



Government Relations Update

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

April 2023

Advocacy Update

86 FBA members participated in person in Capitol Hill Day 2023, and a few FBA members who were not able to join us in DC scheduled and held virtual meetings with their elected representatives on other days. Senator Sheldon Whitehouse (D-RI) spoke at the kickoff breakfast, after which FBA leaders and members from 24 states, Puerto Rico, and the District of Columbia engaged with 150 Members of Congress or their staffs throughout the day. We are still processing feedback, but so far the reports indicate that FBA's policy priorities were well received. Participants have begun follow-up actions, including sending thank-you emails, providing additional information as requested, sharing and encouraging Members to co-sign letters supporting Anderl Act and federal courts' funding, and connecting offices that expressed interest in the immigration courts bill or the judgeships bill with the sponsoring Members' offices.

Legislative Update

1. Article I Immigration Court Legislation

During and after Capitol Hill Day, FBA members have been working to help find Republican cosponsors in the House and Senate for the immigration courts bill. Rep. Zoe Lofgren (D-CA) and Sen. Kirsten Gillibrand (D-NY) are leading the legislation, and FBA members met with and are following up with potential cosponsors in both Houses.

2. FY 2024 Appropriations for the Judiciary

The President's Budget for Fiscal Year 2024, including amounts requested by the Administrative Office of the U.S. Courts (AO), was released March 9. The Judiciary's request of \$9.1 billion is an 8.0 percent increase over the FY 2023 enacted appropriation of \$8.5 billion and includes \$796.0 million in mandatory appropriations. The FBA supports fully funding the AO's request, as well as full funding for the Article I courts (Court of Appeals for the Armed Forces, Tax Court, and Veterans Court). As an addition to its regular appropriations advocacy, the FBA is urging the Department of Justice and Congress to provide adequate funding to implement the judicial security measures authorized in the Daniel Anderl Act. During and after Capitol Hill Day, FBA members urged their elected representatives to co-sign letters to the Appropriations Committees in the House



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and Senate urging full funding for the courts and for Anderl Act implementation. Although the submission deadlines were tight, FBA advocacy was instrumental in securing a number of cosigners for those letters and significantly bolstering support for those requests.

3. Judgeships Legislation

The Judicial Conference has released its 2023 Judgeship Recommendations, which include adding 2 seats to the 9th Circuit Court of Appeals, 66 new District Court judgeships, converting 7 temporary District Court judgeships to permanent, and extending 2 temporary District Court judgeships for 5 more years. The FBA has provided this updated information to the sponsors of the judgeships bills filed last Congress and anticipates that in the coming weeks they will reintroduce their bills with the updated information. FBA advocates reported a generally positive reception to this issue after Capitol Hill Day from Congress members in states which would benefit from the new judgeships, but less support from Members in states not impacted by the proposal.

4. FBA Foundation Charter Amendments Bill

At the end of the last Congress, our House-passed bill died in the Senate due to a hold from a Senate Republican who objected to the bill's passage. The strategy this year is to line up support among Senate Republicans and Democrats that will help resolve the concerns expressed by the one Senator last year. During Capitol Hill Day, FBA members made some important inroads in starting to identify possible Senate Republican support for this legislation and follow-up actions are under way.

Judiciary Updates

Seventy-seven of 890 active federal judicial positions, including the United States Court of Federal Claims and the United States territorial courts, are currently vacant. Twenty-four more judicial vacancies are expected through August of 2024, with two nominees named in advance.

Current Article Vacancies – As of April 14, 2023

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	64	29
U.S. Court of Federal Claims	2	1
U.S. Court of International Trade	2	0
Total	77	35



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: The Senate has [confirmed](#) three nominees since March 14, 2023. Because of illness-related attendance problems, Democrats on the Senate Judiciary Committee have been unable to move nominees who face solid Republican opposition.

Nominee	Judicial/District Court	Nomination Date
Jessica G.L. Clarke	Southern District of NY	Mar. 16, 2023
Gordon P. Gallagher	District of CO	Mar. 22, 2023
Matthew P. Brookman	Southern District of IN	Mar. 29, 2023

Judicial Nominations: Since March 14, President Biden has [nominated](#) 4 candidates for judicial vacancies:

Nominee	Judicial/District Court	Nomination Date
Brendan Abell Hurson	District of MD	Mar. 21, 2023
Matthew James Maddox	District of MD	Mar. 21, 2023
Darrel James Papillion	District of PR	Mar. 21, 2023
Jeremy C. Daniel	Eastern District of NY	Mar. 21, 2023