

108TH CONGRESS  
1ST SESSION

# H. R. 3430

To amend title 28, United States Code, to divide New Jersey in 2 judicial districts.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2003

Mr. ANDREWS (for himself, Mr. LoBIONDO, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to divide New Jersey in 2 judicial districts.

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. FINDINGS.**

4       The Congress finds the following:

5               (1) In 1978, the Judicial Conference of the  
6       United States established a procedure for creating  
7       new Federal judicial districts, which is still in force.  
8       According to the “Proceedings of the Judicial Con-  
9       ference, September 21–22, 1978”, this procedure re-  
10      quires that 4 principal criteria be taken into consid-

1       eration in evaluating the establishment of a new  
2       Federal judicial district: caseload, judicial adminis-  
3       tration, geography, and community convenience.

4           (2) The criterion of “caseload” is found to in-  
5       clude the total number of Federal court cases and  
6       the number of cases per Federal judge, for both  
7       criminal and civil Federal cases.

8           (3) The criterion of “judicial administration” is  
9       found to include the backlog of pending cases in a  
10      Federal judicial district, which hinders the effective  
11      resolution of pending business before the court.

12          (4) The criterion of “geography” is found to  
13      mean the accessibility of the central administration  
14      of the Federal judicial district to officers of the  
15      court, parties with business before the court, and  
16      other citizens living within the Federal judicial dis-  
17      trict.

18          (5) The criterion of “community convenience”  
19      is found to mean the extent to which creating a new  
20      Federal judicial district will allow the court to better  
21      serve the population and diverse communities of the  
22      area.

23          (6)(A) The 13 southern counties of New Jersey,  
24      consisting of Atlantic, Burlington, Camden, Cape  
25      May, Cumberland, Gloucester, Hunterdon, Mercer,

1 Monmouth, Ocean, Salem, Somerset, and Warren  
2 Counties, have a substantial criminal caseload which  
3 requires the creation of a separate judicial district.

4 (B) 352 Federal criminal cases originated in  
5 the 13 southern New Jersey counties in fiscal year  
6 2002 and were handled principally by the 4 judges  
7 of the Camden vicinage and the 3 judges of the  
8 Trenton vicinage.

9 (C) In fiscal year 2002, the criminal cases orig-  
10 inating in the 13 southern New Jersey counties ex-  
11 ceeded that of 32 of the current 93 Federal judicial  
12 districts other than the District of New Jersey. Only  
13 61 of the other current Federal judicial districts had  
14 more criminal cases than the southern region of New  
15 Jersey.

16 (D) For example, in the Eastern District of  
17 Louisiana (12 judges), 304 criminal cases were filed  
18 in fiscal year 2002. In the District of Connecticut (8  
19 judges), only 251 criminal cases were filed in fiscal  
20 year 2002.

21 (7)(A) The substantial civil caseload con-  
22 centrated in the southern counties of New Jersey re-  
23 quires the creation of a separate judicial district.

24 (B) Approximately 2,744 Federal civil cases  
25 originated in the 13 southern New Jersey counties

1 in fiscal year 2002 and were handled principally by  
2 the 4 judges of the Camden vicinage and the 3  
3 judges of the Trenton vicinage.

4 (C) In the fiscal year 2002, the civil cases origi-  
5 nating in the 13 southern New Jersey counties ex-  
6 ceeded that of 61 of the current Federal judicial dis-  
7 tricts other than the District of New Jersey. Only  
8 32 of the other Federal judicial districts had more  
9 civil cases than the southern region of New Jersey.

10 (D) For example, in the Western District of  
11 Tennessee (5 judges), 1,410 civil cases were filed in  
12 fiscal year 2002. In the Southern District of West  
13 Virginia (5 judges), only 1,778 civil cases were filed  
14 in fiscal year 2002.

15 (8)(A) The size of the backlog of pending cases  
16 concentrated in the 13 southern counties of New  
17 Jersey requires the creation of a separate judicial  
18 district.

19 (B) In fiscal year 2002, the pending criminal  
20 cases attributed to the 13 southern New Jersey  
21 counties exceeded that of 58 of the current 93 Fed-  
22 eral judicial districts other than the District of New  
23 Jersey. Only 35 of the other current Federal judicial  
24 districts had more pending criminal cases than the  
25 southern region of New Jersey.

1           (C) In fiscal year 2002, the pending civil cases  
2           attributed to the 13 southern New Jersey counties  
3           exceeded that of 72 of the current 93 Federal judi-  
4           cial districts other than the District of New Jersey.  
5           Only 21 of the other current Federal judicial dis-  
6           tricts had more pending civil cases than the south-  
7           ern region of New Jersey.

8           (D) The number of pending cases in the Cam-  
9           den vicinage of New Jersey exceeds the number of  
10          cases pending before entire judicial districts with  
11          similar numbers of judges, clearly indicating that  
12          southern New Jersey merits a separate Federal judi-  
13          cial district. For example, as of October 1, 2002,  
14          there were 1,846 civil cases pending before the Cam-  
15          den vicinage. The Western District of Tennessee,  
16          with 5 judges, had only 991 civil cases pending in  
17          fiscal year 2002. The Western District of Oklahoma,  
18          with 6 judges, had only 1,400 civil cases pending  
19          during the same period. Finally, there were 250  
20          criminal cases pending before the Camden vicinage  
21          at the end of fiscal year 2002, while the entire East-  
22          ern District of Louisiana, with 12 judges, had only  
23          191 criminal cases pending. Also, the Western Dis-  
24          trict of Pennsylvania, with 10 judges, had only 275

1 criminal cases pending at the end of fiscal year  
2 2002.

3 (9)(A) The distance between the northern and  
4 southern regions of New Jersey and the density of  
5 New Jersey's population create a substantial barrier  
6 to the efficient administration of justice.

7 (B) The distance from Newark, New Jersey to  
8 Camden, New Jersey is more than 85 miles.

9 (C) When a new Federal court district was cre-  
10 ated in Louisiana in 1971, the distance between  
11 New Orleans and Baton Rouge (nearly 80 miles)  
12 was cited as a major factor in creating a new district  
13 court, as travel difficulties were impeding the timely  
14 administration of justice.

15 (10)(A) New Jersey's culturally and regionally  
16 diverse population of over 8,000,000 citizens, widely  
17 distributed across a densely populated State, is in-  
18 convenienced by having only 1 judicial district.

19 (B) The District of New Jersey is the fourth  
20 most populous Federal judicial district in the United  
21 States.

22 (C) The population of the 13 southern New  
23 Jersey counties exceeds the population of 69 of the  
24 current 93 Federal judicial districts other than the  
25 District of New Jersey. The population of the 8

1 northern New Jersey counties (consisting of Bergen,  
2 Essex, Hudson, Middlesex, Morris, Passaic, Sussex,  
3 and Union) exceeds the population of 73 of the cur-  
4 rent 93 Federal judicial districts other than the Dis-  
5 trict of New Jersey.

6 (D) Of the 27 States and territories that have  
7 only a single Federal judicial district (including  
8 Puerto Rico and the District of Columbia), New Jer-  
9 sey has the highest population.

10 (E) More than a dozen States have smaller pop-  
11 ulations than New Jersey, yet they have multiple  
12 Federal judicial districts, including Washington,  
13 Oklahoma, Iowa, West Virginia, and Missouri.

14 (11) In evaluating the creation of a new South-  
15 ern District of New Jersey, the Judicial Conference  
16 should seek the views of the chief judge of the af-  
17 fected district, the judicial council for the affected  
18 circuit court, and the affected United States Attor-  
19 ney as representative of the views of the Department  
20 of Justice, as required in the procedure established  
21 by the “Proceedings of the Judicial Conference, Sep-  
22 tember 21–22, 1978”.

23 **SEC. 2. ESTABLISHMENT OF 2 DISTRICTS IN NEW JERSEY.**

24 (a) ESTABLISHMENT.—

1           (1) CREATION.—Section 110 of title 28, United  
2       States Code, is amended to read as follows:

3   **“§ 110. New Jersey**

4       “New Jersey is divided into 2 judicial districts to be  
5       known as the Northern and Southern Districts of New  
6       Jersey.

7                       “Northern District

8       “(a) The Northern District comprises the counties of  
9       Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Sus-  
10      sex, and Union.

11      “Court for the Northern District shall be held at Newark.

12                      “Southern District

13      “(b) The Southern District comprises the counties of  
14      Atlantic, Burlington, Camden, Cape May, Cumberland,  
15      Gloucester, Hunterdon, Mercer, Monmouth, Ocean,  
16      Salem, Somerset, and Warren.

17      “Court for the Southern District shall be held at Camden  
18      and Trenton.”.

19           (2) JUDGESHIP.—The item relating to New  
20      Jersey in the table set forth in section 133(a) of title  
21      28, United States Code, is amended to read as fol-  
22      lows:

“New Jersey:

“Northern .....	10
“Southern .....	7”.

23           (3) BANKRUPTCY JUDGESHIP.—The item re-  
24      lating to New Jersey in the table set forth in section



1       152(a)(1) of title 28, United States Code, is amend-  
 2       ed to read as follows:

“New Jersey:

“Northern ..... 4  
 “Southern ..... 4”.

3       (b) DISTRICT JUDGES, BANKRUPTCY JUDGES, MAG-  
 4       ISTRATE JUDGES, UNITED STATES ATTORNEY, UNITED  
 5       STATES MARSHAL, AND FEDERAL PUBLIC DEFENDER.—

6           (1) TRANSFER OF DISTRICT JUDGES.—(A) Any  
 7       district judge of the District Court of New Jersey  
 8       who is holding office on the day before the effective  
 9       date of this Act and whose official duty station is in  
 10      Bergen, Essex, Hudson, Middlesex, Morris, Passaic,  
 11      Sussex, or Union County shall, on and after such ef-  
 12      fective date, be a district judge for the Northern  
 13      District of New Jersey. Any district judge of the  
 14      District Court of New Jersey who is holding office  
 15      on the day before the effective date of this Act and  
 16      whose official duty station is in Atlantic, Burlington,  
 17      Camden, Cape May, Cumberland, Gloucester,  
 18      Hunterdon, Mercer, Monmouth, Ocean, Salem, Som-  
 19      erset, or Warren County shall, on and after such ef-  
 20      fective date, be a district judge of the Southern Dis-  
 21      trict of New Jersey.

22           (B) Whenever a vacancy occurs in a judgeship  
 23      in either judicial district of New Jersey, the vacancy  
 24      shall first be offered to those judges appointed be-

1 fore the enactment of this Act and in active service  
2 in the other judicial district of New Jersey at the  
3 time of the vacancy, and of those judges wishing to  
4 fill the vacancy, the judge most senior in service  
5 shall fill that vacancy. In such a case, the President  
6 shall appoint a judge to fill the vacancy resulting in  
7 the district of New Jersey from which such judge  
8 left office.

9 (2) TRANSFER OF BANKRUPTCY AND MAG-  
10 ISTRATE JUDGES.—Any bankruptcy judge or mag-  
11 istrate judge of the District Court of New Jersey  
12 who is holding office on the day before the effective  
13 date of this Act and whose official duty station is in  
14 Bergen, Essex, Hudson, Middlesex, Morris, Passaic,  
15 Sussex, or Union County shall, on and after such ef-  
16 fective date, be a bankruptcy judge or magistrate  
17 judge, as the case may be, for the Northern District  
18 of New Jersey. Any bankruptcy judge or magistrate  
19 judge of the District Court of New Jersey who is  
20 holding office on the day before the effective date of  
21 this Act and whose official duty station is in Atlan-  
22 tic, Burlington, Camden, Cape May, Cumberland,  
23 Gloucester, Hunterdon, Mercer, Monmouth, Ocean,  
24 Salem, Somerset, or Warren County shall, on and  
25 after such effective date, be a bankruptcy judge or

1 magistrate judge, as the case may be, of the South-  
2 ern District of New Jersey.

3 (3) UNITED STATES ATTORNEY, UNITED  
4 STATES MARSHAL, AND FEDERAL PUBLIC DE-  
5 FENDER.—

6 (A) THOSE IN OFFICE.—This section and  
7 the amendments made by this section shall not  
8 affect the tenure of office of the United States  
9 attorney, the United States marshal, and the  
10 Federal Public Defender, for the District of  
11 New Jersey who are in office on the effective  
12 date of this Act, except that such individuals  
13 shall be the United States attorney, the United  
14 States marshal, and the Federal Public De-  
15 fender, respectively, for the Northern District of  
16 New Jersey as of such effective date.

17 (B) APPOINTMENTS.—The President shall  
18 appoint, by and with the advice and consent of  
19 the Senate, a United States attorney and a  
20 United States marshal for the Southern Dis-  
21 trict of New Jersey. The Court of Appeals for  
22 the Third Circuit shall appoint a Federal Public  
23 Defender for the Southern District of New Jer-  
24 sey.

1           (4) PENDING CASES NOT AFFECTED.—This sec-  
 2           tion and the amendments made by this section shall  
 3           not affect any action commenced before the effective  
 4           date of this Act and pending in the United States  
 5           District Court for the District of New Jersey on  
 6           such date.

7           (5) JURIES NOT AFFECTED.—This section and  
 8           the amendments made by this section shall not af-  
 9           fect the composition, or preclude the service, of any  
 10          grand or petit jury summoned, empaneled, or actu-  
 11          ally serving in the Judicial District of New Jersey  
 12          on the effective date of this Act.

13 **SEC. 3. EFFECTIVE DATE.**

14          (a) IN GENERAL.—This Act and the amendments  
 15          made by this Act shall take effect 180 days after the date  
 16          of the enactment of this Act.

17          (b) APPOINTMENTS.—Notwithstanding subsection  
 18          (a)—

19                (1) the President may make the appointments  
 20                under section 2(b)(3)(B), and

21                (2) the Court of Appeals for the Third Circuit  
 22                may make the appointment under section  
 23                2(b)(3)(B),  
 24          at any time after the date of the enactment of this Act.

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

2       There are authorized to be appropriated such sums  
3 as may be necessary to carry out this Act and the amend-  
4 ments made by this Act, including such sums as may be  
5 necessary for facilities for the District Court for the  
6 Southern District of New Jersey.

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