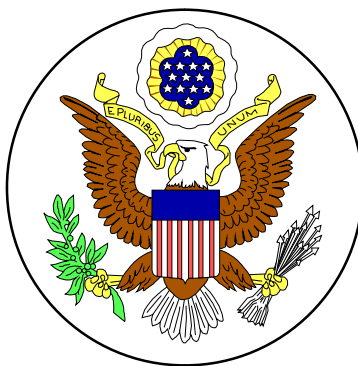


# **Additional Article III Judgeships**

**ARTICLE III JUDGESHIP  
RECOMMENDATIONS OF THE  
JUDICIAL CONFERENCE  
2015**

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## Article III Judgeship Recommendations of the Judicial Conference of the United States 2015

The Judicial Conference of the United States (Judicial Conference) reviews biennially the judgeship needs of all U.S. Courts of Appeals and U.S. District Courts to determine if any of the courts require additional judges to appropriately administer civil and criminal justice in the federal court system. The Judicial Conference completed its last review in March 2015, and immediately thereafter recommended that Congress establish five new judgeships in one court of appeals and 68 new judgeships in 30 district courts. The Judicial Conference also recommended that nine temporary district court judgeships be converted to permanent positions. Tables 1 and 2 contain summary information about the numbers of additional judgeships recommended by the Judicial Conference for each court.

The last time that Congress passed a comprehensive Article III judgeships bill was 1990 - more than two decades ago. While some additional judgeship needs have been addressed in various subsequent items of legislation since 1999,<sup>1</sup> most of the courts with judgeship needs in 2015 had similar needs dating to 1999 or earlier.

### **Survey Process**

In developing judgeship recommendations for consideration by Congress, the Judicial Conference, through its committee structure, uses a formal survey process to review and evaluate Article III judgeship needs. The reviews are managed by the Subcommittee on Judicial Statistics (Subcommittee) of the Committee on Judicial Resources (Committee), with final recommendations on judgeship needs approved by the Judicial Conference. Before a judgeship recommendation is completed, it undergoes consideration and review at six levels within the judiciary, as follows:

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<sup>1</sup> Thirty-four new district court judgeships have been created between 1999 and the present (33 of which were recommended by the Judicial Conference). As part of the Judiciary's appropriations for fiscal years 2000 and 2001, and as part of the Department of Justice authorization bill in fiscal year 2003, the Congress created 9, 10, and 15 judgeships, respectively.

- 1) Individual court request and justification for judgeships (*the Judicial Conference does not consider recommending additional judgeships for courts that do not request them*);
- 2) Subcommittee analysis, review, and preliminary recommendation;
- 3) Circuit Judicial Council (for circuit in which court is located) review and recommendation;
- 4) Subcommittee second analysis, review, and recommendation;
- 5) Committee analysis, review, and recommendation; and
- 6) Judicial Conference review and recommendation.

In the course of the 2015 survey, the courts requested 88 additional judgeships (87 permanent and one temporary.) The Conference review process reduced the number of recommended judgeships to 73. The recommendations resulting from each successive survey supersede prior judgeship recommendations.

### **Workload Factors and Standards**

The Judgeship Recommendations of the Judicial Conference are based on workload factors, as follows:

**Case Filings:** The recommendations developed through the review process noted above are based in large part on standards related to the caseload of the courts. These standards, discussed further at Appendix 1, are **not** optimum caseload levels, but instead represent the caseload at which the Judicial Conference may begin to consider requests for additional judgeships. The standards represent a starting point in the process rather than an ending point. The caseload standards used by the Conference are expressed as filings per authorized Article III judgeship, which assumes that all vacancies are filled.

The standard used by the Judicial Conference as its starting point in the district courts is 430 weighted filings per authorized judgeship after accounting for the additional judgeships recommended. Weighted filings measure caseload in a manner that accounts for the complexity of different types of cases. With the additional judgeships recommended by the Judicial Conference as a result of the 2015 survey, weighted filings would be 475 per judgeship or higher in 15 district courts and would exceed 500 weighted filings per judgeship in 10 district courts.

The standard used by the Judicial Conference as its starting point in the courts of appeals is 500 adjusted filings per panel (based on authorized judgeships). In the 2015 survey, one circuit court requested additional judgeships. With the additional judgeships recommended by the Judicial Conference, the caseload in this court would exceed 600 adjusted filings per panel.

**Additional Factors:** As important as the caseload statistics may be in evaluating a court's need for additional judgeships, the data must be considered with other court-specific information to provide an accurate indication of the judgeship needs of each court. The statistics alone do not reveal unique situations in a court and, thus, may reflect an overstatement or understatement of the actual workload burdens. For that reason, the Judicial Conference process takes into account additional factors that may impact the judgeship needs of each court, including senior, visiting, and magistrate judge assistance, geographical factors, unusual caseload complexity, temporary caseload increases or decreases, and any other factors noted by individual courts as having an impact on resource needs. The Judicial Conference also looks at the effort each court has undertaken to manage the workload before requesting additional judgeships, including, but not limited to, use of visiting judges and alternative dispute resolution techniques.

The presence of senior judges is an important resource factor. Senior judges make valuable contributions to the work of the courts. The level and type of assistance provided by senior judges, however, can vary from court to court in ways that may be beyond the control of individual courts. For this reason, the Judicial Conference evaluates the impact that senior judges may have on a court's judgeship needs quantitatively on a court by court basis, rather than through caseload standards.

Another important and valuable resource for a district court is the contribution of magistrate judges. It must be recognized, however, that these judges have limited jurisdiction which necessarily restricts that contribution. Magistrate judges cannot dispose of felony criminal cases, the primary factor affecting many of the courts in need of additional judgeships. Criminal filings per judgeship are well above the national average in nearly half the courts recommended for additional judgeships. Additionally, magistrate judges can only dispose of civil cases with the consent of the parties involved. So, the extent to which magistrate judges can assist a court by disposing of cases varies considerably depending on the nature of a court's caseload and the frequency with which parties consent to trial before a magistrate judge. Neither of these factors is under the control of the courts. For that reason, the Judicial Conference reviews how each court employs its magistrate judges rather than incorporating the contributions of magistrate judges in the caseload standards.

## Background Caseload Information

The last comprehensive judgeship bill for the U.S. courts of appeals and district courts was enacted in 1990 and provided most of the judgeships requested at that time. Public Law 101-650 established 11 additional judgeships for the courts of appeals and 74 additional (including 13 temporary) judgeships for the district courts. Since that time, the caseloads in both the courts of appeals and the district courts have increased. By the end of fiscal year 2014, filings in the courts of appeals had grown by 28 percent while district court case filings had risen by 41 percent (civil cases were up 40 percent and criminal felony defendants were higher by 43 percent). Although Congress created 34 additional judgeships in the district courts since 1999 in response to particular problems in certain districts (9 in fiscal year 2000, 10 in fiscal year 2001, and 15 in fiscal year 2003), no additional judgeships have been created for the courts of appeals. As a result, the national average circuit court caseload per three-judge panel has reached 988 filings compared to 773 in 1991. In the district courts, even with the 34 additional judgeships, weighted filings were 533 per judgeship as of September 2014, compared to 386 per judgeship in 1991. For a more detailed description of the most significant changes in the caseload since 1991, see Appendix 2.

Although the national figures provide a general indication of system-wide changes, the Judicial Conference judgeship recommendations are based on relevant workload information for each specific court. The caseload situation in courts where the Judicial Conference is recommending additional judgeships is much more dramatic than indicated by national totals.<sup>2</sup> For the 30 district courts where the Judicial Conference is recommending additional judgeships, weighted filings averaged 629 per judgeship and 14 courts have caseloads above 600 weighted filings, five above 700, and two with more than 1,000 weighted filings. For the circuit court where the Judicial Conference is recommending additional judgeships, adjusted filings were 800 per panel compared to the national average of 634 per panel.

Appendix 3 contains specific information for each court for which the Judicial Conference is recommending additional judgeships. Appendix 3 includes:

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<sup>2</sup> The current Judicial Conference recommendation includes one district that lost a badly needed judgeship in 2004 when the temporary judgeship expired before Congress could convert the judgeship to permanent status.

**Court Profile**

A summary page with information about the number of judgeships authorized and recommended, when the last judgeship was created, and the relationship between the caseload and the Judicial Conference standard.

**Caseload Profile and Recommendation***Preliminary Caseload Profile*

The statistical profile showing six years of court caseload data through fiscal year 2013.

*Preliminary Recommendation*

The initial evaluation of a court's request for additional judgeships by the Subcommittee on Judicial Statistics of the Committee on Judicial Resources.

*Final Caseload Profile*

The statistical profile showing six years of court caseload data through June 2014. This profile provided the most recent data available when the Subcommittee developed its final recommendation.

*Final Recommendation*

The final evaluations by the Subcommittee, the Committee, and the Judicial Conference after consideration of the court's justification, caseload data, and the recommendation of the judicial council of the circuit.

**TABLE 1. ADDITIONAL JUDGESHIPS OR CONVERSION OF EXISTING JUDGESHIPS RECOMMENDED BY THE JUDICIAL CONFERENCE 2015**

CIRCUIT/DISTRICT	AUTHORIZED JUDGESHIPS	JUDICIAL CONFERENCE RECOMMENDATION
<b>U.S. COURTS OF APPEALS</b>		<b>5P</b>
NINTH	29	5P
<b>U.S. DISTRICT COURTS</b>		<b>68P, 9T/P</b>
ALABAMA, NORTHERN	8	T/P
ARIZONA	13	4P, T/P
CALIFORNIA, CENTRAL	28	13P, T/P
CALIFORNIA, EASTERN	6	6P
CALIFORNIA, NORTHERN	14	5P
CALIFORNIA, SOUTHERN	13	2P
COLORADO	7	2P
DELAWARE	4	1P
FLORIDA, MIDDLE	15	6P
FLORIDA, NORTHERN	4	1P
FLORIDA, SOUTHERN	18	3P, T/P
GEORGIA, NORTHERN	11	2P
IDAHO	2	1P
INDIANA, SOUTHERN	5	1P
KANSAS	6	T/P
MINNESOTA	7	1P
MISSOURI, EASTERN	8	T/P
NEVADA	7	1P
NEW JERSEY	17	2P
NEW MEXICO	7	2P, T/P
NEW YORK, EASTERN	15	2P
NEW YORK, SOUTHERN	28	1P
NEW YORK, WESTERN	4	1P
NORTH CAROLINA, WESTERN	5	T/P
TENNESSEE, MIDDLE	4	1P
TEXAS, EASTERN	8	2P, T/P
TEXAS, SOUTHERN	19	2P
TEXAS, WESTERN	13	4P
WASHINGTON, WESTERN	7	1P
WISCONSIN, WESTERN	2	1P

P = PERMANENT; T = TEMPORARY; T/P = TEMPORARY MADE PERMANENT

**TABLE 2. ADDITIONAL JUDGESHIPS OR CONVERSION OF EXISTING JUDGESHIPS RECOMMENDED BY THE JUDICIAL CONFERENCE 2015**

CIRCUIT/DISTRICT	AUTHORIZED JUDGESHIPS	JUDICIAL CONFERENCE RECOMMENDATION	ADJUSTED FILINGS PER PANEL/WEIGHTED FILINGS PER AUTHORIZED JUDGESHIP
<b>U.S. COURTS OF APPEALS</b>		<b>5P</b>	<b>ADJUSTED FILINGS</b>
NINTH	29	5P	809
<b>U.S. DISTRICT COURTS</b>		<b>68P, 9T/P</b>	<b>WEIGHTED FILINGS</b>
DELAWARE	4	1P	1,433
TEXAS, EASTERN	8	2P, T/P	1,331
CALIFORNIA, EASTERN	6	6P	974
MINNESOTA	7	1P	781
ARIZONA	13	4P, T/P	742
FLORIDA, SOUTHERN	18	3P, T/P	695
NEW YORK, EASTERN	15	2P	692
FLORIDA, MIDDLE	15	6P	670
TENNESSEE, MIDDLE	4	1P	667
CALIFORNIA, CENTRAL	28	13P, T/P	664
TEXAS, WESTERN	13	4P	644
NEW JERSEY	17	2P	642
INDIANA, SOUTHERN	5	1P	642
COLORADO	7	2P	642
NEW MEXICO	7	2P, T/P	598
CALIFORNIA, NORTHERN	14	5P	593
TEXAS, SOUTHERN	19	2P	579
WISCONSIN, WESTERN	2	1P	556
WASHINGTON, WESTERN	7	1P	549
FLORIDA, NORTHERN	4	1P	545
GEORGIA, NORTHERN	11	2P	540
NEW YORK, WESTERN	4	1P	521
CALIFORNIA, SOUTHERN	13	2P	508
NEVADA	7	1P	505
NEW YORK, SOUTHERN	28	1P	485
IDAHO	2	1P	446
ALABAMA, NORTHERN	8	T/P	381
MISSOURI, EASTERN	8	T/P	374
KANSAS	6	T/P	366
NORTH CAROLINA, WESTERN	5	T/P	351

P = PERMANENT; T = TEMPORARY; T/P = TEMPORARY MADE PERMANENT