



# Federal Bar Association

## 2019 Public Policy Priorities

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

The Federal Bar Association supports the Federal Judiciary's FY 2020 budget request and urges Congress to provide sufficient funding to permit the Judiciary to fulfill their Constitutional and statutory responsibilities.

The Judiciary's FY 2020 budget request of \$7.6 billion in discretionary appropriations reflects an increase of 4.9 percent above the fiscal year 2019 appropriation. The funding will maintain current services across the Judiciary, and sustain progress on ongoing initiatives and fund new priority investments, including the Judiciary's defender services.

Funding for the Federal Judiciary, a coordinate branch of our Federal government, represents two-tenths 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. In mid-March 2019, there were 140 Article III vacancies, including 11 appeals and 129 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 well-qualified nominees to the Federal appellate, district and specialty 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 FBA's 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. As a matter of policy, the FBA takes no position on the credentials or qualifications of specific nominees to the Federal bench.

### **Growing Caseloads in our Federal Courts Require More Judgeships**

The Federal Bar Association encourages the Congress to add additional permanent judgeships to the courts of appeals and the district courts. Since the last comprehensive judgeship legislation was enacted in 1990, almost 30 years ago, the number of cases filed in the courts of appeals has increased by 15

percent and the number of cases filed in the district courts has increased by 39 percent. Civil filings have increased by 34 percent and the number of criminal felony defendants has increased 60 percent since 1991. During this period there has been only a four percent increase in judgeships, the last permanent judgeships having been created in 2002. The Judicial Conference of the United States anticipates sending its biennial recommendations on judgeships to the Congress later this spring.

The need for judgeships has created enormous difficulties for some federal courts. Several district courts continue to struggle with extraordinarily high and sustained workloads. The severity of conditions in the New Jersey, District of Delaware, the Eastern District of California, the Southern District of Indiana, the Western District of Texas and the Northern and Southern Districts of Florida require immediate attention. The Federal Bar Association urges Congress to establish judgeships in those districts as soon as possible.

### **Congress Should Establish an Independent Immigration Court**

There is broad consensus that our system for adjudicating immigration claims is broken and deserves systemic overhaul. Hiring more immigration judges, while urgent, will not address the longstanding management and operational deficiencies within the Executive Office for Immigration Review (EOIR) in the Department of Justice. Since 2013 the Federal Bar Association has urged Congress to replace EOIR with establish an independent “United States Immigration Court” to serve as the principal adjudicatory forum under title II of the Immigration and Nationality Act. The June 2017 Government Accountability Office (GAO) report reported that a majority of immigration court experts and stakeholders favored EOIR replacement with an independent Article I immigration court. Establishing a specialty court would replace an overstuffed, bloated bureaucracy with a new structure, modeled on the federal courts, their case management expertise, and demonstrated record for delivering prompt, effective justice. Cheaper, faster, better justice is possible through an Article I immigration court.

### **Support for Foundation of the Federal Bar Association Charter Amendments Legislation**

The FBA urges Congress to pass the bipartisan Foundation of the Federal Bar Association Charter Amendments Act, H.R. 1663. This measure, introduced by Rep. Steve Chabot (R-OH) and cosponsored by Rep. Jamie Raskin (D-MD), would make technical changes in the federal charter of the Foundation of the Federal Bar Association, as granted by Congress in 1954. It would permit the Foundation to better fulfill its role as the only institution in America chartered by Congress to promote the federal administration of justice, the advancement of federal jurisprudence and the practice of law in the federal courts.

### **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. Nearly 20,000 lawyers and judges belong to the Association.

Contact Bruce Moyer, Counsel for Government Relations to the Federal Bar Association  
Email: [grc@fedbar.org](mailto:grc@fedbar.org) Phone: 301-452-1111