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Subject: : judges talking points for this week.

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As the Senate returns from its Memorial Day recess, Senator Leahy should honor his commitment and schedule hearings for these nominees who have languished before his committee for over a year, act upon their nominations immediately, and get judges to work for the American people.

- America is facing a vacancy crisis in the federal courts, and because of it, justice is being frustrated and delayed for the American people. The Senate must act on the President's judicial nominees, as the Chief Justice recently asked, "on behalf of the judiciary."
 - ✓ The Chief Justice has called the vacancy crisis, "alarming" and the Judicial Conference of the United States recently wrote that America does not have an adequate number of federal judges to do the work of the American people:
"When the number of judicial vacancies, 88, and the number of needed new judgeships, 54, are added, the overall shortage of judges becomes staggering. The federal courts currently are operating with 142 judges less than required to accomplish the business they are assigned." - Leonidas Ralph Mecham, Secretary of the Judicial Conference of the United States
- The vacancy crisis particularly severe in the federal courts of appeals, where nearly 20% of the judgeships are vacant. Despite the vacancy crisis, in the circuit courts, only 9 of the President's 31 circuit court nominees have been confirmed. Most concerning, Chairman Leahy has failed to schedule hearings for the President's eight circuit court nominees from May 9, 2001, who have now waited more than a year for a hearing.
- ✓ **John Roberts**, nominee to the D.C. Circuit, is one of the nation's leading appellate lawyers having argued 36 cases before the U.S. Supreme Court and served as Deputy Solicitor General.
- ✓ **Miguel Estrada**, nominee to the D.C. Circuit, has argued 15 cases before the U.S. Supreme Court and has worked as a federal prosecutor, Assistant U.S. Solicitor General, and Supreme Court law clerk. Estrada came to America as a teenager who spoke virtually no English, and if confirmed would be the first Hispanic to serve on the D.C. Circuit.
- ✓ **Justice Priscilla Owen**, nominee to the 5th circuit, has served on the Texas Supreme Court since 1994. In her successful reelection bid in 2000, every major newspaper in Texas endorsed her.
- ✓ **Michael McConnell**, nominee to the 10th circuit, is one of the nation's leading constitutional scholars and lawyers. His reputation for fairness and integrity has generated support from hundreds of Democrat law professors across the country.
- ✓ **Jeffrey Sutton**, nominee to the 6th circuit, is another of America's leading appellate attorneys. He graduated first in his class from Ohio State law school and has gone on to argue over 20 cases before the U.S. Supreme Court and state supreme courts and serve as the Solicitor of the State of Ohio.
- ✓ **Justice Deborah Cook**, nominee to the 6th circuit, has served as a Justice on the Ohio Supreme Court since 1994. Before becoming a judge, she was the first woman partner at Akron's oldest law firm.
- ✓ **Judge Dennis Shedd**, nominee to the 4th circuit, was unanimously confirmed to be a federal district judge in 1990. He is strongly supported by his home state Senators, Democrat Fritz Hollings and Republican Strom Thurmond and served in the past as Chief Counsel to the Senate Judiciary Committee.
- ✓ **Judge Terrence Boyle**, nominee to the 4th circuit, was unanimously confirmed to be a federal district judge in 1984. The former chairman of the state Democratic Party supports Judge Boyle's nomination, stating that he gives everyone "a fair trial."
- In addition to the eight individuals nominated on May 9, 2001, who await hearings, an additional two have now waited in the Senate for more than a year.
- ✓ **Lavenski Smith**, nominee to the 8th circuit from Arkansas, was nominated on May 22, 2001. Smith is a past Arkansas Supreme Court justice and has the support of the Republican and Democrat Senators from Arkansas as well as the President of the Arkansas NAACP. After a year of waiting, Smith was granted a hearing on May 23, 2002, but the Committee has failed to act upon his nomination.
- ✓ **Timothy Tymkovitch**, nominee to the 10th circuit from Colorado, was nominated on May 25, 2001. Mr. Tymkovitch is the former Solicitor General of Colorado and has served as the Counsel to the Governor's Columbine Review Commission and as Co-Chair of the Governor's Task Force on Civil Justice Reform. He has the strong support of Colorado's leading Democrat, Attorney General Ken Salazar.