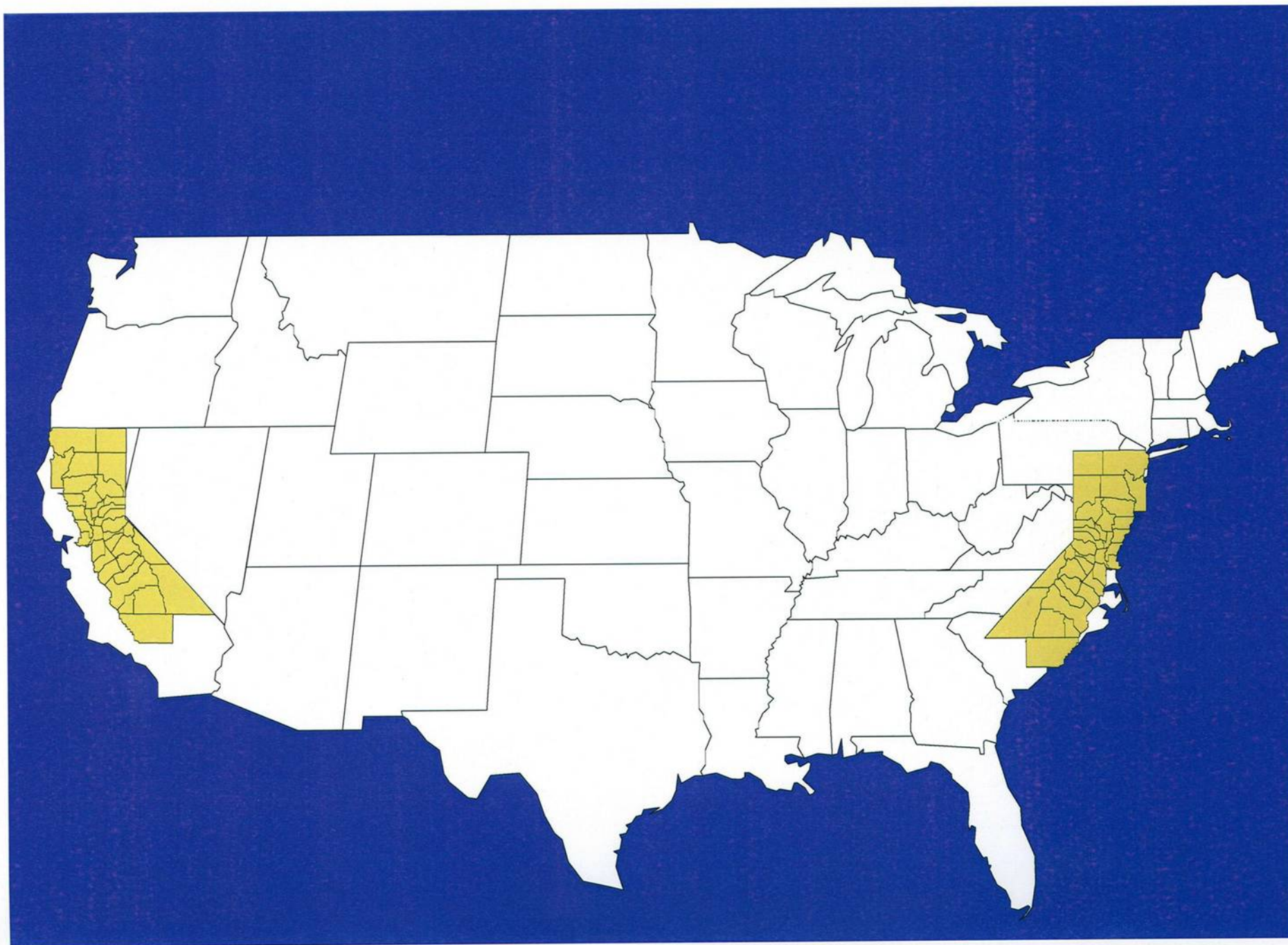


**The Need for District Judgeships:**

**The Eastern District of California**

**The Eastern District of California consists of 34 interior counties in California, including California's Sacramento and San Joaquin Valleys.**

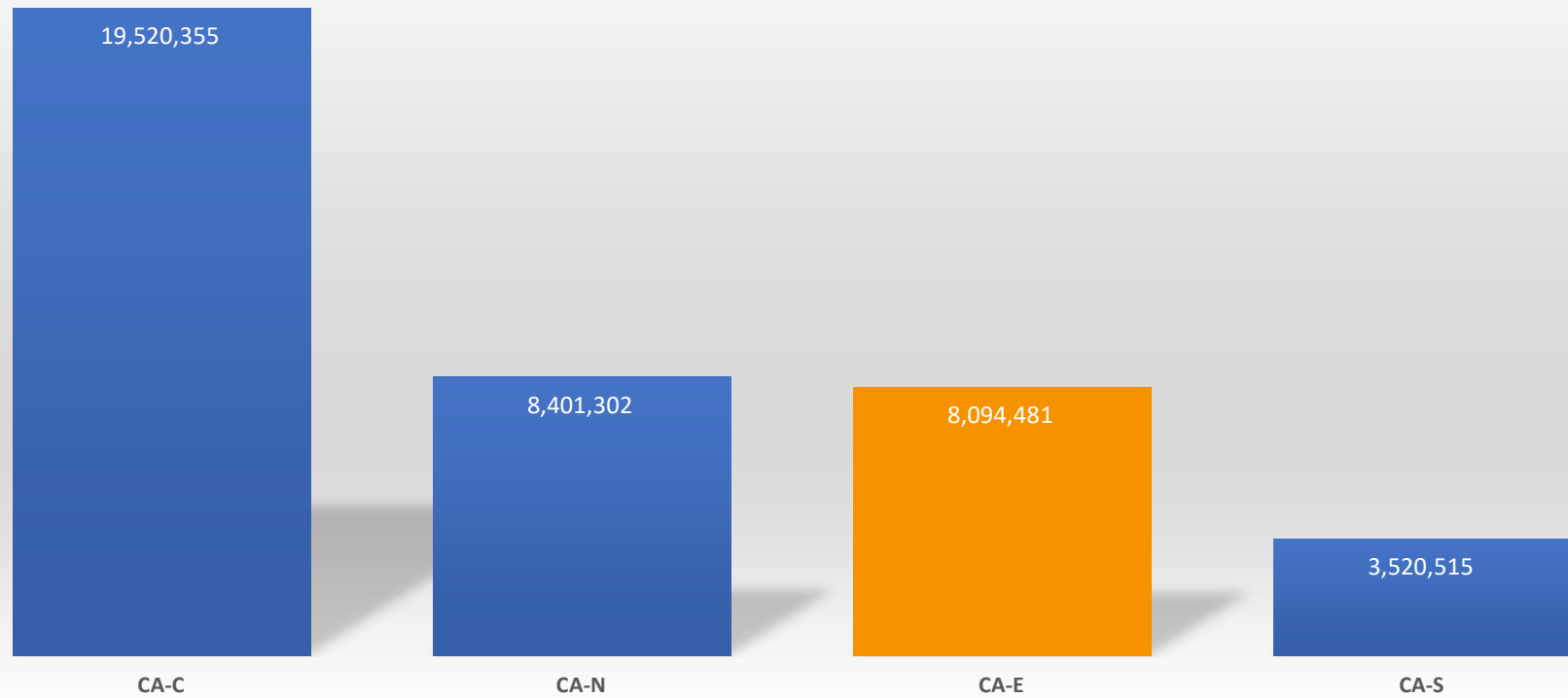
**It is equivalent in size to about half the entire Eastern seaboard of the United States.**



**Compared to its closest geographic neighbors,  
the Eastern District's current population  
essentially equals that of  
California's Northern District, home to Silicon Valley.**

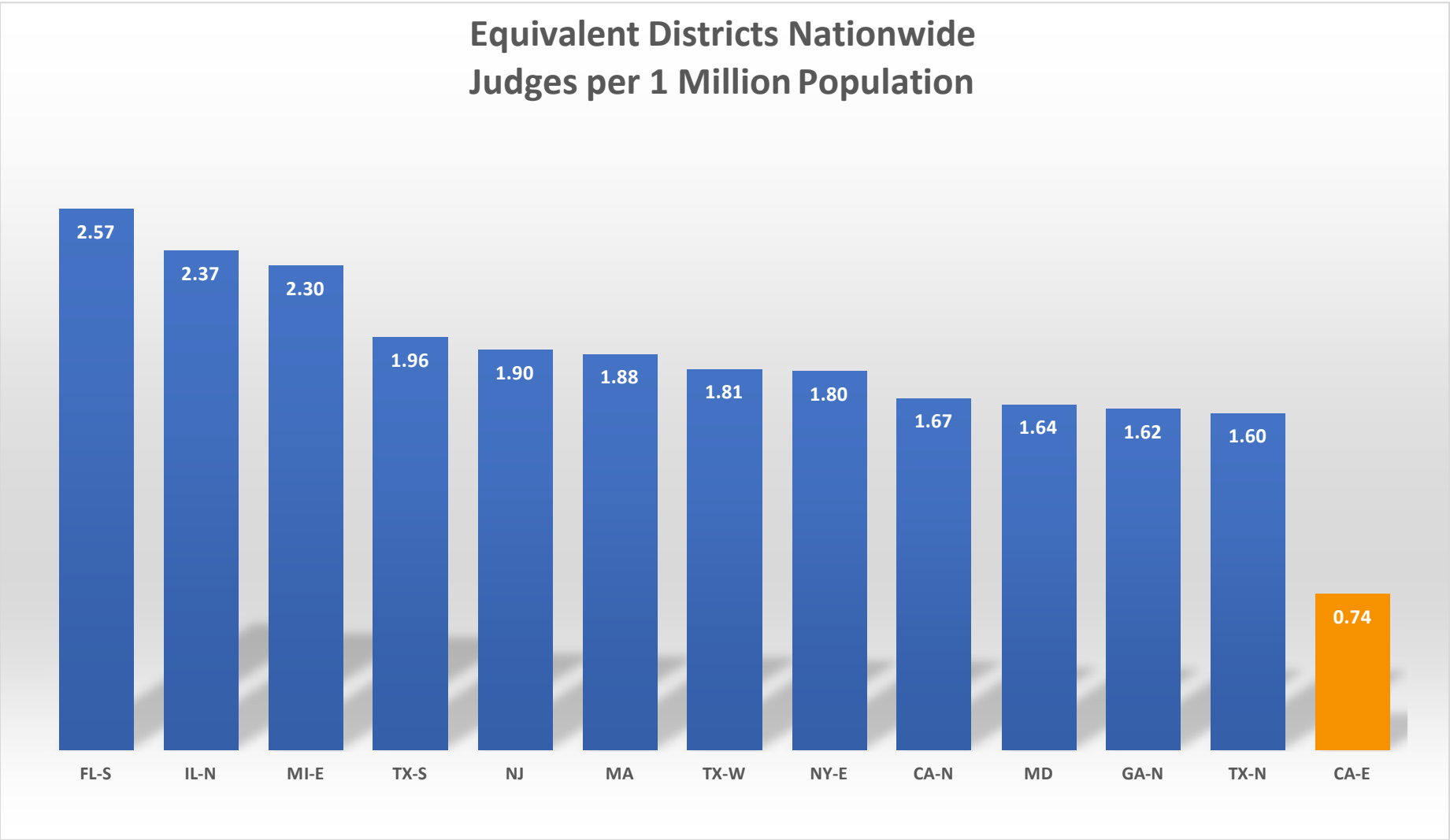
**Its population is more than double that of the  
Southern District, headquartered in San Diego.**

## California Federal District Courts Population 2017 Census

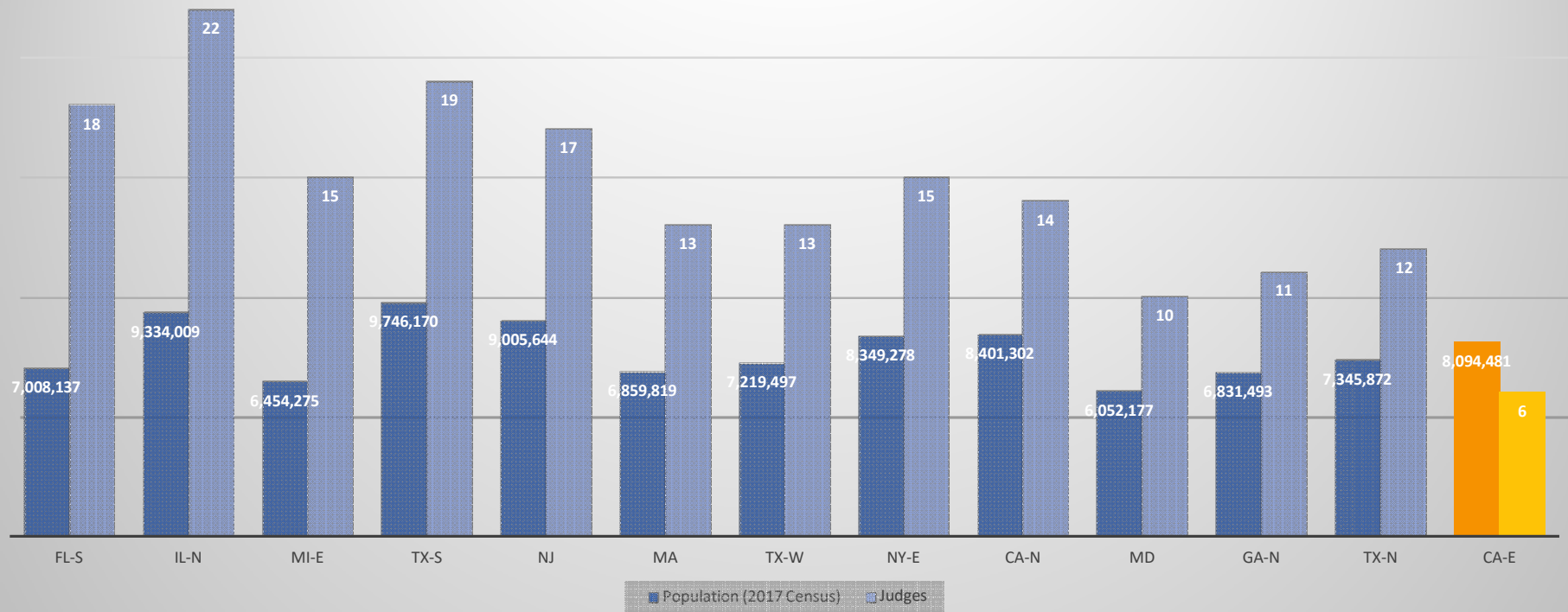


**At the same time,  
compared to other districts nationwide  
with equivalent population,  
the Eastern District of California  
has been allocated  
by far the fewest judgeships. . .**

**Equivalent Districts Nationwide  
Judges per 1 Million Population**



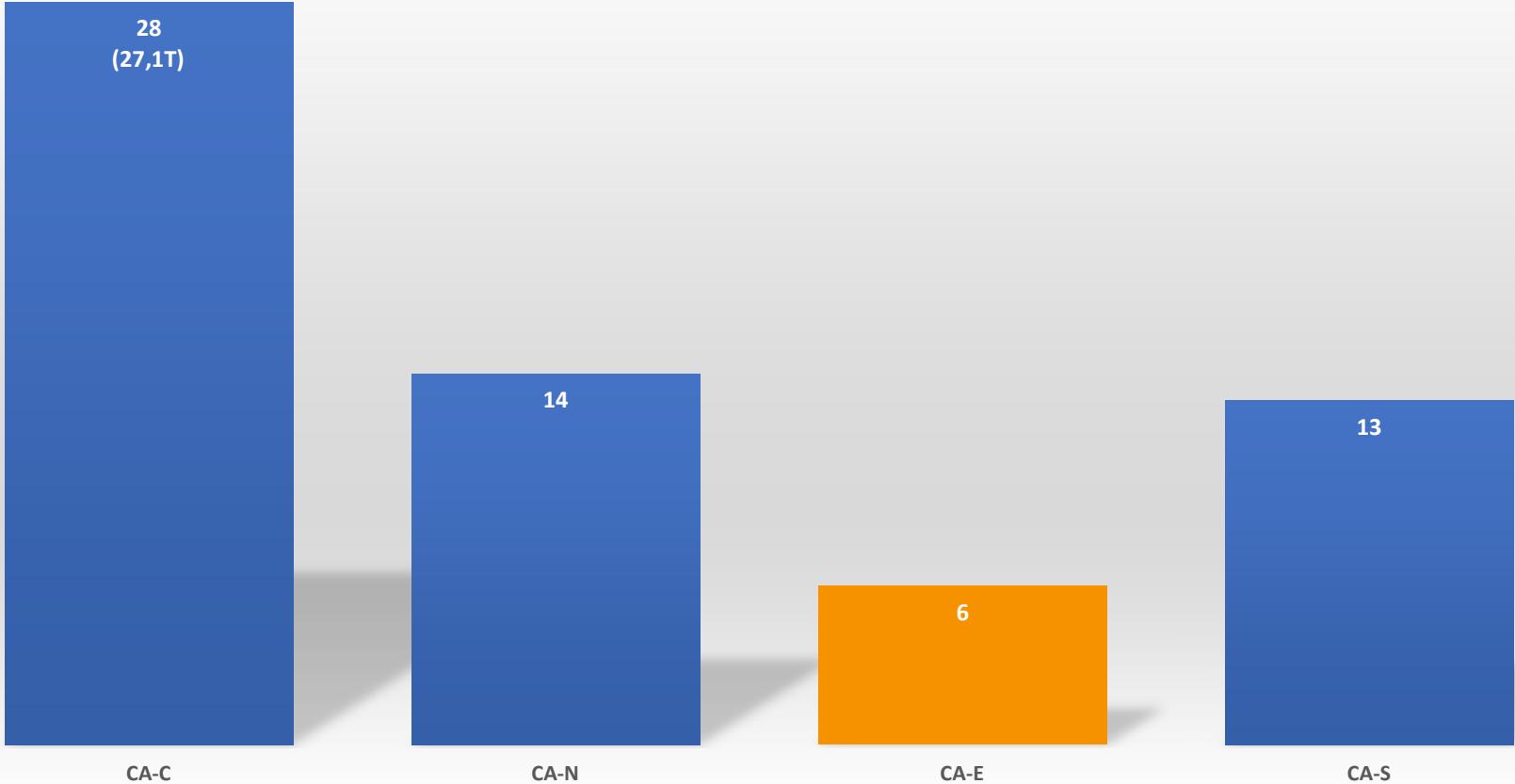
## Equivalent Districts Nationwide Population and Authorized Judgeships



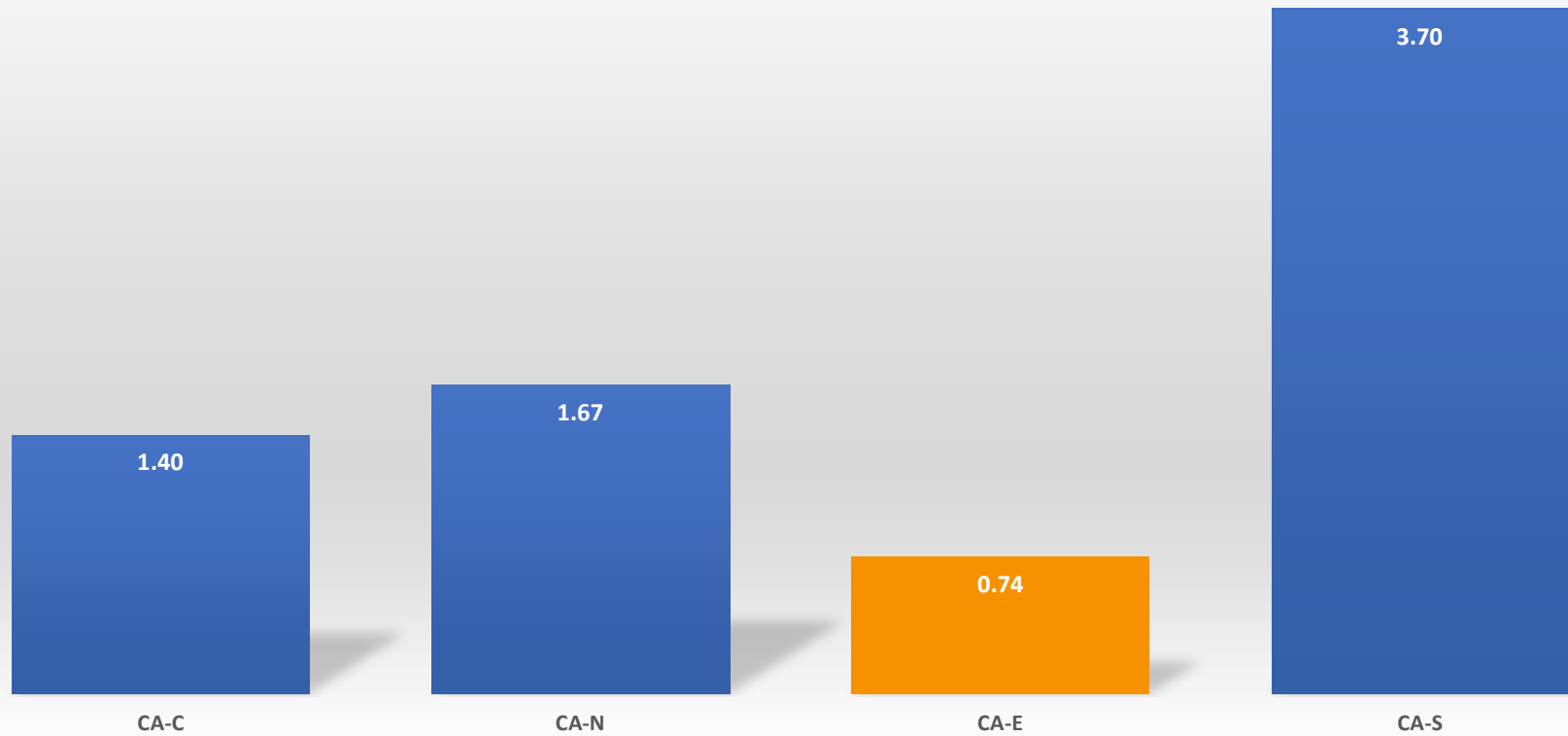


**. . . as the ratio of  
judgeships to population share  
dramatically demonstrates.**

# California Federal District Courts Authorized Judgeships

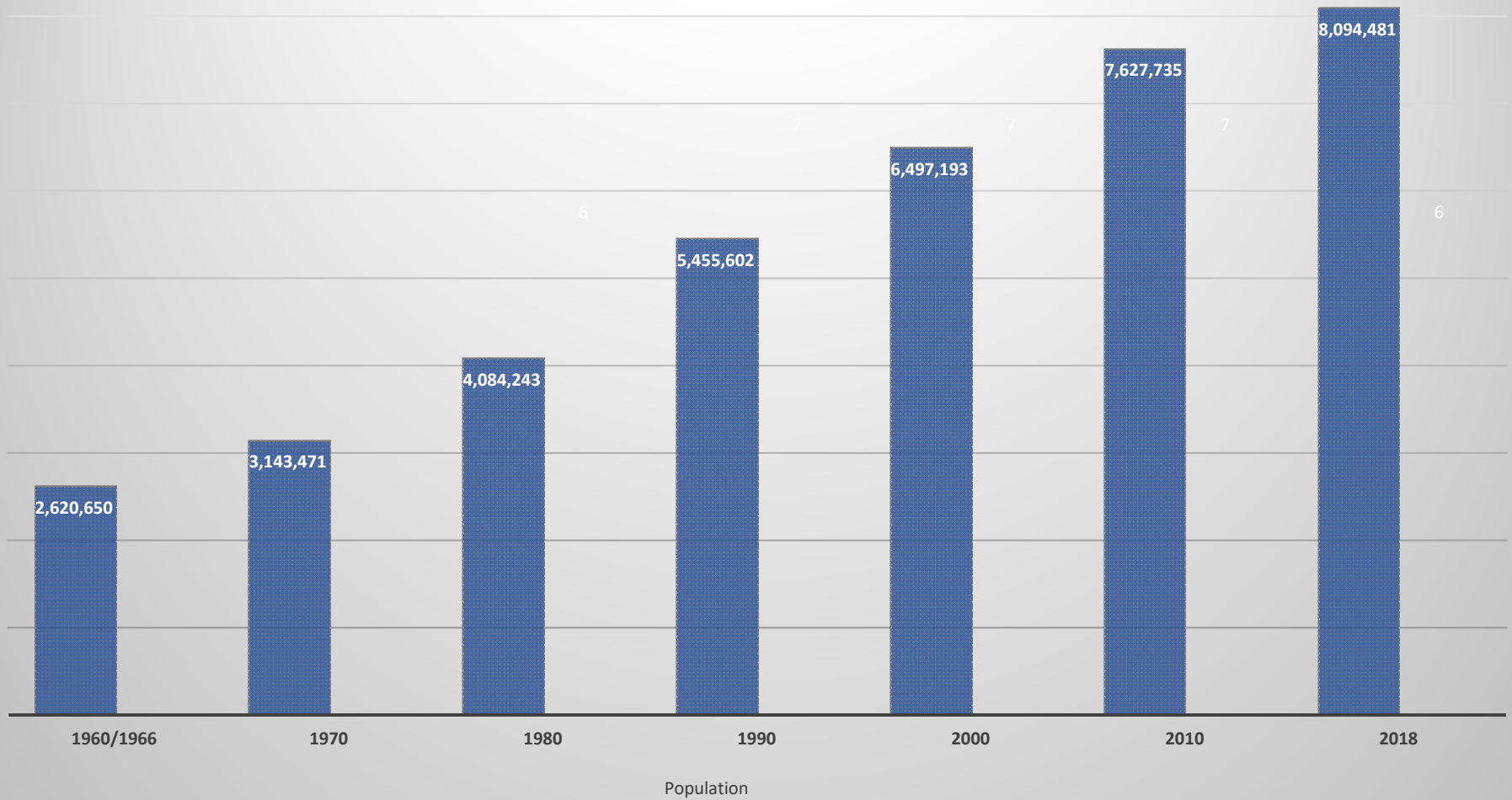


## California Federal District Courts Judgeships per 1,000,000 Population



**While the judgeship imbalance is worse than ever, it is not a new problem for the Eastern District; rather, it is a problem that has been worsening for nearly 40 years.**

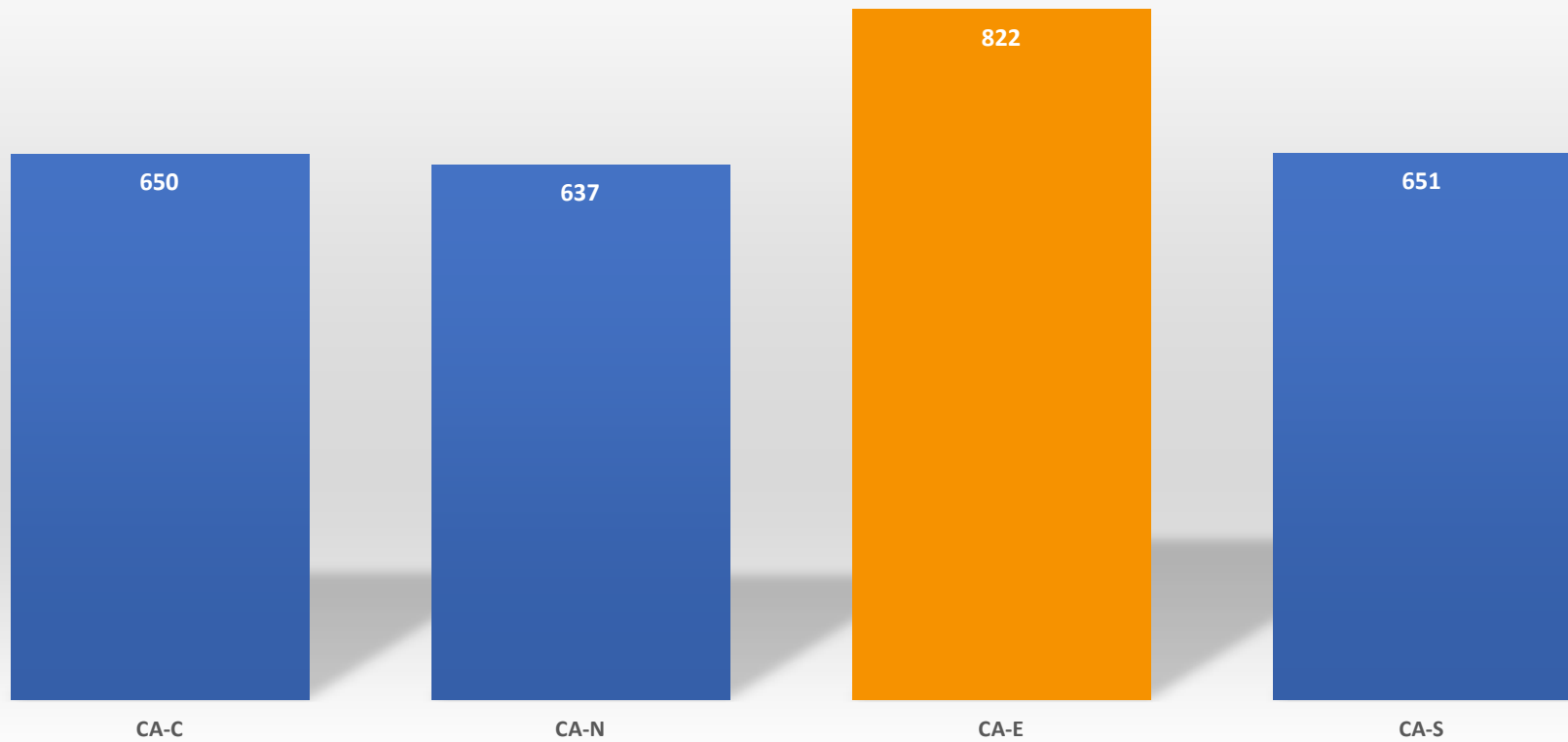
## Eastern District of California Historical Review: Population Growth



**The District ranks at or toward the top  
of averaged weighted caseloads nationwide.**

**It also ranks at or toward the top in terms of  
productivity per judge.**

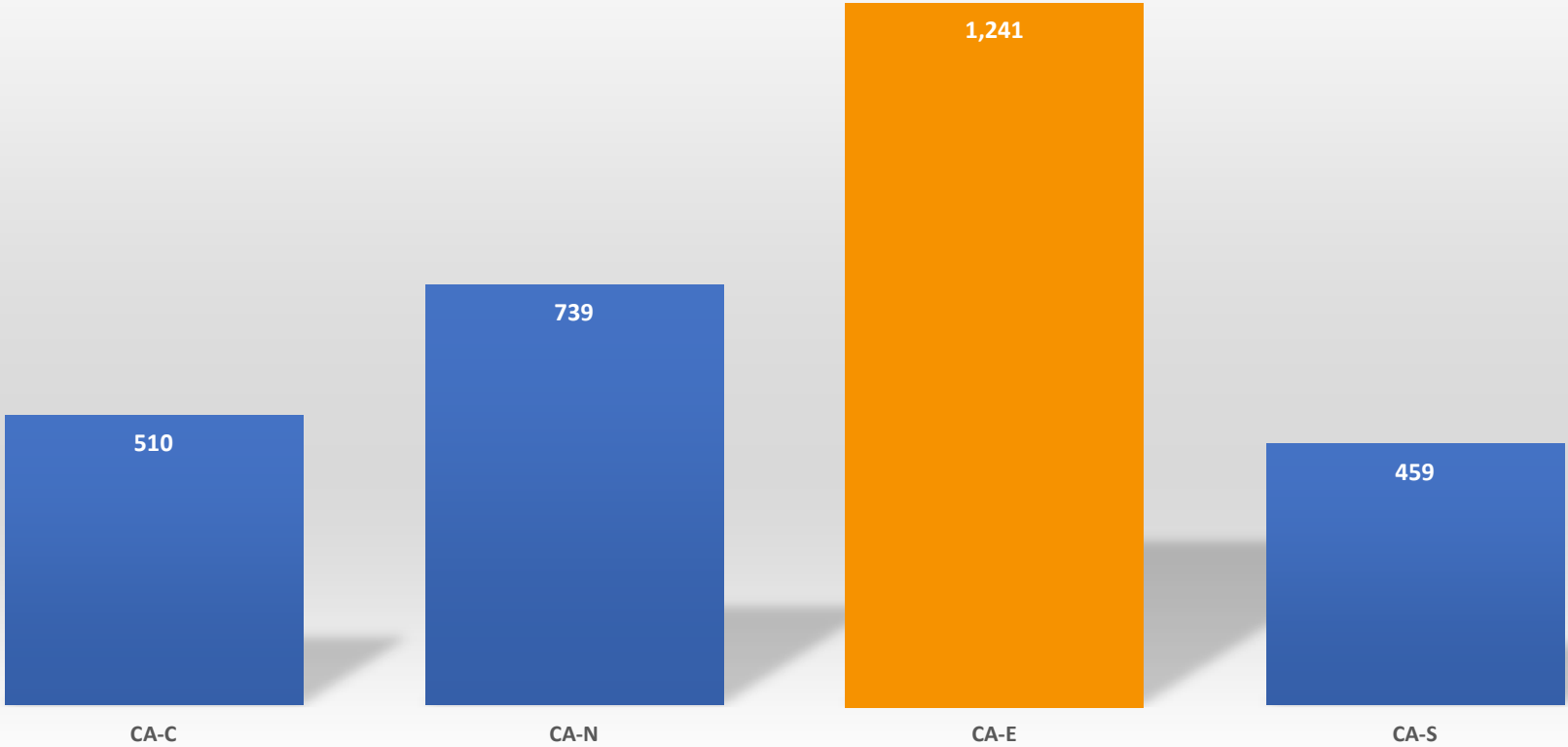
## California Federal District Courts Average Weighted Caseload per Judgeship



**The average weighted caseload  
adjusts the number of cases  
downward from those actually  
pending, based on estimates of the  
work needed to resolve particular  
types of cases.**

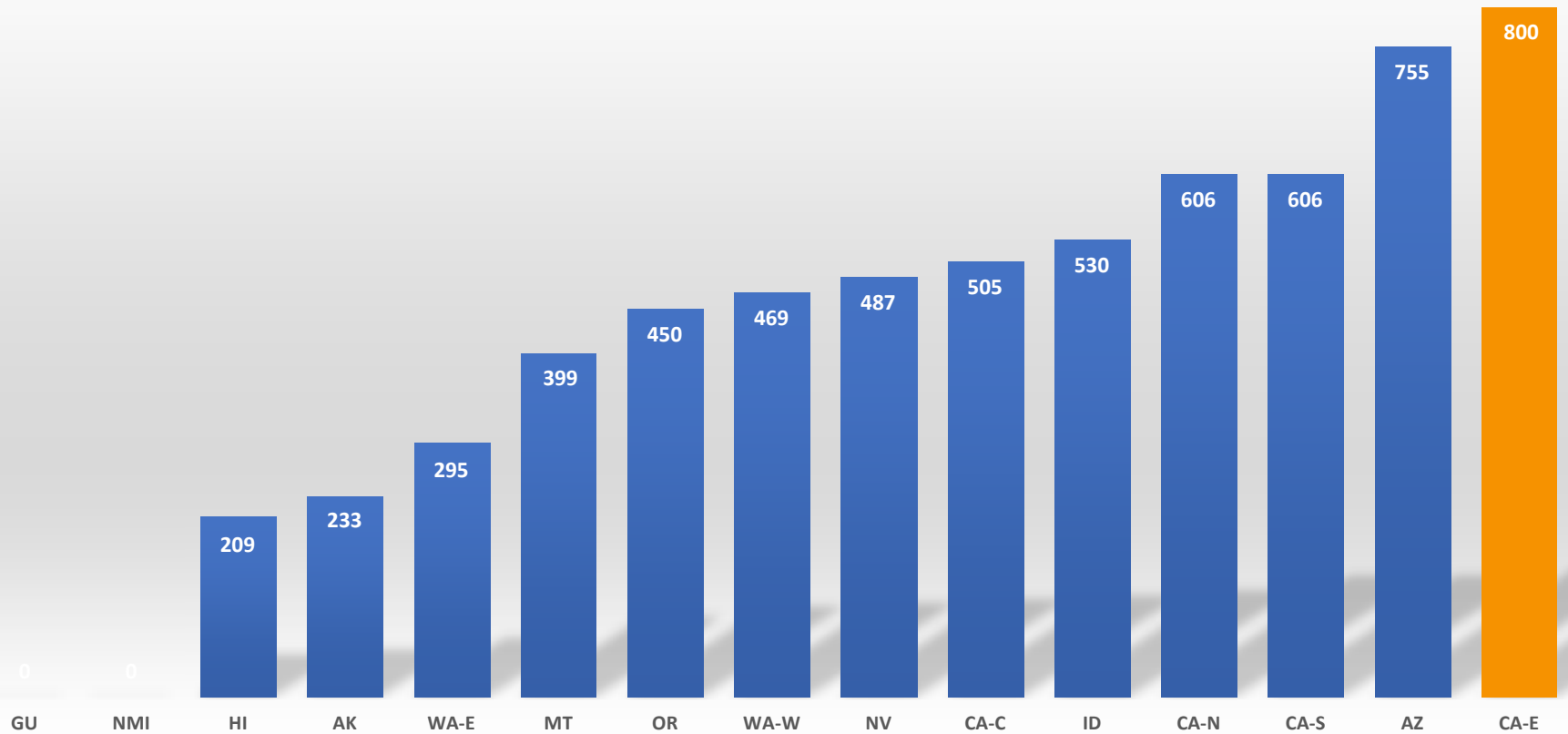


**California Federal District Courts  
Pending Caseload per Judgeship**



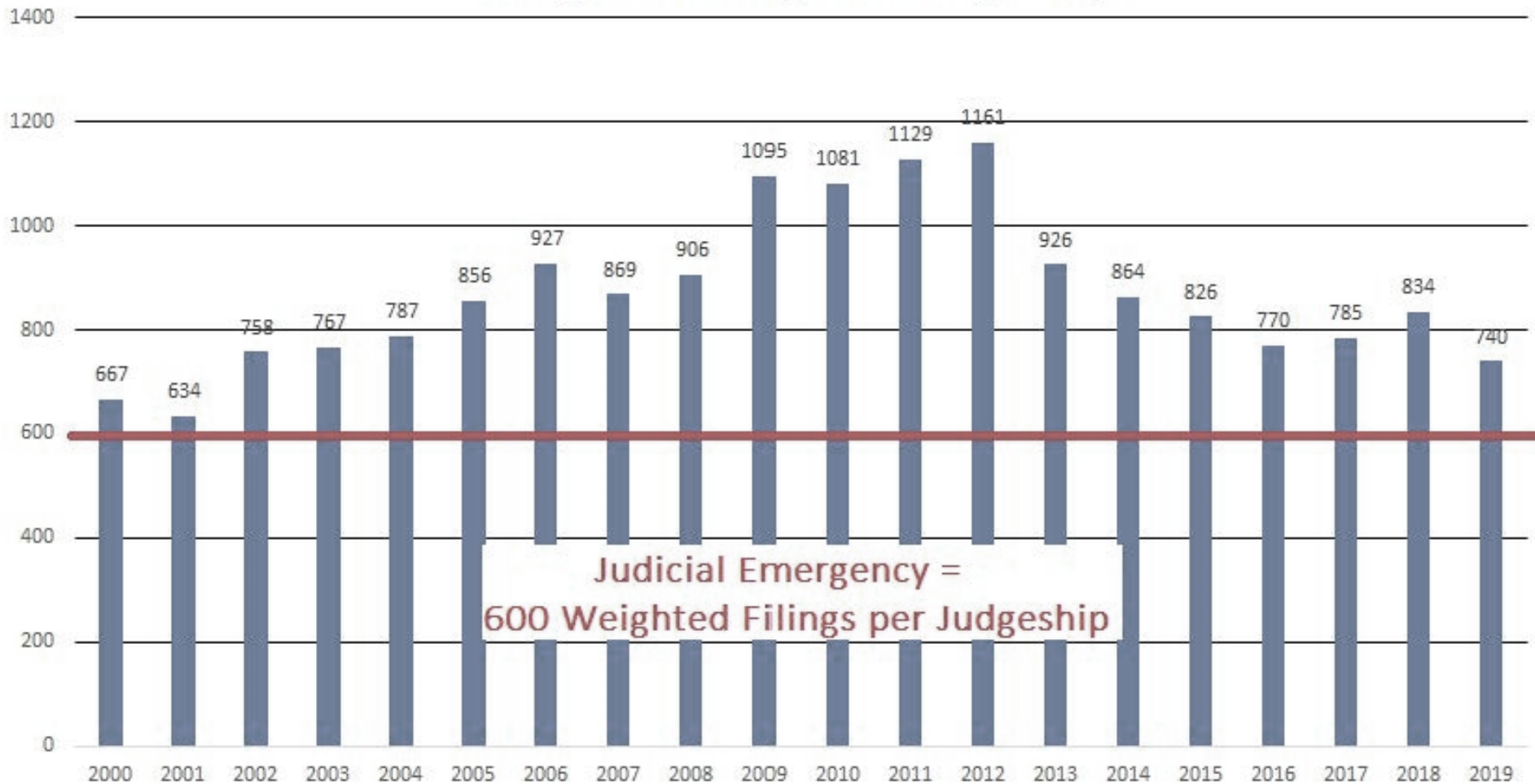
**And the district carries the highest  
average weighted caseload  
compared to all other districts in  
the area covered by the vast  
Ninth Circuit Court of Appeals.**

**District Courts in the Ninth Circuit**  
**Current Average Weighted Filings Per Judgeship**  
**12-Month Period Ending 3/31/19**



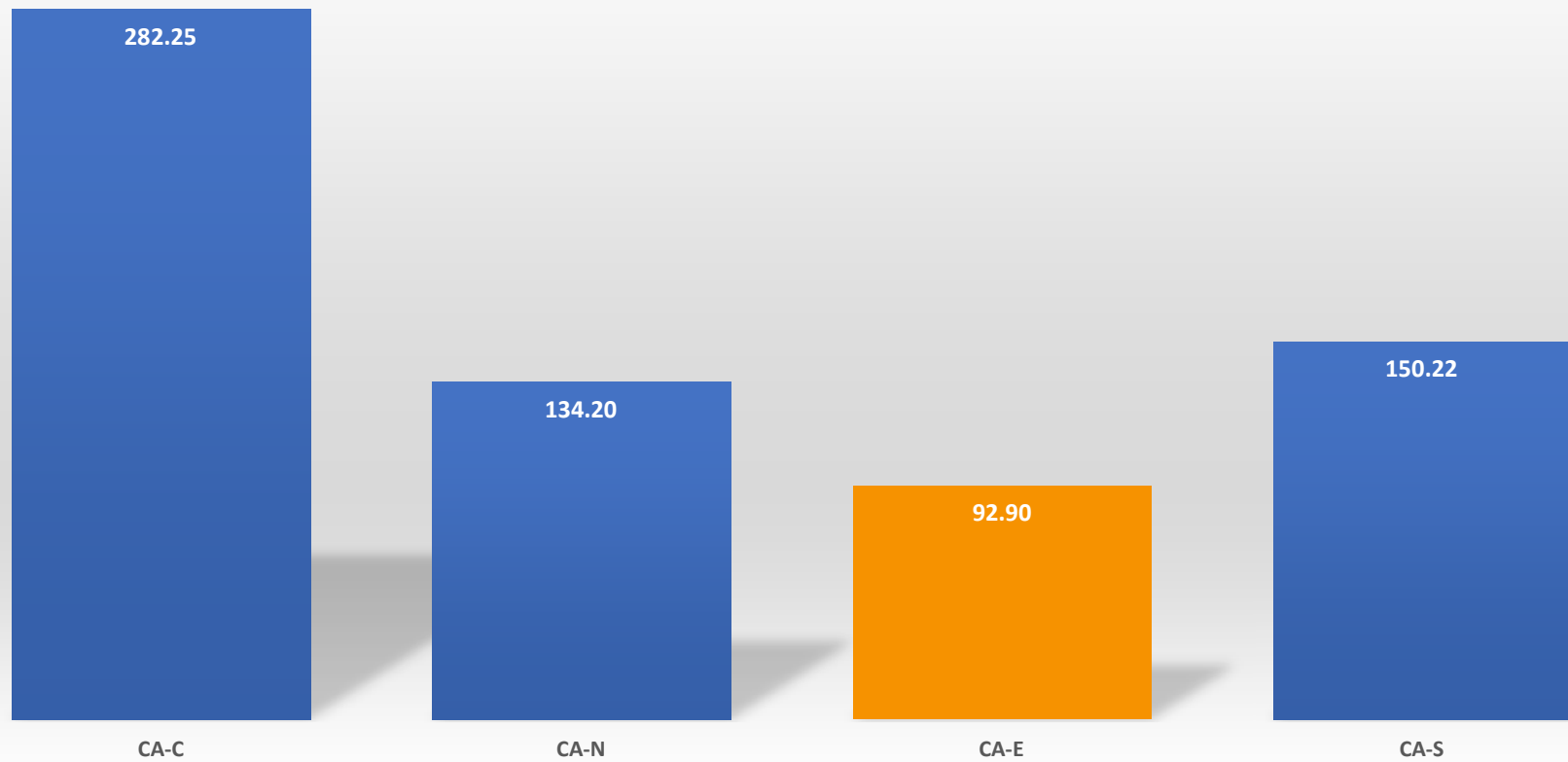
**Given the heavy caseloads that come  
with a large, growing population,  
the District has operated in an emergency status  
since at least the year 2000.**

## Eastern District of California Weighted Filings Per Judgeship

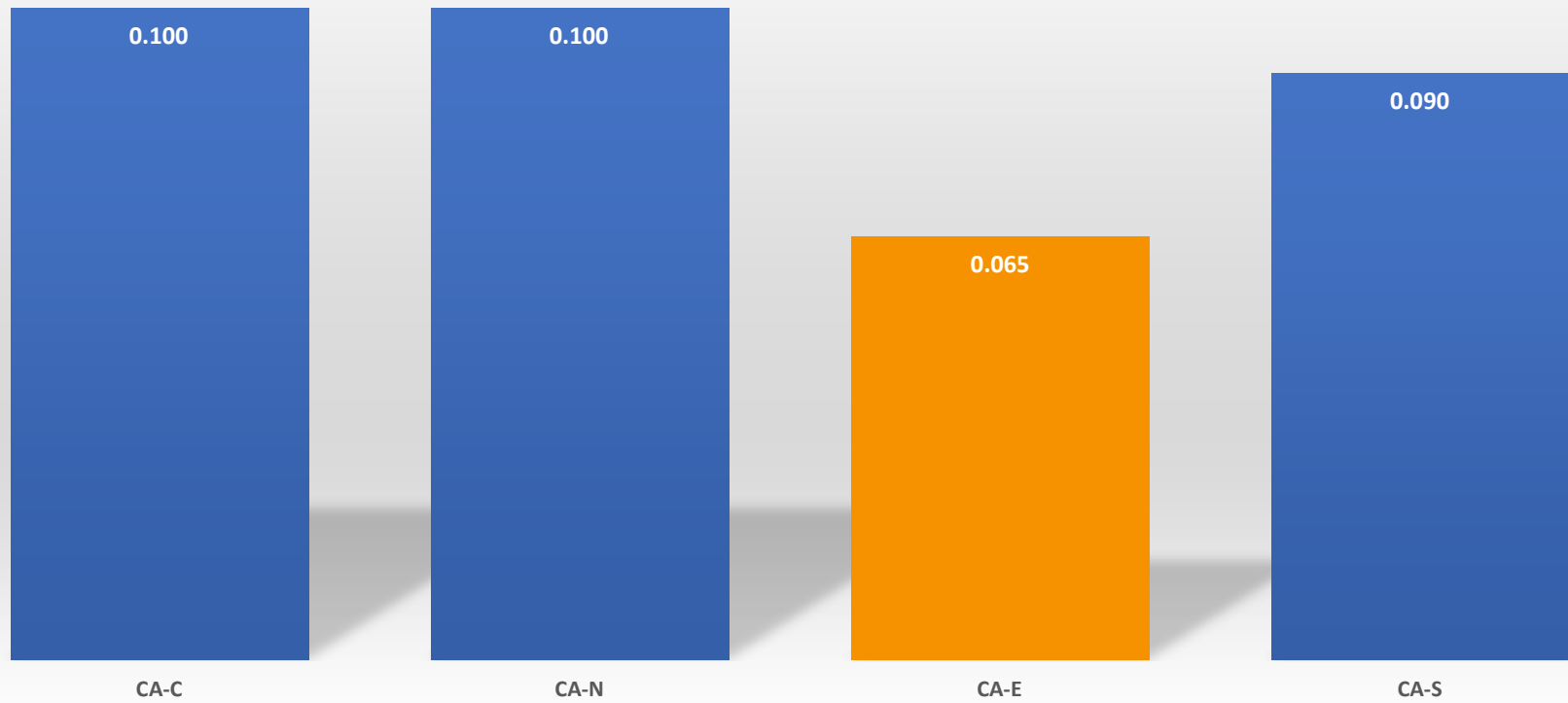


**Despite the District's population,  
the Eastern District's U.S. Attorney's Office has  
fewer prosecutors than other California districts.**

## California Federal District Courts Assistant United States Attorneys (AUSA)



## California Federal District Courts Judges per AUSA



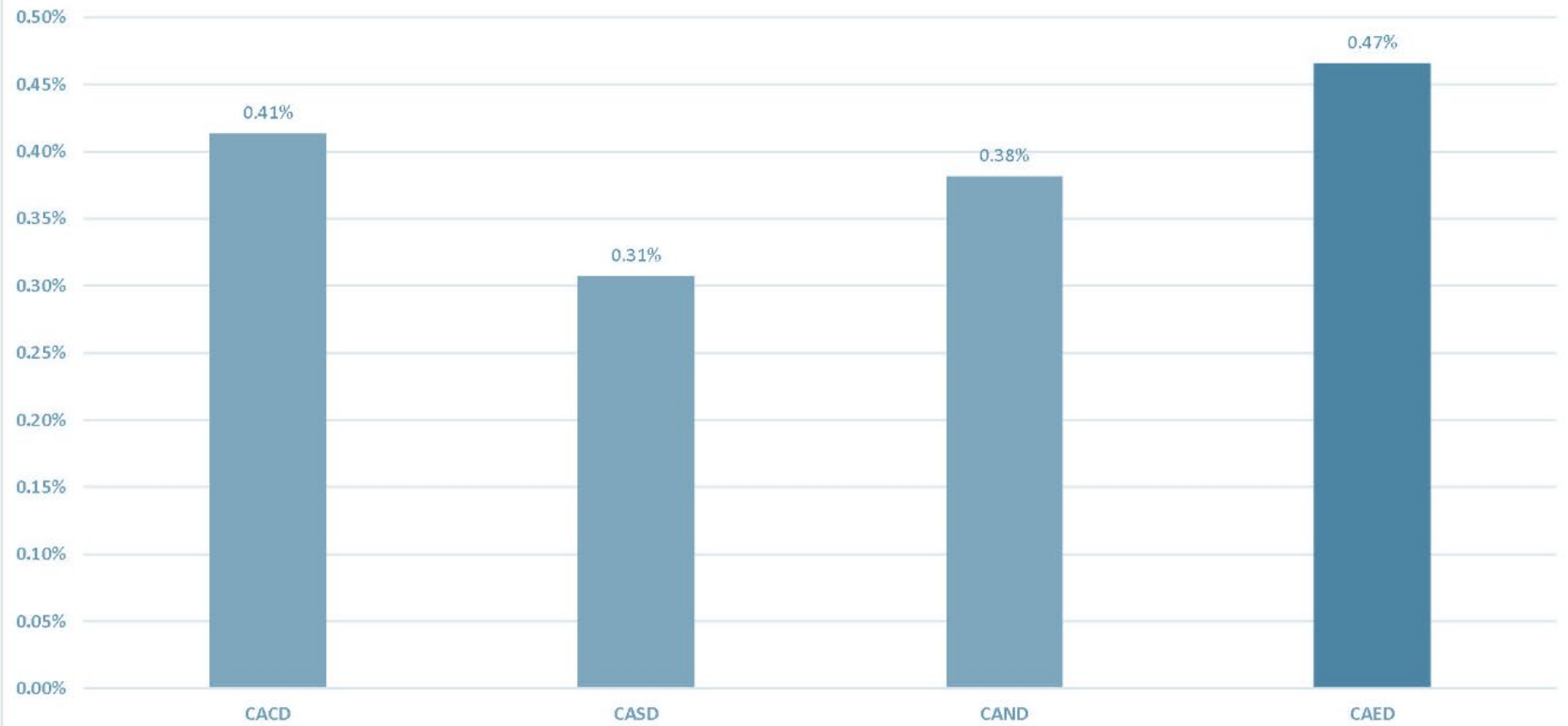


**At the same time, however,  
since 1984, the number of prosecutors  
in the Eastern District has increased  
approximately five-fold.**

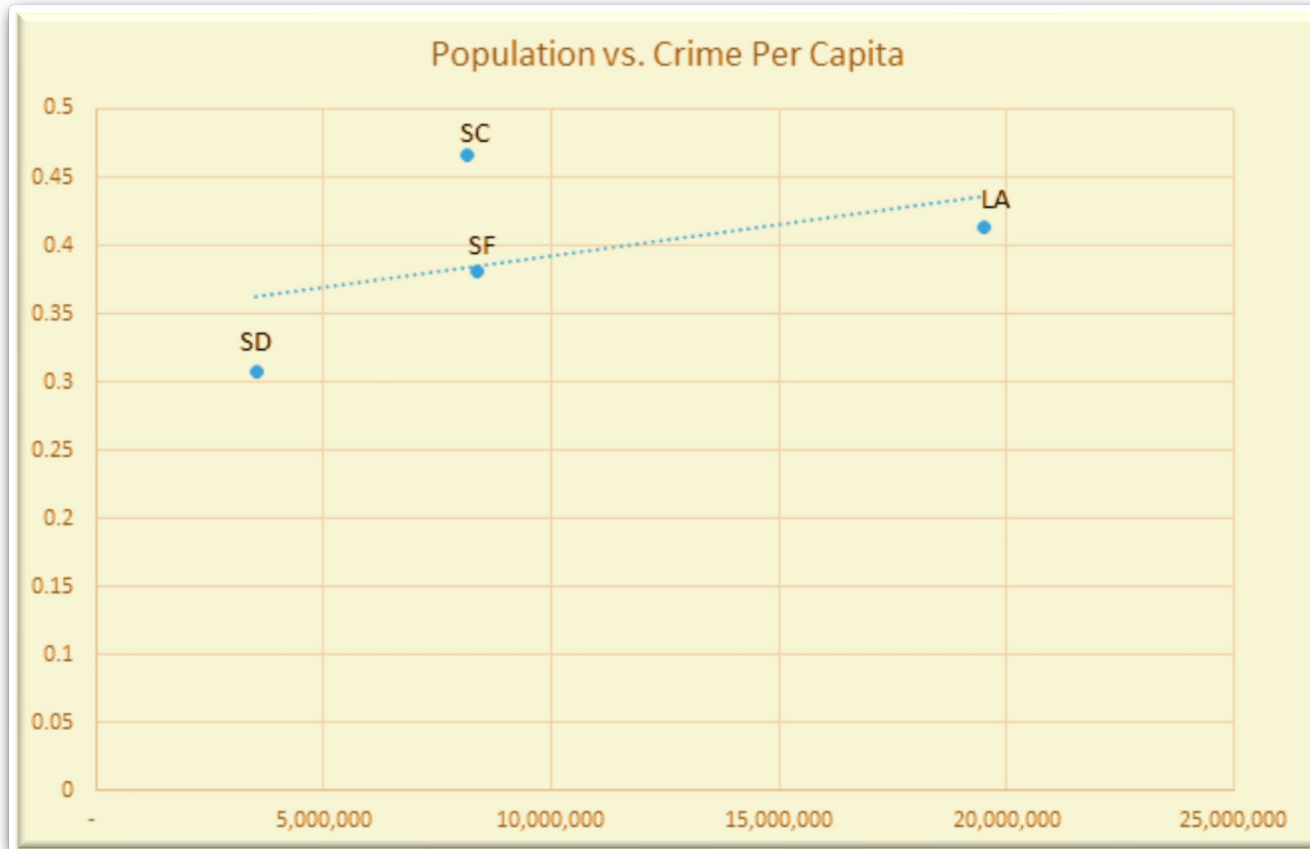
**During the same time, the number of  
district judgeships decreased by one.**

**The Eastern District's crime statistics demonstrate the need for robust law enforcement and prosecutorial resources.**

## California Courts Violent Crime Statistics Crime Rate Per Capita



Seen another way . . .

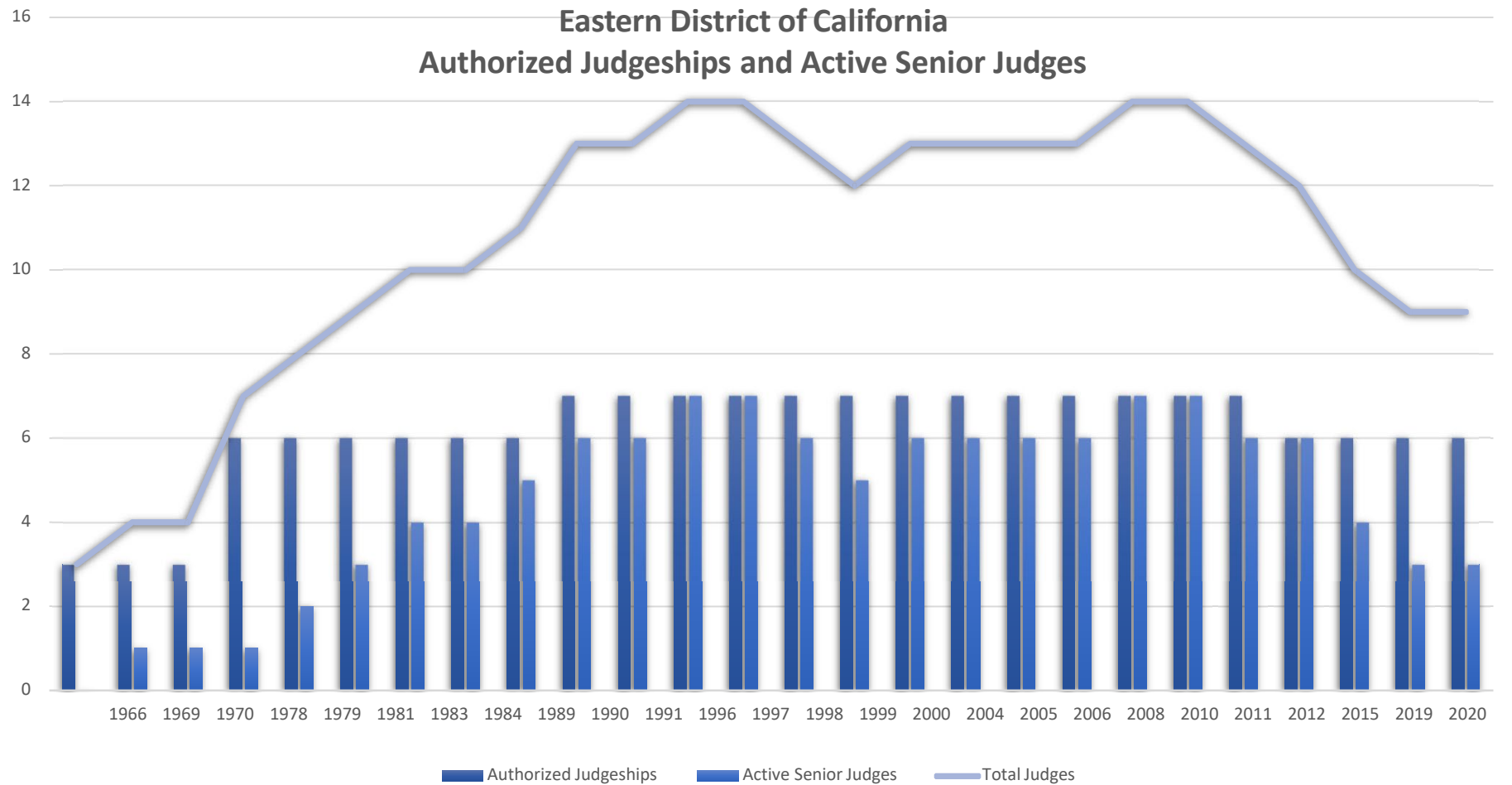


**Until now, the Eastern District has enjoyed the continuing service of a number of district judges after their taking of senior status.**

**But the number of senior judges willing and able to assist the district has dwindled in recent years.**

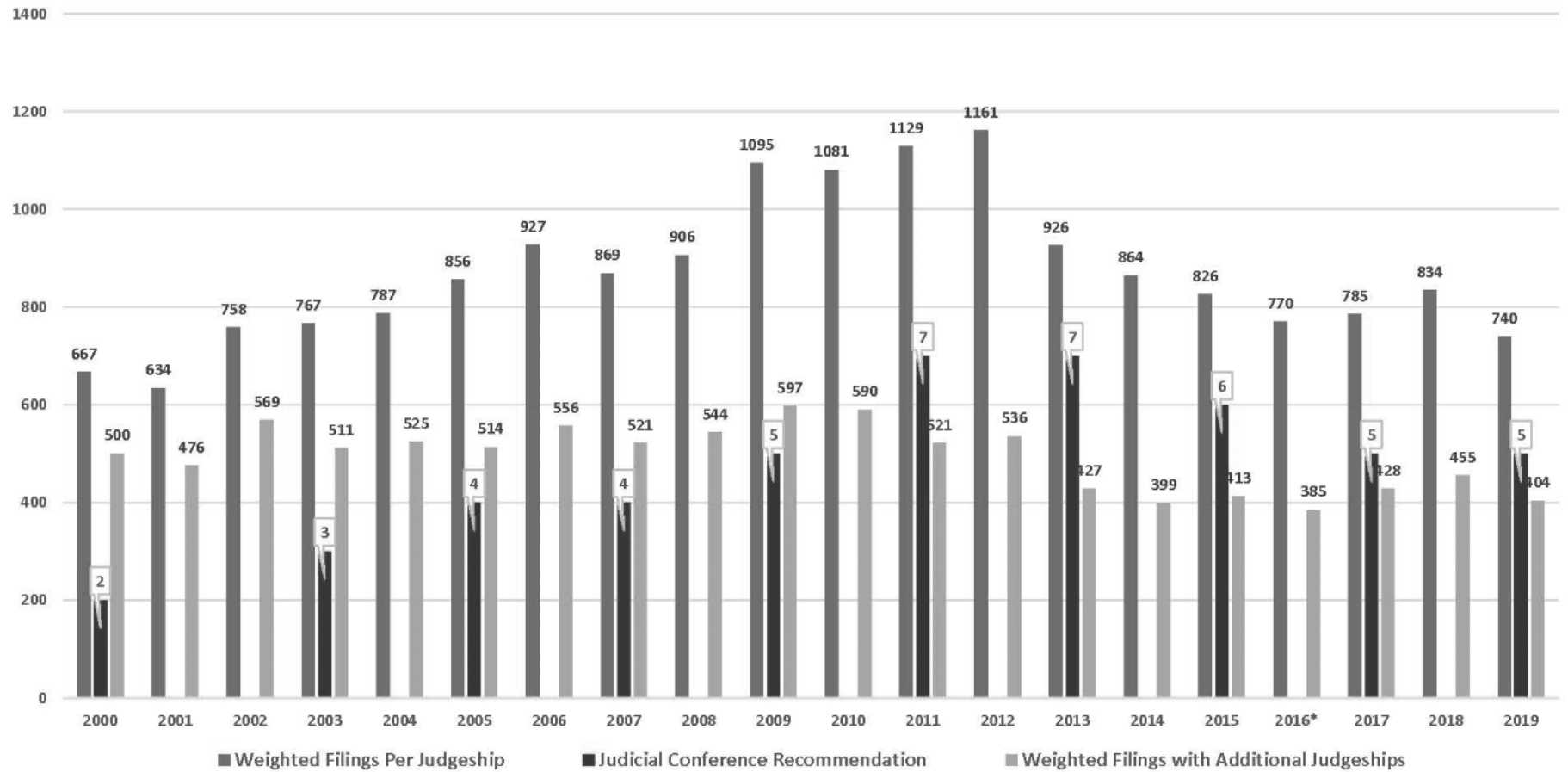
Two Eastern District judges assumed senior status in December 2019 and February 2020 respectively. One of these judges has taken active senior status, and is carrying a reduced caseload of criminal cases only. The other has taken inactive senior status and is not presiding over any cases.

# Eastern District of California Authorized Judgeships and Active Senior Judges



**For nearly 20 years, the Judicial Conference of the United States has identified the need for new judgeships in the Eastern District of California, recommending that anywhere from 2 to 7 new judgeships be created to adequately serve the District's burgeoning population.**

# Eastern District of California Weighted Caseload Filings vs. Weighted Filings with Judicial Conference Recommended Judges



\* Weighted filing case weights updated in 2016



## **One solution:**

**Amending title 28, United States Code,  
Section 133(a) (California: Eastern) to  
increase the number of authorized district  
judges from the current six (6) to eleven (11).  
This proposed increase is consistent with the  
U.S. Judicial Conference's 2019  
recommendation.**

[https://www.uscourts.gov/sites/default/files/  
2019\\_judicial\\_conference\\_judgeship  
recommendations\\_0.pdf](https://www.uscourts.gov/sites/default/files/2019_judicial_conference_judgeship_recommendations_0.pdf)

If the Eastern District is allocated five new judgeships, it may be able to justify assigning one new judgeship to its Bakersfield courthouse.

With a population of approximately 900,000, the Bakersfield area is the *62<sup>nd</sup> largest* metropolitan statistical area (MSA) in the U.S. yet it has never had a district judge assigned to preside over cases there.

Currently, Bakersfield area residents must travel 110 miles to appear before a U.S. District Judge in Fresno.

By way of comparison, the *63<sup>rd</sup> next largest* MSA in the U.S. (Knoxville, TN) has two district judges and two senior district judges resident there.

## **Another approach:**

**Omnibus Judgeship Bills have created new judgeships since 1977, with the most recent legislation in 1990.**

**The 2019 Congressional Research Service Report on recent recommendations by the Judicial Conference for new U.S. Circuit and District Court Judgeships provides information on the three most recent omnibus judgeship bills.**

**Table 2. Omnibus Bills Used to Create New Judgeships**  
(1977-2018)

Bill	Citation	Date Enacted	Description
Omnibus Judgeship Act of 1978	P.L. 95-486	10/20/1978	Created 35 circuit court judgeships and 117 district court judgeships (113 permanent and 4 temporary)
Bankruptcy Amendments and Federal Judgeship Act of 1984	P.L. 98-353	07/10/1984 <sup>a</sup>	Created 24 circuit court judgeships and 61 district court judgeships (53 permanent and 8 temporary)
Federal Judgeship Act of 1990	P.L. 101-650	12/01/1990	Created 11 circuit court judgeships and 74 district court judgeships (61 permanent and 13 temporary)

Source: Congressional Research Service.

Note: This table shows omnibus judgeship bills from 1977 through 2018 that created new U.S. circuit and district court judgeships.

- a. For the circuit court judgeships created by the act, the legislation stated that the "President shall appoint, by and with the advice and consent of the Senate, no more than 11 of such judges prior to January 21, 1985." For the district court judgeships created by the act, the legislation stated that the "President shall appoint, by and with the advice and consent of the Senate, no more than twenty-nine of such judges prior to January 21, 1985."

**And another proposal:**

**Draft legislative language for a “Judicial Usage Demands Greater Efficiency Act,” creating a flotilla of district judges to be assigned for the life of the appointed judges based on need,  
available at:**

George Everly, III & Michael L. Shenkman, District Judges  
As Investments, 53 Harv. J. on Legis. 59, 96 (2016).

# Information Sources

(in order of slides relying on source)

Map of Eastern District superimposed on Eastern Seaboard: U.S. Attorney McGregor Scott (E.D. Cal.)

2017 Population Census Data per Federal Court District: Federal Judicial Center, Research Division

2019 Authorized Judgeships per Federal Court District: Federal Judicial Center, Research Division

Historical Data on Authorized Judgeships for Eastern District of California: 1960 – Present: Federal Judicial Center, Research Division

Average Weighted Caseloads per Federal Court District: Federal Judicial Center, Research Division Staff

Total Caseloads per Federal Court District: Federal Judicial Center, Research Division Staff

Data on Assistant U.S. Attorneys in California Federal District Courts: U.S. Attorney McGregor Scott (E.D. Cal.) & Executive Office of U.S. Attorneys

Data on Crimes per Capita in California Federal District courts: U.S. Attorney McGregor Scott (E.D. Cal.) & Federal Bureau of Investigation

Historical Data on Active Senior Judges Serving the Eastern District of California: Office of the Clerk of Court (E.D. Cal.)

Barry J. McMillion, Cong. Research Serv., R45899, Recent Recommendations by the Judicial Conference for New U.S. Circuit and District Court Judgeships: Overview and Analysis (2019).

**Special thanks for general research and graphics support**

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