

106TH CONGRESS
2D SESSION

H. R. 3835

To amend title 28, United States Code, to divide New Jersey into 2 judicial districts.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2000

Mr. ANDREWS (for himself, Mr. SAXTON, Mr. LOBIONDO, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to divide New Jersey into 2 judicial districts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) In 1978, the Judicial Conference of the
6 United States established a procedure for creating
7 new Federal judicial districts, which is still in force.
8 According to the “Proceedings of the Judicial Con-
9 ference, September 21–22, 1978”, this procedure re-
10 quires that 4 principal criteria be taken into consid-

1 eration in evaluating the establishment of a new
2 Federal judicial district: caseload, judicial adminis-
3 tration, geography, and community convenience.

4 (2) The criterion of “caseload” is found to in-
5 clude the total number of Federal court cases and
6 the number of cases per Federal judge, for both civil
7 and criminal Federal cases.

8 (3)(A) The substantial criminal caseload con-
9 centrated in the southern counties of New Jersey re-
10 quires the creation of a separate judicial district.

11 (B) 281 Federal criminal cases originated in
12 the 8 southern New Jersey counties in 1998 and
13 were handled by the 5 judges of the Camden vicin-
14 age and the 3 judges of the Trenton vicinage.

15 (C) The criminal caseload in the southern re-
16 gion of New Jersey exceeds that of 51 of the current
17 Federal judicial districts. Only 44 of the 95 Federal
18 district courts have more criminal cases filed than
19 the southern region of New Jersey.

20 (D) For example, in the Eastern District of
21 Virginia (9 judges), 110 criminal cases were filed in
22 1998. In the District of Connecticut (8 judges), only
23 221 criminal cases were filed in 1998.

1 (4)(A) The substantial civil caseload con-
2 centrated in the southern counties of New Jersey re-
3 quires the creation of a separate judicial district.

4 (B) 2,116 Federal civil cases originated in the
5 8 southern New Jersey counties in 1998 and were
6 handled by the 5 judges of the Camden vicinage and
7 the 3 judges of the Trenton vicinage.

8 (C) The civil caseload in the southern region of
9 New Jersey exceeds that of 52 of the current Fed-
10 eral judicial districts. Only 43 out of the 95 Federal
11 districts have more civil cases filed than this region
12 of the New Jersey District.

13 (D) For example, in the Southern District of
14 West Virginia, a separate judicial district with 5
15 judges, only 1,315 civil cases were filed in 1998. The
16 Western District of Tennessee, similarly, with 5
17 judges, had only 1,581 civil cases filed in 1998.

18 (5) The criterion of “judicial administration” is
19 found to include the backlog of pending cases in a
20 Federal judicial district, which hinders the effective
21 resolution of pending business before the court.

22 (6)(A) The size of the backlog of pending cases
23 concentrated in the southern counties of New Jersey
24 requires the creation of a separate judicial district.

1 (B) The number of pending cases in the Cam-
2 den vicinage of New Jersey exceeds the number of
3 cases pending before entire judicial districts with
4 similar numbers of judges, clearly indicating that
5 southern New Jersey merits a separate Federal judi-
6 cial district. For example, there are 1,431 civil cases
7 pending before the Camden vicinage, and only 113
8 of those were commenced in 1999. The Western Dis-
9 trict of Tennessee, with 5 judges, had only 1,104
10 civil cases pending in 1998. The Western District of
11 Oklahoma had only 1,359 civil cases pending in
12 1998 before 6 judges. Finally, there are 161 crimi-
13 nal cases pending before the Camden vicinage, while
14 the entire Southern District of Indiana, with 5
15 judges, had only 116 criminal cases pending in
16 1998.

17 (7) The criterion of “geography” is found to
18 mean the accessibility of the central administration
19 of the Federal judicial district to officers of the
20 court, parties with business before the court, and
21 other citizens living within the Federal judicial dis-
22 trict.

23 (8)(A) The distance between the northern and
24 southern regions of New Jersey creates a substantial
25 barrier to the efficient administration of justice.

1 (B) The distance from Newark, New Jersey to
2 Camden, New Jersey is more than 85 miles.

3 (C) When a new Federal court district was cre-
4 ated in Louisiana in 1971, the distance between
5 New Orleans and Baton Rouge (nearly 80 miles)
6 was cited as a major factor in creating a new district
7 court, as travel difficulties were impeding the timely
8 administration of justice.

9 (9) The criterion of “community convenience”
10 is found to mean the extent to which creating a new
11 Federal judicial district will allow the court to better
12 serve the population and diverse communities of the
13 area.

14 (10)(A) New Jersey’s culturally and regionally
15 diverse population of 8,000,000 citizens, widely dis-
16 tributed across a large State, is inconvenienced by
17 having only 1 judicial district.

18 (B) Of the 25 States that have only a single
19 Federal judicial district (including Puerto Rico, the
20 United States territories, and the District of Colum-
21 bia), New Jersey has the highest population.

22 (C) More than a dozen States have smaller pop-
23 ulations than New Jersey, yet they have multiple
24 Federal judicial districts, including Washington,

1 Oklahoma, Iowa, Georgia, West Virginia, and Mis-
2 souri.

3 (11) In evaluating the creation of a new South-
4 ern District of New Jersey, the Judicial Conference
5 should seek the views of the chief judge of the af-
6 fected district, the judicial council for the affected
7 circuit court, and the affected United States Attor-
8 ney as representative of the views of the Department
9 of Justice, as required in the procedure established
10 by the “Proceedings of the Judicial Conference, Sep-
11 tember 21–22, 1978”.

12 **SEC. 2. ESTABLISHMENT OF 2 DISTRICTS IN NEW JERSEY.**

13 (a) CREATION.—Section 110 of title 28, United
14 States Code, is amended to read as follows:

15 **“§ 110. New Jersey**

16 “New Jersey is divided into 2 judicial districts to be
17 known as the Northern and Southern Districts of New
18 Jersey.

19 “Northern District

20 “(a) The Northern District comprises the counties of
21 Bergen, Essex, Hudson, Hunterdon, Middlesex, Mon-
22 mouth, Morris, Ocean, Passaic, Somerset, Sussex, Union,
23 and Warren.

24 “Court for the Northern District shall be held at Newark.

1 “Southern District

2 “(b) The Southern District comprises the counties of
3 Atlantic, Burlington, Camden, Cape May, Cumberland,
4 Gloucester, Mercer, and Salem.

5 “Court for the Southern District shall be held at Camden
6 and Trenton.”.

7 (b) JUDGESHIPS.—The item relating to New Jersey
8 in the table set forth in section 133(a) of title 28, United
9 States Code, is amended to read as follows:

“New Jersey:	
“Northern	9
“Southern	8”.

10 (c) BANKRUPTCY JUDGESHIPS.—The item relating to
11 New Jersey in the table set forth in section 152(a)(1) of
12 title 28, United States Code, is amended to read as fol-
13 lows:

“New Jersey:	
“Northern	4
“Southern	4”.

14 **SEC. 3. DISTRICT JUDGES, BANKRUPTCY JUDGES, MAG-**
15 **ISTRATE JUDGES, UNITED STATES ATTOR-**
16 **NEY, UNITED STATES MARSHAL, AND FED-**
17 **ERAL PUBLIC DEFENDER.**

18 (a) TRANSFER OF DISTRICT JUDGES.—(1) Any dis-
19 trict judge of the District Court of New Jersey who is
20 holding office on the day before the effective date of this
21 Act and whose official duty station is in Bergen, Essex,
22 Hudson, Hunterdon, Middlesex, Monmouth, Morris,

1 Ocean, Passaic, Somerset, Sussex, Union, or Warren
2 County shall, on or after such effective date, be a district
3 judge for the Northern District of New Jersey. Any dis-
4 trict judge of the District Court of New Jersey who is
5 holding office on the day before the effective date of this
6 Act and whose official duty station is in Atlantic, Bur-
7 lington, Camden, Cape May, Cumberland, Gloucester,
8 Mercer, or Salem County shall, on and after such effective
9 date, be a district judge of the Southern District of New
10 Jersey.

11 (2) Whenever a vacancy occurs in a judgeship in ei-
12 ther judicial district of New Jersey, the vacancy shall first
13 be offered to those judges appointed before the enactment
14 of this Act and in active service in the other judicial dis-
15 trict of New Jersey at the time of the vacancy, and of
16 those judges wishing to fill the vacancy, the judge most
17 senior in service shall fill that vacancy. In such a case,
18 the President shall appoint a judge to fill the vacancy re-
19 sulting in the district of New Jersey from which such
20 judge left office.

21 (b) TRANSFER OF BANKRUPTCY AND MAGISTRATE
22 JUDGES.—Any bankruptcy judge or magistrate judge of
23 the District Court of New Jersey who is holding office on
24 the day before the effective date of this Act and whose
25 official duty station is in Bergen, Essex, Hudson,

1 Hunterdon, Middlesex, Monmouth, Morris, Ocean, Pas-
2 saic, Somerset, Sussex, Union, or Warren County shall,
3 on or after such effective date, be a bankruptcy judge or
4 magistrate judge, as the case may be, for the Northern
5 District of New Jersey. Any bankruptcy judge or mag-
6 istrate judge of the District Court of New Jersey who is
7 holding office on the day before the effective date of this
8 Act and whose official duty station is in Atlantic, Bur-
9 lington, Camden, Cape May, Cumberland, Gloucester,
10 Mercer, or Salem County shall, on and after such effective
11 date, be a bankruptcy judge or magistrate judge, as the
12 case may be, of the Southern District of New Jersey.

13 (c) UNITED STATES ATTORNEY, UNITED STATES
14 MARSHAL, AND FEDERAL PUBLIC DEFENDER.—

15 (1) THOSE IN OFFICE.—This Act and the
16 amendments made by this Act shall not affect the
17 tenure of office of the United States attorney, the
18 United States marshal, and the Federal Public De-
19 fender, for the District of New Jersey who are in of-
20 fice on the effective date of this Act, except that
21 such individuals shall be the United States attorney,
22 the United States marshal, and the Federal Public
23 Defender, respectively, for the Northern District of
24 New Jersey as of such effective date.

1 (2) APPOINTMENTS.—The President shall ap-
2 point, by and with the advice and consent of the
3 Senate, a United States attorney and a United
4 States marshal for the Southern District of New
5 Jersey. The Court of Appeals for the Third Circuit
6 shall appoint a Federal Public Defender for the
7 Southern District of New Jersey.

8 (d) PENDING CASES NOT AFFECTED.—This Act and
9 the amendments made by this Act shall not affect any ac-
10 tion commenced before the effective date of this Act and
11 pending in the United States District Court for the Dis-
12 trict of New Jersey on such date.

13 (e) JURIES NOT AFFECTED.—This Act and the
14 amendments made by this Act shall not affect the com-
15 position, or preclude the service, of any grand or petit jury
16 summoned, empaneled, or actually serving in the Judicial
17 District of New Jersey on the effective date of this Act.

1 **SEC. 4. EFFECTIVE DATE.**

2 (a) **IN GENERAL.**—This Act and the amendments
3 made by this Act shall take effect 180 days after the date
4 of the enactment of this Act.

5 (b) **APPOINTMENTS.**—Notwithstanding subsection
6 (a), the President and the Court of Appeals for the Third
7 Circuit may make the appointments under section 3(e)(2)
8 at any time after the date of the enactment of this Act.

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