

The Federal Circuit

["A circuit ripe for a remake: Vacancies loom in Federal Circuit, a vital IP law venue"](#) [NLJ, Jan. 12] highlighted how President Obama will nominate four to eight lifetime judges on a key 12-member appeals court. It is vital that the "short list" of potential nominees not be limited to the areas that the article focuses on (patent appeals and government contracts) and the areas it describes: appeals of "international trade disputes, federal personnel disputes and veterans' benefits claims." For example, the Federal Circuit Bar Association has a committee devoted to federal Indian law, an area that the FCBA states "remains an important practice area in the Court, today."

The Federal Circuit also decides constitutional claims that alleged federal takings of private property resulted from a wide range of federal safeguards for people, neighboring property and the environment. Many unjustified takings claims are brought in what former Reagan Solicitor General Charles Fried described as a "radical project" to force payments "as for a taking" in order to severely limit regulatory safeguards that do not actually take property. It is critical that the court's judges understand the very complex set of issues involved in takings cases. Indeed, the Federal Circuit does not only set federal precedents; because it is the "takings court," its rulings are relied upon heavily by state courts across the country.

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