

DESERET Morning News

Utah's youngest federal judge resigns

By **Geoffrey Fattah**

Deseret Morning News

Published: September 22, 2007

When President Bush appointed Paul G. Cassell to the federal bench he was 42, making him the youngest federal judge ever to be appointed to the bench in Utah. Just over five years later, Cassell says he is stepping down to teach and pursue research on victim's rights, but cited dismal judicial pay as a secondary reason.

On Friday, Cassell sent a letter to President Bush, informing him of his resignation, which is effective Nov. 5. In the letter, Cassell said he had accepted an offer to return to teaching law at the S.J. Quinney College of law at the University of Utah.

"Returning to the college of law will give me time to pursue research in my area of greatest scholarly interest — crime victim's rights. I have several important books and articles on this topic that I would like to turn to as quickly as possible," Cassell wrote to the president.

"I am both honored and thrilled that Judge Cassell has decided to accept an offer to return to teach and conduct research at the U.," said law school dean Hiram Chodosh. "He will contribute invaluable to our exciting and exemplary Utah Criminal Justice Center and joins the most outstanding criminal justice team in the country."

Cassell said he looked forward to moving from a "referee's role to an advocate's role," when it comes to crime victims' rights. "We're at a pivotal point in our country's history in determining how we're going to move from a two-party, state-versus-defendant model to a three-party model that recognizes the legitimate interests of victims."

Among his reasons for leaving the bench, Cassell told the president that pay was also an issue. Cassell makes \$165,200 a year but said federal judges have not seen a raise in several years. The uncertain future of any raises makes planning for his family's future, such as college for his children, difficult, he said. This in light that being a federal judge involves high stress and it is typical for them to receive death threats on them and their families.

Cassell's short career as a federal judge has been marked with several opinions that gained him national attention. In his 2004 decision in the *United States v. Croxford*, he became the first judge in the country to hold that the federal sentencing guidelines were unconstitutional based on prior Supreme Court decisions. In 2005, Cassell became the first judge to interpret the meaning of the Supreme Court Booker decision on the new advisory nature of the guidelines, and in 2004, defense attorneys applauded Cassell for authoring a lengthy opinion decrying a 55-year mandatory minimum sentence he was required to impose on young marijuana dealer

Weldon Angelos. Also in 2005, Chief Justice William Rehnquist appointed Judge Cassell to be the chairman of the Judicial Conference Committee on Criminal Law.

As for victim's rights, Cassell said there are many questions that need answers. The privacy of rape records, questions of a crime victim's role in the criminal process and their right to make statements at sentencing are all issues which need exploring, he said.

Cassell said his voiced frustration over minimum-mandatory sentences, such as Angelos' 55-year mandatory sentence, had no bearing on his decision to step down, however, "I'm looking forward to speak my mind freely on issues like minimum-mandatory sentencing and crime victims rights."

In addition to his teaching, Cassell has also accepted a position with the National Crime Victims Law Institute to litigate crime victims' cases across the country.

Cassell graduated from Stanford Law School in 1984 and clerked for then U.S. Appeals Court Judge Antonin Scalia and later for U.S. Supreme Court Justice Warren E. Burger. In 1986 Cassell was appointed associate deputy attorney general for the U.S. Department of Justice. In 1988 he was named assistant United States attorney for the Eastern District of Virginia.

Cassell was first named professor of law at the University of Utah in 1991. While teaching at the S.J. Quinney College of Law he received many honors and awards, including the 1997 Faculty Achievement Award for Teaching Excellence.

Chief federal judge for Utah Tena Campbell said the news of Cassell's resignation took her by surprise.

"He is an intelligent, energetic and hard-working person and we will hate to see him go."

Campbell said she is unsure of when the formal process will take place to find Cassell's replacement, but added the person will have to come from Utah.

E-mail: gfattah@desnews.com