

Public Law 91-272

AN ACT

To provide for the appointment of additional district judges, and for other purposes.

June 2, 1970
[S. 952]

U.S. district
court judges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the district of Arizona, two additional district judges for the northern district of California, three additional district judges for the central district of California, three additional district judges for the southern district of California, one additional district judge for the district of Colorado, one additional district judge for the middle district of Florida, two additional district judges for the southern district of Florida, three additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the eastern district of Kentucky, one additional district judge for the western district of Kentucky, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, two additional district judges for the district of Maryland, two additional district judges for the eastern district of Michigan, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Nebraska, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the eastern district of New York, three additional district judges for the southern district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, six additional district judges for the eastern district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the district of South Carolina, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, one additional district judge for the eastern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia, and one additional district judge for the southern district of West Virginia.

Alabama.

62 Stat. 895;
80 Stat. 77.

Kansas, Penn-
sylvania, Wiscon-
sin, permanent
judgeships.

28 USC 133
notes.

(b) The existing district judgeship for the middle and southern districts of Alabama, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the southern district of Alabama only, and the present incumbent of such judgeship shall henceforth hold his office under such section 133, as amended by subsection (d) of this section.

(c) The existing district judgeship for the district of Kansas, the existing district judgeships for the eastern district of Pennsylvania, and the existing district judgeship for the eastern district of Wisconsin, created by section 5 of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes", approved March 18, 1966 (80 Stat. 78), and amended by the Act of September 23, 1967 (81 Stat. 228), shall be permanent judgeships and the present incumbents of such judgeships shall henceforth hold their offices under section 133 of title 28, United States

Code, as amended by subsection (d) of this section. The Act of September 28, 1967 (81 Stat. 228), and section 5 of the Act of March 18, 1966 (80 Stat. 78), are repealed.

(d) In order that the table contained in section 183 of title 28 of the United States Code will reflect the changes made by this section in the number of permanent district judgeships for certain judicial districts and combinations of districts, such table is amended to read as follows with respect to those districts:

Repeals.

28 USC 133 notes.

62 Stat. 895; 80 Stat. 77.

"Districts	Judges
Alabama :	
Northern-----	4
Middle-----	2
Southern-----	2
Arizona-----	5
* * * * * * *	
California :	
Northern-----	11
* * * * * * *	
Central-----	18
Southern-----	5
Colorado-----	4
* * * * * * *	
Florida :	
* * * * * * *	
Middle-----	6
Southern-----	7
Georgia :	
Northern-----	6
* * * * * * *	
Southern-----	2
* * * * * * *	
Illinois :	
Northern-----	13
* * * * * * *	
Kansas-----	4
Kentucky :	
Eastern-----	2
Western-----	8
* * * * * * *	
Louisiana :	
Eastern-----	10
Western-----	4
* * * * * * *	
Maryland-----	7
* * * * * * *	
Michigan :	
Eastern-----	10
* * * * * * *	
Missouri :	
Eastern-----	8
* * * * * * *	
Nebraska-----	3
New Jersey-----	9
New Mexico-----	3
New York :	
* * * * * * *	
Southern-----	27
Eastern-----	9
* * * * * * *	

"Districts	Judges
Ohio:	
Northern -----	8
Southern -----	5
* * * * * *	
Pennsylvania:	
Eastern -----	10
* * * * * *	
Western -----	10
Puerto Rico -----	3
* * * * * *	
South Carolina -----	5
* * * * * *	
Tennessee:	
Western -----	3
* * * * * *	
Texas:	
Northern -----	6
Southern -----	8
Eastern -----	3
Western -----	5
* * * * * *	
Virginia:	
Eastern -----	6
* * * * * *	
West Virginia:	
* * * * * *	
Southern -----	2
* * * * * *	
Wisconsin:	
Eastern -----	3."

New Jersey.

SEC. 2. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Jersey. The first vacancy occurring in the office of district judge in that district shall not be filled.

Pennsylvania.

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Pennsylvania. The first vacancy occurring in the office of district judge in that district shall not be filled.

North Carolina.

(c) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of North Carolina. The first vacancy occurring in the office of district judge in that district shall not be filled.

Virgin Islands.

SEC. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause.

68 Stat. 506.
48 USC 1614.

(b) In order to reflect and implement the changes made by subsection (a) of this section, section 24 of the Revised Organic Act of the Virgin Islands is amended to read as follows:

"SEC. 24. (a) The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of eight years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign

a judge of the municipal court of the Virgin Islands or a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge, with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

“(b) The judge of the district court who is senior in continuous service and under seventy years of age shall be the chief judge of the court and shall have power to appoint officers of the court when and as provided in section 756 of title 28, United States Code. The division of the business of the court among the judges shall be made as prescribed in section 137 of that title.

“(c) The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.”

SEC. 4. (a) Section 128 (a) of title 28, United States Code, is amended to read as follows:

“EASTERN DISTRICT

“(a) The Eastern District comprises the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokans, Stevens, Walla Walla, Whitman, and Yakima.

“Court for the Eastern District shall be held at Spokane, Yakima, Walla Walla, and Richland.”

(b) Section 128 (b) of title 28, United States Code, is amended to read as follows:

“WESTERN DISTRICT

“(b) The Western District comprises the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

“Court for the Western District shall be held at Bellingham, Seattle, and Tacoma.”

SEC. 5. Section 92 of title 28, United States Code, is amended to read as follows:

“§ 92. Idaho

“Idaho, exclusive of Yellowstone National Park, constitutes one judicial district.

“Court shall be held at Boise, Coeur d’Alene, Moscow, and Pocatello.”

SEC. 6. Section 118 (a) of title 28, United States Code, is amended to read as follows:

“EASTERN DISTRICT

“(a) The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

“Court for the Eastern District shall be held at Allentown, Easton, Reading, and Philadelphia.”

SEC. 7. The second sentence of section 117 of title 28, United States Code, is amended to read as follows:

“Court shall be held at Coquille, Eugene, Klamath Falls, Medford, Pendleton, and Portland.”

SEC. 8. Section 93 (a) of title 28, United States Code, is amended by

62 Stat. 923.

62 Stat. 897.

80 Stat. 616.
28 USC 531-537.
Washington.
62 Stat. 894;
76 Stat. 598.

62 Stat. 877.

Pennsylvania.
62 Stat. 888.

Oregon.
64 Stat. 393.

Illinois.
62 Stat. 878.

striking out "Court for the Western Division shall be held at Freeport." and inserting in lieu thereof "Court for the Western Division shall be held at Freeport and Rockford."

Indiana.
62 Stat. 879.

SEC. 9. The third sentence of section 94(b) of title 28, United States Code, is amended to read as follows:

"Court for the Indianapolis Division shall be held at Indianapolis and Richmond."

Florida.
76 Stat. 248.

SEC. 10. The second paragraph of section 89(c) of title 28, United States Code, is amended by inserting "Fort Lauderdale," immediately after "shall be held at".

Michigan.
75 Stat. 83.

SEC. 11. Section 102(b)(1) of title 28, United States Code, is amended by striking out at the end thereof "and Lansing" and inserting in lieu thereof "Lansing, and Traverse City".

Tennessee.
62 Stat. 890.

SEC. 12. (a) Paragraph (1) of section 123(c) of title 28, United States Code, is amended by inserting "Haywood," immediately after "Hardin".

(b) Paragraph (2) of such section is amended by striking out "Haywood".

Repeal.
62 Stat. 989.

SEC. 13. Section 41 of the Act of March 2, 1917 (ch. 145, 39 Stat. 965; 48 U.S.C. 869), is repealed.

SEC. 14. Section 753 of title 28, United States Code, is amended as follows:

(1) The first sentence of subsection (e) is amended by striking out "at not less than \$3,000 nor more than \$7,630 per annum".

(2) A new subsection (g) is added to read as follows:

"(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section is insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract, without regard to section 8709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association, or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court, will best serve the needs of such district court."

62 Stat. 921;
74 Stat. 303.

Additional re-
porters.

Court of Claims.
62 Stat. 923.
28 USC 791-795.

SEC. 15. (a) Chapter 51 of title 28, United States Code, is amended by adding after section 795 thereof the following new section:

§ 796. Reporting of court proceedings

"The Court of Claims is authorized to contract for the reporting of all proceedings had in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed, including the terms and conditions under which transcripts shall be supplied by the contractor to the court and to other persons, departments, and agencies."

(b) The analysis of chapter 51 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"706. Reporting of court proceedings."

Approved June 2, 1970.