

Statement of

The Honorable Orrin Hatch.

United States Senator
Utah
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Statement of Orrin G. Hatch, Chairman

Before the United States Senate Committee on the Judiciary

On

The Agenda for the Committee Executive Business Meeting of March 11, 2004

I was pleased by the Committee action last week in reporting ten district judges and two circuit judges. I am hopeful that floor action can be scheduled for these judges, as the Senate has confirmed only two judges this year. By comparison, in the last Presidential election year of 2000 - with a Democratic President and a Republican Senate - seven judges had been confirmed by this point in the year. We are way behind the pace of that year, which saw a total of 39 judges confirmed.

So while we have made some progress in reporting nominees to the full Senate, the work of confirming judges remains, with seventeen judges presently on the Executive Calendar. Three Circuit nominees remain from last year on the executive calendar in addition to the two reported last week. Twelve district nominees are available for Senate confirmation, including two holdovers from the last session. But we are making progress, and I thank all members for their support and ask for their continued cooperation.

On today's agenda, we have two circuit nominees and three district judge nominees who are ready to be reported. All of these appeared on last week's agenda and have been held over for at least one week. These nominees are exceptional individuals and will make outstanding judges. They have been thoroughly examined and have been responsive to all questions. In my view it is time to vote on them.

In addition to the nominees held over from last week, I have added to this week's agenda the name of William Myers, nominated to the Ninth Circuit Court of Appeals. I anticipate there will be a request to hold him over until the next markup. I am also holding over Judge Saad.

By now, everyone is well familiar with Mr. William Haynes, nominated to the Fourth Circuit. As I have mentioned in the three previous markups in which he has been considered, Mr. Haynes has been previously confirmed by the Senate for two separate positions. He presently serves as General Counsel to the Department of Defense, and during the first Bush administration was General Counsel of the Department of the Army. He has twice been a partner at Jenner & Block, and served as staff vice president and associate general counsel of General Dynamics Corporation. He also served four years on active duty in the United States Army. The ABA has rated Mr. Haynes as Well Qualified. His hearing was last November. It is time to give him a vote in this Committee.

Our nominee to the Seventh Circuit Court of Appeals, Justice Diane S. Sykes, is well prepared to join the federal bench. A graduate of Marquette University School of Law, Justice Sykes served as a law clerk to the Honorable Terrence T. Evans in the Eastern District of Wisconsin. As a litigator in private practice, she specialized in civil litigation in state and federal court. Justice Sykes served on the Milwaukee County Circuit Court from 1992 to 1999, when she was appointed by Governor Thompson to fill a mid-term vacancy on the Wisconsin Supreme Court. She won election for a ten-year term on the court in 2000 with 65% of the vote. The ABA has also rated Ms. Sykes as Well Qualified.

James L. Robart has been nominated to be a United States District Judge for the Western District of Washington. He has exceptional qualifications for the federal bench. Mr. Robart graduated from Georgetown University Law Center in 1973, where he was the Administrative Editor of the Georgetown University Law Review. Upon graduation he joined the law firm of Lane, Powell, Moss & Miller, and became a partner in that firm. He presently is sole managing partner of that firm, now known as Lane Powell Spears Lubersky LLP. Mr. Robart has specialized in complex commercial litigation and brings a wealth of trial experience to the federal bench. In addition he has been active in the representation of the disadvantaged through his work with Evergreen Legal Services and the independent representation of Southeast Asian refugees. Mr. Robart's impressive credentials are reflected in his unanimous American Bar Association rating of Well Qualified.

On the agenda today are two nominees for the Eastern District of Pennsylvania. First is Judge Juan Roman Sanchez. After graduating from the University of Pennsylvania Law School in 1981 he became a Staff Attorney for Legal Aid of Chester County. Two years later joined the Chester County Public Defender's Office as a Senior Trial Attorney--a position that retained until 1997. During that same period Judge Sanchez worked for two law firms and as a sole practitioner, representing Spanish-speaking individuals in a wide variety of legal areas. In 1998, Judge Sanchez began his distinguished career in public service by joining the Court of Common Pleas in the 15th Judicial District of Pennsylvania where he serves today. He also has a unanimous American Bar Association rating of Well Qualified.

Our final nominee for consideration is Lawrence F. Stengel, who presently serves as a judge on the Lancaster County Court of Common Pleas. Judge Stengel attended St. Joseph's College and earned a law degree from the University of Pittsburgh School of Law, my alma mater. Immediately following law school, he spent four years as an associate at Dickie, McCamey & Chilcote in Pittsburgh, Pennsylvania, where he focused primarily on civil litigation matters. In 1985, Judge Stengel opened a practice in Lancaster, Pennsylvania with his father. His private practice also focused mainly on civil litigation matters, and most often as defense counsel. In 1990, Judge Stengel was appointed to the Court of Common Pleas by then Governor Casey to fill a vacancy. The following year, he ran for and was elected to a full ten-year term. He was re-elected and again in 2001. Judge Stengel has received an ABA rating of Well Qualified.

This is an exceptional group of nominees and I look forward to the committee taking action on them today.

Also on the agenda as a late addition is a request for four Committee subpoenas by Senator Specter. These are requested in conjunction with a field hearing of the Antitrust Subcommittee that is planned for April 12th in Philadelphia. I understand Senator Specter will provide us with more details.

Once we have disposed of the judges, I plan to discuss the Sergeant at Arms report. So it will be a busy day and it's important to get a quorum.

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