



Federal Bar Association

GOVERNMENT RELATIONS UPDATE

The Latest on Public Policy and Advocacy Developments

OCTOBER 2025

ADVOCACY UPDATE

Outside counsel have re-engaged with staff for the lead sponsors of the JUDGES Act and will be enlisting FBA members in grassroots outreach to build support for legislation to add much-needed seats to the federal bench in districts that the Judicial Conference has determined are overburdened. We plan to start by asking House Members whose states would get new judgeships to cosponsor California Republican Congressman Darrell Issa's JUDGES Act ([H.R. 1702](#)). And although Senators Young and Coons have not yet made plans to reintroduce their bill, we are organizing another round of Senate outreach to raise awareness of the continuing need for more federal judgeships.

Please watch your inboxes for requests to contact your elected representatives about this priority issue!

We also are continuing efforts to persuade House leadership to bring the Senate-passed Foundation of the Federal Bar Association Charter Amendments Act ([S. 616](#)) to the House Floor for a vote.

LEGISLATIVE UPDATE

Appropriations for the Judiciary

Since Congress was unable to pass appropriations legislation before the 2026 Fiscal Year began on October 1, the federal government has entered a shutdown. By law, all federal employees whose work is not essential to protect life and property are furloughed. The determination as to what work and which workers are essential is fairly subjective, but an estimated 750,000 federal workers are currently not working and not receiving paychecks. The Government Employee Fair Treatment Act, passed in 2019, provides that furloughed federal employees (but not contractors) will receive backpay once the shutdown ends.

On October 17, the U.S. Courts website provided the following information relating to operations during the government shutdown:

The judicial branch announced that beginning on Monday, Oct. 20, it will no longer have funding to sustain full, paid operations. Until the ongoing lapse in government funding is resolved, federal courts will maintain limited operations necessary to perform the Judiciary's constitutional functions.

Federal judges will continue to serve, in accordance with the Constitution, but court staff may only perform certain excepted activities permitted under the Anti-Deficiency Act.

Examples of excepted work include activities necessary to perform constitutional functions under Article III, activities necessary for the safety of human life and protection of property, and activities otherwise authorized by federal law. Excepted work will be performed without pay

during the funding lapse. Staff members not performing excepted work will be placed on furlough.

Each appellate, district, and bankruptcy court will make operational decisions regarding how its cases and probation and pretrial supervision will be conducted during the funding lapse. Each court and federal defender's office will determine the staffing resources necessary to support such work.

Anyone with Judiciary business should direct questions to the appropriate clerk of court's office, probation and pretrial supervision office, or federal defender organization, or consult their websites.

Please check the site linked above and the relevant court office for further information.

We expect the initial resolution of the shutdown to be a Continuing Resolution (CR) carrying forward FY 2025 spending levels while appropriations negotiations continue, but the duration of the CR and any other terms that might be included are unclear at this time.

As a reminder, the Trump Administration's FY 2026 budget proposal includes \$9.4 billion in discretionary funding (as requested by the federal Judiciary), as well as \$5 million to implement the Daniel Anderl Act state and local government database manager grant program to be administered by the Department of Justice.

The full House Appropriations Committee approved its Commerce, Justice and Science (CJS) bill, including \$5 million in for the Anderl Act grant program, on September 10. On July 17, the Senate Appropriations Committee approved its FY 2026 CJS spending bill. The Senate version includes \$10 million for the Anderl Act grant program (the same amount provided in the proposed but not enacted FY 2025 appropriations bills).

On September 3, the House Appropriations Committee approved its FY 2026 Financial Services and General Government (FSGG) bill, which includes \$8,936,341,000 in discretionary funding for the Judiciary. The legislation would provide \$892 million for court security, \$74 million for cybersecurity and information technology initiatives, and \$148 million for the Supreme Court, including \$18 million for the personal protection of the Justices. The bill cuts funding for fees to jurors and commissioners by more than 65%. Defender Services would receive \$1.5 billion, which is \$120 million more than was appropriated for FY 2025 but \$196 million less than requested. As of this writing, the Senate has yet to consider FY 2026 FSGG legislation.

Federal Judgeships Legislation

Congressman Issa's JUDGES Act (H.R. 1702), has added no cosponsors since our last report. The bill, which was approved by the House Judiciary Committee on March 5, still has not been scheduled for a vote by the full chamber.

The current version of the bill would add 66 federal district court seats across the country, as recommended by the Judicial Conference in 2023; however, Rep. Issa plans to amend the bill to reflect the Judicial Conference's 2025 recommendations, which were not available when the bill was

introduced. The 2025 report adds 3 district court seats, for a total of 69 recommended new district court judgeships. It also makes some adjustments to the previously recommended locations for the new seats. There has been no committee activity on the competing judgeships bill ([H.R. 1929](#)) introduced on March 6 by Democrat Reps. Hank Johnson, Jerry Nadler, and Jamie Raskin, and no new cosponsors have been added since Rep. Norma Torres (D-CA-35) joined the bill on March 25.

As noted above, reintroduction of a bipartisan Senate judgeships bill remains on hold pending further House action, due to differing views between Republicans and Democrats on the appropriate timing of authorizing the new judgeships.

JUDICIARY UPDATE

[Fifty-three](#) of 890 active federal judicial positions, including the United States Court of Federal Claims and the United States territorial courts, are currently vacant. Seven more judicial vacancies are [expected](#) through June 8, 2026, with two nominees named in advance.

Current Judicial Vacancies as of October 14, 2025 [According to the Administrative Office of the U.S. Courts](#)

	Vacancies	Nominees Pending
Supreme Court	0	0
Courts of Appeal	2	2
District Courts	50	13
US Court of Federal Claims	0	0
US Court of International Trade	1	0
Total	53	15

There are [20 judicial vacancy emergencies](#), based on caseload and/or the length of the vacancy, according to the Administrative Office of the U.S. Courts.

Judicial Confirmations: The current Congress has [confirmed](#) one nominee since September 15:

Nominee	Jurisdiction	Nomination Date
Jennifer Lee Mascott	Third Circuit Court of Appeals	October 9, 2025

Judicial Nominations: Since September 15, President Trump has submitted five new nominations for judicial vacancies:

Nominee	Jurisdiction	Nomination Date
Lindsey Ann Freeman	Middle District of North Carolina	September 15, 2025
David A. Bragdon	Middle District of North Carolina	September 15, 2025
Matthew E. Orso	Western District of North Carolina	September 15, 2025
Susan Courtwright Rodriguez	Western District of North Carolina	September 15, 2025
Rebecca L. Taibleson	Seventh Circuit Court of Appeals	September 15, 2025