

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)

Sonia Sotomayor - 1983 to the Present

Sonia Maria Sotomayor - Birth to Marriage

Sonia Sotomayor de Noonan, Sonia Maria Sotomayor de Noonan
or Sonia Noonan, Married Name, 8/76 to 10/83.

2. Address: List current place of residence and office address(es).

RESIDENCE:

51 3rd Street, Apt. #1L
Brooklyn, New York 11231

OFFICE:

PAVIA & HARCOURT
600 Madison Avenue
New York, New York
10022

3. Date and place of birth.

June 25, 1954
New York, New York

4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

Divorced since October 1983

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

<u>SCHOOL</u>	<u>DEGREE</u>	<u>DATES ATTENDED</u>	<u>GRADUATION</u>
Princeton University	A.B., Summa Cum Laude	1972 - 1976	June 1976
Yale Law School	J.D.	1976 - 1979	June 1979

6. Employment Record: List (by year) all business or professional corporation, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

<u>Organization</u>	<u>Address</u>	<u>Date of Association</u>	<u>Position</u>
Pavia & Marcourt	600 Madison Ave. New York, NY 10022	1/88 to Present 4/84 to 12/87	Partner Associate
New York County District Attorney's Office	1 Hogan Place New York, NY 10013	8/79 to 3/84	Assistant District Attorney in Trial Bureau 50
Sotomayor & Associates	10 3rd St. Brooklyn, New York 11231	1983 - 1986	Counseling and consulting work for family and friends
New York City Campaign Finance Board	40 Rector Street New York, N.Y. 10006	1988 to the Present	Member, Board of Directors
State of New York Mortgage Agency	260 Madison Avenue New York, N.Y. 10016	1987 to the Present	Member, Board of Directors
Puerto Rican Legal Defense & Education Fund	59 Hudson Street New York, N.Y. 10013	1980 to the Present	Member, Board of Directors
Fraternity Center Association	48 East 92nd Street New York, N.Y. 10121	1985 - 1986	Member, Board of Directors

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

No

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

I received financial assistance in the form of scholarships during my four years at Princeton University and my three years at Yale Law School. I graduated summa cum laude, Phi Beta Kappa, from Princeton and received, as a co-winner, the M. Taylor Senior Pyne Prize. I also served as an editor of the Yale Law School Journal.

9. Bar Association: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Member, American Bar Association, 1980 to the present.

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies.

None except I do represent, as their attorney, Fendi S.a.S. Paola Fendi e Sorelle in a Task Force of trademark owners which seeks increased penalties for counterfeiting under New York State's criminal laws.

Please list all other organizations to which you belong.

For the organizations with which I am affiliated as a member of their Board of Directors, see response I(6) hereof.

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse membership. Give the same information for administrative bodies which require special admission to practice.

New York - First Department - April 7, 1980.

United States District Court, Southern District of New York - March 27, 1984.

United States District Court, Eastern District of New York - March 30, 1984.

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

Note: Statehood and the Equal Footing Doctrine: The Case for Puerto Rican Seabed Rights, 88 Yale Law Journal 825 (1979) (Copy attached).

13. **Health:** What is the present state of your health? List the date of your last physical examination.

Good. Please note, I am a diabetic. My last physical examination was September 3, 1991.

14. **Judicial Office:** State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

None

15. **Citations:** If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.

Not Applicable

16. **Public Office:** State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

1988 to the present - appointed by the Mayor, Board of Directors, New York City Campaign Finance Board.

1987 to the present - appointed by the Governor, Board of Directors, State of New York Mortgage Agency.

8/79 to 3/84 - Appointed by the District Attorney, Assistant District Attorney, New York County.

17. Legal Career:

- a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

No

2. whether you practiced alone, and if so, the addresses and dates;

Yes with Sotomayor & Associates, 10 3rd Street, Brooklyn, New York, from 1983 to 1986, but this work was more in the nature of a consultant to family and friends in their real estate, business and estate planning decisions. If their work required formal legal representation, I referred the matter to my firm, Pavia & Harcourt, or to others with appropriate expertise.

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

<u>Dates of Association</u>	<u>Organization</u>	<u>Address</u>	<u>Position</u>
4/84 to Present	Pavia & Harcourt	600 Madison Ave. New York, NY 10022	Partner - (since 1/88) Associate
8/79 to 3/84	New York County District Attorney's Office	1 Hogan Place New York, NY 10013	Assistant District Attorney

- b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

See I(b)(2) below

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

From April 1984 as an associate and since January 1988 as a partner, I have been a general civil litigator in all facets of commercial work including, but not limited to, real estate, employment, banking, contract, distribution and agency disputes. Moreover, my practice has had significant concentration in intellectual property law including trademark, copyright and unfair competition, automobile franchise law, and export commodity trading under the North American Export Grain Association Contract.

My firm's and my own typical clients are significant European companies doing business in the United States.

From 8/79 to 3/84, as a prosecutor on behalf of New York County, my cases typically involved "street crimes", i.e., murders, robberies, etc. I did, however, also engage in investigative matters involving child pornography, police misconduct and fraud.

- c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

I appeared almost daily in court as a prosecutor and I appear regularly in court for a civil commercial litigator with a largely federal practice.

2. What percentage of these appearances was in:

Since 1984:

1. Federal courts; .. approx. 70%
2. State courts of record; - approx. 20%
3. Other courts. - approx. 10%

As a Prosecutor:

1. Federal courts: - 0 -
2. State Courts of Record - 100%
3. Other courts - 0 -

3. What percentage of your litigation was:

My practice as a prosecutor was a 100% criminal and in private practice has been 99% civil and 1% criminal.

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried over 22 cases to verdict. In one of the cases, I was chief counsel and in another, co-counsel. In all other cases, I was sole counsel.

5. What percentage of these trials was:

1. Jury - 90%
2. Non-jury - 10%

18. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- (a) the date of representation;
- (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
- (c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

See attached Addendum

19. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of

your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

A great part of my litigation work involves pre-trial and discovery proceedings for cases which are typically settled before trial. In my litigation experience, and as part of my advising clients, my practice has involved a wide variety of legal issues including, but not limited to, product liability, warranty, antitrust, securities, environmental, banking, real estate, patents, employment, partnership, joint venture and shareholder laws; customs, automobile and tire regulations; and franchising and licensing matters. I have, moreover, conducted over fifteen arbitration hearings involving, predominantly, export grain commodity trading on behalf of foreign buyers but also hearings involving banking, partnership and fashion industry disputes.

Finally, in addition to my involvement in establishing a national anti-counterfeiting program for Fendi S.a.S. Paola Fendi e Sorelle, I have participated, on behalf of Fendi, in establishing a Task Force of prominent trademark owners to change New York State's anti-counterfeiting criminal statutes. I have also supervised and participated in the national dealers and customer warranty relations programs for Ferrari North America, a division of Fiat Auto USA, Inc.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

As a partner in Pavia & Harcourt, I have a 1.5% of 106% interest in the firm which interest is valued at \$25,616. The partners are currently discussing a redistribution of the percentage interest in the firm of deceased and retired partners. This redistribution may increase my interest and its value. The liquidation of a partner's interest is generally negotiated at the time of a resignation but the partnership has two years to pay the interest. My partners have advised me that they will attempt to liquidate my interest prior to my assumption of any public position.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

I have been a practicing attorney, a partner in my firm, a member of the Board of Directors of various organizations, have made one loan to the business of a friend, and am a trustee for family trusts established by a client. I would disqualify myself from hearing matters in which I or my firm have been involved in accordance with 28 U.S.C. §455 and the Code of Judicial Conduct.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No and if appointed, I would resign from the Board of Directors of the organizations with which I am currently affiliated and as a trustee for the family trusts of my client.

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500 or more (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

See the Attached Financial Disclosure Report

5. Please complete the attached financial net worth statement in detail (Add schedules as called for).

See the Attached Net Worth Statement

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

No

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

All of the non-profit organizations with which I have been affiliated serve the disadvantaged either directly or through projects I have participated in formulating. The Puerto Rican Legal Defense and Education Fund, for example, promotes, through legal and educational activities, the civil and human rights of disadvantaged Hispanics. I have served, at various times, as the First Vice President of the Board of Directors of the Fund and as Chairperson of its Litigation and Education Committees.

The State of New York Mortgage Agency ("SONYMA") structures affordable housing programs for residents of the State of New York. During my service on its Board of Directors, SONYMA, among many other projects, has implemented special mortgage programs for low-income families to purchase homes.

I was also a member, in 1988, of the Selection Committee for the Stanley D. Heckman Educational Trust which grants college scholarships to minorities and first generation immigrants. I have, moreover, served, in 1990-1991, as a member of New York State's Panel on Inter-Group Relations.

Finally, I have been a member of the New York City Campaign Finance Board since its inception in 1988. This Board distributes public funds to candidates for certain elective positions in New York City when such candidates agree to limit the amount of the contributions they will accept and expenditures they will make during campaigns.

The time I have devoted to my service to these various organizations has varied through the years but it has never been less than two hours a week and has been over eight hours a week during certain periods. Currently, I devote an average of approximately six hours a week cumulatively to the various non-profit organizations of which I am a member.

2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously

discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates -- through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies?

No

3. Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).

At the suggestion of various friends, I submitted an application to and was interviewed by the Committee on the Judiciary which advises Senator Daniel Patrick Moynihan on his judicial recommendations. I subsequently met with Senator Moynihan who then recommended me to Senator Alfonse D'Amato. Senator D'Amato forwarded my name to the Department of Justice. I was first contacted and interviewed by the Committee on the Judiciary of the Association of the Bar of the City of New York which approved my qualifications for the appointment. Thereafter, on two occasions, I was contacted by and met with various officials at the Department of Justice. I was then sent requisite forms which I completed. I was interviewed by an agent of the Federal Bureau of Investigation and by a representative of the Standing Committee on the Federal Judiciary of the American Bar Association before my nomination by the President.

4. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue, or question? If so, please explain fully.

No

25. Please discuss your views on the following criticism involving "judicial activism."

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped many of the prerogatives of other branches and levels of government.

Some of the characteristics of this "judicial activism" have been said to include:

- a. A tendency by the judiciary toward problem-solution rather than grievance-resolution;
- b. A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;
- c. A tendency by the judiciary to impose broad, affirmative duties upon governments and society;
- d. A tendency of the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and
- e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.

Our Constitution vests the right to make and administer laws in the legislative and executive branches of our government. Judges impermissibly encroach upon that right by rendering decisions that loosen jurisdictional requirements outside of the scope of established precedents and by fashioning remedies aimed at including parties not before the court to resolve broad societal problems.

Judges must provide fair and meaningful remedies for violations of constitutional and statutory rights to the parties before a court. Doing so can, at times, affect broad classes of individuals, may place affirmative burdens on governments and society and may require some administrative oversight functions by a court.

A judge's decision should not, however, start from or look to these effects as an end result. Instead,

because judicial power is limited by Article III of the Constitution, judges should seek only to resolve the specific grievance, ripe for resolution, of the parties before the court and within the law as written and interpreted in precedents. Intrusion by a judge upon the functions of the other branches of government should only be done as a last resort and limitedly.

AFFIDAVIT

I, Sonia Sotomayor, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

12/9/91
(DATE)

Sonia Sotomayor
(NAME)

Anthony S. Cannatella
(NOTARY)

ANTHONY S. CANNATELLA
Notary Public, State of New York
No. 41-4969768
Qualified in Queens County
Commission Expires Dec. 11, 1991