

115TH CONGRESS
2D SESSION

H. R. 6755

To provide for additional Article III judges, to modernize the administration of justice, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2018

Mr. ISSA (for himself and Mr. GOODLATTE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for additional Article III judges, to modernize the administration of justice, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Judiciary Reforms, Organization and Operational Mod-
6 ernization Act of 2018” or the “Judiciary ROOM Act of
7 2018”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JUDGESHIPS AND COURT ORGANIZATION

Sec. 101. District judges for the district courts.

Sec. 102. Judicial districts of North Carolina.

Sec. 103. Realignment of the eastern district of Arkansas.

Sec. 104. Construction project in the James M. Carter and Judith N. Keep
 U.S. Courthouse.

Sec. 105. Federal courthouse in Harrisonburg, Virginia.

TITLE II—JUDICIAL OPERATIONS

Sec. 201. Code of conduct for Federal judges.

Sec. 202. Recusal of Supreme Court justices.

Sec. 203. Medical examinations for Federal judges.

TITLE III—COURT OPERATIONS

Sec. 301. Video recording of court proceedings.

Sec. 302. Advisory Committee for Access to Court Broadcasts and Case Infor-
 mation.

Sec. 303. PACER.

3 **TITLE I—JUDGESHIPS AND**
 4 **COURT ORGANIZATION**

5 **SEC. 101. DISTRICT JUDGES FOR THE DISTRICT COURTS.**

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

8 (1) 7 additional district judges for the central
 9 district of California;

10 (2) 5 additional district judges for the eastern
 11 district of California;

12 (3) 2 additional district judges for the northern
 13 district of California;

14 (4) 3 additional district judges for the southern
 15 district of California;

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

3 (6) 1 additional district judge for the district of
4 Delaware;

5 (7) 6 additional district judges for the middle
6 district of Florida;

7 (8) 1 additional district judge for the northern
8 district of Florida;

9 (9) 3 additional district judges for the southern
10 district of Florida;

11 (10) 1 additional district judge for the northern
12 district of Georgia;

13 (11) 1 additional district judge for the district
14 of Idaho;

15 (12) 1 additional district judge for the southern
16 district of Indiana;

17 (13) 1 additional district judge for the district
18 of Minnesota;

19 (14) 1 additional district judge for the district
20 of Nevada;

21 (15) 3 additional district judges for the district
22 of New Jersey;

23 (16) 2 additional district judges for the district
24 of New Mexico;

1 (17) 2 additional district judges for the eastern
2 district of New York;

3 (18) 1 additional district judge for the southern
4 district of New York;

5 (19) 1 additional district judge for the western
6 district of New York;

7 (20) 1 additional district judge for the district
8 of Puerto Rico;

9 (21) 2 additional district judges for the eastern
10 district of Texas;

11 (22) 2 additional district judges for the south-
12 ern district of Texas; and

13 (23) 4 additional district judges for the western
14 district of Texas.

15 (b) EXISTING JUDGESHIPS.—As of the date of enact-
16 ment of this Act, the following existing judgeships shall
17 be authorized under section 133 of title 28, United States
18 Code, and the incumbents in those offices shall hold the
19 office under such section:

20 (1) The judgeships authorized by section 203(c)
21 of the Judicial Improvements Act of 1990 (Public
22 Law 101–650; 28 U.S.C. 133 note) for—

23 (A) the district of Kansas; and

24 (B) the eastern district of Missouri.

1 (2) The judgeships authorized by section 312(c)
 2 of the 21st Century Department of Justice Appro-
 3 priations Authorization Act (Public Law 107–273;
 4 28 U.S.C. 133 note) for—

5 (A) the district of Arizona;

6 (B) the central district of California;

7 (C) the southern district of Florida;

8 (D) the district of New Mexico;

9 (E) the western district of North Carolina;

10 and

11 (F) the eastern district of Texas.

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

“Districts	Number of Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	13
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	11
Central	35
Southern	16
Colorado	8

“Districts	Number of Judges
Connecticut	8
Delaware	5
District of Columbia	15
Florida:	
Northern	5
Middle	21
Southern	21
Georgia:	
Northern	12
Middle	4
Southern	3
Hawaii	3
Idaho	3
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
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	8
New Hampshire	3
New Jersey	20
New Mexico	9
New York:	

“Districts	Number of Judges
Northern	5
Southern	29
Eastern	17
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	5
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	8
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	10
Western	17
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	7
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3”

1 (d) DESIGNATION OF JUDGES.—The chief judge of
2 the eastern district of California shall designate 1 district
3 judge whose official duty station shall be in Bakersfield,
4 California and who shall hold court for such district in
5 Bakersfield, California.

6 **SEC. 102. JUDICIAL DISTRICTS OF NORTH CAROLINA.**

7 (a) IN GENERAL.—Section 113 of title 28, United
8 States Code, is amended—

9 (1) in subsection (a), by striking “and Wilson
10 and” and inserting “Wilson, those portions of Hoke,
11 Moore, Scotland, and Richmond counties encom-
12 passing the Fort Bragg Military Reservation and
13 Camp Mackall, and”; and

14 (2) by striking subsection (b) and inserting the
15 following:

16 “(b) MIDDLE DISTRICT.—The Middle District com-
17 prises the counties of Alamance, Cabarrus, Caswell, Chat-
18 ham, Davidson, Davie, Durham (excluding that portion of
19 Durham County encompassing the Federal Correctional
20 Institution, Butner, North Carolina), Forsyth, Guilford,
21 Hoke (excluding that portion of Hoke County encom-
22 passing the Fort Bragg Military Reservation and Camp
23 Mackall), Lee, Montgomery, Moore (excluding that por-
24 tion of Moore County encompassing the Fort Bragg Mili-
25 tary Reservation and Camp Mackall), Orange, Person,

1 Randolph, Richmond (excluding that portion of Richmond
2 County encompassing the Fort Bragg Military Reserva-
3 tion and Camp Mackall), Rockingham, Rowan, Scotland
4 (excluding that portion of Scotland County encompassing
5 the Fort Bragg Military Reservation and Camp Mackall),
6 Stanly, Stokes, Surry, and Yadkin.”.

7 (b) APPLICATION.—The amendments made by sub-
8 section (a) shall not apply to any action commenced or
9 pending in any judicial district of North Carolina before
10 the date of enactment of this Act.

11 **SEC. 103. REALIGNMENT OF THE EASTERN DISTRICT OF**
12 **ARKANSAS.**

13 Section 83(a) of title 28, United States Code, is
14 amended to read as follows:

15 “Eastern District.

16 “(a) The Eastern District comprises three divisions.

17 “(1) The Central Division comprises the coun-
18 ties of Cleburne, Cleveland, Conway, Dallas, Drew,
19 Faulkner, Grant, Jefferson, Lincoln, Lonoke, Perry,
20 Pope Prairie, Pulaski, Saline, Stone, Van Buren,
21 White, and Yell.

22 Court for the Central Division shall be held at Little Rock.

23 “(2) The Delta Division comprises the counties
24 of Arkansas, Chicot, Crittenden, Desha, Lee, Mon-
25 roe, Phillips, and St. Francis.

1 Court for the Delta Division shall be held at Helena.

2 “(3) The Northern Division comprises the coun-
3 ties of Clay, Craighead, Cross, Fulton, Greene, Inde-
4 pendence, Izard, Jackson, Lawrence, Mississippi,
5 Poinsett, Randolph, Sharp, and Woodruff.

6 Court for the Northern Division shall be held at
7 Jonesboro.”.

8 **SEC. 104. CONSTRUCTION PROJECT IN THE JAMES M. CAR-**
9 **TER AND JUDITH N. KEEP U.S. COURTHOUSE.**

10 Not later than one year after the date of the enact-
11 ment of this Act, the Administrator of General Services
12 shall complete and submit to Congress a prospectus for
13 a construction project in the James M. Carter and Judith
14 N. Keep U.S. Courthouse in San Diego, California, which
15 project shall consist of building two new district court-
16 rooms and four magistrate judge chambers. Any limitation
17 regarding the Carter-Keep Courthouse contained in pre-
18 vious authorizations should not apply to the prospectus
19 required under this section.

20 **SEC. 105. FEDERAL COURTHOUSE IN HARRISONBURG, VIR-**
21 **GINIA.**

22 The Director of the Administrative Office of the
23 Courts shall maintain a courthouse located in Harrison-
24 burg, Virginia.

TITLE II—JUDICIAL OPERATIONS

SEC. 201. CODE OF CONDUCT FOR FEDERAL JUDGES.

(a) IN GENERAL.—Chapter 57 of title 28, United States Code, is amended by adding at the end the following:

“§ 964. Code of conduct

“Not later than one year after the date of the enactment of the Judiciary ROOM Act of 2018, the Judicial Conference shall issue a code of conduct, which applies to each justice and judge of the United States, except that the code of conduct may include provisions that are applicable only to certain categories of judges or justices.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, is amended by adding after the item related to section 963 the following:

“964. Code of conduct.”.

SEC. 202. RECUSAL OF SUPREME COURT JUSTICES.

(a) IN GENERAL.—Chapter 1 of title 28, United States Code, is amended by adding at the end the following:

“§ 7. Recusal

“The clerk of the Supreme Court shall ensure that for any matter for which a justice of the Supreme Court

1 is recused, timely notice of such recusal is made publicly
2 available on the website of the Supreme Court, along with
3 an explanation for such recusal.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 1 of title 28, United States Code, is amended
6 by adding after the item related to section 6 the following:
“7. Recusal.”.

7 **SEC. 203. MEDICAL EXAMINATIONS FOR FEDERAL JUDGES.**

8 (a) IN GENERAL.—Chapter 21 of title 28, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 464. Medical examinations for justices and judges**

12 “(a) IN GENERAL.—Each justice or judge of the
13 United States shall, at no expense to the judge or justice,
14 undergo a medical examination by a physician—

15 “(1) in the case of a judge or justice who is 70
16 years of age or younger, every 5 years;

17 “(2) in the case of a judge or justice who is
18 older than 70 years of age and younger than 81
19 years of age, every 2 years; and

20 “(3) in the case of a judge or justice who is 81
21 years of age or older, every year.

22 “(b) CONFIDENTIALITY.—Except as provided in sub-
23 section (c), the results of a medical examination described
24 in subsection (a) shall be confidential.

1 “(c) EXCEPTION.—Notwithstanding any other provi-
 2 sion of law, in the case that a physician conducting a med-
 3 ical examination described in subsection (a) identifies a
 4 condition that may impact the ability of the judge or jus-
 5 tice to carry out the duties of judge or justice’s position,
 6 the physician shall submit such finding to the appropriate
 7 chief judge or justice. In the case that the condition de-
 8 scribed in the previous sentence relates to a chief judge,
 9 the physician shall submit the finding to the chief judge
 10 of the court with appellate jurisdiction over the court on
 11 which the judge sits.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 for chapter 21 of title 28, United States Code, is amended
 14 by adding after the item related to section 463 the fol-
 15 lowing:

“464. Medical examinations for justices and judges.”.

16 **TITLE III—COURT OPERATIONS**

17 **SEC. 301. VIDEO RECORDING OF COURT PROCEEDINGS.**

18 (a) COURTS OF APPEALS.—

19 (1) IN GENERAL.—Chapter 3 of title 28, United
 20 States Code, as amended by this Act, is amended
 21 further by adding at the end the following:

22 **“§ 51. Internet streaming**

23 “(a) IN GENERAL.—Not later than the date de-
 24 scribed in subsection (b), the proceedings of each hearing

1 of a court of appeals shall be made available for viewing
2 on the internet through streaming video—

3 “(1) to the extent practicable, in real time dur-
4 ing such hearing; and

5 “(2) for not less than 2 years after the conclu-
6 sion of such hearing.

7 “(b) DATE DESCRIBED.—The date described in the
8 subsection is—

9 “(1) in the case of a court of appeals sitting en
10 banc, one year after the date of the enactment of
11 this section; and

12 “(2) in the case of a panel of a court of appeals
13 (other than as described in paragraph (1)), 2 years
14 after the date of the enactment of this section.

15 “(c) EXCEPTION.—The requirement under subsection
16 (a) shall not apply in the case that the courtroom is closed
17 to the public.

18 “(d) PARTNERSHIP PERMITTED.—The chief judge of
19 a circuit may enter into a partnership with a television
20 provider in order to comply with the requirement under
21 subsection (a).

22 “(e) COPYRIGHT PROTECTION NOT AVAILABLE.—
23 Video created pursuant to the requirement under this sec-
24 tion shall be considered a work of the United States Gov-
25 ernment for purposes of section 105 of title 17.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions for chapter 3 of title 28, United States Code,
3 as amended by this Act is further amended by in-
4 serting after the item related to section 50 the fol-
5 lowing:

“51. Internet streaming.”.

6 (b) SUPREME COURT.—

7 (1) IN GENERAL.—Chapter 1 of title 28, United
8 States Code, as amended by this Act, is further
9 amended by adding at the end the following:

10 **“§ 8. Internet streaming**

11 “(a) IN GENERAL.—Each oral argument before the
12 Supreme Court shall be made available for listening on
13 the internet through streaming audio—

14 “(1)(A) on the day of such oral argument, not
15 later than one year after the date of the enactment
16 of this section; and

17 “(B) in real time during such oral argument,
18 not later than 2 years after the date of the enact-
19 ment of this section; and

20 “(2) for not less than 2 years after the conclu-
21 sion of such oral argument.

22 “(b) EXCEPTION.—The requirement under sub-
23 section (a) shall not apply in the case that the courtroom
24 is closed to the public.

1 “(c) COPYRIGHT PROTECTION NOT AVAILABLE.—
2 Video created pursuant to the requirement under this sec-
3 tion shall be considered a work of the United States Gov-
4 ernment for purposes of section 105 of title 17.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions for chapter 1 of title 28, United States Code,
7 as amended by this Act, is further amended by in-
8 serting after the item related to section 7 the fol-
9 lowing:

“8. Internet streaming.”.

10 **SEC. 302. ADVISORY COMMITTEE FOR ACCESS TO COURT**
11 **BROADCASTS AND CASE INFORMATION.**

12 (a) ESTABLISHMENT.—There is established an Advi-
13 sory Committee for Access to Court Broadcasts and Case
14 Information (referred to in this section as the “Com-
15 mittee”), which shall advise the Federal courts on the
16 ways to improve public access to court broadcasts and
17 court information.

18 (b) MEMBERSHIP.—Members of the Committee shall
19 be appointed by the Executive Director of the Administra-
20 tive Office of the Courts. In appointing such members, the
21 Executive Director shall ensure that a wide range of inter-
22 ested parties are represented, including non-profit groups
23 and individuals who focus on access to public information,
24 news organizations, legal researchers, and commercial en-
25 tities who commercialize court documents.

1 **SEC. 303. PACER.**

2 (a) **REQUIREMENTS FOR WRITTEN OPINIONS.**—Each
3 written opinion issued by a Federal court shall be—

4 (1) stored on the Public Access to Court Elec-
5 tronic Records system in a format that is machine-
6 readable and searchable by date;

7 (2) citable using a vendor-neutral and medium-
8 neutral citations system; and

9 (3) made available to the Government Pub-
10 lishing Office.

11 (b) **ELECTRONIC PUBLIC ACCESS TO EXHIBITS IN**
12 **FEDERAL CASES.**—

13 (1) **IN GENERAL.**—Not later than 2 years after
14 the date of enactment of this Act, and except as pro-
15 vided in paragraph (2), the Judicial Conference of
16 the United States shall establish a pilot program to
17 ensure that exhibits in Federal cases before 5 Fed-
18 eral courts selected by the Judicial Conference and
19 any additional Federal district court that elects to
20 participate are accessible through such online portal
21 as the Judicial Conference may designate for the
22 pilot program established under this subsection.

23 (2) **EXEMPTION FROM ELECTRONIC PUBLIC AC-**
24 **CESS.**—This subsection shall not apply to the fol-
25 lowing exhibits:

26 (A) Exhibits that cannot be digitized.

1 (B) Exhibits concerning matters that are
2 exempt from disclosure under section 552(b) of
3 title 5, United States Code.

4 (C) Exhibits exempt from disclosure under
5 Rule 25(a)(5) of the Federal Rules of Appellate
6 Procedure.

7 (D) Exhibits exempt from disclosure under
8 Rule 5.2 of the Federal Rules of Civil Proce-
9 dure.

10 (E) Exhibits exempt from disclosure under
11 Rule 49.1 of the Federal Rules of Criminal Pro-
12 cedure.

13 (F) Exhibits exempt from disclosure under
14 Rule 9037 of the Federal Rules of Bankruptcy
15 Procedure.

16 (G) Exhibits that have been sealed by the
17 presiding judge.

18 (H) Exhibits that a presiding judge deter-
19 mines the public disclosure of which would like-
20 ly interfere with a fair trial or otherwise the
21 due administration of justice.

22 (I) Exhibits that are otherwise exempt
23 from public disclosure under any other provi-
24 sion of Federal or State law.

25 (3) APPLICABILITY OF EXEMPTION.—

1 (A) IN GENERAL.—The determination of
2 the applicability of paragraph (2) to an exhibit
3 shall be made by the presiding judge. With re-
4 spect to the applicability of the exemption de-
5 scribed in subparagraph (B), (C), (D), (E), or
6 (F) of paragraph (2), the presiding judge must
7 determine that it is reasonably foreseeable that
8 the disclosure of the exhibit would harm an in-
9 terest protected by the relevant provision.

10 (B) REDACTED EXHIBITS.—With respect
11 to an exhibit exempted from disclosure under
12 paragraph (2)(B), any reasonably segregable
13 portion of the exhibit shall be made available on
14 the online portal established under paragraph
15 (1), in accordance with the procedures de-
16 scribed at the end of section 552(b) of title 5,
17 United States Code.

18 (C) DESCRIPTIVE NOTATION.—With re-
19 spect to an exhibit exempted from disclosure
20 under subparagraph (A), (B), (C), (D), (E),
21 (F), or (I) of paragraph (2), a descriptive nota-
22 tion of the exhibit shall be made available, con-
23 sistent with any requirement under law regard-
24 ing limitation on disclosure, on the online portal
25 established under paragraph (1).

1 (4) RULEMAKING.—The Judicial Conference of
2 the United States may promulgate such regulations
3 as may be necessary to implement this subsection.

4 (5) DEFINITIONS.—For purposes of this sub-
5 section:

6 (A) DIGITIZED.—The term “digitized”
7 means converted into a digital form that can be
8 processed by a computer.

9 (B) EXHIBIT.—The term “exhibit” means
10 a document, record, or other tangible object in-
11 troduced as evidence during a trial, and that, in
12 accordance with the Federal Rules of Evidence,
13 is identified or authenticated, and admitted into
14 the record, and does not include any portion of
15 such document, record, or tangible object that
16 was not so admitted.

17 (C) PRESIDING JUDGE.—The term “pre-
18 siding judge” means the magistrate or judge
19 presiding over the court proceeding concerned.
20 In proceedings in which more than 1 judge par-
21 ticipates, the presiding judge shall be the senior
22 active judge so participating or, in the case of
23 a circuit court of appeals, the senior active cir-
24 cuit judge so participating, except that in en
25 banc sittings of any United States circuit court

1 of appeals, the presiding judge shall be the
2 chief judge of the circuit whenever the chief
3 judge participates.

4 (6) TERMINATION; REPORT.—

5 (A) TERMINATION.—This subsection and
6 the pilot program established under this sub-
7 section shall terminate on the date that is 4
8 years after the date of enactment of this Act.

9 (B) REPORT.—Not later than one year
10 after the termination of the pilot program es-
11 tablished under this subsection, the Federal Ju-
12 dicial Center shall submit to the Judicial Con-
13 ference of the United States, Congress, and any
14 other appropriate Federal agency or office, a
15 report that contains the results of the pilot pro-
16 gram, along with any recommendations for im-
17 proving public electronic access to Federal court
18 exhibits.

○