

The CHAIRMAN. Senator Biden has asked for a special concession of 3 more minutes.

Senator BIDEN. Thank you, Mr. Chairman.

Judge, I want to just cover one area that, although I had to be out of the room for about an hour and a half, I do not think was covered. That was relating to court procedure in standing.

In deciding whether standing exists or whether a class action would properly lie, should a Supreme Court Justice take into account his or her belief, assuming that it is held by that Justice, that the courts are too congested and that the dockets are too crowded when determining whether or not standing exists or whether or not a class action properly lies?

Judge O'CONNOR. Senator Biden, I have not had to address this question. As a judge, it seems to me that primary in determining whether to decide that a given case is a justiciable case would be perhaps factors other than court congestion—the importance of the issue, the posture in which the case is, the other factors that one normally considers.

Senator BIDEN. I would hope that that would be the case. Although the courts clearly are congested in many areas and although the dockets are sometimes too crowded, it seems to me that the ability to have access to justice should not be precluded as a consequence of the inability of either the judiciary and/or the legislative body to make accommodations for access to justice.

I would hope that as a Justice you would not make as part of your decision whether or not to preclude access the fact that it was crowded—in other words, “You came too late, fella—sorry—even though you have a justiciable case.” I would hope that would be your position, as you stated.

I have no further questions. Thank you very much for your comments.

Judge O'CONNOR. Thank you.

The CHAIRMAN. Senator East, did you have any further questions?

Senator EAST. No, thank you, Mr. Chairman.

The CHAIRMAN. That concludes with you this afternoon, Judge O'Connor. We have some other witnesses, so we are going to go ahead. I want to be sure we finish tomorrow, if possible, by 1 o'clock.

Judge O'CONNOR. Thank you.

Senator BIDEN. You are welcome to stay.

Judge O'CONNOR. Thank you, Senator Biden.

The CHAIRMAN. Thank you.

Judge O'CONNOR. With the permission of the Chair then, thank you, Mr. Chairman. I shall withdraw.

The CHAIRMAN. Now we have a panel consisting of the Honorable Tony West, the Honorable Donna Carlson West, and the Honorable Art Hamilton, members of the Arizona House of Representatives.

If you folks would come up, we would be glad to hear from you at this time.

Please stand and raise your right hands. I will now swear you in. Do you swear that the evidence you will give in this hearing will