



February 5, 2016

TO: Federal Bar Association

FROM: West Allen, Chair, Government Relations Committee  
Bruce Moyer, Counsel for Government Relations

SUBJ: Update on Government Relations and Public Policy Developments

### **Judicial Vacancies**

The US Courts website, as of February 3, reflects:

	<b>Current Vacancies</b>	<b>Nominees Pending</b>
Courts of Appeal	9	3
District Courts	61	26
US Ct of International Trade	4	4
US Court of Federal Claims	<u>6</u>	<u>5</u>
Total	80	39

The trend toward more vacancies in the federal courts continues. The number of current vacancies and nominees pending grew since last month. Last month at about the same time, there were 75 vacancies and 34 pending nominees.

There currently are 32 judicial emergency vacancies, up from 12 in January 2015. There are 9 more vacancies expected to be announced in 2016.

Senate Majority Leader Mitch McConnell (R-KY) announced in December that the Senate would hold confirmation votes for five judicial nominees by the Presidents' Day recess this month. At this point, Senators have confirmed three of those nominees: John Vazquez to be a district judge in New Jersey; Luis Restrepo on January 11 to be a circuit judge for the Court of

Appeals for the Third Circuit; and Wilhelmina Wright on January 19 to be a district judge for the District of Minnesota. Awaiting votes are Rebecca Ebinger for the Southern District of Iowa and Leonard Strand for the Northern District of Iowa. After that, the pace of nominations is uncertain. Conservative groups have called for a halt to further judicial confirmations. The Federal Bar Association supports a judicial confirmation process that assures prompt consideration of all judicial nominees at the committee and floor level.

### **Splitting the Ninth Circuit**

Arizona Governor Doug Ducey (R) and Arizona Congressional lawmakers on January 28 announced a collective effort to introduce legislation in Congress to sever the state's ties with the Ninth Circuit Court of Appeals and create a new circuit that includes Arizona, Alaska, Idaho, Montana and Nevada. The effort would revive a decades-long controversy over whether to reduce the mammoth size of the Ninth Circuit. The split issue has been relatively dormant on Capitol Hill over the past decade. The last time the Congress took a serious look at the issue was in 2005. At that time, the Federal Bar Association opposed splitting the Ninth Circuit, a position consistent with the views of the majority of the Ninth Circuit judiciary.

Little progress on any split legislation can be expected during this Congress. It will likely become a talking point in this year's elections by some political candidates. The proposal could gather more steam in the next Congress, depending on the outcome of the upcoming elections.

### **Government Relations Video Update**

A new edition of *The View from Washington* has been posted on the FBA website.

The video is here: <http://www.fedbar.org/Advocacy/Legislative-Update.aspx>

This update reports on recent success in obtaining full federal Judiciary funding for the current year and the increasing numbers of federal judiciary vacancies.