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Arizona Sens. John McCain and Jeff Flake want to break up the 9th U.S. Circuit Court of Appeals, which includes Nevada

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Efforts to split the 9th U.S. Circuit Court of Appeals, which includes Nevada, have materialized from time to time for more than two decades. In 2004, the U.S. House voted narrowly to move ahead with such a proposal. But a companion bill introduced in the upper chamber by then-Sen. John Ensign, a Nevada Republican, sputtered and went nowhere.

Now, two Republican senators from Arizona, John McCain and Jeff Flake, have taken up the cause.

Not surprisingly, politics clouds the issue. The 9th Circuit, based primarily in California, is known for its left-leaning judges and many Democrats suspect that efforts to divide the federal panel derive from partisan motivations. It would be naive to deny the point.

But despite the inherent politics, a legitimate case exists that deconsolidation could improve the administration of justice.

The 9th Circuit is by far the largest of the 13 federal appellate courts, covering nine Western states and two Pacific island territories. It has 29 active judges and 20 senior jurists — far more than any other court. It was created by Congress in 1891 when just 3 percent of Americans lived in the western United States.

The court's makeup is an anachronism that fails to reflect the country's current demographics.

"It's so big the three-judge panels cannot keep track of what they're all doing," Vanderbilt Law School professor Brian Fitzpatrick told the Review-Journal's Debra Saunders. "You've got a panel over here that says one thing and a panel over there that says the opposite thing."

Walter Olsen of the Cato Institute points out that the court's sheer size prevents it from handling cases "en banc" — meaning "full bench." It sits only 11 of its 29 judges for such hearings.

In addition, Sen. Flake notes that the average wait time for a decision at the 9th Circuit is 15 months, which he argues is a burden for those with issues before the court.

The McCain-Flake proposal would spin off a 12th Circuit to include Arizona, Nevada, Idaho, Montana, Washington and Alaska. The remaining 9th Circuit would consist of California, Oregon, Hawaii, Guam and the Northern Mariana Islands.

It's true that the proposal would not increase the number of judges; it would simply disperse 10 of the 9th Circuit's judges to the new court. But the smaller population of the new district would generate fewer cases, thus potentially pushing them through the system at a quicker pace.

With Republicans controlling both houses of Congress and the White House, chances seem better than ever for reform. The fact that many of the court's judges fall to the left is no more reason for Democrats to resist a breakup than it is to for the GOP to advocate for one.

Instead, the foremost concern for those debating a split of the 9th Circuit should be speeding up the pace of justice and improving efficiencies for the residents of the states involved.

From that perspective, the McCain-Flake plan makes sense for Nevada.