

## President's Message

FERN C. BOMCHILL

### Judicial Accolades and Bashings

**D**URING THE FIRST half of my year as FBA president, I have been invited to numerous events across the country, and I have been honored and privileged to address, and meet with, chapter leaders and members, federal and state judges, law school

professors, court personnel, and distinguished members of each local community that I visited. Without exception, I was greeted with overwhelming hospitality and warmth. I was consistently impressed with the dedication of the judges and the collegiality among the bar and the bench. I treasure each experience and the new friends I have made.

While space does not permit me to detail each event for you, I do want to describe one program that had a strong impact on me and, I believe, on everyone else who was present. As many of you know, Jan. 8, 2012, marked the one-year anniversary of the shooting at a Tucson, Ariz., grocery store parking lot that killed six people and left U.S. Rep. Gabrielle Giffords and others seriously wounded. The late chief judge of the U.S. District Court for the District of Arizona, John M. Roll, who had stopped by the "Congress on Your Corner" event on that Saturday to thank Rep. Giffords, was one of those victims. Among other memorial events, the U.S. District Court for the District of Arizona held a special court session at the Tucson Music Hall to honor the memory of the late Chief Judge John Roll. The association's Tucson Chapter was directly involved in the event and was responsible for the invitation extended to me to participate in the program and to announce the construction of a "larger than life" bronze bust of Chief Judge Roll, which will sit on the first floor of the Tucson courthouse. I presented the permanent memorial on behalf of the Tucson Chapter of the FBA, the Arizona District Court, the Foundation of the FBA, and local practitioners.

I appreciated the opportunity of speaking and sharing a little bit of the FBA with the 750-1,000 members of the "court family" in the audience. But the true privilege was sharing the stage with rows of numerous judicial officers from both Phoenix and Tucson sitting for the session with presiding Chief Judge Roslyn Silver and hearing the memories of and tributes to the late chief judge. No summary by me would do justice to the presentations. I urge you all to read the official court record: a transcript of the session, along with submitted letters as exhibits, that is being prepared by Chief Judge Roll's former court reporter. You will hear

about the excellent jurist and wonderful individual most of us did not have an opportunity to meet.

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As you know, one of the FBA's missions is to serve the needs and interests of the federal judiciary. Since I have been involved with the FBA, the bar association has consistently attempted to live up to this mandate. We testified before Congress to support increased compensation for the judiciary, and we have joined the effort to preclude budget cuts that will require courthouse staff reductions and stall necessary courthouse construction.

Over the last two years, our focus has been on the judicial vacancy crisis. Judicial vacancies affect the public as well as the courts. Justice delayed is justice denied. In 2011, the FBA co-sponsored a symposium with the Brookings Institution to draw attention to the crisis, and we are considering additional programming for this year. In addition, with excellent briefing by our registered lobbyist, our vice presidents have organized visits to Congress, during which our officers meet with elected members and their staff to highlight why we need to get those judicial appointments made. This year's visit is scheduled for late April.

In some of my recent visits with district courts, I have been told that vacancies are only half the problem. Some districts overwhelmed with cases need additional judgeships. But that legislation, like the judicial appointments, is not getting accomplished.

Why has it been so difficult to address the judicial vacancies and needs? There is a well-defined system for putting qualified judges on the bench, but for some reason the process has slowed to a crawl. What has interfered with the functioning of this important government branch?

Over the last few months, I have heard "suggestions" that judges should have to defend their decisions to Congress, that judges should not be able to



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overturn the “will of the people,” and that we have to do away with “judicial tyranny.” A law professor recently shared similar references that she assembled from our government leaders “from both sides of the aisle.” She reported that one such advocate claimed that the drafting of the Constitution demonstrates that the judiciary is not as important as Congress, because the judiciary was established in “third place” in Article III, not Article I, in which Congress was described.

I find such statements incredible, especially because they are made by intelligent people. The Constitution of the United States is the supreme law of the United States. The first three articles of the Constitution establish the three arms of our federal government—the legislative, executive, and judicial branches of government—and the separate powers that each has. Nothing in the Constitution supports the asserted demotion of the judiciary. Clearly, the Fourteenth Amendment cannot be “less important” simply because it is preceded by 13 other amendments.

The FBA is made up of lawyers with different political leanings and agendas, from different backgrounds and of different races, religions, and genders. The FBA does not urge the nomination or Senate approval of any specific individual or any political party. Rather, we just ask the White House and our senators to move the candidates through the process and vote them up or down. That is the only way to get qualified judges on the federal bench.

Let’s remind our colleagues, friends, and government leaders about the checks and balances of our Constitution, and the FBA will keep up our efforts to get the process moving. We must get judicial vacancies filled by qualified candidates, create new judge-ships, and forestall debilitating budget cuts so that the public has a chance to get the justice it deserves. Please join us in any way you can. **TFL**

*Few C. Bonchill*

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