



Talking Points:

JUDICIAL VACANCIES, THE CONSTITUTION, AND THE CORPORATE COURT

- Vacancies on the federal courts – and especially vacancies that have become judicial emergencies – are causing a backlog of cases that fundamentally undermine the American justice system. When people are forced to wait years for their cases to be heard, *justice is not served* and a shadow is cast on how fairly the law is applied in our nation.
- Giant corporations may be able to afford to wait years for cases to be resolved, but small businesses and ordinary Americans can't. Our courts should provide a fair and timely hearing for all people—not just those with hefty bank accounts.
- The unwillingness of the Senate to confirm federal judges in a timely manner is yet another example of how partisan dysfunction in Washington damages our country. Persistent judicial vacancies are unacceptable, and the Senate must fulfill its constitutional duty to get the courts running at full capacity.
- The delays and roadblocks have nothing to do with the quality of the president's nominees. Along with preventing the Senate from considering the nomination of a legal superstar like Goodwin Liu, whose character and jurisprudence attracted support from staunch conservatives, the minority party has consistently delayed routine committee and confirmation votes for almost every well-qualified nominee. And those nominees who have been confirmed after long delays have consistently been approved by unanimous or near-unanimous votes.
- A disturbing number of nominees facing opposition and delays have been women and/or people of color. According to a report by People for the American Way, since President Obama took office, every district court nominee with party-line opposition from Senate Judiciary Committee Republicans has been a woman or person of color. In addition, every public announcement of opposition to nominees from home-state Republican senators involves women or people of color. When the federal bench lacks diversity, judges' misunderstanding of other people's lives can lead them to misinterpret the law.
- All Americans must have equal access to a fair hearing in court. Yet at a time when hard-working Americans need protection from unprecedented corporate abuses, too many federal judges side with big corporations. We need fair judges who will not engage in corporate favoritism.

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