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NATIONAL ORGANIZATION ON  
**DISABILITY**  
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January 17, 2003

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President George W. Bush  
 The White House  
 1600 Pennsylvania Avenue NW  
 Washington, DC 20500

Dear Mr. President:

I write in support of your nomination of Jeffrey S. Sutton to the Sixth Circuit Court of Appeals. After an informative personal interview with Mr. Sutton, and having reviewed extensive materials both in support of and opposing his nomination, I commend you for selecting an impressive member of the legal profession. I believe Mr. Sutton will be an excellent judge who will decide wisely and fairly the cases brought before him, including those involving people with disabilities.

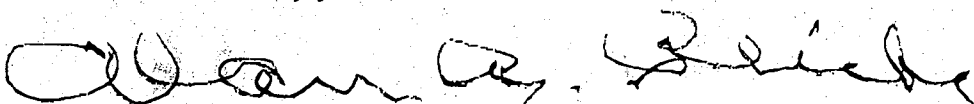
Having joined you on the platform two years ago when you announced the New Freedom Initiative, I know of your strong belief in the Americans with Disabilities Act and your commitment to achieving its goal of full and equal participation of people with disabilities. As I am sure you are well aware, some in the disability community have opposed Mr. Sutton's nomination, and I wanted to personally consider it as I believe you would not have made this nomination if you did not trust him to support our rights.

Many disability advocates were troubled by what they perceived as Mr. Sutton's opposition to the ADA, especially in *Garrett v. The University of Alabama*. I therefore discussed with him at length his views on the ADA and disability rights in general. I am convinced that while we in the disability community have disagreed with his positions in some cases, Mr. Sutton believes in the Americans with Disabilities Act and its goals that we hold so dear. There are many other cases in which he sided fully with our community, including supporting Cheryl Fischer's attempt to attend Case Western Reserve Medical School, and enforcing the responsibility of Ohio state universities to provide voter registration materials to students with disabilities. Mr. Sutton states that he has welcomed the opportunity to take on disability cases and to represent clients with disabilities.

Mr. Sutton told me that he would be pleased if the ADA were strengthened in ways that would remove ambiguities and that would clarify the law as it increasingly becomes part of the civil rights fabric of our nation. He pledged that he would strive to be of service to people with disabilities in his future work as a judge.

I consider Mr. Sutton a fair, honest, and honorable person. He states that he supports disability rights, and I believe him. I expect America and people with disabilities will be well served by Mr. Sutton's appointment as a judge for the Sixth Circuit.

Sincerely yours,



Alan A. Reich  
 President

*It's ability, not disability, that counts.*



## Facsimile Transmission

North Point, 901 Lakeside Avenue • Cleveland, Ohio 44114-1190 • (216) 586-3939

Facsimile: (216) 579-0212  
jcrose@jonesday.com

January 29, 2003

Please hand deliver the following facsimile to:

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to the President and Associate Counsel  
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ASSOCIATE FIRM

**JONES DAY**

51 LOUISIANA AVENUE, N.W.

WASHINGTON, D.C. 20001-2113

TELEPHONE: 202-879-3939 • FACSIMILE: 202-626-1700

WRITER'S DIRECT NUMBER:  
202-879-3888  
jcrose@jonesday.com

January 28, 2003

**BY HAND**

The Honorable Orrin G. Hatch, Chairman  
Committee on the Judiciary  
United States Senate  
104 Hart Senate Office Building  
Washington, DC 20510

Re: Nomination of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit

Dear Mr. Chairman:

Enclosed is a letter from the Managing Partner of our firm, Stephen J. Brogan, in support of the nomination of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit. I join in Steve's strong support for that nomination.

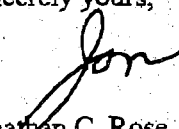
I share, as I know you do, Steve's dismay that Jeff Sutton's confirmation, as well as that of our former Justice Department colleague John Roberts, has been inexcusably delayed by a protracted and unfair confirmation battle. I hope that Steve's letter will be of some assistance to you in securing the prompt confirmation of both men.

The bitter partisanship and special interest advocacy which currently seems to dominate the process for judicial confirmation lessens the stature of the Senate and unfairly demeans the nominees who appear before it. Sadly, the process has increasingly degenerated into a trial by ordeal to which many of our nation's most qualified lawyers will be unwilling to subject themselves. As one who strongly supported during the Clinton administration the confirmation of our former partner, and now Judge of the Federal Circuit, Timothy B. Dyk, I realize that this process is not the sole responsibility of one political party or single group of Senators. It just seems to have gotten far worse.

I hope for the sake of us all that your renewed chairmanship will begin to reverse this unfortunate trend before we suffer a tragic decline in the quality of our nation's judiciary.

With warmest regards and best wishes for a successful tenure as Chairman.

Sincerely yours,

  
Jonathan C. Rose  
Partner and former Assistant Attorney General,  
Office of Legal Policy, 1981-1983

**JONES DAY**

51 LOUISIANA AVENUE, N.W.

WASHINGTON, D.C. 20001-2119

**STEPHEN J. BROGAN**  
MANAGING PARTNER

TELEPHONE: 202-879-3939

FACSIMILE: 202-626-1700

WRITER'S DIRECT NUMBER:

202-879-3926

January 28, 2003

The Honorable Orrin G. Hatch, Chairman  
Committee on the Judiciary  
United States Senate  
104 Hart Senate Office Building  
Washington, DC 20510

Re: Nomination of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit

Dear Chairman Hatch:

I write to express my strong support for the president's nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit. Jeff's departure will be a great loss to our firm, as well as a serious personal sacrifice for himself and his family. Nonetheless, I know how important it is to our country and to the legal profession that individuals of the highest intellectual and personal quality, like Jeff, remain willing to serve on the federal bench.

Jeff has established himself as one of the premier appellate advocates of his generation. He has argued no less than twelve cases before the United States Supreme Court, and has prevailed in three-quarters of those cases. Indeed, in the October 2000 Term, he argued and won four cases in the Court, more than any other private attorney. Unsurprisingly in light of these and similar accomplishments, Jeff has been widely acclaimed in the legal community. During his tenure as the Solicitor of Ohio, the National Association of Attorneys General awarded Jeff its Best Brief Award for Supreme Court practice in four consecutive years. Just this month, the American Lawyer magazine listed him as one of the top forty-five lawyers in the United States under the age of forty-five. And, tellingly, the federal courts, including the Supreme Court, have called upon Jeff, *sua sponte*, to file briefs *amici curiae* when they sought an able and experienced advocate to assist in the disposition of their cases.

Jeff is not only one of the most accomplished appellate lawyers in the country, but he is also a wonderful colleague and an absolute model citizen. He could not be more wholesome or generous. He is truly everybody's "all-American."

JONES DAY

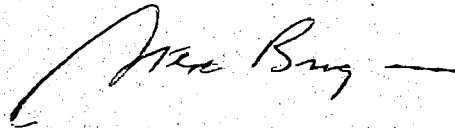
The Honorable Orrin G. Hatch  
January 28, 2003  
Page 2

Though I am not new to Washington, I have still been amazed to see that the confirmation of such a remarkably qualified nominee could be blocked by completely spurious charges from narrow special interests. But this is a process to which my friend and former colleague at the Justice Department, John Roberts, has also twice fallen victim over a period of twelve years. Both of these men should be commended and embraced by the Senate for their willingness to give up the rewards of highly successful private practice for public service. Instead, they find themselves maligned (bizarrely) by political partisans who seem intent on keeping the most intellectually able nominees of the opposing party off the bench.

Sadly, this process of Senate confirmation has itself become a serious disincentive to public service in the judiciary and other posts over the past decade. Its bitter partisanship, its protracted delays, and its excessive deference to special interest groups have made it intolerable for all but a few. I hope that with your leadership the Senate will restore integrity and balance to the confirmation process and now act promptly on these nominations.

I am confident that Jeff will be an outstanding judge of the Sixth Circuit, a badly depleted Court. I urge the Committee, and the full Senate, to confirm his nomination as quickly as possible. Thank you for your consideration of my views.

Very truly yours,



Stephen J. Brogan  
Managing Partner