



September 20, 2006

VIA FACSIMILE

The Honorable Arlen Specter  
Chairman, Senate Committee on the Judiciary  
711 Hart Building  
Washington, DC 20510

*Re: Opposition to "Circuit Court of Appeals Restructuring and Modernization Act of 2005" (S. 1845)*

Dear Chairman Specter:

Lambda Legal urges you to oppose the "Circuit Court of Appeals Restructuring and Modernization Act of 2005" (S. 1845) and other proposals to split the U.S. Court of Appeals for the Ninth Circuit into separate courts. Such proposals remain unwise, fiscally irresponsible, and ill timed.

A decision to split the Ninth Circuit would sacrifice a longstanding tradition of fair-minded, consistent, and efficient justice while creating serious fiscal and bureaucratic problems. The strong consensus within the bench and the bar recognizes that the Ninth Circuit functions both effectively and efficiently. Proponents of S. 1845 allege that a split would improve the administrative operation of the court, but these claims have been repeatedly rejected after careful, bi-partisan investigation. As Chief Judge Mary Schroeder testified, the proposed split would drain already depleted budgetary resources from court systems, would force judges in certain states to shoulder considerably larger dockets, and would divide a well-integrated administrative structure into separate, duplicative structures. The strong evidence against the current proposal makes clear that splitting the Ninth Circuit would cause serious harm to federal courts throughout the West and the nation as a whole. Additionally, it is clear that a significant number of legislator proponents of this proposed split are inappropriately attempting to lessen the impact of individual judges and decisions with which they do not personally agree. As Ninth Circuit Judge Alex Kozinski, a President Ronald Reagan-appointed, rightly observed: "You'd have to believe in the tooth fairy to say this has nothing to do with politics."

Senate Committee on the Judiciary

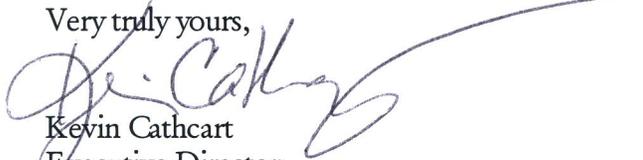
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An overwhelming bi-partisan majority of Ninth Circuit judges and political leaders oppose splitting the court, including: all but three Ninth Circuit judges; the Ninth Circuit's past, present and named future chief judges, such as Judge Alex Kozinski, the next chief judge and a leading conservative jurist; California Governor Arnold Schwarzenegger (R); Arizona Governor Janet Napolitano (D); former California Governor and U.S. Senator Pete Wilson (R); and, former Washington Governor Gary Locke (D). The American Bar Association, the Federal Bar Association and countless other civil rights leaders, organizations, practitioners, legal scholars, elected officials, and bar associations have voiced their opposition to the proposed split.

As a national impact litigation organization committed to achieving the full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV, Lambda Legal litigates frequently in the Ninth Circuit and therefore we have an interest in the jurisdiction's performance. As such, we urge you to oppose S. 1845 and other unwise efforts to divide the Ninth Circuit. Thank you for your consideration of our views.

Very truly yours,



Kevin Cathcart  
Executive Director

cc: All members of the Senate Committee on the Judiciary