

Judicial Modernization and Transparency Act

Bill Summary:

The Judicial Modernization and Transparency Act provides critical improvements to our courts to restore balance between the judicial, executive and legislative branches of government, increase transparency to restore public trust in America's courts and modernize the courts to ensure greater access to justice for more Americans. In recent years, the Supreme Court has overturned decades of precedent hacking away at fundamental rights, usually by a narrow majority. This legislation preserves the key role of the courts to provide judicial review and the authority to overturn federal law on a constitutional basis when Congress has made a clear error, while restoring the judicial branch's appropriate deference to the legislative branch of government on matters of federal law construction. The legislation also modernizes the Supreme Court and the entire judicial system by increasing the number of judgeships at all levels to account for the courts' massively increased workload. Finally, in the wake of serious ethics concerns, the bill also institutes critical improvements to transparency on the Supreme Court, including requiring that the IRS initiate an audit of each justice's income tax return and mandating the public disclosure of three years of tax returns for all nominees to the Supreme Court.

Court Modernization

- Expands the Supreme Court to 15 justices.
 - The expansion is staggered over a total of 12 years with a President getting to appoint one nominee in the first and third years of each presidential term.
- Establishes a new $\frac{2}{3}$ supermajority threshold to overturn Acts of Congress on a constitutional basis at both the Supreme Court and Circuit Court level.
- Requires that relief granted by lower courts in cases seeking to invalidate an Act of Congress expire upon the issuing date of an opinion by the Supreme Court.
- Establishes a new process for Supreme Court nominations that are not reported out of committee within 180 calendar days to be automatically placed on the Senate calendar.
- Expands the number of circuit courts to 15 and returns the practice of one Supreme Court justice per circuit.
- Expands the number of circuits by splitting the Ninth Circuit and establishing a new Southwestern Circuit.
- Expands the number of Circuit Court and District Court judgeships to improve access to justice.

Court Transparency

- Requires all justices to consider recusal motions and make their written opinions publically available. Any justice may be recused from a case upon the affirmative vote of $\frac{2}{3}$ of the justices.
- Requires the public disclosure of how each justice voted for any case within the appellate jurisdiction of the Supreme Court.
- Requires the IRS to initiate an audit of each justice's income tax return (and any amended return) as quickly as practicable after it is filed. Within 90 days of filing, the IRS is required to publicly release the returns and provide an update on the status of the audit. Every 180 days thereafter, the IRS is required to update the public on the status of the audit. It will also release the ultimate findings of the audit.
- Requires that those nominated to the Court include their most recent three years of tax returns in their publicly-available financial disclosure filings. In the case that a nominee does not disclose the tax returns within 15 days after nomination, the Administrative Office of the United States Courts is instructed to obtain the tax returns from the Secretary of the Treasury and make them public. The Secretary of the Treasury is instructed to redact certain personal identity information.