

Opening Statement of Joshua A. Deahl
Nominee to be an Associate Judge of the District of Columbia Court of Appeals
October 22, 2019

Chairman Lankford, Ranking Member Sinema, and members of the Committee, I am humbled and grateful to appear before you today as you consider my nomination to be an Associate Judge of the District of Columbia Court of Appeals. I thank the Judicial Nomination Commission and its chair, Judge Emmet Sullivan, for recommending me to the White House. I thank the President for nominating me. I would like to express my sincere thanks and appreciation to the Committee members and the dedicated Committee staff for their hard work in undertaking the Senate's constitutional duty of advice and consent. I would also like to recognize Chief Judge Anna Blackburne-Rigsby of the D.C. Court of Appeals, who is here along with other judges of the Court whose presence and support I am very thankful for.

I would not be sitting here today if not for the help and inspiration of my colleagues, family, and friends, many of whom are here with me today. My brother Nathan who is here with his wife, Karen, and his children Tessa, Laney, and Jackson. My sister Ashlea. My wife's parents, Mike and Rosalind Wanke. My co-clerks from my time with Justice Kennedy, Allon Kedem, Scott Keller, and Misha Tseytlin are here with me as well. And of course my wife Jessica, who has been my partner for the past 17 years, and has made my life immeasurably better with her good humor and patience. My six year old son Cary, who at a young age is already one of the warmest and friendliest people I have ever known, and my four year old daughter Georgie, who is one of the most decisive and determined. I love and admire both of my children and count my part in raising them to date as the greatest accomplishment in my life.

I also want to acknowledge my parents Nichola and DeLonnie Deahl. My father passed a decade ago, and he now rests at Arlington National Cemetery just a few miles from here, and my mother's health did not permit her to make the trip, but I know both of them are with me in spirit. I would like to provide a little background on them because it shines light on who I am and how much it means for me to be here today. Both of my parents grew up in small, German-speaking farming communities on the border of North and South Dakota. My dad's farm had no running water and no plumbing, and as you can imagine in the Dakotas that made for some tough winter treks to the outhouse and water well. He then enlisted in the Air Force during the Vietnam War, which led him to a career as a defense contractor. It is an understatement to say that between his being a farmer and a military man, my childhood involved a lot of hard work. That discipline has served me well in life. My mom was always quick to bring some levity and cheer into our home, and I am lucky to have such a loving family. Neither of my parents graduated from college, but both worked to make sure that all of their children did, and I am eternally grateful for that. They raised us in Arizona, where we attended public schools. I stayed there to do my undergraduate studies at Arizona State University, and then I went to the University of Michigan for Law school.

I started my legal career as a law clerk to Judge Fortunato Benavides on the United States Court of Appeals for the Fifth Circuit, and I then clerked for Justice Sandra Day O'Connor and Justice Anthony Kennedy of the Supreme Court of the United States. Each embodied the meaning of judicial temperament—patient, unbiased, open-minded. None of them ever wanted anything more than to get each individual case right, and never hinted that they ever had any personal preference

as to how a case should turn out, maintaining fidelity to the law above all. If fortunate enough to be confirmed, these are the values that would guide me.

After my clerkships I joined the appellate and Supreme Court practice at O'Melveny & Myers here in Washington, D.C., where I represented some of America's largest companies. I then went to work as a criminal defense attorney at the Public Defender Service for the District of Columbia, which was a shift, as I now work representing some of the most disadvantaged members of this community, and it is a privilege to do so. It is by no means an easy job, as my clients are typically among the least popular in the community. But what is great about the law is that the same fairness and process is extended to even the most unpopular among us, including criminal defendants. Our Founding Fathers understood that, and John Adams embodied it when he successfully defended British soldiers when nobody else would after the Boston Massacre, and described his representation as "one of the best pieces of service I ever rendered my country." I share his sentiment. Being a public defender requires advocating that the law be applied without regard to public opinion, without regard to any personal beliefs, and to give every ounce of energy that I can to ensure that happens.

I understand the D.C. Court of Appeals' mission to provide justice for all and to apply the law evenhandedly, without favor or prejudice. If I am fortunate enough to receive your support, you have my word that I will strive to achieve that mission. Thank you again for considering my nomination and I look forward to answering any questions you might have.