



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

HONORABLE ROSLYNN R. MAUSKOPF
Secretary

April 25, 2023

Honorable Kamala Harris
President
United States Senate
Washington, DC 20510

Dear Madam President:

On behalf of the Judicial Conference of the United States, I write to transmit updated Article III judgeship recommendations and draft implementing legislation. On March 14, 2023, the Judicial Conference adopted recommendations to add two permanent judgeships to the courts of appeals; add 66 permanent judgeships to the district courts; convert seven temporary district court judgeships to permanent status; and seek extension of two temporary district court judgeships for an additional five years. This request is less than the district court recommendation transmitted to Congress in 2021, due to decreases in weighted filings per judgeship in a number of judicial districts.

Even with a decline in filings in a few particular districts, overall, the caseload for the federal judiciary has significantly increased since enactment of the last comprehensive judgeship bill for the U.S. courts of appeals and district courts more than 30 years ago (the Judicial Improvements Act of 1990, Pub. L. No. 101-650). By the end of fiscal year 2022, district court filings had grown by 30 percent since the last comprehensive judgeship bill was enacted. (Civil cases were up 30 percent and criminal felony defendants were 27 percent higher.) As a result, the national average of weighted filings was 479 per judgeship in 2022 compared to 386 in 1991. During this same period, there has been only a 4 percent increase in judgeships, with the last permanent judgeships created in 2002.¹

The overall increase in caseload without a corresponding increase in Article III judgeship resources over the past three decades has created enormous difficulties for many of our courts across the nation. Seven of our district courts continue to struggle with extraordinarily high and sustained workloads. The severity of conditions in the District of Delaware, the Eastern District of California, the Northern District of California, the Southern District of Indiana, the Eastern

¹ Between 1999 and 2003, Congress created 34 additional judgeships in the district courts, but since then six temporary judgeships have lapsed. As part of the Judiciary's appropriations for fiscal years 2000 and 2001, and as part of the Department of Justice authorization bill for fiscal year 2003, the Congress created 9, 10, and 15 district court judgeships, respectively; however, no additional judgeships have been created for the courts of appeals.

District of Texas, the Southern District of Texas, and the Western District of Texas require immediate action. The Judicial Conference urges Congress to establish, as soon as possible, new judgeships in those districts.

In developing judgeship recommendations, the Judicial Conference, through its committee structure, uses a formal survey process to study and evaluate Article III judgeship needs. The surveys are based on established criteria, including current workload factors and empirical standards. Because the recommendations reflect current caseload data, if legislation is enacted that increases our workload, we may need additional judgeship resources not specifically addressed in this request.

The enclosed draft legislation reflects the recommendations of the Judicial Conference and would make necessary conforming amendments to existing statutes. A section-by-section summary of the draft bill also is enclosed. Finally, a narrative description of the recommendations, including justifications for each individual court, is enclosed.

The Judicial Conference respectfully requests that the Congress give full consideration to the judiciary's resource needs as identified in this proposal. 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 United States Courts, at (202) 502-1700.

Sincerely,



Roslynn R. Maukopf
Secretary

Enclosures

cc: Honorable Charles E. Schumer
Honorable Mitch McConnell
Honorable Richard J. Durbin
Honorable Lindsey Graham
Honorable Sheldon Whitehouse
Honorable John Kennedy