

Statement of

The Honorable Orrin Hatch.

United States Senator
Utah
March 10, 2004

Statement of Chairman Senator Orrin G. Hatch

Before the United States Senate Committee on the Judiciary

on the Nominations of

Peter W. Hall to be

U.S. Circuit Judge for the Second Circuit;

Jane J. Boyle to be

U.S. District Judge, Northern District of Texas;

Marcia G. Cooke to be

U.S. District Judge, Southern District of Florida;

Walter D. Kelley, Jr. to be

U.S. District Judge for the Eastern District of Virginia

I am pleased to welcome four outstanding nominees to the Committee this afternoon, one for the federal appeals court bench and three for the district court bench.

Our nominee for the Second Circuit, Peter W. Hall has an outstanding academic record and a superb resume. He received his J.D. degree cum laude from Cornell Law School in 1977. Prior to that, he received a bachelor's degree in English and master's degree in Student Personnel Administration in Higher Education from the University of North Carolina at Chapel Hill.

Having considerable experience practicing law in both the private and public sector, Mr. Hall was unanimously confirmed by the United States Senate as the United States Attorney for the District of Vermont in September 2001. As the U.S. Attorney, he leads the office in representing the interests of the United States in court and helping to coordinate cooperative law enforcement efforts in the district, across neighboring and with Canadian law enforcement colleagues.

Mr. Hall has also been active in efforts to improve the quality of practice in his state and he is active in his local community. He served as President of the Vermont Bar Association from 1995-96, on the Federal District Court Advisory Committee for the U.S. District Court in Vermont as a Citizen Board Member of the Vermont Criminal Justice Training Council, and on the Board of the Vermont Karelia Rule of Law Project. From 1989-1994, he was a nonpartisan elected Member of Select Board for the town of Chittenden, Vermont, and in 1995, he was the elected Justice of the Peace for Chittenden. He has also been involved in the lay leadership of his church.

Mr. Hall is an outstanding candidate who has been nominated to fill a vacancy that has been designated by the National Judicial Conference as a Judicial Emergency. He has overwhelming bipartisan support, including both of his home state senators, Senators Patrick Leahy and Jim Jeffords. I hope that my colleagues support my efforts to secure the speedy confirmation of this fine individual.

Jane J. Boyle, nominated to be United States District Judge for the Northern District of Texas, is an extremely experienced attorney who has tried over 180 cases to a verdict during her impressive career as an Assistant District Attorney, an Assistant United States Attorney, and as the United State Attorney for the Northern District of Texas. She has also served with distinction as a magistrate judge in the same district. Ms. Boyle brings a wealth of experience to the federal bench and she will make an excellent addition to the Northern District of Texas.

I am not alone in believing that Ms. Boyle will make an outstanding federal district judge. The Texas Employment Lawyers Association ("TELA") calls Ms. Boyle "considerate, concerned, and well-read," in addition to possessing "a great deal of knowledge about employment law" and an excellent judicial demeanor that is reflected in her "even-handed and fair" approach to adjudication. Ms. Boyle also has strong bipartisan support. The current Chair of the Dallas County Democratic Party has written a letter expressing her "enthusiastic support of the nomination of Jane J. Boyle," and a former Chair of the same organization wrote a letter stating that "in the case of this nominee, partisan considerations are unwise and should evaporate." I am always pleased to see nominees of Ms. Boyle's caliber before this Committee, and I will submit these letters for the record.

Marcia G. Cooke, nominated to be United States District Judge for the Southern District of Florida, is a distinguished attorney who has practiced with distinction in both Michigan and Florida. After graduating from Wayne State University Law School in December of 1977, she joined the Neighborhood Legal Services as a Staff Attorney. In 1979, she became the Deputy Public Defender in the Legal Aid and Defender Association. From 1980-1983 Ms. Cooke served as the Assistant United States Attorney for the Eastern District of Michigan. After one year at Miro, Miro & Weiner, Ms. Cooke was nominated to the federal bench as a magistrate judge where she served until 1992. At that time she joined the United States Attorney's Office for the Southern District of Florida where she remained until 1999. Ms. Cooke then spent three years as the Chief Inspector General in the Executive Office of the Governor before she accepted her current position as an Assistant County Attorney for Miami-Dade County. Ms. Cooke's 25 years of experience in the public sector will serve her well on the federal bench.

I will submit for the record a letter from the Wilkie D. Ferguson, Jr. Bar Association, formerly known as the Black Lawyers Association of Miami-Dade County. I will not read the letter in its entirety, but I have to agree with that association's assessment of Ms. Cooke. They state in part that, "[a] vote in favor of Attorney Cooke will be a vote in favor of honesty, integrity, community, fairness and justice." I could not agree more, and I look forward to a speedy confirmation of this fine nominee.

Walter D. Kelley, Jr., nominated to be United States District Judge for the Eastern District of Virginia, possesses, in the words of those who have practiced with him "a keen legal mind, an even temperament, [a] great work ethic and a superb sense of values." He graduated magna cum laude from Washington and Lee University in 1977 and continued his legal education at the same institution. Mr. Kelley distinguished himself in his legal studies by, among other things, becoming the Lead Articles Editor for the Washington & Lee Law Review, and a member of the Order of Coif. After graduating, Mr. Kelley served as a law clerk to the Honorable Ellsworth Van Graafeiland of the United States Court of Appeals for the Second Circuit. He then joined the law firm of Wilcox and Savage, P.C. in 1982 where he remained until 2001. At that time, Mr. Kelley joined Troutman Sanders LLP where he currently practices in the area of business litigation with an emphasis on intellectual property and antitrust law.

Outside of his daily practice, Mr. Kelley serves as a master of the James Kent Inn of Court and Commissioner in Chancery for the Circuit Court of the City of Norfolk in addition to assuming a leadership role within his local bar organization. Since 1997 he has been listed in the "Best Lawyers in America" for business litigation, voted one of "The Legal Elite," for civil litigation in Virginia Business magazine's 2000, 2001, and 2002 annual surveys, and he has served an adjunct law professor of antitrust law at Regent University. He will make a superb federal district court judge, and I hope that my colleagues will join me in supporting his nomination.

I would note that all four of the nominees before us today have received unanimous Well Qualified ratings--the highest possible recommendation--from the American Bar Association. They are all superb individuals with outstanding records and experience. I look forward to reviewing the testimony from today's hearing and moving forward on these nominees. I thank them for appearing before the committee today.

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