

COURTS: Senate to vote on long-delayed 11th Circuit nominee

The Senate will vote tomorrow at noon on the nomination of U.S. District Court Judge Beverly Martin to the 11th U.S. Circuit Court of Appeals, a key court for water, wetlands and endangered species litigation.

Martin was nominated by President Obama in June to fill the only open seat on the Atlanta-based court, which hears cases from Georgia, Florida and Alabama.

She would not tilt the balance of the court, which currently includes seven Republican-appointed judges and four Democratic appointees, but would likely hear some significant environmental cases. The court would be the destination for an appeal in the ongoing battle between the circuit's three states over use of water from the Lake Lanier reservoir near Atlanta.

In 2008, the circuit court upheld a ruling that the Federal Emergency Management Agency and the Fish and Wildlife Service violated the Endangered Species Act by their handling of a flood insurance program in the Florida Keys. Last year, the court reversed a lower court and decided that Florida water officials did not violate the Clean Water Act by pumping dirty water from a canal into Lake Okeechobee.

Martin's confirmation has moved slowly despite bipartisan support. Georgia Republican Sens. Saxby Chambliss and Johnny Isakson backed Martin during a confirmation hearing last summer, as did Sen. Jeff Sessions (R-Ala.), the ranking member on the Judiciary Committee.

The committee approved her nomination by a voice vote in September.

Several months passed between that approval and the scheduling of tomorrow's floor vote, which prompted Judiciary Chairman Patrick Leahy (D-Vt.) to complain about obstruction by Republicans during a committee meeting last month. Sessions reportedly restated his support of Martin and suggested that Leahy "try again."

Nine judges tapped after Martin by the White House have been confirmed, making her the longest-waiting nominee. Glenn Sugameli, a staff attorney with Defenders of Wildlife, said he has been surprised to see a nominee wait months for confirmation when no one has voiced significant opposition.

"It's a very strange process right now, and it may very well determine the fate of environmental laws for decades to come," Sugameli said.

Martin was appointed in 2000 to her position as a U.S. district judge in Atlanta. Before taking the bench, Martin spent 16 years as a U.S. attorney for Georgia and as the state's assistant attorney general.

As a district judge in 2002, she rejected a claim by environmental groups that Atlanta's \$36 billion transportation plan violated the Clean Air Act.

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