

## **SMITH COUNTY BAR ASSOCIATION RESOLUTION**

**WHEREAS**, on June 16, 2014, Chief Judge Leonard Davis, of the U.S. District Court for the Eastern District of Texas, Tyler Division, gave written notice to the President of the United States, United States Senators John Cornyn and Ted Cruz, and United States Congressman Lloyd Doggett of his intent to retire from office on May 15, 2015;

**WHEREAS**, the Eastern District of Texas has only eight allocated active judgeships, and currently there are two existing judicial vacancies in the Sherman and Texarkana Divisions, and another expected vacancy that will be created in March, 2015 in the Sherman Division when Judge Richard Schell takes senior status, in addition to the vacancy which will occur in the Tyler Division when Chief Judge Davis retires in May, 2015.

**WHEREAS**, the Eastern District of Texas has one of the heaviest dockets in the United States, with current weighted caseload filings of 1,402 case weights per judge, which is more than three times the standard of 430 weighted filings per judgeship recommended by the Administrative Office of the United States Courts;

**WHEREAS**, in addition to their heavy caseload, several Eastern District judges are required to travel up to 350 miles to hear matters in other divisions to compensate for judicial vacancies, which is inefficient and costly;

**WHEREAS**, analysis by the Brennan Center for Justice revealed that having just one judicial vacancy for 12 months is associated with a statistically significant increase in the percentage of cases pending for three years or more and also associated with almost an extra month in the median time for the disposition of criminal felony cases;

**WHEREAS**, a shortage of judges creates the potential for harm to the delivery and quality of justice to the citizens of the Eastern District of Texas who rely on the court system for the fair and impartial administration of justice;

**WHEREAS**, the Eastern District of Texas is in great need of having judicial vacancies filled without delay in order to provide the proper administration of justice;

**WHEREAS**, there are many qualified individuals residing within the Tyler Division of the Eastern District of Texas, who would, if nominated, offer reasonable assurance of a qualified and distinguished judicial presence in the Eastern District for many years;

**WHEREAS**, the members of the Smith County Bar Association have a keen interest in having a lawyer residing in the Tyler Division of the Eastern District of Texas fill the vacancy that will be created when Chief Judge Davis retires, and believe that a strong preference should be given for nominating and confirming an individual residing and working within the legal communities of Tyler Division;

**WHEREAS**, the prompt and timely filling of these vacancies is of the utmost importance to the members of the Smith County Bar Association and the citizens of East Texas;

**BE IT RESOLVED**, that the Smith County Bar Association respectfully requests that our United States Senators, John Cornyn and Ted Cruz, immediately begin the nomination and vetting process by instructing their Federal Judicial Evaluations Committee to accept and vet potential nominees for the impending 2015 vacancy in the Tyler Division;

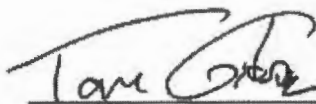
**BE IT FURTHER RESOLVED**, that the Smith County Bar Association respectfully requests that Texas Democratic Congressional Delegation, under the leadership of Congressman Lloyd Doggett, immediately begin the nomination and vetting process of potential nominees for the impending 2015 vacancy in the Tyler Division;

**BE IT FURTHER RESOLVED**, that the Smith County Bar Association respectfully requests that our Texas Senators and Congressmen work together in a bi-partisan manner to agree upon and forward to the President, as soon as is reasonably possible, but with a goal of no later than **February 1, 2015**, the names of appropriate qualified potential nominees from the Eastern District of Texas, with a strong preference given to individuals residing and working within the legal communities of the Tyler Division;

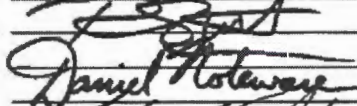
**BE IT FURTHER RESOLVED**, that the Smith County Bar Association respectfully requests that as soon as is reasonably possible after receiving potential nominees from Texas Senators and Congressmen, President Barack Obama nominate and forward to the United States Senate for confirmation, the name of a qualified nominee from the Eastern District to fill the Tyler Division vacancy;

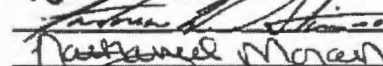
**BE IT FINALLY RESOLVED THAT** the Smith County Bar Association respectfully requests that on or before **June 1, 2015** the United States Senate, working in a bi-partisan manner, confirm a qualified nominee for the Tyler Division vacancy, thus avoiding undue delay and hardship on the Eastern District of Texas, its Judges, employees, litigants, and attorneys, and citizens who depend upon the court for the orderly and efficient administration of justice and protection of the public in general.

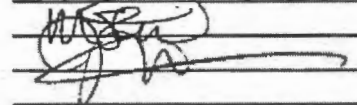
Adopted the 3rd day of October, 2014.

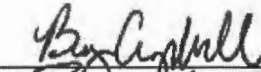
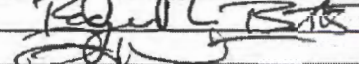
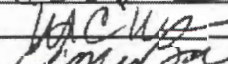
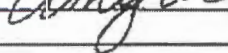
 Tom Green, President



 Daniel Holaway





 Ben Lyndall  
 Robert L. Bate  
  
 JAC  
 Secretary

Board of Directors, Smith County Bar Association