



Government Relations Update

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

December 2022

Advocacy Update

One of the FBA's top policy priorities this past year was securing the passage of the bipartisan Daniel Anderl Judicial Security and Privacy Act. This bill is named in memory of Judge Esther Salas' son Daniel Anderl, who was killed at home by an angry litigant who found the Judge's address on the internet. This bill would prevent similar attacks by providing procedures for removing judges' personally identifiable information (PII) from the internet. In collaboration with the Federal Judges Association, the Federal Magistrate Judges Association, the National Conference of Bankruptcy Judges, the Administrative Office of the U.S. Courts, and other stakeholders, dozens of members of the FBA worked tirelessly to impress upon Congress the urgent need for this legislation.

An amended version of the Daniel Anderl Act ([S. 2340](#)) is included in the National Defense Authorization Act (NDAA) ([Senate Amendment to H.R. 7776](#)), which has now passed both the House and Senate and awaits President Biden's signature. The legislation establishes guidelines for protecting the PII of active, senior, recalled, or retired federal judges and their immediate families; prohibits government agencies from publicly posting judges' PII and allows judges to request the removal of their information within 72 hours if it is already posted; creates a federal grant program for state and local governments to help cover costs to prevent the release of judges' PII; authorizes funding for state and local government programs to protect judges' PII, such as programs to redact information from tax, property, and state motor vehicle records, or the hiring of a third party to scrub the information from the internet; prohibits commercial data collectors from selling, trading, licensing, purchasing, or providing judges' PII; authorizes the Director of the Administrative Office of the United States Courts (AO), as well as the Chief Judges of the Court of Appeals for the Armed Forces, the Veterans Claims Court, and the Tax Court, or their designees, to pursue declaratory and injunctive relief and penalties or damages as available for violations of the Act; and authorizes funding for the AO and U.S. Marshals Service (USMS) to anticipate, deter, monitor, assess, investigate, and address threats, acts of aggression, and violations.

Our constitutional system depends upon an impartial judiciary, but judges cannot render impartial decisions if they fear recriminations or violence. The FBA applauds Congress for passing this important legislation.

Though time is running out for the 117th Congress, FBA members and outside counsel are continuing to work to overcome obstacles to the passage of the Federal Bar Association Foundation Charter Amendments Act ([H.R. 2679](#)).



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Legislative Update

1. Article I Immigration Courts Legislation

There has been no action in the House or Senate on the Real Courts, Rule of Law Act ([H.R. 6577](#)) or an anticipated Senate companion since mid-November.

2. FY 2023 Appropriations for the Judiciary

The current Continuing Resolution expires on December 16, and the House and Senate Appropriations leadership have agreed to extend the CR until December 23 while they finalize an omnibus spending bill. They have agreed to the top line budget numbers and are working on the line items, but the details are not yet available. As a reminder, the Administrative Office of the U.S. Courts (AO) has requested \$8.6 billion. The FBA has conveyed to Congress its support for fully funding the AO's request.

3. 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. Unfortunately, none of these bills is likely to pass this Congress.

Judiciary Updates

Overall, ninety-nine of President Biden's judicial nominees have been confirmed, and [eighty-three](#) of 890 active federal judicial positions, including the United States Court of Federal Claims and the United States territorial courts, are vacant. Twenty- nine more judicial vacancies are [expected](#) through the end of 2023, with seven nominees named in advance.

Current Article III Vacancies – As of December 15, 2022

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

Court	Vacancies	Nominees Pending
U.S. Supreme Court	0	0
Courts of Appeal	9	5
District Courts	70	32
U.S. Court of International Trade	2	0
Total	83	37

There are [twenty-eight judicial vacancy emergencies](#), based on caseload and/or the length of the vacancy, according to the Administrative Office of the U.S. Courts, including one in the 5th Circuit and one in the 11th Circuit.

Judicial Confirmations: Since November 15, the Senate has confirmed thirteen judicial nominees:

Nominee	Judicial/District Court	Confirmation Date
Maria del R. Antongiorgi-Jordan	District of Puerto Rico	Nov. 15, 2022
Camille L. Velez-Rive	District of Puerto Rico	Nov. 30, 2022
Anne M. Nardacci	Northern District of NY	Nov. 30, 2022
Doris L. Pryor	7 th Circuit Court of Appeals	Dec. 5, 2022
Kelley Brisbon Hodge	Eastern District of PA	Dec. 6, 2022
Frances Kay Behm	Eastern District of MI	Dec. 6, 2022
John Frank Murphy	Eastern District of PA	Dec. 7, 2022
Mia Roberts Perez	Eastern District of PA	Dec. 7, 2022
Kai N. Scott	Eastern District of PA	Dec. 7, 2022
Jerry W. Blackwell	District of MN	Dec. 8, 2022
Jeffrey Paul Hopkins	Southern District of OH	Dec. 8, 2022
Tamika R. Montgomery-Reeves	3 rd Circuit Court of Appeals	Dec. 12, 2022
Dana M. Douglas	5 th Circuit Court of Appeals	Dec. 13, 2022

Judicial Nominations: Since mid-November, President Biden has [announced](#) 1 new judicial nomination:

Nominee	Judicial/District Court	Confirmation Date
Scott Colom	Northern District of MS	Nov. 15, 2022