

## WHO WORKS IN A UNITED STATES FEDERAL COURT

The number and type of employees working in a federal court vary throughout the country, reflecting local caseloads and needs. The information below illustrates the staff structure in two courts of average size, the first-instance U.S. District Court for the District of Maryland and the Fourth Circuit Court of Appeals that hears cases from Maryland, North Carolina, South Carolina, Virginia, and West Virginia.

### U.S. District Court for the District of Maryland<sup>1</sup>

| Judges <sup>2</sup>            | Staff                          | Chambers staff (per active judge) |
|--------------------------------|--------------------------------|-----------------------------------|
| Chief district judge           | Clerk of court                 | Law clerks: 2                     |
| District judges: 9             | Administrative staff: 70       | Secretaries: 1                    |
| Magistrate judges: 8           | Pretrial services officers: 16 |                                   |
| Part-time magistrate judges: 1 | Probation officers: 84         |                                   |
|                                | Pretrial/probation staff: 37   |                                   |
|                                | Pro se attorneys: 6            |                                   |
|                                | CJA staff: 2                   |                                   |

The **chief judge** is responsible for overseeing court administrative policies and, working closely with the clerk of court, ensuring that the court operates effectively. The chief also serves as the liaison to outside groups, such as bar associations, civil society, and the media. The chief judge is appointed on the basis of seniority and serves for up to seven years.

A **district judge**, sometimes called a first-instance or trial court judge, hears a broad range of civil and criminal disputes. The district judge also hears appeals from the U.S. bankruptcy court and some types of administrative agency adjudications.

The **magistrate judge** oversees the exchange of evidence between parties (the discovery process), as well as evidentiary and other pretrial hearings, and submits findings and recommendations on dispositive motions to the district judge. The magistrate also presides over misdemeanor criminal trials and may, if the parties consent, adjudicate civil trials. The magistrate judge is appointed by the district court to a renewable eight-year term.

The **clerk of court** is the chief administrative officer and works closely with the chief judge. The clerk's responsibilities include oversight of case management and the budget process and supervising personnel responsible for maintaining court records, equipment, information technology, statistics, courtroom services, and jury administration. The clerk of court also prepares reports about the court and serves as a liaison with judiciary agencies and other branches of government.

Most of the **administrative staff** in the clerk's office supports the judges and the clerk by maintaining and updating the docket (schedule of cases filed) and assisting with courtroom activities. Clerk's office staff manage the summoning of citizens to jury duty. Specialists in information technology, budget and procurement, and human resources work in the clerk's office.

The Criminal Justice Act (CJA) created a system for appointing attorneys to represent indigent criminal defendants and funding related investigative services. Pursuant to the Act, courts are authorized to establish a

<sup>1</sup> Bankruptcy courts are units of the district courts and have their own judges and administrative staff.

<sup>2</sup> The number of judges reflects active judgeships (including unfilled positions) and does not include senior judges, who may continue to hear a full or reduced caseload.

panel of private attorneys eligible to serve as appointed counsel. **CJA staff** oversee the disbursement of funds to panel attorneys.

Pretrial services officers and probation officers are federal law enforcement employees of the district court. Some districts have a pretrial services office that is separate from the probation office; in other districts, the probation office is responsible for both pretrial services and probation work.

The **pretrial services officer** works with individuals who have been arrested but not convicted of a crime. Shortly after an arrest, the pretrial services officer gathers information about the defendant. This information may help inform the judge’s decision regarding bail. The officer is further responsible for supervising defendants who have been released pending trial.

If a defendant is convicted, by way of guilty plea or trial, the **probation officer** conducts an investigation to collect information about the offense and offender that might be relevant to sentencing under federal guidelines. This information is contained in the presentence report. The probation officer also supervises the offender after sentencing and works to help the individual meet the conditions of probation.

**Pro se attorneys** handle submissions from unrepresented (pro se) litigants, including prisoner petitions and other civil rights complaints. Pro se attorneys assist judges in reviewing the pleadings and other filings of pro se litigants. Such filings may not be well drafted, but courts take care to examine them so that meritorious issues are treated appropriately.

Each federal district judge has staff in chambers (the judge’s office), including a **secretary** to handle administrative matters and two **law clerks**. A judicial law clerk is usually a recent graduate from law school who conducts legal research for the judge, prepares memoranda, coordinates with attorneys on case-related administrative matters, and may assist the judge with other tasks. A judicial clerkship is usually one to two years, though some judges retain one law clerk for a longer period. Some judges choose to hire an additional law clerk instead of a secretary.

#### Fourth Circuit Court of Appeals

| Judges                | Staff                    | Chambers staff (per active judge) |
|-----------------------|--------------------------|-----------------------------------|
| Chief appellate judge | Circuit executive        | Law clerks: 3                     |
| Appellate judges: 14  | Clerk of court           | Secretaries: 2                    |
|                       | Administrative staff: 74 |                                   |
|                       | Staff counsel: 38        |                                   |
|                       | Circuit mediators: 6     |                                   |
|                       | CJA staff: 1             |                                   |

The **chief judge** of an appellate court has similar responsibilities to that of a district court chief judge: oversight of policies, operations, and public outreach. The chief judge also oversees matters concerning judicial conduct and discipline for the entire circuit. The chief judge is appointed on the basis of seniority and serves for up to seven years.

An **appellate judge** hears appeals from the district court as well as certain administrative agencies. Appellate judges sit in panels of three, unless permission is granted for the appellate court to review a matter *en banc* with all of the judges presiding.

The **circuit executive** manages circuit-wide administrative matters and provides administrative assistance to the chief appellate judge.

The **clerk of court** oversees scheduling, records, budget, personnel, statistics, and courtroom services, as well as the distribution of opinions and orders. The clerk also ensures that legal submissions comply with the rules of procedure and may take action on uncontested procedural motions.

Each court of appeals maintains a **staff counsel** office. The duties of staff counsel vary, but generally they prepare memoranda of law for the judges on issues raised in motions and appeals. They may also assist the court with jurisdictional issues. As opposed to the law clerk, who is hired by and works with one judge, staff counsel are part of the central staff of a court of appeals and may do work for a number of judges.

The **circuit mediator** (also referred to as **conference attorney** or **settlement counsel**) coordinates and manages settlement conferences and may also oversee the court's mediation program. Like staff counsel, the mediator is part of the central staff of a court of appeals.

Each appellate judge may employ up to two **secretaries** and three **law clerks**. Some judges hire an additional law clerk in lieu of a secretary. The law clerk conducts legal research, drafts memos for the judge, and prepares case memoranda for circulation among other judges who are on the appellate panel. As in the district court, law clerks for court of appeals judges usually serve a one- or two-year term, with some judges retaining one of their law clerks for a longer period.