

Republican Lawyers Urge U.S. Senators to Back Lopez Nomination

Republican lawyers who have served in high positions in Georgia government and the state GOP have asked Georgia's U.S. senators to support the confirmation of a DeKalb County State Court judge to the federal bench in Atlanta.

The letter to Sens. Johnny Isakson and David Perdue, both Republicans, seek their backing for Judge Dax Lopez to fill a final vacancy on the Northern District of Georgia bench.

The co-signers to the letter include **Joshua Belinfante of Robbins Ross Alloy Belinfante Littlefield** and Robert Highsmith of Holland & Knight, who were both executive counsel to Gov. Sonny Perdue, and Anne Lewis of Strickland Brockington Lewis, who is general counsel to the state Republican Party. Belinfante also is one of three lawyers advising Sen. Perdue—Gov. Perdue's first cousin—on the selection of federal judges.

Other co-signers of the letter include Frank Strickland, Lewis' senior partner and the state Republican Party's former GC; GOP state treasurer R. Mansell McCord Jr.; and state Reps. Edward Lindsey, R-Atlanta, of Atlanta's Goodman McGuffey Lindsey & Johnson; BJay Pak, R-Lilburn, of Atlanta's Chalmers, Pak & Burch; and state House Judiciary Committee Chairman Wendell Willard, R-Sandy Springs.

The signers also include Belinfante's **Robbins law partner, Jason Alloy**, a former president of the Atlanta Lawyers Division of the Federalist Society; Kilpatrick Townsend Stockton chairman J. Henry Walker IV; and Bryan Cave partner William Custer, whose clients include the Georgia Chamber of Commerce and the Georgia Bankers Association. Many of the co-signers have served on the state Judicial Qualifications Commission or the Judicial Nominating Commission.

The Sept. 22 letter identified the signers as attorneys and conservatives who have met, appeared before, or practiced law with Lopez. Lopez worked at Holland & Knight before he was appointed to the DeKalb State Court bench by Gov. Perdue in 2010.

"As conservatives, we recognize that the constitutional obligation of a judge is to decide cases based on the text of the law and not policy preferences," the letter says. "We know that Judge Lopez views the law the same way."

The U.S. Senate Judiciary Committee has not yet scheduled Lopez's confirmation hearing.

Lopez had already garnered public support for his confirmation from Marietta attorney Robert Ingram—who is a member of Isakson's judicial selection committee.

Calling Lopez "an excellent nominee," Ingram told the Daily Report in July that Lopez had the "enthusiastic support" of both Isakson and his two fellow selection committee members: Ronald Carlson, a law professor

at the University of Georgia, and former state bar president Jimmy Franklin.

Ingram said that no one on either Isakson's or Perdue's selection committees had opposed Lopez's nomination to the federal bench. Perdue's committee includes Belinfante, retired King & Spalding partner Dwight Davis and Houston County lawyer Michael Long.

Last July, President Barack Obama nominated Lopez to fill a long-vacant slot on the federal trial bench in Atlanta. The post had originally been intended for Georgia Court of Appeals Judge Michael Boggs, who was recruited by then-Sen. Saxby Chambliss as part of a compromise with the Obama administration to fill vacant slots on the U.S. Court of Appeals for the Eleventh Circuit and the Northern District bench. But national controversy generated by Boggs' conservative stances while a Georgia legislator led the White House to withdraw Boggs' nomination last year.

Lopez was born in Puerto Rico and moved with his family to Augusta when he was 6. When he was appointed to the DeKalb bench in 2010, Lopez, who described himself as a Republican in a 2010 interview with the Daily Report, became only the second Latino trial court judge in Georgia. When Lopez campaigned in a nonpartisan race to retain his judicial post in 2012, he garnered support from Democrats. If confirmed, he would become the first Latino federal judge in the state's history.

But Lopez's nomination has drawn opposition, largely stemming from his longtime position as a board member of the Georgia Association of Elected Officials (GALEO). Lopez was on GALEO's board when Gov. Perdue appointed him to the DeKalb bench, and Lopez remained on the board when the White House nominated him to the federal bench.

He resigned shortly after his nomination and is no longer a member of GALEO, said Jerry Gonzalez, the organization's executive director.

Gonzalez said the judge's resignation was "standard procedure," and that former board member Luis Aguilar also had resigned after his nomination by President George W. Bush to serve as a commissioner with the U.S. Securities and Exchange Commission.

GALEO was founded in 2003 to boost the number of elected and appointed Latino public officials. It has led voter drives for more than a decade in Latino communities across the state. Gonzalez describes GALEO as a nonpartisan organization that has strongly supported comprehensive immigration reform and voting rights initiatives. He said the organization's position on those issues is "consistent with" the U.S. Conference of Catholic Bishops and the U.S. Chamber of Commerce.

Last month, Gwinnett County Sheriff Butch Conway and Cobb Sheriff Neil Warren sent letters voicing their objections to Lopez's nomination, largely because of his GALEO membership. State Sen. Michael Williams, R.-Cumming, has also sent a letter to Georgia's senators voicing his opposition.

Conway said in his letter that he is "a long-standing proponent of stringent immigration laws." Lopez's service on GALEO's governing board, the sheriff said, caused him "great concern regarding his ability to serve as an impartial federal district court judge." Conway described GALEO as "a radical organization that promotes blatant disregard of existing federal immigration laws," and "supports amnesty for illegal aliens."

Cobb Sheriff Warren said in his letter that Lopez's GALEO membership and his board service "would suggest prejudice towards law abiding citizens and law enforcement." Both sheriffs have partnered with U.S. Immigration and Customs Enforcement in a federal program, known as 287(g), that allows county officers to enforce federal immigration laws and identify for deportation any foreign nationals in the U.S. without proper documentation.

Williams contended that "by word and action, Judge Lopez identifies with the philosophical position" of GALEO, adding that the organization "actively works against the rule of law."

The sheriffs' and the state legislator's objections echoed that of a member of Gov. Nathan Deal's Immigration Enforcement Review Board, who within a week of Lopez's nomination had blasted his affiliation with GALEO and labeled the organization "an illegal alien lobby group." The board member, Phil Kent, a longtime conservative activist, also questioned whether Lopez was a true Republican, calling it "laughable."

(Lopez, like most nominees for the federal bench, has declined to speak about his nomination.)

While Lopez was on the board, GALEO joined with the ACLU of Georgia in challenging a stringent state immigration law and supported a White House initiative to prevent deportation for undocumented foreign nationals who arrived in the U.S. as children and to allow them to apply for work visas.

Gonzalez of GALEO told the Daily Report that the organization had opposed the way that both Conway and Warren had implemented the 287(g) program, which he said had deviated sharply from the program's original intent, which was to identify and deport immigrants who had committed serious crimes. The Cobb and Gwinnett sheriffs, he said, used it "as a tool to round up and deport people for even minor traffic violations" and, in the process, had engaged in what he said was "significant" racial profiling.

In 2013, immigration authorities began phasing out the federal program and restricting the detention of individuals arrested for minor misdemeanor and traffic offenses in favor of concentrating on the apprehension of felons and repeat offenders.

Belinfante said he could not comment on whether Sen. Perdue will support Lopez's confirmation. He said he began circulating the attorneys' letter supporting Lopez not as someone affiliated with Perdue but rather "in my capacity as someone who believes strongly in Judge Lopez."

Belinfante said he did so because, "I wanted to make sure that if people were talking about Judge Lopez, there were also communications ... by people who know him in the capacity the president has asked him to serve, not just [by] the statements of an organization of which he was a member ... and why I have all the confidence in the world that he would make a fine judge."

Read more: <http://www.dailyreportonline.com/id=1202740143925/Republican-Lawyers-Urge-US-Senators-to-Back-Lopez-Nomination#ixzz3p2I2OLaR>