

**Statement of Senator Chuck Grassley
Before the Committee on the Judiciary
On the Nominations of:**

Frank Paul Geraci, Jr., to be United States District Judge for the Western District of New York

Fernando M. Olguin, to be United States District Judge for the Central District of California

Malachy Edward Mannion, to be United States District Judge for the Middle District of Pennsylvania

Matthew W. Brann, to be United States District Judge for the Middle District of Pennsylvania

Charles R. Breyer, to be a Member of the United States Sentencing Commission

June 6, 2012

I join you in welcoming the nominees, their friends and families. We have four District Court nominees before us today, as well as Judge Breyer for the Sentencing Commission.

This Committee continues to make good and steady progress in confirming judicial nominees. After today we will have had a hearing for 39 nominees this year alone. Yesterday we confirmed the 151st District or Circuit nominee

during President Obama's term so far. This is good progress. Again, welcome to the nominees and I look forward to this hearing.

Matthew W. Brann is nominated to be United States District Judge for the Middle District of Pennsylvania. Upon graduation from The Dickinson School of Law in 1990, Mr. Brann served as a law clerk to the Honorable John C. Mott on the Court of Common Pleas in Bradford County, Pennsylvania. Since 1991, he has been an attorney with Brann, Williams, Caldwell & Sheetz. He was promoted to partner in 1995. His legal experience includes domestic/matrimonial, criminal, commercial, personal injury, and probate litigation. Since 2007, his practice has also included oil and gas law, including the negotiation of leases and collateral documents; complex estate planning; and litigation representing landowners and owners of oil, gas and mineral estates. Additionally, since 1999 he has served as a solicitor for a public school district, a borough,

and a municipal authority providing them full representation, including litigation and contract preparation and review.

The American Bar Association's Standing Committee on the Federal Judiciary rated Mr. Berg with a unanimous "Qualified" rating for this position.

Frank Paul Geraci, Jr. is nominated to be United States District Judge for the Western District of New York. After graduation from the University of Dayton Law School in 1977, Judge Geraci served as the Executive Assistant to the Chairman of the Monroe County Democratic Committee. In 1978, he began his legal career as a Special Assistant District Attorney in the Monroe County District Attorney's Office. In 1979, he was appointed Chief of the DWI Bureau where he was responsible for the prosecution of felony DWI cases as well as vehicular assaults and homicides. He later joined the Career Criminal Bureau where he handled cases involving rape, robbery, homicide, and burglary.

In 1983, Judge Geraci was appointed as an Assistant United States Attorney for the Western District of New York. There, he handled a variety of civil cases, including social security matters and personal injury litigation. In 1986, he was assigned to the Organized Drug Task Force. In 1987, Judge Geraci started his own law firm, Geraci and Feldman, where he handled civil and criminal cases, real estate, collections, and disciplinary proceedings with his partner.

In 1992, Judge Geraci sat as a Rochester City Court Judge, a position to which he had been elected. There, he had jurisdiction over civil and criminal matters and handled misdemeanors and civil lawsuits involving claims up to \$15,000. After his ten year term as a Rochester City Court Judge, Judge Geraci was elected to a 10-year term as a Monroe County Court Judge. He was re-elected to this position in 2008. In 2005, he was appointed as an Acting Supreme Court Justice by the Administrative Judge of New York's Seventh Judicial District. As a Judge in Monroe County, Judge Geraci handles criminal prosecutions of felonies and misdemeanors committed within the county.

The American Bar Association's Standing Committee on the Federal Judiciary gave Mr. Bernal a rating of Substantial Majority "Well Qualified" and Minority "Qualified" for this position.

Malachy Edward Mannion is nominated to be United States District Judge for the Middle District of Pennsylvania. Upon graduation from Pace University Law School in 1979, Judge Mannion joined the firm of Bartels, Pykett & Aronwald, Esqs. as a litigation associate. From 1980 to 1986, he worked as an Assistant District Attorney in the Nassau County (New York) District Attorney's Office. From 1986 to 1993 and again from 1997 to 2001, he served as an Assistant United States Attorney for the Middle District of Pennsylvania. Early in his career, he represented the United States in both civil and criminal cases. His civil responsibilities included representing various federal agencies in Federal Tort Claim Act cases and complex medical malpractice. He also represented the United States in social security claims, civil litigation, tax matters and HUD

cases. His criminal responsibilities included investigation and prosecution of the full panoply of federal criminal matters, including organize crime and RICO violations, political corruption, fraud, violent crime, counterfeiting, interstate transportation in aid of racketeering, money laundering, income tax and narcotic violations. In addition, he was selected in 1989 as the Chief of the Organized Crime Drug Enforcement Task Force. As chief, he was responsible for all large-scale national and international drug prosecutions and organized crime prosecutions.

Between his periods of service as an AUSA, from 1993 to 1997, he was a litigation partner with Hourigan, Kluger, Spohrer, & Quinn, PC. In this role, he handled complex litigation matters in both federal and state court. The vast majority of caseload during this time consisted of sophisticated and complex medical malpractice matters.

In 2001, the U.S. District Judges for the Middle District of Pennsylvania appointed Judge Mannion to be a United States Magistrate Judge. In 2011, he was elevated to Chief United States Magistrate Judge. As Chief Magistrate Judge,

he manages all aspects of the pre-trial process in civil and criminal cases: conducts evidentiary hearings, rules on non-dispositive motions, makes reports and recommendations regarding dispositive motions, and issues criminal complaints, search warrants, and arrest warrants.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously rated Judge Mannion as "Well Qualified" for this position.

Fernando M. Olguin is nominated to be United States District Judge for the Central District of California. After graduating from University of California Berkeley School of Law in 1989, Judge Olguin clerked for the Honorable C.A. Muecke, U.S. District Court Judge for the District of Arizona. In 1991, Judge Olguin began working as a trial attorney in the Civil Rights Division of the United States Department of Justice. There he prosecuted violations of the Fair Housing Act and the Public Accommodations Act. In 1994, Judge Olguin left the Department of Justice and spent a year at the Mexican American Legal Defense & Educational Fund as the Education Program Director, which required him to

coordinate and monitor educational issues on a national scale. From 1995 to 2001, Judge Olguin was a partner at *Traber, Voorhees & Olguin*, where he litigated housing and employment cases on behalf of underprivileged clients.

In 2001, the United States District Court for the Central District of California appointed Judge Olguin as a Magistrate Judge where he presides over both civil and criminal matters. This includes habeas corpus petitions, pro se civil rights cases, extradition, discovery motions, settlement conferences, bail and detention matters, guilty pleas, misdemeanor sentencing, and probable cause determinations. He regularly issues reports and recommendations to federal district courts on numerous non-dispositive matters. He has presided over one case, a civil jury trial, which went to verdict.

The American Bar Association's Standing Committee on the Federal Judiciary gave Mr. Bernal a rating of Substantial Majority "Qualified" and Minority "Not Qualified" for this position.

Judge Charles R. Breyer is nominated to be a Member, United States Sentencing Commission. Judge Breyer received his J.D. from the University of California, Berkeley in 1966. After graduation from law school, Judge Breyer served as a law clerk for Oliver J. Carter, Chief Judge of the United States District Court for the Northern District of California, from 1966 to 1967. In 1966, Judge Breyer also entered the U.S. Army Reserves, serving as an enlisted reserve until 1969, and later as a JAG Officer from 1969 to 1973.

In 1967, Judge Breyer briefly served as counsel for the Legal Aid Society of San Francisco where he served as a counsel to indigent juveniles in proceeding before Court Commissioners and Superior Court judges. In December of 1967, he joined the San Francisco District Attorney's Office as an assistant district attorney. As an Assistant D.A., he prosecuted both misdemeanor and felony cases, including multiple homicides.

From 1973 to 1974, Judge Breyer served as an assistant special prosecutor on the Watergate Special Prosecution

Force. Specifically, Judge Breyer served as second chair during the trial of several officials for conspiracy to steal files from Dr. Lewis Fielding, the psychiatrist of Daniel Ellsberg, the author of the Pentagon Papers.

In 1974, he joined the firm Jacobs, Sills & Coblenz as an assistant attorney and made partner in 1975. In 1979, he briefly reentered public service as the Chief Assistant District Attorney for the City and County of San Francisco, before returning to be a partner in the firm Coblenz, Cahen, McCabe & Breyer in 1980. He represented defendants in criminal matters, and tried a wide variety of cases involving construction defects, trusts and estates, securities, entertainment law, and real estate.

In 1997, President Clinton nominated Judge Breyer to serve as a District Court Judge for the United States District Court for the District of Northern California. The Senate confirmed his nomination by voice vote on November 8, 1997. Judge Breyer assumed senior status on December 31, 2011.