

**AMENDMENT TO H.R. \_\_\_\_\_**  
**OFFERED BY M. \_\_\_\_\_**

Strike all that follows after the enacting clause and  
insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 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.

1           **TITLE I—JUDGESHIIPS AND**  
2           **COURT ORGANIZATION**

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

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

6           (1) 7 additional district judges for the central  
7 district of California;

8           (2) 5 additional district judges for the eastern  
9 district of California;

10          (3) 2 additional district judges for the northern  
11 district of California;

12          (4) 3 additional district judges for the southern  
13 district of California;

14          (5) 1 additional district judge for the district of  
15 Colorado;

16          (6) 1 additional district judge for the district of  
17 Delaware;

18          (7) 6 additional district judges for the middle  
19 district of Florida;

20          (8) 1 additional district judge for the northern  
21 district of Florida;

22          (9) 3 additional district judges for the southern  
23 district of Florida;

24          (10) 1 additional district judge for the northern  
25 district of Georgia;

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

3           (12) 1 additional district judge for the southern  
4 district of Indiana;

5           (13) 1 additional district judge for the district  
6 of Minnesota;

7           (14) 1 additional district judge for the district  
8 of Nevada;

9           (15) 3 additional district judges for the district  
10 of New Jersey;

11          (16) 2 additional district judges for the district  
12 of New Mexico;

13          (17) 2 additional district judges for the eastern  
14 district of New York;

15          (18) 1 additional district judge for the southern  
16 district of New York;

17          (19) 1 additional district judge for the western  
18 district of New York;

19          (20) 1 additional district judge for the district  
20 of Puerto Rico;

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

23          (22) 2 additional district judges for the south-  
24 ern district of Texas; and

1           (23) 4 additional district judges for the western  
2           district of Texas.

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

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

11                   (A) the district of Kansas; and

12                   (B) the eastern district of Missouri.

13          (2) The judgeships authorized by section 312(c)  
14          of the 21<sup>st</sup> Century Department of Justice Appro-  
15          priations Authorization Act (Public Law 107–273;  
16          28 U.S.C. 133 note) for—

17                   (A) the district of Arizona;

18                   (B) the central district of California;

19                   (C) the southern district of Florida;

20                   (D) the district of New Mexico;

21                   (E) the western district of North Carolina;

22                   and

23                   (F) the eastern district of Texas.

24          (c) TABLES.—In order that the table contained in  
25          section 133 of title 28, United States Code, will, with re-

1 spect to each judicial district, reflect the changes in the  
 2 total number of permanent district judgeships authorized  
 3 as a result of subsections (a) and (b) of this section, such  
 4 table is amended to read as follows:

<b>“Districts</b>	<b>Number of Judges</b>
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
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

<b>“Districts</b>	<b>Number of Judges</b>
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: .....	
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

<b>“Districts</b>	<b>Number of Judges</b>
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

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

3           “(b) MIDDLE DISTRICT.—The Middle District com-  
4           prises the counties of Alamance, Cabarrus, Caswell, Chat-  
5           ham, Davidson, Davie, Durham (excluding that portion of  
6           Durham County encompassing the Federal Correctional  
7           Institution, Butner, North Carolina), Forsyth, Guilford,  
8           Hoke (excluding that portion of Hoke County encom-  
9           passing the Fort Bragg Military Reservation and Camp  
10          Mackall), Lee, Montgomery, Moore (excluding that por-  
11          tion of Moore County encompassing the Fort Bragg Mili-  
12          tary Reservation and Camp Mackall), Orange, Person,  
13          Randolph, Richmond (excluding that portion of Richmond  
14          County encompassing the Fort Bragg Military Reserva-  
15          tion and Camp Mackall), Rockingham, Rowan, Scotland  
16          (excluding that portion of Scotland County encompassing  
17          the Fort Bragg Military Reservation and Camp Mackall),  
18          Stanly, Stokes, Surry, and Yadkin.”.

19          (b) APPLICATION.—The amendments made by sub-  
20          section (a) shall not apply to any action commenced or  
21          pending in any judicial district of North Carolina prior  
22          to the date that is 30 days after the date of enactment  
23          of this Act.



1 (c) CONFORMING AMENDMENT.—Section 406 of the  
2 Judiciary Appropriations Act, 2006 (28 U.S.C. 461 note)  
3 is repealed.

4 **SEC. 103. REALIGNMENT OF THE EASTERN DISTRICT OF**  
5 **ARKANSAS.**

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

8 “Eastern District

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

10 “(1) The Central Division comprises the coun-  
11 ties of Cleburne, Cleveland, Conway, Dallas, Drew,  
12 Faulkner, Grant, Jefferson, Lincoln, Lonoke, Perry,  
13 Pope Prairie, Pulaski, Saline, Stone, Van Buren,  
14 White, and Yell.

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

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

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

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

24 Court for the Northern Division shall be held at  
25 Jonesboro.”.

1 **SEC. 104. CONSTRUCTION PROJECT IN THE JAMES M.**  
2 **CARTER AND JUDITH N. KEEP U.S. COURT-**  
3 **HOUSE.**

4 The James M. Carter and Judith N. Keep U.S.  
5 Courthouse in San Diego, California shall consist of build-  
6 ing two new district courtrooms and four magistrate judge  
7 chambers. Any limitation regarding the Carter-Keep  
8 Courthouse contained in previous authorizations should  
9 not apply to these additions.

10 **SEC. 105. FEDERAL COURTHOUSE IN HARRISONBURG, VIR-**  
11 **GINIA.**

12 The Director of the Administrative Office of the  
13 Courts shall maintain a courthouse located in Harrison-  
14 burg, Virginia.

15 **TITLE II—JUDICIAL**  
16 **OPERATIONS**

17 **SEC. 201. CODE OF CONDUCT FOR FEDERAL JUDGES.**

18 (a) IN GENERAL.—Chapter 57 of title 28, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing:

21 **“§ 964. Code of conduct**

22 “Not later than one year after the date of the enact-  
23 ment of the Judiciary ROOM Act of 2018, the Judicial  
24 Conference shall issue a code of conduct, which applies  
25 to each justice and judge of the United States, except that

1 the code of conduct may include provisions that are appli-  
2 cable only to certain categories of judges or justices.”.

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

“964. Code of conduct.”.

7 **SEC. 202. RECUSAL OF SUPREME COURT JUSTICES.**

8 (a) IN GENERAL.—Chapter 1 of title 28, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

11 **“§ 7. Recusal**

12 “The clerk of the Supreme Court shall ensure that  
13 for any matter for which a justice of the Supreme Court  
14 is recused, timely notice of such recusal is made publicly  
15 available on the website of the Supreme Court, along with  
16 an explanation for such recusal.”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
18 for chapter 1 of title 28, United States Code, is amended  
19 by adding after the item related to section 6 the following:

“7. Recusal.”.

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

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

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

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

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

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

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

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

15 “(c) EXCEPTION.—Notwithstanding any other provi-  
16 sion of law, in the case that a physician conducting a med-  
17 ical examination described in subsection (a) identifies a  
18 condition that may impact the ability of the judge or jus-  
19 tice to carry out the duties of the judge or justice’s posi-  
20 tion, the physician shall submit such finding to the appro-  
21 priate chief judge or justice. In the case that the condition  
22 described in the previous sentence relates to a chief judge,  
23 the physician shall submit the finding to the chief judge  
24 of the court with appellate jurisdiction over the court on  
25 which the judge sits.”.

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

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

## 5 **TITLE III—COURT OPERATIONS**

### 6 **SEC. 301. VIDEO RECORDING OF COURT PROCEEDINGS.**

7 (a) COURTS OF APPEALS.—

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

#### 11 **“§ 51. Internet streaming**

12 “(a) IN GENERAL.—Not later than the date de-  
13 scribed in subsection (b), the proceedings of each hearing  
14 of a court of appeals shall be made available for viewing  
15 on the internet through streaming video—

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

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

20 “(b) DATE DESCRIBED.—The date described in the  
21 subsection is—

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

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

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

7           “(d) PARTNERSHIP PERMITTED.—The chief judge of  
8 a circuit may enter into a partnership with a television  
9 provider in order to comply with the requirement under  
10 subsection (a).

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

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

“51. Internet streaming.”.

20          (b) SUPREME COURT.—

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

1 **“§ 8. Internet streaming**

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

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

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

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

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

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

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

“8. Internet streaming.”.

1 **SEC. 302. ADVISORY COMMITTEE FOR ACCESS TO COURT**  
2 **BROADCASTS AND CASE INFORMATION.**

3 (a) **ESTABLISHMENT.**—There is established an Advi-  
4 sory Committee for Access to Court Broadcasts and Case  
5 Information (referred to in this section as the “Com-  
6 mittee”), which shall advise the Federal courts on the  
7 ways to improve public access to court broadcasts and  
8 court information.

9 (b) **MEMBERSHIP.**—Members of the Committee shall  
10 be appointed by the Executive Director of the Administra-  
11 tive Office of the Courts. In appointing such members, the  
12 Executive Director shall ensure that a wide range of inter-  
13 ested parties are represented, including non-profit groups  
14 and individuals who focus on access to public information,  
15 news organizations, legal researchers, and commercial en-  
16 tities who commercialize court documents.

17 **SEC. 303. PACER.**

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

20 (1) stored on the Public Access to Court Elec-  
21 tronic Records case management system, established  
22 pursuant to section 205 of the E-Government Act of  
23 2002 (44 U.S.C. 3501 note) in a format that is ma-  
24 chine-readable and searchable by date;

25 (2) citable using a vendor-neutral and medium-  
26 neutral citations system; and



1           (3) made available to the Government Printing  
2       Office.

3           (b) ELECTRONIC PUBLIC ACCESS TO EXHIBITS IN  
4       FEDERAL CASES.—

5           (1) IN GENERAL.—Not later than 2 years after  
6       the date of enactment of this Act, and except as pro-  
7       vided in paragraph (2), the Judicial Conference of  
8       the United States shall establish a pilot program to  
9       ensure that exhibits in Federal cases before 5 Fed-  
10      eral courts selected by the Judicial Conference and  
11      any additional Federal court that elects to partici-  
12      pate are accessible through such online portal as the  
13      Judicial Conference may designate for the pilot pro-  
14      gram established under this subsection.

15           (2) EXEMPTION FROM ELECTRONIC PUBLIC AC-  
16      CESS.—This subsection shall not apply to the fol-  
17      lowing exhibits:

18                   (A) Exhibits that cannot be digitized.

19                   (B) Exhibits concerning matters that are  
20      exempt from disclosure under section 552(b) of  
21      title 5, United States Code.

22                   (C) Exhibits exempt from disclosure under  
23      Rule 25(a)(5) of the Federal Rules of Appellate  
24      Procedure.

1 (D) Exhibits exempt from disclosure under  
2 Rule 5.2 of the Federal Rules of Civil Proce-  
3 dure.

4 (E) Exhibits exempt from disclosure under  
5 Rule 49.1 of the Federal Rules of Criminal Pro-  
6 cedure.

7 (F) Exhibits exempt from disclosure under  
8 Rule 9037 of the Federal Rules of Bankruptcy  
9 Procedure.

10 (G) Exhibits that have been sealed by the  
11 presiding judge.

12 (H) Exhibits that a presiding judge deter-  
13 mines the public disclosure of which would like-  
14 ly interfere with a fair trial or otherwise the  
15 due administration of justice.

16 (I) Exhibits that are otherwise exempt  
17 from public disclosure under any other provi-  
18 sion of Federal or State law.

19 (3) APPLICABILITY OF EXEMPTION.—

20 (A) IN GENERAL.—The determination of  
21 the applicability of paragraph (2) to an exhibit  
22 shall be made by the presiding judge. With re-  
23 spect to the applicability of the exemption de-  
24 scribed in subparagraph (B), (C), (D), (E), or  
25 (F) of paragraph (2), the presiding judge must

1 determine that it is reasonably foreseeable that  
2 the disclosure of the exhibit would harm an in-  
3 terest protected by the relevant provision.

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

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

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

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

1 (A) DIGITIZED.—The term “digitized”  
2 means converted into a digital form that can be  
3 processed by a computer.

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

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

24 (6) TERMINATION; REPORT.—

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

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

