

**Bar Associations Speak Out**  
**Against Splitting the Ninth Circuit Court of Appeals in 2005-2006**

For a comprehensive list of bar associations statements, go to:  
[http://www.judgingtheenvironment.org/issues/page.jsp?itemID=27579314#Bar\\_Associations](http://www.judgingtheenvironment.org/issues/page.jsp?itemID=27579314#Bar_Associations)

**I. National/Multi-State Bar Associations: (By Date)**

“We have examined the most recent judicial statistics and evaluated the claims of those who support and oppose division, and we remain steadfast in our assessment that no compelling evidence exists to support claims that the Ninth Circuit is failing to deliver quality justice in a timely fashion or that any of the perceived problems identified by supporters of the legislation would be remedied by the various proposed circuit divisions....Based on the overwhelming consensus among the Circuit’s judges, lawyers and litigants that the Circuit is functioning well and should not be divided, the Circuit’s effective use of innovative case management practices and statistical proof of its sound and efficient judicial operations, we firmly believe that the Ninth Circuit continues to cope admirably with its rising caseload without jeopardizing the quality of justice, and that its overall performance measures favorably against that of the other judicial circuits.”--- **American Bar Association** (September 20, 2006). [[Full Text](#)]

“In times of increased anxiety over government spending and the size of the federal deficit, it would seem more pressing national priorities should take precedence over these avoidable obligations... The most effective means of administering justice in the federal courts in the states comprising the Ninth Circuit is a centralized administration and staff support. The economy of scale derived from a single administrative structure handling the affairs of the current Ninth Circuit will be diminished by the creation of new and costly duplicative physical arrangements and staffing ... necessitated through any split.”-- **Federal Bar Association** (September 18, 2006). [[Full Text](#)]

“The Hispanic National Bar Association (“HNBA”) strongly opposes Senate Bill 1845, which proposes to divide the Ninth Circuit Court of Appeals into two separate circuit courts. The proposed division would have a harmful impact on the Hispanic community by creating additional barriers to justice, needlessly wasting a tremendous amount of resources, and severely disrupting judicial efficiency... we strongly believe that dividing the Ninth Circuit Court of Appeals would have a negative impact on the people its serves, many of which are Hispanic.”  
—**The Hispanic National Bar Association** (May 9, 2006). [[Full Text](#)]

**II. State Bar Associations: (Alphabetical)**

“[T]he Ninth circuit...is by any measure the most productive federal court in the Nation; and ...there is not meaningful geo-political split on the Court defined by California judges...” **Alaska Bar Association** (2006). [[Full Text](#)]

“The State Bar [of Arizona] disagrees with the premise that there is a problem with the Ninth circuit. The Circuit is functioning well and serves Arizona litigants well...The Ninth Circuit is doing a good job in administering its caseload...Uniformity of law [in the present Ninth Circuit] serves Arizonans well. Arizona businesses and litigants often have close ties to other states in the Circuit. Moreover, federal courts handle immigration and border issues. It makes sense to have California and Arizona border issues handled by the same court of appeals...None of the Proposals to split the Ninth Circuit effectively have addressed how a split would be funded. The federal system is already under-funded...It is not appropriate

for any Court to be dismantled by the political branches of government, based, in whole or even in part, on disagreement with the Court's decisions in particular cases." -- **State Bar Association of Arizona** (June 8, 2006). [[Full Text](#)]

"We oppose proposals to split the Ninth Circuit primarily because such a split would hinder, rather than promote, the efficient administration of justice. A split would require a dramatic increase in costs resulting from the duplication of staffs of court clerks, law clerks, research attorneys and other administrative personnel and require the construction of at least one, additional, costly courthouse, while diminishing economies of scale, uniformity of decisions and collegiality currently enjoyed by the Ninth Circuit. We also believe that near unanimity among judges of the Ninth Circuit, including four recent (2000 and later) appointees to the Ninth Circuit (Judges Bea, Rawlinson, Clifton and Callahan), confirms that there is no legitimate reason to split the Ninth Circuit....In sum, the proposal to split the Ninth Circuit is an ill-conceived solution in search of a non-existent problem. The Ninth circuit has been consistently and effectively serving the western United States for over 110 years and currently provides uniformity of decision for an important region of our nation. Dividing this venerable institution will yield no benefits, and will squander the significant economies of scale that the circuit currently enjoys."-- **Litigation Section of the State Bar of California** (Mar. 29, 2005). [[Full Text](#)]

"We believe that the current composition on the Ninth circuit serves the public well...We also believe that splitting the Ninth Circuit would lead to increased polarization of divergent interests and the attrition of consistency in the federal court system."-- **Hawaii Bar Association** (April 28, 2005). [[Full Text](#)]

"[T]he Ninth Circuit has provided significant guidance to all circuit courts regarding issues of collegiality, maintaining precedent and effectively accomplishing and administering the business of the circuit courts; and...Montana has reaped significant benefit from being part of the Ninth Circuit; and ... a divided Circuit would remove the numerous benefits Montana enjoys as a part of the United States Court of Appeals for the Ninth Circuit with very little, if any, gain; and... a divided circuit would result in... fewer funds for the direct administration of justice...; and ...a division of the Ninth Circuit would not address or resolve the principal problem of circuits that serve rapidly growing regions..."—**State Bar of Montana** (September 16, 2005). [[Full Text](#)]

"Given the tremendous financial strain splitting the 9th Circuit Court would cause and thereby taking away from the direct administration of justice and the lack of evidence supporting a quantifiable need for the split under those considerations, the State Bar of Nevada Board of Governor opposes S. 1845."-- **State Bar of Nevada** (September 15, 2006). [[Full Text](#)]

"We believe there is no legitimate reason to split this jurisdiction, and certainly no reason to incur the very substantial costs that such a split will generate. The WSBA debated the issues of size, regional differences among the states in the current Ninth Circuit, judicial collegiality, and necessary consistency in rulings. The Board of Governors of our organization unanimously concluded that splitting the Ninth Circuit Court of Appeals would not serve the interest of justice or the citizens of the state of Washington. We found the arguments that the split would diffuse case law and work against inter-regional commerce case law were compelling. There is no legitimate reason to duplicate administration costs, when caseloads are currently being handled as well as in other circuits."--- **Washington State Bar Association** (Apr. 28, 2005). [[Full Text](#)]

### III. Local Bar Associations: (By Date)

“[T]he bottom line is that the 9<sup>th</sup> Circuit performs its duties well, in terms of its efficiency, productivity, and rendering decisions after oral argument...further, even if one accepts that [there are] ‘problems’ with the Court that need to be ‘fixed, there is no evidence that splitting the Circuit would correct any of these so-called problems.” –**Los Abogados Hispanic Bar Association** [AZ] (August 31, 2006). [[Full Text](#)]

“There remains no compelling reason to split the Ninth Circuit, and certainly no reason to incur the very substantial costs that such a split will generate....the proposed division serves no legitimate interest and will, in fact, hamper the effective and consistent administration of justice in the western United States...The Ninth Circuit currently enjoys significant economies of scale in its administrative and managerial functions. A divided circuit would have to duplicate many of those functions...at a time when our federal government is facing significant deficits, our efforts should be directed at lowering costs, not increasing them—particularly where, as here, the increased costs will do nothing to improve the administration of justice in the circuit.”--- **Los Angeles County Bar Association** (Aug. 17, 2006). [[Full Text](#)]

“The proposed legislation is not only unnecessary, it is not reasonably calculated to solve any problems related to size or judicial efficiency that might exist... There are significant advantages to the Ninth Circuit in its current configuration. The Ninth Circuit provides a single body of law for the pacific rim economic area, which would be lost if the circuit is split. Businesses that conduct business or are regularly involved in litigation throughout the Pacific Rim economic area will see increased legal expenses as their legal teams will have to deal with inter-circuit conflicts in the interpretation of federal laws.”-- **Federal Bar Association Northern District of California Chapter** (March 8, 2005). [[Full Text](#)]

“There are no legitimate reasons to divide the court...The Ninth Circuit is doing well. By any statistical measure, the court is doing a good job. Based upon the absolute number of dispositions, ratio of disposition to judges, and time from filing (or completion of briefing) to disposition, it is one of the most successful circuits. And the circuit is well-known for adopting innovative procedures to increase its efficiency.”— **Orange County Bar Association** (Mar. 3, 2005). [[Full Text](#)] See also the similar statement of the **Federal Bar Association, Orange County Chapter** (Feb. 18, 2005). [[Full Text](#)]

“The proposed circuit split is unnecessary and inappropriate...by every measure used by the federal judicial conference, the parties who use the Court’s services—lawyers and litigants—currently receive both timely and complete resolution of their claims, often at a faster rate than cases presented to the sister Circuits. There is, in fact, no evidence that the Ninth circuit’s ability to adjudicate matters as quickly or fairly as other Circuits is impaired by its current size. Moreover, to the extent that the Circuit is broad and encompasses a diverse range of political perspectives, this diversity helps assure that its treatment of complex matters is balanced and measured. In sum, the Ninth circuit is working well, and is meeting the needs of the communities it serves. Splitting the Circuit would unnecessary, costly, and unjustified.”-- **The Bar Association of San Francisco** (Feb. 24, 2005). [[Full Text](#)]

“No Circuit should be split without empirical evidence justifying division. We remain unconvinced that a split the court will result in the improved administration of justice or a reduction in costs. Splitting the Ninth circuit would unnecessarily increase administrative expense by adding redundant bureaucracy, duplicating administrative staff and reducing the existing economies of scale. Given the current federal budget deficit, the proposals to split the Circuit at this time border on fiscal irresponsibility.”-- **San Diego County Bar Association** (Feb. 15, 2005). [[Full Text](#)]