



# Government Relations Update

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

August 2022

## Advocacy Update

In the past month, FBA advocates have expanded their advocacy in support of the bipartisan Daniel Aderl Judicial Security and Privacy Act ([S. 2340](#)) and ([H.R. 4436](#)). FBA GRC members and outside counsel are collaborating with the FBA's Judiciary Division Committee for U.S. District Judges, the Federal Judges' Association, and the National Conference of Bankruptcy Judges, as well as other stakeholders, to highlight the urgent need for judicial security legislation. FBA and outside counsel also are continuing to work to secure passage of the FBA Foundation Charter Amendments Act of 2021 ([H.R. 2679](#)).

## Legislative Update

### **1. Article I Immigration Courts Legislation Suffers Summer Slowdown**

The Real Courts, Rule of Law Act ([H.R. 6577](#)) was approved by the House Judiciary Committee on May 11, but continues to await a vote by the full House. Senator Kirsten Gillibrand (D-NY) reportedly is planning to file a Senate companion version, but she has not done so as of the date of this report. FBA is working to build bipartisan support for the initiative in both houses.

### **2. FY 2023 Appropriations Process is Underway**

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. On July 20, the FSGG bill was passed by the full House as part of a 6-bill package ([H.R. 8294](#)), on a 220 to 207 vote. On July 28, 2022, the Senate Appropriations Committee released a [draft](#) of its FY 2023 FSGG appropriations bill, which would provide \$8.476 billion for the judiciary, including funding for more security, IT modernization, and cybersecurity priorities. After the Senate returns from the August recess, it will continue the process of passing its bills and reconciling the differences with the House.



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### 3. FBA Foundation Charter Legislation Still Awaiting Senate Passage

Although the House passed the Federal Bar Association Charter Amendments Act ([H.R. 2679](#)) over a year ago, the bill has been stalled for months in the Senate. However, outside counsel for the FBA GRC have recently learned that the concerns of the Senators who have been holding the bill can be addressed by a minor amendment. Amending the bill in the Senate would require the House to approve the bill again in its amended form, but the FBA believes the bill has sufficient support to pass again. Outside counsel are now working with the Senate Judiciary Committee to amend the Senate bill and secure its passage after the August recess.

### 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 urges members of both the Senate and the House Judiciary Committees to craft a bipartisan solution to relieve our overburdened courts.

### Judiciary Updates

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

#### **Current Article III Vacancies – As of August 15, 2022**

*[According to the Administrative Office of the U.S. Courts](#)*

Court	Vacancies	Nominees Pending
Supreme Court	0	0
Courts of Appeal	7	3
District Courts	66	32
US Ct of International Trade	2	0
<b>Total</b>	<b>75</b>	<b>35</b>

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

[Twenty-four 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, four are in the New York district courts, and nine are in the California district courts.

**Judicial Confirmations:** Since July 15<sup>th</sup> the Senate has [confirmed](#) six judicial nominees:

Nominee	Judicial/District Court	Nomination Date
Nancy L. Maldonado	Northern District of IL	July 19, 2022
Nina Nin-Yuen Wang	District of CO	July 19, 2022
Julianna Michelle Childs	DC Court of Appeals	July 19, 2022
Gregory Brian Williams	District of Delaware	July 20, 2022
Elizabeth Wilson Hanes	Eastern District of VA	August 2, 2022
Roopali H. Desai	9 <sup>th</sup> Circuit Court of Appeals	August 4, 2022

**Judicial Nominations:** Since July 15<sup>th</sup> the President has made the following judicial nomination announcements<sup>1</sup>:

Nominee	Judicial/District Court	Confirmation Date
Julie Rikelman	1 <sup>st</sup> Circuit Court of Appeals	July 29, 2022
Maria Araújo Kahn	2 <sup>nd</sup> Circuit Court of Appeals	July 29, 2022
Daniel Calabretta	Eastern District of CA	July 29, 2022
Jeffery P. Hopkins	Southern District of OH	July 29, 2022
Myong J. Joun	District of MA	July 29, 2022
Julia Kobick	District of MA	July 29, 2022
Rita F. Lin	Northern District of CA	July 29, 2022
Araceli Martinez-Olguin	Northern District of CA	July 29, 2022
DeAndrea Benjamin	4 <sup>th</sup> Circuit Court of Appeals	August 9, 2022
Jabari Wamble	10 <sup>th</sup> Circuit Court of Appeals	August 9, 2022
Todd E. Edelman	District Court of DC	July, 29, 2022 Intent to Nominate

<sup>1</sup><https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/29/president-biden-names-twenty-fourth-round-of-judicial-nominees/>; <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/09/president-biden-names-twenty-fifth-round-of-judicial-nominees/>