

Statement of

# The Honorable Orrin Hatch.

United States Senator  
Utah  
October 15, 2003

Statement of Senator Orrin G. Hatch, Chairman

Before the United States Senate Committee on the Judiciary

Hearing on the Nomination of

D. Michael Fisher to be

U.S. Circuit Judge for the Third Circuit

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

The first nominee from whom we will hear is D. Michael Fisher, who has been nominated for a position on the Third Circuit. Mr. Fisher is a native of the great city of Pittsburgh and has been a committed public servant as well as a respected attorney for many years. After graduating from both college and law school at Georgetown University, Attorney General Fisher began his legal career as an Assistant District Attorney in the Allegheny County District Attorney's Office, where he worked in the appellate and trial sections and tried felony and homicide cases.

Attorney General Fisher has impressive legislative experience, having served as a Pennsylvania state representative for six years and as a state senator for another sixteen years. His 22 years of experience in the Pennsylvania General Assembly will serve him well on the federal bench.

At the same time, Mr. Fisher has practiced in the areas of litigation, estate matters, and commercial law for close to twenty years.

Since 1997 Mr. Fisher has served as Pennsylvania Attorney General, supervising an office of approximately 900 employees, including 210 attorneys and 325 law enforcement officers. His accomplishments are many, including co-authoring Pennsylvania's "Megan's Law," which helps protect citizens from sexual predators; supporting the passage of a state DNA post-conviction statute and development of drug courts and substance abuse treatment for first-time and nonviolent offenders, and working with seven other state attorneys general to negotiate the landmark national tobacco settlement in 1998.

The level of respect Attorney General Fisher enjoys from those who know him and have worked with him, I think, is well illustrated in the countless letters of support the Committee has received from across the nation. I can truly say that I have rarely seen such an outpouring of support from such a diverse set of distinguished and accomplished individuals. I will cite just a few of the many letters and place them into the record. Pennsylvania Governor Edward Rendell, a Democrat who defeated Attorney General Fisher in the last gubernatorial election, writes: "I believe [Attorney General Fisher] would be extremely fair on the bench and, most importantly, would truly listen to the arguments of lawyers from both sides without any

preconceived notions." The entire nineteen-member Pennsylvania delegation to the U.S. House of Representatives, which includes twelve Republicans and seven Democrats, has written: "Mike Fisher is held in high esteem by both parties and the people of Pennsylvania. He is known for his strong work ethic, keen legal mind, dedication to the field of law, his personal integrity, and for his sense of fairness."

Attorney General Fisher is supported by numerous Pennsylvania state legislators, Democratic and Republican, and leaders from the Pennsylvania Bar, Allegheny County Bar, Pennsylvania District Attorneys Association, Pennsylvania Trial Lawyers Association, and, perhaps most impressively, his peers: the serving attorneys general in the states of Iowa, Arkansas, West Virginia, Nebraska, New Hampshire, Kansas, North Carolina, and Florida, to name just a few of the states. The former Attorney General of Tennessee, Charles W. Burson, who also served as legal counsel for former Vice President Gore, has also written in support of Mr. Fisher's nomination: "While [Attorney General Fisher] and I may differ on particular issues, I am certain that as a Federal Appellate Judge, he will deliberately, and with an even hand, apply the law to the facts and render sound judgments."

I think it's clear from these letters and from his distinguished record that Attorney General Fisher will make a terrific Third Circuit judge.

Since we have a number of senators patiently waiting here to introduce nominees, I will reserve my remarks on our two district nominees until after Attorney General Fisher has testified.

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Statement of Senator Orrin G. Hatch, Chairman

Before the United States Senate Committee on the Judiciary

Hearing on the Nominations of

Dale S. Fischer to be United States District Judge

for the Central District of California

and

Gary L. Sharpe to be United States District Judge

for the Northern District of New York

We will now consider our final panel of witnesses, two nominees for the federal district court bench.

Dale Susan Fischer is our nominee for the Central District of California. Judge Fischer is a Harvard Law graduate. She was a practicing attorney for 17 years before her appointment to the Los Angeles Municipal Court in 1997. Three years later, she became a judge on the Los Angeles Superior Court, where she currently sits. Judge Fischer has more than 20 years of legal experience and will be a fine addition to the federal bench.

Our Northern District of New York nominee is Gary Sharpe. Prior to his appointment as a federal magistrate judge in 1997, he served as a prosecutor at both the federal and state levels for a combined total of more than twenty years, including two years as interim U.S. Attorney for the Northern District of New York. His impressive trial experience and judicial knowledge will serve him well as a federal district judge.

It is my privilege to welcome these fine nominees to the Committee. I look forward to hearing their testimony.