



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

December 3, 2021

Dear Senator:

The undersigned members and allies of the Consortium for Citizens with Disabilities (CCD) Rights Task Force write to highlight a glaring gap in the judicial nominations that have been made for the federal bench: the absence of any individuals with disabilities. CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

There have been ten slates of judicial nominees during the present Administration, reflecting the diversity of our population in many respects. As White House releases have emphasized, there have been many nominations of individuals who would be “firsts” on particular courts—nominees of color, women, nominees representing a variety of national origins, openly LGBT individuals, and nominees who are public defenders and civil rights lawyers. Representation on the bench matters.

To date, however, there has not been a single nominee identified as a person with a disability. As people with disabilities constitute at least one fifth of our national population, this is a striking omission. Further, only a handful of judges currently sitting on the federal bench identify as disabled. The complete absence of people with disabilities among the judicial nominees in 2021 reflects many missed opportunities to address the lack of representation of a large segment of the population. We urge you to address that problem.

The absence of the perspectives of disabled people on the bench has real consequences. Federal courts decide issues of enormous magnitude for the lives of people with disabilities. For example, federal judicial decisions may determine whether people with disabilities can live, work, and receive services in their own homes and communities rather than in institutions. They may determine whether people with disabilities can receive needed subsistence benefits. Federal judges frequently decide discrimination cases that turn on their views about how capable people with disabilities are, or the value of disabled lives. Federal judges have been called upon to decide whether decisions about how to allocate scarce medical resources appropriately deprived people with disabilities of life-sustaining treatment—decisions that may become relevant again as the COVID-19 pandemic continues. The near-total absence of disabled judges on the bench

means that these decisions are typically made with little understanding of the experience of disability.

There is an urgent need for more federal judges whose life and work experiences afford perspectives on disability that are currently missing—primarily judges who live with disabilities, but also judges with experience as disability rights lawyers.

While the President nominates judges to the federal bench, Senators play a critical “advise and consent” role. High caliber candidates with disabilities and/or with disability rights backgrounds have applied for consideration to be recommended for a federal judicial nomination, and many have been interviewed by Senators’ selection committees and/or Senators’ offices. Yet none of those names have been sent to the White House.

Senators must act to address this systemic exclusion of people with disabilities from the federal bench. In December of 2020, then-incoming White House Counsel Dana Remus asked Senators to “propose talented individuals who would bring to these critically important roles a wide range of life and professional experiences, including those based on their race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, veteran status, **and disability.**” Nearly one year later, this last category has been ignored.

It is unconscionable that such a large segment of the population, with tremendously significant interests at stake in federal court litigation, is so underrepresented on the federal bench. We strongly urge you to recommend qualified individuals with disabilities for nomination to the federal bench.

Sincerely,

The Advocacy Group

Aiello Law, L.L.C.

Allebest Law Group, P.L.L.C.

American Council of the Blind

American Foundation for the Blind

The Arc of the United States

Association of Late Deafened Adults

Association of People Supporting Employment First (APSE)

Association of University Centers on Disabilities

Autistic Self Advocacy Network

Barbosa Group

Bazelon Center for Mental Health Law

Belkowitz Law, P.L.L.C.

Brown, Goldstein & Levy

Cardozo Bet Tzedek Legal Services

Center for HIV Law and Policy

Coelho Center for Disability Law, Policy and Innovation

CommunicationFIRST

Community Legal Aid Society, Inc. (DE)

Connecticut Legal Rights Project

Deaf and Hard of Hearing Bar Association

Derby, McGuinness & Goldsmith, LLP

Disability and Aging Justice Clinic at the City University of New York School of Law

Disability Law and Policy Program, Syracuse University, College of Law

Disability Law Center of Alaska

Disability Law Center (Massachusetts)

Disability Law Colorado

Disability Lead

Disability Rights Advocates

Disability Rights Arkansas

Disability Rights California

Disability Rights Center of the Virgin Islands

Disability Rights Education and Defense Fund

Disability Rights Florida

Disability Rights Iowa

Disability Rights Maryland

Disability Rights Michigan

Disability Rights Nebraska

Disability Rights New Jersey

Disability Rights New Mexico

Disability Rights New York

Disability Rights North Carolina

Disability Rights Oregon

Disability Rights Pennsylvania

Disability Rights South Carolina

Disability Rights South Dakota

Disability Rights Tennessee

Disability Rights Texas

Disability Rights Vermont

Disability Rights Washington

Disability Rights of West Virginia

Disability Rights Wisconsin

Equip for Equality (IL)

Fox & Robertson

Georgia Advocacy Office

Good Law Clinic

Hearing Loss Legal Fund

Honorable Tony Coelho

J. Courtney Cunningham, P.L.L.C.

Jo Anne Simon, P.C.

Kane Education Law, L.L.C.

Kentucky Protection & Advocacy Division

Kontnik | Cohen, L.L.C.

Law Office of Aaron J. Fischer

Law Office of Ellen Saideman

Law Office of John F. Waldo

Law Office of Kimberley Spire-Oh, PA

Law Office of Lainey Feingold

Law Office of Michelle Uzeta

The Law Office of Rachel K. Robinson, L.L.C.

Law Office of Robin Miller

Legal Action Center

Legal Aid at Work

Liberty Resources, Inc. (PA)

Manning Law, APC

Mental Health Legal Advisors Committee

Mid-Minnesota Legal Aid/Minnesota Disability Law Center

Murray & Murray CO., L.P.A.

National Association of the Deaf

National Association of Councils on Developmental Disabilities

National Association for Rights Protection and Advocacy

National Council on Independent Living

National Disability Rights Network (NDRN)

National Down Syndrome Society

New York Association for Psychiatric Rehabilitation Services

North Dakota Protection & Advocacy Project

Oklahoma Disability Law Center

Rosen Bien Galvan and Grunfeld, L.L.P.

Stein & Vargas, L.L.P.

The Tanya Project: A Medical-Legal Partnership for Women with Cancer

Tzedek D.C.

United Cerebral Palsy

United Spinal Association

cc: Paige Herwig, White House Counsel's Office