

## **OPPOSITION TO EFFORTS TO SPLIT THE NINTH CIRCUIT (Nov. 29, 2005)**

### **OPPOSING IMMEDIATE ACTION**

**Senate Judiciary Committee Chairman Arlen Specter (R-PA) and Ranking Member Patrick Leahy (D-VT opposing inclusion of the Ninth Circuit split in any reconciliation package (Nov. 9, 2005)**

**Seven Ninth Circuit judges who have served or will serve as Chief Judge in the foreseeable future have opposed any immediate action on dividing the Ninth Circuit (Sept. 2005).**

**James R. Browning**

**Alfred T. Goodwin**

**J. Clifford Wallace**

**Procter Hug**

**Mary M. Schroeder**

**Alex Kozinski**

**Sidney R. Thomas**

### **OPPOSING SPLITTING THE NINTH CIRCUIT**

**Opponents of proposals to split the Ninth Circuit Court of Appeals include editorial boards, Senators, Judges, elected officials, bar associations, law professors, prominent practitioners, and civil rights, women's rights, disability rights, labor, health, religious, conservation and other national, state and local groups, plus**

**AFL-CIO (Oct. 25, 2005)**

**Clean Water Action (Nov. 16, 2005)**

**Leadership Conference on Civil Rights (Nov.16, 2005)**

**National Organization for Women (Nov. 16, 2005)**

**National Tribal Environmental Council (Nov. 16, 2005)**

PLUS-- See the links at [http://www.earthjustice.org/policy/judicial/whats\\_new/index.html#ninthcircuit](http://www.earthjustice.org/policy/judicial/whats_new/index.html#ninthcircuit)

### **ELECTED OFFICIALS**

**Eleven Republican Members of the House of Representatives (others switched their vote on the Floor under leadership pressure) and all but five House Democrats in an October 5, 2004 vote-- see <http://clerk.house.gov/evs/2004/roll492.xml>**

**House Democratic Leader Nancy Pelosi (D-CA) (Nov. 3, 2005)**

**Pete Wilson, former Republican Senator and Governor from California**

**Senator Dianne Feinstein (D-CA) *Los Angeles Times* (November 12, 2005)**

**Senator Patty Murray [D-WA] Floor Statement (November 4, 2005)**

**Senators Reid, Baucus, Boxer, Inouye, Akaka, and others** (published reports)

**Senator Patrick Leahy** (D-VT), Ranking Member, Senate Judiciary Committee, (April 7, 2004)

**Governor Janet Napolitano**, Governor of the State of Arizona (October 20, 2004)

**Governor Arnold Schwarzenegger**, Governor of the State of California (April 30, 2004)

**Governor Gary Locke**, Governor of the State of Washington (April 21, 2004)

**Letter from more than 90 civil rights, women's rights, disability rights, labor, health, religious, conservation and other national, state and local groups opposing the bills seeking to split the Ninth Circuit (Nov. 7, 2005)**

**ALLIANCE FOR JUSTICE . AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) . AMERICANS FOR DEMOCRATIC ACTION . CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL) . CLEAN WATER ACTION . DEFENDERS OF WILDLIFE . DISABILITY RIGHTS EDUCATION & DEFENSE FUND (DREDF) . EARTHJUSTICE . EQUAL JUSTICE SOCIETY . FEMINIST MAJORITY . FRIENDS OF ANIMALS . FRIENDS OF THE EARTH . JUDGE DAVID L. BAZELON CENTER FOR MENTAL HEALTH LAW . LEGAL MOMENTUM . LIVING EARTH . LOVE MAKES A FAMILY, INC. . MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND (MALDEF) . NATIONAL ABORTION FEDERATION . NATIONAL AUDUBON SOCIETY . NATIONAL CENTER FOR LESBIAN RIGHTS . NATIONAL COUNCIL OF JEWISH WOMEN . NATIONAL GAY AND LESBIAN TASK FORCE . NATIONAL HEALTH LAW PROGRAM . NATIONAL ORGANIZATION FOR WOMEN . NATURAL RESOURCES DEFENSE COUNCIL . THE OCEAN CONSERVANCY . PEOPLE FOR THE AMERICAN WAY . PROGRESSIVE JEWISH ALLIANCE . PROJECT FREEDOM OF RELIGION (AN AFFILIATE OF THE UNITARIAN UNIVERSALIST SERVICE COMMITTEE) . PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY . RETHINKING SCHOOLS . SIERRA CLUB . THE WILDERNESS SOCIETY . WILDLANDS CPR . WOODHULL FREEDOM FOUNDATION . WORKMEN'S CIRCLE/ARBETER RING . XERCES SOCIETY FOR INVERTEBRATE CONSERVATION**

**ALASKA COALITION . ALASKA COMMUNITY ACTION ON TOXICS . ALASKA CONSERVATION SOLUTIONS . ALASKA RAINFOREST CAMPAIGN . AMERICAN WILDLANDS . AUDUBON SOCIETY OF PORTLAND . BARK . CALIFORNIA COMMUNITIES AGAINST TOXICS . CALIFORNIA NATIONAL ORGANIZATION FOR WOMEN . CALIFORNIA NATIVE PLANT SOCIETY . CALIFORNIA WILDERNESS COALITION . CALIFORNIANS FOR ALTERNATIVES TO TOXICS . CENTER FOR BIOLOGICAL DIVERSITY . CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE . CENTER FOR NATIVE ECOSYSTEMS . CENTER ON RACE, POLICY, & THE ENVIRONMENT . CITIZENS FOR THE CHUCKWALLA VALLEY . COMMITTEE FOR JUDICIAL INDEPENDENCE . CONSERVATION NORTHWEST . ENDANGERED HABITATS LEAGUE . ENVIRONMENTAL LAW FOUNDATION . THE ENVIRONMENTAL PROTECTION INFORMATION CENTER (EPIC) . FOREST GUARDIANS . FRIENDS OF THE COLUMBIA GORGE . FRIENDS OF THE PANAMINTS . GIFFORD PINCHOT TASK FORCE . GREAT OLD BROADS FOR WILDERNESS . HEADWATERS . KLAMATH-SISKIYOU WILDLANDS CENTER . THE LANDS COUNCIL . LOS ANGELES CHAPTER OF AMERICANS UNITED FOR SEPARATION OF CHURCH**

AND STATE . MCKENZIE GUARDIANS . NARAL PRO-CHOICE CALIFORNIA .  
NATIONAL COUNCIL OF JEWISH WOMEN CALIFORNIA STATE PUBLIC AFFAIRS  
NETWORK . NATIONAL LAWYERS GUILD SAN FRANCISCO BAY AREA . NORTHWEST  
ENVIRONMENTAL ADVOCATES . NORTHWEST ENVIRONMENTAL DEFENSE CENTER  
. OKANOGAN HIGHLANDS ALLIANCE . OLYMPIC FOREST COALITION . OREGON  
COUNCIL TROUT UNLIMITED . OREGON NATURAL DESERT ASSOCIATION .  
OREGON NATURAL RESOURCES COUNCIL . PACIFIC ENVIRONMENTAL ADVOCACY  
CENTER . PUBLIC ADVOCATES, INC. . RELIGIOUS CAMPAIGN FOR FOREST  
CONSERVATION . SAGEBRUSH SEA CAMPAIGN . SAN DIEGO COUNTY NOW .  
SISKIYOU REGIONAL EDUCATION PROJECT . TEMPLE KOL TIKVAH . UMPQUA  
WATERSHEDS, INC. . VALLEY WATCH, INC. . WESTERN ENVIRONMENTAL LAW  
CENTER . WORKMEN'S CIRCLE/ARBETER RING SOUTHERN CALIFORNIA DISTRICT

## **JUDGES**

**ALL BUT THREE ACTIVE NINTH CIRCUIT JUDGES, plus specific statements from**

- **Chief Circuit Judge Mary Schroeder** (October 26, 2005) (May 5, 2004) (April 19, 2004) (April 7, 2004) (Oct. 28, 2003)
- **Circuit Judges Bea, Rawlinson, Clifton and Callahan** (Oct. 21, 2005)
- **Circuit Judge Alex Kozinski** (October 26, 2005) (Oct. 21, 2003)
- **Circuit Judge Sidney R. Thomas** (October 26, 2005) (May 1, 2004) (Oct. 28, 2003)
- **Circuit Judge Emeritus Marilyn Huff** (October 26, 2005)
- **Judge Clifford Wallace**, Senior U.S. Circuit Judge, U.S. Court of Appeals for the Ninth Circuit (April 7, 2004)
- **Chief Judge John Coughenour**, U.S. District Court for the Western District of Washington, and chair of the Ninth Circuit's Conference of Chief District Judges (April 7, 2004)
- **Judges of the Bankruptcy Appellate Panel**, U.S. Court of Appeals for the Ninth Circuit (May 10, 2004),
- **Judges of the U.S. Bankruptcy Court for the District of Arizona** (April 30, 2004)
- **Chief Judge Phillip M. Pro**, on behalf of judges of the U.S. Dist. Court for the Dist. of Nevada (Oct. 28, 2003)

## **BAR ASSOCIATIONS and PROMINENT PRACTITIONERS**

- **American Bar Association** (Oct. 21, 2003)
- **State Bar of Montana** (Sept. 16, 2005)

- **State Bar of Arizona**\_(Sept. 8, 2005) (April 19, 2004)
- **Hawaii State Bar Assn**\_(April 28, 2005) (April 21, 2004)
- **Federal Bar Association** (April 20, 2004)
- **Ronald R. Ward, President of the Washington State Bar Association** (April 28, 2005)
- **William J. Caldarelli, Chairman of the Litigation Section of the State Bar of California** (March 29, 2005)
- **Federal Bar Association, Northern District of California Chapter**(March 8, 2005) (Oct. 17, 2003)
- **Orange County Bar Association** (March 3, 2005)
- **The Bar Association of San Francisco** (February 24, 2005)
- **Reed P. Schifferman, President, Washington Chapter of the American Board of Trial Advocates** (Feb. 23, 2005)
- **Federal Bar Association, Orange County Chapter**(February 18, 2005)
- **Los Angeles County Bar Association**(February 16, 2005)
- **San Diego County Bar Association** (February 15, 2005)
- **American Bar Association** Director Robert D. Evans (April 6, 2004) and statement of Patricia Lee Refo, Chair, ABA Section of Litigation (
- **Administrative Office of the U.S. Courts** (May 14, 2004
- **Ninth Circuit Lawyer Representative Coordinating Committee** (April 21, 2004)
- **California Public Defenders Association** (April 20, 2004)
- **California Academy of Appellate Lawyers** (February 24, 2004)
- **Litigation Section of The State Bar of California** (April 20, 2004)
- **15 prominent CA lawyers** (both Democrat and Republican, including **Eric M. George, Ronald I. Olson, Anthony P. Capozzi, Elizabeth J. Cabraser, Raymond P. Boucher, John W. Kecker, Jerome Braun, Maria Acker, Meryl L. Young, Joseph W. Cotchett, Thomas V. Girardi, James J. Brosnahan, Michael Traynor, M. John Carson, Charles H. Dick, Jr.**) (April 12, 2004)
- **Los Angeles County Bar Association**(April 15, 2004)
- **Beverly Hills Bar Association**(April 22, 2004)

- **San Diego County Bar Association** (May 14, 2004)
- **Santa Clara County Bar Association**,
- **Leslie R. Weatherhead, Esq.** (of Witherspoon et al.) (April 21, 2004)

Links at [http://www.earthjustice.org/policy/judicial/commentary/ninth\\_circuit\\_commentary.html](http://www.earthjustice.org/policy/judicial/commentary/ninth_circuit_commentary.html)

### **EDITORIALS**

**The Register-Guard [OR]** (Nov. 28, 2005)

**San Francisco Chronicle [CA]** (Nov. 20, 2005)

**Honolulu Star-Bulletin [HI]** (Nov. 18, 2005)

**San Jose Mercury News [CA]** (Nov. 17, 2005)

**The Modesto Bee [CA]** (Nov. 14, 2005)

**Sacramento Bee [CA]** (Nov. 11, 2005)

**Seattle Post-Intelligencer** (Nov. 9, 2005)

**Juneau Empire [AK]** (Oct. 16, 2005)

**Honolulu Star-Bulletin** (June 21, 2005)

**Seattle Post-Intelligencer** (June 21, 2005)

**Sacramento [CA] Bee** (Feb. 13, 2005)

**Legal Affairs** (Jan.--Feb. 2004)

### **COMMENTARY**

**Roxie Bacon and Don Bivens in The Arizona Republic (Nov. 21, 2005)**

*The writers are former presidents of the State Bar of Arizona. Roxie Bacon served from 1991-92. Don Bivens served from 1998-99.*

**Editorial Column by Jim Kiser in the Arizona Daily Star (Nov. 27, 2005)**

**John C. Yoo, Eric M. George in the San Francisco Chronicle (Nov. 23, 2005)**

*John C. Yoo is a law professor at UC Berkeley and formerly a Justice Department attorney in the George W. Bush administration. Eric M. George is a trial lawyer in Southern California and former legal counsel to the U.S. Senate Judiciary Committee and to Gov. Pete Wilson.*

**Merrilee MacLean and David Burman in the Seattle Post-Intelligencer (Nov. 23, 2005)**

**Law Professor Carl W. Tobias in The National Law Journal (Nov. 21, 2005)**

**Senator Dianne Feinstein (D-CA) in the Los Angeles Times (Nov. 12, 2005)**

**Alan Schorr Juneau Empire (Nov. 9, 2005)**

**Erwin Chemerinsky**, Alston & Bird professor of law and political science, Duke University.  
Daily Journal (Nov. 15, 2005) and National Law Journal (Oct. 7, 2002)

**Wendy Holton, The Montana Lawyer (June/July 2005)**

**Joanne Cronrath Bamberger The Washington Examiner [DC] (July 1, 2005)**

**Ninth Circuit Judges Alex Kozinski and Sidney R. Thomas The Wall Street Journal (Nov. 14, 2004)**

**Dahlia Lithwick, Los Angeles Times (Oct. 12, 2004)**

**The Recorder**, (April 18, 2003)

Scott R. Raber

Kathleen Morris

George M. Duff III

Brad Lewis

Chris Sullivan

Valerie Stewart

Stephen L. Schirle

Sharon L. O'Grady

Jennifer S. Abrams

Footnote 1. The authors are present and former officers of the Northern District of California Chapter of the Federal Bar Association. The views expressed here are those of the authors and the chapter, and not those of the Federal Bar Association itself.