

108TH CONGRESS
1ST SESSION

H. R. 3430

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

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

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 convenient 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) JUDGESHIPS.—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 JUDGESHIPS.—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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