

REALIGNMENT OF SOUTHERN JUDICIAL DISTRICT  
OF MISSISSIPPI

NOVEMBER 12, 2013.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. GOODLATTE, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 2871]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2871) to amend title 28, United States Code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose and Summary .....	1
Background and Need for the Legislation .....	2
Hearings .....	2
Committee Consideration .....	3
Committee Votes .....	3
Committee Oversight Findings .....	3
New Budget Authority and Tax Expenditures .....	3
Congressional Budget Office Cost Estimate .....	3
Duplication of Federal Programs .....	4
Disclosure of Directed Rule Makings .....	4
Performance Goals and Objectives .....	4
Advisory on Earmarks .....	4
Section-by-Section Analysis .....	5
Changes in Existing Law Made by the Bill, as Reported .....	5

**Purpose and Summary**

The purpose of H.R. 2871 is to increase efficiency and better serve the public by reorganizing the southern judicial district of

Mississippi in recognition of the Judicial Conference of the United States' decision to close an underutilized court facility.

### **Background and Need for the Legislation**

In 2012, the Judicial Conference of the United States concurred in the recommendation of its Space and Facilities Committee and the Fifth Circuit Judicial Council that certain Federal court facilities be closed. This includes leased court space in Meridian, Mississippi.

As the only court facility in the currently authorized Eastern Division of the Southern District of Mississippi, the decision to close the Meridian courthouse provided a catalyst to a broader examination of the structure, organization and composition of all Federal judicial districts in Mississippi. An ad hoc committee of judges, which included the Chief U.S. District Judge for the Southern District of Mississippi, was convened to review the issues created by the closure and to recommend the best course of action.

The primary goal of this committee was to recommend a realignment that best serves the needs of litigants, jurors, the bar and the general public. In addition, the committee determined that the public interest and the goal of judicial efficiency would be advanced by: 1) addressing certain travel issues that were created by the county composition of the currently authorized Western Division and; 2) renaming all the divisions to reference them in a consistent manner that is based upon their respective geographic location rather than by reference to the city (i.e. Hattiesburg and Jackson) where courthouses are located.

Subsequently, the committee's recommendations were reviewed and endorsed by the Judicial Conference of the United States, the Fifth Circuit Judicial Council, the judges, United States Attorney and Federal Public Defender for the Southern District of Mississippi, affected local bar associations and Inns of Court. Specifically, the committee recommended: 1) abolishing the Southern District's current Eastern Division; 2) eliminating the statutory designations of Biloxi, Meridian and Vicksburg, Mississippi, as places of holding court; 3) realigning the remaining four divisions and places of holding court; and 4) renaming the remaining divisions.

According to the Administrative Office of the Courts, the proposed "[r]ealignment is expected to save approximately \$135,000 between jury wheel replenishment costs and expenses otherwise incurred by the U.S. Marshals Service, plus any other general savings in terms of judicial and juror travel—which we expect will be significant."

The Committee on Court Administration and Case Management of the Judicial Conference of the United States noted that the Chief Judge of the Southern District considers time to be of the essence in enacting the needed statutory changes since the court is in the time-consuming and expensive process of replenishing its jury wheel and the court would like to complete this task using the proposed new divisions.

### **Hearings**

The Committee on the Judiciary held no hearings on H.R. 2871.

### **Committee Consideration**

On September 11, 2013, the Committee met in open session and ordered the bill, H.R. 2871, favorably reported without amendment, by voice vote, a quorum being present.

### **Committee Votes**

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 2871.

### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

### **New Budget Authority and Tax Expenditures**

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

### **Congressional Budget Office Cost Estimate**

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2871, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 24, 2013.*

Hon. BOB GOODLATTE, CHAIRMAN,  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2871, a bill to amend title 28, United States Code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,  
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

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**H.R. 2871—A bill to amend title 28, United States Code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency, and for other purposes.**

As ordered reported by the House Committee on the Judiciary  
on September 11, 2013.

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H.R. 2871 would consolidate the southern judicial district in the state of Mississippi from five divisions to four. Based on information provided by the Administrative Office of the U.S. Courts and the Department of Justice, CBO estimates that implementing the bill would have no significant impact on the Federal budget. The courthouse in Meridian, Mississippi, is the sole courthouse for the existing eastern division and is scheduled to close under current law.

CBO estimates that the cost of consolidation and any potential savings from operating fewer courthouses would not be significantly different from the costs to the district under the scheduled closing of the Meridian courthouse. Enacting H.R. 2871 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2871 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### **Duplication of Federal Programs**

No provision of H.R. 2871 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### **Disclosure of Directed Rule Makings**

The Committee estimates that H.R. 2871 specifically directs to be completed no specific rule makings within the meaning of 5 U.S.C. 551.

#### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2871 will improve the Federal judiciary's ability to deliver services to the general public in the southern judicial district of Mississippi in an efficient and cost-effective manner.

#### **Advisory on Earmarks**

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2871 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

### Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

*Sec. 1. Realignment of Southern Judicial District of Mississippi.*

Reorganizes the southern district into four divisions to be designated as the Northern, Southern, Eastern and Western Divisions and designates as places for holding court the cities of Jackson, Gulfport, Hattiesburg and Natchez, respectively.

*Sec. 2. Effective Date.*

Establishes the date of the enactment of this Act as the effective date for both this Act and the amendments made by this Act.

#### Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### SECTION 104 OF TITLE 28, UNITED STATES CODE

##### § 104. Mississippi

Mississippi is divided into two judicial districts to be known as the northern and southern districts of Mississippi.

(a) \* \* \*

#### 【Southern District

【(b) The southern district comprises five divisions.

【(1) The Jackson division comprises the counties of Amite, Copiah, Franklin, Hinds, Holmes, Leake, Lincoln, Madison, Pike, Rankin, Scott, Simpson, and Smith.

Court for the Jackson division shall be held at Jackson.

【(2) The eastern division comprises the counties of Clarke, Jasper, Kemper, Lauderdale, Neshoba, Newton, Noxubee, and Wayne.

Court for the eastern division shall be held at Meridian.

【(3) The western division comprises the counties of Adams, Claiborne, Issaquena, Jefferson, Sharkey, Warren, Wilkinson, and Yazoo.

Court for the western division shall be held at Natchez and Vicksburg.

【(4) The southern division comprises the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone.

Court for the southern division shall be held at Biloxi and Gulfport.

【(5) The Hattiesburg division comprises the counties of Covington, Forrest, Greene, Jefferson Davis, Jones, Lamar, Lawrence, Marion, Perry, and Walthall.

Court for the Hattiesburg division shall be held at Hattiesburg.】

#### *Southern District*

*(b) The southern district comprises four divisions.*

(1) *The Northern Division comprises the counties of Covich, Hinds, Holmes, Issaquena, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Sharkey, Smith, Warren, and Yazoo.*

*Court for the Northern Division shall be held at Jackson.*

(2) *The Southern Division comprises the counties of George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone.*

*Court for the Southern Division shall be held at Gulfport.*

(3) *The Eastern Division comprises the counties of Clarke, Covington, Forrest, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Marion, Perry, Wayne, and Walthall.*

*Court for the Eastern Division shall be held at Hattiesburg.*

(4) *The Western Division comprises the counties of Adams, Amite, Claiborne, Franklin, Jefferson, Lincoln, Pike, and Wilkinson.*

*Court for the Western Division shall be held at Natchez.*