

110TH CONGRESS  
2D SESSION

# S. 2774

To provide for the appointment of additional Federal circuit and district judges, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 13, 2008

Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for the appointment of additional Federal circuit and district judges, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Federal Judgeship Act  
5 of 2008”.

6 **SEC. 2. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF AP-**  
7 **PEALS.**

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

1           (1) 1 additional circuit judge for the first cir-  
2           cuit court of appeals;

3           (2) 2 additional circuit judges for the second  
4           circuit court of appeals;

5           (3) 2 additional circuit judges for the third cir-  
6           cuit court of appeals;

7           (4) 1 additional circuit judge for the sixth cir-  
8           cuit court of appeals;

9           (5) 2 additional circuit judges for the eighth  
10          circuit court of appeals; and

11          (6) 4 additional circuit judges for the ninth cir-  
12          cuit court of appeals.

13          (b) TEMPORARY JUDGESHIPS.—The President shall  
14          appoint, by and with the advice and consent of the Senate,  
15          2 additional circuit judges for the ninth circuit court of  
16          appeals. The first 2 vacancies arising on the court 10  
17          years or more after judges are first confirmed to fill both  
18          temporary circuit judgeships created by this subsection  
19          shall not be filled.

20          (c) TABLES.—In order that the table contained in  
21          section 44 of title 28, United States Code, will, with re-  
22          spect to each judicial circuit, reflect the changes in the  
23          total number of permanent circuit judgeships authorized  
24          as a result of subsection (a) of this section, such table  
25          is amended to read as follows:

<b>“Circuits</b>	<b>Number of judges</b>
District of Columbia .....	11
First .....	7
Second .....	15
Third .....	16
Fourth .....	15
Fifth .....	17
Sixth .....	17
Seventh .....	11
Eighth .....	13
Ninth .....	33
Tenth .....	12
Eleventh .....	12
Federal .....	12.”.

1 **SEC. 3. DISTRICT JUDGES FOR THE DISTRICT COURTS.**

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

4 (1) 4 additional district judges for the district  
5 of Arizona;

6 (2) 4 additional district judges for the central  
7 district of California;

8 (3) 4 additional district judges for the eastern  
9 district of California;

10 (4) 2 additional district judges for the northern  
11 district of California;

12 (5) 1 additional district judge for the district of  
13 Colorado;

14 (6) 4 additional district judges for the middle  
15 district of Florida;

16 (7) 2 additional district judges for the southern  
17 district of Florida;

1           (8) 1 additional district judge for the southern  
2 district of Indiana;

3           (9) 1 additional district judge for the district of  
4 Minnesota;

5           (10) 1 additional district judge for the western  
6 district of Missouri;

7           (11) 1 additional district judge for the district  
8 of Nebraska;

9           (12) 1 additional district judge for the district  
10 of New Mexico;

11           (13) 3 additional district judges for the eastern  
12 district of New York;

13           (14) 1 additional district judge for the western  
14 district of New York;

15           (15) 1 additional district judge for the district  
16 of Oregon;

17           (16) 1 additional district judge for the district  
18 of South Carolina;

19           (17) 1 additional district judge for the eastern  
20 district of Texas;

21           (18) 2 additional district judges for the south-  
22 ern district of Texas;

23           (19) 1 additional district judge for the western  
24 district of Texas;

1           (20) 1 additional district judge for the eastern  
2 district of Virginia; and

3           (21) 1 additional district judge for the western  
4 district of Washington.

5           (b) TEMPORARY JUDGESHIPS.—The President shall  
6 appoint, by and with the advice and consent of the Sen-  
7 ate—

8           (1) 1 additional district judge for the middle  
9 district of Alabama;

10          (2) 1 additional district judge for the district of  
11 Arizona;

12          (3) 1 additional district judge for the central  
13 district of California;

14          (4) 1 additional district judge for the northern  
15 district of California;

16          (5) 1 additional district judge for the district of  
17 Colorado;

18          (6) 1 additional district judge for the middle  
19 district of Florida;

20          (7) 1 additional district judge for the southern  
21 district of Florida;

22          (8) 1 additional district judge for the district of  
23 Idaho;

24          (9) 1 additional district judge for the northern  
25 district of Iowa;

1           (10) 1 additional district judge for the district  
2 of Nevada;

3           (11) 1 additional district judge for the district  
4 of New Jersey;

5           (12) 1 additional district judge for the district  
6 of New Mexico;

7           (13) 1 additional district judge for the district  
8 of Oregon; and

9           (14) 1 additional district judge for the district  
10 of Utah.

11 For each of the judicial districts named in this subsection,  
12 the first vacancy arising on the district court 10 years or  
13 more after a judge is first confirmed to fill the temporary  
14 district judgeship created in that district by this sub-  
15 section shall not be filled.

16       (c) EXISTING JUDGESHIPS.—

17           (1) The existing judgeships for the district of  
18 Hawaii, the district of Kansas, and the eastern dis-  
19 trict of Missouri authorized by section 203(c) of the  
20 Judicial Improvements Act of 1990 (Public Law  
21 101–650; 104 Stat. 5089) as amended by Public  
22 Law 105–53, and the existing judgeships for the dis-  
23 trict of Arizona and the district of New Mexico au-  
24 thorized by section 312(c) of the 21st Century De-  
25 partment of Justice Appropriations Authorization

1 Act (Public Law 107–273, 116 Stat. 1758), as of  
 2 the effective date of this Act, shall be authorized  
 3 under section 133 of title 28, United States Code,  
 4 and the incumbents in those offices shall hold the of-  
 5 fice under section 133 of title 28, United States  
 6 Code, as amended by this Act.

7 (2) The existing judgeship for the northern dis-  
 8 trict of Ohio authorized by section 203(c) of the Ju-  
 9 dicial Improvements Act of 1990 (Public Law 101–  
 10 650, 104 Stat. 5089) as amended by Public Law  
 11 105–53, as of the effective date of this Act, shall be  
 12 extended. The first vacancy in the office of district  
 13 judge in this district occurring 20 years or more  
 14 after the confirmation date of the judge named to  
 15 fill the temporary judgeship created by section  
 16 302(c) shall not be filled.

17 (d) TABLES.—In order that the table contained in  
 18 section 133 of title 28, United States Code, will, with re-  
 19 spect to each judicial district, reflect the changes in the  
 20 total number of permanent district judgeships authorized  
 21 as a result of subsections (a) and (c) of this section, such  
 22 table is amended to read as follows:

<b>“Districts</b>	<b>Judges</b>
Alabama:	
Northern .....	7
Middle .....	3
Southern .....	3
Alaska .....	3

<b>“Districts</b>	<b>Judges</b>
Arizona .....	17
Arkansas:	
Eastern .....	5
Western .....	3
California:	
Northern .....	16
Eastern .....	10
Central .....	31
Southern .....	13
Colorado .....	8
Connecticut .....	8
Delaware .....	4
District of Columbia .....	15
Florida:	
Northern .....	4
Middle .....	19
Southern .....	19
Georgia:	
Northern .....	11
Middle .....	4
Southern .....	3
Hawaii .....	4
Idaho .....	2
Illinois:	
Northern .....	22
Central .....	4
Southern .....	4
Indiana:	
Northern .....	5
Southern .....	6
Iowa:	
Northern .....	2
Southern .....	3
Kansas .....	6
Kentucky:	
Eastern .....	5
Western .....	4
Eastern and Western .....	1
Louisiana:	
Eastern .....	12
Middle .....	3
Western .....	7
Maine .....	3
Maryland .....	10
Massachusetts .....	13
Michigan:	
Eastern .....	15
Western .....	4
Minnesota .....	8
Mississippi:	
Northern .....	3
Southern .....	6
Missouri:	
Eastern .....	7



<b>“Districts</b>	<b>Judges</b>
Western .....	6
Eastern and Western .....	2
Montana .....	3
Nebraska .....	4
Nevada .....	7
New Hampshire .....	3
New Jersey .....	17
New Mexico .....	8
New York:	
Northern .....	5
Southern .....	28
Eastern .....	18
Western .....	5
North Carolina:	
Eastern .....	4
Middle .....	4
Western .....	4
North Dakota .....	2
Ohio:	
Northern .....	11
Southern .....	8
Oklahoma:	
Northern .....	3
Eastern .....	1
Western .....	6
Northern, Eastern, and Western .....	1
Oregon .....	7
Pennsylvania:	
Eastern .....	22
Middle .....	6
Western .....	10
Puerto Rico .....	7
Rhode Island .....	3
South Carolina .....	11
South Dakota .....	3
Tennessee:	
Eastern .....	5
Middle .....	4
Western .....	5
Texas:	
Northern .....	12
Southern .....	21
Eastern .....	8
Western .....	14
Utah .....	5
Vermont .....	2
Virginia:	
Eastern .....	12
Western .....	4
Washington:	
Eastern .....	4
Western .....	8
West Virginia:	
Northern .....	3

<b>“Districts</b>	<b>Judges</b>
Southern .....	5
Wisconsin:	
Eastern .....	5
Western .....	2
Wyoming .....	3.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
 3 as may be necessary to carry out the provisions of this  
 4 Act, including such sums as may be necessary to provide  
 5 appropriate space and facilities for the judicial positions  
 6 created by this Act.

7 **SEC. 5. EFFECTIVE DATE.**

8       (a) IN GENERAL.—This Act (including the amend-  
 9 ments made by this Act) shall take effect on January 21,  
 10 2009.

11       (b) COORDINATION RULE.—The amendments made  
 12 by this Act shall take effect after the amendment made  
 13 by section 509(a)(2) of the Court Security Improvement  
 14 Act of 2007 (Public Law 110–177; 121 Stat 2543).

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