

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

WASHINGTON, D.C. 20544

L. RALPH MECHAM
DIRECTOR

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

July 9, 1990

MEMORANDUM TO: THE EXECUTIVE COMMITTEE
PECKHAM SUBCOMMITTEE
HONORABLE WALTER T. MCGOVERN

Subject: Timing of Judicial Conference Judgeship Submissions to the
Senate Judiciary Committee

Statements were made in connection with the Senate Judiciary Committee hearings on June 26th that the Committee had not been informed of the additional need for judgeships until just prior to the Committee hearing on June 26th. This information is not correct.

In response to the attached letter of January 25, 1990, signed by Senators Biden and Thurmond, I sent a letter of February 13th to the two senators, providing them with a preliminary Judicial Resources Committee evaluation made for the Conference. This preliminary evaluation called for the creation of 21 additional judgeships which "are required over and above the 76 which have already been recommended by the Judicial Conference." A copy is attached.

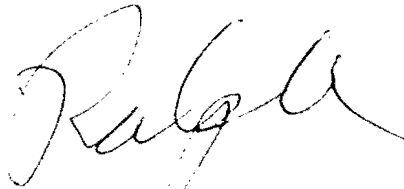
The original request for 75 new judgeships was sent to Senator Biden and to all members of the Senate Judiciary Committee on October 12, 1989 and another for Northern Texas on February 13, 1990.

The Senate Committee was kept fully advised through its staff by Bob Feidler of the accelerated consideration of the new judgeship proposals by the Subcommittee on Statistics, the Committee on Judicial Resources, and the full Conference itself which completed its ballot by polling.

Page 2

The formal request was sent to the Senate on June 22nd and, of course, Judge McGovern made a detailed presentation at the Committee hearing on June 26th.

To sum up, the Senate Judiciary Committee has known since February 13, 1990 of the added judgeship requirements for the Judicial Branch of Government.

A handwritten signature in black ink, appearing to read "Ralph", written in a cursive style.

L. Ralph Mecham

Attachment

cc: Members of the Judicial Conference
Honorable Diana E. Murphy

JOSEPH R. BIDEN, JR., DELAWARE, CH

EDWARD M. KENNEDY, MASSACHUSETTS
HOWARD M. METZENBAUM, OHIO
DENNIS DEUCONING, ARIZONA
PATRICK J. LEAHY, VERMONT
HOWELL HEFLIN, ALABAMA
PAUL SIMON, ILLINOIS
HERBERT KOHL, WISCONSIN

STROM THURMOND, SOUTH CAROLINA
ORRIN G. HATCH, UTAH
ALAN K. SIMPSON, WYOMING
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
GORDON J. HUMPHREY, NEW HAMPSHIRE

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

RONALD A. ALAIN, CHIEF COUNSEL
DIANA HOFFMAN, STAFF DIRECTOR
JEFFREY E. PETER, GENERAL COUNSEL
TERRY L. WOODEN, MINORITY CHIEF COUNSEL
AND STAFF DIRECTOR

January 25, 1990

Mr. L. Ralph Mecham
Director
Administrative Office of the U.S. Courts
Washington, D.C. 20544

Dear Mr. Mecham:

We have received your proposal of October 12, 1989, setting forth the position and request of the Judicial Conference for additional Federal judgeships. We have had the opportunity to review the proposal and meet with representatives of the Administrative Office over the course of the past several months. As we continue to study this issue, we would benefit from some additional information.


We note that the recommendations of October 12, 1989, are based on the "snapshot" of judicial workload as it existed at the close of 1987. With the passage of time and changes of circumstance that have resulted from the implementation of the sentencing guideline reforms and passage of such major legislation as the drug bills of 1988 and 1989, we would like to update the statistical foundations for your requests. We would appreciate it if you could transmit to us the latest recommendations that exist for additional judgeships together with statistics based on the most recently ended statistical year.

When you provide the updated statistical information noted above, please include the number of drug cases per judge in each district court, in terms of both the absolute number of drug cases per judge and the "weighted" number of drug cases per judge. Please also include a complete explanation of the categories of drug cases identified by the Administrative Office, the types of drug cases included in those categories, the weights assigned to the different types of drug cases, and the basis for the weights used.

With the recent extraordinary initiatives that have been undertaken by Congress relating to the "War on Drugs", we have a special interest in assuring that the Judiciary has sufficient resources to meet its anticipated needs as they will exist in the early 1990's. Any information or considerations you could share with us on this would also be appreciated.

Sincerely,


Strom Thurmond


Joseph R. Biden, Jr.

L. RALPH MECHAM
DIRECTOR

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

WASHINGTON, D.C. 20544

FEB 13 1989

Honorable Joseph R. Biden, Jr.
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Honorable Strom Thurmond
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senators Biden and Thurmond:

I appreciate your inquiry of January 25, 1989, concerning the requirements for additional judgeships in the Federal courts. As you know, the workload of the courts is reaching crisis proportions in many areas of the country, due in substantial part to the "War on Drugs." Your willingness to address the resource requirements of the courts reflects your continuing commitment to support the Judiciary and also resolve the national drug problems. We appreciate your support and will be happy to provide whatever assistance you require in processing our judgeship request.

In response to your request for statistics covering the most recent statistical year (year ended June 30, 1989), we are providing copies of the 1989 Federal Court Management Statistics report. This report, Attachment 1, contains the basic data used by the Judicial Conference in evaluating judgeship needs. I have enclosed also, at Attachment 2, a statistical table containing the actual number of drug cases filed and weighted drug cases filed per authorized judgeship for each of the United States district courts. The categories of drug cases identified in the Administrative Office statistical system and the weights assigned to each are listed in Attachment 3.

The weights assigned to the case categories were established on the basis of a time study conducted in 1979 by the Federal Judicial Center. Case types were assigned a weight based on the relative amount of judge time recorded during the three-month study. For some categories, there was not sufficient information reported during the study to allow for calculation of an accurate weight. In those instances a weight of 1.0 was assigned to the case category. This is important in reviewing the weights for drug cases, since there were a few categories for which insufficient information was available in 1979. Many of the case types which account for a large number of drug-related cases today were not present in large numbers in 1979. For this reason, it is possible that the relative burden of drug cases today is understated by the weights currently in use. This is

Honorable Joseph R. Biden, Jr.
Honorable Strom Thurmond
Page Two

a situation which we hope to resolve with the new time study currently underway at the Federal Judicial Center. Unfortunately, the current study, which is much more comprehensive than those of the past, will not be concluded for approximately two years. Based on preliminary data from that study, however, it appears that the 1979 weights for drug categories understate the current workload burdens.

You also requested that I provide the latest recommendations that exist for additional judgeships. The latest official Judicial Conference recommendations are contained in the draft legislation which was attached to my letter of October 12, 1989, together with a request for one additional judgeship for the Northern District of Texas approved recently by the Executive Committee of the Judicial Conference and which has been forwarded under separate cover. The Conference has, however, begun preliminary work on its 1990 Biennial Judgeship Survey which is scheduled to conclude in September 1990. On the basis of the preliminary evaluation conducted with statistical year 1989 data it appears as though 21 additional judgeships are required over and above the 76 which have already been recommended by the Judicial Conference. The numbers of additional positions, by court, are as follows:

<u>COURTS OF APPEALS</u>	<u>ADDITIONAL POSITIONS</u>
First Circuit	1
Third Circuit	2
Tenth Circuit	1
 <u>DISTRICT COURTS</u>	
New York, Eastern	1
New Jersey	1
Pennsylvania, Eastern	1
South Carolina	1 Temporary
West Virginia, Southern	1 Temporary
Texas, Northern	1
Texas, Southern	4
Texas, Western	2
California, Central	1
California, Southern	1 Temporary
Oregon	1 Temporary
Alabama, Middle	1 Temporary
Florida, Middle	1 Temporary

I want to emphasize that these positions have not been approved by the Judicial Conference and are not scheduled to be considered by the Conference until September of this year. At that time the total number of additional judgeships approved by the Conference may differ from the numbers shown above and in all likelihood will be slightly higher.

Honorable Joseph R. Biden, Jr.
Honorable Strom Thurmond
Page Three

Again, I want to thank you for initiating this action to consider the judgeship needs of the Federal courts. The courts must play a major role in fighting the drug war, but must continue to address the other areas of the criminal justice system without bringing the civil justice system to a halt. This can be accomplished only if the necessary resources are available. Without the additional judgeships recommended by the Judicial Conference, many of the courts will quickly become criminal trial courts and some may not have the capacity to try even those cases. It is, therefore, important that this issue be addressed quickly and completely. We are ready to provide any additional assistance which might bring this issue to a speedy resolution in the Congress.

Sincerely,

L. Ralph Mecham
Director

Enclosures