



Federal Bar Association

BRIEFING HANDBOOK FOR PARTICIPANTS

FBA CAPITOL HILL DAY APRIL 20, 2017

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**FBA ISSUE BRIEF
AND
TALKING POINTS**



Federal Bar Association

Federal Bar Association -- 2017 Public Policy Priorities

Our Federal Courts Need Adequate Funding

The Federal Bar Association supports the Federal Judiciary's FY 2017 budget request and urges Congress to finalize an omnibus appropriations package that includes sufficient funding to permit the Judiciary to fulfill its Constitutional and statutory responsibilities.

The FBA also supports the Judiciary's FY 2018 budget request of \$ 7.2 billion in discretionary appropriations, reflecting an increase of 3.9 percent over the assumed FY 2017 level.

Funding for the Federal Judiciary, a coordinate branch of our Federal government, represents two-tenth of one penny of a taxpayer's dollar.

Judicial Vacancies and the Need for Prompt Action in Filling Them

There are historically high levels of vacancies on the Federal appellate and district court bench that require prompt attention by the President and the Senate.

As of April 17, 2017, there were 20 appeals court and 99 district court vacancies. High numbers of vacancies on the Federal bench harm the delivery of justice, the economic interests of litigants before the courts, and public respect for the efficiency of our judicial system.

The Federal Bar Association calls upon the President and Congress to act promptly and responsibly in nominating and confirming nominees to the Federal appellate and district courts. The President and the Senate have a Constitutional obligation to assure that the Federal courts are staffed with sufficient numbers of judges to promptly administer justice.

The Federal Bar Association also invites home-state Senators to call upon FBA chapters in their states to assist in appropriate ways to identify well-qualified candidates to the federal bench.

The Urgent Need to Reauthorize Temporary Bankruptcy Judgeships

The Federal Bar Association urges Congress to authorize, before May 25, 2017, the conversion of 14 temporary bankruptcy judgeships to permanent status and the establishment of 4 permanent bankruptcy judgeships, pursuant to the recommendation of the Judicial Conference of the United States.

The 14 temporary judgeships are located in the following districts: District of Delaware (5); Southern District of Florida (2); District of Puerto Rico (2); District of Maryland (1); Eastern District of Michigan (1); District of Nevada (1); Eastern District of North Carolina (1); and Eastern District of Virginia (1).

The Judicial Conference's request is urgent and time-sensitive. The original Congressional authorization for these 14 judgeships will lapse on May 25, 2017, and unless Congress reauthorizes them by that date, any additional bankruptcy judgeship vacancy occurring in any of these eight districts after May 25 cannot be filled by law, regardless how the vacancy arose (whether by death, resignation or retirement).

The four recommended permanent bankruptcy judgeships are in the District of Delaware (2) and in the Middle District of Florida (1) and the Eastern District of Michigan (1).

Congress Should Establish Additional Judgeships

Inadequate numbers of judgeships have created difficulties for some Federal courts, especially courts struggling with extraordinarily high and sustained workloads. The Federal Bar Association supports the establishment of additional district court and appeals court judgeships in conformance with the Article III judgeship recommendations of the Judicial Conference of the United States. The Judicial Conference biennially reviews the judgeship needs of all district and appeals courts to capably administer civil and criminal justice. The Judicial Conference's last review of judgeship needs, completed in March 2017, recommended that Congress establish 57 new judgeships in 52 district courts and 5 new judgeships in the courts of appeals, and convert 8 temporary district court judgeships to permanent positions. The Judicial Conference also called for the creation of four new bankruptcy judgeships and the conversion to permanent status of 14 existing temporary bankruptcy judgeships.

The last time that Congress passed a comprehensive Article III judgeships bill was 1990, nearly three decades ago. While Congress has established additional judgeships in some of the Federal courts along the southwest border, significant needs in other districts remain.

About the FBA

The Federal Bar Association is the foremost national bar association devoted exclusively to the practice and jurisprudence of Federal law and the vitality of the United States Federal court system. More than 19,000 lawyers and judges belong to the Association. The Federal Bar Association as a matter of policy takes no position on the credentials or qualifications of specific nominees to the Federal bench. The FBA's foremost interest lies in the assurance of prompt, dispositive action by the President in nominating federal judicial candidates and the Senate in confirming (or not confirming) them.

For Further Information:

Contact Bruce Moyer, Counsel for Government Relations to the Federal Bar Association
Email: grc@fedbar.org Phone: 301-452-1111

SUGGESTED TALKING POINTS FOR CONGRESSIONAL MEETINGS

THANK YOU ... for meeting with us and for your support of the federal courts.

Let me first explain who we are and why we're here:

I'm an attorney with _____. [Talk a little about your practice and its relationship to the Federal courts. Also identify the local district court and the circuit with which you are associated.]

I'm on the Hill today, along with about 70 other FBA leaders from across the country, to educate Congressional offices about the need for Congressional action that addresses:

- The funding needs of the Federal court system
- The need for prompt action by the President and the Senate in filing judicial vacancies
- The need for Congress to establish additional judgeships in high-caseload judicial districts and circuits and additional bankruptcy judgeships

First, on the Funding Needs of the Federal Court System

The Federal courts are operating under the current Continuing Resolution that sustains court operations under FY 2016 funding levels.

We're hopeful that Congress will finalize FY 2017 funding arrangements in an omnibus package that provides the Federal courts with sufficient funding for the remainder of this year.

We are also hopeful that the omnibus will contain several "anomalies" for the federal courts, including the reauthorization of 29 temporary bankruptcy judgeships in 19 judicial districts that are set to expire on May 25, 2017.

We also urge Congress to approve the Judiciary's FY 2018 request of \$7.2 billion in discretionary appropriations, which reflects a 3.9 percent increase above 2017 levels.

The Federal courts have undertaken actions to contain costs and implement more efficient ways to administer justice. *[Add examples of cost-containment in your district/circuit courts, including stewardship in use of courtrooms and resources.]*

Our constitutional system of government, with separation of powers and checks and balances, cannot function as intended if the judicial branch is insufficiently resourced. Funding for the Federal Judiciary, a coordinate branch of our Federal government, represents less than two-tenths of one penny of a taxpayer's dollar.

Second, Judicial Vacancies in our Federal Courts Need to Be Promptly Filled

Judicial vacancies are at historic levels – with nearly 130 vacancies in our district and appellate courts, representing almost 15 percent of the federal bench.

Forty-eight of the current vacancies arise in some of the busiest courts in the nation and are considered “judicial emergencies” by the Federal Judiciary.

[Discuss current or future vacancies, including judicial emergencies, that exist in your district/circuit and the current state of play.]

Vacancies are harmful to the administration of justice and the nation’s economy. ***[Explain why and give examples.]***

[If vacancies exist in your state, inquire about the current Home State Senator process for soliciting nominations and vetting candidates. Ask how the FBA can be helpful.]

We look to the Senate to uphold its obligation to assure that the courts are sufficiently staffed with sufficient numbers of judges to promptly administer justice.

Third, Growing Caseloads in our Federal Courts Require More Judgeships

We encourage Congress to support the recent recommendations of the Judicial Conference of the United States to establish 57 new Article III judgeships in the courts of appeals and district courts. This includes 5 judgeships in the appellate courts and 52 district judgeships.

In addition, the Judicial Conference recommended the Congress convert 14 existing temporary bankruptcy judgeships to permanent status and authorize the establishment of 4 permanent bankruptcy judgeships. This request is time-sensitive in that the 14 temporary bankruptcy judgeships will lapse if Congress does not reauthorize them by May 25, 2017.

[Identify recommended Article III and bankruptcy judgeships applicable to your state.]

The Judicial Conference reached these recommendations based on a robust analysis of court caseloads and trends. Caseloads are growing across many of the nation’s federal courts.

Since 1990, when the last comprehensive judgeships bill was enacted, appeals filings have grown 40 percent and district court filings have grown 38 percent (civil and criminal filing growth has been nearly equal). During the same period, there has been only a 4 percent increase in judgeships.

We recognize the costs (about \$1 million annually per judgeship) of adding more judgeships. Current judges (including senior judges) and court staff are doing their level best to keep up with their caseloads, but require additional resources that can only be authorized by Congress.

We’ve appreciated this conversation. Is there anything we can do for you?

THANK YOU FOR YOUR SUPPORT AND FOR LISTENING TO US.

**CAPITOL HILL DAY SCHEDULE
AND
GENERAL INFORMATION**

KEY INSTRUCTIONS FOR CAPITOL HILL DAY ADVOCATES

- Review these FBA briefing materials in advance of your arrival in Washington, DC. And bring these materials along with you. Sufficient copies of the Issue Brief will be provided to you at the CHD Kick-Off for your meetings.
- CHD advocates are responsible for scheduling their meetings with House and Senate offices. In scheduling your meetings, assume a meeting will last approximately 15-30 minutes. All meetings should be coordinated among multiple CHD advocates from the same state to assure adequate coverage and to prevent duplicative coverage. A current list of CHD registrants is included in these briefing materials.
- Contact your Chief Judge in advance of CHD to let him/her know of your efforts. Get the CJ's feedback on important topics. Coordinate that inquiry with other judges as appropriate.
- Be sensitive to whether your Congressional lawmakers are members of the House Judiciary Committee (which oversees the operation of the federal courts) or the Senate Judiciary Committee (which oversee judicial nominations and federal court operations) or the House or Senate Appropriations Committees for Financial Services (which oversee funding for the federal courts). Membership rosters of these committees are included in these briefing materials.
- Provide the lawmaker's Scheduler with a point-of-contact for your delegation and make sure that POC can immediately reach all members of the delegation, in the event the lawmaker's schedule changes suddenly.
- Check the weather before departing and pack accordingly; regardless be sure to bring along comfortable shoes. You will be doing a lot of walking.
- Consider sightseeing on Capitol Hill during down time during your meeting schedule (Capitol Visitors Center; Library of Congress; Supreme Court; Union Station)
- Take notes during your Capitol Hill meetings; these will be helpful for the debriefing and for follow-up.
- Take photos of your visits with lawmakers for chapter/section newsletters and *The Federal Lawyer*.
- Send thank you notes to Congressional lawmakers/staff with whom you met.
- Brief your chapter and your Chief Judge/judges on your visits and any necessary follow-through.



Federal Bar Association

FBA CAPITOL HILL DAY THURSDAY, APRIL 20, 2017

Schedule

8:00 – 9:00 am	Coffee/Continental Breakfast 325 Russell Senate Office Building
9:00 – 9:45 am	FBA Group Photo and Call to Action 325 Russell Senate Office Building
9:45 am	Depart for Meetings with House and Senate Offices
10:00 am – 3:30 pm	Meetings with House and Senate Offices Delegates are responsible for scheduling their meetings
Lunch	On Your Own
	Afternoon Meetings
3:00 – 4:00 pm	Down Time and Refreshments 325 Russell Senate Office Building
4:00 – 5:00 pm	Debriefing on Congressional Meetings 325 Russell Senate Office Building



Meeting with Your Member of Congress or Staff Member Do's and Don'ts

Do

- Remember that time is precious. All meetings should be “short and sweet.” Get to the point soon and focus on your issue.
- Identify yourself as a constituent (if appropriate) and indicate where you live and work. Briefly explain your association with FBA and FBA’s mission.
- Connect our issues to your personal experience. Get the legislator or staffer to talk about his or her association with the federal courts.
- Explain in simple and straightforward terms the logic supporting your position.
The most effective logic involving the filling of judicial vacancies = involves the cost of delay, and the magnitude of the cost -- how many people and businesses will be affected.

The most effective logic involving funding for the federal courts similarly involves the cost of delay and its impact.

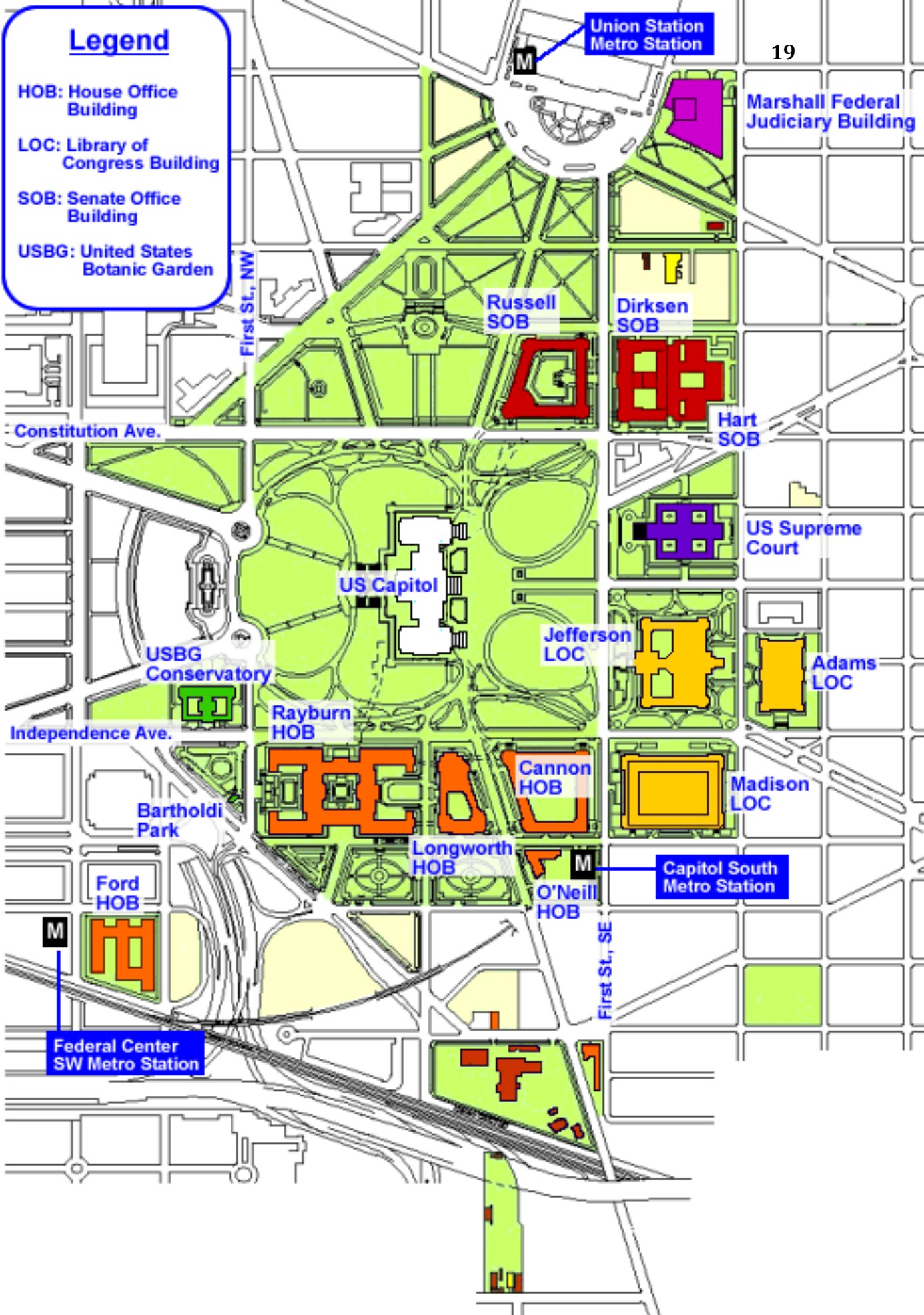
- Remind the lawmaker how many people (votes) share our position.
- Leave behind the FBA Issues Briefs
- Directly ask the legislator for his/her support of your position.
- Smile, exercise courtesy and respect at all times. Remember to thank the lawmaker for the opportunity to meet and send a thank-you letter for the meeting afterwards, confirming any pledges of support or commitments made by the legislator.
- Honor any request for follow-up information.
- Get the business card of the staffer with whom you met and use that contact information for follow-up communication with the staffer.

Don't

- Don't stray from our central message and talking points. Keep local issues secondary.
- Don't lie! Your credibility and knowledge are your best assets. Lack of preparation and mis-information will defeat you before you've started. If you're not sure of an answer to a question, offer to get back to the lawmaker or staffer with an answer.
- Keep the discussion as non-partisan as possible.
- Don't talk about your political opinions on other issues or other politicians.
- Don't threaten or suggest that you'll pursue any negative action if the legislator disagrees with your position.
- Don't linger. If the legislator has informed you of his or her position and your allotted time is up, don't spend unnecessary time on the issue. Just say, "We very much appreciate your support and will do our best to make sure that other folks in the district know where you stand" and conclude the meeting.
- Don't ignore requests for more information. Issues change within the process. Follow-up visits and information build credibility for you as a "trusted resource" and keep you involved in the process.

Legend

- HOB: House Office Building
- LOC: Library of Congress Building
- SOB: Senate Office Building
- USBG: United States Botanic Garden



Lunch Options on Capitol Hill

House Side of the Capitol

Longworth Cafeteria – Longworth House Office Building, Basement – cafeteria style food and service, including pizza, hamburgers, cold salad bar, deli sandwiches and wraps, and a global food table. Large seating area. *This is the largest eatery on the House side.

Cannon Carry Out – Cannon House Office Building, Basement – hamburgers, deli sandwiches; very limited seating.

Rayburn House Cafeteria – Rayburn House Office Building, Basement – cafeteria style food, including salad bar (hot and cold), deli sandwiches and wraps.

Senate Side of the Capitol

Dirksen Cafeteria – Dirksen Senate Office Building, Basement – cafeteria style food and service, including pizza, hamburgers, cold salad bar, and deli sandwiches and wraps. Large seating area. *This is the largest eatery on the Senate side.

Cups – Russell Senate Office Building, Basement – sandwiches and salad bar (hot and cold); very limited seating.

Hart Senate Chef – Dirksen/Hart Senate Office Buildings Connecting Corridor, Ground floor – sandwiches; limited seating.

Capitol Visitor Center, In the Capitol

Contains two large cafeterias open to the public, featuring soups, salads, specialty entrées, pizzas, sandwiches, desserts, and beverages. Lower level of the CVC. Large seating area.

House Side of the Capitol	Senate Side of the Capitol
Burrito Brothers 205 Pennsylvania Ave SE, 202-543-6835 Burritos; very limited seating.	Union Station 50 Massachusetts Ave NE Contains a food court as well as several fast food and sit down restaurants.
Bullfeathers 410 1st St SE, 202-484-0228 Burgers, sandwiches; no reservations accepted.	La Loma 316 Massachusetts Ave NE, 202-548-2550 Mexican.
Congressional Deli 402 1st St SE, 202-547-1600 Sandwiches; no seating.	The Monocle 107 D St NE, 202-546-4488. Seafood, meat; reservations highly suggested.
Good Stuff Eatery 303 Pennsylvania Ave SE, 202-543-8222 Burgers, no reservations accepted.	Subway 236 Massachusetts Ave, NE 202-544-2522 Sandwiches
Hawk and Dove 329 Pennsylvania Ave SE, 202-543-3300 American, burgers.	Union Pub 201 Massachusetts Ave NE, 202-546-7200 American.
La Lomita Dos 308 Pennsylvania Ave SE, 202-544-0616 Mexican.	
Pret A Manger 301 Pennsylvania Ave SE Soups, sandwiches, salads; limited seating.	

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Senate Committee on the Judiciary

<http://judiciary.senate.gov/>
[\(http://judiciary.senate.gov/\)](http://judiciary.senate.gov/)

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[\(/congress/members/charles_grassley/300048\)](/congress/members/charles_grassley/300048)

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[\(/congress/members/dianne_feinstein/300043\)](/congress/members/dianne_feinstein/300043)

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 Democrats: 9

The chairman is always selected from the majority party and the ranking member is the most senior member of the minority party. The majority party ensures it has a majority on every committee.

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 (/CONGRESS/MEMBERS/CHARLES_GRASSLEY/300048)
 Iowa Republican



/congress/members/dianne_feinstein/300043
Ranking Member

DIANNE FEINSTEIN
 (/CONGRESS/MEMBERS/DIANNE_FEINSTEIN/300043)
 California Democrat



/congress/members/john_cornyn/300027
Border ...

JOHN CORNYN
 (/CONGRESS/MEMBERS/JOHN_CORNYN/300027)
 Texas Republican
 Chair, Subcommittee on Border Security and Immigration (None)



/congress/members/ted_cruz/412573
the ...

TED CRUZ
 (/CONGRESS/MEMBERS/TED_CRUZ/412573)
 Texas Republican
 Chair, Subcommittee on the Constitution (None)

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[Nevada just became the first state since 1978 to ratify the Equal Rights Amendment. \(https://medium.com/govtrack-insider/nevada-just-became-the-first-state-since-1978-to-ratify-the-equal-rights-amendment-270e1b10c60e\)](https://medium.com/govtrack-insider/nevada-just-became-the-first-state-since-1978-to-ratify-the-equal-rights-amendment-270e1b10c60e) – Apr 7, 2017

134 nations contain constitutional provisions guaranteeing gender equality under the law. 80 percent of Americans incorrectly believe the U...

[Protecting Access to Care Act would cap most medical malpractice lawsuits at \\$250 thousand. \(https://medium.com/govtrack-insider/protecting-access-to-care-act-would-cap-most-medical-malpractice-lawsuits-at-250-thousand-ee9365c160e3\)](https://medium.com/govtrack-insider/protecting-access-to-care-act-would-cap-most-medical-malpractice-lawsuits-at-250-thousand-ee9365c160e3) – Apr 1, 2017

Health care costs are skyrocketing. Total health care spending went from 7.2 percent of GDP in 1970 to 17.8 percent in 2015. The Centers...

[MAR-A-LAGO Act would mandate Trump release visitor logs from his White House and Florida club \(https://medium.com/govtrack-insider/mar-a-lago-act-would-mandate-trump-release-visitor-logs-from-his-white-house-and-florida-club-3731b9a00966\)](https://medium.com/govtrack-insider/mar-a-lago-act-would-mandate-trump-release-visitor-logs-from-his-white-house-and-florida-club-3731b9a00966) – Mar 30, 2017

President Trump appears to have reversed an Obama-era policy publicly disclosing names and dates of White House visitors there to see the...



/congress/members/jeff_flake/400134
Privacy, ...

JEFF FLAKE
 (/CONGRESS/MEMBERS/JEFF_FLAKE/400134)
 Arizona
 Republican

Chair,
 Subcommittee on Privacy,
 Technology and the Law (None)



/congress/members/lindsey_graham/300047
Crime ...

LINDSEY GRAHAM
 (/CONGRESS/MEMBERS/LINDSEY_GRAHAM/300047)
 South Carolina
 Republican

Chair,
 Subcommittee on Crime and
 Terrorism (None)



/congress/members/mike_lee/412495
Antitrust, ...

MIKE LEE
 (/CONGRESS/MEMBERS/MIKE_LEE/412495)
 Utah
 Republican

Chair,
 Subcommittee on Antitrust,
 Competition Policy and
 Consumer Rights (None)



/congress/members/benjamin_sasse/412671
Oversight, ...

BENJAMIN SASSE
 (/CONGRESS/MEMBERS/BENJAMIN_SASSE/412671)
 Nebraska
 Republican

Chair,
 Subcommittee on Oversight,
 Agency Action, Federal Rights
 and Federal ... (None)

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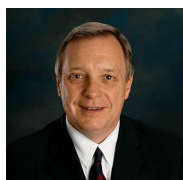


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**ADEQUATE FUNDING
FOR THE FEDERAL COURTS**

ADEQUATE FUNDING FOR THE FEDERAL COURTS

A Quick Overview

There are two funding requests from the Federal Judiciary that are pending before Congress. One is for the current FY 2017 Fiscal year; the other is for FY 2018. These requests are considered by the House and Senate Subcommittees on Financial Services and General Government.

FY 2017 Funding

The Federal courts – and the rest of the federal government – are currently operating under a Continuing Resolution that is funding the government at FY 2016 levels. Unable to reach agreement on a FY 2017 budget, Congress last September passed the CR before the 2017 Fiscal Year began on October 1, 2016. The CR will expire on April 28, 2017, four days after Congress will return from the Easter/Passover recess.

When Congress returns from their two-week recess on April 24, they will need to pass a catchall or “omnibus” appropriations package that finalizes government funding for the remainder of the fiscal year through September 30. Under the omnibus approach, the Federal Judiciary is expected to receive \$7.0B in proportionate funding at FY 2017-requested levels, along with some Judiciary-requested policy riders (called “anomalies”) to assist court operations, including the temporary reauthorization of some bankruptcy judgeships that otherwise will expire on May 25.

If Congressional leaders are unable to finalize an omnibus agreement, a short-term extension of the CR is likely. An impasse over government funding could lead to a temporary government shutdown, but that also is considered unlikely.

FY 2018 Funding

While Congress is completing arrangements for current year-spending, it also is beginning work on crafting the FY 2018 budget. The Federal Judiciary has transmitted its 2018 budget request to the Congress, requesting \$7.2B in discretionary appropriations. This reflects a 3.9 percent increase above the assumed FY 2017 levels.

A summary of the Judiciary’s FY 2018 budget request is included in the briefing materials.

FBA Position

FBA supports Congressional approval of the Judiciary's FY 2017 and FY 2018 budget requests, including passage of an FY 2017 omnibus package responsive to the Judiciary's requested anomalies.

March 16, 2017

SUMMARY OF THE JUDICIARY'S FISCAL YEAR 2018 BUDGET REQUEST

The Judiciary's fiscal year 2018 budget request of \$7.2 billion in discretionary appropriations reflects a 3.9 percent increase above the assumed fiscal year 2017 appropriation to support the Constitutional and statutory mission of the federal courts.

The request will maintain current services across the Judiciary and sustain progress on several major initiatives. The request addresses staffing and workload needs in the courts and federal defender offices, improves security at federal court facilities, and funds several new initiatives needed to support judicial operations.

The Judiciary's request includes funding for several major space and facilities initiatives for the courts, as well as cybersecurity improvements in several Judiciary accounts. The request fully funds the Judiciary's defender services program, which provides court-appointed counsel to indigent defendants, and includes both a \$6 rate increase above inflation to the non-capital panel attorney hourly rate, from \$132 to \$138, and several specialized defender services positions that are not currently provided for by the federal defender staffing formula. The requested level also provides for a sufficient level of security at federal court facilities nationwide, including investments to improve the quality of security systems, equipment and information technology. Lastly, the Judiciary's request will ensure funds are available for criminal and civil jury trials, including the compensation of jurors at the \$50 daily rate that is assumed to be approved in FY 2017.

The Judicial Conference is grateful for the support of Congress in this difficult and constrained fiscal environment; however, we remain concerned about the potential for steep cuts to FY 2018 non-defense discretionary spending that could impact Judiciary funding. Our constitutional system of government, with separation of powers and checks and balances, cannot function as intended if the judicial branch is insufficiently resourced. We ask that Congress take into account the nature and importance of the work of the federal courts and continue to make the Judiciary a funding priority.

Details of the Fiscal Year 2018 Budget Request

- The Judiciary's fiscal year 2018 appropriations request totals \$7.9 billion. The request includes \$7.2 billion in discretionary appropriations, an increase of \$274.3 million (3.9 percent) over fiscal year 2017 assumed appropriations. The request also includes \$636.1 million in mandatory appropriations, an increase of \$43.4 million above fiscal year 2017 assumed levels.

Discretionary Appropriations

- A total of \$232.3 million (84.7 percent) of the \$274.3 million increase requested will provide for pay adjustments, inflation, and other adjustments to base necessary to maintain current services. Of this amount:
 - An increase of \$129.2 million provides for inflationary pay and benefit rate increases for magistrate and claims judges and support personnel, including annualization of fiscal year 2017 pay adjustments, expected January 2018 pay adjustments (e.g., 1.6% COLA for federal workers), changes in benefits costs, a COLA for panel attorneys, and a wage

rate adjustment for court security officers.

- An increase of \$44.8 million is necessary to replace non-appropriated sources of funds used to support base requirements in fiscal year 2017 with direct appropriations.
- An increase of \$17.3 million provides for increases in contract rates and other standard inflationary increases.
- An increase of \$21.9 million is associated with additional chambers staff for newly confirmed or appointed judges, and judges taking senior status.
- A net decrease of \$8.9 million provides for space-related adjustments.
- An increase of \$19.0 million is to support the ongoing operations and maintenance of the Judiciary's information technology infrastructure, systems and applications.
- An increase of \$2.0 million will provide for costs associated with a significantly increasing workload for the Vaccine Injury program.
- A decrease of \$5.6 million is for non-recurring costs associated with contracts for the development of new treatment curricula as part of the Evidence-Based Practices program.
- A net increase of \$5.1 million is for changes in the defender services program, including the annualization of Federal Defender Organization (FDO) positions assumed to be funded in FY 2017, projected changes in panel attorney workload, training and contracts.
- A net increase of \$3.3 million funds security-related adjustments, including the annualization of new Court Security Officer positions assumed to be funded in FY 2017.
- An increase of \$4.1 million provides for the projected net change in juror costs, including the cost of annualizing the \$10 increase in the daily juror attendance fee (from \$40 to \$50) assumed to be funded in FY 2017.
- An increase of \$0.1 million is for the annualization of new positions at the U.S. Sentencing Commission assumed to be funded in FY 2017.
- A total of \$42.0 million (15.3 percent) of the \$274.3 million increase requested will provide for program enhancements. Of this amount:
 - An increase of \$0.4 million is for staff and infrastructure to support the facilities of the Supreme Court.
 - An increase of \$0.7 million funds an additional magistrate judge and staff.
 - An increase of \$10.0 million is for one-time costs to implement additional space reduction projects.
 - An increase of \$10.0 million provides for repairs to the Thurgood Marshall Federal

Judiciary Building façade to address serious safety issues.

- An increase of \$2.7 million is for telecommunications, security and swing space requirements for courthouse construction projects that are currently underway.
- An increase of \$8.8 million funds cybersecurity enhancements for the Court of Appeals for the Federal Circuit, the courts' Salaries and Expenses account and Defender Services.
- An increase of \$2.2 million is for Criminal Justice Act panel management staff and new positions at defender services national projects, neither of which are covered by the current federal defender staffing formula.
- An increase of \$4.0 million provides for IT modernization and upgrades for the defender services program.
- An increase of \$1.8 million provides for a \$6 per hour panel attorney rate increase above inflation, from \$132 to \$138, for non-capital cases.
- An increase of \$1.5 million funds court security-related enhancements, including two small IT-related initiatives and new staff to manage the Physical Access Control Systems program.

Mandatory Appropriations

- A \$43.3 million increase is requested for Judiciary mandatory appropriations, as follows:
 - An increase of \$7.3 million provides for pay adjustments for Article III and bankruptcy judges' salaries, including annualization of the fiscal year 2017 pay adjustment, the proposed January 2018 pay adjustment (e.g. 1.6% COLA for federal workers), and changes in benefits costs.
 - An increase of \$9.3 million funds salary costs associated with changes in the number of senior judges and filled Article III and bankruptcy judgeships.
 - An increase of \$26.7 million provides for the Judiciary retirement trust funds accounts based on requirements calculated by an independent actuary.

Judiciary Appropriations

Discretionary Appropriations Account	FY 2017 Assumed Appropriation	FY 2018 Request	\$ Change FY 2018 vs. FY 2017 Assumed	% Change FY 2018 vs. FY 2017 Assumed
U.S. Supreme Court				
Salaries & Expenses	\$76,668	\$78,538	\$1,870	2.4%
Care of Building and Grounds	\$14,868	\$15,689	\$821	5.5%
Total	\$91,536	\$94,227	\$2,691	2.9%
U.S. Court of Appeals for the Federal Circuit	\$30,108	\$31,075	\$967	3.2%
U.S. Court of International Trade	\$18,462	\$18,649	\$187	1.0%
Courts of Appeals, District Courts, and Other Judicial Services				
Salaries & Expenses - Direct	\$5,010,000	\$5,168,974	\$158,974	
Vaccine Injury Trust Fund	\$6,260	\$8,221	\$1,961	
Total	\$5,016,260	\$5,177,195	\$160,935	3.2%
Defender Services	\$1,054,468	\$1,132,284	\$77,816	7.4%
Fees of Jurors & Commissioners	\$43,723	\$52,673	\$8,950	20.5%
Court Security	\$565,388	\$583,799	\$18,411	3.3%
Subtotal	\$6,679,839	\$6,945,951	\$266,112	4.0%
Administrative Office of the U.S. Courts	\$87,500	\$90,339	\$2,839	3.2%
Federal Judicial Center	\$28,200	\$29,082	\$882	3.1%
U.S. Sentencing Commission	\$18,000	\$18,576	\$576	3.2%
Direct Vaccine Injury Trust Fund	\$6,947,385	\$7,219,678	\$272,293	
Total Discretionary Appropriations	\$6,953,645	\$7,227,899	\$274,254	3.9%

Mandatory Appropriations:

Salaries of Judges ¹	\$424,439	\$441,090	\$16,651	
Judicial Retirement Funds	\$168,300	\$195,000	\$26,700	
Total Mandatory Appropriations	\$592,739	\$636,090	\$43,351	7.3%

Total Judiciary Appropriations	\$7,546,384	\$7,863,989	\$317,605	4.2%
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¹ Mandatory salaries include the salaries of justices of the Supreme Court, judges of the Court of Appeals for the Federal Circuit and Court of International Trade, and Article III and bankruptcy judges funded in the Courts' Salaries and Expenses account. (Magistrate judges and Court of Federal Claims judges are funded by discretionary appropriations.)

JUDICIAL VACANCIES

JUDICIAL VACANCIES

Historic levels of vacancies on the Federal bench currently exist. As of April 11, there were 98 vacancies in the district courts and 20 vacancies in the appeals courts.

Important: Be knowledgeable about current judicial vacancies (and future vacancies) in your respective judicial district and/or circuit, and whether they constitute judicial emergencies. Lists of current and future vacancies and judicial emergencies, as of April 11, are contained in these materials. Use this material to identify current/future judicial vacancies and emergencies in your district and/or circuit.

FBA believes that prolonged vacancies are inimical to the prompt administration of justice. Judicial vacancies harm the delivery of justice, the economic interests of litigants before the courts and public respect for the federal judicial system.

FBA historically has called upon the President and Congress to act promptly and responsibly in nominating and confirming nominees to the Federal appellate and district courts. The FBA has pointed to the Constitutional obligation to assure that the Federal courts are staffed with sufficient numbers of judges to promptly administer justice.

Be prepared in your Senate office meetings to point to examples how vacancies are disruptive of prompt justice.

If vacancies exist in your respective judicial district and/or circuit, inquire in your Senate meetings about the plans and activity for nominating candidates to the White House to fill these vacancies. Has your Senator(s) established an official vetting committee to screen judicial candidates and provide recommendations? Or are more informal vetting methods being used

Report back to FBA National on the current state of play in your district and circuit on filling these vacancies, the process that Home State Senators are using, and whether/how your chapter is engaging in the process.

**PREPARATORY AND MEETING QUESTIONS
ABOUT THE JUDICIAL VACANCY AND NOMINATION PROCESS**

Know the answers to the following questions in connection with each meeting you have with a Congressional office, mindful of the larger role that Senators play in the nomination and confirmation process.

Preparatory Questions (Answers are Available in the Briefing Handbook)

Is the lawmaker on the Judiciary Committee? (pp. 27-31 of Handbook)

Is the lawmaker on the Appropriations Committee? (pp. 33-35 of Handbook)

Are there judicial vacancies in my district/state/circuit? (pp. 55-60 of Handbook)

Are any of these vacancies considered judicial emergencies? (pp. 69-71 of Handbook)

Are there any future judicial vacancies arising soon? (pp. 67-68 of Handbook)

Meeting Questions

If there are current or future judicial vacancies, what is the lawmaker's role in the nomination process?

What is the current status of the home state senator nomination process for vacancies in my state? What is the timeline?

How can the FBA be helpful in nonpolitical ways in connection with the current nomination process?

FBA CHAPTER ENGAGEMENT IN THE JUDICIAL NOMINATIONS PROCESS

The President's nomination of judicial candidates, with input from the respective Home State Senators, provides an exceptional opportunity for FBA chapters to assist in a non-political fashion that promotes a prompt, informed judicial nomination process.

- By well-established custom, Home State Senators, particularly those of the President's political party, enjoy the prerogative to propose nominees to the White House.
- The process that Home State Senators (HSS) use to identify, vet and recommend individuals for nomination varies from state to state. Some HSS selection processes are relatively informal. Other may use HSS-appointed committees to screen potential nominees. State bar and other associations may already be assisting Home State Senators through membership on such committees.

FBA Chapters can assist and promote a prompt, informed judicial nomination process. Chapters can:

- Educate their member on judicial vacancies that exist in their respective judicial district(s);
- Identify the process that their Home State Senators use to solicit, identify and recommend judicial candidates for consideration by the White House;
- Inform their membership of the Home State Senator announcements of applications for judgeships; and
- Encourage well-qualified lawyers in the judicial district to consider application for consideration as a judicial candidate.

FBA National and the Government Relations Committee also can:

- Provide technical assistance and information to chapters as they monitor the judicial nomination process in their respective districts; and
- Gather information from chapters on the current HSS process that exists in their state; and share that information collectively.



Federal Bar Association

51

March 10, 2017

Dear Senator:

I write to address the issue of federal judicial vacancies and to offer resources that may be helpful to your work in filling vacancies that may arise in the district and appellate courts.

The Federal Bar Association (FBA) is the foremost professional association serving the federal legal system. In a non-partisan manner, we promote the sound administration of justice and an independent judiciary. Our 19,000 members are federal practitioners and judges. They come from every state and every area of the law—from criminal to civil, from government to corporate, from non-profit to in-house counsel. Our chapters may serve as a resource to Congressional offices in their relationships with the private bar and the federal court system. Most important, FBA chapters stand ready to assist Senate offices in publicizing searches in the legal community for judicial candidates to fill district and circuit court vacancies.

The Federal Bar Association considers filling federal judicial vacancies and increasing judgeships critical in judicial districts with systemically high case loads. Currently there are 122 Article III judicial vacancies in the federal courts. Forty-four of those vacancies are deemed “judicial emergencies” by the Judicial Conference, the policy-making body of the Federal Judiciary. We look forward to prompt action by the President and Congress in the months ahead in nominating and confirming well-qualified judicial nominees to assure that our district and appellate courts operate at their judgeship capacities, as authorized by Congress.

Our members will visit with Senate offices on Thursday, April 20, 2017, but we write today to underscore our availability to assist in the solicitation of candidates for federal judgeships. If you would like further information on how we may be helpful, please contact our Government Relations Counsel Bruce Moyer at grc@fedbar.org.

Thank you for your service to our country and your support for our federal courts and the administration of justice.

Sincerely,

Stacy King
Executive Director

Judicial Vacancies

Find a summary of current and future judicial vacancies, and links to pages that provide full listings of the different types of vacancies.

* Judges in territorial courts (Virgin Islands, Guam, and Northern Mariana Islands) are Article I judges with term appointments.

Judicial Vacancies

Last updated on 04/11/2017

Court	Authorized Judgeships	Vacancies	Nominees Pending	Nominees Pending for Future Vacancies
US Court of Appeals	179	20	1	0
US District Courts (includes territorial courts*)	677	98	0	0
US Court of International Trade	9	2	0	0
US Court of Federal Claims	16	6	0	0
US Supreme Court	9	0	0	0
Total	890	126	1	0

Current Judicial Vacancies

This table contains a listing of current judicial vacancies by court. The name of the incumbent, the reason for the vacancy, the vacancy date, the nominee (if applicable), and the nomination date.

Vacancies in the Federal Judiciary

115th Congress

Last updated on 04/11/2017

Total Vacancies: 126

Total Nominees Pending: 1

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
01 - MA	Woodlock,Douglas P.	Senior	06/01/2015		
01 - PR	Fuste,Jose Antonio	Retired	06/01/2016		
01 - RI	Lisi,Mary M.	Senior	10/01/2015		
02 - CCA	Wesley,Richard C.	Senior	08/01/2016		
02 - CCA	Lynch,Gerard E.	Senior	09/05/2016		
02 - CT	Chatigny,Robert N.	Senior	01/01/2017		
02 - NY-E	Feuerstein,Sandra J.	Senior	01/21/2015		
02 - NY-E	Amon,Carol Bagley	Senior	11/30/2016		
02 - NY-E	Gleeson,John	Resigned	03/09/2016		
02 - NY-E	Vitaliano,Eric N.	Senior	02/28/2017		
02 - NY-N	Sharpe,Gary L.	Senior	01/01/2016		
02 - NY-S	Crotty,Paul A.	Senior	08/01/2015		
02 - NY-S	Preska,Loretta A.	Senior	03/01/2017		
02 - NY-W	Skretny,William M.	Senior	03/08/2015		
03 - CCA	Fisher,D. Michael	Senior	02/01/2017		
03 - CCA	Rendell,Marjorie O.	Senior	07/01/2015		

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
03 - CCA	Fuentes,Julio M.	Senior	07/18/2016		
03 - DE	Robinson,Sue L.	Senior	02/03/2017		
03 - NJ	Martini,William J.	Senior	02/10/2015		
03 - NJ	Hochberg,Faith S.	Retired	03/06/2015		
03 - PA-E	McLaughlin,Mary A.	Senior	11/18/2013		
03 - PA-E	Restrepo,Luis Felipe	Elevated	01/11/2016		
03 - PA-E	Gardner,James Knoll	Senior	04/03/2017		
03 - PA-W	Gibson,Kim R.	Senior	06/03/2016		
03 - PA-W	McVerry,Terrence F.	Senior	09/30/2013		
03 - PA-W	McLaughlin,Sean J.	Resigned	08/16/2013		
03 - PA-W	Lancaster,Gary L.	Deceased	04/24/2013		
04 - MD	Quarles Jr.,William D.	Retired	02/01/2016		
04 - NC-E	Howard,Malcolm J.	Senior	12/31/2005		
04 - SC	Anderson Jr.,Joseph F.	Senior	11/16/2014		
04 - SC	Currie,Cameron McGowan	Senior	10/03/2013		
05 - CCA	Garza,Emilio M.	Senior	08/01/2012		
05 - CCA	Davis,W. Eugene	Senior	12/31/2016		
05 - CCA	King,Carolyn Dineen	Senior	12/31/2013		
05 - LA-E	Lemelle,Ivan L.	Senior	06/29/2015		
05 - LA-E	Berrigan,Helen G.	Senior	08/23/2016		
05 - LA-W	James,Robert G.	Senior	05/31/2016		
05 - LA-W	Haik,Richard T.	Senior	03/06/2015		
05 - TX-E	Davis,Leonard E.	Retired	05/15/2015		
05 - TX-E	Schell,Richard A.	Senior	03/10/2015		

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
05 - TX-E	Schneider,Michael H.	Senior	01/07/2016		
05 - TX-N	Means,Terry	Senior	07/03/2013		
05 - TX-N	Solis,Jorge A.	Retired	05/01/2016		
05 - TX-N	Robinson,Mary Lou	Senior	02/03/2016		
05 - TX-N	Cummings,Samuel Ray	Senior	12/31/2014		
05 - TX-S	Jack,Janis Graham	Senior	06/01/2011		
05 - TX-S	Costa,Gregg Jeffrey	Elevated	05/20/2014		
05 - TX-W	Smith Jr.,Walter S.	Retired	09/14/2016		
05 - TX-W	Junell,Robert A.	Senior	02/13/2015		
06 - CCA	Boggs,Danny J.	Senior	02/28/2017		
06 - CCA	Martin Jr.,Boyce F.	Retired	08/16/2013	Thapar,Amul Roger	03/21/2017
06 - KY-E	Coffman,Jennifer B.	Retired	01/08/2013		
06 - KY-W	Heyburn II,John G.	Senior	04/01/2014		
06 - MI-E	Rosen,Gerald E.	Senior	10/26/2016		
06 - MI-W	Bell,Robert Holmes	Senior	01/31/2017		
06 - OH-N	Nugent,Donald C.	Senior	01/01/2017		
06 - OH-S	Frost,Gregory L.	Retired	05/02/2016		
06 - TN-M	Campbell,Todd J.	Senior	12/01/2016		
06 - TN-W	Breen,J. Daniel	Senior	03/18/2017		
06 - TN-W	Mays Jr.,Samuel H.	Senior	07/01/2015		
07 - CCA	Tinder,John Daniel	Senior	02/18/2015		
07 - CCA	Evans,Terence T.	Senior	01/07/2010		
07 - IL-N	Zagel,James B.	Senior	10/21/2016		
07 - IL-N	Darraha,John W.	Senior	03/01/2017		

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
07 - IN-N	Miller Jr.,Robert L.	Senior	01/11/2016		
07 - IN-S	Barker,Sarah Evans	Senior	06/30/2014		
07 - WI-E	Randa,Rudolph T.	Senior	02/05/2016		
08 - CCA	Bye,Kermit Edward	Senior	04/22/2015		
08 - CCA	Murphy,Diana E.	Senior	11/29/2016		
08 - MN	Montgomery,Ann D.	Senior	05/31/2016		
08 - MN	Frank,Donovan W.	Senior	10/31/2016		
09 - AK	Beistline,Ralph R.	Senior	12/31/2015		
09 - AZ	Bolton,Susan R.	Senior	09/01/2016		
09 - AZ	Wake,Neil Vincent	Senior	07/05/2016		
09 - CA-C	King,George H.	Retired	01/06/2017		
09 - CA-C	Snyder,Christina A.	Senior	11/23/2016		
09 - CA-C	Collins,Audrey B.	Retired	08/01/2014		
09 - CA-C	Pregerson,Dean D.	Senior	01/28/2016		
09 - CA-C	Morrow,Margaret M.	Senior	10/29/2015		
09 - CA-S	Huff,Marilyn L.	Senior	09/30/2016		
09 - CCA	Clifton,Richard R.	Senior	12/31/2016		
09 - CCA	Silverman,Barry G.	Senior	10/11/2016		
09 - CCA	O'Scannlain,Diarmuid F.	Senior	12/31/2016		
09 - CCA	Pregerson,Harry	Senior	12/11/2015		
09 - HI	Mollway,Susan Oki	Senior	11/06/2015		
09 - ID	Lodge,Edward J.	Senior	07/03/2015		
09 - NV	Jones,Robert Clive	Senior	02/01/2016		
09 - WA-W	Pechman,Marsha J.	Senior	02/06/2016		

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
09 - WA-W	Robart,James L.	Senior	06/28/2016		
09 - WA-W	Lasnik,Robert S.	Senior	01/27/2016		
10 - CCA	Gorsuch,Neil M.	Elevated	04/07/2017		
10 - CO	Blackburn,Robert E.	Senior	04/12/2016		
10 - KS	Vratil,Kathryn H.	Senior	04/22/2014		
10 - OK-W	Russell,David L.	Senior	07/07/2013		
10 - OK-W	Friot,Stephen P.	Senior	12/01/2014		
10 - OK-W	Cauthron,Robin J.	Senior	07/14/2015		
10 - UT	Stewart,Brian T.	Senior	09/01/2014		
11 - AL-M	Fuller,Mark E.	Resigned	08/01/2015		
11 - AL-M	Thompson,Myron H.	Senior	08/22/2013		
11 - AL-N	Smith Jr.,C. Lynwood	Senior	08/31/2013		
11 - AL-N	Blackburn,Sharon Lovelace	Senior	05/08/2015		
11 - AL-S	Granade,Callie V.S.	Senior	03/07/2016		
11 - CCA	Dubina,Joel F.	Senior	10/26/2013		
11 - FL-M	Conway,Anne C.	Senior	08/01/2015		
11 - FL-M	Steele,John E.	Senior	06/03/2015		
11 - FL-N	Smoak,Richard	Senior	12/31/2015		
11 - FL-N	Hinkle,Robert L.	Senior	11/07/2016		
11 - FL-S	Zloch,William J.	Senior	01/31/2017		
11 - FL-S	Rosenbaum,Robin S.	Elevated	05/12/2014		
11 - FL-S	Cohn,James I.	Senior	08/05/2016		
11 - GA-M	Royal,Charles Ashley	Senior	09/01/2016		
11 - GA-N	Carnes,Julie E.	Elevated	07/21/2014		

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
11 - GA-N	Murphy,Harold L.	Senior	03/31/2017		
11 - GA-S	Moore Jr.,William T.	Senior	02/28/2017		
CL	Block,Lawrence J.	Retired	01/08/2016		
CL	Miller,George W.	Retired	08/06/2013		
CL	Damich,Edward J.	Senior	10/21/2013		
CL	Bush,Lynn J.	Senior	10/21/2013		
CL	Hewitt,Emily C.	Retired	10/21/2013		
CL	Firestone,Nancy B.	Senior	10/21/2013		
DC - DC	Leon,Richard J.	Senior	12/31/2016		
DC - DC	Collyer,Rosemary M.	Senior	05/18/2016		
DC - DC	Roberts,Richard W.	Senior	03/16/2016		
DC - DC	Walton,Reggie B.	Senior	12/31/2015		
IT	Pogue,Donald C.	Senior	07/01/2014		
IT	Eaton,Richard K.	Senior	08/22/2014		

Total Vacancies: 126

Total Nominees Pending: 1

Judicial Vacancy List for January 2017

Vacancies in the Federal Judiciary
114th Congress
Last updated on 01/01/2017
Total Vacancies: 112
Total Nominees Pending: 59

NOTE: This chart reflects the judicial nominees for judicial vacancies existing at the end of the 114th Congress. It is provided only for historical purposes; future nominees by the Trump Administration may not necessarily be the same individuals.

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
01 - MA	Woodlock,Douglas P.	Senior	06/01/2015	Bernstein,Inga S.	07/30/2015
01 - PR	Fuste,Jose Antonio	Retired	06/01/2016		
01 - RI	Lisi,Mary M.	Senior	10/01/2015	McElroy,Mary Susan	09/08/2015
02 - CCA	Wesley,Richard C.	Senior	08/01/2016		
02 - CCA	Lynch,Gerard E.	Senior	09/05/2016		
02 - CT	Chatigny,Robert N.	Senior	01/01/2017		
02 - NY-E	Amon,Carol Bagley	Senior	11/30/2016		
02 - NY-E	Feuerstein,Sandra J.	Senior	01/21/2015	Brown,Gary Richard	07/30/2015
02 - NY-E	Gleeson,John	Resigned	03/09/2016	Gujarati,Diane	09/13/2016
02 - NY-N	Sharpe,Gary L.	Senior	01/01/2016		
02 - NY-S	Crotty,Paul A.	Senior	08/01/2015		
02 - NY-W	Skretny,William M.	Senior	03/08/2015	Sweet,Kathleen Marie	03/15/2016
03 - CCA	Fuentes,Julio M.	Senior	07/18/2016		
03 - CCA	Rendell,Marjorie O.	Senior	07/01/2015	Haywood,Rebecca Ross	03/15/2016
03 - NJ	Martini,William J.	Senior	02/10/2015		
03 - NJ	Hochberg,Faith S.	Retired	03/06/2015	Neals,Julien Xavier	02/26/2015
03 - PA-E	Restrepo,Luis Felipe	Elevated	01/11/2016		
03 - PA-E	McLaughlin,Mary A.	Senior	11/18/2013	Younge,John Milton	07/30/2015

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
03 - PA-W	Gibson, Kim R.	Senior	06/03/2016		
03 - PA-W	McLaughlin, Sean J.	Resigned	08/16/2013	Baxter, Susan Paradise	07/30/2015
03 - PA-W	Lancaster, Gary L.	Deceased	04/24/2013	Colville, Robert John	07/30/2015
03 - PA-W	McVerry, Terrence F.	Senior	09/30/2013	Horan, Marilyn Jean	07/30/2015
04 - MD	Quarles Jr., William D.	Retired	02/01/2016	Gallagher, Stephanie Agli	09/08/2015
04 - NC-E	Howard, Malcolm J.	Senior	12/31/2005	Timmons-Goodson, Patricia Ann	04/28/2016
04 - SC	Currie, Cameron McGowan	Senior	10/03/2013	Beatty, Donald W.	02/25/2016
04 - SC	Anderson Jr., Joseph F.	Senior	11/16/2014	Coggins Jr., Donald C.	02/25/2016
05 - CCA	King, Carolyn Dineen	Senior	12/31/2013		
05 - CCA	Garza, Emilio M.	Senior	08/01/2012		
05 - CCA	Davis, W. Eugene	Senior	12/31/2016		
05 - LA-E	Berrigan, Helen G.	Senior	08/23/2016		
05 - LA-E	Lemelle, Ivan L.	Senior	06/29/2015	Kelly III, Claude J.	02/04/2016
05 - LA-W	James, Robert G.	Senior	05/31/2016		
05 - LA-W	Haik, Richard T.	Senior	03/06/2015	Finley, Stephanie A.	02/04/2016
05 - TX-E	Schneider, Michael H.	Senior	01/07/2016		
05 - TX-E	Davis, Leonard E.	Retired	05/15/2015		
05 - TX-E	Schell, Richard A.	Senior	03/10/2015	Scholer, Karen Gren	03/15/2016
05 - TX-N	Robinson, Mary Lou	Senior	02/03/2016		
05 - TX-N	Cummings, Samuel Ray	Senior	12/31/2014	Frost, E. Scott	03/15/2016
05 - TX-N	Solis, Jorge A.	Retired	05/01/2016	Hendrix, James Wesley	03/15/2016
05 - TX-N	Means, Terry	Senior	07/03/2013	Ramirez, Irma Carrillo	03/15/2016
05 - TX-S	Costa, Gregg Jeffrey	Elevated	05/20/2014		
05 - TX-S	Jack, Janis Graham	Senior	06/01/2011		

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
05 - TX-W	Smith Jr.,Walter S.	Retired	09/14/2016		
05 - TX-W	Junell,Robert A.	Senior	02/13/2015	Counts III,Walter David	03/15/2016
06 - CCA	Martin Jr.,Boyce F.	Retired	08/16/2013	Hughes,Lisabeth Tabor	03/17/2016
06 - KY-E	Coffman,Jennifer B.	Retired	01/08/2013		
06 - KY-W	Heyburn II,John G.	Senior	04/01/2014		
06 - MI-E	Rosen,Gerald E.	Senior	10/26/2016		
06 - OH-N	Nugent,Donald C.	Senior	01/01/2017		
06 - OH-S	Frost,Gregory L.	Retired	05/02/2016		
06 - TN-M	Campbell,Todd J.	Senior	12/01/2016		
06 - TN-W	Mays Jr.,Samuel H.	Senior	07/01/2015	Stanton III,Edward L.	05/21/2015
07 - CCA	Evans,Terence T.	Senior	01/07/2010	Schott,Donald K.	01/12/2016
07 - CCA	Tinder,John Daniel	Senior	02/18/2015	Selby,Myra C.	01/12/2016
07 - IL-N	Zagel,James B.	Senior	10/21/2016		
07 - IN-N	Miller Jr.,Robert L.	Senior	01/11/2016		
07 - IN-S	Barker,Sarah Evans	Senior	06/30/2014	Ong,Winfield D.	01/12/2016
07 - WI-E	Randa,Rudolph T.	Senior	02/05/2016		
08 - CCA	Murphy,Diana E.	Senior	11/29/2016		
08 - CCA	Bye,Kermit Edward	Senior	04/22/2015	Puhl,Jennifer Kelmetsrud	01/28/2016
08 - MN	Montgomery,Ann D.	Senior	05/31/2016		
08 - MN	Frank,Donovan W.	Senior	10/31/2016		
09 - AK	Beistline,Ralph R.	Senior	12/31/2015		
09 - AZ	Wake,Neil Vincent	Senior	07/05/2016		
09 - AZ	Bolton,Susan R.	Senior	09/01/2016		
09 - CA-C	Snyder,Christina A.	Senior	11/23/2016		

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
09 - CA-C	Morrow,Margaret M.	Senior	10/29/2015		
09 - CA-C	Pregerson,Dean D.	Senior	01/28/2016	Abrams,Paul Lewis	12/16/2015
09 - CA-C	Collins,Audrey B.	Retired	08/01/2014	Young,Mark A.	07/16/2015
09 - CA-S	Huff,Marilyn L.	Senior	09/30/2016		
09 - CCA	Silverman,Barry G.	Senior	10/11/2016		
09 - CCA	O'Scannlain,Diarmuid F.	Senior	12/31/2016		
09 - CCA	Clifton,Richard R.	Senior	12/31/2016		
09 - CCA	Pregerson,Harry	Senior	12/11/2015	Koh,Lucy Haeran	02/25/2016
09 - HI	Mollway,Susan Oki	Senior	11/06/2015	Connors,Clare Elizabeth	09/08/2015
09 - ID	Lodge,Edward J.	Senior	07/03/2015	Nye,David C.	04/06/2016
09 - NV	Jones,Robert Clive	Senior	02/01/2016	Traum,Anne Rachel	04/28/2016
09 - WA-W	Lasnik,Robert S.	Senior	01/27/2016	Andrus,Beth M.	04/14/2016
09 - WA-W	Robart,James L.	Senior	06/28/2016	Diaz,J. Michael	04/14/2016
09 - WA-W	Pechman,Marsha J.	Senior	02/06/2016	O'Sullivan,Kathleen M.	04/14/2016
10 - CO	Blackburn,Robert E.	Senior	04/12/2016	Rodriguez,Regina M.	04/28/2016
10 - KS	Vratil,Kathryn H.	Senior	04/22/2014	Campbell,Terrence J.	01/28/2016
10 - OK-W	Cauthron,Robin J.	Senior	07/14/2015		
10 - OK-W	Russell,David L.	Senior	07/07/2013	Mitchell,Suzanne	12/16/2015
10 - OK-W	Friot,Stephen P.	Senior	12/01/2014	Palk,Scott L.	12/16/2015
10 - UT	Stewart,Brian T.	Senior	09/01/2014	Russell,Ronald G.	12/16/2015
11 - AL-M	Fuller,Mark E.	Resigned	08/01/2015		
11 - AL-M	Thompson,Myron H.	Senior	08/22/2013		
11 - AL-N	Smith Jr.,C. Lynwood	Senior	08/31/2013		
11 - AL-N	Blackburn,Sharon Lovelace	Senior	05/08/2015		

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
11 - AL-S	Granade,Callie V.S.	Senior	03/07/2016		
11 - CCA	Dubina,Joel F.	Senior	10/26/2013	Kallon,Abdul K.	02/11/2016
11 - FL-M	Steele,John E.	Senior	06/03/2015	Barksdale,Patricia D.	04/28/2016
11 - FL-M	Conway,Anne C.	Senior	08/01/2015	Jung,William F.	04/28/2016
11 - FL-N	Hinkle,Robert L.	Senior	11/07/2016		
11 - FL-N	Smoak,Richard	Senior	12/31/2015	Lammens,Philip R.	04/28/2016
11 - FL-S	Cohn,James I.	Senior	08/05/2016		
11 - FL-S	Rosenbaum,Robin S.	Elevated	05/12/2014	Flores,Mary Barzee	02/26/2015
11 - GA-M	Royal,Charles Ashley	Senior	09/01/2016		
11 - GA-N	Carnes,Julie E.	Elevated	07/21/2014	Lopez,Dax Eric	07/30/2015
CL	Block,Lawrence J.	Retired	01/08/2016		
CL	Damich,Edward J.	Senior	10/21/2013	Bonilla,Armando Omar	01/07/2015
CL	Firestone,Nancy B.	Senior	10/21/2013	Firestone,Nancy B.	01/07/2015
CL	Bush,Lynn J.	Senior	10/21/2013	Halkowski,Thomas L.	01/07/2015
CL	Hewitt,Emily C.	Retired	10/21/2013	McCarthy,Patricia M.	01/07/2015
CL	Miller,George W.	Retired	08/06/2013	Somers,Jeri Kaylene	01/07/2015
DC - DC	Roberts,Richard W.	Senior	03/16/2016	Edelman,Todd E.	04/28/2016
DC - DC	Walton,Reggie B.	Senior	12/31/2015	Pan,Florence Y.	04/28/2016
DC - DC	Collyer,Rosemary M.	Senior	05/18/2016	Qureshi,Abid Riaz	09/06/2016
IT	Pogue,Donald C.	Senior	07/01/2014	Davidson,Jeanne E.	01/07/2015
IT	Eaton,Richard K.	Senior	08/22/2014	Drake,Elizabeth J.	07/30/2015
SC	Scalia,Antonin	Deceased	02/13/2016	Garland,Merrick B.	03/16/2016

Total Vacancies: 112

Total Nominees Pending: 59

Future Judicial Vacancies

This table lists judicial vacancies that will occur in the future, for instance if a current federal judge announces his or her retirement. Find out the court where the vacancy will occur, the name of the incumbent, the vacancy reason, the vacancy date, the nominee (if applicable), and the nomination date.

Future Vacancies in the Federal Judiciary

115th Congress

Last updated on 04/11/2017

Total Vacancies: 15

Total Nominees Pending: 0

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
01 - ME	Woodcock Jr.,John A.	Senior	06/27/2017		
03 - DE	Sleet,Gregory M.	Senior	05/01/2017		
03 - NJ	Simandle,Jerome B.	Senior	05/31/2017		
04 - NC-W	Voorhees,Richard L.	Senior	08/31/2017		
05 - LA-W	Doherty,Rebecca F.	Senior	06/05/2017		
05 - TX-E	Clark,Ron	Senior	02/28/2018		
06 - OH-S	Rose,Thomas M.	Senior	06/30/2017		
06 - TN-M	Sharp,Kevin Hunter	Resigned	04/15/2017		
07 - IN-N	Van Bokkelen,Joseph S	Senior	09/29/2017		
08 - AR-E	Holmes,J. Leon	Senior	03/31/2018		
08 - CCA	Riley,William Jay	Senior	06/30/2017		
08 - MO-E	Jackson,Carol E.	Retired	08/31/2017		
09 - OR	Brown,Anna J.	Senior	07/27/2017		
10 - KS	Marten,John Thomas	Senior	05/01/2017		

Court	Incumbent	Vacancy Reason	Vacancy Date	Nominee	Nomination Date
11 - AL-S	Steele,William H.	Senior	06/08/2017		

Total Vacancies: 15

Total Nominees Pending: 0

Judicial Emergencies

Find current federal judiciary judicial vacancies that the Judicial Conference has deemed as judicial emergencies and an explanation of what is a judicial emergency.

*Adjusted Filings per Panel and Weighted Filings per Judgeship are Calendar Year Data

Beginning with calendar year 2015, weighted filings are based on the new district court case weights [approved by the Judicial Conference \(/news/2016/03/15/judicial-conference-addresses-judgeship-needs-issues\)](/news/2016/03/15/judicial-conference-addresses-judgeship-needs-issues) in March 2016.

The new weighted filings definition may affect whether specific vacancies qualify as judicial emergencies. Read about how a [judicial emergency is defined \(/judges-judgeships/judicial-vacancies/judicial-emergencies/judicial-emergency-definition\)](/judges-judgeships/judicial-vacancies/judicial-emergencies/judicial-emergency-definition).

Judicial Emergencies

Last updated on **04/11/2017**

Total Emergencies: 48

Court	Vacancy Created By	Reason	Vacancy Date	Days Pending	Weighted Filings per Judgeship *	Adjusted Filings per Panel *
02 - NY-E	Feuerstein,Sandra J.	Senior	01/21/2015	811	506	0
02 - NY-S	Crotty,Paul A.	Senior	08/01/2015	619	463	0
02 - NY-W	Skretny,William M.	Senior	03/08/2015	765	455	0
02 - CCA	Lynch,Gerard E.	Senior	09/05/2016	218	0	715
02 - CCA	Wesley,Richard C.	Senior	08/01/2016	253	0	715
03 - NJ	Hochberg,Faith S.	Retired	03/06/2015	767	545	0
03 - NJ	Martini,William J.	Senior	02/10/2015	791	545	0
04 - NC-E	Howard,Malcolm J.	Senior	12/31/2005	4119	615	0
04 - SC	Currie,Cameron McGowan	Senior	10/03/2013	1286	439	0

Court	Vacancy Created By	Reason	Vacancy Date	Days Pending	Weighted Filings per Judgeship *	Adjusted Filings per Panel *
04 - SC	Anderson Jr.,Joseph F.	Senior	11/16/2014	877	439	0
05 - LA-E	Berrigan,Helen G.	Senior	08/23/2016	231	1177	0
05 - LA-E	Lemelle,Ivan L.	Senior	06/29/2015	652	1177	0
05 - TX-E	Schneider,Michael H.	Senior	01/07/2016	460	962	0
05 - TX-E	Davis,Leonard E.	Retired	05/15/2015	697	962	0
05 - TX-E	Schell,Richard A.	Senior	03/10/2015	763	962	0
05 - TX-N	Means,Terry	Senior	07/03/2013	1378	542	0
05 - TX-N	Cummings,Samuel Ray	Senior	12/31/2014	832	542	0
05 - TX-S	Costa,Gregg Jeffrey	Elevated	05/20/2014	1057	561	0
05 - TX-S	Jack,Janis Graham	Senior	06/01/2011	2141	561	0
05 - TX-W	Smith Jr.,Walter S.	Retired	09/14/2016	209	737	0
05 - TX-W	Junell,Robert A.	Senior	02/13/2015	788	737	0
05 - CCA	Davis,W. Eugene	Senior	12/31/2016	101	0	981
05 - CCA	King,Carolyn Dineen	Senior	12/31/2013	1197	0	981
05 - CCA	Garza,Emilio M.	Senior	08/01/2012	1714	0	981
06 - TN-M	Campbell,Todd J.	Senior	12/01/2016	131	780	0
06 - CCA	Martin Jr.,Boyce F.	Retired	08/16/2013	1334	0	588
07 - IN-S	Barker,Sarah Evans	Senior	06/30/2014	1016	821	0
07 - CCA	Tinder,John Daniel	Senior	02/18/2015	783	0	543
07 - CCA	Evans,Terence T.	Senior	01/07/2010	2651	0	543
08 - CCA	Bye,Kermit Edward	Senior	04/22/2015	720	0	635
09 - AZ	Bolton,Susan R.	Senior	09/01/2016	222	727	0

Court	Vacancy Created By	Reason	Vacancy Date	Days Pending	Weighted Filings per Judgeship *	Adjusted Filings per Panel *
09 - AZ	Wake,Neil Vincent	Senior	07/05/2016	280	727	0
09 - CA-C	Collins,Audrey B.	Retired	08/01/2014	984	558	0
09 - ID	Lodge,Edward J.	Senior	07/03/2015	648	493	0
09 - CCA	O'Scannlain,Diarmuid F.	Senior	12/31/2016	101	0	772
09 - CCA	Pregerson,Harry	Senior	12/11/2015	487	0	772
09 - CCA	Clifton,Richard R.	Senior	12/31/2016	101	0	772
09 - CCA	Silverman,Barry G.	Senior	10/11/2016	182	0	772
10 - UT	Stewart,Brian T.	Senior	09/01/2014	953	480	0
11 - AL-M	Fuller,Mark E.	Resigned	08/01/2015	619	382	0
11 - AL-M	Thompson,Myron H.	Senior	08/22/2013	1328	382	0
11 - FL-M	Steele,John E.	Senior	06/03/2015	678	608	0
11 - FL-M	Conway,Anne C.	Senior	08/01/2015	619	608	0
11 - FL-S	Zloch,William J.	Senior	01/31/2017	70	715	0
11 - FL-S	Rosenbaum,Robin S.	Elevated	05/12/2014	1065	715	0
11 - FL-S	Cohn,James I.	Senior	08/05/2016	249	715	0
11 - GA-N	Carnes,Julie E.	Elevated	07/21/2014	995	553	0
11 - CCA	Dubina,Joel F.	Senior	10/26/2013	1263	0	1151

Total Emergencies: 48

Judicial Conference Addresses Judgeship Needs Issues

Published on March 15, 2016

The Judicial Conference of the United States today adopted a **new system of case weights that will help it fine-tune its requests for new district judgeships**; moved to seek legislation to preserve temporary bankruptcy judgeships that will lapse next year; and addressed sentencing reform legislation that would impact court workloads.

The new case weights, the first since 2004, are based on a study conducted by the Federal Judicial Center. The study included objective data from nearly 300,000 civil and criminal case terminations regarding the amount of time required to conduct trials and other proceedings such as evidentiary hearings or pretrial conferences, and also included subjective measures based on a survey of approximately 220 active district judges regarding their estimates of the time required to perform case-related work in chambers.

Weighted filings provide a more accurate estimate of judicial workload than simply counting filings. Under the new case weights, the weights for many types of criminal cases are significantly higher, while case weights are lower for several civil cases, such as environmental matters, and death penalty habeas corpus. The differences reflect changes in case law, changes in the nature of the cases being handled, and adaptations to caseload changes through case management procedures. The Judicial Conference biennially submits judgeship recommendations to Congress.

In other action, the Conference:

- Authorized the Director of the Administrative Office to seek legislation to preserve temporary bankruptcy judgeships that will lapse on May 25, 2017, and that are included in the March 2015 bankruptcy judgeship recommendations the Conference transmitted to Congress. Specifically, the Conference seeks to [convert 16 temporary judgeships \(/file/document/bankruptcy-judgeships-recommended-conversions\)](#) in nine districts that have particularly high caseloads. These districts have registered a 55 percent increase in weighted bankruptcy filings from December 31, 2006, (the last time new bankruptcy judgeships were authorized) until September 30, 2014. If legislative action is not taken, the first bankruptcy judge vacancy that occurs in each of these nine districts after May 25, 2017, will not be filled.

- Agreed to support retroactivity provisions in S. 2123, the Sentencing Reform and Corrections Act of 2015, or any similar sentencing reform legislation, such as H. R. 3713, that would help alleviate the unjust effects of mandatory minimum sentences. The Judicial Conference has long-standing positions opposing mandatory minimums and supporting their repeal. The Conference encourages Congress to provide the courts the resources needed to implement these provisions, so as to minimize the burden on the courts, and in particular, probation offices, so as to maximize the effective reentry of inmates into the community.

The 26-member [Judicial Conference \(/about-federal-courts/governance-judicial-conference/about-judicial-conference\)](#) is the policy-making body for the federal court system. By statute the Chief Justice of the United States serves as its presiding officer and its members are the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade. The Conference meets twice a year to consider administrative and policy issues affecting the court system, and to make recommendations to Congress concerning legislation involving the Judicial Branch.

Related Topics: [Judicial Conference of the United States \(/topics/judicial-conference-united-states\)](#)

Judicial Emergency Definition

A judicial emergency is defined as the following:

Circuit Court

- any vacancy in a court of appeals where adjusted filings per panel are in excess of 700; OR
- any vacancy in existence more than 18 months where adjusted filings are between 500 to 700 per panel.

District Court

- any vacancy where weighted filings are in excess of 600 per judgeship; OR
- any vacancy in existence more than 18 months where weighted filings are between 430 to 600 per judgeship; OR
- any court with more than one authorized judgeship and only one active judge.

1. In determining judgeship needs in the U.S. district courts, the Judicial Conference uses weighted filings as a means of accounting for differences in the time required for judges to resolve various types of civil and criminal actions. Rather than counting each case as a single case, weights are applied based on the nature of cases. For example, cases involving a defaulted student loan are counted as 0.16 for each case and antitrust cases are counted as 3.72 cases. The criminal weights are applied on a per-defendant basis. The total for "weighted filings per judgeship" is the sum of all weights assigned to civil cases and criminal defendants, divided by the number of authorized judgeships.

2. In the courts of appeals, adjusted filings are used in a similar manner to weighted filings in the district courts. Adjusted filings eliminate reinstated cases and weight pro se appeals as one-third of a case. All other cases have a weight of one. The total for "adjusted filings per panel" is adjusted filings divided by the number of authorized three-judge panels (authorized judgeships/3).

**TEMPORARY BANKRUPTCY
JUDGESHIPS**

TEMPORARY BANKRUPTCY JUDGESHIPS: THE URGENT NEED FOR ACTION

On April 3, 2017, the Judicial Conference of the United States recommended to Congress that it convert 14 temporary bankruptcy judgeships in eight judicial districts to permanent status. These temporary judgeships are located in the following districts:

- District of Delaware (5)
- Southern District of Florida (2)
- District of Puerto Rico (2)
- District of Maryland (1)
- Eastern District of Michigan (1)
- District of Nevada (1)
- Eastern District of North Carolina (1)
- Eastern District of Virginia (1)

The Judicial Conference's request is urgent and time-sensitive. The original Congressional authorization for these 14 judgeships will lapse on May 25, 2017, unless Congress reauthorizes them by that date, any additional bankruptcy judgeship vacancy occurring in any of these eight districts after May 25 cannot be filled by law, regardless how the vacancy arose (whether by death, resignation or retirement). In districts with multiple temporary judgeships, additional vacancies occurring after May 25 could lead to even more lost judgeships.

As part of its recommendations, the Judicial Conference also recommended the establishment of two new permanent bankruptcy judgeships in the district of Delaware and one new judgeship each in the middle district of Florida and the eastern district of Michigan.

The FBA urges Congress to authorize the conversion of these 14 temporary bankruptcy judgeships to permanent status and the establishment of these 4 permanent bankruptcy judgeships.

If Congress takes no action on the temporary judgeships before May 25 and they lapse, it could take considerable time for Congress to approve replacement judgeships. (The current conversion legislation has remained pending since 2015.) In addition, the Congressional Budget Office will likely assess a much higher cost to new authorized judgeships than to the conversion of temporary judgeships, because the CBO considers converted judgeships as sufficiently "paid for" with increased filing fees from the 2005 law that originally created the temporary judgeships. If Congress fails to act, the public ultimately will suffer greater delay and cost in waiting to hear their bankruptcy filings heard before an already stretched-thin judiciary.

The Judicial Conference, in an April 3 letter to Congress, has pointed out that the bankruptcy courts associated with the 14 temporary bankruptcy judgeships would face a "serious and, in many cases, debilitating workload crisis if these temporary judgeships were to expire." "The U.S. Bankruptcy Court for the District of

Delaware, for example, would be crippled as five of their six authorized judgeships are temporary all with the risk of expiring in 2017," the letter said.

The Judicial Conference also pointed out that although bankruptcy filings nationwide have been declining in recent years, the districts that would be aided by the authorization of or conversion to permanent judgeships generally have experienced an increase in filings. Over the last 10 years, these districts' weighted filings have increased by more than 55 percent, according to the Judicial Conference.



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

JAMES C. DUFF
Secretary

April 3, 2017

Honorable Paul D. Ryan
Speaker
United States House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

On behalf of the Judicial Conference of the United States, I write to transmit the Conference's bankruptcy judgeship recommendations and corresponding draft legislation for the 115th Congress. The Conference recommends to Congress that it authorize four additional permanent bankruptcy judgeships and convert 14 existing temporary bankruptcy judgeships to permanent status, as set forth in the enclosures.

The preservation of current on-board resources in these courts is of great concern to the Conference. All 14 temporary bankruptcy judgeships included in the Conference's recommendation have a lapse date of May 25, 2017. These bankruptcy courts would face a serious and, in many cases, debilitating workload crisis if these temporary judgeships were to expire. The U.S. Bankruptcy Court for the District of Delaware, for example, would be crippled as five of their six authorized judgeships are temporary, all with the risk of expiring in 2017.

Although bankruptcy filings nationwide have been declining in recent years, the districts included in these recommendations generally have experienced an increase in filings resulting in stress on existing judicial resources. Indeed, since the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act in 2005, Pub. L. No. 109-8 – the last time additional judgeship resources were authorized for most of the courts included in the Conference's recommendation – these districts have seen weighted filings increase by more than 55 percent.¹

Section 152(b)(2) of title 28, United States Code, requires the Judicial Conference to recommend to Congress the authorization of additional bankruptcy judgeships. Following a formal survey of all judicial circuits, the Conference determines where additional resources are needed based upon the circuit councils' requests and established criteria including each court's workload and case filing statistics, geographic needs, and

¹ This increase in filings compares weighted caseload in the nine districts referenced in the Conference recommendation as of December 31, 2006, the first full year after the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act, with weighted caseload reported as of December 31, 2016.

Honorable Paul D. Ryan

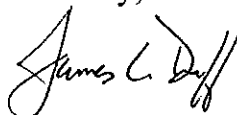
Page 2

pertinent additional factors. As part of this survey, the Judicial Conference also considers requests from the circuits to convert or extend existing temporary bankruptcy judgeships based upon the district's needs for stable judicial resources.

The Judicial Conference respectfully requests that you give your full consideration to the Judiciary's resource needs as identified in this proposed legislation. Additional caseload information concerning these recommendations is available upon request.

If we may be of further assistance to you in this or any other matter, please do not hesitate to contact me or the Office of Legislative Affairs, Administrative Office of the U.S. Courts, at (202) 502-1700.

Sincerely,



James C. Duff
Secretary

Enclosures

Identical letters sent to: Honorable Kevin McCarthy
Honorable Nancy Pelosi
Honorable Bob Goodlatte
Honorable John Conyers, Jr.
Honorable Tom Marino
Honorable David Cicilline

Judiciary Seeks Bankruptcy Judgeships, Warns of ‘Crisis’

Published on April 7, 2017

Warning that federal bankruptcy courts face a “debilitating workload crisis” in Delaware and eight other districts, the U.S. Judicial Conference has urged Congress to authorize four new bankruptcy judgeships and convert 14 temporary judgeships into permanent positions.

The [April 3 letter \(/file/document/letter-speaker-ryan-re-judgeship-recommendations\)](/file/document/letter-speaker-ryan-re-judgeship-recommendations) to Congressional leaders said that all 14 temporary judgeships are scheduled to lapse May 25, posing a particularly heavy impact on Delaware’s federal bankruptcy court.

“These bankruptcy courts would face a serious and, in many cases, debilitating workload crisis if these temporary judgeships were to expire,” wrote James C. Duff, as secretary of the Judicial Conference. “The U.S. Bankruptcy Court for the District of Delaware, for example, would be crippled as five of their six authorized judgeships are temporary, all with the risk of expiring in 2017.”

Other affected court districts are the Middle and Southern Districts of Florida, the Eastern District of North Carolina, the Eastern District of Virginia, and the Districts of Maryland, Michigan, Nevada and Puerto Rico.

Nationally, federal court bankruptcies have declined in recent years, but the letter noted that the affected districts have, since 2005, seen a 55 percent increase in weighted case filings, a measurement that takes into account the complexity of cases.

The recommendation of the Judicial Conference was delivered to House and Senate leadership, House and Senate Judiciary Committee chairs and ranking members, as well as to the chair and ranking member of the relevant subcommittees.

The [Judicial Conference \(/about-federal-courts/governance-judicial-conference/about-judicial-conference\)](/about-federal-courts/governance-judicial-conference/about-judicial-conference) is the policy-making body for the federal court system. It is composed of 26 judges from around the country, and the Chief Justice of the United States is the body’s presiding officer.

**Bankruptcy Judgeship Recommendations of the Judicial Conference of the United States
2017**

Arranged by Judicial District (Alphabetical order)				
District	Current Authorized*	Additional Permanent	Conversion	Resulting Authorization
Delaware	1P, 5T	2	5	8 Permanent
Florida, Middle	8P	1		9 Permanent
Florida, Southern	5P, 2T		2	7 Permanent
Maryland	4P, 3T		1	5 Permanent
Michigan	4P, 1T	1	1	6 Permanent
Nevada	3P, 1T		1	4 Permanent
North Carolina, Eastern	2P, 1T		1	3 Permanent
Puerto Rico	2P, 2T		2	4 Permanent
Virginia, Eastern	5P, 1T		1	6 Permanent
Total		4	14	

*P = Permanent Judgeship

T = Temporary Judgeship

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News/Columns

'Crisis' Looms Without New Bankruptcy Judges, Courts Say

Cogan Schneier, The National Law Journal

April 7, 2017

Citing a potential "debilitating workload crisis," the policymaking body for federal courts asked Congress this week to authorize new bankruptcy judgeships in Delaware, Florida and elsewhere.

The U.S. Judicial Conference sent a [letter](#) April 4 to congressional leadership, including House and Senate leaders, Judiciary Committee chairs and others, asking lawmakers to create four new judgeships as well as making another 14 temporary positions permanent. The letter said that although bankruptcy filings nationally declined in recent years, some districts have seen an increase in filings "resulting in stress on existing judicial resources."

"It affects the efficiency of the bankruptcy process, let alone the personal impact it's having on the sitting judges," said Mark Collins, chairman of the bankruptcy and corporate restructuring department at the Delaware firm Richards, Layton & Finger.

Collins said that in Delaware, lawyers have wished for years to see temporary judgeships become permanent and new judgeships added. Of the six judges at the bankruptcy court there, five are temporary. On May 25, authorization for the temporary judgeships will lapse, meaning any vacancy that occurs afterward will not be filled unless Congress acts.

The Judicial Conference surveys court districts to assess judgeship needs every two years. A new judgeship, or a conversion to make a temporary judgeship permanent, is requested depending on each judges' weighted case filings, a measurement that takes case complexity into account. The conference said that since 2005, weighted case filings for the affected districts increased 55 percent.

The conference [requested](#) two new judgeships in Delaware, as well as one in the Middle District of Florida and one in the District of Michigan. The request to make temporary positions permanent are for Delaware, the Southern District of Florida, Maryland, Michigan, Nevada, the Eastern District of North Carolina, Puerto Rico and the Eastern District of Virginia.

Congress created the temporary judgeships in 2005 with the Bankruptcy Abuse Prevention and Consumer Protection Act. The positions were supposed to last seven years. In 2012, they were [reauthorized](#) for another five years.

The Judicial Conference does not calculate the price of adding judgeships when making requests to Congress, because it can vary so much on what must be done to add a judgeship depending on the district. However, under [statute](#), bankruptcy judges are paid a yearly salary equal to 92 percent of district judges. For [2017](#), that would be \$188,692.

Sen. Chris Coons, D-Delaware, along with Sens. Marco Rubio, R-Florida, Bill Nelson, D-Florida, and Debbie Stabenow, D-Michigan, did [introduce a bill](#) March 15 to make several temporary judgeships in Delaware, Florida and elsewhere permanent.

The conference also [requested](#) 57 new Article III [judgeships](#) last month. It's unclear if Congress will make any movement on the requests. While Republicans in charge may not want to spend money to add judgeships, it also presents an opportunity for the controlling party to confirm judges they approve. But that isn't true for bankruptcy judges, who are appointed by the court of appeals for each circuit for a 14-year term.

"We are hopeful," Collins said. "Certainly the facts justify it. Certainly there is the need for it."

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**ADDITIONAL ARTICLE III
AND
BANKRUPTCY JUDGESHIPS**

Judicial Conference Asks Congress to Create New Judgeships

Published on March 14, 2017

The Judicial Conference of the United States today agreed to recommend to Congress the [creation of 57 new Article III judgeships \(/file/21917/download\)](#) in the courts of appeals and district courts. If an omnibus judgeship bill is enacted into law, it would be first new comprehensive judgeship legislation to take effect in more than 26 years.

Specifically, the Conference will transmit to Congress a recommendation to create five permanent Article III judgeships in the courts of appeals and 52 permanent Article III judgeships and the conversion to permanent status of eight temporary judgeships in the district courts. Since 1990, when the last comprehensive judgeship bill was enacted, appeals filings have grown 40 percent and district court filings have grown 38 percent (civil up 38 percent and criminal up 39 percent). In addition, the Judicial Conference also agreed to recommend to Congress and the President that they not fill the next judgeship vacancy on the U.S. Court of Appeals for the Tenth Circuit and in the District of Wyoming, based on consistently low filings in both courts.

In other action, the Conference:

- Amended its regulations on access to Judiciary financial disclosure reports to allow for their public release on electronic storage devices (thumb drives) at no charge. The Conference's Financial Disclosure Committee concluded that this amendment will reduce the costs incurred by the Judiciary and by requesters and increase the speed with which the reports can be released. Requesters who specifically ask for paper copies of reports will continue to be charged 20 cents a page to cover copying and mailing costs. This new process for releasing reports takes effect immediately.
- Received a report from Judge Julia Gibbons, chair of the Conference's Budget Committee, who characterized the budget outlook for the Judiciary as "uncertain." She told the Conference: "We find ourselves with an uncertain budget outlook going forward. We are concerned about the impact a series of flat budgets, or actual declines, would have on federal court operations. Such a scenario would put us back into the financial condition we were under during sequestration within a few years."

The 26-member [Judicial Conference is the policy-making body \(/about-federal-courts\)](#)

[/governance-judicial-conference/about-judicial-conference](#)) for the federal court system. By statute, the Chief Justice of the United States serves as its presiding officer and its members are the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade. The Conference meets twice a year to consider administrative and policy issues affecting the court system, and to make recommendations to Congress concerning legislation involving the Judicial Branch.

Related Topics: [Judicial Conference of the United States \(/topics/judicial-conference-united-states\)](#)

TABLE 1. ADDITIONAL JUDGESHIPS OR CONVERSION OF EXISTING JUDGESHIPS RECOMMENDED BY THE JUDICIAL CONFERENCE 2017

CIRCUIT/DISTRICT	AUTHORIZED JUDGESHIPS	JUDICIAL CONFERENCE RECOMMENDATION
U.S. COURTS OF APPEALS		5P
NINTH	29	5P
U.S. DISTRICT COURTS		52P, 8T/P
ARIZONA	13	T/P
CALIFORNIA, CENTRAL	28	7P, T/P
CALIFORNIA, EASTERN	6	5P
CALIFORNIA, NORTHERN	14	2P
CALIFORNIA, SOUTHERN	13	3P
COLORADO	7	1P
DELAWARE	4	1P
FLORIDA, MIDDLE	15	6P
FLORIDA, NORTHERN	4	1P
FLORIDA, SOUTHERN	18	3P, T/P
GEORGIA, NORTHERN	11	1P
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	3P
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
PUERTO RICO	7	1P
TEXAS, EASTERN	8	2P, T/P
TEXAS, SOUTHERN	19	2P
TEXAS, WESTERN	13	4P

P = PERMANENT; T/P = TEMPORARY MADE PERMANENT

**PROPOSALS TO SPLIT
THE NINTH CIRCUIT
COURT OF APPEALS**

PROPOSALS TO SPLIT THE NINTH CIRCUIT COURT OF APPEALS

Questions may arise during meetings with Congressional offices about FBA's position on pending legislative proposals to split the Ninth Circuit Court of Appeals. The FBA historically has opposed splitting the Ninth Circuit and remains opposed to the proposition.

For background, a summary of current legislative proposals to split the Ninth Circuit and create a twelfth circuit are attached. Congress at various times over the past forty years has considered restructuring the Ninth Circuit. The last time Congress seriously considered splitting the Ninth Circuit was in 2004-05.

Historically the sentiment of the majority of the Ninth Circuit judiciary has opposed splitting the Ninth Circuit due largely to reasons of cost and inefficiency

The Federal Bar Association also has opposed splitting the Ninth Circuit, mindful of the views of the Ninth Circuit judiciary and FBA chapters located in the Ninth Circuit. FBA testimony and statements to Congress in 1999 and 2004 opposed split proposals because FBA considered them unnecessary and costly. Those reasons remain valid today.

The FBA Issues Agenda today provides: The Federal Bar Association opposes the division of the Ninth Circuit Court of Appeals, consistent with its capacity to effectively and efficiently render justice.

At a March 16, 2017 House hearing on current Ninth Circuit split proposals, three Ninth Circuit judges—Chief Judge Sidney Thomas, Judge Alex Kozinski, and Judge Carlos Bea—opposed splitting the court. (Chief Judge Thomas is from Montana and was appointed by President Obama, Chief Judge Kozinski is from California and was appointed by President Reagan, and Judge Bea is from California and was appointed by President George W. Bush.)

At the hearing, Chief Judge Thomas said: "I oppose division of the Ninth Circuit. Circuit division would have a devastating effect on the administration of justice in the western United States. A circuit split would increase delay, reduce access to justice, and waste taxpayer dollars. Critical programs and innovations would be lost, replaced by unnecessary bureaucratic duplication of administration. Division would not bring justice closer to the people; it would increase the barriers between the public and the courts."

**Summary of Legislation Introduced in the 115th Congress
To Restructure the Ninth Circuit Court of Appeals
As of March 29, 2017**

Senate Legislation

S. 276, The Judicial Administration and Improvement Act

Introduced by Sen. Jeff Flake (R-AZ) on February 2, 2017
Referred to the Senate Committee on the Judiciary

Summary:

- This bill divides the U.S. Court of Appeals for the Ninth Circuit into: (1) a new Ninth Circuit, to be composed of California, Hawaii, Oregon, Guam, and the Northern Mariana Islands; and (2) a newly established Twelfth Circuit, to be composed of Alaska, Arizona, Idaho, Montana, Nevada, and Washington.
- Precedent from the former Ninth Circuit shall not be binding on the Twelfth Circuit.
- The bill designates locations where the new circuits are to hold regular sessions.
- The bill distributes active circuit judges of the former Ninth Circuit to the new circuits. Circuit judges and senior circuit judges currently stationed in Alaska, Arizona, Idaho, Montana, Nevada, or Washington may elect their circuit assignment. For each circuit judge in regular service who elects to be assigned to the new Ninth Circuit, the President shall appoint one additional circuit judge for the Twelfth Circuit.

S.296, Federal Courts of Appeals Modernization Act

Introduced by Sen. Dan Sullivan (R-AK) on February 2, 2017
Referred to Senate Committee on Judiciary

Summary:

- This bill establishes a Commission on Structural Alternatives for the Federal Courts of Appeals to: (1) study the present division of the U.S. courts of appeals, with particular references to the U.S. Court of Appeals for the Ninth Circuit; and (2) submit to the President and Congress recommendations for

changes in circuit boundaries or structure for the expeditious and effective disposition of the caseload of such courts.

- The commission shall be composed of five members appointed by the Chief Justice of the United States.

S. 295, the Circuit Court of Appeals Restructuring and Modernization Act

Introduced by Sen. Steve Daines [R-MT] on February 2, 2017
Referred to Senate Committee on Judiciary

Summary:

- This bill divides the U.S. Court of Appeals for the Ninth Circuit into: (1) a new Ninth Circuit, to be composed of California, Guam, Hawaii, and Northern Mariana Islands; and (2) a newly established Twelfth Circuit, to be composed of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington.
- The President must appoint five additional judges for the new Ninth Circuit and two additional temporary judges for the former Ninth Circuit.
- The bill designates the locations where the new circuits are to hold regular sessions.
- The Circuit Executive and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.
- The bill distributes active circuit judges of the former Ninth Circuit to the new circuits. Senior circuit judges of the former Ninth Circuit may elect their circuit assignment.
- The bill authorizes the temporary assignment of circuit and district judges of the former Ninth Circuit between the new circuits.

House Legislation

H.R. 196, Ninth Circuit Court of Appeals Judgeship and Reorganization Act of 2017

Introduced by Rep. Michael Simpson (R-ID) on January 3, 2017.
Referred to the House Subcommittee on Courts, Intellectual Property, and the Internet.

Summary:

- This bill divides the U.S. Court of Appeals for the Ninth Circuit into: (1) the Ninth Circuit, composed of California, Guam, Hawaii, and Northern Mariana Islands; and (2) the Twelfth Circuit, composed of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington.
- The President must appoint two additional judges for the former Ninth Circuit, three judges for the new Ninth Circuit, and two additional temporary judges for the former Ninth Circuit.
- The bill: (1) specifies the locations where new circuits are to hold regular sessions, (2) distributes active circuit judges of the former Ninth Circuit to the new circuits, (3) allows senior circuit judges of the former Ninth Circuit to elect assignment, and (4) authorizes administrative coordination between any two contiguous circuits.

H.R. 250, Judicial Administration and Improvement Act

Introduced by Rep. Andy Biggs (R-AZ) on January 4, 2017.

Referred to the House Subcommittee on Courts, Intellectual Property, and the Internet.

Summary:

- This bill divides the U.S. Court of Appeals for the Ninth Circuit into: (1) a new Ninth Circuit, to be composed of California, Hawaii, Oregon, Washington, Guam, and the Northern Mariana Islands; and (2) a newly established Twelfth Circuit, to be composed of Alaska, Arizona, Idaho, Montana, and Nevada.
- The bill designates locations where the new circuits are to hold regular sessions.
- The bill distributes active circuit judges of the former Ninth Circuit to the new circuits. Circuit judges and senior circuit judges currently stationed in Alaska, Arizona, Idaho, Montana, or Nevada may elect their circuit assignment. For each circuit judge in regular service who elects to be assigned to the new Ninth Circuit, the President shall appoint one additional circuit judge for the Twelfth Circuit.

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