



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

HONORABLE ROBERT J. CONRAD, JR.
Director

WASHINGTON, D.C. 20544

December 16, 2024

The President
The White House
Washington, DC 20500

Dear Mr. President:

For many years, the Judicial Conference of the United States (Conference) has recommended enactment of legislation to provide additional federal district court judgeships to improve access to justice and enhance judicial administration. Despite these requests, for the past 22 years no additional judgeships have been created, and no comprehensive judgeship legislation has been enacted for more than 30 years.

We need judges now. S. 4199, the Judicial Understaffing Delays Getting Emergencies Solved (JUDGES) Act is necessary to the efficient and effective administration of justice. It is consistent with the Conference's most recent judgeship recommendations. It is based on objective caseload data, assuming all vacancies are filled. The Conference review process incorporates the work of senior and magistrate judges into its recommendations. The bill has not been hastily drawn up, but is the product of years of study, analysis, and congressional review.

This legislation would address the need for additional district court judgeships, spreading them out over the next three Presidential administrations. The bill passed the Senate earlier this year by unanimous consent, and recently passed the House with bipartisan support. It is critical to the federal Judiciary that this bill become law, to improve access to justice and to enhance judicial administration.

In light of the Statement of Administration Policy issued on December 10, 2024, by the Office of Management and Budget on the legislation, I write to provide additional information for your consideration.

1. Additional district court judgeships are necessary to the efficient and effective administration of justice and for improving access to justice:
 - District court filings have grown by 30 percent since 1990, when the last comprehensive judgeship bill was enacted. Meanwhile, since 1991, the overall number of authorized district court judgeships increased by only four percent. This has contributed to significant delays in the resolution of cases and serious access to justice concerns.

- The effects of increasing caseloads without a corresponding increase in judges are profound. Increasing caseloads lead to significant delays in the consideration of cases, especially civil cases which may take years to get to trial. Over the past 20 years, the number of civil cases pending longer than three years has more than tripled. In some of our country's most inundated district courts, the time between filing and disposition for a civil case is four or five years, compared to 20 years ago when the time was less than 22 months.
 - Delays increase expenses for civil litigants and may increase the length of time criminal defendants are held pending trial. Substantial delays lead to lack of respect for the Judiciary and erode public confidence in the judicial process. The problem is so severe that potential litigants may be avoiding federal court altogether.
 - The need in certain districts is particularly dire, for example, in Oklahoma as a result of the *McGirt* Supreme Court decision (federal, not state, courts have jurisdiction over serious crimes committed by Native Americans on tribal lands); in border states; and in the states of California, New York, Delaware and elsewhere, the need is pronounced.
2. States with existing judicial vacancies still need additional district court judgeships:
- Access to justice, based on caseload and judicial economy, is the primary motivating force behind the Judicial Conference's recommendation for these new judgeships.
 - The request and recommendation of the Conference are not based on existing or anticipated vacancies. So even if all the open existing judicial vacancies were filled, the Conference would still request the additional new judgeships.
 - The Judiciary plays no role in the nomination, confirmation, and appointment process – that is the purview of the political branches of the government. I would note that of the 25 districts in which judgeships are requested, only five of those districts (within three states) have vacancies with no nominees. For the remaining 80 percent of the districts in which judgeships are requested, there is no evidence to suggest that existing vacancies are being held open.
3. The work of magistrate and senior judges is considered in the Conference's recommendation:
- While the review and request for additional district judgeships is based in large part on standards related to the weighted caseload per authorized judgeship in the court, the Conference also considers the unique circumstances of a district,

such as the number of senior judges and magistrate judges to assist with workload; the availability of visiting judges; geographic factors; unusual caseload complexity; and temporary caseload fluctuations.

- Senior and magistrate judges have been crucial to helping the district courts manage their growing caseloads for the past 30 years, but have limitations and do not diminish the need for additional district court judges.
 - The Federal Magistrate Judges Association noted in its release dated December 11, 2024, “While senior-status district judges and magistrate judges have significantly helped relieve the stunning caseload increases, their assistance cannot be substituted for the need for additional district judgeships. Senior judges can decline certain cases or types of cases and magistrate judges are not statutorily authorized to handle certain types of cases, such as felony cases. Additionally, staffing allocations may be more limited for senior judges and magistrate judges.”
4. Passing S. 4199 at the end of the Congress was not an effort to hastily add judges without resolving key questions in the legislation:
- This bill is the product of years of analysis by the Conference. The last minor judgeship bill was enacted in 2002. Since then, the Conference has regularly submitted requests for additional judgeships. The allocation process is consistent with those requests as well as the bills previously enacted by the Congress on a regular basis.
 - The Conference’s recommendation, including the process used to develop its recommendation, has been carefully scrutinized by Congress and has been the subject of Congressional hearings and Government Accountability Office (GAO) studies.

Failure to enact this legislation will likely push back the opportunity to pass a judgeship bill for many years. It is untenable for litigants, the public, and the federal Judiciary. We urge you to sign into law S. 4199, the JUDGES Act.

Sincerely,



Robert J. Conrad, Jr.
Director