 0 |
| 97-0998 | State Farm Mut. Auto. Ins. Co. v. Whitehead              | 03/11/99 | 03/11/99 | 0 |
| 97-1007 | In re D.A.S.   | 07/03/98 | 07/03/98 | 0 |
| 97-1008 | In re R.A.H.   | 07/03/98 | 07/03/98 | 0 |
| 97-1009 | Jones v. City of Houston                                 | 08/25/98 | 08/25/98 | 0 |
| 97-1011 | Garcia v. Martinez                                       | 10/08/98 | 10/08/98 | 0 |
| 97-1030 | Wal-Mart Stores, Inc. v. Gonzalez                        | 05/08/98 | 05/08/98 | 0 |
| 97-1122 | H.E. Butt Grocery Co. v. Resendez                        | 03/11/99 | 03/11/99 | 0 |
| 97-1127 | Bourg Chem. Distrib v. Mosier                            | 02/26/98 | 02/26/98 | 0 |
| 97-1170 | City of Palestine v. Davis                               | 09/24/98 | 09/24/98 | 0 |
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| 97-1215 | Pat Baker Co. v. Wilson                                  | 06/23/98 | 06/23/98 | 0 |
| 98-0017 | In re Louisiana Pacific Corp.                            | 06/23/98 | 06/23/98 | 0 |
| 98-0030 | In re Bruce Terminix Co.                                 | 06/05/98 | 06/05/98 | 0 |
| 98-0035 | Galveston County Mun. Util. Dist. v. City of League City | 06/05/98 | 06/05/98 | 0 |
| 98-0039 | In re Colonial Pipeline Co.                              | 05/08/98 | 05/08/98 | 0 |
| 98-0047 | Yanes v. Sowards   | 04/22/99 | 04/22/99 | 0 |
| 98-0055 | Essenburg v. Dallas County                               | 09/24/98 | 09/24/98 | 0 |
| 98-0090 | In re Barber   | 11/12/98 | 11/12/98 | 0 |
| 98-0140 | In re Dickason   | 10/15/98 | 10/15/98 | 0 |
| 98-0175 | Coastal Banc v. Helle                                    | 03/11/99 | 03/11/99 | 0 |
| 98-0210 | GFTA Trendanalysen B.G.A. Herrdum GMBH & Co. v. Varne    | 04/22/99 | 04/22/99 | 0 |
| 98-0265 | State v. Rodriguez                                       | 01/07/99 | 01/07/99 | 0 |
| 98-0266 | Davis & Davis v. Gregory                                 | 05/28/98 | 05/28/98 | 0 |
| 98-0287 | Coastal Marine Serv. of Texas, Inc. v. Lawrence          | 02/04/99 | 02/04/99 | 0 |
| 98-0314 | Benavidez v. Travelers Indem. Co.                        | 02/04/99 | 02/04/99 | 0 |
| 98-0340 | Jones v. Youngblood                                      | 11/05/98 | 11/05/98 | 0 |
| 98-0366 | In re Houston Lighting & Power Co.                       | 08/25/98 | 08/25/98 | 0 |
| 98-0388 | Powell Indus., Inc. v. Allen                             | 12/31/98 | 12/31/98 | 0 |
| 98-0445 | Union Pac. Resources Co. v. Hutchison                    | 02/04/99 | 02/04/99 | 0 |
| 98-0455 | Hochheim Prairie Farm Mut. Ins. Ass'n v. Tweedell        | 07/01/99 | 07/01/99 | 0 |

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| 98-0514 | Motor Vehicle Bd. v. El Paso Indep. Auto. Dealers Ass'n, Inc. | 08/26/99 | 08/26/99 | 0 |
| 98-0559 | City of El Paso v. Bernal                                     | 02/04/99 | 02/04/99 | 0 |
| 98-0568 | H & R Block, Inc. v. Haese                                    | 02/04/99 | 02/04/99 | 0 |
| 98-0662 | In re Oakwood Mobile Homes, Inc.                              | 02/11/99 | 02/11/99 | 0 |
| 98-0744 | Texas Commerce Bank N.A. v. New                               | 09/09/99 | 09/09/99 | 0 |
| 98-0773 | Bradley's Elec., Inc. v. CIGNA Lloyds Ins. Co.                | 06/10/99 | 06/10/99 | 0 |
| 98-0788 | Ritchey v. Vasquez  | 02/04/99 | 02/04/99 | 0 |
| 98-0835 | Quaestor Inv., Inc. v. State of Chiapas                       | 07/01/99 | 07/01/99 | 0 |
| 98-0844 | Associated Brokers v. McFarland                               | 11/12/98 | 11/12/98 | 0 |
| 98-0875 | Texas Dept. of Pub. Safety v. Levinson                        | 04/22/99 | 04/22/99 | 0 |
| 98-0916 | In re L&L Kempwood  | 12/02/99 | 12/02/99 | 0 |
| 98-0934 | In re Perritt   | 03/11/99 | 03/11/99 | 0 |
| 98-0945 | Albertson's, Inc. v. Sinclair                                 | 02/04/99 | 02/04/99 | 0 |
| 98-0992 | Texas Dept. of Protective & Regulatory Servs. v. Vargas       | 01/14/99 | 01/14/99 | 0 |
| 98-0993 | State v. Miguel   | 08/26/99 | 08/26/99 | 0 |
| 98-1070 | Wal-Mart Stores, Inc. v. McKenzie                             | 07/01/99 | 07/01/99 | 0 |
| 98-1091 | In re K.L.C.  | 04/01/99 | 04/01/99 | 0 |
| 98-1156 | Gross v. Kahanek  | 09/16/99 | 09/16/99 | 0 |
| 98-1161 | Wembley Investment Co. v. Herrera                             | 12/02/99 | 12/02/99 | 0 |
| 98-1167 | Borneman v. Steak & Ale, Inc.                                 | 04/06/00 | 04/06/00 | 0 |
| 99-0057 | Walls Regional Hosp. v. Bomar                                 | 12/16/99 | 12/16/99 | 0 |
| 99-0085 | Texas Dept. of Public Safety v. Davis                         | 12/09/99 | 12/09/99 | 0 |
| 99-0110 | Velsicol Chem. Corp. v. O'Nan                                 | 07/22/99 | 07/22/99 | 0 |
| 99-0126 | Texas Dept. of Transp. v. Jones                               | 12/02/99 | 12/02/99 | 0 |
| 99-0132 | Texas Dept. of Public Safety v. Welch                         | 12/09/99 | 12/09/99 | 0 |
| 99-0224 | In re Doe 1(II)   | 03/10/00 | 03/10/00 | 0 |
| 99-0228 | Koch Refining Co. v. Chapa                                    | 12/16/99 | 12/16/99 | 0 |
| 99-0230 | McNally v. Guevara  | 06/28/01 | 06/28/01 | 0 |
| 99-0263 | Hyundai Motor Co. v. Alvarado                                 | 11/04/99 | 11/04/99 | 0 |
| 99-0268 | Texas Dept. of Public Safety v. McClendon                     | 09/14/00 | 09/14/00 | 0 |
| 99-0306 | Qwest Communications Corp. v. AT&T Corp.                      | 04/06/00 | 04/06/00 | 0 |
| 99-0416 | Fireman's Fund County Mut. Ins. Co. v. Hidi                   | 02/10/00 | 02/10/00 | 0 |
| 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**

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**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)

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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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content="MSHTML 5.50.4134.600" name=GENERATOR> <STYLE></STYLE>
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<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).</FONT></FONT></DIV> <DIV><FONT face=Arial  
size=2><FONT face="Times New Roman" size=3><BR>Signed into

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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.<BR><BR>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 <BR>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.)</FONT></FONT></DIV></FONT></DIV></FONT></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 ESMTMP 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

007104-001950

Willett, Don

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**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)

(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

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**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

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**From:** Sales, Nathan  
**Sent:** Wednesday, September 25, 2002 6:07 PM  
**To:** Brett Kavanaugh (E-mail)  
**Subject:** Miguel report  
**Attachments:** estradalaatinocoalition2.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 pro-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

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

(b) (5) [Redacted]

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) [Redacted]

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

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

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**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**

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**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

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**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.

**Dinh, Viet**

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**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**

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**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.

Dinh, Viet

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**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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

**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

pic19019.pcx) 02/03/2003 10:46:31 AM

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**

007104-001979

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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.charnes@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)



-----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)



(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]

(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  
pic10549.pcx)

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)

[REDACTED] ?

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

007104-001994



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

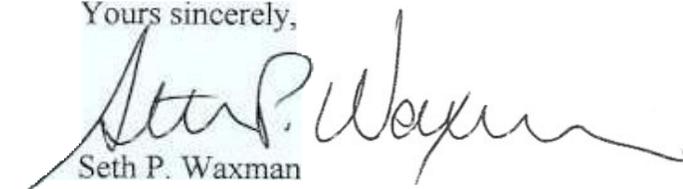
re: Jeffrey Sutton

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)  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

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](mailto: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)

(Embedded  
image moved "Viet.Dinh@usdoj.gov" <Viet.Dinh  
to file: 05/06/2003 06:28:06 PM  
pic04151.pcx)

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)

-----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)