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March 14, 2019

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

Dear Mr. Cipollone:

I write on behalf of the Association of the Federal Bar of New Jersey ("AFBNJ") to respectfully request that the White House nominate judges for the five (soon to be six) 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 five current judicial vacancies, which has rapidly increased from three vacancies just a year ago. 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 grew from 11,913 in the twelve months ending on March 31, 2017 to 19,524 in the twelve months ending on March 31, 2018, which is higher than either the Southern or Eastern Districts of New York. This represents a 64% increase in the current caseload. As a result, New Jersey now ranks first in the Third Circuit and third in the country in number of filings per judgeship as of March 31, 2018.

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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, as of March 31, 2018, this district ranks second in the Third Circuit and fifth in the country in weighted filings, and third in pending cases. The effects of this heavy caseload are compounded by the district's increasing vacant judgeship months.

Judicial nominations are important to AFBNJ Members as well as to the countless businesses and the almost nine million residents of this State. These longstanding vacancies and heavy caseloads affect the public in very real ways. For example, there is a severe backlog of 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. The backlog is a public problem more than a judge or lawyer problem because it is the people and companies who live and work in this State who are suffering the consequences of waiting longer to obtain resolutions to their legal matters.

These alarming statistics and the growing judicial backlog are attributable to the five current judicial vacancies. An additional vacancy is expected by June 2019 with the retirement of Chief Judge Jose Linares. The District of New Jersey, therefore, will have six vacancies within the coming year, which will represent 35% of this seventeen-seat bench. In fact, the situation is even more dire than the statistics indicate because New Jersey should actually have twenty judges based on its current caseload as noted in H.R. 6755 (115th Congress) and the studies reflected in that bill. 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 become drastically worse. This significant shortage presents the Administration with the opportunity to nominate at least five judges to the court.

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. The AFBNJ also remains ready to assist the White House as appropriate and would welcome the opportunity to meet with you to discuss this important issue.

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
AFBNJ President William T. Reilly, Esq.
Associate Counsel Sean Sandoloski, Esq.