



# Federal Bar Association

## Federal Bar Association -- 2017 Public Policy Priorities

### **Our Federal Courts Need Adequate Funding**

The Federal Bar Association supports the Federal Judiciary's FY 2017 budget request and urges Congress to finalize an omnibus appropriations package that includes sufficient funding to permit the Judiciary to fulfill its Constitutional and statutory responsibilities.

The FBA also supports the Judiciary's FY 2018 budget request of \$ 7.2 billion in discretionary appropriations, reflecting an increase of 3.9 percent over the assumed FY 2017 level.

Funding for the Federal Judiciary, a coordinate branch of our Federal government, represents two-tenth of one penny of a taxpayer's dollar.

### **Judicial Vacancies and the Need for Prompt Action in Filling Them**

There are historically high levels of vacancies on the Federal appellate and district court bench that require prompt attention by the President and the Senate.

As of April 17, 2017, there were 20 appeals court and 99 district court vacancies. High numbers of vacancies on the Federal bench harm the delivery of justice, the economic interests of litigants before the courts, and public respect for the efficiency of our judicial system.

The Federal Bar Association calls upon the President and Congress to act promptly and responsibly in nominating and confirming nominees to the Federal appellate and district courts. The President and the Senate have a Constitutional obligation to assure that the Federal courts are staffed with sufficient numbers of judges to promptly administer justice.

The Federal Bar Association also invites home-state Senators to call upon FBA chapters in their states to assist in appropriate ways to identify well-qualified candidates to the federal bench.

### **The Urgent Need to Reauthorize Temporary Bankruptcy Judgeships**

The Federal Bar Association urges Congress to authorize, before May 25, 2017, the conversion of 14 temporary bankruptcy judgeships to permanent status and the establishment of 4 permanent bankruptcy judgeships, pursuant to the recommendation of the Judicial Conference of the United States.

The 14 temporary judgeships are located in the following districts: District of Delaware (5); Southern District of Florida (2); District of Puerto Rico (2); District of Maryland (1); Eastern District of Michigan (1); District of Nevada (1); Eastern District of North Carolina (1); and Eastern District of Virginia (1).

The Judicial Conference's request is urgent and time-sensitive. The original Congressional authorization for these 14 judgeships will lapse on May 25, 2017, and unless Congress reauthorizes them by that date, any additional bankruptcy judgeship vacancy occurring in any of these eight districts after May 25 cannot be filled by law, regardless how the vacancy arose (whether by death, resignation or retirement).

The four recommended permanent bankruptcy judgeships are in the District of Delaware (2) and in the Middle District of Florida (1) and the Eastern District of Michigan (1).

### **Congress Should Establish Additional Judgeships**

Inadequate numbers of judgeships have created difficulties for some Federal courts, especially courts struggling with extraordinarily high and sustained workloads. The Federal Bar Association supports the establishment of additional district court and appeals court judgeships in conformance with the Article III judgeship recommendations of the Judicial Conference of the United States. The Judicial Conference biennially reviews the judgeship needs of all district and appeals courts to capably administer civil and criminal justice. The Judicial Conference's last review of judgeship needs, completed in March 2017, recommended that Congress establish 57 new judgeships in 52 district courts and 5 new judgeships in the courts of appeals, and convert 8 temporary district court judgeships to permanent positions. The Judicial Conference also called for the creation of four new bankruptcy judgeships and the conversion to permanent status of 14 existing temporary bankruptcy judgeships.

The last time that Congress passed a comprehensive Article III judgeships bill was 1990, nearly three decades ago. While Congress has established additional judgeships in some of the Federal courts along the southwest border, significant needs in other districts remain.

### **About the FBA**

The Federal Bar Association is the foremost national bar association devoted exclusively to the practice and jurisprudence of Federal law and the vitality of the United States Federal court system. More than 19,000 lawyers and judges belong to the Association. The Federal Bar Association as a matter of policy takes no position on the credentials or qualifications of specific nominees to the Federal bench. The FBA's foremost interest lies in the assurance of prompt, dispositive action by the President in nominating federal judicial candidates and the Senate in confirming (or not confirming) them.

### **For Further Information:**

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