

107TH CONGRESS  
1ST SESSION

# H. R. 409

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2001

Mr. ANDREWS (for himself, Mr. SAXTON, and Mr. LoBiondo) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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  
7       criminal and civil Federal cases.

8           (3)(A) The 13 southern counties of New Jersey,  
9       consisting of Atlantic, Burlington, Camden, Cape  
10      May, Cumberland, Gloucester, Hunterdon, Mercer,  
11      Monmouth, Ocean, Salem, Somerset, and Warren  
12      Counties, have a substantial criminal caseload which  
13      requires the creation of a separate judicial district.

14          (B) 463 Federal criminal cases originated in  
15      the 13 southern New Jersey counties in fiscal year  
16      1999 and were handled principally by the 5 judges  
17      of the Camden vicinage and the 3 judges of the  
18      Trenton vicinage.

19          (C) In fiscal year 1999, the criminal cases origi-  
20      nating in the 13 southern New Jersey counties ex-  
21      ceeded that of 57 of the current 93 Federal judicial  
22      districts other than the District of New Jersey. Only  
23      36 of the other current Federal judicial districts had  
24      more criminal cases than the southern region of New  
25      Jersey.

1           (D) For example, in the District of Massachu-  
2       setts (19 judges), 434 criminal cases were filed in  
3       fiscal year 1999. In the District of Connecticut (14  
4       judges), only 250 criminal cases were filed in fiscal  
5       year 1999.

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

9           (B) Approximately 2,983 Federal civil cases  
10      originated in the 13 southern New Jersey counties  
11      in fiscal year 1999 and were handled principally by  
12      the 5 judges of the Camden vicinage and the 3  
13      judges of the Trenton vicinage.

14          (C) In the fiscal year 1999, the civil cases origi-  
15      nating in the 13 southern New Jersey counties ex-  
16      ceeded that of 68 of the current Federal judicial dis-  
17      tricts other than the District of New Jersey. Only  
18      25 of the other Federal judicial districts had more  
19      civil cases than the southern region of New Jersey.

20          (D) For example, in the Southern District of  
21      West Virginia, a separate judicial district with 8  
22      judges, only 1,203 civil cases were commenced in fis-  
23      cal year 1999. The Western District of Tennessee,  
24      with 6 judges, had only 1,512 civil cases commenced  
25      in fiscal year 1999.

1           (5) The criterion of “judicial administration” is  
2       found to include the backlog of pending cases in a  
3       Federal judicial district, which hinders the effective  
4       resolution of pending business before the court.

5           (6)(A) The size of the backlog of pending cases  
6       concentrated in the 13 southern counties of New  
7       Jersey requires the creation of a separate judicial  
8       district.

9           (B) In fiscal year 1999, the pending criminal  
10      cases attributed to the 13 southern New Jersey  
11      counties exceeded that of 62 of the current 93 Fed-  
12      eral judicial districts other than the District of New  
13      Jersey. Only 31 of the other current Federal judicial  
14      districts had more pending criminal cases than the  
15      southern region of New Jersey.

16          (C) In fiscal year 1999, the pending civil cases  
17      attributed to the 13 southern New Jersey counties  
18      exceeded that of 66 of the current 93 Federal judi-  
19      cial districts other than the District of New Jersey.  
20      Only 27 of the other current Federal judicial dis-  
21      tricts had more pending civil cases than the south-  
22      ern region of New Jersey.

23          (D) The number of pending cases in the Cam-  
24      den vicinage of New Jersey exceeds the number of  
25      cases pending before entire judicial districts with

1 similar numbers of judges, clearly indicating that  
2 southern New Jersey merits a separate Federal judi-  
3 cial district. For example, as of October 1, 1999,  
4 there were 1,431 civil cases pending before the Cam-  
5 den vicinage, and only 113 of those were commenced  
6 in fiscal year 1999. The Western District of Ten-  
7 nessee, with 6 judges, had only 1,079 civil cases  
8 pending in fiscal year 1999. The Western District of  
9 Oklahoma had only 1,356 civil cases pending in fis-  
10 cal year 1999 before 9 judges. Finally, there are 161  
11 criminal cases pending before the Camden vicinage,  
12 while the entire Southern District of Indiana, with  
13 7 judges, had only 117 criminal cases pending in fis-  
14 cal year 1999.

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

21 (8)(A) The distance between the northern and  
22 southern regions of New Jersey and the density of  
23 New Jersey’s population create a substantial barrier  
24 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 over 8,000,000 citizens, widely  
16 distributed across a densely populated State, is in-  
17 convenient by having only 1 judicial district.

18 (B) The District of New Jersey is the third  
19 most populous Federal judicial district in the United  
20 States.

21 (C) The population of the 13 southern New  
22 Jersey counties exceeds the population of 67 of the  
23 current 93 Federal judicial districts other than the  
24 District of New Jersey. The population of the 8  
25 northern New Jersey counties (consisting of Bergen,

1 Essex, Hudson, Middlesex, Morris, Passaic, Sussex,  
2 and Union) exceeds the population of 73 of the cur-  
3 rent 93 Federal judicial districts other than the Dis-  
4 trict of New Jersey.

5 (D) Of the 25 States that have only a single  
6 Federal judicial district (including Puerto Rico, the  
7 United States territories, and the District of Colum-  
8 bia), New Jersey has the highest population.

9 (E) More than a dozen States have smaller pop-  
10 ulations than New Jersey, yet they have multiple  
11 Federal judicial districts, including Washington,  
12 Oklahoma, Iowa, Georgia, West Virginia, and Mis-  
13 souri.

14 (11) In evaluating the creation of a new South-  
15 ern District of New Jersey, the Judicial Conference  
16 should seek the views of the chief judge of the af-  
17 fected district, the judicial council for the affected  
18 circuit court, and the affected United States Attor-  
19 ney as representative of the views of the Department  
20 of Justice, as required in the procedure established  
21 by the “Proceedings of the Judicial Conference, Sep-  
22 tember 21–22, 1978”.

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

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

1 **“§ 110. New Jersey**

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

5 “Northern District

6 “(a) The Northern District comprises the counties of  
7 Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Sus-  
8 sex, and Union.

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

10 “Southern District

11 “(b) The Southern District comprises the counties of  
12 Atlantic, Burlington, Camden, Cape May, Cumberland,  
13 Gloucester, Hunterdon, Mercer, Monmouth, Ocean,  
14 Salem, Somerset, and Warren.

15 “Court for the Southern District shall be held at Camden  
16 and Trenton.”.

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

“New Jersey:

“Northern .....	10
“Southern .....	7”.

20 (c) BANKRUPTCY JUDGESHIPs.—The item relating to  
21 New Jersey in the table set forth in section 152(a)(1) of  
22 title 28, United States Code, is amended to read as fol-



1 lows:

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

2 **SEC. 3. DISTRICT JUDGES, BANKRUPTCY JUDGES, MAG-**  
3 **ISTRATE JUDGES, UNITED STATES ATTOR-**  
4 **NEY, UNITED STATES MARSHAL, AND FED-**  
5 **ERAL PUBLIC DEFENDER.**

6 (a) TRANSFER OF DISTRICT JUDGES.—(1) Any dis-  
7 trict judge of the District Court of New Jersey who is  
8 holding office on the day before the effective date of this  
9 Act and whose official duty station is in Bergen, Essex,  
10 Hudson, Middlesex, Morris, Passaic, Sussex, or Union  
11 County shall, on or after such effective date, be a district  
12 judge for the Northern District of New Jersey. Any dis-  
13 trict judge of the District Court of New Jersey who is  
14 holding office on the day before the effective date of this  
15 Act and whose official duty station is in Atlantic, Bur-  
16 lington, Camden, Cape May, Cumberland, Gloucester,  
17 Hunterdon, Mercer, Monmouth, Ocean, Salem, Somerset,  
18 or Warren County shall, on and after such effective date,  
19 be a district judge of the Southern District of New Jersey.

20 (2) Whenever a vacancy occurs in a judgeship in ei-  
21 ther judicial district of New Jersey, the vacancy shall first  
22 be offered to those judges appointed before the enactment  
23 of this Act and in active service in the other judicial dis-  
24 trict of New Jersey at the time of the vacancy, and of

1 those judges wishing to fill the vacancy, the judge most  
2 senior in service shall fill that vacancy. In such a case,  
3 the President shall appoint a judge to fill the vacancy re-  
4 sulting in the district of New Jersey from which such  
5 judge left office.

6 (b) TRANSFER OF BANKRUPTCY AND MAGISTRATE  
7 JUDGES.—Any bankruptcy judge or magistrate judge of  
8 the District Court of New Jersey who is holding office on  
9 the day before the effective date of this Act and whose  
10 official duty station is in Bergen, Essex, Hudson, Mid-  
11 dlesex, Morris, Passaic, Sussex, or Union County shall, on  
12 or after such effective date, be a bankruptcy judge or mag-  
13 istrate judge, as the case may be, for the Northern Dis-  
14 trict of New Jersey. Any bankruptcy judge or magistrate  
15 judge of the District Court of New Jersey who is holding  
16 office on the day before the effective date of this Act and  
17 whose official duty station is in Atlantic, Burlington, Cam-  
18 den, Cape May, Cumberland, Gloucester, Hunterdon, Mer-  
19 cer, Monmouth, Ocean, Salem, Somerset, or Warren  
20 County shall, on and after such effective date, be a bank-  
21 ruptcy judge or magistrate judge, as the case may be, of  
22 the Southern District of New Jersey.

23 (c) UNITED STATES ATTORNEY, UNITED STATES  
24 MARSHAL, AND FEDERAL PUBLIC DEFENDER.—

1           (1) THOSE IN OFFICE.—This Act and the  
2       amendments made by this Act shall not affect the  
3       tenure of office of the United States attorney, the  
4       United States marshal, and the Federal Public De-  
5       fender, for the District of New Jersey who are in of-  
6       fice on the effective date of this Act, except that  
7       such individuals shall be the United States attorney,  
8       the United States marshal, and the Federal Public  
9       Defender, respectively, for the Northern District of  
10      New Jersey as of such effective date.

11          (2) APPOINTMENTS.—The President shall ap-  
12      point, by and with the advice and consent of the  
13      Senate, a United States attorney and a United  
14      States marshal for the Southern District of New  
15      Jersey. The Court of Appeals for the Third Circuit  
16      shall appoint a Federal Public Defender for the  
17      Southern District of New Jersey.

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

23          (e) JURIES NOT AFFECTED.—This Act and the  
24      amendments made by this Act shall not affect the com-  
25      position, or preclude the service, of any grand or petit jury

1 summoned, empaneled, or actually serving in the Judicial  
2 District of New Jersey on the effective date of this Act.

3 **SEC. 4. EFFECTIVE DATE.**

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

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

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