

Testimony of

# **The Honorable Orrin Hatch**

March 12, 2003

Today the Committee is considering eight very qualified nominees: Four for the federal district courts, two for the U.S. Court of Federal Claims, and two for the U.S. Sentencing Commission. These nominees enjoy bi-partisan support, and I am glad we can bring them before the Committee this afternoon for a hearing. On a side note, I know that the ABA worked hard on the ratings of the district court nominees, and I appreciate those efforts.

Before we turn to the panel of Senators here to introduce the nominees, I would like to say a bit about each of our nominees and offer them my support.

Our first nominee for the Central District of California, Judge Cormac Carney, has served with distinction on both sides of the bench. After graduation from Harvard Law School, he worked for two very prestigious law firms, Latham & Watkins and, later, O'Melveny & Myers, where he was a partner. He maintained a very sophisticated and varied practice, representing Fortune 500 companies in the areas of real estate, partnership, lender liability, environmental law, intellectual property and insurance coverage. Since 2001, he has served as a Superior Court judge for state of California.

Judge James V. Selna, our second nominee for the Central District of California, graduated from Stanford Law School in 1970. He then became an associate and later a partner at O'Melveny & Myers, where his practice included antitrust and complex commercial litigation. Since 1998, Judge Selna has served as a judge on the Orange County Superior Court.

Our first nominee for the Northern District of Indiana, Philip Simon, has spent a good deal of his distinguished legal career in the public sector. Upon graduation from Indiana University Law School, Mr. Simon entered private practice, where he focused on general commercial litigation matters. Soon thereafter, he began a long career as an Assistant United States Attorney, first serving in the Northern District of Indiana, then moving to the District of Arizona, and finally returning to the Northern District of Indiana, where he currently serves as Chief of the Criminal Division. In his thirteen years as a federal prosecutor, Mr. Simon has handled a variety of issues ranging from routine drug cases to large scale drug distribution rings, public corruption cases, firearms violations, kidnapping, and white collar fraud.

Judge Theresa Lazar Springmann, our second nominee for the Northern District of Indiana, comes before us with several years of judicial experience. Upon graduation from the University of Notre Dame Law School, Judge Springmann clerked for the Honorable James T. Moody, a federal district judge sitting on the very bench she hopes to join. She then entered private practice with the firm of Spangler, Jennings & Dougherty, where she became the first woman partner. Since 1995, she has served as a federal magistrate judge.

Our first nominee for the Court of Claims, Mary Ellen Coster Williams, graduated from Duke University Law School in 1977. After several years of private practice here in Washington, she joined the Civil Division of the D.C. United States Attorney's in 1983. In 1987, she returned to private practice for two years before becoming an administrative judge on the General Services Administration Board of Contract Appeals. Her eight years in private practice, three and a half years as an Assistant United States Attorney, and thirteen years as an administrative judge add up to an impressive amount of experience, undoubtedly qualifying her for the federal bench.

Victor Wolski, our other Court of Claims nominee, is an accomplished trial attorney, having handled a wide variety of issues during his legal career. His varied background includes several years as a public interest lawyer, service as General Counsel and Chief Tax Advisor to the congressional Joint Economic Committee, a federal clerkship, and private practice experience. With a reputation for being a thoughtful and hard-working attorney, Mr. Wolski promises to be a fine addition to the Court of Claims.

One of our two nominees for the U.S. Sentencing Commission, Judge Ricardo Hinojosa, has twenty years of distinguished service on the United States District Court for the Southern District of Texas. Following his graduation from Harvard Law School in 1975, he worked as a briefing attorney for the Texas Supreme Court, then in private practice, before becoming a federal judge in 1983. There is no question that Judge Hinojosa has presided over hundreds, if not thousands, of sentencings, both before and after implementation of the Sentencing Guidelines. He thus will bring a valuable perspective to the Commission, which will undoubtedly benefit from his input.

Michael Horowitz, our second Sentencing Commission nominee, has extensive experience in both practicing and teaching law. Upon graduating magna cum laude from Harvard Law School in 1987, Mr. Horowitz clerked for Judge John Davies of the United States District Court for the Central District of California. He then worked as a general litigation associate at the law firm of Debevoise & Plimpton before becoming an Assistant United States Attorney in the Southern District of New York. In 1999, he joined the United States Department of Justice Criminal Division under Clinton Administration Assistant Attorney General James Robinson, who has specifically called the Committee on behalf of Mr. Horowitz to offer his unequivocal support. Mr. Horowitz later served as Chief of Staff to Bush Administration Assistant Attorney General Michael Chertoff. In 2002, he joined the law firm of Cadwalader, Wickersham, & Taft as a partner. He has taught law as an Adjunct Professor at Georgetown, George Washington, Catholic, and American University Law Schools. Mr. Horowitz's experience and knowledge of criminal law will make him an asset to the Sentencing Commission.

I am pleased to welcome these nominees to the Committee today, and I commend the President on selecting them for the very important positions that they will assume upon confirmation.

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