

## Covington & Burling Atty Confirmed To DC Federal Bench

By **Daniel Wilson**

*Law360, Washington (March 26, 2014, 4:55 PM ET)* -- The U.S. Senate on Wednesday confirmed four nominees, including a Covington & Burling LLP partner, to fill federal court positions in Washington, D.C., Missouri and Pennsylvania.

Covington & Burling's Christopher R. Cooper, a partner in the firm's white collar and anti-corruption practices, won confirmation to the District of Columbia in a unanimous 100-0 vote, saying in a statement afterward that he was "honored" by the decision, which allowed him to join an "excellent and respected" federal bench.

Cooper will move onto his new role with a strong blessing from the firm. Timothy Hester, Covington & Burling's management committee chair, said Wednesday that the firm was "very proud" of his nomination.

"We know that he will be an outstanding judge, given his keen intellect, sound judgment and commitment to justice," Hester said.

Baird Lightner Millsap & Harpool PC litigator M. Douglas Harpool, Raynes McCarty litigator Gerald A. McHugh Jr., and Judge Edward G. Smith of the Pennsylvania Court of Common Pleas were also confirmed in a 93-5, 59-41 and 69-31 vote respectively.

Harpool will sit on the Western District of Missouri bench, while McHugh and Smith will both serve in the Eastern District of Pennsylvania.

McHugh and Smith had previously won the public support of Pennsylvania's U.S. senators — Republican Pat Toomey and Democrat Bob Casey — for their legal skills and experience after being "thoroughly vetted" by the lawmakers, according to Toomey.

"Pennsylvanians expect us to ... work across party lines to find the best candidate," Toomey said on the Senate floor Monday. "I think we've done so."

While three of the nominees had won strong bipartisan support in their final votes, earlier cloture votes were — following in the footsteps of other recent cloture votes on federal judicial nominees — largely split along party lines, with Smith receiving a 75-23 vote and the remaining three nominees receiving 56-43 votes, as part of an ongoing tacit protest by Senate Republicans.

The protest relates to a change to the Senate rules on confirmation for executive branch nominee, after Democratic frustration over a GOP filibuster of three D.C. Circuit nominees, prompting Senate Majority Leader Harry Reid, D-Nev., to turn to the "nuclear option": setting up a vote that changed the threshold for confirmation from 60 votes to a simple majority.

Senate Republicans have argued that the D.C. Circuit nominee filibuster was a legitimate effort to stop the powerful appellate court from being "packed" with judges sympathetic to the Obama administration's agenda, and that the rule change violated the spirit of the Senate.

Since the nuclear option was invoked, Republican senators have turned to a process Reid has referred to as "slow walking," delaying the confirmation of judicial nominees by requiring each to go through the full vote process — including cloture and final votes with an intervening debate period — rather than the quicker unanimous consent process.

Despite the delays, however, the Senate has confirmed a dozen federal judicial nominees in just over a month, on top of the four confirmed Wednesday, filling vacancies in Arkansas, California, Connecticut, Michigan, Puerto Rico and Tennessee, as well as on the 10th Circuit.

--Editing by Edrienne Su.