



December 5, 2022

The Hon. Charles E. Schumer
United States Senate
Washington, D.C. 20510

The Hon. Mitch McConnell
United States Senate
Washington, D.C. 20510

Sent via e-mail

**RE: D.C. Access to Justice Commission Statement Regarding Judicial Vacancies
in the DC Courts**

Dear Senator Schumer and Senator McConnell:

The D.C. Access to Justice Commission is writing to encourage action before the end of calendar year 2022 on the eight judicial nominees for the District of Columbia Courts that are currently awaiting a vote on the Senate floor.

The Commission works to address the scarcity of civil legal services for low- and moderate- income District residents and to reduce the barriers these litigants face in navigating the civil justice system. Its members include representatives from the D.C. Court of Appeals, D.C. Superior Court and D.C. Office of Administrative Hearings, past Presidents of the D.C. Bar and other private bar leaders, legal services organizations, law schools, community-based organizations, and other local leaders.

Currently, there are 7 D.C. Superior Court nominees who have had hearings, were passed out of committee, and are awaiting final approval from the Senate. One Court of Appeals nominee is also awaiting a floor vote. The last Senate floor vote on DC Court nominees was in February 2022. It is worth noting that there are currently 14 judicial vacancies in the Superior Court, a deficit of a quarter of its authorized bench strength, with six more vacancies expected in 2023. There is also one long-standing vacancy on the Court of Appeals in addition to the position that is to be filled by the nominee awaiting a floor vote. Delaying votes on the eight nominees currently awaiting a vote will further compound the critical vacancy rate facing the DC Courts.

Due to our unique role in the District's legal community, we are keenly aware of the critical impact judicial vacancies have on the DC Courts' ability to timely and efficiently administer justice, and the resulting impact on District residents. Ultimately, the ability to fill these judicial vacancies lies entirely with the Senate. It is crucial that these judicial vacancies come to a floor vote before the end of the 2022 calendar year to prevent months-long delays in filling these roles, which would ultimately negatively impact the tens of thousands of District residents

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seeking resolution of judicial matters, both civil and criminal, impacting their daily lives.

Civil legal needs requiring judicial determination address some of the most basic human needs, such as access to one's children, protection from domestic violence, housing security, access to health care, income protections, protection from illegal practices, and other crucial supports. Without sufficient judicial resources, these basic needs could be significantly delayed for tens of thousands of District residents, causing untold burdens, particularly for the most vulnerable.

A well-resourced judiciary builds faith among constituencies in the functioning of the justice system. The D.C. Courts have made tremendous efforts throughout the pandemic to fully restore operations, expand access to all members of the public through new and innovative practices, and absorb a high-volume of new cases while also responding to new legislative mandates that require additional judicial resources. However, ultimately the ability to fill judicial vacancies to allow for staffing of cases and continuing these efforts lies entirely with the Senate. We again strongly urge action before the end of calendar year 2022 on the eight judicial nominees for the D.C. Courts that are currently awaiting a vote on the Senate floor to address this crucial need.

Sincerely,



Peter B. Edelman, Chair



James J. Sandman, Vice Chair

cc: Nancy Drane, Executive Director