



September 12, 2018

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**OPPOSE THE CONFIRMATION OF JOHN O'CONNOR TO THE
U.S. DISTRICT COURT FOR THE NORTHERN, EASTERN, AND WESTERN
DISTRICTS OF OKLAHOMA**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, I write in opposition to the confirmation of John O'Connor to be a U.S. District Judge for the Northern, Eastern, and Western Districts of Oklahoma.

Mr. O'Connor is the fifth Trump judicial nominee to be rated Not Qualified by the independent and nonpartisan American Bar Association's ("ABA") Standing Committee on the Federal Judiciary. Three of the five nominees – including Mr. O'Connor – received the ignominious distinction of being rated *unanimously* Not Qualified. Only four other judicial nominees since 1989 – out of approximately 1,500 nominees – have received this rating, the lowest possible rating from the ABA.

While the ABA rating is only one factor in determining whether a nominee is qualified for a lifetime appointment to the federal judiciary, Mr. O'Connor's nomination exemplifies the bad judgment that President Trump exercised in removing the ABA from the pre-nomination process, and the even worse judgment that Chairman Grassley exercised in giving hearings to nominees like Mr. O'Connor before the ABA completes their review. Chairman Grassley held a hearing for Mr. O'Connor on July 11, 2018, despite the fact that the ABA didn't submit its rating to the Senate Judiciary Committee until August 21, 2018. Chairman Grassley's partisan and relentless bid to ram Trump judicial nominees through the committee will be one of his most irresponsible legacies in the Senate.

Here are the words of the ABA regarding Mr. O'Connor's fitness to serve as a federal judge:

- “Regarding professional competence, which encompasses such qualities as intellectual capacity, judgment, writing and analytical abilities, knowledge of the law, and breadth of professional experience, the Committee found Mr. O'Connor to be not qualified. The consensus based on confidential peer review is that Mr. O'Connor lacks sufficient litigation experience, going to the depth and breadth of his law practice to date. His judgment was also found to be deficient.”¹

¹<https://www.americanbar.org/content/dam/aba/uncategorized/GAO/O'ConnorLetterofExplanation.authcheckdam.pdf>.



- “The Committee also evaluated the integrity of Mr. O’Connor by considering his character and general reputation in the legal community as well as the nominee’s industry and diligence. In this category as well, Mr. O’Connor was found to be not qualified. The confidential peer review revealed several instances of ethical concerns, including candor with the court, evidence of overbilling of clients and billing practices criticized by courts, an improper ex parte communication with a court, and improper contact with adverse parties in litigation.”²

These critical comments provided confidentially to the ABA paint a vivid picture of an individual who is clearly unworthy of a lifetime appointment to the federal judiciary.

An ABA rating of Qualified or Well Qualified doesn’t automatically render a nominee suitable to serve as a federal judge, because the ABA doesn’t consider a nominee’s judicial philosophy or ideology. But a rating of Not Qualified should serve as a per se bar. In other words, a positive ABA rating is necessary but not sufficient in evaluating a candidate’s fitness for a federal judgeship.

In addition, I am concerned Mr. O’Connor would be hostile to constitutional protections for women if he were confirmed to be a judge. He once spoke at an anti-abortion rally to protest *Roe v. Wade*, and according to a news article: “ORU rally speaker John O’Connor, an attorney, said he believed the Supreme Court will gradually chip away at the *Roe* case.”³ If confirmed as a judge, Mr. O’Connor could not be trusted to be fair-minded and uphold critical constitutional protections when it comes to reproductive freedom.

For the foregoing reasons, The Leadership Conference urges you to oppose the confirmation of John O’Connor to be a U.S. District Judge for the Northern, Eastern, and Western Districts of Oklahoma. Thank you for your consideration of our views. If you have any questions or would like to discuss this matter further, please contact Mike Zubrensky, Chief Counsel, at (202) 466-3311.

Sincerely,

Vanita Gupta
President & CEO

²*Id.*

³https://www.tulsaworld.com/archives/foes-of-abortion-rally-at-oru/article_d5b13fc0-9c1f-5633-8392-86b689cb5702.html.