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Judge Vetting Committee Taking Form

By Jason Hoppin

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The committee that will select a replacement for Judge Charles Legge and fill future vacancies in the Northern District is beginning to take shape.

The six-member committee, divided equally along party lines, is being chosen by Gerald Parsky, a Southern California financier with close ties to the Republican party, and staffers for California's two democratic senators, Dianne Feinstein and Barbara Boxer.

According to sources in the legal community, the Republican slate is likely to include Cooley Godward partner Joseph Russoniello; Nielsen, Merksamer, Parrinello, Mueller & Naylor's Vigo "Chip" Nielsen; and O'Donnell, Waiss, Wall & Meschke's Richard Wall.

Candidates who have been contacted for membership on the Democratic slate are Michael Ohleyer of Titchell, Maltzman, Mark & Ohleyer; Emeryville-based defense attorney Cristina Arguedas and possibly Cotchett, Pitre & Simon's Joseph Cotchett.

The committee will be charged with the initial vetting of federal judicial candidates in the Northern District. After consideration, a candidate must be approved by a majority vote of the committee, meaning that either slate Democrat or Republican will have veto power if it votes as a block.

Details of the novel committees, which are being established in each of the four federal judicial districts in California, were announced last week. Their formation is being hailed by officials from both political parties as a unique bipartisan effort to select federal

judges that could serve as a model for other states.

They also solve an unusual problem in California. While presidents normally defer to a home state's senators in the selection of federal trial judges, California has no senators who share President Bush's party affiliation.

Democratic senators on the Senate Judiciary Committee have warned the White House not to overlook state senators when selecting judges. With a power-sharing agreement, the process here is expected to proceed with greater ease.

Russoniello is a former U.S. attorney and an active Republican. Nielsen's firm, which specializes in lobbying, has close ties to the state Republican Party (name partner Steven Merksamer was Gov. George Dukmejian's chief of staff and Nielsen himself was a close adviser to Gov. Pete Wilson). Wall, a business and probate lawyer, has also been active in the party, donating more than \$7,000 in the last federal election cycle.

Ohleyer and Arguedas both served on Sen. Barbara Boxer's judicial selection committee, alternating as head of the committee during President Bill Clinton's terms. Cotchett also has close ties to Boxer and is a well-known Democratic Party fundraiser.

While some refused to comment for this story, others said they had been contacted and asked whether they want to serve. Several have not heard final word.

Russoniello previously declined to comment on his role. Nielsen said he could not "confirm nor deny" whether he would serve. Wall confirmed an interest in the position, but does not know for sure whether he will serve.

Arguedas did not comment. Ohleyer said he would reserve comment until an official announcement, which could come within a week. Cotchett could not be reached Tuesday afternoon.

The Democratic members all have close ties to Boxer, raising the question of whether the committee will change once it is hammered out with Feinstein.

Sam Chapman, Boxer's chief of staff, said the committee has not been finalized and that the final three will be approved as a group. There is also a possibility that members could be rotated in and out of the committee.

"You really have to agree on all of the them as a package," Chapman said.

If the committee approves a candidate by at least a 4-2 vote, the name will be forwarded to Parsky, who will conduct another interview. Parsky will take input from Browne & Woods associate Eric George, a former Senate Judiciary Committee staffer and son of California Supreme Court Chief Justice Ronald George.

Parsky will then forward the name to the Office of the White House Counsel for final approval.

It is also possible that both the committee and Parsky will approve more than one candidate for each vacancy. If Parsky does so, Eric George said, the White House will make the final choice.

George also said there is no contingency plan if a committee consistently deadlocks on the candidates before it, although he doubted that would happen.

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