

Paulette Brown
President

AMERICAN BAR ASSOCIATION

321 North Clark Street
Chicago, IL 60654-7598
(312) 988-5109
Fax: (312) 988-5100
abapresident@americanbar.org

December 2, 2015

The Honorable Mitch McConnell
Senate Majority Leader
S-230 Capitol Building
Washington, DC 20510

The Honorable Harry Reid
Senate Democratic Leader
S-221 Capitol Building
Washington, DC 20510

Dear Majority Leader McConnell and Democratic Leader Reid:

On behalf of the American Bar Association, I write to urge you to schedule votes on the confirmation of 15 nominees pending on the Senate floor before the Senate recesses for the year. Seven of the pending nominees have the backing of their Republican home-state senators and all 15 have been reported out of the Senate Judiciary Committee by unanimous voice votes. Most importantly, if confirmed, nine of the pending nominees would fill vacancies that have been declared judicial emergencies by the Administrative Office of the U.S. Courts. Courts with emergency vacancies have too few judges to handle their workload effectively and deliver timely justice.

Regardless of how one views confirmation data comparisons among recent presidents or the fact that the vacancy rate has not reached crisis proportion, our courts are unfortunately worse off today than they were at the start of this Congress. There are 22 more vacancies (with three more in the pipeline this month) and more than twice the number of judicial emergencies today than there were this past January. In some of our courts with judicial emergencies, litigants have to put their businesses or private lives on hold indefinitely while waiting for their day in court. This is unnecessary and unfair.

Action on the 15 pending nominees has proceeded slowly to date. Most of them received their nominations over 200 days ago and had to wait over 4 months to be voted out of committee without objection.

Even though we appreciate the Senate's full agenda and the short amount of time remaining in the session, we urge you to give every pending nominee a floor vote before you leave for your recess. Absent legitimate concerns over a nominee's qualifications, we believe that this can best be accomplished over the next few weeks by voting on multiple nominees at a time.

December 2, 2015

Page 2 of 2

We know from the daily experience of our more than 400,000 members that vacancies must be filled promptly so that courts have the resources to deliver timely, impartial justice. By putting politics aside, an opportunity is provided for the Senate to use its time in the next two weeks to afford considerable relief to the federal courts.

Thank you for the opportunity to present the views of the American Bar Association.

Sincerely,

A handwritten signature in black ink, appearing to read "Paulette Brown", with a long, sweeping underline that extends to the right.

Paulette Brown

cc: Sharon Soderstrom, Chief of Staff, Office of the Senate Majority Leader
Brian McGuire, Chief of Staff, Office of Senator Mitch McConnell
Drew Willison, Chief of Staff, Office of Senate Democratic Leader