

Rep. Elsenheimer offered the following concurrent resolution:

House Concurrent Resolution No. 2.

A concurrent resolution to memorialize the United States Senate to begin confirmation hearings before the Senate Judiciary Committee on Michigan nominees to the United States Sixth Circuit Court of Appeals and to urge the full Senate to hold a vote on the nominees.

Whereas, The Sixth Circuit has been designated a “judicial emergency” by the Administrative Office of the United States Courts. This designation indicates that vacancies are placing additional burdens on judges who are already carrying full case loads and that the vacancies are a disservice to the American people; and

Whereas, All four of the President’s United States Court of Appeals judicial nominees from Michigan have waited more than two years for a vote, and three have yet to be reported out of the Senate Judiciary Committee. One of the Michigan vacancies has been open more than nine years; and

Whereas, The Sixth Circuit is severely understaffed, with four of its 16 seats vacant. It ranks dead last out of the 12 circuit courts in the time it takes to complete its cases. In 2003, the Sixth Circuit took, on average, 16.8 months to reach a final disposition of an appeal, while the national average was 10.5 months. This means the Sixth Circuit took 62.5% percent longer than the national average to reach final disposition of an appeal; and

Whereas, Decisions from the Sixth Circuit are slower in coming, and the effects on our people, our society, and our economy are far-reaching. Litigation increases as people strive to continue doing business when the lines of swift justice and clear precedent are being blurred; and

Whereas, The United States Senate is putting our system of justice in jeopardy in Michigan and the states of the Sixth Circuit Court of Appeals; and

Whereas, The United States Senate is allowing the continued, intentional obstruction of the judicial nominations of four fine Michigan jurists: Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin, all nominated by the President of the United States to serve on the United States Sixth Circuit Court of Appeals; and

Whereas, We join with the members of Michigan’s congressional delegation who wrote Senate Judiciary Committee Chairman Orrin Hatch on February 26, 2003, to express their concern that “if the President’s nominations are permitted to be held hostage, for reasons not personal to any nominee, then these judicial seats traditionally held by judges representing the citizens of Michigan may be filled with nominees from other states within the Sixth Circuit”; and

Whereas, Michigan’s former Governor, John Engler, has expressed his recent support for the President to seek nominations outside the state of Michigan if Michigan judicial nominees continue to be blocked from confirmation hearings and votes; now, therefore, be it

Resolved by the House (the Senate concurring), That we memorialize the United States Senate to begin confirmation hearings before the Senate Judiciary Committee on Michigan nominees to the United States Sixth Circuit Court of Appeals and urge the full Senate to hold a vote on the nominees. We urge Michigan's United States Senators to support hearings and votes on the nominees; and be it further

Resolved, That copies of this resolution be transmitted to Michigan's United States Senators and to the President of the United States Senate.