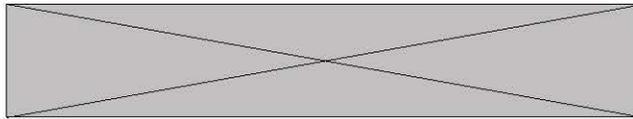


**From:** "Kavanaugh, Brett M."  
**To:** "Gonzales, Alberto R.," "Leitch, David G.," "Walker, Helgard C.," "Newstead, Jennifer G.," "Bartolomucci, H. Christopher," "Sampson, Kyle," "Francisco, Noel J.," "Powell, Benjamin A.," "Ullyot, Theodore W."  
**Subject:** being circulated by Committee for Justice (Boyden's group)  
**Received(Date):** Fri, 14 Mar 2003 17:12:26 -0500  
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Contact: Sean Rushton - (202) 481-6850  
March 14, 2003

## What, besides ethnicity, explains the disparate treatment of these two judicial nominees?

**Jay S. Bybee**  
Nominee, 9<sup>th</sup> Circuit Court of Appeals

**Miguel A. Estrada**  
Nominee, District of Columbia Circuit Court

**Born:**

**Born:**

[P6/b6]

**Education:**

1973-1977, Brigham Young Univ.,  
B.A. degree, magna cum laude

**Education:**

1980-1983, Columbia College,  
A.B. degree, magna cum laude, Phi Beta Kappa

1977-1980, Brigham Young Univ. Law School,  
J.D. degree, cum laude, Law Review

1983 - 1986 Harvard Law School,  
J.D. degree, magna cum laude, Law Review

**Bar Admittance:**

1981 District of Columbia; 2001 Nevada

**Bar Admittance:**

1987 New York; 1998 District of Columbia

**Experience:**

1984-1989, U.S. Department of Justice  
Office of Legal Policy 1984-1986  
Civil Division 1986-1989  
  
1989-1991, The White House,  
Associate Counsel to the President  
  
1991-1998, Louisiana State Univ. Law Center  
Assistant Professor 1991-1994, Associate Professor 1994-  
1998, Professor 1998  
  
1999-2000, University of Nevada Law School  
Professor  
  
2001-Present, U.S. Department of Justice,  
Assistant Attorney General, Office of Legal Counsel

**Experience:**

1986-1987, Law Clerk to Hon. Amalya L. Kearse,  
U.S. Court of Appeals for the 2nd Circuit  
  
1988-1989, Law Clerk to Hon. Anthony M. Kennedy,  
Supreme Court of the United States  
  
1990-1992, U.S. Attorney's Office Southern District  
of New York, Assistant U.S. Attorney  
  
1992-1997, U.S. Department of Justice  
Solicitor General's Office  
Assistant to the Solicitor General  
  
1997-Present, Gibson, Dunn & Crutcher, LLP  
Of Counsel Attorney, 1997-99  
Partner, 2000-present

**Days since nomination:**

295

**Days since nomination:**

673

**ABA rating:**

Majority, well qualified.

**ABA rating:**

Unanimous, well qualified.

**Cases argued before U.S. Supreme Court:**

0

**Cases argued before U.S. Supreme Court:**

15

**Senators' questions answered:**

60

**Senators' questions answered:**

125

**Surrendered internal advice from  
Office of Legal Counsel requested by Democrats:**

0

**Surrendered internal advice from  
Office of Solicitor General requested by Democrats:**

0

**Status:**

Confirmed by 75 to 18 vote, March 13, 2003

**Status:**

Subject of unprecedented 36-day filibuster