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January 10, 2014

Confirm Judge Robert L. Wilkins to the D.C. Circuit

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, we urge you to vote “yes” on the confirmation of Judge Robert L. Wilkins to the U.S. Court of Appeals for the District of Columbia. Judge Wilkins will bring a impartiality and a wealth of experience to the court. Given his steadfast commitment to enforcing the rule of law and protecting the roles of the courts, Congress, the executive branch, and the states, Judge Wilkins will be an objective, thoughtful, and impartial voice on the court.

There is no question that Judge Wilkins is eminently qualified and will be a highly respected addition to the D.C. Circuit, as evidenced by the “Unanimously Well Qualified” rating he received from the American Bar Association. On May 20, 2010, he was nominated by President Obama to the U.S. District Court for the District of Columbia and, on December 22, 2010, was confirmed unanimously. Since his confirmation to the district court, he has earned a reputation as a conscientious and fair-minded jurist who dutifully follows the law. If confirmed to the D.C. Circuit, Judge Wilkins would be the first judge on the U.S. District Court for the District of Columbia to be elevated to the D.C. Circuit Court in nearly 50 years. It is clear that, from day one, Judge Wilkins will be prepared to handle the array of legal issues that the court addresses.

Judge Wilkins spent a good portion of his legal career working to protect the rights of individuals in marginalized communities. He earned his Juris Doctorate from Harvard Law School, where he served as the Executive Editor of the *Harvard Civil Rights-Civil Liberties Law Review*. After graduation, he clerked for the Honorable Earl B. Gilliam on the U.S. District Court for the Southern District of California. He then spent over a decade at the Public Defender Service (PDS) for the District of Columbia – one of the most prestigious public defenders offices in the nation – first as a staff attorney and later as Special Litigation Chief. He handled cases ranging from uncovering the appalling conditions in the D.C. Receiving Home for Children, to exposing the violation of various consent decree provisions regarding overcrowding and inadequate medical care, housing conditions, food, and education at Oak Hill Youth Center. During his time at PDS, he also served on the D.C. Truth-in-Sentencing Commission and the D.C. Advisory Commission on Sentencing, which laid the groundwork for the D.C. Sentencing Guidelines adopted in 2004. He became a partner at Venable LLP in 2002, where he specialized in white-collar defense, intellectual property, and complex civil litigation, and led the litigation team representing the post-bankruptcy management of Enron in a major Wall Street case.

Moreover, Judge Wilkins is an active and distinguished community leader. Prior to joining Venable, Judge Wilkins left his work at PDS to volunteer full-time to help establish and create the National Museum of African American History and Culture. With a bipartisan group of U.S. Senators, Judge Wilkins drafted a bill to establish a blue ribbon, bipartisan



Presidential Commission to write a plan for creating the museum, which passed the House by voice vote and the Senate by unanimous consent, and was signed into law by President George H. Bush in 2001. In 2002, the Senate appointed Judge Wilkins to the Presidential Commission, which unanimously endorsed a plan that led to a bill that passed the House by a vote of 409-9 and unanimously in the Senate in 2003. Additionally, Judge Wilkins has been celebrated as a prominent figure in the legal community for his deep passion and commitment to upholding the civil rights and liberties of all Americans. He has received numerous accolades, including being recognized by the Washingtonian Magazine as one of “Washington’s Top Lawyers” in 2007, and by the Legal Times in 2008 as one of the “90 Greatest Washington Lawyers of the Last 30 Years.”

The Leadership Conference believes Judge Wilkins’ record makes him an enormously qualified nominee with the ability to make objective decisions on the multifaceted and prominent cases that will surely come before the court. His nomination to the D.C. Circuit is not only important because of his impeccable credentials, but equally critical because of the role this court plays in the administration of justice in our country. The D.C. Circuit is responsible for deciding uniquely complex and nationally significant cases, with exclusive responsibility for hearing cases on environmental regulations, national security issues, and voting rights. It is also the court that most closely oversees federal agency action on such issues as health care, consumer protection, workers’ rights, and workplace safety. Yet the D.C. Circuit is operating with nearly one third of its congressionally mandated seats vacant. According to the Administrative Office of the U.S. Courts, “the caseload per active judge on the D.C. Circuit has risen more than 50 percent since 2005” and now stands at 185 cases per judge. Even if the inexplicably deemed “unneeded” final three seats were filled today, each active judge would have a higher caseload than when the Senate considered the confirmation of Thomas Griffith to the eleventh seat in 2005, when the case load was just 119 cases per active judge. Failing to fill all the seats on the D.C. Circuit not only threatens justice, it also creates unmanageable caseloads that unnecessarily clog the system.

For these reasons, we urge you to vote “yes” to confirm Judge Robert L. Wilkins to the D.C. Circuit. Thank you for your time and consideration. If you have any questions, please feel free to contact Nancy Zirkin, Executive Vice President, at Zirkin@civilrights.org or (202) 466-2880, or Sakira Cook, Senior Policy Associate, at cook@civilrights.org or (202) 263-2894.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President