ABA Groups Lend Expertise for Federal Judiciary and Death Penalty Issues

What does the ABA do? Many GPSLD members are interested to learn about the work performed by other ABA entities. PASS IT ON asked the Standing Committee on Federal Judicial Improvements and the Death Penalty Representation Project to provide information on their missions, projects and achievements.

Standing Committee on Federal Judicial Improvements

The Standing Committee on Federal Judicial Improvements ("SCFJI") is the only ABA entity dedicated entirely to supporting the federal judicial system. SCFJI is an 11 member presidentially appointed committee consisting of federal judges, practicing attorneys and academics who provide an array of experience and viewpoints. SCFJI serves a vital role in developing policy for the association on issues relating to the federal judiciary and by closely monitoring congressional activity that affects the judicial branch. SCFJI also serves as a liaison between the association and the federal judiciary, as well as other governmental and nongovernmental entities involved in judicial reform. SCFJI is uniquely positioned to serve as a staunch advocate for the federal judiciary and the rights of litigants in federal court.

The U.S. Judicial Conference’s Committees on Bankruptcy and Civil Rules published proposed amendments to the Federal Rules of Civil Procedure and Federal Rules of Bankruptcy Procedure this past August and are accepting comments until mid-February, 2014. An SCFJI subcommittee is examining the proposed amendments from the perspective of whether and how they affect access to federal courts for all litigants.

Another project is SCFJI’s Media Alerts on Federal Courts of Appeals ("Media Alerts"), created to increase the coverage of the Federal Courts of Appeals after receiving feedback from many federal court news reporters that, though they had access to a wealth of information about United States Supreme Court cases, they were at a disadvantage with respect to key decisions of the Federal Courts of Appeals. Thus, Media Alerts serves members of the media, as well as the general public and the legal profession, by providing timely and unbiased summaries of federal appellate cases.

SCFJI launched the Media Alerts website as a pilot project in November of 2009 with three pilot circuits, partnering with law professors and teams of students at law schools in those jurisdictions. After the successful pilot launch, SCFJI expanded the reach of the program. Today, every circuit has been assigned a law school team to monitor and report cases. Professors and their Media Alerts teams monitor their circuit’s decisions for noteworthy cases, write comprehensive summaries of important opinions, and post them to the Media Alerts website. Once a case is posted, subscribers receive the corresponding email alert. SCFJI continually monitors the law school teams’ output and works with the schools to ensure quality standards. Anyone interested in subscribing to these alerts may do so at www.americanbar.org/scfji. There is no cost to subscribe.

At the 2013 Annual Meeting, SCFJI proposed a resolution calling for legislation authorizing additional permanent and temporary federal judgeships. The resolution urged the president to advance nominees for current vacancies for federal judicial
positions “promptly” and the Senate to hear and vote on the nominations “expeditiously.” The resolution was adopted by the House of Delegates unanimously. Congress has not passed comprehensive legislation authorizing additional judgeships since 1990. Since that time, federal district courts have experienced a 38 percent growth in caseloads but have seen only a four percent increase in judgeships.

SCFJI is most effective when collaborating with governmental and nongovernmental entities interested in the well-being of the federal courts. For example, recently SCFJI worked with the United States Judicial Conference and the Administrative Office of the United States Courts to address a number of issues including judicial pay, judicial conduct, and opposition to the proposed imposition of an Inspector General for the federal judiciary. In a joint letter sent to ABA leadership in May 2013, Judge Robert A. Katzmann, Chair of the Judicial Conference’s Committee on the Judicial Branch, and Judge Thomas F. Hogan, then Director of the Administrative Office of the United States Courts, had this to say: “SCFJI often fills a critical void on major issues. There are times when the SCFJI can speak on behalf of the federal judiciary and the federal system of justice when the courts themselves cannot, either due to propriety or perception. The value of this is incalculable.”

To learn more about the Standing Committee’s work, visit www.americanbar.org/groups/justice_center/federal_judicial_improvements.html.

**Death Penalty Representation Project**

There is no single factor affecting the fairness of the death penalty more than the competence and effectiveness of defense counsel. But indigent capital defendants and death-sentenced prisoners often have great difficulty securing the assistance of good lawyers. The majority of death penalty states fail to invest the necessary resources in the capital defense function to ensure that lawyers are properly qualified, trained, and effective. Too often, capital defendants are appointed lawyers who are inexperienced, overwhelmed, without the necessary funding or expertise, or simply negligent. Tragically, it is the clients who suffer the consequences of their lawyers’ mistakes. Some death-sentenced persons have been executed without ever having a competent lawyer as their advocate. Prisoners with mental illness or intellectual disabilities are especially vulnerable. Because the United States Supreme Court has refused to find a federal constitutional right to counsel in post-conviction proceedings, hundreds of death-sentenced men and women are also without lawyers for their appeals.

Since 1986, the Representation Project’s singular focus is to improve the quality and availability of defense counsel for all persons facing possible death sentences at every stage of the process.