

**REPORT OF LARRY WESTBERG,
CHAIR, GOVERNMENT RELATIONS COMMITTEE
TO THE NATIONAL COUNCIL
OF THE FEDERAL BAR ASSOCIATION**

MARCH 19, 2011

Thank you, President Belleau, and good afternoon, everyone.

As you know, the Government Relations Committee, or GRC, assists the Federal Bar Association in its public policy and advocacy actions.

The GRC advises the FBA and its leadership on issues of public policy concerning the federal courts and the practice of law. It coordinates the FBA's advocacy efforts with the Congress, the Executive Branch and the Federal Judiciary.

Comprised of 17 members, the Committee meets monthly to identify emerging developments that will help or harm the federal courts and the federal bar and to recommend appropriate responses by the FBA.

We have a great committee, and a number of our members are in attendance at this afternoon's meeting. I would like to take a moment to publicly thank them by acknowledging their presence here this afternoon: West Allen, Fern Bomchill, Aaron Bulloff, David Guerry, Kent Hofmeister. Rob Rando and Susan Weise.

Additionally, Executive Director Jack Lockridge and our counsel for government relations Bruce Moyer, do a fine job in advising us and representing the FBA in our dealings with the federal courts, Congress and the Executive Branch.

Since my report to you last fall, the GRC has applied its greatest attention to the continuing crisis over judicial vacancies on the federal bench. We have communicated with the President, Congressional leaders, staff and other stakeholders about our concerns about the vacancies issue. We have had extensive discussions with the federal judiciary about the impact of vacancies. And we have attempted to create greater understanding by the media and the public at large of the issue. These strategies have extensively involved our chapters, and I want to thank all of the chapters represented here today who have played a valuable role in our grass-roots efforts in communicating with their Senators and the media about why judicial vacancies matter.

As I reported to the Council last fall, judicial vacancies in our federal courts remain at one of the highest points ever. Nearly one of every 12 judgeships in our federal courts is vacant. We all know that judicial vacancies undermine the capacity of our courts to render justice promptly – both as the public expects and as due process requires. Many of our judges are working prodigiously to adjudicate especially high caseloads. But their efforts are being compromised by the failure of the other two branches to fill existing judgeships, let alone create new ones or extend temporary judgeships where they are sorely needed.

In late January, Senate leaders from both parties reached an agreement to work in a more bipartisan fashion to regularly schedule floor action on judicial nominees, and especially noncontroversial ones.

We are encouraged by the initial progress the Senate has made over the past two months in moving more judicial nominees toward an up-or-down floor vote. At the same time, considerable work still remains. The President too needs to step it up in sending more judicial nominations to the Senate. Fifty of the 94 vacancies in our federal courts are currently without nominees. We will continue to recommend that the FBA press for more aggressive action by both the Senate and the President in the days ahead.

We all know that one of the best ways to create change in Washington is through advocacy and public education that focuses sharp attention on the issue at hand. That's why the FBA joined with the Brookings Institution in sponsoring the February 28 program on judicial vacancies. I'm proud to say that it was a successful event, attended by members of the press and interested stakeholders.

The program achieved what we sought out to do -- putting a spotlight on the judicial vacancies issue and adding profile to the FBA. We are especially grateful to the Foundation of the Federal Bar Association for providing the funding assistance to make this joint program with Brookings possible.

If you haven't yet, I encourage all of you to go to the FBA and Brookings websites to take a look at the video clips of this fascinating program, listen to parts of the audio coverage, and read the program transcript. Ashley did a terrific job in kicking off the program. Bill LaForge skillfully moderated the first panel. And the federal judges who participated – Judge Royce Lamberth from the DC District Court and Judge Royal Ferguson from the Western District of Texas -- did an excellent job in portraying the impact of vacancies upon their courts and the delivery of justice.

This judicial issues program also served as the pilot for a potentially more ambitious effort – a larger conference sponsored and hosted by the FBA

exploring the overall state of the federal judiciary, with wider focus on the most pressing challenges facing our federal courts. The GRC is now turning its attention to the development of a program of this kind and its potential. We will keep you posted.

And speaking of challenges, the GRC is closely monitoring the continuing budget negotiations between the House, the Senate and the President and their impact on the operations of the federal courts. Already we are hearing from FBA members who handle Criminal Justice Act panel work and their concerns about current levels of funding.

The consequences of still broader spending cuts could be more damaging upon federal court operations, as well as courthouse construction projects. The GRC will do whatever it takes to recommend to our association's leaders that the voice of federal practitioners on these matters is heard.

As you can see, we have a lot on our plate. I want to again acknowledge and thank all of you – as national, circuit, chapter and section leaders – for your support of our government relations efforts and your engagement on these issues that affect our profession and the broader health of our federal court system.