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## Legislation would add more than 75 federal judges to help alleviate court backlogs

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A new Senate bill with bipartisan support would create 77 federal district court judgeships to try to relieve a backlog of cases in the coming years.

The legislation wouldn't take effect until 2025, so it wouldn't necessarily give President Biden an opportunity to remake the federal judiciary with a liberal bent unless he were reelected in 2024.

Sen. Todd Young, Indiana Republican, and Sen. Chris Coons, Delaware Democrat, introduced the Judicial Understaffing Delays Getting Emergencies Solved (JUDGES) Act last month, aiming to add judges to overworked areas across the country.

The bill was introduced after the Judicial Conference of the United States requested Congress create the 77 seats to help alleviate overworked courts.

Lawmakers said more judges are needed, noting it has been more than a decade since new federal judgeships were created.

There were nearly 700,000 pending cases, more than 800 per judge, as of March, according to Mr. Young.

In 1990, Congress established 11 new circuit court judgeships and 74 new district court judgeships. Since then, some legislation added about 34 district court judges through 2003.

"There is a shortage of judges in certain specific districts," said Josh Blackman, a professor at South Texas College of Law. "The Young/Coons bill would phase the new judges in for 2025 and 2029. I like this forward-looking approach, as we don't know who will be president in four and eight years time."

House Democrats, though, have pushed another bill that would create 203 new district court judgeships.

Rep. Hank Johnson, Georgia Democrat and chairman of the Judiciary Subcommittee on Courts, Intellectual Property and the Internet, introduced the District Court Judgeships Act of 2021, which would create 203 new district court judgeships in 47 districts.

Those seats would be open and ready for appointments once the bill is enacted.

Thomas Berry, a research fellow with the libertarian Cato Institute, said Mr. Johnson's bill is unlikely to pick up Republican support.

"A 'delayed appointments' approach is a much more feasible path forward, because it allows both parties to focus on how many new judgeships we actually need and not on who would be appointing those judges," he said.

Likewise, Curt Levey, president of the conservative Committee for Justice, said the bill appears "highly partisan" since it goes beyond the number of seats the Judicial Conference requested and would allow Mr. Biden to fill 203 new seats.

"But what else would you expect given the House bill's sponsors – folks like Reps. Hank Johnson, Jerrold Nadler, Ted Lieu and Sheila Jackson Lee – who are among the most partisan Democrats in Congress," Mr. Levey said.

Daniel Goldberg, legal director for Alliance for Justice, said the issue should be nonpartisan, with Republicans and Democrats both recognizing the need for more judgeships because cases have been backlogged, infringing on individuals' rights to be heard.

"It's really just about access to justice and making sure the courts can function on time," he said. "It's about real people ... justice delayed is justice denied."