

# **George W. Bush Presidential Library**

**Collection:** Counsel's Office, White House

**Series:** Kavanaugh, Brett – Subject Files

**Folder Title:** Judges - [Smith, Jr., Milan D.]

FROM : Senator Orrin Hatch

FAX NO. : 202 228 1178

Jun. 06 2001 04:17PM P1

ORRIN G. HATCH  
UTAHPATRICIA KNIGHT  
CHIEF OF STAFF

104 Hart Senate Office Building

Telephone: (202) 224-5281  
TDD (202) 224-2849E-mail: [snhatch@hatch.senate.gov](mailto:snhatch@hatch.senate.gov)  
Website: <http://www.senate.gov/~hatch/>

## United States Senate

WASHINGTON, DC 20510-4402

June 4, 2001

## COMMITTEES:

JUDICIARY  
CHAIRMANFINANCE  
CHAIRMAN, SUBCOMMITTEE ON  
INTERNATIONAL TRADE

INTELLIGENCE

INDIAN AFFAIRS

JOINT COMMITTEE  
ON TAXATIONThe Honorable Alberto Gonzales  
The White House  
Washington, D.C. 20502

Dear Judge Gonzales:

I strongly recommend that President Bush nominate Milan D. Smith, Jr., of California, as a Circuit Judge for a vacancy on the Ninth Circuit Court of Appeals.

Milan deeply believes that the proper role of judges is to say what the law is, not what it should be. He also is keenly aware of the need to restore a balance between the rights of crime victims and those accused of criminal wrongdoing. In the interest of promoting that balance, Milan has served for many years on the Board of Trustees of the Criminal Justice Legal Foundation, a nonprofit public interest organization whose mission it is to ensure that people who are guilty of committing crimes receive swift and certain punishment in an orderly and constitutional manner. The Foundation introduces persuasive legal arguments in criminal cases before state and federal appellate courts to encourage precedent-setting decisions that recognize the constitutional rights of victims and law-abiding citizens, as well as those charged with criminal offenses.

Unlike some other possible nominees who share Milan's perspective on the proper role of judges, Milan should be confirmable by the Senate without controversy. Even though Milan is a conservative, it is my understanding that Milan's brother, Senator Gordon Smith of Oregon, has been assured by Senators Boxer and Feinstein that neither would oppose Milan's confirmation to the Ninth Circuit.

Although many judicial nominees have distinguished academic credentials, as does Milan, few have Milan's depth of practical experience in counseling clients or a better perspective on how court rulings impact the lives of our nation's citizens. For almost 32 years, Milan has advised thousands of individuals, businesses and governmental entities on legal issues involving environmental, regulatory, bankruptcy, real estate, employment, corporate, partnership, anti-trust, tax, securities, and secured lending law. His business clients range from some of the nation's largest to scores of small family-owned establishments. Milan has also tried lawsuits and handled appeals ranging from conservatorships to usury laws. Like other members of his family I have known, Milan is blessed with common sense and a friendly manner that would aid him greatly in building coalitions on the Court of Appeals.

FROM : Senator Orrin Hatch

FAX NO. : 202 228 1178

Jun. 06 2001 04:17PM P2

I have known and admired Milan's family for over 40 years. His maternal grandfather, Jesse A. Udall, served with distinction as Chief Justice of the Supreme Court of Arizona. His father, Milan D. Smith, served with honor as Executive Assistant to the Secretary of Agriculture in the Eisenhower Administration. Milan's cousin, Rex E. Lee, was a highly regarded Solicitor General of the United States during President Reagan's first term and later served as President of Brigham Young University. And, as you know, Milan's brother, Gordon, is a United States Senator from the State of Oregon.

Milan graduated with honors from Brigham Young University and attended the University of Chicago Law School on a full-tuition scholarship. After commencing his legal career at the prestigious Los Angeles firm of O'Melveny & Myers, Milan established his own firm in 1972, where he remains the firm's Managing Partner. Milan is married, is the father of six children and one stepchild and presently has three grandchildren.

I have great confidence in Milan and know he will serve with distinction on the Ninth Circuit Court of Appeals. Please let me know if there is anything I can do to facilitate and expedite Milan's nomination.

Sincerely,



Orrin G. Hatch  
United States Senator

Milan is great! I feel you can't  
do better.

Thanks  
