

President's Message

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FBA Acts to Break the Judicial Nominations and Confirmations Logjam

At our Annual Meeting in New Orleans in September 2010, we talked about how the “A” in FBA represents Action. Your Association continues to take action. The FBA continues to be engaged in the expansion of the dialogue on the judicial vacancy

issue. To advance public understanding of the vacancies issue, on February 28th the FBA co-sponsored with the Brookings Institution in Washington, D.C. a seminar focused on the judicial nominations and confirmation process, how it can work better, and what may lie ahead. This was the first time that the FBA had partnered with a Washington think tank in sponsoring and producing a program on a legal and public policy issue. The program content was excellent and the vacancies issue received thoughtful attention and discussion. Past President Bill LaForge skillfully moderated the first panel on “The Judicial Logjam, How It Came About and Its Impact Upon the Courts.” Long time members, the Honorable Royce C. Lamberth, Chief District Judge of the District of the District of Columbia, and the Honorable W. Royal Furgeson, Jr., Senior District Judge of the Northern District of Texas, were powerful in their candor and description of the depth of the vacancies crisis and its impact on the administration of justice. The entire content of the program is accessible on the FBA website: www.fedbar.org/JudicialForum. Media coverage of the program was good and was picked up by a number of groups including Main Justice, The Blog of *Legal Times*, and the Lawfare Blog, among others.

However, the FBA's commitment to focus on this issue did not stop at co-sponsoring this excellent program. The initiatives growing out of the FBA-Brookings forum include sharing this program with our U.S. Senators. The FBA is sending a letter to all 100 Senators apprising them of the judicial vacancy issues with background information that links to the FBA-Brookings program. This short informational letter will be distributed to all 100 Senators prior to our Circuit Vice-Presidents' “taking the Hill” on April 28th. This is the second year our Circuit Vice-Presidents have gone to the Hill to meet with Senators and Senate staff to discuss with them the FBA priority issues that are on our Government Relations Issues agenda, including judicial vacancies and funding of the federal courts. Our CVP Lobby Day on the Hill will precede our 9th Annual Chapter Leadership

Training program which will be conducted on April 29-30th for our upcoming chapter leaders.

The FBA also is in the process of distributing an op-ed on judicial vacancies to newspapers across the country that will highlight the costly crisis in our federal courts. The goal is to educate the American public with respect to how these judicial vacancies impact their lives on an individual basis. Record caseloads in many federal judicial districts where vacancies exist cause trials to be delayed. Not only do the delays add to the costs of litigation for the party litigants, but the delays cost the individual taxpayer. For example, the cost to detain and house criminal defendants while awaiting trial increases the cost to be paid by the individual taxpayer. Just last year, the federal cost of pre-trial detention alone was \$1.4 billion, according to the Department of Justice.

Also, through the efforts of the Tucson and Phoenix Chapters, the *Arizona Republic* published in its Letters-to-Editor column a letter co-authored with Mark Hummels, Treasurer of the Phoenix Chapter, and Isaac Rothschild, Treasurer of the Tucson Chapter. Our letter to the editor urged the readers “to contact your Senators and Congress members to act immediately.” The District of Arizona has three judicial vacancies that have been deemed “judicial emergencies” with each judge in the Tucson courthouse handling more than 1200 criminal cases, in addition to a full docket of civil cases. This case overload means that all litigants now face an increasingly difficult time getting their day in court.

In addition to the judicial vacancy situation, the Association is expressing strong support for the Federal Judiciary's FY 2012 funding request. The Judiciary has demonstrated prudent judgment in its request to assure the best stewardship of its resources and the cost-efficient delivery of justice to all Americans throughout the federal court system. We are urging



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ity. It has never been understood that the freedom of speech did not include portrayals of violence.” Why would violence—and animated violence at that—be unprotected speech when such depictions are everywhere: in music, television, movies, and print media. Children of my generation spent countless hours playing Mortal Kombat, and none of us have grown up to rip the spines out of other people in real life. Violence should not be the new obscenity when videos depicting violence to living animals and brutal

verbal attacks on a military service member are ruled to be protected and specially protected speech. **TFL**

Julie China is a member of the editorial board of The Federal Lawyer.

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Congress to make the federal judicial system a high priority and provide the funds necessary for the federal courts to fulfill their constitutional and statutory responsibilities. An independent judiciary, established by Article III of the Constitution, is an essential element of our system of government. An underfunded judiciary cannot effectively administer justice, which lies at the bedrock of the people’s trust.

The Judiciary’s FY 2012 request reflects its smallest requested percentage increase on record. Its request is underscored by the exceptional workload challenges generated by increased bankruptcy case filings; significant caseloads in courts along the Southwest Border; and workload in the probation and pretrial services offices.

The Judiciary’s annual appropriation makes up about two-tenths of 1% (0.2%) of the federal budget. In FY 2010 the Federal Judiciary received approximately \$6.86 billion to fund its operations, including money to fund: the Supreme Court; appellate, district, and bankruptcy courts; probation and pretrial services operations; the jury system; court security; Defender Services to provide legal representation

to indigent criminal defendants; the United States Sentencing Commission; the Administrative Office of the U.S. Courts; and the Federal Judicial Center. For more information about judicial funding and the FBA’s efforts, see Bruce Moyer’s column, “Washington Watch: Budget Cuts Could Hurt the Federal Courts.”

Other initiatives that are in the works include the FBA possibly sponsoring a conference on the State of the Judiciary, reaching out to courts-coverage reporters and a meeting with Susan Davies, White House counsel for Judicial Vacancies, concerning the nominations pipeline.

Your Association continues to take the lead on issues that face federal practitioners and the bench. So stay tuned for more action updates over the next six months before we gather again at our next Annual Meeting in Chicago in September of 2011! **TFL**



The Foundation of the Federal Bar Association Names Recipient for 2011 Public Service Scholarship

The Foundation of the Federal Bar Association is pleased to announce that Hannah D. Duncan of Phoenix, Ariz., is this year’s recipient of the Foundation’s Public Service Scholarship. The Foundation received 18 applications for this year’s scholarship.

Each year, one graduating high school senior planning to attend a four-year college or university wins the scholarship. At least one of the parents (or guardians) of the student must be a current federal government attorney or federal judge and a member of the Federal Bar Association. Applicants are evaluated on academic record, leadership recognition, school and community activities and service, and their compelling essay response.

The \$5,000 scholarship is funded by the Earl W. Kintner Memorial Fund. Earl W. Kintner was a distinguished member of the Federal Bar Association and two-time national president. His professional and civic leadership and dedication serve as a model to any aspiring academic.