

March 15, 2016

Hon. Mitch McConnell  
Majority Leader  
Russell Senate Office Building  
SR-317  
Washington, DC 20510-1702

Hon. Harry Reid  
Minority Leader  
Hart Senate Office Building  
SH-522  
Washington, DC 20510-2803

Dear Majority Leader McConnell and Minority Leader Reid:

We, the undersigned, are members of the Supreme Court Bar who practice before the Supreme Court. We work in various settings, including private law firms, state governments, and law schools, and we practice in a variety of areas, including business, civil rights, criminal law, constitutional law, energy, environmental law, and employment law. While our practices and backgrounds may differ, one thing we all have in common is the belief that a fully functioning Supreme Court is critical to the rule of law and an effective federal judiciary.

As Supreme Court practitioners, we know that it is crucial for the Supreme Court to have a full complement of nine Justices, so that it can perform its important function of establishing a uniform rule of law for the entire country. As we well know from practicing before the Court, one of the primary reasons the Supreme Court hears cases is to resolve disputes of law among the lower courts. If the Justices split 4-4 in these cases, the Court cannot resolve these conflicts because it will be unable to establish a precedential decision binding the entire country. As a result, the law will be different in different parts of the country. These splits can arise in countless areas of law, and it would undermine the rule of law for the Supreme Court to be unable to address them.

We believe it is imperative that the President expeditiously name a nominee, and that the Senate expeditiously consider and vote on that nominee. Otherwise, the Supreme Court could be without a full complement of Justices for a significant period of time, perhaps as much as the majority of two Terms if the vacancy were left open until after the presidential election and thus into 2017. If that were the case, approximately 120 cases spanning two Terms would be decided by an eight-member Court. It would be harmful to our Nation for so many cases to be heard by only eight Justices, inviting split decisions that do not resolve important legal questions and, even worse, potentially leaving unresolved conflicts among the lower courts.

Again, we practice in different settings and in different areas of the law. We have different ideologies and no doubt would have many different views on any given case. But we are united in the belief that a fully functioning Supreme Court is of vital importance to the country.

Sincerely,

Jessica Ring Amunson  
Jenner & Block LLP

Tillman J. Breckenridge  
Bailey & Glasser LLP

Mark S. Davies  
Orrick, Herrington & Sutcliffe LLP

Roy T. Englert, Jr.  
Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP

Steven H. Goldblatt  
Georgetown University Law Center

Roberta A. Kaplan  
Paul, Weiss, Rifkind, Wharton & Garrison LLP

Katharine M. Mapes  
Spiegel & McDiarmid LLP

Anna-Rose Mathieson  
California Appellate Law Group LLP

Andrew J. Pincus  
Mayer Brown LLP

Noah G. Purcell  
Washington State Attorney General's Office

E. Joshua Rosenkranz  
Orrick, Herrington & Sutcliffe LLP

Thomas G. Saunders  
Wilmer Cutler Pickering Hale & Dorr LLP

Eric Schnapper  
University of Washington School of Law

Clifford M. Sloan  
Skadden, Arps, Slate, Meagher & Flom LLP

Paul M. Smith  
Jenner & Block LLP

Laurence H. Tribe  
Harvard Law School

\*Affiliations are listed for purposes of identification only