

Dear Capitol Hill Day Advocate:

Thank you for taking part in Capitol Hill Day on Thursday, March 19 by participating in a telephone call or conference call with your House and Senate lawmaker offices.

This package provides a suggested script for your calls. We recommend calls with your House Member's office and the offices of your two Senators. Please be certain to coordinate with other members of your state, so that duplicate calls are not being made.

To set things in motion, we recommend you follow these steps:

1. First, email or phone the scheduler in each Congressional office with whom you've arranged a meeting to request conducting the meeting via telephone, preferably at the same time the meeting was originally scheduled. If you have not completed your scheduling, call the appropriate House and Senate offices to arrange the calls.

When arranging each call, learn the identity of the Congressional office staffer who will be on the call. If you already know the identity of the staffer, contact that staffer directly to make the phone call arrangements. If other FBA members will join you -- necessitating a conference call -- use your preferred conference call number and provide the staffer with conference dial-in coordinates.

Also let the staffer know that you will email them the FBA Issues Brief included in this package. The Issues Brief also is found on the FBA Capitol Hill Day website.

2. Contact the other FBA participants who will join you on the calls to provide them the time/details for the calls and the conference call dial-in numbers.
3. Arrange a brief prep call with the other FBA participants in advance of your calls to decide who will cover which issues during the call.
4. Send the Congressional staffers the FBA Issues Brief a day or two in advance of the call.
5. Familiarize yourself with the attached call script and stick to the script. Try to keep the call to approximately 15-20 minutes.
6. Following the call, send the staffer an email thanking them for their time and interest.
7. Finally, complete the attached Call Report for each call and email the reports to FBA National Headquarters at grc@fedbar.org. It's that easy. Thank you!

SCRIPT FOR CAPITOL HILL DAY TELEPHONE CALLS

CALL LEADER: Thank you for meeting by phone and for your interest in our nation's federal courts.

We'd like to introduce ourselves. [Each participant on the call should introduce themselves and describe their federal practice. Also identify your local district court and the circuit court with which you're associated.]

We're leaders in the _____ Chapter of the Federal Bar Association, which is the foremost national bar association devoted to the practice of law in the federal courts and federal agencies. Nearly 20,000 lawyers and judges belong to the Association. We're celebrating the Association's 100th anniversary this year.

We'd like to cover the issues as outlined in the Issues Brief that we shared with you in advance of today's call.

CALL PARTICIPANT: First, our federal courts need adequate funding. We have appreciated the funding support that Congress has provided to the federal courts in recent years. Looking ahead to FY 2021, we're urging Congress to approve the Judiciary's 2021 request of \$7.8 billion in discretionary appropriations, which reflects a 4.4 percent increase above 2020 enacted levels. The Judiciary's request includes funding to keep pace with increased criminal prosecutions, new judicial appointments, and the increased need for probation supervision of offenders released from prison through the First Step Act. Our constitutional system of government cannot function if the judicial branch is insufficiently resourced. Funding for the Federal Judiciary represents two-tenths of one penny of a taxpayer's dollar.

There's also a related need. Many Federal courthouses are in dire need of funding for major repairs and alterations. Many Federal courthouses are suffering from water intrusion issues, mold, broken elevators, broken HVAC systems, deteriorating exterior façades and seismic retrofit issues. **[Identify any major courthouse repair projects designated for your federal courthouse, per the Master List in the background materials.]** Making these repairs happen will require greater funding for the General Services Administration, which is the landlord for nearly 800 federal courthouses. That's why we're urging Appropriations leaders to set a higher 302(b) budget allocation for the Financial Services and General Government Appropriations Subcommittee, whose jurisdiction includes the Judiciary and GSA.

The Judiciary pays \$1.1 billion in rent annually into GSA's Federal Buildings Fund. But courthouse repair projects remain unfunded due to FBF funding shortfalls. During most of the past decade, Congress appropriated an average of \$1 billion per year less than FBF rents collected, leading to FBF funding shortfalls and major deferred maintenance problems. A higher 302(b) budget allocation for the Subcommittee will permit courthouse repairs and renovations to proceed and better assure the safety of our federal courthouses. This prompts us to ask your boss to urge Appropriations Committee leaders to set a higher 302(b) budget allocation for the Financial Services and General Government Appropriations Subcommittee.

CALL PARTICIPANT: Second, District Court vacancies need attention. The FBA is nonpartisan and doesn't endorse or evaluate judicial nominees. But we are concerned about the 70 district court vacancies that still exist, despite substantial progress in filling circuit court

vacancies. This includes 42 vacancies whose duration and workload constitute judicial emergencies. When district court vacancies remain unfilled, increased caseloads delay the prompt delivery of justice, harm the economic interests of litigants, and erode public respect for the courts.

[Identify current or future vacancies, including judicial emergencies, that exist in your district/circuit and the current state of nominations.]

CALL PARTICIPANT: Third, growing caseloads in our courts require more judgeships. The last comprehensive judgeship legislation was enacted 30 years ago in 1990. Since that time, case filings in the district courts and courts of appeals have significantly increased. That caused the Judicial Conference last year to send a request to Congress for five new circuit judgeships and 65 new district judgeships. In addition, the Judiciary is asking Congress to extend for one year eight temporary district judgeships to permanent status and 10 temporary bankruptcy judgeships to permanent status. Without these requested extensions and conversions, the administration of justice in the affected districts will be disrupted and delayed. **[Identify your special needs, if your circuit or district is one of those covered by this judgeships request].**

CALL PARTICIPANT: Fourth, Congress should establish an independent Immigration court. There is broad consensus that our system for adjudicating immigration claims is broken and deserves systemic overhaul. The backlog of immigration cases now exceeds 1 million cases. Hiring more immigration judges alone will not address the longstanding management and operational deficiencies within the Executive Office for Immigration Review in the Department of Justice. Since 2013 the Federal Bar Association has urged Congress to replace EOIR with and establish an independent “United States Immigration Court” to provide cheaper, faster and better justice. The GAO has reported that a majority of immigration court experts and stakeholders favor replacing EOIR 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.

[In calls with Senate offices, raise the next issue. In calls with House offices, proceed to end the call.]

Finally, we ask for support of the Foundation of the Federal Bar Association Charter Amendments Legislation, which is pending in the Senate. This legislation, H.R. 1663, was approved by the House last year. It 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 chartered by Congress to promote the federal administration of justice, the advancement of federal jurisprudence, and the practice of law in the federal courts.

CALL LEADER: We’ve appreciated this conversation and your time today. Thank you for your support of our federal courts. Please let us know whenever we may be of assistance to you.



Federal Bar Association

2020 Public Policy Priorities

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, which believes the following priorities deserve attention.

Our Federal Courts Need Adequate Funding

The Federal Bar Association supports the Federal Judiciary's FY 2021 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 \$7.8 billion in discretionary appropriations reflects an increase of 4.4 percent above the Judiciary's FY 2020 enacted appropriation. The request includes funding to keep pace with increased criminal prosecutions, new judicial appointments, and the increased need for probation supervision of offenders released from prison. Funding for the Federal Judiciary, a coordinate branch of our Federal government, represents only two-tenths of one penny of a taxpayer's dollar.

Set a Higher 302(b) Budget Allocation for FSGG Funding

The FBA also urges Congress and its appropriations committees to set a higher 302(b) budget allocation for the Financial Services and General Government (FSGG) Appropriations Subcommittee, whose jurisdiction includes, among others, the Judiciary and General Services Administration (GSA) and its revolving Federal Buildings Fund. The Judiciary rents space in nearly 800 courthouses and pays \$1.1 billion in rent annually into the FBF; however, an increasing number of courthouse repair projects remain unfunded due to FBF funding shortfalls. During most of the past decade, Congress appropriated an average of \$1 billion per year less than FBF rents collected, leading to FBF funding shortfalls and major deferred maintenance problems. Many Federal courthouses are suffering from water intrusion issues, mold, broken elevators, broken HVAC systems, deteriorating exterior façades and seismic retrofit issues. A higher 302(b) budget allocation for the Subcommittee will permit courthouse repairs and renovations to proceed and better assure the safety of the public and courthouse employees and the judicial process.

The Need for Prompt Action in Filling District Court Vacancies

A significant number of district judge vacancies remain, despite substantial progress in filling appeals court vacancies. In late February 2020, there were 70 district court vacancies, including 42 vacancies whose duration and workload constitute a "judicial emergency," as defined by the Administrative Office of the U.S. Courts. District courts are the trial courts of the federal court system. When district vacancies remain unfilled, increased caseloads delay the prompt delivery of justice, harm the economic interests of litigants,

and erode public respect for the courts. 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 courts.

Growing Caseloads in our Federal Courts Require More Judgeships

Maintenance of the appropriate number and distribution of judicial officers throughout the federal courts is critical to the effective administration of justice. Congress has not approved comprehensive judgeship legislation since 1990, thirty years ago. In March 2019 the Judicial Conference transmitted a request to Congress for five new circuit judgeships, 65 new district judgeships, and the conversion of eight temporary district judgeships and 10 temporary bankruptcy judgeships to permanent status. Meanwhile, cases filings in the district courts and courts of appeals have significantly increased. The Federal Bar Association urges Congress to approve the Judicial Conference's judgeships request. More immediately the FBA urges Congress to extend for one year eight temporary district judgeships that meet the Judicial Conference's standard for conversion to permanent status. These temporary judgeships are in the following districts: Arizona, California-Central, Florida-Southern, Kansas, Missouri-Eastern, New Mexico, North Carolina-Western, and Texas-Eastern. Without these requested extensions, the administration of justice in the affected districts will be disrupted and delayed.

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 and 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 overstaffed, bloated bureaucracy with a new structure, modeled on the federal courts, their case management expertise, and demonstrated record for delivering prompt, effective justice.

Support for Foundation of the Federal Bar Association Charter Amendments Legislation

The FBA urges the Senate to pass the bipartisan Foundation of the Federal Bar Association Charter Amendments Act, H.R. 1663, as approved by the House on November 18, 2019. The measure 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 chartered by Congress to promote the federal administration of justice, the advancement of federal jurisprudence and the practice of law in the federal courts.

Contact Bruce Moyer, Counsel for Government Relations to the Federal Bar Association
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2020 FBA CAPITOL HILL DAY CALL REPORT

Date of Call _____

Name of Senator or House Member _____

State _____ House District # _____

Name of Staff Member _____

This Call Was Excellent Good Poor

Comments? Is any follow-up necessary? If so, please explain.

FBA Advocate Filing Report _____

FBA Chapter _____

Tel: _____ Email: _____