

Senators form panels to vet judicial nominees



Last year, Judge Jennifer Togliatti was nominated by former President Donald Trump to one two vacant Nevada judicial seats. Despite a committee hearing and recommendation by the Senate Judiciary Committee, the Senate never voted to confirm her nomination. (Review-Journal file photo)

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WASHINGTON — Nevada senators have selected members of a commission that will vet candidates for nomination to two open judicial seats that have been vacant for so long that they have been declared judicial emergencies.

Sen. Catherine Cortez Masto and Sen. Jacky Rosen announced the members of the commission, made up of panels in the northern and southern parts of the state, to review candidates seeking a presidential appointment to lifetime appointments to the U.S. District Court bench.

Two of Nevada's seven judicial seats are vacant, one since 2016 and the other since 2018. The Administrative Office of the U.S. Courts declared them judicial emergencies because they have gone unfilled for so long.

Last year, Judge Jennifer Togliatti was nominated by former President Donald Trump to one of the seats. Despite a committee hearing and recommendation by the Senate Judiciary Committee, the Senate never voted to confirm her nomination.

Togliatti had the support of Cortez Masto and Rosen. This month, Cortez Masto told the Review-Journal that Togliatti is interested in being renominated, "so we'll be putting her name forward."

Another Nevada appointee who was never confirmed is Anne Traum, a UNLV law professor tapped by former President Barack Obama to fill a vacancy in 2016 but blocked by then-Sen. Dean Heller, R-

Nev., and Senate Minority Leader Mitch McConnell.

McConnell halted judicial confirmations after the death of U.S. Supreme Court Justice Antonin Scalia in 2016, which blocked Obama appointee Merrick Garland from a Senate hearing and a vote to fill the vacancy.

It also created a backlog of vacant federal judgeships later filled by Trump appointees, who were selected in part by the conservative Federalist Society. There are 72 judicial vacancies nationally. Of those, 38 are considered judicial emergencies.

President Joe Biden is expected to start nominating judges as early as next week, and Cortez Masto and Rosen are seeking applications from Nevada candidates for their new commission to vet.

Several candidates for the two seats are expected to be sent to the White House for further review, and finalists will be nominated by the president for Senate confirmation.

Recommendations by the Nevada senators of Togliatti and Traum could expedite the process and lead to quick confirmation because both have been previously vetted, said Carl Tobias with the University of Richmond School of Law and a former founding faculty member of UNLV's Boyd Law School.

The Nevada vacancies occurred when Judge James Mahan took senior status in 2018 and Judge Robert Clive Jones took senior status in 2016 from his seat in Reno.

The judicial commission finalized by the senators has seven members on each panel.

Notables serving on the commission include W. West Allen, a partner at Howard & Howard and national president of the Federal Bar Association; Daniel Hamilton, dean of Boyd Law School; and Bill

Maupin, a retired chief justice of the Nevada Supreme Court.

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