

## THE WHITE HOUSE

June 7, 2009

Honorable Patrick J. Leahy  
Chairman, Senate Judiciary Committee  
Washington, DC 20515

Honorable Jeff Sessions  
Ranking Member, Senate Judiciary Committee  
Washington, DC 20515

Dear Chairman Leahy:

I understand that Judiciary Committee staff have requested clarification about Judge Sonia Sotomayor's responses to Senate Judiciary Committee Questionnaire Questions 13(b) and 13(d), which concern her judicial opinions.

Question 13(b) requests "citations for all opinions you have written, including concurrences and dissents." In response to this question, Judge Sotomayor produced a list of all her opinions that are publicly available, including district court opinions available on Westlaw or Lexis but not published in the federal reporters. That list appears in the appendix to the questionnaire.

Question 13(d) requests "a list and copies of all your unpublished opinions." In response to this question, Judge Sotomayor produced a list and copies of all her opinions that are not publicly available. This set of opinions is composed entirely of district court memorandum opinions and orders that were neither published in the federal reporters nor posted on Westlaw or Lexis. The list appears in the appendix to the questionnaire, and the copies appear as attachments to Question 13(d). Staff at the court's archives are still attempting to locate several of these opinions, but we expect to receive them shortly. Those opinions are: *Sweeper v. Scully*, 88 Civ. 5024; *Bowres v. Navistar Int'l Trans.*, 88 Civ. 8857; *Chabad Lubavitch v. City of White Plains*, 92 Civ. 9165; *Medmar, Inc. v. Abdul M. Fahem & Co.*, 94 Civ. 3319; ; *Emile v. Browner*, 95 Civ. 3836; *Nonferrous v. Agricultural Bank*, 94 Civ. 6161.

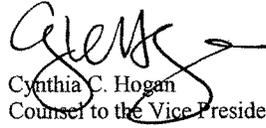
Thus, Judge Sotomayor's responses to Questions 13(b) and 13(d) comprise all her judicial opinions.

Finally, because staff have expressed interest in Judge Sotomayor's response to Question 13(d), I offer a brief description of how her unpublished opinions were collected. When Judge Sotomayor was a district court judge, her assistant kept a list of all cases in which the judge drafted an opinion. To prepare a response to Question 13(d), her chambers ran each of the cases on this list through Westlaw; any opinion that was on the list but not available on Westlaw was ordered from the Southern District of New York's storage facility, which is located in Kansas City. To double-check this list, her chambers also asked the Clerk of the Court to run a search

through the Clerk's database for any case in which Judge Sotomayor wrote an opinion as a district court judge.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Hogan', with a long horizontal flourish extending to the right.

Cynthia C. Hogan  
Counsel to the Vice President