

# Confirm Independent and Diverse Nominees to Lower Federal Courts

## NCJW Message

While the Supreme Court makes the headlines, our district and circuit courts make the final call in over ninety-nine percent of federal cases. Over 400,000 cases are filed each year in our federal district and circuit courts, and these cases affect countless Americans. Our federal courts decide cases that determine the rights of all Americans in such areas as women's rights, civil rights, workers' rights, privacy rights, criminal law, consumer protection, immigration, national security, and the environment. These cases impact every aspect of our lives, including the right to make personal decisions about our bodies and healthcare, the right to vote, environmental protections, law enforcement conduct, and fundamental civil rights issues. **NCJW supports a diverse and independent federal judiciary where vacancies are filled with judges who are committed to upholding constitutional values.**

## Talking Points

- **There is no place for extreme ideologues on the federal bench.** The federal courts should not be packed with extremists selected by special interests who have demonstrated or suggested that they will use their own ideology — not legal precedent — to decide cases. Rather, nominees should be ideologically independent and from diverse professional and personal backgrounds. Such diversity and independence helps instill confidence in our legal system; federal courts should reflect the communities they serve.
- **Each nominee merits close, deliberate scrutiny.** Because each federal judge wields so much power, nominees must be able to demonstrate that they will be impartial arbiters of the law. The nonpartisan American Bar Association (ABA) has traditionally evaluated judicial candidates before they are nominated, and the Senate Judiciary Committee should wait for the ABA rating before moving forward with a judicial nomination. The ABA ratings are based on objective assessments of candidates' competence, integrity, and temperament. And, because the ABA uses a confidential review system, it solicits candid feedback that elected officials may not obtain through their own vetting procedures. By honoring the ABA's historic role in the judicial nominations process, the Senate will confirm more qualified judges.
- **The Senate Judiciary Committee must continue to honor blue slips for district and circuit court nominees.** Throughout our nation's history, the "advice and consent" process

in the Constitution has meant that presidents consult with senators on judicial nominations in their states. This year is the 100th anniversary of the “blue slip,” a tradition created in 1917 in which a judicial nominee generally does not receive a Senate hearing or vote unless the two home-state senators signal their support for the nominee by returning their blue slips to the chair of the Senate Judiciary Committee. This tradition helps ensure reasonable, mainstream judges, and the Senate must continue to follow this long-honored custom.

- **Today, more than ever, the United States needs an independent judiciary.** The overreach of the Trump Administration underscores why we need federal judges who will serve as a check on politicians in all branches of government when they break the law or violate the Constitution. Judges confirmed to lifetime seats must be open-minded, fair, and independent individuals who will stand up for the constitutional values and protections of everyone. Because our district and circuit courts are the final word on our rights in the vast majority of cases, and because judges on these courts also hold lifetime appointments, the selection of lower court judges is critical.