

# THE ASSOCIATION OF THE FEDERAL BAR OF NEW JERSEY

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January \_\_, 2021

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

Dear Ms. Remus:

We write on behalf of the Association of the Federal Bar of New Jersey (“AFBNJ”)<sup>1</sup> to respectfully request that the White House work with our State’s Senators to nominate judges for the six longstanding vacancies on the United States District Court for the District of New Jersey as quickly as possible. While we are aware that there are many vacancies in districts throughout the United States, the problem in the District of New Jersey is particularly urgent because the vacancies equate to approximately 35% of this seventeen-seat bench.

Two of this district’s six judicial vacancies have been pending since 2015, and no judges have been confirmed to this court since 2016. Therefore, it is no surprise that the Judicial Conference of the United States has deemed this district to be in “emergency status” as a result of its extraordinarily heavy caseload and longstanding vacancies.

Recent court statistics confirm the urgent need for expedited nominations. For example, as of the last fiscal year that ended September 30, 2020, the number of civil cases commenced in the District of New Jersey was the highest in the nation at 19,655. This contributed to a backlog of over 46,000 cases pending in the district for only 11 sitting judges. As a result, New Jersey ranked first in the Third Circuit and third in the country in the number of total pending civil cases. These statistics are so high that the Subcommittee on Judicial Statistics of the Judicial Conference of the United States has acknowledged that this district should actually have twenty-two judges based on its heavy caseload.

The District of New Jersey also receives a disproportionate share of multidistrict litigation and 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 September 30, 2020, this district ranked second in the Third Circuit and fourth in the country in weighted filings, which have increased 72 percent since 2015. The effects of this heavy caseload are compounded by the district’s increasing vacant judgeship months, which ranked second in the nation as of September 30,

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2020.

\*Deceased

These longstanding vacancies and heavy caseloads affect the public in very detrimental ways. For example, delays can adversely impact the ability to obtain timely injunctive relief, which affects large and small businesses, as well as individuals. It is the people who live and work in this State who are suffering the consequences of waiting longer to obtain resolutions to their legal matters.

To be sure, the judges in this district have been working extremely hard to address the increasing number of cases. Even the senior status judges, two of whom are over the age of 85, are carrying significant caseloads. Thus, these alarming statistics and the judicial backlog are directly attributable to the six judicial vacancies. Given the time required to confirm judicial nominees in the Senate, if the new Administration does not put forth nominations soon, our district's judicial emergency will become drastically worse.

We thank you in advance for your attention to this important issue and look forward to working with your office and our two New Jersey 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.

Respectfully yours,

David L. Cook, Chair  
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AFBNJ Senate Judicial Communications Committee

Kerri E. Chewning  
President AFBNJ

cc: Paige Herwig, Esq., Senior Counsel, White House Counsel's Office

The Honorable Robert Menendez  
The Honorable Cory Booker  
Chief Judge Freda Wolfson

<sup>1</sup> Established in 1789, the District of New Jersey is the oldest and largest undivided district court in the nation. For the past 50 years, the AFBNJ has served as the voice of the federal bar in New Jersey, supporting both the Court and 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. The Association has over 800 members representing the federal litigants who continue to be 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, including Judges Frederick B. Lacey, Lawrence A. Whipple, and Herbert J. Stern. 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.