unanimously that the letter they talked about was a client secret and that Mr. Helmick acted in good faith. So those criticisms don't really stand the test of time in that way.

Again, I thank Senator LEAHY and the Judiciary Committee for moving as quickly as they could move. This is a difficult time. At times, there is Senate dysfunction and the minority party blocks or slow-walks some of these nominees.

Jeffrey Helmick has been supported by a bipartisan, rigorous committee of 17 who come from the Southern District of Ohio and who help to choose nominees for the Northern District of Ohio. I spoke personally with all but 1 or 2 of those 17 Republicans and Democrats around whom consensus was formed in support of Jeffrey Helmick. They think he is an outstanding lawyer, jurist, and potential Federal judge. The other Federal judges in the western region of the Northern District Court in Ohio, which is out of Toledo—including a judge nominated by President George W. Bush—enthusiastically support Jeffrey Helmick.

Senator GRASSLEY said he was a controversial nominee. He is only controversial in the Senate Judiciary Committee and among some of my colleagues. He is not controversial in Ohio, where they know Jeffrey Helmick the best. He is not controversial in the Toledo bar. He is not controversial among people who know Jeffrey Helmick and who have watched him perform his service to his community and watched him professionally and the way that he does his job as a lawyer in Toledo, OH, in Federal court or in State court. So the fact is, he is not a controversial nominee. He is only a controversial nominee in the U.S. Senate and in some places in Washington, DC. But we know he is qualified, and we know he is ready to serve.

I ask my colleagues to vote today to confirm Jeffrey Helmick to the U.S. Federal court in the Northern District of Ohio.

Mr. LEAHY. Mr. President, Jeffrey Helmick was rated ''well qualified'' by a substantial majority of the ABA's Standing Committee on the Federal Judiciary. In his 22-year legal career as a litigator in private practice, Mr. Helmick has tried approximately 40 cases to verdict or judgment. Currently a principal at his law firm, Mr. Helmick has the strong support of his home State Senators who have spoken in support of this nomination. He was also voted out of the Judiciary Committee nearly 3 months ago by a bipartisan majority. Given his distinguished record in private practice and his bipartisan support, I trust that he will be confirmed.

Some have chosen to criticize Mr. Helmick for his role as court-appointed defense counsel. Those who criticize him may not understand how our justice system works. Our legal system is an adversary system, predicated upon legal advocacy for both sides. That is what Mr. Helmick did at the request of the court.

No nominee should be disqualified for representing clients zealously. At his confirmation hearing to become the Chief Justice of the United States, John Roberts made the point:

''[I]t's a tradition of the American Bar that goes back before the founding of the country that lawyers are not identified with the positions of their clients. The most famous example probably was John Adams, who represented the British soldiers charged in the Boston Massacre. He did that for a reason, because he wanted to show that the Revolution in which he was involved was not about overturning the rule of law, it was about vindicating the rule of law.

Our Founders thought that they were not being given their rights under the British system to which they were entitled, and by representing the British soldiers, he helped show that what they were about was defending the rule of law, not undermining it, and that principle, that you don't identify the lawyer with the particular views of the client, or the views that the lawyer advances on behalf of the client, is critical to the fair administration of justice.''

Mr. Helmick was appointed by the court to represent a defendant and he had an ethical obligation to advocate zealously for that client. That was what he did, and he should not now be punished for doing his duty.

In addition, there has apparently been an objection to Mr. Helmick's handling of an ethical dilemma where he refused to disclose a client secret. This is particularly odd because the Ohio Court of Appeals who heard the case stated that Mr. Helmick ''should be commended for his professional and ethical behavior in a very difficult situation.'' In addition, although a divided Ohio Supreme Court ultimately ordered disclosure of the letter based on a balancing test in a 4 3 decision, the Court nevertheless agreed unanimously with Mr. Helmick that the letter was a client secret. Indeed, the Ohio Supreme Court stated that Mr. Helmick acted in good faith.

Let us confirm this good man and not try to tarnish his distinguished reputation. I join Senator BROWN and Senator PORTMAN in urging a vote for confirmation.

I yield back the remaining time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, will the Senate Advise and Consent to the nomination of Jeffrey J. Helmick, of Ohio, to be U.S. District Judge for the Northern District of Ohio?

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 116 Ex.]

YEAS—62

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Portman
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Collins	Lugar	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Corker	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	

NAYS—36

Ayotte	Enzi	McCain
Barrasso	Grassley	McConnell
Blunt	Hatch	Moran
Boozman	Heller	Paul
Burr	Hoeven	Risch
Chambliss	Hutchison	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kyl	Toomey
DeMint	Lee	Wicker

NOT VOTING—2

Kirk	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislation session.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Utah.

WISCONSIN RECALL ELECTION

Mr. HATCH. Mr. President, I rise to comment on the results of last night's recall election in the State of Wisconsin. After nearly 2 years of heated political debate, the people of Wisconsin made it clear last night that they are not suffering from buyers' remorse. Two years ago, they elected leaders committed to solving their State's budget crisis. Last night, they stood by those leaders for making the hard choices that turned Wisconsin's deficit into a surplus.

Yesterday's election was very important. It was important because of the example it provides to the Nation and the world of how a democracy should work, with citizens who disagree vehemently about policy nonetheless coming together to accept the results of an open and fair election.

It was important because of the message it sends with respect to public employee unions. Last night's results serve as yet another reminder that the