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Posted at 06:22 PM ET, 01/26/2012

## Democrats win Va. judicial standoff

By [Laura Vozzella](#)

Democrats in the Virginia Senate won a standoff over judicial appointments Thursday, forcing Republicans to cave in on two nominees to the bench.

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It was the first demonstration that Democrats, outnumbered this [General Assembly session](#) by historic margins in the House and out of power in the evenly split Senate, still have some sway in Richmond.



State Sen. Ryan McDougle (R-Hanover) announces the Senate's agreement to a resolution on judges Thursday. (Steve Helber - AP)

"They blinked," said Sen. John S. Edwards (D-Roanoke) after the House and Senate voted to reappoint dozens of sitting judges in joint resolutions that no longer included the names of the two disputed nominees.

Ryan T. McDougle (R-Hanover), chairman of his caucus, said Democrats did not come out of the dispute looking like winners — even though they did get their way.

"I am disappointed that they decided to play politics with judges that they felt were qualified," McDougle said. "Regardless of what party you're elected under, we have a responsibility and an obligation to do things that are

right."

The battle over the judges began Tuesday, [leaving the chamber at a standstill](#) for hours that day because of procedural rules that prevented senators from conducting other business until it had acted on a joint resolution from the House.

Democrats said they supported the reappointment of 47 incumbent judges from around the state to new terms. But they said they opposed including the appointment of two new judges in a resolution primarily meant to reappoint sitting judges. They wanted the two to be considered with other new nominees later in the session.

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The two nominees at the center of the dispute had recently served as delegates: [C.L. "Clay" Athey Jr.](#), a Republican from Warren, and former delegate [Clarence E. "Bud" Phillips](#), a Democrat from Dickenson. Democrats said they did not question the nominees' qualifications, but objected to the appearance that their former General Assembly colleagues were getting fast-tracked to the bench.

Republicans accused Democrats of simply being obstructionists to avenge the [GOP takeover of the Senate](#) this month. "Political extortion" is how Senate Majority Leader Thomas K. Norment (R-James City) described it Tuesday.

November's elections left the Senate evenly split, with 20 Republicans and 20 Democrats. Republicans were able to take control with help from Lt. Gov. Bill Bolling's tie-breaking votes. Democrats, who'd claimed that Bolling lacked authority to vote on crucial committee assignments, had sought a power-sharing agreement.

Bolling has acknowledged that he cannot vote on some matters, including the budget, taxation, constitutional amendments and judicial appointments. The vote on judicial nominees gave the Democrats their first opportunity to show that they still had some say in what goes on in the Senate.

"They need to recognize that we have 20 votes and we intend to use the fact that we have 20 votes," Edwards said.

The two sides found a temporary way out of the impasse Tuesday, with the House voting to postpone action on the resolution until Thursday.

On Thursday, a series of new joint resolutions to reappoint only sitting judges easily passed both the House and Senate.

The House then passed a resolution creating judicial slots for Athey and Phillips. On a straight party-line vote, Senate Democrats blocked that from even coming to the floor. The resolution concerning Athey and Phillips was not subject to a continuing order this time, meaning that the Senate was free to conduct other business after rejecting it.

Their names are expected to come up again later in the session for a vote with other non-sitting nominees.

By [Laura Vozzella](#) | 06:22 PM ET, 01/26/2012

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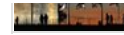
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