

The Federal Judicial Vacancy Crisis and the need for diverse appointments

By:

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As of January 13, 2014 there are 94 judicial vacancies with only 52 nominees pending. For many years legal professionals have been warning of a judicial vacancy crisis and to date there is no end in sight. Currently Pennsylvania leads the way with ten vacancies, followed by Texas with seven and without any pending nominations. With so many vacancies this is the perfect opportunity to increase diversity within our courts. The face of our nation is changing and the face of our judiciary should reflect these changes.

The process for filling these vacancies on paper seems quite simple. The senators from each state screen and interview potential candidates in order to make recommendations to the President. The recommendation is given to the President who then nominates someone to fill the vacancy and this nomination is sent to the Senate Judiciary Committee. The judiciary committee then investigates the nominee and holds a hearing on the nominee. During this hearing witnesses can testify for and against the nominee. After the hearing the committee votes on the nomination and it then can be sent to the Senate for debate. Once the Senate debates the nomination, a majority vote is needed in order for the nomination to be approved. Although this process seems simple and standard, politics between the state's Senators and the President have created big delays in filling these vacancies.

Unfortunately it is taking several months after a committee hearing to even have a vote on the Senate floor. This is creating unusual delays in the process. Some positions have been listed as vacancies since 2004 and for the first time in twenty years there is not a vacancy on the DC circuit after an early 2014 nomination was accepted. These vacancies present many challenges to our court system. With so many vacancies across the country it is easy to see the strain it is having on our justice system as backlogs and increasing case loads are plaguing current judges. Several legal interest groups have released statements encouraging the President and Congress to fill these vacancies as soon as possible. A case can take over three years in a federal court before it sees any

resolution because of these vacancies. The effect of these vacancies on our justice system is astonishing.

Although President Obama has had significantly less judicial nominees approved than President Bush and Clinton, his nominees are more likely to be diverse and have included more women, Latinos, African Americans, Asians and other minority groups. Notable nominees include the first Latina Supreme Court Justice Sonia Sotomayor. While great strides have been made, there is a lot of work to be done. With increasing minority populations across the country more minority nominees are needed to fill the vacancies and increase the diversity of our court systems.

Why do we need diversity in our courts? Although there is no simple answer to this question, diversity in our courts would increase the confidence Americans have in our judicial system. People of diverse background means that different ideas will be brought to the table. Having judges that come from different backgrounds will also help increase the trust the American people have on our courts system. People want to see others who share their background and experiences as members of the judiciary. That is the beauty of our country and our judicial system. Several circuits do not accurately reflect their constituencies because there are little to no minorities who have been appointed to these positions.

With the new year comes new opportunities to fill these vacancies. Congress can use this new year to begin filling these vacancies and provide much needed relief to our nation's judicial system. Many of the current nominees come from diverse backgrounds and in turn this will help increase the diversity of our nation's courts. Hopefully the recent approval of a few nominations by the Senate means that these vacancies are being placed as a high priority for Congress and the President.

To see the current judicial vacancies and nominees please visit <http://www.uscourts.gov/JudgesAndJudgeships/JudicialVacancies/CurrentJudicialVacancies.aspx>.