

**Federal Judges Association
Executive Committee Meeting Notes
Telephone Conference Call
January 16, 2020**

Participating: Judges Cynthia Rufe (President), Richard Clifton (President-elect), Karen Schreier (Secretary), J. Michelle Childs (Treasurer) and Executive Committee members: Dan Polster, Patti Saris, Patty Shwartz, Charles Simpson, Lawrence Piersol, Leo Gordon, Leigh May, and Nannette Brown.

Also participating: Meghan Cruz and Grace Jan (MSP).

Absent: Malachy Mannion, and Marilyn Huff (immediate past president).

Judge Rufe called the meeting to order at 4:30 p.m. EDT by telephone

Minutes—Karen Schreier

No corrections or additions were noted regarding the minutes from the November 22, 2019 executive committee meeting. It was moved by Judge Gordon and seconded by Judge Piersol that the minutes be approved. The motion passed.

Site selection report – Cynthia Rufe

Grace Jan presented proposals from Philadelphia, Washington DC, and San Diego for the Board of Directors meeting in 2021. After comparing the expenses and amenities for the three locations, she recommended the Bellevue Hotel in Philadelphia. We will be returning to Washington, DC in 2022 for the Quadrennial. We will then have three years of information to compare and use for future decisions on board meeting locations. Discussion was held regarding the airfare costs for the three locations, the timing of the meeting as it relates to Easter, and the impact of spring break on those Board members with younger children.

Judge Piersol pointed out that we may have a strong legislative agenda by 2021. In that event, being in Washington would be an advantage.

After discussion, Judge Clifton moved to adopt the recommendation of the Bellevue Hotel in Philadelphia, Pennsylvania, as the location for the Board meeting on April 6 and 7, 2021. Judge Polster seconded the motion. The motion passed.

990 IRS return

Dembo Jones, P.C. provided a draft of the FJA's 990 tax return for the year ending March 31, 2019. The due date for submission is February 18, 2020. No problem areas were identified, but Judge Rufe raised a question about whether the sponsorships for the last Quadrennial were reportable as fundraising. Additionally, a question was raised as to whether the directors needed to be included on page 7 or if officers alone needed to be listed. Another question was raised as to whether the officers should be the current officers as of the date the return is filed or if it should be the officers from the beginning of the reporting period. Judge Saris moved to approve the 990 return subject to verification and modification if

sponsorship income and directors names need to be included and verification of who needs to sign the return. Judge Clifton seconded the motion. The motion passed.

Financial Report- Treasurer Michelle Childs

A balance sheet showing total assets of \$866,489.66 as of December 31, 2019 was provided to the Executive Committee. Additionally, a profit and loss statement for April through December 2019 was provided. No questions were asked and the balance sheet and profit and loss statement were filed for audit.

IAJ

Judge Rufe noted that our IAJ dues in the amount of \$1800 are due. Judge Simpson moved to approve payment of the dues. Judge Gordon seconded the motion. The motion passed. It was noted that payment of the dues had already been approved during our spring meeting.

The 2020 IAJ meeting will be in San Jose, Costa Rica in September of 2020. Information about the meeting is posted on the FJA website and it will be discussed further during our next meeting.

Judicial Branch Committee report- Michelle Childs

At the request of Judge Rufe, Judge Childs represented the FJA at the Judicial Branch meeting that was held in January of 2020. She reported that the Judiciary budget will receive full funding this fiscal year. A 3.1% COLA was authorized for employees who receive locality pay. Judges will receive 2.6% COLA. A record number of new federal judges have been confirmed. As a result, the judiciary's budget has been impacted. Currently, there are 71 judicial vacancies.

When Jim Duff met with the Judicial Branch committee, he indicated that he is concerned about renewed attacks on judicial independence by the legislature. The possibility of an inspector general is still a concern. He noted that workplace conduct plans need to be adopted by all courts. Outside organization participation may raise an issue, such as judges being a member of the American Constitution Society and the Federalist Society. A closer look at membership in the ABA may also be considered. He expects the Code of Conduct Committee to issue an opinion for guidance to judges soon on this issue. Mr. Duff urges anyone who meets with their U.S. Senator or Representative to reach out to David Best before and after the meeting.

Other issues discussed during the Judicial Branch Committee included whether the Court Unit Executives should be able to increase the amount of leave that they are able to carry over. Senator Graham is interested in additional prison reform efforts that would result in a reduction of the prison population without an impact on public safety.

Social media is an external threat to the judiciary. Some courts have been hiring an outreach education coordinator/media relations person. The Bankruptcy Courts conducted a successful nationwide outreach program to try to increase the diversity of judges appointed to serve as judges in the bankruptcy courts. In the future, more Article III participation in similar efforts should be encouraged. Courts should be encouraged to implement judicial wellness programs.

Meeting with Jim Duff – Judge Rufe and Judge Saris

Judge Rufe and Judge Saris met with Jim Duff recently. He reported that Senator Graham wants adequate compensation for the judiciary. Congress also wants a pay raise. Judge Simpson will form an action plan so we can be in contact with our legislators. A reception may not be the best vehicle to make our case. Judge Simpson would prefer to use the money that previously was dedicated to co-hosting the reception and instead spend that money for judges' individual trips to Washington so they can meet one-on-one with their Congressional delegation. General discussion was had regarding whether we should start thinking about hiring a lobbyist and when the proper time would be to pursue a pay raise.

Judge Clifton raised a question about the need of FJA to identify which judges have relationships with Congress that we can use for a focused message. It was noted by Judge May that the FJC is very reluctant to give the FJA time on their agenda during baby judges school. It was suggested that the directors of the circuits need to fan out and identify Congressional contacts. Jim Duff and the AO have a similar interest in identifying judges with Congressional contacts.

Because this is an election year, there may be an opportunity during the lame duck session to pursue a pay raise. We need to identify who has contacts with the significant players. We need to identify a strong band of judges who can be called upon to meet with their legislators. If we identify anyone with strong Congressional ties, we should provide that information to Judge Simpson. Judge Saris suggested that FJA hire an expert to look at comparative wages so we can be prepared to pursue a pay increase if the opportunity arises. She will do some preliminary work on identifying an expert.

The meeting was adjourned at 4:35 p.m. Eastern Time.

Respectfully submitted,
Karen E. Schreier
Secretary