



June 3, 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

### **Capitol Hill Day Recap**

Fifty-seven Federal Bar Association leaders converged on the nation's capitol on May 19 in conjunction with FBA Capitol Hill Day, educating Congressional lawmakers about the needs and challenges facing the Federal courts. The annual advocacy event involved over 200 meetings by FBA national, circuit, chapter, section and division leaders with Washington lawmakers and staff.

Capitol Hill Day participants came to Washington as representatives of 37 FBA chapters and five sections and divisions. They hailed from 26 states, along with Puerto Rico and the District of Columbia. Increasing numbers of FBA members are recognizing the value of Capitol Hill Day, with this year's event witnessing a sixty-percent increase in participation over 2015. Capitol Hill Day next year will be April 20, 2017. Mark your calendar.

FBA representatives received a warm reception and a positive response from nearly all of the Congressional offices they visited, providing the opportunity for ongoing and stronger relationships. FBA advocates in their meetings with members and staff of the United States Senate and House of Representatives focused on four policy priorities:

- Adequate funding for our federal courts, including resources for courthouse repair and construction

- Prompt Senate consideration of federal district and appellate judicial nominees
- Establishment of additional federal judgeships, consistent with the recommendations of the Federal Judiciary
- Establishment of an Article I immigration court, transferring the adjudicatory responsibilities currently performed by the Executive Office of Immigration Review in the Department of Justice to the new court

Nearly all registrants participated in the morning briefing and afternoon debriefing sessions, and the feedback gleaned from the interactive debriefing was particularly helpful. The Article I immigration court issue once again received the greatest amount of interest and attention by lawmakers and staff and follow-up materials on the proposal were provided to CHD participants to pass along to Congressional offices that expressed interest.

FBA Policy Priorities Brief and other support materials used in conjunction with Capitol Hill Day are posted on the Capitol Hill Day page of the FBA website. They are here: <http://www.fedbar.org/Advocacy/2016-Capitol-Hill-Day-Recap.aspx>

### **Judicial Vacancies**

	<b>Current Vacancies</b>	<b>Nominees Pending</b>
Supreme Court	1	1
Courts of Appeal	9	7
District Courts	71	43
US Ct of International Trade	4	4
US Court of Federal Claims	<u>6</u>	<u>5</u>
Total	91	60

Since last month district court vacancies increased by 3 vacancies, while pending nominees declined by 1. The highest number of vacancies in the Federal Judiciary remain in Texas with 12 vacancies, 10 of them in the district courts and the other two in the Fifth Circuit.

During Capitol Hill Day, FBA leaders from chapters in judicial districts and circuits with long-standing vacancies raised their concerns with their respective lawmakers. On May 20, West Allen and Bruce Moyer met with Maggie Whitney, Special Assistant to the President and Senior Counsel to the President, Office of the White House Counsel, to discuss the current state of judicial vacancies.

During the Senate Judiciary Committee's May 19 executive business meeting, the Committee reported out five district court nominees for floor action. Committee members also devoted discussion to the so-called Thurmond Rule and its applicability, if any, to the twenty-nine district and seven circuit nominees pending within the Judiciary Committee. Twenty-one district nominees and one circuit nominee have had hearings.

The historical trends for confirmation of district nominees during post-summer recesses in presidential election years should motivate the Senate to hold floor votes on those nominees.

### **Federal Judiciary Funding**

The Federal Judiciary's FY 2017 \$7 billion discretionary spending request was approved by the House Financial Services and General Government Subcommittee on May 25.

FBA members participating in Capitol Hill Day promoted passage of the Federal Judiciary's spending request and expressed confidence in the Judiciary's stewardship of its resources.

However, the bill may not get across the finish line before the end of the legislative session, requiring a short-term extension of continued funding for several months until after the election. Politics, procedure and policy in Congress are complicating Congressional action on funding bills as the election season ramps up.

### **GRC Outreach**

A group of FBA leaders met with James Duff, Director of the Administrative Office of the United States, on May 19. FBA President Mark Vincent, FBA President-Elect Judge Michael Newman, FBA Treasurer Kip Bolin, Government Relations Committee Chair West Allen, Executive Director Karen Silberman and Government Relations Counsel Bruce Moyer participated in the meeting. They briefed Director Duff on the expansion of FBA National and chapter community outreach and civics education efforts and engagement by the Federal Judiciary. Attention was also devoted to the FBA's advocacy agenda and the outlook for adequate resources for the federal courts.

Government Relations Chair West Allen and Government Relations Counsel Bruce Moyer presented a Government Relations orientation session to incoming chapter, section and division leaders during FBA's annual Leadership Training program on Saturday, May 20.