Statement of Catherine E. Stetson
Partner, Hogan & Hartson L.L.P.
before the Senate Committee on the Judiciary

Hearing on the Nomination of John G. Roberts, Jr.
September 15, 2005

Mr. Chairman, Senator Leahy and Members of the Committee. Thank you for the opportunity to testify today. My name is Cate Stetson. I am a partner in the law firm of Hogan & Hartson. And I am here today in support of the nomination of my friend and former colleague, Judge John Roberts, to be the next Chief Justice of the United States.

***

I came to Hogan & Hartson as an associate in 1997, after two judicial clerkships. Those clerkships gave me a deep appreciation for good advocacy; but I grew up as a lawyer on Judge Roberts's watch. It was my six years working for him at Hogan & Hartson, first as his associate, and later as his law partner, that taught me how to be an advocate and lawyer. And what a teacher to have.

***

Appellate advocacy boils down to two things: writing, and talking. Everyone can do those things; few can do both of them well. Judge Roberts can. I learned how to write like an advocate from Judge Roberts, and I learned it the old-fashioned way: by reading his own work and taking to heart the careful handwritten edits he made to everything I ever wrote for him. Nothing escaped him, on any level; he exposed and tested weaknesses in reasoning, he caught grammatical errors, and in between

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

those extremes, he suggested subtle and not so subtle changes to a brief's wording, tone, and structure – changes that always unlocked the full potential of the arguments we were making for our clients. And each client could always be assured that the arguments Judge Roberts put forward were the most forceful ones that could be advanced in support of that client's position in that case.

***

What I have learned of oral advocacy I also learned from Judge Roberts, by watching his every move. The Judge's preparations for every argument he gave were intense and exacting – sometimes hundreds of hours of solitary work for fifteen minutes of argument. And his arguments were superlative – brilliant, focused, compelling, and delivered in a conversational style that prized substance over drama. This was his rare gift. I remember one case in particular that by some lights would not rate as important, but it shows the measure of his talents. He was appearing in the court of appeals along with a government agency in an attempt to defend the agency's actions. Judge Roberts was given all of two minutes to argue. He took the handoff from an able agency lawyer who had made no headway against a hostile panel of judges. One minute later, the courtroom was his. He identified the issue that had troubled the panel, brought three judges round to our position, and did it all in a span of seconds.

***

The Judge was not just a good lawyer and a good teacher; he was a thoughtful mentor and friend. My first oral argument was in Anchorage, Alaska. Within

hours, Judge Roberts, back in Washington, somehow got word on how the argument went and sent me a warm congratulatory message. When I gave my first D.C. Circuit argument several years ago, Judge Roberts was in the audience. After the argument was over, Judge Roberts and I walked back from the courthouse to our office, as we always did after his own oral arguments, and we dissected the panel's questions and answers together. Judge Roberts mentored me in less tangible, but equally important, ways as well. I watched him interact with colleagues and staff, no matter what their title or position, in the same decent, gentlemanly way. His evenhandedness was matched by his eventemperedness. Whether dealing with clients or adversaries, Judge Roberts was unfailingly courteous, never strident, never engaging in the empty bluster that so often passes for discourse among lawyers.

***

Five years ago, Judge Roberts and his wife Jane – who is also a practicing lawyer – adopted two children. That same year, my husband and I had our first child as well. We all learned at the same time, and continue to learn, what a delightful, chaotic, sometimes frustrating and always joyful thing it is to be a parent. When I returned to the firm after maternity leave, I faced the difficult challenge of being a new parent and a law firm associate. The transition back to work is difficult for any working mother, and my experience was no different; but the transition back to working with Judge Roberts was seamless. We just picked up where I had left off several months before. He never questioned the balance I chose to strike between

my obligations to my family and to my colleagues and clients. He supported me in both, quietly and without fanfare; he simply continued to demand from me the same thing he demanded from any associate as well as himself – legal work of the highest caliber.

***

At the end of the year 2001, I was being considered for partnership. I had been on maternity leave for three months out of that year. I was also working part-time. Either one of those facts might have impeded my promotion to partnership at other law firms. But neither my leave of absence nor my part-time status mattered to Judge Roberts, or to my firm; what mattered was that I was a good lawyer. With strong support from Judge Roberts, I became a partner at Hogan & Hartson.

***

By the time Judge Roberts left for the D.C. Circuit, we had worked on numerous matters together – on legal topics as diverse and arcane as patent appeals, energy cases, ERISA briefs, preemption challenges. Much of what we worked on together would seem quite unglamorous to people, even lawyers, who lacked a passion for such work. But Judge Roberts has that passion. No one is more dedicated, more devoted to the law than Judge Roberts. It was my honor to work for him for several years, and it is my honor to appear here on his behalf.

I would be pleased to answer any questions you may have.