

Testimony of

# The Honorable Anthony Scirica

Chief Judge  
Third Circuit Court of Appeals  
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Statement of Hon. Anthony J. Scirica, Chief Judge, U.S. Court of Appeals for the Third Circuit

Thank you, Mr. Chairman for inviting me to testify. For the last 15 years, I have worked with Judge Alito. For 15 years, we have decided thousands of cases, while serving on the same court of appeals. On most cases, we have agreed. But not always. Judges don't always agree on every case. As the Chief Justice remarked last summer, much like a baseball umpire, a judge calls balls and strikes. If the pitch is down the middle or way outside, the call is straightforward. But many pitches are on the corners, and then the calls are difficult. These cases require hard thought, and these are the cases, where a judge earns his or her keep. And in 15 years on the court of appeals, Judge Alito has more than earned his keep. He is a thoughtful, careful, principled judge, who is guided by a deep and abiding respect for the rule of law. He is intellectually honest, he is ethical, he is fair. He has the intellect, the integrity, the compassion, and the judicial temperament that are the hallmarks of an outstanding judge.

On three separate occasions, I spoke with a representative of the American Bar Association during its evaluation process. My views and those of my colleagues on the court were sought by the American Bar Association because we have a unique perspective on Judge Alito, a perspective that no one else has. Anyone can read and interpret his opinions, but we know Judge Alito from almost daily contact over a period of years. We have sat together in the same conference room, discussing and deciding cases, and exchanging legal memoranda.

Judge Alito approaches each case with an open mind, and determines the proper application of the relevant law to the facts. He has a deep respect for precedent. His reasoning is scrupulous and meticulous. He does not reach out to decide issues not presented in the case. His personal views, whatever they might be, do not jeopardize the independence of his legal reasoning or his capacity to approach each issue with an open mind. Like a good judge, he considers and deliberates before drawing conclusions. I have never seen signs of a predetermined outcome or view. Nor have I seen him express impatience with litigants or with colleagues with whom he may ultimately disagree. He is attentive and respectful of all views. He is keenly aware that judicial decisions are not academic exercises, but have far reaching consequences on people's lives.

I also admire him as a person. Despite his extraordinary talents and accomplishments, he is modest and unassuming. His thoughtful and inquiring mind, so evident in his opinions, is equally evident in his personal relationships. He is concerned and interested in the lives of those around him. He has an impeccable work ethic, but he takes the time to be a thoughtful friend to his colleagues. He treats everyone on our Court and Court staff with respect, dignity and compassion. He is committed to his country and to his profession, but he is equally committed to his family, his friends and his community. He is an admirable judge and an admirable person.

Thank you, Mr. Chairman.