

Testimony of

The Honorable Orrin Hatch

March 19, 2002

I am pleased that the Judiciary Committee is considering a few more nominations today. We have before us four exceedingly well-qualified candidates for the federal bench, and I would like to welcome all four of you to the Committee, and also welcome our distinguished witnesses who have come here to support you.

Our only circuit court nominee on the agenda is Terrence O'Brien, who has been nominated to the Tenth Circuit. Judge O'Brien comes to this nomination after a distinguished 20 years of public service as a state district judge in Wyoming. In that capacity, he has heard approximately 13,000 cases and has also managed to find time to serve on task forces and commissions to help develop the practices and laws of Wyoming in areas which are of great interest to me, including the use of drug courts, child support, judicial ethics, and split sentencing. He also supervised a complete rewriting of the criminal rules of procedure of Wyoming to make them more compatible with federal rules. No small achievement. Judge O'Brien has served the public in other ways, too - even before he reached the bench. He wore the uniform of the United States Army from 1966 to 1969, rising to the rank of Captain, and also served in the Justice Department as a staff attorney where he continued building his expertise in Land and Natural Resources Law.

Our three district court nominees are similarly outstanding.

Paul Cassell, our nominee for District of Utah, needs no introduction to most members of this Committee. If I may be excused for a little bit of home-state pride, I'd like to say that Professor Cassell is one of the most qualified people ever nominated to the District Court bench. He graduated from Stanford University Law School, where he was Order of the Coif and President of the Stanford Law Review. He served as a law clerk for then-Judge Antonin Scalia on the D.C. Circuit Court of Appeals, and then for Chief Justice Warren Burger on the Supreme Court. He has worked as an Assistant U.S. Attorney in the Eastern District of Virginia and as an Associate Deputy Attorney General at the Department of Justice. Presently, as a professor at the University of Utah College of Law, he enjoys not only a devoted following by adoring students, but also a national reputation for his scholarship which includes over 25 published law review articles. It is indeed a special pleasure to welcome Professor Cassell and his family here today, and to see him on his way to putting his considerable talents and energy to work for the District of Utah.

While I'm gloating over the excellence of Utah judicial nominees, I can't resist mentioning the other extraordinarily qualified Utahn pending before the Committee, Professor Michael McConnell. Professor McConnell may well be the most bipartisan nominee currently pending - his nomination has been applauded by legal scholars and lawyers from across the political spectrum, including Professors Laurence Tribe, Charles Fried, Cass Sunstein, Akhil Amar, Larry Lessig, Sanford Levinson, Douglas Laycock, and Dean John Sexton. Professor McConnell also enjoys the strong support of both of his home-state senators, and broad support among the bar

and the academy in his home state of Utah. And he earned the ABA's highest possible rating, Unanimous Well Qualified. I look forward to welcoming him here soon, too.

Our other two district nominees today are no less deserving of gloating - even though they are not from Utah. Judge Lance Africk, our nominee for the Eastern District of Louisiana, has an impressive record in both the public and private sectors. Upon graduation from the University of North Carolina School of Law, Judge Africk clerked for the Louisiana Fourth Circuit Court of Appeal, then joined a New Orleans law firm. Soon after, he joined the Orleans Parish District Attorney's Office in New Orleans and became director of the Career Criminal Bureau, where he prosecuted criminal cases. After a brief stint in private practice, he became an Assistant U.S. Attorney in New Orleans and served as Chief of the Criminal Division until 1990. Since then, Judge Africk has served as U.S. Magistrate Judge for the Eastern District of Louisiana.

Last but not least, Judge Legrome Davis, our nominee for the Eastern District of Pennsylvania, earned his B.A. from Princeton and graduated from the Rutgers School of Law in Camden. For the past 15 years, he has been a Judge on the Pennsylvania Court of Common Pleas. During this period, Judge Davis has not only earned the great respect of judges, lawyers, and litigating parties alike, but has also labored as a tireless reformer of the structure and workings of the Philadelphia court system. He has made significant contributions to the law, and I know he will continue to do so in his new role as a federal district court judge.

I am obviously very impressed with the accomplishments and credentials of each of these four nominees, and I again welcome you all to the Committee. I look forward to this hearing, and to working with my Democratic colleagues to ensure your swift confirmation.

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