



# Government Relations Update

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

December 2023

## Advocacy Update

In November and early December, FBA initiated and led an effort to secure DOJ funding for implementation of the Daniel Aderl Judicial Privacy and Security Act. FBA counsel spoke directly with Sen. Jerry Moran (R-KS), the Ranking Member on the appropriations subcommittee that funds DOJ, as a follow up to a recent meeting that three Kansas judges had with his staff on the need for implementation funding for the new law. Separately, with strong encouragement and support from the FBA, Reps. Sherrill (D-NJ) and Fitzpatrick (R-PA) introduced a bipartisan amendment to the House Commerce, Justice, Science (CJS) Appropriations bill that would provide \$1 million in initial funding for the state and local grant program authorized by the Aderl Act. The amendment's cosponsors include Reps. Jackson Lee (D-TX), Williams (D-GA), Flood (R-NE), Armstrong (R-ND), Castro (D-TX), Allred (D-TX), Johnson (D-GA), Raskin (D-MD), and Crow (D-CO). FBA members and members of the Federal Judges Association mobilized to contact key House Members to urge their support for the amendment. As a result, the amendment was included in a tentative package of amendments deemed noncontroversial, which would have been considered en bloc and likely passed by voice vote on the House floor. However, before that package could be considered, the House failed to approve the "rule" for floor consideration of the entire CJS bill, meaning that the body couldn't proceed to considering any amendments. Our hope is that before the current Continuing Resolution expires on February 2, 2024, House Speaker Mike Johnson (R-LA) can amass enough votes to proceed to consideration of the bill and that this Aderl amendment could be approved.

Since the October 18 Senate Judiciary Immigration, Citizenship, and Border Security Subcommittee hearing on the status of U.S. immigration courts, FBA counsel and counsel for the National Association of Immigration Judges have renewed their engagement with staff in Senator Gillibrand's (D-NY) office and have met with staff in Senator Murkowski's (R-AK) and Senator Schumer's (D-NY) offices, seeking to capitalize on the momentum for immigration courts reform generated by that hearing. We are continuing to try to build support for the Article I court proposal and to find Republican cosponsors in each Chamber.



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## **Legislative Update**

### **1. Judgeships Legislation**

The JUDGES Act, ([S. 2759](#)), 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. FBA members have participated in a number of meetings seeking to build support for this legislation among Senators, and based on recent communications with Chairman Issa's staff, we are optimistic that Rep. Issa will introduce a House companion to the Senate bill next month.

### **2. Federal Judiciary Appropriations**

The current Continuing Resolution expires on February 2 for the two appropriations bills the FBA is watching: the CJS bill, which funds the Department of Justice, and the Financial Services and General Government (FSGG) bill, which funds the federal Judiciary. Among other issues, disagreement over funding related to the FBI led to the pre-Thanksgiving cancellation of Floor votes on both House bills. While the caucuses and the two Chambers seek common ground, the FY 2023 spending levels will remain in place.

As a reminder, the FY 2024 FSGG appropriations bill approved by the House Committee 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 by Committee on July 13, would provide \$571 million less than the Judiciary's request. On July 28, the Judicial Conference sent [letters](#) to Congress 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 Andler Judicial Security and Privacy Act of 2022."

The House majority has proposed a 29% decrease in the overall allocation for the CJS bill. Although the Senate Appropriations Committee provided a higher total allocation for the CJS, at this time neither bill provides specific funds for Andler Act implementation.

As this process plays out, the FBA will continue to advocate for fully funding the Judiciary's request for FY 2024, including probation and pretrial services, 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), and for directing specific funds for Andler Act implementation.



In light of the recent murder of Maryland state court Judge Andrew Wilkinson, we have worked with Stacy King to help our judges pursue legislation comparable to the Anderl Act at the state level. An attack on any judge highlights the threats all judges are facing and the need for additional protections for them and their families.

## **Judiciary Update**

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

### **Current Judicial Vacancies – As of December 15, 2023** [According to the Administrative Office of the U.S. Courts](#)

Court	Vacancies	Nominees Pending
U.S. Supreme Court	0	0
Courts of Appeal	4	4
District Courts	55	23
U.S. Court of Federal Claims	1	0
U.S. Court of International Trade	2	2
<b>Total</b>	62	29

There are [eighteen judicial vacancy emergencies](#), based on caseload and/or the length of the vacancy, according to the Administrative Office of the U.S. Courts, but the longstanding vacancy in the 5<sup>th</sup> Circuit has been filled.

**Judicial Confirmations:** The Senate has [confirmed](#) eight nominees since November 13, 2023.

Nominee	Judicial District / Circuit	Confirmation Date
Margaret M. Garnett	Southern District of NY	11/28/23



Jeffrey M. Bryan	District of MN	11/28/23
Jamel Semper	District of NJ	11/29/23
Micah W.J. Smith	District of HI	11/29/23
Shanlyn A.S. Park	District of HI	11/30/23
Irma Carrillo Ramirez	5 <sup>th</sup> Circuit Court of Appeals	12/04/23
Loren L. AliKhan	District Court of DC	12/05/23
Richard E.N. Federico	10 <sup>th</sup> Circuit Court of Appeals	12/11/23

**Judicial Nominations:** Since November 14, President Biden has [nominated](#) 5 candidates for judicial vacancies:

Nominee	Judicial District / Circuit	Announcement Date
Kirk Edward Sherriff	Eastern District of CA	11/15/23
Adeel Abdullah Mangi	3 <sup>rd</sup> Circuit Court of Appeals	11/27/23
Nicole G Berner	4 <sup>th</sup> Circuit Court of Appeals	11/27/23
Cristal C. Brisco	Northern District of IN	11/27/23
Gretchen S. Lund	Northern District of IN	11/27/23