

Frequently Asked Questions

Q: Who appoints federal judges?

Supreme Court justices, court of appeals judges, and district court judges are nominated by the President and confirmed by the United States Senate, as stated in the Constitution. The names of potential nominees often are recommended by senators or sometimes members of the House who are of the President's political party. The Senate Judiciary Committee typically conducts confirmation hearings for each nominee. Article III of the Constitution states that these judicial officers are appointed for a life term. The federal Judiciary, the Judicial Conference of the United States, and the Administrative Office of the U.S. Courts play no role in the nomination and confirmation process.

Q: How are new judgeships created?

Court of appeals and district court judgeships are created by legislation that must be enacted by Congress. New judgeships were last created in July 2003, under Public Law 107-273, which established 15 new district court judgeships. The Judicial Conference (through its Judicial Resources Committee) surveys the judgeship needs of the courts every other year. A threshold for the number of weighted filings per judgeship is the key factor in determining when an additional judgeship will be requested. Other factors may include geography, number of senior judges, and mix of cases. The Judicial Conference presents its judgeship recommendations to Congress.

Q: What are the qualifications for becoming a federal judge?

The Constitution sets forth no specific requirements. However, members of Congress, who typically recommend potential nominees, and the Department of Justice, which reviews nominees' qualifications, have developed their own informal criteria.

Q: How is a chief judge selected?

One is not nominated or appointed to the position of chief judge (except for the Chief Justice of the United States); they assume the position based on seniority. The same criteria exists for circuit and district chiefs. The chief judge is the judge in regular active service who is senior in commission of those judges who are (1) 64 years of age or under; (2) have served for one year or more as a judge; and (3) have not previously served as chief judge.

Q: What is a senior judge?

The "Rule of 80" is the commonly used shorthand for the age and service requirement for a judge to assume senior status, as set forth in Title 28 of the US. Code, Section 371(c). Beginning at age 65, a judge may retire at his or her current salary or take senior status after performing 15 years of active service as an Article III judge (65+15 = 80). A sliding scale of increasing age and decreasing service results in eligibility for retirement compensation at age 70 with a minimum of 10 years of service (70+10=80). Senior judges, who essentially provide volunteer service to the courts, typically handle about 15 percent of the federal courts' workload annually.

Q: What are bankruptcy judges? How are they appointed?

A U.S. bankruptcy judge is a judicial officer of the U.S. district court who is appointed by the majority of judges of the U.S. court of appeals to exercise jurisdiction over bankruptcy matters. The number of bankruptcy judges is determined by Congress. The Judicial Conference of the United States is required to submit recommendations from time to time regarding the number of bankruptcy judges needed. Bankruptcy judges are appointed for 14-year terms.

Q: How many courts of appeals are there?

There are 13 judicial circuits, each with a court of appeals. The smallest court is the First Circuit with six judgeships, and the largest court is the Ninth Circuit, with 28 judgeships. A list of the states that compose each circuit is set forth in Title 28 of the U.S. Code, Section 41. The number of judgeships in each circuit is set forth in Title 28 of the U.S. Code, Section 44.

Q: How many district courts are there?

There are 89 districts in the 50 states, which are listed with their divisions in Title 28 of the U.S. Code, Sections 81-144. District courts also exist in Puerto Rico, the Virgin Islands, the District of Columbia, Guam, and the Northern Mariana Islands. In total there are 94 U.S. district courts. Some states, such as Alaska, are composed of a single judicial district. Others, such as California, are composed of multiple judicial districts. The number of judgeships allotted to each district is set forth in Title 28 of the U.S. Code, Section 133.

Q: How can I find a lawyer?

In most districts, local bar associations or similar groups offer lawyer referral services, usually without charge. The clerk's office in your district court should be able to put you in touch with such a service. Many clerk's offices also have developed informational packets explaining filing procedures and listing sources of legal assistance. Personnel in the clerk's office and other federal court employees are prohibited from providing legal advice to individual litigants.

Defendants in criminal proceedings have a right to a lawyer, and are entitled by the Criminal Justice Act (CJA) to have counsel appointed at government expense if they are financially unable to obtain adequate representation by private counsel. The CJA, which is set forth in Title 18, U.S. Code, Section 3006A, requires a court determination that a person is financially eligible for court-appointed counsel. A court may determine that a defendant is partially eligible for court-appointed counsel and order the defendant to contribute to the cost of representation. Counsel assigned to a defendant may be a private lawyer, who is a member of the court's panel of attorneys receiving CJA appointments, or, in many districts, an attorney who works for a federal defender organization. The clerk's office has forms that can be used to apply for the appointment of counsel.

There is no right to free legal assistance in civil proceedings. Some litigants proceed pro se; that is, they represent themselves before the court.

Q: How can I check on the status of my case? Can I review case files?

Your lawyer, who likely is familiar with local court practice, is your best resource. Generally, all documents filed with a court are public records and are available through the clerk's office. By way of exception, some documents are sealed by special court order, and some documents are confidential by operation of law, such as grand jury materials and criminal files relating to juveniles.

As the keeper of court records, the clerk's office responds to most inquiries on the status of a case once given the specific case name or docket number. In many courts, inquiries for information and requests to examine dockets, case files, exhibits, and other records are made at the intake area in the clerk's office. Inquiries often are made by phone.

Almost all federal courts have automated systems that allow for the search and retrieval of case-related information through personal computers at the public counters and through an internet service called PACER (Public Access to Court Electronic Records). Automated access to case-related information is available free of charge at the public counter in the clerk's office of most courts. The PACER service, which provides access from home or office for registered users, currently assesses a reasonable fee of \$.07 per page. Effective January 1, 2005, the PACER fee increased to \$.08 per page.

In many bankruptcy and appellate courts there also are telephone information systems, which enable callers to obtain case information through the use of a touch tone phone. These

systems are provided free of charge, are available 24 hours a day, and have a toll free number for long distance service.

For more information, visit the [Directory of Electronic Public Access Services](#)

Q: How do I file a complaint against a judge?

The complaint process is not intended to address complaints related to the merits of a case or a court's decision. Any person alleging that a judge of the United States has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or that such officer cannot discharge all the duties of the office because of physical or mental disability, may file a complaint with the clerk of the court of appeals for that circuit or applicable national court. The statute governing this complaint mechanism is set out at Title 28, U.S. Code, Section 351(a).