

*Lobbying by Judges:  
The Federal Circuit, Congress, and the History of Judicial Lobbying Efforts*

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Over the past few years, the U.S. Court of Appeals for the Federal Circuit has actively participated in debates around patent reform proposals pending before Congress. For example, during the patent reform period that culminated in the America Invents Act, Chief Judge Michel wrote to Congress criticizing various aspects of the reform proposals and publically encouraged the patent bar to do the same. Last year, Chief Judge Rader published an op-ed in the New York Times suggesting that legislative reforms aimed at curbing the "troll problem" were unnecessary because district court judges already possessed the necessary authority and ability to punish those who file frivolous patent lawsuits. This Article examines the Federal Circuit's lobbying efforts through a historical lens. The Article examines judicial lobbying in various legal contexts outside of patent law including habeas corpus reform, bankruptcy law reform, and judicial pay, among others. Leveraging the insights of the historical examination of judicial lobbying, the Article sets out to identify the boundaries of acceptable judicial lobbying. In conclusion, the Article examines whether the specialized nature of the Federal Circuit necessitates a more prominent role in Congressional interaction than the historic examples would suggest.

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