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## THE ASSOCIATION OF THE FEDERAL BAR OF NEW JERSEY

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March 15, 2018

Donald McGahn, Esq.  
Counsel to the President  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. McGahn:

I write on behalf of the Association of the Federal Bar of New Jersey ("AFBNJ") to respectfully request that the White House work with our State's Senators to nominate judges for the three vacancies on the United States District Court for the District of New Jersey as quickly as possible. Established in 1789, the District of New Jersey is the oldest and largest undivided district court in the nation. For over 45 years, the AFBNJ has served as the voice of the federal bar in New Jersey, supporting the attorneys who practice here by offering educational, training and social events throughout the year and connecting the federal bench and bar to address issues of court administration and federal practice. Our over 800 members represent the federal litigants who are adversely impacted by the judicial backlog created by these vacancies.

Over the past five decades, our Association has been led by several distinguished attorneys who later became federal judges: Judges Frederick B. Lacey, Lawrence A. Whipple, Herbert J. Stern, and Maryanne Trump Barry. With over a dozen active federal judges serving on our Advisory Board, and given our longstanding history supporting the bench and bar, we are in a unique position to help maintain and advocate for the high standards of our judiciary.

The District of New Jersey is in desperate need of filling its three judicial vacancies. The Judicial Conference of the United States has deemed the district to be in "emergency status" as a result of its extraordinarily heavy caseload and longstanding vacancies. Recent court statistics demonstrate the urgent need for expedited nominations. For example, the number of cases filed in the District of New Jersey last calendar year grew from 11,341 in 2016 to 16,694, which is higher than either the Southern or Eastern Districts of New York. This represents a 47% increase in the current caseload. As a result, New Jersey now ranks first in the Third Circuit and fourth in the country in number of filings per judgeship.

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The District of New Jersey also receives a disproportionate share of complex cases due to the fact that many American and international companies maintain significant hubs of operations in the state as well as the state's undisputed importance to the pharmaceutical and energy industries. In fact, this district currently ranks second in the Third Circuit and seventh in the country in weighted filings, and seventh in pending cases. The effects of this burdensome caseload are compounded by the district's rank (second in the nation) in vacant judgeship months as of March 31, 2017.

Judicial nominations are important to AFBNJ Members and the almost nine million residents of this State because these longstanding vacancies and heavy caseloads affect the public in very real ways. For example, there is a backlog of almost 400 social security disability cases pending in the district. Delays also can adversely impact the ability to obtain timely injunctive relief, which detrimentally affects large and small businesses, as well as individuals.

These alarming statistics and the judicial backlog are attributable to the three current judicial vacancies. Two additional vacancies have already been announced for 2018 and a third judge will soon be eligible for senior status. The District of New Jersey, therefore, could have as many as six vacancies within the coming year, which would represent 35% of this seventeen-seat bench. Given the time required to confirm judicial nominees in the Senate, if the White House does not put forth nominations soon, New Jersey's judicial emergency will drastically worsen.

We thank you in advance for your attention to this important issue and look forward to working with your office and our State Senators to expedite nominations for the District of New Jersey.

Very truly yours,



David L. Cook  
Chair, AFBNJ Senate Judicial Communications Committee

cc: The Honorable Robert Menendez  
The Honorable Cory Booker  
Chief Judge Jose Linares