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Obama Nominates Two for Federal Appeals Court

By CHARLIE SAVAGE

WASHINGTON — President Obama on Monday nominated two lawyers to fill vacancies on the United States Court of Appeals for the District of Columbia Circuit, a powerful panel to which he has so far been unable to appoint anyone.

Mr. Obama had sent one of the nominees — Caitlin J. Halligan, the general counsel of the Manhattan district attorney's office — to the Senate before, but her nomination was returned to the White House late last year after Republicans used the filibuster rule to block an up-or-down vote on her confirmation. The other nominee, Sri Srinivasan, is the principal deputy solicitor general in the Justice Department.

It is unlikely that either will get a Senate floor vote this year because the judicial confirmation process often slows down as a presidential election nears. Still, the move signals that Mr. Obama has not given up on Ms. Halligan and raises the possibility that Mr. Srinivasan could at least have a Senate Judiciary Committee hearing before the end of the year, increasing his chances of getting through the process in 2013 if Mr. Obama is re-elected.

“Caitlin Halligan and Sri Srinivasan are dedicated public servants who will bring their tremendous experience, intellect and integrity to the U.S. Court of Appeals for the District of Columbia Circuit,” Mr. Obama said in a statement.

The District of Columbia appeals court is generally considered the second most powerful court in the country because it hears many cases involving challenges to federal policies and regulations. It currently has five Republican-appointed judges, three Democratic-appointed ones and three vacancies, two of which have been open throughout the Obama administration.

It is also a panel whose balance Mr. Obama has been unable to alter, in part because his administration has been slow to nominate people to fill its vacancies and in part because of Republican opposition to his nominees, including Ms. Halligan.

Republicans cited several reasons for their opposition to Ms. Halligan, including that as New York's solicitor general she had advanced the theory that gun manufacturers could be held

legally responsible for crimes committed with firearms. Last year, the Senate minority leader, Mitch McConnell of Kentucky, called her a liberal activist.

Mr. Srinivasan, who joined the Justice Department last year, was born in India and raised in Kansas and will be the first person of South Asian descent to be nominated to a federal appeals court, the White House said. It has long been rumored that the administration was considering nominating him, but some liberal groups had lobbied against him as not liberal enough to be a Democratic appointee.

A three-time graduate of Stanford University — he holds degrees from its undergraduate college, its law school and its business school — Mr. Srinivasan clerked for two Republican-appointed judges: J. Harvie Wilkinson III of the Fourth Circuit and Justice Sandra Day O'Connor of the Supreme Court.

Later, as a partner at the New York firm O'Melveny & Myers, Mr. Srinivasan represented corporate clients, including the former Enron executive Jeffrey K. Skilling in the appeal of his fraud conviction before the Supreme Court in 2010.

Mr. Srinivasan also represented several clients at O'Melveny & Myers that conservatives may criticize him over, filing amicus briefs on behalf of groups opposed to voter ID laws and supporting affirmative action policies in university admissions.

Later on Monday, the White House said it had not yet received a rating on Mr. Srinivasan from the American Bar Association's judicial vetting committee. Eric Schultz, a White House spokesman, declined to say why the administration had broken with its usual practice of waiting for such a rating before submitting a name to the Senate.

Meanwhile, the Senate on Monday narrowly voted to overcome a Republican filibuster against the nomination of Andrew Hurwitz, a justice on the Arizona Supreme Court, to the United States Court of Appeals for the Ninth Circuit in San Francisco. The vote to invoke cloture was 60 to 31; both senators from Arizona, Jon Kyl and John McCain, were among the handful of Republicans who voted to allow an up-or-down vote.