

## **D.C. Bar Litigation Community Steering Committee**

### **Public Statement on the Urgent Need to Fill Judicial Vacancies**

**April 12, 2023**

The D.C. Bar's Litigation Community urges President Biden to continue nominating qualified people to fill all remaining judicial vacancies for the D.C. Court of Appeals and the D.C. Superior Court. While the Committee is mindful of and encouraged by recent progress made in filling some vacancies, there is more work to be done. By swiftly sending additional qualified nominees to the U.S. Senate, the president can do his part to stanch the ongoing vacancy crisis in D.C. courts.

When judicial roles are left unfilled, it is the people of the District of Columbia who suffer. For those seeking redress, justice delayed is justice denied. Accused criminal defendants, who are innocent until proven guilty, languish in the system. Civil cases involving child custody and other important family matters drag on without resolution. Public safety is jeopardized. Public confidence in the court system, and government generally, wanes.

Over a year ago, a spokesperson for the D.C. court system issued a dire warning about the unprecedented level of judicial vacancies. There were 17 judicial vacancies then, constituting about one-quarter of all judicial spots. Today, there are 11 vacancies, amounting to a vacancy rate above fifteen percent. The Committee appreciates the Senate's action to confirm a wave of nominees in December, and the president's two recent Superior Court nominations. Still, there are too many vacancies for comfort. The 15 percent vacancy rate in the D.C. court system is nearly double the vacancy rate for the federal judiciary. Now is not the time to let up.

At least one U.S. Senator responsible for blocking confirmation of D.C. court nominees has stated on the record, without justification, his belief that recent nominees will not "uphold the rule of law." This sort of political posturing leads to the denial of judicial resources that threatens the rule of law. Unfortunately, both parties share blame for failing to fill D.C. judicial vacancies. We call upon Senator Schumer, the Majority Leader, to act immediately on pending nominations. And we call upon President Biden to submit additional nominees to the Senate as soon as possible.

The backlog of D.C. judicial nominations is not new, but it remains urgent. We concur with local officials who have labeled it a crisis. But it is an avoidable crisis. If the District of Columbia were a state, local leaders would bear responsibility for filling judicial vacancies, and the people could hold them accountable at the ballot box. In the absence of statehood, the President and the Senate should immediately do everything in their power to cure the judicial vacancy crisis and restore the proper functioning of our court system.

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*The views expressed here are presented on behalf of the Litigation Community, a voluntary association of individuals, most but not necessarily all of whom are members of the D.C. Bar. The D.C. Bar itself made no monetary contribution to fund the preparation or*

*submission of this statement. Moreover, the views expressed herein have been neither approved nor endorsed by the D.C. Bar, its Board of Governors, or its general membership.*

*The members of the Steering Committee of the D.C. Bar Litigation Community unanimously approved this statement on March 28, 2023.*

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