

PREPARED STATEMENT OF JOSEPH TOTH

NOMINEE FOR JUDGE

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Chairman Isakson, Ranking Member Tester, distinguished Members of this Committee: thank you for the opportunity to appear before you today. I am honored to have been nominated by the President to serve as a judge on the United States Court of Appeals for Veterans Claims.

I would not be here today without the support of so many people and I would be remiss not to mention them briefly. I think of my grandparents, each of whom set off as a teenager from a different country in search of a better life in the United States. They worked in sheet metal factories and restaurants, as house-cleaners and secretaries so that their children might have a better life. I am here today because of them.

My late-father urged me through the better part of my formative years to become a lawyer. As always, I waited far too long to heed his wisdom – I took my oath of office as a naval officer a week after his passing and I know he was there with me in spirit. I am only now beginning to appreciate the sacrifices that he and my mom made raising me and my siblings. Likewise, I extend my gratitude to my older sisters, who taught me at any early age the value of zealously advocacy; and to my brothers, two of whom served as officers in the Marines, and who have been models of self-sacrifice and service to others. Most importantly, I thank my fiancé for her love and constant good cheer. Again, I am here today because of them.

Finally, I've had the good fortune to learn my craft from some of the finest judges and lawyers in the United States. In Daniel Manion and Robert Conrad, I came to know two judges whose wisdom, humility, and respect for the law made a lasting impression on me. They are outstanding judges because they are outstanding human beings. Likewise, I will never forget the courage demonstrated by General Mark Martins, my boss in Afghanistan, who modeled the ideal of servant leadership in the most challenging of environments. Finally, Tom Champion, the first partner I worked for out of law school, showed me that one can get to the top of the legal profession while always treating people the right way. These are but a few of the many people to whom I am indebted.

Like most veterans, my experience serving our country was among the most formative of my life. I learned the rules of evidence in military courtrooms; tried cases on aircraft carriers and in airplane hangars; drafted wills on submarines; and pretended not to be scared as I donned body armor and carried an M4 through mule paths in Afghanistan. None of it was easy but every second was worth it.

Most of all, I am grateful to the men and women whom I served with and who embodied hard work and integrity. Whatever service I gave to our country pales in comparison to countless veterans – and their families – who made infinitely greater sacrifices.

After leaving active duty, I spent my career as a lawyer in federal trial and appellate courts, working for principled judges and litigating alongside talented lawyers spanning the political spectrum. I have been exposed to many of the most complex issues of civil, criminal, and administrative law, and have wrestled with difficult questions of statutory interpretation. Most significantly, I approached every case with the same intensity whether it involved a major corporation, elite law firm, or an indigent prisoner writing a petition by hand. Every party deserves to have their case heard fairly and decided by the operative law.

I am aware of the awesome responsibility that comes along with serving as a judge and will work zealously to interpret the law fairly and in the manner consistent with the will of the Congress. I thank the Committee for its consideration of my nomination.

I would be pleased to answer any questions that the Chairman or members of this Committee might have.