



# PHILADELPHIA BAR ASSOCIATION

February 5, 2016

The Honorable Robert P. Casey, Jr.  
United States Senate  
393 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Patrick J. Toomey  
United States Senate  
248 Russell Senate Office Building  
Washington, DC 20510

Dear Senators Casey and Toomey:

On behalf of the 12,000-member Philadelphia Bar Association, we write to voice our concerns about judicial vacancies in our federal courts.

These vacancies have serious consequences for the courts as well as the numerous individuals and businesses which appear before them. With 10,952 civil actions filed in 2014, the United States District Court for the Eastern District of Pennsylvania is among the busiest in the country. In the Third Circuit Court of Appeals, the number of cases commenced increased from 3,694 in 2013 to 3,828 in 2014 – the largest percentage increase in any Circuit. The workload of the courts in the Third Circuit requires a full complement of judges. A single vacancy is a burden on the courts, and multiple vacancies inevitably lead to delays in the dispensation of justice for thousands of Pennsylvanians.

Although we appreciate your support of the elevation of the Honorable Luis Felipe Restrepo to the Third Circuit Court of Appeals, his confirmation process was inordinately delayed, leaving a seat on that Court unfilled for more than two and one half years.

In our United States District Courts for the Eastern and Western Districts of Pennsylvania, the delay in confirmation of nominees for judicial office has reached a crisis level. Four District Court seats have remained vacant since 2013. Highly respected jurists have been nominated to fill these positions, but the Senate has dragged its heels in confirming them.

On January 28, 2016, Butler County Court of Common Pleas Judge Marilyn Jean Horan and United States Magistrate Judge Susan Paradise Baxter finally had their nominations for seats on the United States District Court for the Western District of Pennsylvania approved by the Senate Judiciary Committee, setting the stage for a final approval vote in the full Senate. However, Philadelphia Court of Common Pleas Judge John Milton Younge, the nominee for a seat on the Eastern District Court, and Allegheny County Court of Common Pleas Judge Robert John Colville, the nominee for a seat on the Western District Court, have had their nominations inexplicably passed over by the Judiciary Committee.

In addition, the Third Circuit Court of Appeals seat held by Judge Marjorie O. Rendell has been vacant since July 1, 2015, without any nomination. Judge Restrepo's elevation to the Third Circuit Court of Appeals also leaves another vacancy on the Eastern District Court to which no nominee has been announced.

It is time to break the gridlock in the nomination and confirmation process for federal judgeships. We call on you to work with President Obama to ensure the speedy nomination of well-qualified candidates for seats on our federal courts. We further call upon you to swiftly and efficiently shepherd these nominations and all pending nominations through the Senate confirmation process. Pennsylvanians deserve nothing less.

Respectfully,



Gaetan J. Alfano  
2016 Chancellor



Deborah R. Gross  
2016 Chancellor-Elect



Mary F. Platt  
2016 Vice Chancellor

cc: Philadelphia Bar Association Board of Governors