



Federal Bar Association

Office of the President

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March 16, 2010

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Jeff Sessions
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Senator Sessions:

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.

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.

At this moment, 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 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 have urged the President to promptly nominate qualified judicial candidates. We are also urging the Judiciary Committee and the Senate to faithfully discharge its

“advise and consent” powers under the U.S. Constitution. Prompt action by the President 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 loop at the beginning.

Lawrence R. Baca

cc: Senator Herb Kohl
Senator Dianne Feinstein
Senator Russ Feingold
Senator Charles E. Schumer
Senator Richard J. Durbin
Senator Benjamin L. Cardin
Senator Sheldon Whitehouse
Senator Amy Klobuchar
Senator Ted Kaufman
Senator Arlen Specter
Senator Al Franken
Senator Orrin G. Hatch
Senator Chuck Grassley
Senator Jon Kyl
Senator Lindsey Graham
Senator John Cornyn
Senator Tom Coburn