



Government Relations Update

The Latest on Public Policy and Advocacy Developments from the Federal Bar Association

July 2022

Advocacy Update

In the past month, FBA advocates have continued to work with other stakeholders to urge Congress to pass the bipartisan Daniel Andler Judicial Security and Privacy Act ([S. 2340](#)) and ([H.R. 4436](#)). FBA members, with members of the Federal Judges Association and the National Conference of Bankruptcy Judges, are contacting their elected representatives, as well as House and Senate leadership, to keep the focus on the importance of this legislation.

Legislative Update

1. Waiting for House Consideration of Article I Immigration Courts Legislation

FBA representatives have continued to advocate for enactment of The Real Courts, Rule of Law Act ([H.R. 6577](#)), which was approved by the House Judiciary Committee on May 11 and now awaits a vote by the full House. Our current strategy, in conjunction with AILA, NAIJ, and the ABA is to focus on House Democratic moderates in order to ensure that Chair Lofgren can secure the necessary votes to pass the bill on the House floor if it is scheduled for a vote. According to her staff, Senator Kirsten Gillibrand (D-NY) is preparing to introduce a Senate companion version soon. While we have worked on helping to find a Republican cosponsor, we can't yet report any success on that front.

2. Congress Begins FY 2023 Appropriations Process

The House Appropriations Committee on June 24 approved the FY23 Financial Services and General Government (FSGG) appropriations bill, which includes funding for the federal courts. The [bill](#) and the approved [Committee Amendments](#) appropriate \$8.6 billion in discretionary spending for the courts, consistent with the request from the Administrative Office of the U.S. Courts. This amount includes \$128 million for judicial security, cybersecurity, and IT modernization. Section 306 of the bill also extends several temporary judgeships. During the week of July 18, the FSGG bill will be considered by the full House as part of a 6-bill package. At this time, the Senate is not expected to conduct formal legislative markups of the FY 2023 appropriations bills, but rather to negotiate using the House versions. FBA has submitted its annual letters to both House and Senate Appropriations leadership in support of the federal judiciary's Fiscal Year 2023 funding requests, including funding for the following Article I courts separately accounted for in the budget: U.S.



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Court of Appeals for the Armed Forces, U.S. Tax Court, and U.S. Court of Appeals for Veterans Claims.

3. FBA Foundation Charter Legislation Still Awaiting Senate Passage

There are no developments to report with regard to the progress of the Federal Bar Association Charter Amendments Act of 2021 ([H.R. 2679](#)). Although the House passed the bill in 2021, it remains stalled in the Senate.

4. Judgeships Legislation Unlikely to Pass this Congress

There is no change in the status of any of the pending legislation ([S. 2535](#), [H.R. 4885](#), [H.R. 4886](#)) to create additional judgeships. The FBA has not endorsed a particular bill or proposed solution but is urging members of both the Senate and the House Judiciary Committees to craft a bipartisan solution to relieve our overburdened courts.

Judiciary Developments

Overall, [seventy-one](#) of President Biden's judicial nominees have been confirmed, while [seventy-nine](#) Article III vacancies remain. Here are the current vacancies:

Current Article III Vacancies – As of July 15, 2022

According to the Administrative Office of the U.S. Courts

Court	Vacancies	Nominees Pending
Supreme Court	0	0
Courts of Appeal	8	4
District Courts	67	27
US Ct of International Trade	2	0
Total	77	31

[Seventy-nine](#) of 890 active federal judicial positions, including the United States Court of Federal Claims and the United States territorial courts, are vacant. Forty-two more judicial vacancies are [expected](#) through October of 2023, with fifteen nominees named in advance.

[Twenty-two judicial emergencies](#) in vacancies remain, based on caseload and/or the length of the vacancy, according to the Administrative Office of the U.S. Courts. One emergency is in the 11th Circuit, three are in the New York district courts, and eight are in the California district courts.

Judicial Confirmations: Since June 15th the Senate has [confirmed](#) one judicial nominee:

Nominee	Judicial/District Court	Nomination Date
Ana Isabel de Alba	Eastern District of CA	June 21, 2022

Judicial Nominations: Since June 15th the President has made the following judicial nomination announcements¹:

Nominee	Judicial/District Court	Confirmation Date
Roopali H. Desai	9 th Circuit Court of Appeals	June 15, 2022
Dana M. Douglas	5 th Circuit Court of Appeals	June 15, 2022
Bradley N. Garcia	DC Circuit	June 15, 2022
María del R. Antongiorgi-Jordán	District of PR	June 15, 2022
Jerry W. Blackwell	District of MN	June 15, 2022
Gina R. Méndez-Miró	District of PR	June 15, 2022
Camille L. Vélez-Rivé	District of PR	June 15, 2022
Tamika Montgomery-Reeves	3 rd Circuit Court of Appeals	June 29, 2022
Frances Kay Behm	Eastern District of MI	July 11, 2022
Cindy K. Chung	3 rd Circuit Court of Appeals	July 12, 2022
Kelley Brisbon Hodge	Eastern District of PA	July 12, 2022
John Frank Murphy	Eastern District of PA	July 12, 2022
Mia Roberts Perez	Eastern District of PA	July 12, 2022
Kai N. Scott	Eastern District of PA	July 12, 2022
Margaret R. Guzman	District of MA	July 13, 2022
Jamar K. Walker	Eastern District of VA	July 13, 2022
Robert Stewart Ballou	Eastern District of VA	July 13, 2022
Kymberly Evanson	Western District of WA	July 13, 2022
Jamal Whitehead	Western District of WA	July 13, 2022
Jorge Alberto Rodriguez	Northern District of NY	July 13, 2022
Lindsay C. Jenkins	Northern District of IL	July 14, 2022
Andrew G. Schopler	Southern District of CA	July 14, 2022
James Edward Simmons, Jr.	Southern District of CA	July 14, 2022
Adrienne C. Nelson	District of Oregon	July 14, 2022
Matthew L. Garcia	District of NM	July 14, 2022

¹ <https://www.law360.com/securities/articles/1511409>; <https://www.law360.com/cybersecurity-privacy/articles/1511756>; <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/15/president-biden-names-nineteenth-round-of-judicial-nominees/>; <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/29/president-biden-names-twentieth-round-of-judicial-nominees/>; <https://www.uscourts.gov/judges-judgeships/judicial-vacancies/current-judicial-vacancies>