



Federal Bar Association

April 9, 2019

MEMORANDUM

TO: Federal Bar Association

FROM: Rachel Rose, Chair, Government Relations Committee
Bruce Moyer, Counsel for Government Relations

SUBJ: Update on Government Relations and Public Policy Developments

Draft Policy 1-15: Advocacy of Public Policy Positions by FBA Entities. The Board of Directors on March 20, 2019 approved “Policy 1-15: Advocacy of Public Policy Positions by FBA Entities.” The policy consolidates and clarifies FBA constitutional and bylaws provisions regarding the advocacy of public policy positions by FBA chapters, sections and divisions. The policy may be found on the FBA website [here](#).

Capitol Hill Day. Capitol Hill Day on March 21, 2019 was a great success in the promotion of FBA’s advocacy agenda and its respect on Capitol Hill. Despite a windy and rainy day, seventy-four FBA registrants – an FBA record – enthusiastically participated in more than 200 meetings with Congressional offices in the nonpartisan promotion of FBA’s policy priorities. They were well-received across the Hill. Thanks to all who participated in this annual FBA advocacy event.

During Capitol Hill Day, FBA advocates educated House and Senate lawmaker offices about:

- The Federal judiciary’s FY 2020 funding request
- The need for prompt action by the President and the Senate in filling high numbers of judicial vacancies, especially in the district courts
- The urgency of additional judgeships in high-caseload districts and circuits
- The establishment of a specialty Article I immigration court, and
- Technical amendments to the FBA Foundation’s Congressional charter

More information about these policy priorities, along with Capitol Hill Day photos and background materials, may be found [here](#). Don’t miss the [video](#) produced by Capitol Hill Day participant Jason Blanchard about his experience.

Federal Judicial Vacancies and Confirmations (as of April 9, 2019)

Current Vacancies

	Vacancies	Nominees Pending
Supreme Court	0	0
Courts of Appeal	8	5
District Courts	129	57
US Ct of International Trade	4	2
US Ct of Federal Claims	<u>11</u>	<u>4</u>
Total	152	68

Senate Confirmations of Trump Nominees in the 116th Congress

	Confirmations
Supreme Court	0
Courts of Appeal	8
District Courts	0
US Ct of International Trade	0
US Ct of Federal Claims	<u>0</u>
Total	8

High numbers of district court vacancies are likely to decline over the coming months because of a historic change in the interpretation of the Senate's rules adopted on April 3 on a largely 51-48 party-line vote. Senate Resolution 50, introduced by Sen. James Lankford (R-OK) and Sen. Roy Blunt (R-MO), reduces post-cloture debate time for nominees to the federal district courts, the Court of Federal Claims and certain sub-Cabinet executive nominees to two hours, rather than 30 hours under the prior practice. Senate Majority Leader Mitch McConnell (R-KY) sought the new interpretation of Senate Rule 22 to curtail prolonged debate on non-controversial nominees that has slowed the pace of confirmations and other Senate business. The Senate's action will accelerate the path of hundreds of Trump judicial and executive branch nominees whose last step in Senate confirmation has been held adrift due to increased partisanship and delay.