



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

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MEMORANDUM TO MR. L. RALPH MECHAM, DIRECTOR

SUBJECT: Differences Between the Biden Bill and the 1990 Conference Recommendations

In response to your request, I am providing a brief statement on the differences between the Biden Judgeship Bill and the 1990 Judicial Conference judgeship recommendations. The Biden Bill includes additional district judgeships, not approved by the Conference, in each of the districts listed below:

District	Year Ended June 30, 1989		Year Ended December 31, 1989	
	Weighted Filings Per Judgeship	Drug Filings Per Judgeship	Weighted Filings Per Judgeship	Drug Filings Per Judgeship
Maine	334	30	347	42
New Hampshire	393	6	410	7
Pennsylvania, Middle	432	6	408	10
North Carolina, Middle	320	23	296	31
Tennessee, Western	417	52	380	47
Hawaii	392	14	415	20
Washington, Eastern	358	46	368	46
Utah	426	15	418	14
Wyoming	284	9	273	22
Florida, Northern	384	37	363	36
Georgia, Middle	354	22	389	38

Only two of these districts made a formal request for an additional judgeship during the 1990 Judgeship Survey, and both were disapproved by the Subcommittee on Judicial Statistics, the Committee on Judicial Resources, and Conference. The Western District of Tennessee requested an additional temporary judgeship which was endorsed by the Sixth Circuit Judicial Council. The Northern District of Florida requested an additional permanent judgeship, which was not endorsed by the Eleventh Circuit Judicial Council.

In the following districts, all judgeships approved by the Judicial Conference during the 1990 Survey, were excluded from the Biden Bill:

District	Number of Judgeships Excluded	Year Ended <u>June 30, 1989</u>		Year Ended <u>December 31, 1989</u>	
		Weighted Filings Per Judgeship	Drug Filings Per Judgeship	Weighted Filings Per Judgeship	Drug Filings Per Judgeship
Maryland	1	451	10	421	11
Louisiana, Middle	1	488	1	465	2
Ohio, Southern	2	490	18	468	20
Tennessee, Middle	1	518	7	521	10
Nevada	1	462	6	480	7

Each of these districts has weighted filings per judgeship in excess of all those which were added by the Biden Bill. In addition, with the exception of Middle Louisiana, all of these districts have drug caseloads which are larger than New Hampshire, one of the Biden additions.

There were also several districts which were included in the Biden Bill but not in the same numbers as recommended by the Conference. The data in the following table represent the overall weighted caseload and the drug caseload per judgeship based on the number of judgeships which would be authorized by the Biden Bill:

District	<u>Additional Conference Judgeships Which Were</u>		Year Ended <u>June 30, 1989</u>		Year Ended <u>December 31, 1989</u>	
	Included	Excluded	Weighted Filings Per Judgeship	Drug Filings Per Judgeship	Weighted Filings Per Judgeship	Drug Filings Per Judgeship
New York, Eastern	1	2	444	29	456	32
New Jersey	3	1	443	3	446	5
Pennsylvania, Eastern	4	1	568	6	549	7
Texas, Northern	1	1	569	11	524	13
Texas, Southern	3	4	504	54	492	66
Texas, Western	1	2	584	61	543	75
California, Central	5	1	435	7	416	7
Oregon	1	1	435	23	423	23
Florida, Middle	2	1	421	17	417	25

Even with the additional judgeships provided in the Biden Bill, all of these courts would have weighted filings in excess of, or roughly equivalent to, the Biden additions. Two of these districts, Southern Texas and Western Texas, would have a higher drug caseload than any of the Biden additions. Three others, Eastern New York; Oregon; and Middle Florida, would have a higher drug caseloads than 5 of the districts which Biden added.

In summary, if the Biden Bill was intended to give special consideration to districts with a heavy per judgeship drug caseload, then there are several additional judgeships recommended by the Conference which should have been included. There are at least 5 of the 11 added by the Bill which would not meet the test of having one of the nation's highest per judgeship drug caseloads, especially on the basis of the year ended June 30, 1989, figures used by the Biden staff. These include New Hampshire; Pennsylvania, Middle; Hawaii; Utah; and Wyoming.

A handwritten signature in cursive script, appearing to read "Dave", with a long horizontal flourish extending to the right.

David L. Cook