

## THE QUEST FOR QUALITY

by JOHN COUNCIL

The selection of U.S. district judges and U.S. attorneys can be one of the most dangerous aspects of American politics. U.S. attorneys, the top dogs of federal law enforcement, serve at the will of the president and are rarely removed until a new president takes office. And U.S. district judges serve for life with near unfettered power. For decades, these appointments were mostly the product of political patronage.

When Republican President George W. Bush took office in 2001, his administration was charged with filling all four U.S. attorney positions in his home state as well as seven vacant U.S. district benches — an unusually high number of judicial openings. The prospect was enough to make Texas lawyers shudder because one bad choice could make their lives rather hellish.

Yet when the last nominee was approved by Bush's administration earlier this year, many Texas lawyers, even loyal Democrats, were impressed by their Eagle Scout-like qualifications and the diversity of the president's selections.

For that you can thank Dan Hedges and the group of 35 lawyers he led as chairman of the Federal Judicial Evaluation Committee. The committee, which recommends qualified candidates to U.S. Sens. Phil Gramm and Kay Bailey Hutchison — both Texas Republicans who are responsible for suggesting candidates to Bush — weeded through more than 175 applicants for the U.S. attorney and U.S. district judge positions. Gramm set up the committee in 1986.

The committee came up with candidates who were bar poll winners, people with extensive ties to the districts in which they serve and even an elected Democrat.

"They are a very smart group of people and they are a very hard-working group of people — that's not even a question,"

Hedges says. "We think we squeezed as much politics out of the process as possible."

The committee also made sure that judicial temperament of the candidates was given as much consideration as intellectual ability and career accomplishments.

"We read in the paper every day instances where judges blow up at a party for one reason or another," Hedges says. "We feel confident that we have chosen people that are not going to do that."

While the committee as a whole gets credit for finding the best candidates Texas had to offer, Hedges is the person who led the committee in the right direction, one committee member says.

"He's the guy who needs to be given credit for it running so smoothly," says Hector DeLeon of Austin's DeLeon, Boggins & Icenogle. "We covered a lot of ground in six months."

Hedges, a partner in Houston's Porter & Hedges, divided the committee into two panels to make it easier for the lawyer-members who, for no pay, reviewed applications from all over the state and interviewed the leading prospects.

Hedges had one key instruction for all of the committee members. "The charge by Dan was that we weren't there to look at politics," DeLeon says. "We were there to recommend the best qualified people regardless of political stripes."

A case in point is Phil Martinez. Now a judge of El Paso's 327th District Court, the committee ranked Martinez highly, and he became one of Bush's first U.S. district judge nominees in Texas to make it through the committee process. On Dec. 13, his nomination was approved by a unanimous vote of the Senate Judiciary Committee. He still faces a full Senate vote.

Gramm, one of the Senate's staunchest Republicans, sings the praises of Martinez, who is a Democrat.



**"We think we squeezed as much politics out of the process as possible," says Dan Hedges (above) of his committee's recommendations to Gramm and Hutchison**

"I look forward to voting for Phil Martinez on the Senate floor soon, and I'm hoping for a chance to do it before the Senate adjourns for Christmas," Gramm says in a statement. "Phil was a brilliant law student who matured into the most respected state judge in El Paso. He has the makings of a great federal judge, and the sooner we can put him to work, the better."

Most of Bush's nominees to U.S. district benches in Texas are expected to meet with the same level of approval from the Senate Judiciary Committee. That's saying something for a Senate committee that has allowed itself to become mired in partisan warfare over the past few years.

Once again, Hedges and his committee are to thank for that unusual accomplishment. **END**

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