



Federal Bar Association

Office of the President

LAWRENCE R. BACA

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March 11, 2010

The Honorable Barack H. Obama
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear Mr. President:

I write to express our concern over the increasing number of judicial vacancies that exist throughout the federal court system and the undue strain that those vacancies is imposing upon the capacity of many federal courts to administer justice in an adequate and timely manner.

As of today, there are nineteen appeals court and eighty-four district court vacancies. More than one-third of these vacancies have existed for at least 18 months, leaving considerable caseloads unattended and prompting their designation as “judicial emergencies” by the Judicial Conference, the policy-making body of the federal judiciary.

The sixteen thousand member Federal Bar Association (FBA) is the foremost national association of private and public lawyers engaged in the practice of law before the federal courts and federal agencies. The FBA as a matter of policy takes no position on the credentials or qualifications of specific nominees to the federal bench. Our interest lies in the assurance of prompt, dispositive action in filling vacancies as they arise on the federal bench.

The case for accelerated action on judicial vacancies is underscored by the need for pending legislation, supported by the Judicial Conference and the FBA, to add 12 new circuit judgeships and 51 new district judgeships. It is a bitter irony that the case for these additional judgeships, which rests upon rising caseloads and insufficient resources throughout parts of the federal court system, rests on the assumption that all existing judgeships are already filled and that no vacancies exist.

We ask you to nominate qualified judicial candidates as promptly as practicable. We are also urging the Judiciary Committee and the Senate to faithfully discharge its “advise and consent” powers under the U.S. Constitution. Your prompt action in naming judicial candidates and prompt Senate action in acting upon those nominations will ultimately reduce the number of vacancies to a more tolerable level.

Thank you for your support of the nation's federal court system and your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence R. Baca". The signature is fluid and cursive, with a large, prominent loop at the beginning.

Lawrence R. Baca
National President
Federal Bar Association