

FEDERAL JUDGESHIP ACT OF 1990 - COMPARATIVE ANALYSIS

(No additional Judgeships are proposed for courts not listed)

*Fale*  
*Eeden bil*

JCUS S. 2648 H.R. 5316 Bills  
Request Includes: Includes: Combined

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*PASSED*

*PASSED*

*Courts of Appeals*

First Circuit	1	0	0	0
Third Circuit	4	2	2	2
Fourth Circuit	4	4	2	4
Fifth Circuit	1	1	1	1
Sixth Circuit	5	1	1	1
Eighth Circuit	2	1	1	1
Tenth Circuit	3	2	2	2
<b>TOTAL</b>	<b>20</b>	<b>11</b>	<b>9</b>	<b>11</b>

*District Courts*

*First Circuit*

Maine	0	1	0	1
Massachusetts	1T/P,1T	1,1T/P	1T/P	1,1T/P
New Hampshire	0	1	0	1

*Second Circuit*

Connecticut	2	2	1	2
New York, N.	1T	1T	1T	1T
New York, E.	3	1	3	3
New York, S.	1	1	1	1
New York, W.	1T/P	1T/P	1T/P	1T/P

*Third Circuit*

New Jersey	4	3	3	3
Pennsylvania, E.	5	3,1T	3,1T	3,1T
Pennsylvania, M.	0	1	0	1
<del>Virgin Islands</del>	<del>1</del>	<del>1</del>	<del>0</del>	<del>1</del>

*Fourth Circuit*

Maryland	1T	0	0	0
N. Carolina, E.	1T/E	1T/P	0	1T/P
N. Carolina, M	0	1	0	1
S. Carolina	1T	1	0	1
Virginia, E.	1T	1T	1T	1T
W. Virginia, N.	1T	1	1T	1
W. Virginia, S.	1T	1	1T	1

*Fifth Circuit*

Louisiana, M.	1T	0	0	0
Louisiana, W.	1T	1	0	1
Mississippi, S.	1	1	1	1
Texas, N.	2	1	2	2
Texas, E.	1T	1T	1	1
Texas, S.	7	3	5	5
Texas, W.	3	1	3	3

*Sixth Circuit*

Michigan, W.	1T	1T	1T	1T
Ohio, N.	1,1T	1T/P,1T	1T/P	1T/P,1T
Ohio, S.	1,1T	0	1	1
Tennessee, E.	1	1	1	1
Tennessee, M.	1T	0	1T	1
Tennessee, W.	0	1	0	1

*District Courts, continued:*

*Seventh Circuit*

Illinois, N.	1,1T/P	1,1T/P	1,1T/P	1,1T/P
Illinois, C.	1T	1T	1T	1T
Illinois, S.	1T	1T	0	1T
Indiana, N.	1T/P	1T/P	0	1T/P

*Eighth Circuit*

Arkansas, E.	2R/P	2R/P	2R/P	2R/P
Arkansas, W.	1,1T/P	1,1T/P	1T/P	1,1T/P
Iowa, N.	1R/P	1R/P	1R/P	1R/P
Iowa, S.	1	1	1	1
Missouri, E.	1,1T	1,1T	1	1,1T
Nebraska	1T	1T	1T	1T

*Ninth Circuit*

California, N.	2	2	2	2
California, E.	1T	1T	0	1T
California, C.	6	5	5	5
California, S.	1T	1	0	1
Hawaii	0	1T	0	1T
Nevada	1T	0	0	0
Oregon	1,1T	1	1	1
Washington, E.	0	1	1	1
Washington, W.	1T/P	1T/P	1T/P	1T/P

*Tenth Circuit*

Kansas	1T	1T	0	1T
New Mexico	1T	1	1T	1
Oklahoma, N.	1T	1	1T	1
Oklahoma, W.	1,1R/P	1,1R/P	1T,1R/P	1,1R/P
Utah	0	1	0	1
Wyoming	0	1	0	1

*Eleventh Circuit*

Alabama, N.	1T	1T	0	1T
Florida, N.	0	1	0	1
Florida, M.	2,1T	2	1,1T	2
Florida, S.	1T	1	1	1
Georgia, M.	0	1	0	1

**TOTAL**

<b>TOTAL</b>	<b>47</b>	<b>52</b>	<b>39</b>	<b>61</b>
	<b>29T</b>	<b>14T</b>	<b>13T</b>	<b>13T</b>
	<b>6T/P</b>	<b>8T/P</b>	<b>6T/P</b>	<b>8T/P</b>
	<b>4R/P</b>	<b>4R/P</b>	<b>4R/P</b>	<b>4R/P</b>
	<b>1T/E</b>	<b>0</b>	<b>0</b>	<b>0</b>

**TOTAL NEW JUDGESHIPS**

<b>TOTAL NEW JUDGESHIPS</b>	<b>96</b>	<b>77</b>	<b>61</b>	<b>845</b>
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T = Temporary Judgeship; Vacancy not fillable after 5 years.

R/P = Roving Judgeship in two or more districts made permanent in one district.

T/P = Temporary Judgeship made permanent.

T/E = Temporary Judgeship Extended for additional 5 years.

9/30/90

1 (b) IMPLEMENTATION OF CHAPTER 23.—There is au-  
2 thorized to be appropriated not more than \$5,000,000 for  
3 fiscal year 1991 to implement chapter 23 of title 28,  
4 United States Code.

5 (c) DEMONSTRATION PROGRAM.—There is authorized  
6 to be appropriated not more than \$5,000,000 for fiscal year  
7 1991 to carry out the provisions of section 104.

## 8 TITLE II—FEDERAL JUDGESHIPS

### 9 SECTION 201 SHORT TITLE.

10 This title may be cited as the "Federal Judgeship Act  
11 of 1990". HR 5316

### 12 SEC. 202. CIRCUIT JUDGES FOR THE CIRCUIT COURT OF APPEALS.

13 (a) IN GENERAL.—The President shall appoint, by and  
14 with the advice and consent of the Senate—

15 (1) 2 additional circuit judges for the third cir-  
16 cuit court of appeals;

17 (2) 4 additional circuit judges for the fourth cir-  
18 cuit court of appeals;

19 (3) 1 additional circuit judge for the fifth circuit  
20 court of appeals;

21 (4) 1 additional circuit judge for the sixth cir-  
22 cuit court of appeals;

23 (5) 1 additional circuit judge for the eighth cir-  
24 cuit court of appeals; and

1 (6) 2 additional circuit judges for the tenth cir-  
2 cuit court of appeals.

3 (b) TABLES.—In order that the table contained in sec-  
4 tion 44(a) of title 28, United States Code, will, with respect  
5 to each judicial circuit, reflect the changes in the total  
6 number of permanent circuit judgeships authorized as a  
7 result of subsection (a) of this section, such table is  
8 amended to read as follows:

"Circuits	Number of Judges
District of Columbia.....	12
First.....	6
Second.....	13
Third.....	14
Fourth.....	15
Fifth.....	17
Sixth.....	16
Seventh.....	11
Eighth.....	11
Ninth.....	28
Tenth.....	12
Eleventh.....	12
Federal.....	12."

9 SEC. 203. DISTRICT JUDGES FOR THE DISTRICT COURTS.

10 (a) IN GENERAL.—The President shall appoint, by and  
11 with the advice and consent of the Senate—

12 (1) 1 additional district judge for the western  
13 district of Arkansas;

14 (2) 2 additional district judges for the northern  
15 district of California;

16 (3) 5 additional district judges for the central  
17 district of California;

18 (4) 1 additional district judge for the southern  
19 district of California;

- 1           (5) 2 additional district judges for the district of
- 2           Connecticut;
- 3           (6) 2 additional district judges for the middle
- 4           district of Florida;
- 5           (7) 1 additional district judge for the northern
- 6           district of Florida;
- 7           (8) 1 additional district judge for the southern
- 8           district of Florida;
- 9           (9) 1 additional district judge for the middle
- 10          district of Georgia;
- 11          (10) 1 additional district judge for the northern
- 12          district of Illinois;
- 13          (11) 1 additional district judge for the southern
- 14          district of Iowa;
- 15          (12) 1 additional district judge for the western
- 16          district of Louisiana;
- 17          (13) 1 additional district judge for the district of
- 18          Maine;
- 19          (14) 1 additional district judge for the district of
- 20          Massachusetts;
- 21          (15) 1 additional district judge for the southern
- 22          district of Mississippi;
- 23          (16) 1 additional district judge for the eastern
- 24          district of Missouri;

- 1 (17) 1 additional district judge for the district of  
2 New Hampshire;
- 3 (18) 3 additional district judges for the district  
4 of New Jersey;
- 5 (19) 1 additional district judge for the district of  
6 New Mexico;
- 7 (20) 1 additional district judge for the southern  
8 district of New York;
- 9 (21) 3 additional district judges for the eastern  
10 district of New York;
- 11 (22) 1 additional district judge for the middle  
12 district of North Carolina;
- 13 (23) 1 additional district judge for the southern  
14 district of Ohio.
- 15 (24) 1 additional district judge for the northern  
16 district of Oklahoma;
- 17 (25) 1 additional district judge for the western  
18 district of Oklahoma;
- 19 (26) 1 additional district judge for the district of  
20 Oregon;
- 21 (27) 3 additional district judges for the eastern  
22 district of Pennsylvania;
- 23 (28) 1 additional district judge for the middle  
24 district of Pennsylvania;

- 1           (29) 1 additional district judge for the district of  
2           South Carolina;
- 3           (30) 1 additional district judge for the eastern  
4           district of Tennessee;
- 5           (31) 1 additional district judge for the western  
6           district of Tennessee;
- 7           (32) 1 additional district judge for the middle  
8           district of Tennessee;
- 9           (33) 2 additional district judges for the northern  
10          district of Texas;
- 11          (34) 1 additional district judge for the eastern  
12          district of Texas;
- 13          (35) 5 additional district judges for the southern  
14          district of Texas;
- 15          (36) 3 additional district judges for the western  
16          district of Texas;
- 17          (37) 1 additional district judge for the district of  
18          Utah;
- 19          (38) 1 additional district judge for the eastern  
20          district of Washington;
- 21          (39) 1 additional district judge for the northern  
22          district of West Virginia;
- 23          (40) 1 additional district judge for the southern  
24          district of West Virginia; and

1           (41) 1 additional district judge for the district of  
2   Wyoming.

3           (b) EXISTING JUDGESHIPS.—(1) The existing district  
4 judgeships for the western district of Arkansas, the north-  
5 ern district of Illinois, the northern district of Indiana, the  
6 district of Massachusetts, the western district of New  
7 York, the eastern district of North Carolina, the northern  
8 district of Ohio, and the western district of Washington  
9 authorized by section 202(b) of the Bankruptcy Amend-  
10 ments and Federal Judgeship Act of 1984 (Public Law 98-  
11 353, 98 Stat. 347-348) shall, as of the effective date of this  
12 title, be authorized under section 133 of title 28, United  
13 States Code, and the incumbents in those offices shall hold  
14 the office under section 133 of title 28, United States  
15 Code, as amended by this title.

16           (2)(A) The existing two district judgeships for the  
17 eastern and western districts of Arkansas (provided by sec-  
18 tion 133 of title 28, United States Code, as in effect on the  
19 day before the effective date of this title) shall be district  
20 judgeships for the eastern district of Arkansas only, and  
21 the incumbents of such judgeships shall hold the offices  
22 under section 133 of title 28, United States Code, as  
23 amended by this title.

24           (B) The existing district judgeship for the northern  
25 and southern districts of Iowa (provided by section 133 of

1 title 28, United States Code, as in effect on the day before  
2 the effective date of this title) shall be a district judgeship  
3 for the northern district of Iowa only, and the incumbent of  
4 such judgeship shall hold the office under section 133 of  
5 title 28, United States Code, as amended by this title.

6 (C) The existing district judgeship for the northern,  
7 eastern, and western districts of Oklahoma (provided by  
8 section 133 of title 28, United States Code, as in effect on  
9 the day before the effective date of this title) and the occu-  
10 pant of which has his official duty station at Oklahoma  
11 City on the date of enactment of this title, shall be a dis-  
12 trict judgeship for the western district of Oklahoma only,  
13 and the incumbent of such judgeship shall hold the office  
14 under section 133 of title 28, United States Code, as  
15 amended by this title.

16 (c) TEMPORARY JUDGESHIPS.—The President shall ap-  
17 point, by and with the advice and consent of the Senate—

18 (1) 1 additional district judge for the northern  
19 district of Alabama;

20 (2) 1 additional district judge for the eastern  
21 district of California;

22 (3) 1 additional district judge for the district of  
23 Hawaii;

24 (4) 1 additional district judge for the central dis-  
25 trict of Illinois;

1 (5) 1 additional district judge for the southern  
2 district of Illinois;

3 (6) 1 additional district judge for the district of  
4 Kansas;

5 (7) 1 additional district judge for the western  
6 district of Michigan;

7 (8) 1 additional district judge for the eastern  
8 district of Missouri;

9 (9) 1 additional district judge for the district of  
10 Nebraska;

11 (10) 1 additional district judge for the northern  
12 district of New York;

13 (11) 1 additional district judge for the northern  
14 district of Ohio;

15 (12) 1 additional district judge for the eastern  
16 district of Pennsylvania; and

17 (13) 1 additional district judge for the eastern  
18 district of Virginia.

19 The first vacancy in the office of district judge in each of  
20 the judicial districts named in this subsection, occurring  
21 five years or more after the effective date of this title, shall  
22 not be filled.

23 (d) TABLES.—In order that the table contained in sec-  
24 tion 133 of title 28, United States Code, will, with respect  
25 to each judicial district, reflect the changes in the total

- 1 number of permanent district judgeships authorized as a
- 2 result of subsections (a) and (b) of this section, such table
- 3 is amended to read as follows:

Districts	Judges
Alabama:	
Northern .....	7
Middle .....	3
Southern .....	3
Alaska .....	3
Arizona .....	8
Arkansas:	
Eastern .....	5
Western .....	3
California:	
Northern .....	14
Eastern .....	6
Central .....	27
Southern .....	8
Colorado .....	7
Connecticut .....	8
Delaware .....	4
District of Columbia .....	15
Florida:	
Northern .....	4
Middle .....	11
Southern .....	16
Georgia:	
Northern .....	11
Middle .....	4
Southern .....	3
Hawaii .....	3
Idaho .....	2
Illinois:	
Northern .....	22
Central .....	3
Southern .....	3
Indiana:	
Northern .....	5
Southern .....	5
Iowa:	
Northern .....	2
Southern .....	3
Kansas .....	5
Kentucky:	
Eastern .....	4
Western .....	4
Eastern and Western .....	1
Louisiana:	
Eastern .....	13
Middle .....	2
Western .....	7

Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	7
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebaska	3
Nevada	4
New Hampshire	3
New Jersey	17
New Mexico	5
New York:	
Northern	4
Southern	28
Eastern	15
Western	4
North Carolina:	
Eastern	4
Middle	4
Western	3
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	9
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	18
Eastern	7

Western .....	10
Utah .....	5
Vermont .....	2
Virginia:	
Eastern .....	9
Western .....	4
Washington:	
Eastern .....	4
Western .....	7
West Virginia:	
Northern .....	3
Southern .....	5
Wisconsin:	
Eastern .....	4
Western .....	2
Wyoming .....	3..

1 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums as  
3 may be necessary to carry out the provisions of this title,  
4 including such sums as may be necessary to provide ap-  
5 propriate space and facilities for the judicial positions cre-  
6 ated by this title.

7 **SEC. 205. STUDY BY GENERAL ACCOUNTING OFFICE.**

8       (a) **IN GENERAL.**—The Comptroller General of the  
9 United States shall review the policies, procedures, and  
10 methodologies used by the Judicial Conference of the  
11 United States in recommending to the Congress the cre-  
12 ation of additional Federal judgeships. In conducting such  
13 review the Comptroller General shall, at a minimum, de-  
14 termine the extent to which such policies, procedures, and  
15 methodologies—

16           (1) provide an accurate measure of the work-  
17 load of existing judges;

1 (2) are applied consistently to the various circuit  
2 courts of appeals and district courts; and

3 (3) provide an accurate indicator of the need for  
4 additional judgeships.

5 (b) REPORT TO CONGRESS.—The Comptroller General  
6 shall, not later than 18 months after the date of the enact-  
7 ment of this Act, report the results of the review conducted  
8 under subsection (a) to the Committees on the Judiciary of  
9 the House of Representatives and the Senate. The report  
10 shall include such recommendations as the Comptroller  
11 General considers appropriate for revisions of the policies,  
12 procedures, and methodologies used by the Judicial Con-  
13 ference that were reviewed in the report.

14 **SEC. 206. EFFECTIVE DATE.**

15 This title shall take effect on the date of enactment of  
16 this title.

17 **TITLE III—IMPLEMENTATION OF**  
18 **FEDERAL COURTS STUDY COM-**  
19 **MITTEE RECOMMENDATIONS**

20 **SEC. 301. SHORT TITLE.**

21 This title may be cited as the “Federal Courts Study  
22 Committee Implementation Act of 1990”.