



Federal Bar Association

Funding for the Federal Judiciary

PROBLEM: The federal courts are a critical pillar of our constitutional democracy. Recent budget shortfalls and Continuing Resolutions have created very difficult choices for our courts, including hiring freezes or layoffs, delayed acquisitions of critically needed equipment and technology, and other resource strains that can hinder efficient access to justice for our citizens.

The FBA appreciates the funding Congress provided the judiciary for FY26, especially the full funding for Defender Services and Court Security. However, the Judiciary's budget also must cover salaries and expenses for the entire judicial branch, probation and pretrial services, juror and commissioner fees, the cost of space, and retirement for court personnel, among other items. Budget constraints in those accounts are problematic, especially when additional court security and cybersecurity costs are rising. Further, shortfalls in Defender Services funding in recent years have seriously challenged the courts' ability to fulfill their constitutional obligation to provide counsel for indigent criminal defendants.

SOLUTION: For FY27, the FBA strongly urges Congress to appropriate funds at the level in the federal judiciary's budget request for Article III courts. The FBA also supports full funding for the Article I courts: U.S. Court of Appeals for the Armed Forces (USCAAF), U.S. Tax Court (USTC), and U.S. Court of Appeals for Veterans Claims (USCAVC). Further, the FBA strongly urges Congress to complete the FY27 appropriations process by the start of the fiscal year.

RATIONALE: Funding gaps in the judiciary's budget and delayed enactment of the appropriations bill:

- Jeopardize public safety and increase risks of recidivism by curtailing staffing and resources needed for supervising probationers and releasees.
- Increase the risk of data breaches involving sensitive, personal, and security information by not funding updates/replacements of antiquated systems, including the critical CM/ECF case filing system.
- Expose judges, court personnel, and the public to heightened security risks because of insufficient resources for security equipment, infrastructure, and court security officers.
- Delay repairs, alterations, and courthouse construction projects, resulting in health and security concerns for employees, poorer public service, and increased costs.
- Force hiring delays/downsizing, reducing services and efficiency and straining current staff, while pro se use of AI and changing law enforcement priorities are increasing the courts' workload.

Background on the Federal Bar Association: Founded in 1920, FBA unites the bench and bar to advance the rule of law through education, leadership, and nonpartisan advocacy on public policy matters. There are nearly 100 local chapters across the country and over 17,000 members engaged in federal practice. FBA members work in law firms, corporations, associations, and federal agencies, and our members include over 2,000 federal judges.



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The Importance of Funding for Judicial Security

PROBLEM: Our democracy depends on judges who are free to make decisions without fear of reprisal or retribution. Unfortunately, threats against judges and their families have increased dramatically in recent years, in part due to the ease with which their personally identifying information (PII) can be found online.

SOLUTION: Congress should provide a second year of funding for DOJ to implement an important new federal grant program authorized in the Daniel Anderl Judicial Security and Privacy Act. This 2022 bipartisan law was named for Daniel Anderl, the 20-year-old son of NJ District Judge Esther Salas. Daniel was shot and killed at home by a disgruntled lawyer who found the judge's address on the internet. In addition to authorizing grants to state and local governments to help respond to judges' requests for the removal of their PII, the Anderl Act helps protect federal judges and their families by prohibiting federal agencies and private businesses from publicly posting federal judges' and their immediate family members' PII. This grant program will help state and local governments scrub their websites, like county tax assessors', that provide detailed information on federal judges' homes and families.

In FY26, Congress provided \$7.5 million to the DOJ Office of Justice Programs (OJP) for development and initial implementation of the Anderl Act grant program. Based on an initial meeting with DOJ, FBA expects an initial NOFO this year, but this funding will only cover a small number of applicants.

To meet the demand for financial assistance for state and local governments that want to help protect federal judges and their families, for FY27, FBA urges Members to ask the Appropriations Committee to provide \$10 million for the Justice Department to continue implementing the state and local grant program authorized by the Daniel Anderl Act.

RATIONALE: Time is of the essence in this effort. Courts are already dealing with heavy caseloads and cannot afford to lose judges who leave the bench because they and their families are not safe. Nor do we want to dissuade talented candidates from becoming judges because of potential threats to their safety.

- In the first six weeks of 2026, the U.S. Marshals Service (USMS) tallied 197 threats to judges.
- In FY25, the USMS investigated more than 500 threats to federal judges, including over 100 unsolicited pizza deliveries to homes of federal judges and their families. More than 20 deliveries named Daniel Anderl as the one placing the order, a clear threat to those judges and their families.
- Judges and their families are at increased risk while their PII remains on state and local government websites, such as one that not only shows the address of a judge but also with one click shows the floor plan of the judge's home.

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The Urgent Need for More Federal Judgeships

PROBLEM: Our federal courts are facing enormous—and growing—caseloads and the increasing backlog is adversely impacting both access to and the administration of justice. Congress last enacted a comprehensive bill to increase the number of federal judgeships in 1990, and judicial workloads have increased substantially since then. The Judicial Conference generally requires district courts to have over 430 weighted filings per judgeship to recommend additional judgeships. Weighted filings were above 500 per judgeship in 20 of the 25 district courts where the legislation would add judgeships. In 12 of these courts, weighted filings exceeded 600 per judgeship and in five courts filings were greater than 700 per judgeship.

SOLUTION: Congress should enact bipartisan legislation known as the JUDGES Act to increase the number of federal judgeships. ***FBA urges House Members to cosponsor and support the bipartisan JUDGES Act (H.R. 1702) when it comes to a Floor vote and asks Senators to cosponsor and support the Senate version when it is introduced.***

RATIONALE:

- The Judicial Conference of the United States (led by the Chief Justice) issued its biennial report in March 2025 and recommended adding 69 new federal district judgeships and two additional Ninth Circuit Court of Appeals judgeships. The bipartisan JUDGES Act (H.R. 1702) would add the recommended 69 district court judgeships across the nation. Lead sponsor is Courts Subcommittee Chairman Issa.
- The bill was drafted before the release of the Conference's 2025 recommendations and will be amended to reflect a few changes in the recommendations from the 2023 report. The 2025 report recommends adding seats in the following states: AZ, CA, CO, DE, FL, GA, ID, IN, IA, NE, NJ, NY, OK, TN, and TX.
- The JUDGES Act would authorize the seats in six batches over ten years. If enacted as introduced, the authorizations would have begun in 2025, but of course the timeline must be adjusted.
- We expect Senator Young to introduce a Senate bill modeled on the legislation Congress passed but that was vetoed in 2024 (S. 4199), modified to incorporate the Judicial Conference's updated recommendations.

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