



Government Relations Update

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

October 2023

Advocacy Update

Over the past month, FBA members and outside counsel have continued to engage in productive advocacy with Senators and members of their staffs, seeking support for the JUDGES Act ([S. 2759](#)) and the FBA Foundation Charter Amendments bill ([S. 2694](#)). In addition, the FBA submitted a Statement for the Record and suggested questions for Senators to use at a Senate Judiciary Immigration, Citizenship, and Border Security Subcommittee hearing on October 18, at which the Hon. Mimi Tsankov will testify in support of immigration courts reform.

Legislative Update

1. Judgeships Legislation

The JUDGES Act, referenced above, introduced by Senators Todd Young (R-IN) and Chris Coons (D-DE), with cosponsors Alex Padilla (D-CA) and James Lankford (R-OK), would add 66 new federal district court seats as recommended in March by the Judicial Conference. FBA issued a statement strongly supporting the bill and urging Senate consideration of this legislation. Because of FBA members' first-hand knowledge of the need to relieve our overburdened courts, your advocacy in support of this bill is essential.

2. Federal Judiciary Appropriations

The current Continuing Resolution expires on November 17, but the removal of Rep. Kevin McCarthy as Speaker and the continuing uncertainty about his replacement has prevented that Chamber from making further progress on appropriations legislation. As a reminder, the FY 2024 Financial Services and General Government (FSGG) appropriations bill approved by the House panel on July 13 ([H.R. 4664](#)) provides \$454 million less than the \$9.14 billion requested by the Judiciary. The Senate's version of the bill ([S. 2309](#)), also approved on July 13, would provide \$571 million less than the



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Judiciary's request. On August 1, the Judicial Conference released a letter warning that these amounts would not provide adequate funding for the Judiciary and such significant shortfalls would have serious adverse impacts on both the federal courts and on the public. However, on a positive note, both bills specifically provide that court security account funds may be used "for purposes authorized by the Daniel Aderl Judicial Security and Privacy Act of 2022."

The FBA will continue its advocacy in support of fully funding the AO's request, as well as full funding for the Article I courts (U.S. Court of Appeals for the Armed Forces, U.S. Tax Court, and U.S. Court of Appeals for Veterans Claims)

3. Department of Justice Appropriations – Daniel Aderl Act

FBA has been tracking Department of Justice Appropriations because the Daniel Aderl Act authorized a new program for state and local grants as well as some funds for the Marshals Service. The House majority has proposed a 29% decrease in the overall allocation for the Commerce, Justice and Science (CJS) bill, which funds the Department of Justice. Although the Senate Appropriations Committee provided a higher total allocation for the CJS bill, it does not appear that either the House or Senate bill directs funding toward Aderl Act implementation. Nevertheless, we are continuing our advocacy in support of this funding.

4. Article I Immigration Court Legislation

Although the Real Courts, Rule of Law Act has not yet been introduced in either the House or the Senate -- Rep. Zoe Lofgren (D-CA) and Sen. Kirsten Gillibrand (D-NY) are still seeking Republican cosponsors -- as noted above, the Senate Judiciary Subcommittee with jurisdiction over immigration courts will hold an oversight hearing on October 18. It is hoped that this hearing will generate some momentum for the effort to establish Article I immigration courts.

Judiciary Update

[Sixty-nine](#) of 890 active federal judicial positions, including the United States Court of Federal Claims and the United States territorial courts, are currently vacant. Twenty-seven more judicial vacancies are [expected](#) through January of 2025, with six nominees named in advance.

Current Judicial Vacancies – As of October 16, 2023
[According to the Administrative Office of the U.S. Courts](#)

Court	Vacancies	Nominees Pending
U.S. Supreme Court	0	0
Courts of Appeal	7	5
District Courts	59	22
U.S. Court of Federal Claims	1	0
U.S. Court of International Trade	2	2
Total	69	29

There are [nineteen 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.

Judicial Confirmations: The Senate has [confirmed](#) five nominees since September 12, 2023.

Nominee	Judicial/District Court	Nomination Date
Vernon D. Oliver	District of CT	September 19, 2023
Rita F. Lin	Northern District of CA	September 19, 2023
Philip S. Hadji	U.S. Court of Federal Claims	September 21, 2023
Brendan Abell Hurson	District of MD	October 4, 2023
Susan Kim DeClercq	Eastern District of MI	October 4, 2023

Judicial Nominations: Since September 11, President Biden has [nominated](#) 3 candidates for judicial vacancies:

Nominee	Judicial/District Court	Nomination Date
Jamel Semper	District of NJ	September 18, 2023
Seth Robert Aframe	Central District of CA	October 4, 2023
Sarah French Russell	District of CT	October 4, 2023