



# Federal Bar Association

## 2016 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 provide the funds necessary for the Federal courts to fulfill their Constitutional and statutory responsibilities. The request equals \$7.0 billion in discretionary appropriations, and an increase of 3.2 percent over the FY 2016 enacted level.

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

**Courthouse Construction and Repair:** Congress provided approximately \$948 million in the FY 2016 Omnibus Appropriations Act to fund courthouse construction projects. These funds will provide full funding for eight projects: Nashville, TN; Toledo, OH; Charlotte, NC; Des Moines, IA; Greenville, SC; Anniston, AL, Savannah, GA; and San Antonio, TX. The funds will also provide partial construction funding for a ninth project in Harrisburg, PA. The General Services Administration delivered a spending plan to Congressional appropriations committees in mid-April, detailing the scope of each project and the funds allocated.

Congressional review and approval by the Congressional authorizing committees (House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works) of each project is still required before work can begin. The Nashville, TN, project was authorized by both committees earlier this year, but the committees have yet to take action on the others. Prompt consideration and approval is needed in order to eliminate escalating project costs and keep these projects within their budget.

Investment in federal courthouses will serve as a catalyst for economic development in these local communities, while addressing the space constraints and security challenges in these aging facilities.

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

The number of vacancies on the Federal district and appellate court bench continues to rise. Currently there are 67 district court vacancies and 9 appeals court vacancies. High numbers of vacancies on the Federal bench harm the delivery of justice, the economic interests of litigants before the courts, and respect for our courts and the law. Delays in litigation caused by vacancies especially slow the speed of civil trials and judgments. Vacancies and delay add greater costs to already high litigation expenses. For business clients, these costs get passed on to customers, and when the United States is a party to the case, it means that the public is paying that higher tab.

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 FBA urges the Senate to work in a bipartisan fashion to promptly provide an up-or-down vote to qualified judicial nominees to Federal district and appellate court judgeships.

### **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 2015, recommended that Congress establish 68 new judgeships in 30 district courts and five new judgeships in one court of appeals, and convert nine temporary district court judgeships to permanent positions.

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.

### **An Article I Immigration Court Would Assure Justice, Work Better and Cost Less**

The Federal Bar Association supports the transfer of responsibilities for the adjudication of immigration claims from the Executive Office of Immigration Review within the Department of Justice to a specialized Article I court, as established by Congress, for the adjudication of claims under the Immigration and Naturalization Act. EOIR's adjudication of immigration appeals is costly and more expensive than the interests of justice require. Congress should change the system to assure the Federal government's administration of these responsibilities is conducted in ways that assure justice, work better and cost less. Without an effective and efficient immigration court system, immigration reform will not fulfill its promise.

### **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 18,000 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:**

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