



Fix the Court

201 W. Lake St., Ste. 153

Chicago, IL, 60606

Hon. James C. Duff

Administrative Office of the United States Courts

One Columbus Circle, NE

Washington, DC, 20544

November 18, 2015

Dear Director Duff:

My name is Gabe Roth, and I am executive director of Fix the Court, a national nonprofit organization that advocates for a more open and accountable U.S. Supreme Court.

One of the reforms we advocate for is the end of life tenure at the high court, as we believe an individual staying in such a powerful position for 30 or 35 years – as has become the norm – is more feudal than democratic by nature and a far cry from what our Founders intended.

If and when term limits will be instituted at the Supreme Court is unknown, and there's much work to be done on this front. In the meantime, I would encourage you in your role as secretary of the Judicial Conference and director of the Administrative Office to examine possible solutions to combat the negative effects that stem from federal judges serving longer than ever before – and at the very time both caseloads and vacancies are on the rise.

More specifically, I am interested in whether the **Judicial Wellness Committee (JWC) model** – created last decade in the Ninth Circuit Court of Appeals – could be instituted across the entire federal judiciary. In order to ensure judges remain sharp as they age, the JWC encourages jurists to undergo mental health assessments and hosts neurological experts to speak about the warning signs of cognitive impairment. The committee asks that judges empower their friends, family or colleagues to step in if they believe there's reason to be concerned about a judge's mental health. And the Ninth Circuit has a hotline, called the Private Assistance Line Service, where, according to a recent news report, "court staff and judges can get advice about dealing with signs of senility in colleagues."

As you know, there are numerous instances throughout the history of the U.S. Supreme Court where a justice has been rumored to be affected by a cognitive impairment *before* he has made the decision to step down. There are further stories of the other eight justices covering for him during that time. This is far from an ideal situation and one that should not repeat itself at any level of the federal judiciary.

While our democracy demands that our leading jurists have the legal knowledge and experience that would make age an asset, there comes a point where age is no longer an asset and cognitive decline becomes a serious issue. While we know of no sitting

judge who is so weakened, the potential for such a judge to be the deciding vote on a case of national import is very real – and quite preventable.

“If we wish to retain the goodwill and confidence of the public in our ability to render justice,” the head of the Ninth Circuit’s wellness committee recently told the press, “we have to take steps” to ensure our judges are unimpaired.

As such, I hope you consider creating a national Judicial Wellness Committee, either as a standalone committee or as part of the Conference’s Committee on Judicial Conduct and Disability, to study ways in which the judiciary can mitigate the potential for cognitive impairment among its members. I look forward to hearing back from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gabe Roth', written in a cursive style.

Gabe Roth

Executive director, Fix the Court

CC: Jill Sayenga, Deputy Director of the Administrative Office of the U.S. Courts

Judge Anthony J. Scirica, chairman, Judicial Conference Committee on Judicial Conduct and Disability