

GOODWIN LIU: CORRECTING THE RECORD

REPUBLICANS ARE APPLYING A DIFFERENT STANDARD TO PRESIDENT OBAMA'S NOMINATIONS

RHETORIC: Republicans base their opposition to Goodwin Liu on judicial temperament and a so-called lack of candor.

BACKGROUND: Goodwin Liu testified during two confirmation hearings, for a total of more than five hours. He answered hundreds of questions for the record, and submitted to the Judiciary Committee hundreds of documents in connection with his record.

Professor Liu's record as a teacher, public servant and advocate has been public, available for Senators to review. He has been more responsive than were many Bush nominees.

FACT: Professor Liu conducted exhaustive searches of both his personal records and files, as well as internet searches on three dozen websites. He also conducted extensive searches through online databases including Lexis Nexis and YouTube, and through search engines such as Google.

FACT: Liu is among the first judicial nominees in history whose publications and event participation is largely available on the Internet. An unprecedented volume of information for this nominee is available online, through organizations and academic institutions.

FACT: Like many academics, Professor Liu has spoken before many panels and symposiums, relying on previously published works in many instances. As Richard Painter, chief White House ethics lawyer under President George W. Bush during the Roberts and Alito nominations, has stated, Professor Liu's, "original answers to the questions were a careful and good faith effort to supply the Senate with the information it needed to assess his nomination" and that "he provided a lot more information than many nominees do in response to these questions."

Professor Liu's candidness and temperament were on display as he responded to hundreds of questions in more than five hours of live testimony.

FACT: In March 2011, Professor Liu appeared before the Senate Judiciary Committee for a rare, second confirmation hearing, after Senate Republicans refused to consider his nomination in 2010. Over the course of two hearings, Professor Liu testified for more than five hours, and answered hundreds of questions – often repetitive – that were submitted to him for the record.

FACT: On February 24, 2010, the American Bar Association (ABA) announced that it had unanimously rated Professor Liu "well qualified" for the Ninth Circuit Court of Appeals – the ABA's highest rating. The **ABA specifically considers temperament** and made its determination through a thorough, anonymous process, including hundreds of confidential interviews with those who have worked with him. Republican Senators have touted the ABA rating as a "comprehensive, exhaustive evaluation" that provides "valuable insight" and "ought to [be] trust[ed]." (*Senator Hatch [2005]; Senator Sessions [2006]; Senator Coburn [2006].*)

Conservatives have praised Professor Liu's character, temperament, and integrity.

Ken Starr and Akhil Reed Amar: "Goodwin is a person of great intellect, accomplishment **and integrity**, and he is exceptionally well-qualified to serve on the court of appeals. The nation is fortunate that he is willing to leave academia to engage in the important form of public service."

Bipartisan Group of 8 Corporate Executives: "We know Goodwin from his service on the Stanford University Board of Trustees, and having observed his character and intellect in the intimate setting of a high-level fiduciary board, we have **no doubt he would make a superb federal judge.**"

Bipartisan Group of 22 leaders in education law, policy and research: "We do not necessarily agree with all of Professor Liu's views. But we do agree that his record demonstrates the habits of rigorous inquiry, open mindedness, **independence and intellectual honesty** that we want and expect our judges to have....[W]e are confident in Professor Liu's ability to decide the cases based on the facts and the law, regardless of his policy views."