

Congress of the United States
Washington, DC 20515

March 12, 2021

Honorable Jerrold Nadler
Chair, Committee on the Judiciary
U.S. House of Representatives
2132 Rayburn House Office Building
Washington, D.C. 20515

Honorable Mary Gay Scanlon
Vice Chair, Committee on the Judiciary
U.S. House of Representatives
1227 Longworth House Office Building
Washington, D.C. 20515

Honorable Hank Johnson
Chair, Subcommittee on Courts,
Intellectual Property and the Internet
U.S. House of Representatives
2240 Rayburn House Office Building
Washington, D.C. 20515

Honorable Darrell Issa
Ranking Member, Subcommittee on Courts,
Intellectual Property and the Internet
U.S. House of Representatives
2105 Rayburn House Office Building
Washington, D.C. 20515

Dear Chair Nadler, Vice Chair Scanlon, Subcommittee Chair Johnson and Ranking Member Issa:

We write to express our strong support for the authorization of at least five new permanent district judgeships for the Eastern District of California, the federal trial court for 34 counties and five of the fastest-growing cities in our state. Each of us represents a portion of the Eastern District and strongly believe that investments are needed to address this 20-year judicial emergency before it gets any worse.

The last new permanent district judgeships for the Eastern District were authorized more than 40 years ago in 1978, when the District's population was half its current size. With the district's population approaching 8.4 million, there are only six permanent judgeships, two of which have been vacant for more than a year. Without accounting for these vacancies, the actual caseload per judgeship is a staggering 1,224, nearly double the national average for federal trial courts. Significantly, the Eastern District of California already has the physical infrastructure to house at least five new judges and their staff. Judicial chambers are available in the Sacramento and Fresno courthouses. With the down payment made in the form of these capital improvements, we need only fund the human infrastructure by authorizing at least five additional judgeships, as the District urgently requires. It even appears temporary emergency staffing the District has been receiving can be replaced with the staff an authorized District Judge receives, with little to no net increase in overall costs. The Congressional Budget Office should be asked to conduct a cost benefit analysis taking account of the particular circumstances in the Eastern District.

We believe making the investment now will pay dividends, by ensuring this beleaguered court is able to fulfill its essential role for the foreseeable future as the foundation of the federal justice system in the Sacramento and Central Valleys.

We thank the Subcommittee on Courts, Intellectual Property, and the Internet for holding a hearing recently on “The Need for New Lower Court Judgeships, 30 Years in the Making.” We particularly appreciate the Subcommittee’s recognition of the Eastern District of California’s needs and its inviting the District’s Chief Judge, Kimberly J. Mueller, to provide testimony. As Chief Judge Mueller told the Subcommittee, the startling reality of the Eastern District’s caseload burdens has many symptoms. Among them, courtroom deputies who support the judges are more like “ER triage nurses,” and regularly hear “increasingly desperate requests for decision” particularly if settlement funds are at stake. In the Fresno courthouse, one District Judge is currently doing the work of two, holding criminal calendars 4 days a week. Even so, prosecutors are unable to obtain timely convictions and criminal defendants in custody wait too long for trial, with the District 93rd of 94 nationwide on the list of time to closure of criminal cases. Throughout the District generally, civil cases languish. In making her case, Chief Judge Mueller follows her predecessors who have been making the same case for years, prior Chief Judges for the Eastern District, appointed by Presidents of both parties.

In light of the record now before the Subcommittee, we respectfully request you take steps to provide for the authorization of at least five new permanent district judgeships in any judgeship legislation the Committee and Subcommittee are preparing. Thank you for your consideration.

Respectfully,



Doris Matsui
Member of Congress



Jim Costa
Member of Congress



Josh Harder
Member of Congress



Jay Obernolte
Member of Congress

Handwritten signature of Ami Bera in black ink.

Ami Bera, M.D.
Member of Congress

Handwritten signature of Jerry McNerney in blue ink.

Jerry McNerney
Member of Congress