

## Oregon waiting months for judicial nomination from White House

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WASHINGTON -- For months Oregon been short a federal district court judge, but unlike many unfilled judgeships around the nation, it is not because of partisan bickering in the Senate.

Five names were submitted to the White House by Democratic Oregon Senators Ron Wyden and Jeff Merkley in March for the Eugene-based seat which has been vacant since Sept. 24 of last year.

"We are not sure why the administration has not yet made the nomination, but we hope that they do so soon," said Jamal Raad, spokesman for Merkley.

"A judicial vacancy can lead to a significant backlog of cases, and as they say a 'justice delayed is a justice denied,'" Raad said.

The White House said it was considering the nominations, and that the months that had passed were due more to diligence than delay. The vetting process, which includes an FBI background investigation and American Bar Association professional evaluation, can take three to four months, the White House said.

There are many reasons the nomination process may be delayed "beyond which they are busy", said Glenn Sugameli, head of Judging the Environment's Judicial Nomination Project, part of the environmental non-profit, Defenders of Wildlife.

"It's also possible they looked at one person and then there was a snag," he said.

Sugameli said the vetting process has become more stringent and lengthier in recent years -- in large part to save embarrassing candidates getting through.

Once a nomination is made, it takes on average 83.2 days for district court nominees to reach a committee hearing under the current administration, according to the Congressional Research Service.

During Obama's presidency fewer district court nominees have been confirmed by the Senate than were confirmed during the first terms of the four preceding presidents, from Ronald Reagan through to George W. Bush.

"There really is a vacancy crisis," said Sugameli. "It's pretty amazing how long it's been and how sustained it's been."

In many cases, the White House has been quick to blame Republicans for delays moving candidates through the confirmation process.

The White House denied it was hypocritical to blame Republicans for their obstruction.

Earlier this week, Republicans in the Senate blocked the nomination of Judge Robert Bacharach to serve on the U.S. Court of Appeals, despite being unanimously deemed "well qualified" by the American Bar Association, and having bipartisan support from the Senate Judiciary Committee.

The White House said in a statement Monday: "Nearly one in 11 federal judgeships stands empty. The judicial vacancy rate has never been this high for this long. Currently there are 20 judicial nominees waiting for consideration by the Senate, half of whom would fill vacancies deemed judicial emergencies."

President Obama is on track to finish his first term with more district court vacancies than he started.

Consulting with senators and nominating someone to the position are the first two steps in an often lengthy process to being confirmed. After a hearing before the Judiciary Committee, the committee may recommend the nomination to the full Senate for a vote. A simple majority is required to approve the nomination, but often a 60-vote procedural hurdle must be overcome first.

The names put forward for the federal district court judgeship in Eugene are: Lane County Circuit Court Judge, Suzanne Chanti; Assistant U.S. Attorney, District of Oregon, Hannah Horsley; Assistant Federal Public Defender, Bryan E. Lessley; and Multnomah County Circuit Court judges Michael McShane and Adrienne Nelson.

The senators chose these names from 12 recommendations made from a 13-member committee appointed last fall. All candidates were contacted, but those who responded did not want to comment.

Sugameli said candidates who have their names submitted are realizing in the current climate they may be pending for two years and increasingly withdraw themselves because there is too much uncertainty or they want to avoid an at times degrading procedure.

"The process has really got so dysfunctional, so nasty, so uncertain" that it's discouraging people from subjecting themselves to the process, he said.

Raad said it was unlikely the position would be filled this session.

"Senator Merkley believes the president should nominate one of the five excellent candidates put forth soon, and the Senate should promptly confirm the nomination," he said.

"Unfortunately, due to the ongoing Republican obstruction of judicial nominations, it is unlikely that we will fill this judgeship this session."

The judgeship was vacated by U.S. District Court Judge Michael Hogan, who has taken senior status.

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