

PUBLISHED LETTERS TO THE EDITOR ON PENDING JUDICIAL NOMINEES, OBSTRUCTION & VACANCY CRISIS/ EMERGENCIES (Sept. 2010-Jan. 2012)

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-Glenn Sugameli, Staff Attorney, Judging the Environment, Defenders of Wildlife

(click link http://www.judgingtheenvironment.org/press/in_the_news/?issue=136756240&nominee= and scroll down for more)

Judge vacancies delay justice (*Charleston Gazette [WV]*, 01/09/12)

Glenn Sugameli, Letter to the Editor: "Regardless of one's views on the opinion by Jim Lees ("Newt the panderer," Dec. 22) and the editorial ("Eye of Newt: Gingrich absurdity, Dec. 18) condemning attacks on judges, everyone should agree that federal courts suffer from a separate problem: a prolonged vacancy crisis. Senate Republicans' unexplained and unjustifiable objections repeatedly have prevented floor votes on consensus judicial nominees to fill judicial emergencies and other protracted vacancies. West Virginia's district court nominee Gina Groh and 4th Circuit Court of Appeals nominee Stephanie Thacker are among many blocked until at least late January, despite unanimous Judiciary Committee approval and support from their home-state U.S. senators. Despite nonpartisan calls from Supreme Court justices, the American and Federal Bar Associations, and others to fill empty seats, lack of judges means that justice delayed continues to be justice denied."

LETTER: GOP obstruction (*Destin Log [FL]*, 01/03/12)

Glenn Sugameli: "Florida's federal district court Judge Adalberto Jordán, whose 11th Circuit U.S. Court of Appeals nomination would fill a vacancy the courts have decided is a judicial emergency. After the Senate left until late January, Utah Republican Sen. Mike Lee said of his state's nominee: "There is absolutely no reason why we shouldn't have confirmed him before we got out." Florida Sens. Marco Rubio (R) and Bill Nelson (D) should work with Sen. Lee to ensure floor votes for Judge Jordán and other committee-approved judicial nominees."

LETTER: GOP obstruction (*Northwest Florida Daily News*, 01/03/12)

Glenn Sugameli: "Unexplained and unjustifiable objections by unnamed Senate Republicans repeatedly have blocked floor votes on consensus judicial nominees with home-state senator support. Sixteen of these were approved unanimously by the Judiciary Committee, including Florida's federal district court Judge Adalberto Jordán, whose 11th Circuit U.S. Court of Appeals nomination would fill a vacancy the courts have decided is a judicial emergency. After the Senate left until late January, Utah Republican Sen. Mike Lee said of his state's nominee: "There is absolutely no reason why we shouldn't have confirmed him before we got out." Florida Sens. Marco Rubio (R) and Bill Nelson (D) should work with Sen. Lee to ensure floor votes for Judge Jordán and other committee-approved judicial nominees."

Judicial gridlock (*Houston Chronicle*, 01/01/12)

Glenn Sugameli Letter: " there is one major area where the answer to whether Texas has been helped or hurt does not depend on whether you're talking to a Republican or a Democrat.

Everyone should agree that Senate gridlock is harming federal courts nationwide. Justice delayed is justice denied, as obstruction has resulted in unprecedented federal judicial vacancies. Gridlock has also frozen the Texas senators' bipartisan bill to create new federal judgeships in border states. Unexplained and unjustifiable objections by unnamed Senate Republicans repeatedly have blocked votes on consensus judicial nominees with home-state senator support. Sixteen of these were approved unanimously by the Judiciary Committee, including Gregg Costa and David Guaderrama, who would fill Texas vacancies the U.S. courts have decided are judicial emergencies. After the Senate left until January, Utah Republican Sen. Mike Lee said about his state's nominee: "There is absolutely no reason why we shouldn't have confirmed him before we got out." Texas Sens. John Cornyn and Kay Bailey Hutchison should work with Lee to ensure floor votes for Costa, Guaderrama and other committee-approved judicial nominees."

Federal courts: Judicial nominees need floor votes (*Herald [WA]* , 01/01/12)

Glenn Sugameli, Letter to the Editor: "Unexplained and unjustifiable objections by unnamed Senate Republicans repeatedly have blocked floor votes on consensus judicial nominees with home-state senator support. Sixteen of these were approved unanimously by the Judiciary Committee, including Thomas Rice for a Washington state federal district court and Jacqueline Nguyen, who would fill a judicial emergency on the Ninth Circuit Court of Appeals, which includes Washington state. After the Senate left until late January, Utah Republican Sen. Mike Lee said about his state's nominee "There is absolutely no reason why we shouldn't have confirmed him before we got out." Washington Sens. Patty Murray and Maria Cantwell should work with Sen. Lee and others to ensure that committee-approved judicial nominees receive floor votes."

Put judges on bench (*Salt Lake Tribune [UT]* , 12/30/11)

Glenn Sugameli Letter to the Editor: "unexplained Republican objections repeatedly have blocked many consensus judicial nominees. Utah GOP Sens. Orrin Hatch and Mike Lee both serve on the Judiciary Committee. Inexplicably, they have been unable or unwilling to convince their Republican colleagues to allow floor votes for Nuffer and many others whom the committee approved unanimously. Instead, Rogers' article quotes Lee's ineffectual disappointment: "I am frustrated, particularly with regard to Judge Nuffer. He came out of committee two months ago. There is absolutely no reason why we shouldn't have confirmed him before we got out. I expected he would be confirmed." This obstruction must end; Utah's senators can and should ensure that Nuffer and other committee-approved judicial nominees receive floor votes."

Approve judicial nominees (*Deseret News [UT]* , 12/30/11)

Glenn Sugameli Letter to the Editor: "everyone should agree that the Senate is already harming federal courts in Utah and nationwide. Justice delayed is justice denied as obstruction has resulted in an unprecedented lack of federal judges. Unexplained and unjustifiable objections by unnamed Senate Republicans repeatedly have blocked floor votes on consensus judicial nominees with home-state senator support. Sixteen of these were approved unanimously by the Judiciary Committee, including David Nuffer, who would fill a Utah vacancy the U.S. Courts have decided is a judicial emergency. After the Senate left until late January, Utah Republican Sen. Mike Lee said, "There is absolutely no reason why we shouldn't have confirmed him (Nuffer) before we got out." Only Utah has two senators on the Judiciary Committee: Sen. Lee

and Sen. Orrin Hatch. They could ensure floor votes for Nuffer and other committee-approved judicial nominees."

Glenn Sugameli: Ron Johnson still blocking OK for judges (*Capital Times (WI)*, 12/30/11)

Letter: "everyone should agree that lack of federal judges means that justice delayed continues to be justice denied. First, as described in my Aug. 10 letter, it is still true that Wisconsin's Ron Johnson is the "only freshman GOP senator blocking own state's judicial nominees." Indeed, with the support of other freshmen Republican senators from five states, the Senate has confirmed all 10 of the other nominees for judgeships that President Obama re-submitted after the senators were elected. In contrast, despite nonpartisan and bipartisan criticism, Johnson blocked Senate hearings for Victoria Nourse (7th Circuit Court of Appeals) and Louis Butler (Western District of Wisconsin), and forced the nominations to be returned to the president. Second, unnamed Republican senators' unexplained and unjustifiable objections repeatedly have prevented floor votes on consensus judicial nominees, including many who were approved unanimously by the Judiciary Committee. As a result, the federal judgeship vacancy rate unacceptably remains stuck at about 10 percent, despite calls to fill empty seats from Supreme Court justices, the American Bar Association and others."

Hatch's 'present' the same as 'no' (*Standard-Examiner [Ogden, UT]*, 12/22/11)

Glenn Sugameli Letter to the Editor: "First, Halligan's arguments in litigation represented her client, the New York Attorney General, rather than her personal views, as recognized by prominent bipartisan supporters of her D.C. Circuit U.S. Court of Appeals nomination. Second, the only Republican senator "notable exception" who did not block Halligan was Alaska's Lisa Murkowski, who consistently opposes filibusters of judicial nominees. Sen. Orrin Hatch has insisted that "the Constitution requires" an up-or-down vote on "every judicial nominee who reaches the Senate Floor." However, because 60 "Yes" votes are needed to end a filibuster, Hatch's "Present" vote had the same effect as a "No" vote. The real question is why Utah's senators have failed to obtain a Floor vote for David Nuffer's nomination to fill an emergency Utah federal district court vacancy. In July, Sen. Mike Lee was "thrilled" by the nomination and hoped Nuffer would "be able to start his judgeship later this fall.""

Urging vote on judge nominees (*Omaha World-Herald [NE]* , 10/23/11)

Glenn Sugameli Letter: "An Oct. 19 editorial aptly concluded that the U.S. Senate "needs to end the backlog on federal judicial appointments" and approve Nebraska Supreme Court Judge John Gerrard's nomination as a U.S. district judge "so he can take his position in a timely fashion." Indeed, a letter by the president of the American Bar Association to Senate leaders stressed that the federal bench vacancy rate continues to hover around 10 percent — right where it has been for the past 24 months. As the editorial noted, Gerrard has the strong endorsement of both of Nebraska's U.S. senators, Republican Mike Johanns and Democrat Ben Nelson. They could urge the Senate, as the ABA letter urged, to allow votes this month on Gerrard and more than 20 other nominees who were advanced from the Judiciary Committee by bipartisan voice vote."

Judge Jordan's nomination delayed and will join dozens awaiting Senate Floor votes

(*Southern District of Florida Blog*, 10/07/11)

GUEST POST BY GLENN SUGAMELI: "the fact that Judge Jordan is moving through Committee does NOT mean that he will get a Floor vote anytime soon. True, he has (bipartisan)

home state senator support and should be approved without opposition in Committee. But that is also true of nearly all of the many other stalled nominees. Anonymous and unexplained objections from GOP senators have created an unprecedented backlog of consensus judicial nominees who could and should be approved very quickly. . . . Even the most consensus district court nominees are only confirmed after inexcusable and unexplained delays. . . . There were 27 Committee approved judicial nominees awaiting Floor votes before the Senate belatedly confirmed Jolivet-Brown and five others unanimously. When the Committee approves Judge Jordan and the other delayed nominees next week, there will once again be 27 awaiting Floor votes."

Letter, 9/25: Senators could help confirm judge (*Lincoln Journal Star [NE]*, 09/25/11)

Glenn Sugameli: "The Lincoln Journal Star's editorial in December correctly foresaw that "the 12-month retirement notice given by U.S. District Judge Richard Kopf of Omaha ought to allow adequate time for a replacement to be named. But Washington is so dysfunctional that a full year may not be enough." Nebraska Supreme Court Justice John Gerrard was nominated to replace Kopf. Gerrard enjoyed bipartisan support at his Sept. 20 hearing and should be approved by the Senate Judiciary Committee without dissent. Then, however, he will join the backlog of more than two dozen consensus judicial nominees awaiting long-delayed votes by the full Senate. At Gerrard's hearing, Sen. Ben Nelson hoped "the full Senate will have the opportunity to swiftly approve this good man." Sen. Mike Johanns pledged that "I will do everything I possibly can to try to bring this nomination to a vote." Thus, Nebraska's senators seem poised to exert the strong bipartisan home-state senator pressure that has broken the deep-freeze on floor votes to confirm other federal judges."

Bipartisan Home-State Senator Pressure Could Ease Judicial Vacancy Crisis (*American Constitution Society Blog*, 09/20/11)

Glenn Sugameli Guest Post: "Justice delayed has become justice denied, as continuing, unjustifiable Senate obstruction of consensus federal judicial nominees delays resolution of urgent health, safety, environmental, and other cases. ncredibly, Senate Floor votes on 27 judicial nominees are being blocked, four more than I decried in my September 2010 ACSblog guest post, "Federal Judicial Vacancy Crisis Deepens as Unnamed Senate Republicans Block Floor Votes on All 23 Pending Judicial Nominees." By next week, the Senate Judiciary Committee will raise the total to 32 by approving five more consensus nominees. The 92 current federal court vacancies are almost 50 more than the 44 I mentioned in my December 2008 ACSblog post. There are still 21 announced future vacancies, and current vacancies that the U.S. Courts have declared to be "judicial emergencies" have increased during President Obama's term from 20 to 35.... The good news is that strong bipartisan home –state senator pressure has broken, and could continue to break, the deep-freeze on confirmation of federal judges. Indeed, strong support from Republican home-state senators finally obtained up-or-down Floor votes for several much-delayed nominees I described last September."

Letters: Judicial nominees had widespread support (*Sheboygan Press [WI]* , 09/14/11)

Glenn Sugameli: "I am writing regarding Corrado Cirillo's Aug. 29 letter, "No input from Johnson on judicial nomination" that unjustifiably attacks the editorial in The Sheboygan Press, "Judicial nominee deserves a vote." The editorial said Wisconsin Sen. Ron Johnson was wrong to hold up the nomination of Victoria Nourse to the federal appeals court that serves Wisconsin."

First, freshmen Republican senators from five states support all 10 of the other judicial re-nominees whom President Obama first submitted before they were elected. Johnson is alone both in opposing his state's re-nominees, and in preventing the Senate from even considering them. Second, those urging Johnson to drop his hold include a bipartisan group of 53 prominent law professors and Kevin Binversie, who was a Ron Johnson for Senate research director. Third, Johnson is also blocking Louis Butler, who was originally nominated to the district (trial) court in September 2009. The Senate would have confirmed Butler long before Johnson was elected, save for unprecedented threats to filibuster district court nominees that were repudiated and abandoned months ago."

Glenn Sugameli: Johnson is only freshman GOP senator blocking own state's judicial nominees (*Cap Times* , 08/10/11)

" Your recent editorial, "Ron Johnson represents Alabama better than Wisconsin," aptly compares obstruction of President Obama's judicial nominees by Republican U.S. Sens. Johnson of Wisconsin and Jeff Sessions of Alabama. Johnson's extremism, however, is worse than implied by the editorial's comparison to "Sessions and his allies from the states of the old Confederacy." In general, GOP senators from those states have strongly supported Obama's Circuit Court of Appeals and district court nominees from their home states. For example, Mississippi's GOP senators repeatedly pressured Senate leaders and publicly denounced lengthy delays to confirm James E. Graves Jr. (5th Circuit) and Carlton Reeves (district court). North Carolina senators' bipartisan pressure secured delayed approvals of their state's district court and two 4th Circuit nominees, James Wynn and Albert Diaz. Tennessee Sen. Lamar Alexander's speech urging a floor vote led to Jane Stranch's 6th Circuit confirmation. In January, President Obama resubmitted 12 nominees for judgeships from six states with freshmen Republican senators. Not only is Johnson the only one who has not supported his state's nominees, he is preventing the Senate from even considering both Victoria Nourse (7th Circuit) and Louis Butler (Western District of Wisconsin)."

Tests loom for openly gay federal judge (*Gazette [Cedar Rapids, IA]*, 08/04/11)

Glenn Sugameli Letter to the Editor: "The July 25 editorial "Homers: What's going right: Judicial First" explained that: "J. Paul Oetken, a graduate of Cedar Rapids Regis High School and the University of Iowa, was confirmed to a federal judgeship by the U.S. Senate. His achievement drew extra recognition because he is the first openly gay man to be confirmed to the federal bench." The real tests, however, loom. Senate Judiciary Committee Republicans, including ranking member Chuck Grassley, will not say why they are blocking a hearing for Ed DuMont, whose April 2010 nomination was the first of an openly gay person to a U.S. appeals court. Meanwhile, a judicial vacancy crisis has been deepened by unexplained GOP refusals to allow floor votes on 25 nominees, nearly all of whom were unopposed in committee."

Texas crisis complex (*San Antonio Express-News [TX]* , 07/09/11)

Glenn Sugameli, Letter To the Editor: "Martin's invaluable column contains one mistake; Texas' two senators do not "have a constitutional right to block presidential nominees in the Senate." Ironically, Sen. John Cornyn insisted that the Senate must "provide the up-or-down vote the U.S. Constitution demands" on judicial nominees even though he later voted to filibuster President Obama's appellate and district court nominees. In context, Martin's description of the "six remaining judicial vacancies" and the accompanying Express-News editorial asking for a swifter

move to confirm Obama nominees and fill two seats that lack nominations, were entirely appropriate. The Texas “justice delayed is justice denied” crisis, however, is broader. As Martin previously reported, Cornyn and Sen. Kay Bailey Hutchison recently co-sponsored a bill to create more judgeships in the Texas border area.”

Letter: Cornyn has flip-flopped (*Amarillo Globe-News [TX]*, 05/15/11)

Glenn Sugameli, Letter to the Editor: "Texas GOP U.S. Sen. John Cornyn almost single-handedly pushed to filibuster a President Obama nominee with bipartisan support to fill a Rhode Island U.S. trial court seat. Cornyn's position directly violated his 2004 insistence that "the U.S. Constitution demands" up-or-down votes on judges. In contrast, 11 Republicans voted to end the filibuster. Strangely, Cornyn denied the Amarillo Globe-News' editorial description of how this threatened filibuster constituted a flip-flop. Cornyn's explanation rejects Original Intent and agrees with those who say the Constitution should be interpreted in light of modern health care and other situations the Founders did not foresee. "I argued then, and still believe today, that filibusters of judicial nominees are not what the Founders intended. Yet, the Founders did not foresee the systematic partisan obstruction of judges nominated by our former president." But does Sen. Cornyn seriously believe he can deny a "vote the U.S. Constitution demands" because of recent actions by "a minority of senators"? Cornyn's filibuster also violated the "precedent" he relied on. The filibusters Sen. Cornyn cited were limited to some of President George W. Bush's appeals court nominees, all of whom lacked any bipartisan support in the Senate Judiciary Committee. In voting to end Cornyn's filibuster, GOP Sen. Lamar Alexander explained that a Senate filibuster has never blocked confirmation of a nominee for 677 district court seats. Indeed, trial-level decisions do not even bind other judges."

Who's Cornyn kidding? (*San Antonio Express-News [TX]* , 04/27/11)

Glenn Sugameli, Your Turn: "Sen. John Cornyn's letter bizarrely denied the Express-News Editorial Board statement that he flip-flopped by threatening to filibuster a federal trial court nominee. "I argued then," he said, "and still believe today, that filibusters of judicial nominees are not what the Founders intended. Yet, the Founders did not foresee the systematic partisan obstruction of judges nominated by our former president." But Cornyn insisted in a 2004 floor speech that the Senate "provide the up-or-down vote the U.S. Constitution demands." He did not refer to what "the Founders intended the U.S. Constitution to demand." Does Cornyn really believe "a minority of senators" can create a "precedent" that would deny a "vote the U.S. Constitution demands"? Also, in two major respects, Cornyn's threatened filibuster violates the "precedent" he relies on of filibusters against some of President George W. Bush's appeals court nominations. First, Cornyn would extend filibusters to nominees for 677 district court seats, whose trial-level decisions do not bind other judges. Second, he would filibuster a nomination with bipartisan support in the Judiciary Committee, where a Republican, Sen. Lindsey Graham, R-S.C., voted three times for the nominee to fill a Rhode Island federal judgeship."

Judgeship logjam (*Kansas City Star*, 04/25/11)

Glenn Sugameli, Letter to the Editor: "The federal judicial vacancy crisis has worsened as empty judgeships have almost doubled since President Barack Obama took office. In 2009, 10 Republican senators joined Democrats in voting to end the filibuster of Obama's first appeals court nominee. Since then, Republican filibuster threats have even held up many nominees to trial-level district courts, whose decisions do not bind other judges. Republican Sen. John

Cornyn of Texas said he may filibuster a district nominee who has bipartisan support both in his home-state of Rhode Island and in the Judiciary Committee, where Republican Sen. Lindsey Graham of South Carolina has voted for him three times. Soon, the Senate will decide whether or not to allow yes-or-no votes on committee-approved nominees for empty judgeship."

JUDICIAL OPENINGS: Senate filibusters could create a crisis (*Idaho Statesman*, 04/22/11)
Glenn Sugameli, Letter to the Editor: "'Federal judge, 103, still hearing cases in Kansas'" (April 10) explained how U.S. District Judge Wesley Brown's "service also epitomizes how the federal court system keeps working even as litigation steadily increases, new judgeships remain rare, and judicial openings go unfilled for months or years." Indeed, an Administrative Office of the U.S. Courts spokesman said, "Senior judges keep the federal court system afloat given the rising caseloads." In 2005, Idaho Sen. Mike Crapo and then-Sen. Larry Craig "continue(d) to stress that the Constitution requires the Senate to hold up-or-down votes on all nominees." Recently, however, threatened filibusters by some Senate Republicans have created a crisis by blocking up-or-down votes to fill judicial vacancies. Indeed, empty judgeships have almost doubled since President Obama took office. Soon, senators will vote on filibusters with unprecedented reach. One targeted nominee has bipartisan support both in his home state of Rhode Island and in the Judiciary Committee, where Republican Sen. Lindsey Graham (S.C.) voted for him three times. This and other filibusters would even extend to nominees for 677 trial level district court seats, whose decisions do not control other judges."

Judicial nominees (*Fort Worth Star-Telegram [TX]*, 04/09/11)

Glenn Sugameli, Letter to the Editor: "'Advice and consent' means voting, not obstructing" (See: Editorial, Tuesday) aptly focused on Texas Sen. John Cornyn's statement that he might support a filibuster of a trial court nominee despite Cornyn's prior insistence that "the U.S. Constitution demands" up-or-down votes on nominees. Sen. Kay Bailey Hutchison also stated repeatedly on the Senate floor that requiring 60 votes to end a filibuster against a judicial nominee would be "changing the Constitution." So far, the actions by Cornyn and Hutchison have been consistent with their words; they have never voted against ending a filibuster of a judicial nominee. Now, will either senator violate what they have insisted the Constitution requires by blocking an up-or-down vote on whether to confirm a lower-court judge?

Senate must allow votes on judicial nominees (*Richmond Times-Dispatch [VA]*, 03/29/11)

Glenn Sugameli, Letter to the Editor: "In their recent Commentary column "It's time to make tough choices," Sens. Mark R. Warner and Saxby Chambliss explained how they "have been working in a bipartisan partnership to" deal with deficits and the debt. In another area that cries out for bipartisan action, Warner and Chambliss could also convince their colleagues to heed bipartisan calls to solve the judicial vacancy crisis. During Barack Obama's presidency, federal judicial vacancies have almost doubled to 95, including 42 judicial emergencies designated by the U.S. Courts. Last year, Chambliss wrote: "I continue to believe that the Senate should act without undue delay in the prompt consideration of judicial nominees." Meanwhile, Warner coordinated speeches from many senators on the need to allow up or down floor votes on nominees for empty judgeships. Justice delayed is justice denied, as vacancies increasingly create logjams. Based upon their records, Warner and Chambliss could make a difference."

Time to resolve judicial vacancies (*Telegraph [Nashua, NH]*, 03/09/11)

Glenn Sugameli, Letter to the Editor: "Justice delayed is truly justice denied. People are facing massive court backlogs, as reflected in the fact that the U.S. courts have declared 47 vacancies to be emergencies. The bipartisan U.S. Senate delegation from New Hampshire could make a major difference in responding to nonpartisan calls to solve the judicial vacancy crisis."

Sugameli: Filling vacant judgeships (*MetroWest Daily News [MA]*, 02/16/11)

"Justice delayed is truly justice denied, as people increasingly face massive court backlogs. Indeed, the U.S. Courts determined 44 current vacancies to be emergencies, and there are widespread nonpartisan calls to solve the judicial vacancy crisis. Sen. Scott Brown recently joined with Sen. John Kerry in confirming Denise Casper to the federal district court for Massachusetts, and in approving a ban on unexplained secret holds that blocked many nominees. Together, the Massachusetts' bipartisan U.S. Senate delegation could help ensure that nominees to fill judgeships receive timely Floor votes." Glenn Sugameli Letter to the Editor

A test of the Senate (*Times Record [ME]*, 02/08/11)

Glenn Sugameli Letter to the Editor: "partisan obstruction reduced confirmations of President Obama's trial and appeals court judges to 60. In contrast, a Democratic Senate confirmed 100 in President George W. Bush's first two years. Last year, floor votes were even denied to 16 judicial nominees whom the Judiciary Committee had approved on unanimous or bipartisan votes. Court cases face massive delays as federal judicial vacancies have soared to more than 100, including 49 judicial emergencies designated by the U.S. Courts. Bipartisan calls to solve the judicial vacancy crisis pose a clear test of whether the Senate can still function."

Grassley's action to be put to the test (*Dubuque Telegraph Herald [IA]*, 02/08/11)

Glenn Sugameli Letter to the Editor: Last year, secret holds denied floor votes to 19 judicial nominees who were approved by the Judiciary Committee (14 with Grassley's support). Now, as the committee's new ranking Republican, Grassley will help determine whether the secret hold change makes a difference. An early test will be bipartisan calls to reduce massive federal court delays caused by more than 100 judicial vacancies, including 49 court-designated judicial emergencies. Much could depend on what Grassley meant when he recently said that he wants to move "consensus nominees" after "a thorough review."

Confirm new judges (*San Antonio Express-News [TX]*, 01/21/11)

"In the Judiciary Committee, Cornyn supported 15 of 18 Obama administration nominees, and Texas' senior senator, Kay Bailey Hutchison, took issue with the Senate's rule that nominees are being held to a standard of requiring 60 votes instead of 51. "That is changing the Constitution of the United States," she said. In spite of what Cornyn said, political wrangling did deny floor votes to Saldaña and 18 other nominees who were supported by both of their home state senators and approved by the Judiciary Committee. ... A solution could emerge if Cornyn and Hutchison insist on prompt floor votes on Saldaña and other nominees to fill judgeships." Glenn Sugameli, Letter to the Editor

Tenn. senators could help reduce huge court backlogs (*Daily Herald [Columbia, TN]*, 01/20/11)

Glenn Sugameli Letter to the Editor: "Those denied floor votes included 16 who had bipartisan

support in the Judiciary Committee and 13 who would have filled judicial emergencies designated by the U.S. Courts. Tennessee's Republican senators Lamar Alexander and Bob Corker supported home-state nominee Jane Branstetter Stranch's confirmation to the Sixth Circuit U.S. Court of Appeals in September 2010. Indeed, Sen. Alexander previously urged that a long-delayed vote be held on Stranch, explaining that "It has long been my position ... that a president's judicial nominees deserve an up-or-down vote." Both senators could help reduce massive court backlogs by insisting that the Senate schedule prompt floor votes on committee-approved judicial nominees."

Vote On Nomination Gets Closer (*Times Record [Fort Smith, AR]*, 01/18/11)

Glenn Sugameli Letter to the Editor: "Among the "unopposed but unconfirmed nominees is former Western District U.S. Attorney P.K. Holmes," whom the Judiciary Committee endorsed unanimously to fill a judgeship that the Administrative Office of the U.S. Courts has declared a "judicial emergency vacancy." The Times Record's editorial discussed Arkansas Democratic Sen. Mark Pryor's success in reaching across the aisle "to end filibustering on several Bush nominees." Now, Arkansas Republican Sen. John Boozman can help ensure the Senate will schedule votes to fill the 45 emergencies and nearly 100 total judicial vacancies nationwide. Indeed, even before Boozman was sworn in, his spokeswoman recognized that "The confirmation of P.K. Holmes is important to helping with the heavy caseload in the state,""

Coburn's promise (*Tulsa World [OK]* , 01/17/11)

"Unfortunately, even if consensus federal judicial nominees emerge soon, floor votes could well be delayed indefinitely or blocked outright. President Obama just resubmitted 19 judicial nominees whose floor votes were blocked by Senate Republicans. Thirteen of these had been approved by Oklahoma Republican Sen. Tom Coburn and other Judiciary Committee members without dissent. An equal number would have filled judicial emergencies designated by the U.S. courts. Chief Justice John Roberts' year-end report calls for urgent action to remedy the problem of vacant federal judgeships. Vacancies have risen to almost 100, nearly one half of which are emergencies. Coburn could make a difference by simply fulfilling his 2005 vow that: "I will continue to insist that the judicial nominations from any president - Republican or Democrat - receive the courtesy of an up-or-down vote.""

Glenn Sugameli, Letter to the Editor

Justice delayed results in justice denied (*Daily Oklahoman*, 01/16/11)

Glenn Sugameli, Letter to the Editor: "Senate Republicans blocked floor votes on 19 judicial nominees. Thirteen were approved without dissent by Oklahoma Republican U.S. Sen. Tom Coburn and other Judiciary Committee members. An equal number would have filled judicial emergencies designated by the U.S. courts. In 2005, Coburn vowed that he would continue to insist that the judicial nominations from any president, Republican or Democrat, have the courtesy of an up-or-down vote. Now, Coburn can insist that floor votes be held on nominees to fill the 45 emergencies and nearly 100 total judicial vacancies nationwide."

The Urgent Need to Confirm Judges (*Daily Journal [CA]* , 01/04/11)

Glenn Sugameli, Letter to the Editor: "Nineteen nominees who won committee approval never got an up-or-down vote on the floor." The unprecedented nature of Senate Republican obstruction is revealed by a closer look: the Judiciary Committee approved 13 of these nominees unanimously, and an equal number would have filled judicial emergencies designated by the

U.S. Courts. Confirming judges can reduce the increasingly common problem of justice delayed becoming justice denied as memories fade and witnesses and parties pass away. Indeed, Chief Justice John G. Roberts Jr.'s year-end report called for urgent action to remedy the problem of federal judicial vacancies."

Judges held hostage (*Salt Lake Tribune [UT]* , 12/18/10)

Letter to the Editor from Glenn Sugameli: "The thumb-down editorial "Vote on Matheson" (Our View, Dec. 5) explains how "the nomination of Scott M. Matheson Jr. to the bench of the 10th U.S. Circuit Court of Appeals is being held hostage to partisan gridlock" and exhorts Sen. Orrin Hatch to "publicly urge his Republican colleagues to bring this nomination to a vote." The Senate should indeed vote on Matheson and on 37 other pending judicial nominees, 29 of which were unanimously cleared by the Senate Judiciary Committee, of which Hatch is a member. Seven of the cleared nominees who had one or more committee "no" votes are women, people of color, or both. Fairness, and the need to fill unprecedented numbers of judicial vacancies, argue for full Senate votes on all nominees. For example, prominent conservative Republican supporters of Goodwin Liu's nomination to a 9th U.S. Circuit Court of Appeals "emergency vacancy" include Kenneth Starr and Clint Bolick. President George W. Bush's White House ethics counsel Richard Painter explained that Liu "should not be controversial." Seven Republican-appointed judges signed a 9th Circuit Judicial Council letter describing "our desperate need for judges.""

Forum: Give all judicial nominees a vote (*Journal Star [Peoria, IL]*, 12/15/10)

Glenn Sugameli: "nearly all - seven of eight - of the nominees with one or more "no" votes in committee are women, people of color, or both. Fairness and efforts to add diversity to the overwhelmingly white male federal bench argue for Senate lame-duck votes on all nominees. For example, supporters of Goodwin Liu's nomination to fill a 9th Circuit Court of Appeals emergency vacancy include prominent conservative Republicans such as Kenneth Starr and Clint Bolick. President George W. Bush's White House ethics counsel, Richard Painter, explained that Liu "should not be controversial." Seven active Republican-appointed judges signed a recent 9th Circuit Judicial Council letter that cited "our desperate need for judges" and urged the Senate to fill the vacancies "promptly.""

Vote on nominees (*Pittsburgh Tribune-Review [PA]* , 12/14/10)

"Don Stewart, spokesman for Senate Minority Leader Mitch McConnell, tries to blame President Obama and the Senate Judiciary Committee for judicial vacancies by claiming that "only 23" district court nominees are awaiting final votes. At the time, Republicans were blocking votes on all 26 (now 30) district court nominees and eight circuit court nominees. All obtained the support of their Republican and Democrat home-state senators," Glenn Sugameli published Letter to the Editor

Unfair delays for federal judges (*Herald Sun [NC]* , 12/11/10)

" There are now 38 judicial nominees awaiting floor votes. All are supported by their home-state Republican and Democratic senators, and 29 unanimously cleared the Judiciary Committee. Almost all (7 of 9) nominees with one or more committee "no" votes are women, people of color, or both. Fairness and unprecedented numbers of judicial vacancies argue for immediate Senate votes on all nominees." Glenn Sugameli, published Letter to the Editor

[All deserve vote](#) (*Scranton Times-Tribune [PA]* , 12/10/10)

"[T]he Senate can and should vote on all pending nominees. For example, supporters of Goodwin Liu's nomination to fill a 9th Circuit Court of Appeals emergency vacancy include prominent conservative Republicans, including Kenneth Starr and Clint Bolick. President George W. Bush's White House ethics counsel Richard Painter explained that Liu "should not be controversial." Finally, seven of nine of the nominees with one or more no votes in committee are women, people of color, or both. Fairness, and efforts to add diversity to the overwhelmingly

[Male Judges Far Outnumber Women Judges, Federal Court Graph Shows](#) (*American Constitution Society Blog*, 11/30/10)

Glenn Sugameli, founder and head of the environmental community's Judging the Environment project and website on federal judicial nominations, told ACSblog, "The U.S. Courts' Federal Bench Gender Snapshot shows a disappointing lack of major progress in the percentage of female federal judges in recent years." Sugameli continued, "President Obama's 43 confirmed judicial nominees include 22 women and 17 men and women of color. Senate Republican obstruction of every pending judicial nominee, however, is blocking votes that would increase the diversity of the federal bench. Ten of the 23 nominees awaiting Floor votes are women and 13 are men and women of color."

[JUDICIAL VACANCIES: Senate should act on pending nominees](#) (*Milwaukee Journal Sentinel [WI]*, 11/29/10)

Glenn Sugameli published Letter to the Editor: "as judicial vacancies soared to over 100, current and retired Republican-appointed federal judges have urged the Senate to stop delaying and act now on all the pending nominees. Floor votes on some of the 50 judicial emergencies, including the Western District of Wisconsin (Louis Butler Jr.) and 9th Circuit Court of Appeals (Goodwin Liu and Mary Murguia), could also add African-American, Asian-American and Latina judges, respectively. Among 23 nominees awaiting floor votes are 10 women and 13 people of color (some are both)."

[Fill judicial vacancies](#) (*Deseret News [UT]* , 11/24/10)

Glenn Sugameli published Letter to the Editor: "Bizarrely, however, Senate Republican "holds" have even blocked Utah's Scott Matheson Jr. and other consensus nominees who have strong support from home-state Republican senators. In early June, the Senate Judiciary Committee approved Matheson's 10th Circuit U.S. Court of Appeals nomination without dissent, and Sen. Orrin Hatch promised to "do everything in my power to get him through as soon as I can." Since then, judicial vacancies have soared to over 100, including 50 judicial emergencies, and current and retired Republican-appointed federal judges have urged the Senate to stop delaying and act now on all the pending nominees."

[Glenn Sugameli: Obama nominees would diversify federal bench](#) (*Capital Times (WI)*, 11/19/10)

"President Obama's 43 confirmed judicial nominees include 22 women and 17 people of color (some, of course, are both). The 23 nominees awaiting floor votes include 10 women, nine of whom the Judiciary Committee approved without dissent. Prominent pending nominees, including Butler and Goodwin Liu (9th Circuit Court of Appeals), are among the 13 people of color awaiting floor votes."

[Eagles and many others still wait for Senate votes](#) (*Greensboro News & Record [NC]*, 11/15/10)

Glenn Sugameli published Letter to the Editor: "“With a majority of women, state’s top court hits milestone (editorial, Nov. 10) correctly notes that “the federal bench still seems less welcoming.” The U.S. Senate can help change that during the lame-duck session. Floor votes are pending on 23 judicial nominees, including 10 women, nine of whom were approved by the Judiciary Committee without dissent."

[Judicial diversity](#) (*Kentucky Enquirer*, 11/11/10)

Glenn Sugameli published Letter to the Editor: "Woolner's excellent column does not discuss one key result of this obstruction by Republican senators; it has unjustifiably prolonged the overwhelmingly white male makeup of the federal bench."

[Judicial Diversity](#) (*Courier-Journal [KY]* , 11/11/10)

Glenn Sugameli published Reader Letter: "one key result of this obstruction by Republican senators; it has unjustifiably prolonged the overwhelmingly white male makeup of the federal bench. The Senate's lame duck session can and should make a difference. The 23 nominees awaiting floor votes include 10 women, nine of whom the Judiciary Committee approved without dissent. President Obama's judicial selection has begun to diversify the federal bench; there are 22 women among his 43 confirmed nominees. In addition, 17 Obama judges are people of color, and another 13 are awaiting floor votes."

[Nominees on hold](#) (*Akron Beacon Journal [OH]*, 11/04/10)

Glenn Sugameli published Letter to the Editor: "Blanket holds by anonymous Senate Republicans have blocked floor votes on Judge Pearson and 22 other judicial nominees the Judiciary Committee has approved. Retiring Sen. Voinovich told CNN that the upcoming lame duck session of Congress should work to demonstrate a commitment to problem-solving rather than partisan bickering. A good place to start would be voting to fill judicial vacancies, which have soared to over 100."

[Judgeships lie vacant as Senate Republicans stall confirmations](#) (*Daily Princetonian [Princeton University, NJ]*, 10/19/10)

"[F]ederal court access has suffered as holds placed on candidates caused vacancies to soar. The number of vacant judgeships that U.S. courts have declared “judicial emergencies” has risen to 49, from 20." Glenn Sugameli '76, published Letter to the Editor

[Federal Judicial Vacancy Crisis Deepens as Unnamed Senate Republicans Block Floor Votes on All 23 Pending Judicial Nominees](#) (*American Constitution Society Blog*, 09/30/10)

Glenn Sugameli Guest Post: "nominees remain frozen, however, despite announced support from Republican home-state senators who are unable to convince their colleagues to allow a vote (or are unwilling to follow Sen. Alexander's successful example). These include Utah Sens. Orrin Hatch and Robert Bennett (10th Circuit nominee Scott Matheson, Jr.); Arizona Sens. Jon Kyl and John McCain (9th Circuit nominee Mary Murguia); Mississippi Sens. Thad Cochran and Roger Wicker (district court nominee Carlton Reeves); and North Carolina's Richard Burr (4th Circuit nominee Albert Diaz and district court nominee Catherine Eagles)."

Nominees held back (*Free Lance-Star [VA]* , 09/15/10)

Glenn Sugameli Letter to the Editor: "unprecedented Senate Republican blanket secret holds are denying floor votes to many Judiciary Committee-approved judicial nominees. Federal court access has suffered as vacancies have soared to more than 100. Frozen nominees include John A. Gibney Jr. (Virginia District Court) and Albert Diaz (4th Circuit Court of Appeals, which includes Virginia). Both were OK'd in committee without dissent months ago for vacancies that the U.S. courts have declared "judicial emergencies," which have risen from 20 to 49."

Blaming Obama for lack of judges 'absurd' (*Daily Progress [Charlottesville, VA]*, 09/12/10)

"Federal court access has suffered as vacancies have soared to more than 100. Frozen nominees include John A. Gibney Jr. (Virginia district court) and Albert Diaz (4th Circuit Court of Appeals, which includes Virginia). Both were OK'd in committee without dissent months ago for vacancies that the U.S. courts have declared "judicial emergencies," emergencies that have risen from 20 to 49." [Glenn Sugameli, Letter to the Editor]