

**EMERGENCY LATE FILED RESOLUTION 01-2020**

**TEXT OF RESOLUTION**

RESOLVED, that the Conference of Delegates of California Bar Associations shall send a letter to the Honorable Diane Feinstein, The Honorable Kamala Harris, and The Honorable Chuck Schumer to read as follows:

1           The Conference of California Bar Associations is a group of attorney volunteers from  
2 around the State that comes together to seek, debate, and promote creative, non-partisan  
3 changes to the law for the benefit of Californians. We come from rural areas and major cities.  
4 We include civil litigators, prosecutors, criminal defense attorneys, corporate lawyers, solo  
5 practitioners, big firm attorneys, and public interest lawyers. We strive to improve the laws to  
6 assure a sound judicial system for all.

7           We write to ask you to take action to assure that the United States Senate perform its  
8 constitutional duty with regard to the appointment of a Supreme Court Justice. The Senate has  
9 an established process for having any nominee thoroughly vetted by the Federal Bureau of  
10 Investigation and the American Bar Association before proceeding to Senate hearings.  
11 Ignoring these established procedures would violate due process, unduly politicize the  
12 appointment process, weaken the checks and balances established by the tripartite form of  
13 government that has sustained us for well over 200 years, and undermine faith in our judiciary  
14 and judicial system.

15           Our judicial system is under scrutiny at all levels. Public faith has been eroded for  
16 many reasons, including: bias in the conviction and sentencing of minorities, excessive costs,  
17 undue delays, underfunding, and lack of access. Judges are frequently viewed as biased and  
18 part of the power structure. Our judiciary must be truly independent, especially at the Supreme  
19 Court level, to assure public faith in the courts.

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(Proposed new language underlined; language to be deleted stricken)

**PROPONENT:** Margaret J. Grover, Jeffrey Hayden, Lilys McCoy, Jack Osborn, Kelly Borelli, Joel Douglas, Mark Flory, Victor Herrera, Andi Liebenbaum, James Mink, Marc Sallus, Ujvala Singh, Christina Weed

**STATEMENT OF REASONS:**

Existing Law: The United States Constitution, Article II, Section 2, grants the president the power to appoint justices of the Supreme Court, with the advice and consent of the Senate. The Constitution does not provide age, citizenship, or residency requirements to become a justice. A person can be appointed to the Supreme Court without having a law degree.

This Resolution: Urges the California Senators and the Senate Minority Leader to assure that the vetting process of any nominee for the United States Supreme Court, which has been followed for decades, be honored. This vetting process includes a formal background check by the Federal Bureau of Investigation, American Bar Association recommendations, review of tax records, and analysis of the nominee's qualifications.

The Problem:

Our judicial system is under scrutiny at all levels. Public faith has been eroded for many reasons, including: bias in the conviction and sentencing of minorities, excessive costs, undue delays, underfunding, and lack of access. Judges are frequently viewed as biased and part of the power structure.

Some Senators have announced that they will support any nominee to the Supreme Court put forward by the President, without knowing who that person is or whether she or he is qualified to serve on the highest court of the land. Rushing an appointment to the Supreme Court, without adequate vetting, will risk appointment of an individual who is less than well-qualified. More importantly, it will affirm the public's perception that the judicial branch is political and lacks independence.

**IMPACT STATEMENT**

This resolution does not affect any other law, statute or rule.

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