

PRESIDENT OBAMA NOMINATES MERRICK GARLAND FOR SUPREME COURT VACANCY

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On March 16, 2016, President Obama announced his nomination of Merrick Garland, Chief Judge of the District of Columbia Court of Appeals, to replace the late Justice Scalia on the U.S. Supreme Court. Chief Judge Garland's nomination is the third nomination President Obama has advanced since taking office in 2009. He has previously nominated Justice Sonia Sotomayor and Justice Elena Kagan, both of whom were confirmed and are presently sitting justices.

The announcement came amidst political posturing on both sides of the aisle and has been made a key issue in the ongoing Presidential campaign. Senate Republicans have maintained that they will refuse to hold any confirmation hearings before the Judiciary Committee or advance any candidate President Obama nominates to a floor vote. In his nominating speech, the President noted that Chief Judge Garland has received support from Republicans in the past and urged them to consider his nomination.

Chief Judge Garland is viewed as a "centrist" judge and as a candidate whose nomination may appeal to both Republicans and Democrats. His judgment has been praised by Chief Justice John Roberts, who once stated that "anytime Judge Garland disagrees, you know you're in a difficult area." He was nominated as a federal appeals judge by President Clinton in 1995 and again in 1997; both times, his nomination was stalled by Senators who claimed that the court had enough judges. Chief Judge Garland was confirmed as a federal appeals judge in 1997 by a vote of 76 to 23.

Chief Judge Garland's nomination has been praised by certain unions, and his record in deciding employment law cases, while moderate, contains precedent that is negative for employers as well as some precedent that is positive. Political commentators expect that Chief Judge Garland, if confirmed, would generally vote with the Justices viewed as more liberal; however, he is still viewed as a consensus candidate and a more moderate judge than others the President could have selected.

The legal community is watching the nomination and confirmation process with interest, and we will report any further developments as they occur.