

U.S. Senator Dianne Feinstein
September 30, 2009

**Statement of Senator Dianne Feinstein
Hearing of the Subcommittee
on Administrative Oversight & the Courts
“Responding to the Growing Need for Federal
Judgeships: The Federal Judgeship Act of 2009”**

Chairman Whitehouse, I want to thank you for holding this hearing today on the growing need for federal judgeships. This is an issue of great importance to my state of California.

I do not believe that Congress has done nearly enough in recent years to ensure that our nation’s federal courts have the resources they need to decide cases in a thorough and timely manner.

Despite growing caseloads across the country, Congress has not passed a comprehensive judgeship bill to address the courts’ needs since 1990.

My state of California is the perfect example. Federal courts across my State are severely understaffed.

I am very pleased that Judge O'Neill is here today to discuss the situation in the Eastern District of California. This district covers Fresno, Sacramento, and much of the Central Valley of California. The District has six active judgeships, and each of its judges is handling a caseload of over 1,000 federal cases each. Businesses and civil litigants are facing delays of more than 3 years in having their disputes resolved. Despite heroic efforts by the District's judges, its senior judges, and its magistrate judges, federal law is not being enforced in a timely manner. This is unacceptable. And it is our job to fix it.

The problems in the Eastern District are unusually bad, but they are not unique.

- The Central District of California, which covers Los Angeles and Orange County, had 575 weighted federal filings per judge last year.
- The Northern District, which covers San Francisco and Silicon Valley, had 526 weighted filings per judge.
- And the Ninth Circuit, which handles appeals for the entire State, had 1,431 federal appeals filed per 3-judge panel.

All of these courts have caseloads well above the Judicial Conference's standard for when courts need more judges. Only the Southern District of California has a manageable number of cases, and that is because Senators Boxer, Kyl, Hutchison, Gramm, and I were able to work together in the 107th Congress to secure more judgeships for the border courts.

In 1990, Congress passed the “Federal Judgeship Act of 1990” to provide all of the federal courts across the country with adequate personnel to decide the cases before them. This bill was passed by a Democratic Congress and signed and implemented by President George H. W. Bush.

The situation in the federal courts in my state is dire, and I know that my state is not alone. This is a problem that only Congress can solve. I believe the time has come for us to work together, across the aisle, once again to solve the caseload problems.

I want to thank Senator Whitehouse, Senator Leahy, and all of the co-sponsors of the “Federal Judgeship Act of 2009” for their efforts, and I hope that others will join us as well.