

Testimony of

The Honorable Orrin Hatch

September 3, 2003

Statement of Senator Orrin G. Hatch, Chairman
Before the United States Senate Committee on the Judiciary
Hearing on the Nomination of

CARLOS T. BEA
TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Today the Committee has the privilege of considering the nominations of seven outstanding lawyers to be federal judges. I commend President Bush for nominating each of them, and I look forward to hearing their testimony.

The first nominee from whom we will hear is Judge Carlos Bea, our nominee for the Ninth Circuit Court of Appeals. He has had an exemplary legal career in California as a successful attorney and an impartial jurist. Following his graduation from Stanford University Law School in 1958, Judge Bea began his legal career as an associate at the San Francisco law firm of Dunne, Phelps & Mills. Beginning in 1975 and continuing until his appointment to the San Francisco Superior Court in 1990, he was president and principal of his own law practice in San Francisco. Judge Bea also served on the Board of Directors of Hastings College of Advocacy from 1974 to 1980, and was on the teaching staffs of Hastings College of the Law from 1980 to 1989, and Stanford University Law School from 1982 to 1985. While in private practice, Judge Bea appeared in court on a regular basis and was lead counsel in approximately 125 jury trials.

In 1990, Judge Bea was appointed and subsequently elected to his current position as a judge on the San Francisco Superior Court. He was re-elected--without opposition--to the Superior Court bench in 1996 and 2002. In this capacity, he has handled literally thousands of cases and hundreds of trials. He has also served on the Judicial Council's Advisory Committee on Access and Fairness, which addresses courthouse access for the disabled and gender, race and sexual orientation fairness in the courtroom. President George H.W. Bush nominated Judge Bea for a federal district judgeship in 1991; however, no hearing was held on his nomination during the 102nd Congress. His long wait for a fair and well-deserved hearing before the Senate Judiciary Committee ends today.

As with other nominees to the Ninth Circuit that this Committee has considered this year, Judge Bea's colleagues overwhelmingly support his confirmation to the federal appellate bench. Thirty-seven judges of the San Francisco Superior Court, who serve with Judge Bea and work with him every day, sent a letter to the Committee praising his skills as a jurist. They wrote, "Judge Bea has distinguished himself in presiding over ground-breaking complex litigation in the insurance coverage and environmental areas, as well as handling many asbestos trials." The letter also recognizes his service on many of the Superior Court's management committees, and the fact that

before becoming one of their colleagues, "Judge Bea was considered by the legal community to be one of the finest civil trial lawyers in San Francisco." I would ask that a copy of this letter be placed in the record.

Judge Bea has a deep commitment to public and community service. He has reached out to Hispanic communities in the San Francisco area, and to various institutions in Central and Latin America, sharing his knowledge of the U.S. legal system, participating in moot court competitions, counseling small Latino businesses, and litigating pro bono on behalf of indigents and immigrants. Not surprisingly, Judge Bea has received three prestigious pro bono awards: The State Bar Governor's Award from the California State Bar in 1989, and, in 1980 and 1993, the Knight's Cross Order of Isabela la Catolica and the Knight's Emblem, Civil Order of Merit, respectively, from the King of Spain in connection with his representation of Spanish and Spanish Basque immigrants. Also, in 2002, Judge Bea received the Distinguished Judge Award from La Raza Lawyers of San Francisco.

In addition to his Superior Court colleagues, California Supreme Court Justice Carlos Moreno, San Francisco Mayor Willie Brown, and representatives of the San Francisco Bay Area's Hispanic community have all written to this Committee expressing enthusiastic support for Judge Bea's confirmation to the Ninth Circuit. I hope my colleagues will join me in supporting him as well, and I look forward to hearing his testimony this morning.

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Statement of Chairman Orrin G. Hatch
Before the United States Senate Committee on the Judiciary
Hearing on the Nominations of

Marcia Crone to be U.S. District Judge, Eastern District of Texas;
Philip S. Figa to be U.S. District Judge, District of Colorado;
William Q. Hayes to be U.S. District Judge, Southern District of California;
John A. Houston to be U.S. District Judge, Southern District of California;
Robert Clive Jones to be U.S. District Judge, District of Nevada; and
Ronald A. White to be U.S. District Judge, Eastern District of Oklahoma

I am pleased now to turn to the district court nominees on today's agenda.

Our first nominee, Marcia Crone, is a graduate of the University of Houston Law Center. She worked as an associate and later as a partner at the prestigious law firm of Andrews and Kurth before being appointed as a federal magistrate judge in 1992. I have no doubt that her elevation to the district court will greatly benefit the Eastern District of Texas.

Phillip Figa, our nominee for the District of Colorado, has been actively involved in the Colorado legal community since the beginning of his legal career. A graduate of Cornell Law School, Mr. Figa has been a partner at a Colorado litigation firm for the past 20 years. He currently serves on the Board of Directors of the Anti-Defamation League for his region and has assumed various leadership roles in the American Bar Association and the Colorado Bar Association. I look forward to confirming this very accomplished and community-oriented practitioner to the federal bench.

Robert Clive Jones is our nominee for the District of Nevada. Judge Jones graduated from UCLA School of Law in the top 10 percent of his class, a member of the Order of the Coif, and having served as an associate editor of the UCLA Law Review. He clerked for Ninth Circuit Judge J. Clifford Wallace before entering private practice. In 1983, he was appointed to the U.S. Bankruptcy Court for the District of Nevada, where he currently serves. Nevada is fortunate to have such an outstanding individual to serve on its federal district court.

William Hayes has been nominated to the Southern District of California. Mr. Hayes received his B.S., J.D. and M.B.A. degrees from Syracuse University. He began his legal career as a civil litigation associate, then in 1987 joined the United States Attorney's Office for the Southern District of California, where he currently serves as criminal division chief. Mr. Hayes is an extremely accomplished trial lawyer, and I believe his extensive civil and criminal legal experience will serve him very well when confirmed to his new position.

John Houston is our nominee for the Southern District of California. Judge Houston entered public service after law school when he joined the U.S. Army Judge Advocate General Corps. He then joined the U.S. Attorney's Office for the Southern District of California before his appointment in 1998 as a federal magistrate judge. Judge Houston has been recognized repeatedly for his outstanding legal skills over the course of his career, and I have no doubt that he will continue to serve the Southern District of California well upon his elevation to the district court bench.

Our nominee for the Eastern District of Oklahoma, Ronald White, is a distinguished litigator. After graduating from the University of Oklahoma Law School in 1986, Mr. White joined the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson in Tulsa. His practice has focused on litigation in the areas of tort and insurance defense, medical malpractice, corporate litigation, ERISA, and telecommunications. Mr. White is a well respected legal practitioner in Oklahoma and he will make a fine addition to the federal bench there.

I want to welcome these very impressive nominees to the Committee, and I commend the President for nominating them.