

Judiciary Open During Government Shutdown

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Despite a government shutdown, the federal Judiciary will remain open and can continue operations for approximately three weeks, through February 9, by using court fee balances and other funds not dependent on a new appropriation.

Most proceedings and deadlines will occur as scheduled. In cases where an attorney from an Executive Branch agency is not working because of the shutdown, hearing and filing dates may be rescheduled.

Case Management/Electronic Case Files (CM/ECF) also will remain in operation for electronic filing of documents.

If the shutdown were to continue past three weeks, and exhaust the Judiciary's resources, the Judiciary would then operate under the terms of the Anti-Deficiency Act, which allows work to continue during a lapse in appropriations if it is necessary to support the exercise of Article III judicial powers. Under this scenario, each court and federal defender's office would determine the staffing resources necessary to support such work.