

Testimony of

# **The Honorable Orrin Hatch**

May 2, 2002

Mr. Chairman, I am very pleased to see on the agenda today the nomination of Paul Cassell to be U.S. District Judge for the District of Utah.

As I said at his hearing, Professor Cassell is one of the most qualified people ever nominated to the District Court bench. He graduated from Stanford University Law School, where he was Order of the Coif and President of the Stanford Law Review. He served as a law clerk for then-Judge Antonin Scalia on the D.C. Circuit Court of Appeals, and then for Chief Justice Warren Burger on the Supreme Court. He has worked as an Assistant U.S. Attorney in the Eastern District of Virginia and as an Associate Deputy Attorney General at the Department of Justice. He has served as lead or co-lead counsel on more than a dozen felony jury trials, successfully obtaining substantial convictions in every case he argued before a jury. Presently, as a professor at the University of Utah College of Law, he enjoys not only a devoted following by adoring students, but also a national reputation for his scholarship which includes over 25 published law review articles.

In case this tremendous record of achievement is not impressive enough on its own, I would also like to point out Professor Cassell's extraordinary commitment to pro bono work. Anyone who thinks that pro bono work is a positive trait in a judicial nominee certainly must hold Professor Cassell in the highest regard. He has done more pro bono representation than anyone I can remember ever coming before this Committee. Let me give you just one example. In the case of *State v. Casey*, Cassell argued on behalf a twelve-year-old Utah boy victimized by sexual assault. When the boy was denied his right to speak in opposition to a plea bargain reducing the charge from a first-degree aggravated felony to a misdemeanor, Cassell had the case certified to the Utah Supreme Court as one involving an issue of "exceptional importance" and argued the issue on the boy's behalf. The boy's mother wrote me a letter about Cassell's work in that case, saying that Cassell "was the first attorney who listened to us with interest and understanding." She explained that "Paul worked long and late hours on our case ... at no financial gain for himself." Because of Cassell's work, she said her family "can now start to move forward with our lives, putting the tragic past behind us."

That case is but one of many in the State of Utah. In addition, Professor Cassell has earned a tremendous national reputation for his pro bono representation of crime victims. He represented dozens of victims of the Oklahoma City bombing, successfully defending their right to observe the Timothy McVeigh trial and to provide statements at the sentencing of Terry Nichols. This work alone required six months of his time - all of which he donated free of charge.

I could go on and on. But let me say that even a brief glance at Professor Cassell's impressive record explains why I support his nomination so strongly, and why I have been so patient as these 317 days have passed since his nomination. With today's Committee vote, and what I hope

will be a quick confirmation vote on the floor, this Committee will not only fill the Utah seat that has recently become designated as a Judicial Emergency by the Administrative Office of the Courts, but will also confirm one of the best qualified people ever nominated to the District Court. So I thank the Chairman for putting him on the agenda, and urge my colleagues to vote him favorably to the floor.

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