



Federal Bar Association

May 16, 2017

The Honorable Robert Goodlatte
Chairman
Judiciary Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable John Conyers
Ranking Member
Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Darrell Issa
Chairman
Subcommittee on Courts,
Intellectual Property and
the Internet
Judiciary Committee
United States Senate
Washington, DC 20515

The Honorable Jerold Nadler
Ranking Member
Subcommittee on Courts,
Intellectual Property and
the Internet
Judiciary Committee
United States Senate
Washington, DC 20515

Dear Representatives Goodlatte, Conyers, Issa and Nadler:

We write to provide the views of the Federal Bar Association on legislative proposals pending before the Senate to restructure the Ninth Circuit Court of Appeals. After review, the Federal Bar Association considers such proposals unnecessary, costly and not in the interests of the efficient administration of justice.

Since the 1990's the Federal Bar Association has periodically reviewed proposals to split the Ninth Circuit and has participated in discussions with Congress over their merits and demerits. In 1999 and 2004, the Federal Bar Association in testimony and correspondence to Congress opposed proposals to restructure the Ninth Circuit because of numerous problems associated with their costs and inefficiency. More recently, after a thorough review of the current proposals by our 15 chapters representing the interests of our 3,100 members in the Ninth Circuit, the Federal Bar Association remains opposed to splitting the Ninth Circuit.

Although the Ninth Circuit's geographic size and caseload are large and at some point may undermine the circuit's capacity to effectively and efficiently render justice, we remain unpersuaded that the benefits today of restructuring the Ninth Circuit outweigh the merits of the current circuit configuration. While we recognize that a small minority of judges and lawyers may share differing views, the vast majority of our members in the Ninth Circuit share deep concern about the wisdom of splitting the circuit at this time.

The duplicative overhead costs and expenditure of additional taxpayer dollars that would arise in any new split arrangement do not necessarily promise any “better” justice than is available today. In fact, greater legal risk and uncertainty, with added economic costs, may occur when the law in portions of the American West becomes more fractured due to disagreements between the jurisprudence of the Ninth Circuit and a newly-created Twelfth Circuit.

As the foremost constituency of the federal courts system with nearly 20,000 members nationwide, the Federal Bar Association has appreciated the deference that Congress has accorded our views in the past when Congress has examined the Ninth Circuit restructuring issue. We trust that Congress and the President will continue to respect the views of the lawyers and judges who abide by and act as servants of the law in our federal courts. As a nonpartisan organization of members of the federal legal community, we look forward to continuing to work with Congress and the President to assure the preservation of the gold-standard of quality throughout our federal court system. We urge Congress and the President to exercise their authority and responsibility to provide the courts with adequate financial resources, promptly fill existing vacancies, and authorize new and temporary judgeships as requested by the Judicial Conference of the United States.

On behalf of the Federal Bar Association, thank you for your leadership and your support of our federal court system, its judiciary and the administration of justice. If we may be of further assistance in this or any other matter, please contact us or Bruce Moyer, our Counsel for Government Relations, at (301) 452-1111.

Sincerely yours,



Stacy King
Executive Director



W. West Allen
Chair, Government Relations Committee

cc: Members of the House Judiciary Committee



Federal Bar Association

May 16, 2017

The Honorable Chuck Grassley
Chairman
Judiciary Committee
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable Ben Sasse
Chairman
Subcommittee on Oversight,
Agency Action, Federal Rights and
Federal Courts
Judiciary Committee
United States Senate
Washington, DC 20510

The Honorable Chris Coons
Ranking Member
Subcommittee on Oversight,
Agency Action, Federal Rights and
Federal Courts
Judiciary Committee
United States Senate
Washington, DC 20510

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