

Statement of Senator John D. Rockefeller IV  
On the Nomination of Irene Cornelia Berger to be  
United States District Judge for the Southern District of West Virginia  
October 27, 2009

Mr. President, I rise to speak on an issue that is so important to me personally, but also to my fellow West Virginians. Today, the Senate will consider the nomination of Judge Irene Berger to serve on the U.S. District Court for the Southern District of West Virginia.

I have had the pleasure of knowing Judge Berger for years, and I continue to be amazed at her tremendous intellect, integrity, and dedication to public service. She is a phenomenal person and a true professional, which is why I was so proud to join with Senator Byrd in recommending her to the President for this judgeship.

Without a doubt, Judge Berger is one of the most qualified people I know to serve on the federal bench. She truly is unmatched in her professionalism and her experience. She has earned the respect of her fellow jurists and practicing lawyers. And she has the temperament that should be expected of any judicial nominee.

She is smart, fair, dispassionate, and rational. She reaches her decisions in a calm and deliberative way, showing respect and equal treatment to all claimants in her courtroom.

Judge Berger grew up in a large family in one of the poorest counties in America. Yet she worked hard, got a good education, and ultimately earned her law degree from the West Virginia University College of Law.

Rather than seeking a high-paying job in a corporate law firm, she decided to give back to her community by devoting

her entire 30-year legal career to serving her fellow West Virginians. In doing so, she has gained profound experience at nearly every level of our judicial system.

She began her career as a Legal Aid attorney, protecting the rights of our state's most vulnerable citizens, and then kept our communities safe by serving for 12 years as a prosecuting attorney in Kanawha County, West Virginia.

She would go on to serve briefly as an Assistant United States Attorney for the Southern District of West Virginia, before being appointed to fill a vacancy as a Circuit Judge for the Thirteenth Judicial Circuit of West Virginia, a position she has held for 15 years.

As an attorney and a jurist, Judge Berger's hard work and determination have earned her the respect of her peers and confidence of her community. After her initial appointment to the Circuit Court, the voters of Kanawha County, West Virginia voted three times to keep her in office because of her reputation as an honest, thoughtful, and skilled jurist.

I think we all agree that the federal judicial system is fundamental to our democracy's continued vitality. And, there is no one I trust more than Judge Berger to faithfully and skillfully serve in this enormously important role.

The American people deserve to know that when they enter a courtroom, their judge is committed to justice and equality – and that is exactly the type of judge that Irene Berger is, and will continue to be.

She made that clear in her confirmation hearing saying, "I want to say very strongly that I will ensure that all parties are

treated fairly and equally. They will be heard equally, be they rich or be they poor.”

Judge Berger has also remained an integral part of our community and state. With her uncommon wisdom and insight, she assumed leadership positions within the court system and been called to serve on the boards of non-profit organizations and educational institutions.

Her honors and awards are almost too numerous to mention, but they include: WVU College of Law Outstanding Woman in the Law Award; YWCA Woman of Achievement; American Bar Association Foundation Fellow; WVU Outstanding Alumna; and NAACP Image Award for Leadership to name just a few.

But I am perhaps most impressed by Judge Berger’s courage, determination, and refusal to back down from a worthwhile challenge. She was one of the first students to integrate her local elementary school in McDowell County, the first in her family to attend college, and the first African-American woman to serve as Circuit Court Judge in West Virginia. If confirmed today, she would become the first African-American federal judge in West Virginia history.

I would like to close by personally thanking Judge Berger and her family, and also thanking Majority Leader Reid, Minority Leader McConnell, Chairman Leahy, Ranking Member Sessions, and the whole Judiciary Committee for allowing us to move forward on this critical nomination.

We can rest assured that Judge Berger will serve with enormous honor and distinction, just as her predecessor, the Honorable David A. Faber, served before her.

I am proud and all West Virginians deserve to be proud as one of our own premier legal minds and unwavering leaders continues to serve our nation and the cause of justice.

Mr. President, I yield the floor.