

Statement of  
**The Honorable Orrin Hatch**

United States Senator  
Utah  
November 16, 2004

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

Thomas B. Griffith to be United States Judge for the District of Columbia Circuit

Good morning. I am pleased to introduce and welcome to the Committee a member of the Senate family, Thomas B. Griffith. Many of us know Tom from his distinguished service as the Senate Legal Counsel.

As the chief legal officer of the Senate, Tom represented the Senate, its committees, Members, officers and employees in litigation relating to their constitutional powers and privileges. He advised committees about their investigatory powers and procedures, represented the institutional interests of the Senate in the impeachment trial of President Clinton, in the Line Item Veto Act litigation, and in numerous committee investigations.

Despite the difficult and often divisive issues Tom encountered in his role as Senate Legal Counsel, he consistently exercised sound judgment, objectivity, and fairness - qualities that are essential to service as a federal judge. Tom's possession of these qualities earned him the respect and admiration of members on both sides of the aisle.

Along these lines, I'd like to take a couple moments to share just a few excerpts from the many letters we received in support of his nomination.

Richard Wiley of the firm Wiley Rein and Fielding and former law partner of Tom Griffith wrote that "Tom is an outstanding lawyer, with keen judgment, congenial temperament and impeccable personal integrity."

Seth Waxman said of Tom's nomination, "I have known Tom since he was Senate Legal Counsel and I was Solicitor General, and I have the highest regard for his integrity. For my own part, I would stake most everything on his word alone. Litigants would be in good hands with a person of Tom Griffith's character as their judge."

Glen Ivey, former counsel to Senate Democratic Leader Tom Daschle, wrote to this Committee, stating, "I believe Mr. Griffith is an exceptional nominee and would make an excellent judge. Although Mr. Griffith and I have different party affiliations and do not agree on all political matters, I learned during the Senate's Whitewater and Campaign Finance Reform investigations that Mr. Griffith took seriously his oath of office. Even when we were handling sensitive and

politically charged issues, he acted in a non-partisan and objective manner. I believe Mr. Griffith has the intellect and the temperament to make an outstanding jurist."

Fred Fielding was the White House Counsel for President Reagan. Fred helped found the reputable firm, Wiley, Rein and Fielding. Mr. Fielding has described Tom as "a very special individual and a man possessed of the highest integrity. He is a fine professional who demands of himself the very best of his intellect and energies."

According to David Kendall, personal counsel to President and Senator Clinton, "For years Tom has been a leader in the bar and has shown dedication to its principles. The federal bench needs judges like Tom, an excellent lawyer who is supported across the political spectrum. . . . [W]e support Tom and believe he has the intellect and judgment to be an excellent judge."

Harvard Law Professor William Stuntz has known Tom for over twenty years. He wrote, "Few people I know deserve to be called wise; very few deserve to be called both wise and good. Tom is a wise and good man. I believe he will be one of this nation's finest judges."

Tom's nomination is also whole-heartedly supported by a man who is uniquely qualified to say who would be good fit for the U.S. Court of Appeals for the D.C. Circuit. Abner Mikva, a former White House Counsel for President Clinton and a former Chief Judge of that court, wrote, "I have known Tom Griffith in the public sector and in the private sector, and I have never heard a whisper against his integrity or responsibility."

Finally, Senator Dodd of Connecticut noted that Tom handled his difficult responsibilities as Senate Legal Counsel with great confidence and skill ... impressing all who knew him with his knowledge of the law and never succumbing to the temptation to bend the law to partisan ends."

I could go on and on reading comments received by the Judiciary Committee in praise of Tom Griffith. In all my years in the Senate, I have rarely seen such a broad outpouring of support for a nominee from so many distinguished individuals on both sides of the aisle. Tom has been a dedicated public servant and has demonstrated the sound judgment and temperament necessary to be an outstanding federal appellate judge. It is no wonder that the President chose to nominate Tom Griffith for the D.C. Circuit Court of Appeals.

Prior to coming to work in the Senate, Tom also earned an impressive record of achievement. He distinguished himself academically, graduating summa cum laude from Brigham Young University and valedictorian of his college. Tom earned his law degree from the University of Virginia, where he was a member of the law review. He also has experience in the private sector, working at the North Carolina law firm of Robinson, Bradshaw and Hinson, and subsequently as a partner in the litigation and government affairs practice areas in the Washington firm of Wiley, Rein and Fielding.

Tom has also given back to the community throughout his legal career. While in private practice, he undertook the significant pro bono representation of a death row inmate, which led to a commutation of the inmate's sentence by the Governor of Virginia. He has also frequently volunteered his time to pro bono and public service groups.

Today, Tom serves as Assistant to the President and General Counsel of the largest private university in America, his alma mater and mine, Brigham Young University. I understand that some have raised questions about whether he was required to take the Utah Bar exam to serve in his current position as BYU General Counsel. This criticism can be put to rest by a letter I received from five former Utah Bar Presidents. They stated that "a general counsel working in the State of Utah need not be a member of the Utah bar provided that when giving legal advice to his or her employer that he or she does so in conjunction with an associated attorney who is an active member of the Utah bar and that said general counsel makes no Utah court appearances and signs no Utah pleadings, motions or briefs." In addition, the ABA has thoroughly examined Mr. Griffith's record and made the determination that he is qualified to serve on the bench.

A prominent Salt Lake City attorney, James Jardine, has described what Mr. Griffith would bring to the court: "He is a skilled, thoughtful, experienced lawyer....He is extraordinarily thoughtful. His intelligence is tempered by his judgment. He engenders trust and confidence among colleagues. His integrity, balance and patience are genuine virtues. He will in every way enhance the Court." Mr. Jardine concluded: "I think in a time of divisiveness, his appointment can be a point of agreement."

I could not agree more. This important court needs this good man to serve, and I hope that the Senate will treat a member of the Senate family with all due respect and move quickly to confirm the President's nominee, Tom Griffith, to this long vacant seat.

J. Michael Seabright to be  
United States Judge for the District of Hawaii

J. Michael Seabright is our nominee for the District of Hawaii. A distinguished graduate of George Washington University Law School, Mr. Seabright has had an equally distinguished legal career and brings over 20 years of experience to the federal bench. After a short tenure in private practice, he entered the public sector first as an Assistant U.S. Attorney for the District of Columbia, then as an Assistant U.S. Attorney for Hawaii. Since 2001, he has served as the Supervisory Assistant U.S. Attorney in Hawaii. The seat to which he has been nominated has been vacant for nearly five years. I am hopeful that the Senate will move quickly on his nomination, and I am confident that Mr. Seabright will ably fill that long vacant seat.

Paul Crotty to be  
United States Judge for the Southern District of New York

Paul Crotty is our other distinguished district nominee, for the Southern District of New York. He has impeccable credentials, having graduated from Cornell Law School with the highest honors and a two-year clerkship with the Honorable Lloyd MacMahon in the Southern District of New York. He was a partner with the renowned firm of Donovan, Leisure, Newton & Irvine. Mr. Crotty has had an illustrious career in the public sector as well. He has served as a New York City Commissioner in two mayoral administrations: first for Democrat, Ed Koch, and later for Republican, Rudy Guiliani. He is currently the group president for New York and Connecticut of Verizon Communications. I am confident he will be a fine addition to the federal bench.