

2006 SESSION

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HOUSE JOINT RESOLUTION NO. 28

Offered January 11, 2006

Prefiled December 29, 2005

Memorializing the Congress of the United States to propose an amendment to the United States Constitution to set terms of service for federal circuit and district court judges.

Patron—Lingamfelter

Referred to Committee on Rules

WHEREAS, Section 1 of Article III of the United States Constitution provides that judges of the supreme and inferior courts hold office "during good behavior"; and

WHEREAS, lifetime tenure may be appropriate for the Supreme Court and its justices who face careful examination at the time of their appointment and who are charged with the ultimate determination of constitutional issues; and

WHEREAS, a term of service, rather than lifetime tenure, is more appropriate for the judges of the circuit and district courts because such judges may be appointed at younger ages, face less intense scrutiny in the confirmation process, and serve on the frontier of federal judicial decision making; and

WHEREAS, the experience of Virginia and many other states demonstrates that a term of service accompanied by periodic review and reappointment procedures serves to protect the judiciary and the people from the consequences of unfettered power and unlimited tenure; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to propose an amendment to the United States Constitution to set terms of service for federal circuit and district court judges. The proposed amendment should set an eight-year term of service, require reappointment for successive terms, and be submitted to the several states for ratification; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

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