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FEDERAL JUDICIARY

Bankruptcy Judgeship
Requests, 1993-1997

Statement of Richard M. Stana
Acting Associate Director
Administration of Justice Issues
General Government Division



Federal Judiciary: Bankruptcy Judgeship Requests, 1993-1997

The Judicial Conference of the United States, the federal judiciary's principal policymaking body, is statutorily required to periodically submit to Congress recommendations for new bankruptcy judgeships. Congress last approved new bankruptcy judgeships in 1992. The Judicial Conference has subsequently sent Congress recommendations for additional bankruptcy judgeships in 1993, 1995, and 1997. Congress considered, but did not approve, the 1993 and 1995 requests, and is currently considering the 1997 request. In 1991, the Judicial Conference established a process, with policies and weighted workload standards, for assessing the need for additional bankruptcy judges. At the request of the Subcommittee, GAO reviewed the 1993, 1995, and 1997 assessment cycles. GAO found that the Conference's Bankruptcy Committee and the Judicial Conference generally followed the Conference's process and policies. The Committee and Conference placed heaviest emphasis on whether the districts requesting additional judgeships had a caseload that exceeded 1,500 weighted filings per authorized judgeship. Neither the Committee nor the Conference approved any requests for additional judgeships from districts whose weighted case filings did not meet this standard.

The Bankruptcy Committee also asked that districts requesting judgeships provide information on several factors, other than weighted filings, that may affect their need for additional judges, such as case management practices and the district's demographics and economic conditions. Most of these districts provided information on at least four of these factors. According to officials at the Administrative Office of the U.S. Courts (AOUSC), the use of such information is inherently judgmental. The judiciary keeps no documentation on how the Bankruptcy Committee or Judicial Conference used this nonstatistical information in assessing bankruptcy districts' judgeship requests.

The Subcommittee also asked GAO to obtain information for calendar years 1995 and 1996 on bankruptcy judges' noncase-related travel—travel not related to adjudicating specific cases. Time devoted to noncase-related travel could affect the time judges have to devote to individual cases. In assessing bankruptcy judges' workload, the Judicial Conference assumes that a bankruptcy judge will spend, on average, about 30 percent of his or her time—about 600 hours, or 75 work days per year—on noncase-related matters, such as travel, training, administrative affairs, and general case management activities that cannot be attributed to a specific case. GAO received information on noncase-related travel from 80 of the 84 authorized judges in the 15 districts that would receive or share one of the judgeships requested in 1997. These 80 judges reported a total of 416

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noncase-related trips in 1995 and 403 in 1996, and GAO calculated that they each traveled an average of 12.5 work days in each of these years. About 98 percent of these trips were made to destinations within the United States. Together, circuit or district meetings and activities; Judicial Conference meetings and activities; and workshops, seminars, and other activities sponsored by the AOUSC or the Federal Judicial Center (FJC), accounted for about 66 percent of all trips and 74 percent of all travel workdays in 1995. Comparable figures for 1996 were about 67 percent and about 73 percent, respectively.

Federal Judiciary: Bankruptcy Judgeship Requests, 1993-1997

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the results of our review of the federal judiciary's assessment of its bankruptcy judgeship needs in the 1993, 1995, and 1997 assessment cycles. Limiting judgeship requests to the number necessary is important because each bankruptcy judgeship costs about \$721,000 to establish and about \$575,000 per year to maintain. At the same time, it is important that there be sufficient bankruptcy judgeships to enable the bankruptcy courts to adjudicate bankruptcy cases fairly and efficiently.

Specifically, my testimony focuses on three principal issues: (1) the process, policies, and workload standards that the Judicial Conference of the United States¹ used to assess the bankruptcy districts' requests for additional bankruptcy judgeships; (2) how the Judiciary applied its policies and workload standards across the districts that requested bankruptcy judgeships; and (3) the extent of noncase-related travel in 1995 and 1996 by bankruptcy judges in the 14 districts for which the Judicial Conference of the United States has requested bankruptcy judgeships in 1997.

In brief, we found that the Bankruptcy Committee and the Judicial Conference generally followed the Judicial Conference's process and policies and consistently applied the Conference's statistical workload standards in assessing individual district's requests for additional judgeships in 1993, 1995, and 1997. For example, the Bankruptcy Committee and Judicial Conference placed heaviest emphasis on whether the districts requesting additional judgeships had a caseload that exceeded 1,500 weighted filings per existing authorized judgeship. Neither the Committee nor the Conference approved any request for additional judgeships from districts that did not meet this minimum standard. According to officials at the Administrative Office of the U.S. Courts (AOUSC), neither the Committee nor the Judicial Conference keeps written documentation on how other available data, such as case management practices or a district's geography (travel distances between places of holding court), were used in assessing districts' judgeship requests. AOUSC officials also stated that the use of data other than weighted case filings in assessing judgeship needs is inherently judgmental.

¹The Judicial Conference is the federal judiciary's principal policymaking body. It consists of 26 judges plus the Chief Justice of the United States, who presides over the conference.

The amount of time judges use for noncase-related travel—travel that is not related to adjudicating specific cases—could potentially affect the amount of time judges have to devote to individual cases. In assessing a bankruptcy judge’s workload, the Judicial Conference assumes that a bankruptcy judge will spend, on average, about 30 percent of his or her time—about 600 hours, or 75 work days per year—on noncase-related matters, such as travel, training, administrative affairs, and general case management activities that cannot be attributed to a specific case. We received information on noncase-related travel from 80 of the 84 authorized judges in the 15 districts that would receive or share 1 of the judgeships requested in 1997.² These 80 judges reported a total of 416 noncase-related trips in 1995 and 403 in 1996. On the basis of the information reported, we calculated that overall these judges each used an average of 12.5 work days for noncase-related travel in each of these years. About 98 percent of these trips were made to destinations within the United States. Together, circuit or district meetings and activities; Judicial Conference meetings and activities; and workshops, seminars, and other activities sponsored by AOUSC or the Federal Judicial Center (FJC), accounted for about 66 percent of all noncase-related trips and about 74 percent of all noncase-related travel workdays in 1995. Comparable figures for 1996 were about 67 percent and about 73 percent, respectively. In correspondence to the Subcommittee Chairman on August 8, 1997, we provided more details about these trips for each district.³

Through AOUSC, we also surveyed the 13 authorized judges in the 4 districts with weighted filings of 1,500 or more during the 1997 assessment cycle that did not request judgeships. The 12 judges in these four districts (one position was vacant) reported a total of 177 noncase-related trips—75 in calendar year 1995 and 102 in calendar year 1996.⁴ Based on these reported data, we calculated that the 12 judges spent a total of 178 workdays in 1995 and 258 workdays in 1996 on noncase-related travel. This is a per judge average of 14.8 workdays in 1995 and 21.5 workdays in 1996. Overall, about 23 percent of all trips in these two years were sponsored and paid for by organizations other than the federal judiciary.

²One additional judge responded, but did not provide information on the dates of travel or paying organizations. Thus, our analysis excluded data from this judge.

³Federal Judiciary: Information on the Noncase-Related Travel of Bankruptcy Judges in 14 Bankruptcy Districts (GAO/GGD-97-166R, Aug. 8, 1997).

⁴Although the Eastern District of Texas has two authorized bankruptcy judgeships, one of the positions is vacant. Currently, the district is served by one permanent judge and one recalled judge. For comparability, we did not include the travel of the recalled judge in our analysis because we did not request or use data for recalled judges in the 15 districts for which we had previously reported on bankruptcy judges’ noncase-related travel.

To develop the information in this statement, we obtained documentation from AOUSC on (1) the process, policies, and workload standards the Judicial Conference has established for assessing the need for bankruptcy judgeships; (2) how the process, policies, and workload standards were used in the 1993, 1995, and 1997 assessment cycles to determine the number of additional bankruptcy judgeships needed and requested; and (3) the temporary assistance requested by and provided to the districts that sought additional judgeships in 1993, 1995, and/or 1997. Through AOUSC, we surveyed the 84 judges in the 15 districts that would receive or share one of the bankruptcy judgeships the Judicial Conference requested in 1997 to obtain information on the judges' noncase-related travel in calendar years 1995 and 1996. Through AOUSC, we also surveyed the 13 judges in the 4 districts with weighted filings of 1,500 or more in the 1997 assessment cycle that did not request additional judgeships to obtain data on their noncase-related travel in calendar years 1995 and 1996. We did our work between March and August 1997 in Washington, D.C., and Dallas, TX, in accordance with generally accepted government auditing standards. Details of our scope and methodology are presented in appendix I.

The Federal Judiciary's Process for Assessing Bankruptcy Judgeship Needs

Bankruptcy cases in the United States are filed in 1 of the 90 federal bankruptcy courts. The Judicial Conference is statutorily required to periodically submit to Congress recommendations for new federal bankruptcy judgeships. Congress last authorized new bankruptcy judgeships in 1992. Subsequently, the Conference has sent recommendations for additional bankruptcy judgeships to Congress in 1993, 1995, and 1997. Congress considered, but not approve, any new judgeships from the 1993 and 1995 requests and is currently considering the 1997 request. To assist the Conference in advising Congress on the need for additional judgeships, the Conference's Committee on Administration of the Bankruptcy System (Bankruptcy Committee) is to conduct periodic national judgeship surveys to evaluate requests for additional bankruptcy judgeships. In 1993, 1995, and 1997, the Bankruptcy Committee conducted its surveys and analyses through its Subcommittee on Judgeships.

In considering each district's bankruptcy judgeship request, the Bankruptcy Committee may recommend to the Judicial Conference one of seven options:

- one or more permanent judgeships,
- a temporary judgeship,

- a combination of permanent and temporary judgeships,
- the conversion of a temporary judgeship to a permanent judgeship,
- the extension of the term of an existing temporary judgeship,
- a judgeship to be shared by two or more districts; or,
- no changes to the district's existing number and type of authorized judgeships.

A permanent judgeship is a position that is statutorily added to the bankruptcy district's current authorized total and remains authorized until statutorily rescinded.⁵ A temporary judgeship is a position that is statutorily created and authorized for 5 years after a judge is appointed to fill the temporary judgeship. It is important to note that it is the judgeship that is temporary, not the judge appointed to fill the position. The judge appointed to a temporary judgeship serves the same full 14-year term as a colleague appointed to fill a permanent position. When a temporary judgeship's 5-year authorization expires, the next vacancy to occur in the district cannot be filled. However, between the time that the temporary judgeship expires and a vacancy occurs, it is possible for the district to have more judges than authorized judgeships. Converting a district's existing temporary judgeship to a permanent judgeship reclassifies an existing judgeship, rather than adding a judgeship to a district's existing authorized total.

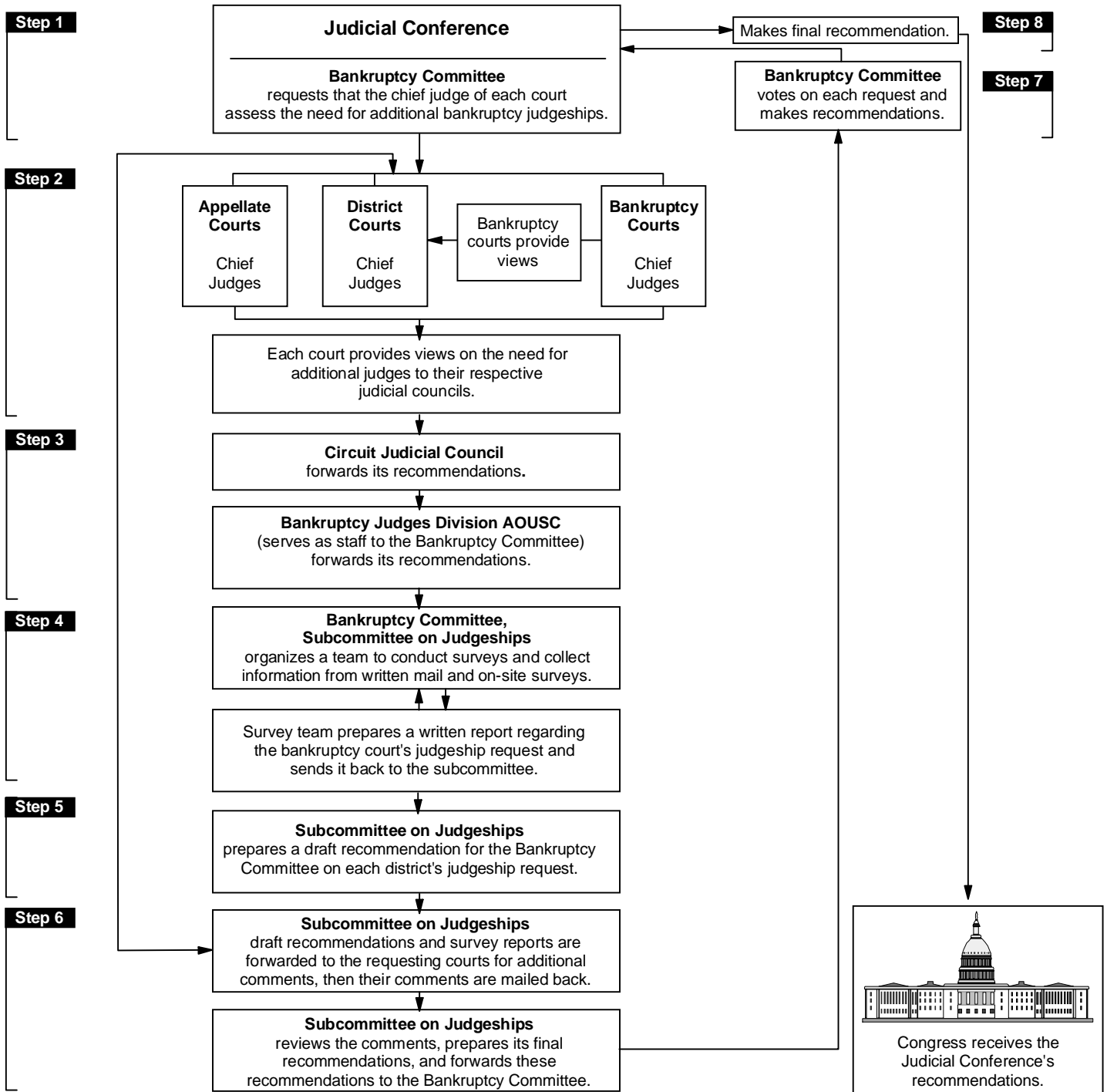
Basic Steps in the Formal Assessment Process

In 1991, the Judicial Conference established a process, with policies and weighted workload standards, for reviewing bankruptcy judgeships. The formal process has 8 basic steps (see fig. 1) that, when fully implemented, would take about 9 months to 1 year to complete. As I will discuss later in my testimony, this process was generally followed in developing the Judicial Conference's 1993, 1995, and 1997 bankruptcy judgeship requests. The eight basic steps in this formal process are as follows:

⁵Nationally, there are 326 authorized bankruptcy judgeships. Each of the 90 bankruptcy districts is statutorily authorized a specific number of judgeships, which currently ranges from 1 to 21.

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Figure 1: the Judicial Conference's Formal Process for Assessing Bankruptcy Judgeship Needs



1. The Bankruptcy Committee requests that the chief judge of each appellate, district, and bankruptcy court assess the need for additional bankruptcy judgeships within their respective jurisdictions based on the Judicial Conference's policies. At the same time, the Committee provides each bankruptcy court (or district) information on its weighted filings per current authorized judgeship.
2. The bankruptcy and district courts provide their views on the need for additional judges to their respective circuit judicial councils.⁶ The bankruptcy court also sends its views to the district court.⁷
3. After reviewing the material provided by the bankruptcy and district courts, the circuit judicial council forwards its recommendations, which may differ from those of the bankruptcy and district courts in the circuit, to the Bankruptcy Judges Division of AOUSC, which serves as staff to the Bankruptcy Committee.
4. Under the direction of the Bankruptcy Committee's Subcommittee on Judgeships, written mail surveys are sent to those districts for which judgeships have been requested. The Subcommittee on Judgeships conducts an on-site survey whenever a district initially requests additional judgeships. When a district renews a request previously approved by the Judicial Conference, but which Congress has not approved, the Bankruptcy Committee determines whether to conduct another survey. The on-site survey team is to generally consist of a bankruptcy judge member of the Bankruptcy Committee and staff of AOUSC's Bankruptcy Judges Division. The team interviews a variety of court officials and local attorneys, and reviews court files, dockets, and reports. The survey team then prepares a written report with a recommendation to the Subcommittee on Judgeships regarding the bankruptcy court's judgeship request.
5. For each bankruptcy district requesting judgeships, the Subcommittee on Judgeships reviews the district's judgeship request, the district's completed mail survey, and the on-site survey report (if done), then

⁶Each of the 12 geographic circuits has a circuit council that consists of an equal number of district and court of appeals judges from the circuit. Among other duties, the council is statutorily charged with making all necessary and appropriate orders for the effective and expeditious administration of justice within the circuit.

⁷Bankruptcy courts are under the general supervision of the district court, which appoints the chief bankruptcy judge in each district. Both district courts and bankruptcy courts are organized into 12 geographic circuits, headed by a court of appeals. Each circuit includes a number of district and bankruptcy courts.

prepares a recommendation for the Bankruptcy Committee on the district's judgeship request.

6. The Subcommittee sends its recommendations, along with the applicable on-site survey reports (where done), to the circuit councils, district courts, and bankruptcy courts in those circuits and bankruptcy districts for which bankruptcy judges were requested. The circuit councils, district courts, and bankruptcy courts may provide any comments they have on the Subcommittee's recommendations, the survey report, and provide any other additional information they believe is relevant to the judgeship requests in their circuit or bankruptcy district. The Subcommittee on Judgeships reviews these comments, makes its final recommendation for each district, and sends its recommendations and accompanying documentation to the Bankruptcy Committee.

7. The Bankruptcy Committee reviews the mail survey, on-site survey report (if done), any other accompanying documents, and the Subcommittee on Judgeships' recommendations for each district, votes on each request, and forwards its recommendations to the Judicial Conference.

8. The Judicial Conference considers the Bankruptcy Committee's recommendations, approves or alters the Committee's recommendations, and forwards the Conference's final recommendations to Congress.

In reviewing judgeship requests, the Bankruptcy Committee is to consider a number of factors adopted by the Judicial Conference in 1991. The first factor is weighted filings. Based on the results of a study of the time bankruptcy judges devoted to individual categories of bankruptcy cases,⁸ each case filed is assigned to 1 of 17 categories. Each category is determined on the basis of the bankruptcy chapter under which the case is filed, and within each chapter, the dollar value of the debtor's assets or

⁸The bankruptcy case weights were developed by the Federal Judicial Center based on a 1988-1989 time study in which 272 bankruptcy judges recorded the time they spent on specific cases. The case weights resulting from this study were approved by the Judicial Conference in March 1991. In evaluating the weighted caseload of the Southern District of New York, the Committee in 1997 used a new method of measuring the workload required for very large ("mega") chapter 11 cases that had been developed by the Federal Judicial Center and approved by the Bankruptcy Committee. The Southern District had an unusually large number of such "mega" cases, which are defined as "those involving extremely large assets, unusual public interest, a high level of creditor involvement, complex debt, a significant amount of related litigation, or a combination of such factors."

liabilities.⁹ A case weight is assigned to each of the 17 categories, representing the average amount of judicial time the case would be expected to require. Generally, to be eligible for an additional judgeship, the Judicial Conference expects a bankruptcy district to have a minimum annual average of 1,500 weighted filings for each current authorized judgeship. To be eligible for a permanent judgeship, the Judicial Conference's standard is that a district's weighted filings per judgeship must be 1,500 or higher after adding any judgeships to the district's existing judgeship total. For example, a district with 5 judges could qualify for an additional permanent judgeship if its weighted filings per judgeship would be at least 1,500 with 6 judgeships (its existing 5 plus the requested position). If the weighted filings per judgeship would drop below 1,500 with the additional judgeship, the district could potentially qualify for a temporary, but not permanent, judgeship.

The Judicial Conference's policy recognizes that bankruptcy judges' workloads may be affected by factors not captured in the most recent report of weighted filings and states that the Bankruptcy Committee is to consider a number of factors in addition to weighted filings. These factors include (1) the nature and mix of the court's caseload; (2) historical caseload data and filing trends (generally, the most recent 5-year period); (3) geographic, economic, and demographic factors in the district;¹⁰ (4) the effectiveness of the requesting court's case management efforts;¹¹ (5) the availability of alternative solutions and resources for handling the court's workload, such as assistance from judges outside the district; (6) the impact that approval of requested additional resources would have on the court's per judgeship caseload; and (7) any other pertinent factors. The Bankruptcy Committee's written description of the assessment process also recognized that (1) bankruptcy case filings may fluctuate because they are dependent upon national and local economic conditions, and (2) temporary fluctuations can often be addressed by short-term

⁹Debtors may file for bankruptcy under one of several bankruptcy chapters, as defined in the U.S. Code, and report their assets and debts on their filing forms. The case weights are based on the value of the debtor's stated assets in four of the five bankruptcy categories and on the debtor's stated liabilities in the remaining category. Liabilities were used for this one category based on the assumption that future earnings were the principal asset of debtors who file under this category.

¹⁰In describing the use of statistical factors other than weighted filings, the Conference has noted that higher than average population growth may be an indicator of increased future bankruptcies due to more possible debtors, and a more dynamic economy.

¹¹According to the Conference's explanation of its policy, case management issues may not be a major issue for courts that clearly meet the statistical workload standard of 1,500 case-related hours per judgeship. However, for courts with lower workloads or courts that use pending case loads as justification for their request, case management issues would be explored as much as possible.

resources, such as temporary assistance from judges outside the district and the use of temporary law clerks.

At its September 1996 meeting, the Judicial Conference approved a change in the schedule for completing the biennial surveys for evaluating judgeship needs for district courts, courts of appeals, and bankruptcy courts. Beginning in 1998, the surveys are generally to be done in even-numbered years so that the Conference's recommendations for additional judgeships can be delivered to Congress in odd-numbered years. This change is intended to permit the judiciary to work with Congress on a judgeship bill over an entire 2-year congressional term.

The Judicial Conference Generally Followed Its Process, Policies, and Workload Standards in 1993, 1995, and 1997

In 1993, 1995, and 1997, the Bankruptcy Committee generally followed the Judicial Conference's established process, policies, and workload standards in assessing bankruptcy judgeship needs. The Bankruptcy Committee recommended to the Judicial Conference fewer judgeships than districts requested or the circuit councils recommended. Overall, the Committee also recommended fewer permanent and more temporary judgeships than were requested. The Conference adopted the Bankruptcy Committee's recommendations in each year, 1993, 1995, and 1997. (See tables II.1 - II.3 in app. II for additional details.)

1993 Assessment Process

In 1993, 16 districts requested 22 additional judgeships (21 permanent and 1 temporary). The Bankruptcy Committee's Subcommittee on Judgeships conducted both a written mail survey and an on-site survey of each of the 16 bankruptcy districts that requested one or more additional judges. The Bankruptcy Committee recommended 19 additional judgeships (13 permanent and 6 temporary) for 15 judicial districts, and the Judicial Conference approved this recommendation in September 1993. The Bankruptcy Committee declined requests for 3 permanent judgeships and converted requests for 5 permanent judgeships to temporary judgeships. At its January and June 1994 meetings, the Bankruptcy Committee concluded that these 19 positions were still needed based on weighted filings alone. Congress did not approve any judgeships from the Judicial Conference's 1993 request.

1995 Assessment Process

At its January 1995 meeting, the Committee, using more recent statistical data, determined that some of the positions the Committee had approved in 1993 and 1994 may no longer have been needed. At this meeting, the

Committee also adopted new guidelines for reassessing the additional judgeship positions that the Conference had approved in 1993 and 1994. Under the new guidelines, districts whose previously approved requests were still pending before Congress would be asked to reassess their need for these additional judgeship positions and submit a statement to the Committee on whether or not the positions were still needed. The Committee considered a position still needed, without a new survey, if the district's weighted filings per authorized judgeship were 1,500 or more. The Committee retained the option to resurvey any district renewing its request for additional judgeships whose weighted filings were below 1,500 per authorized judgeship.

The Bankruptcy Committee's Subcommittee on Judgeships conducted on-site visits to each district for which an additional judgeship had been approved in 1993, and whose case filings during 1994 fell below 1,500 weighted filings per authorized judgeship. On the basis of these surveys, the circuit judicial councils of the Fifth and Ninth Circuits withdrew their requests for additional judgeships in the Southern District of Mississippi and the District of Arizona, respectively. In five other districts, the Circuit Councils reaffirmed their bankruptcy districts' requests for a total of six judgeships. However, the Bankruptcy Committee declined the requests for these six judgeships. Overall, the Bankruptcy Committee recommended that the Judicial Conference reduce the number of requested positions from 19 judgeships in 15 districts to 11 judgeships (including 6 temporary) in 8 districts. The Conference approved the Bankruptcy Committee's recommendation at its September 1995 meeting and transmitted it to Congress. Congress did not approve any judgeships from the Judicial Conference's 1995 request.

1997 Assessment Process

At its September 1996 meeting, the Judicial Conference approved a new schedule for judgeship surveys. As a result of this change and because Congress had not approved the Conference's 1995 bankruptcy judgeship request, the Bankruptcy Committee began an expedited survey process in November 1996. In January 1997, the Bankruptcy Committee found that each of the 11 positions approved in 1995 continued to be needed based on the weighted case filings as of September 30, 1996. The Committee also considered requests for 9 additional positions (for a total of 20).¹² In each district, the weighted filings per judgeship exceeded the 1,500 standard. The Committee recommended to the Judicial Conference 18 additional

¹²This number included five judgeships approved by the Conference in 1993 but not in 1995; and four judgeships that had not been requested in either 1993 or 1995.

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judgeships (including 11 temporary). The Judicial Conference adopted the Committee's recommendations and sent the Conference's judgeship request to Congress. The Conference's 1997 request is now pending before Congress. Table 1 provides an overview of the number of judgeships requested and approved at each major step in the process in 1993, 1995, and 1997.

Table 1: Results of the Federal Judiciary's 1993, 1995, and 1997 Bankruptcy Judgeship Needs Assessments

	1993 judgeship requests		1995 judgeship requests		1997 judgeship requests	
	Number of courts	Number of judgeships	Number of courts	Number of judgeships	Number of courts	Number of judgeships
Initial bankruptcy court request	16	21P & 1T	14	13P & 5T	15	17P & 3T ^a
Approved by the district court	16	21P & 1T	b	b	b	b
Approved by the Circuit Judicial Council	16	20P & 2T	14	11P & 7T	15	17P & 4T
Supported by the AOUSC survey	15	14P & 5T	b	b	b	b
Approved by the Bankruptcy Committee	15	13P & 6T	8	5P & 6T	14	7P & 11T ^c
Approved by the Judicial Conference	15	13P & 6T	8	5P & 6T	14	7P & 11T ^c

Legend: P = permanent judgeships; T = temporary judgeships.

^aThe Southern District of Mississippi requested that a survey be performed to determine if any additional judgeships were warranted. Thus, while no specific request was made for additional judges, a temporary judgeship was recommended by the Circuit Council and later approved by the Bankruptcy Committee and the Judicial Conference.

^bThe last formal survey of all districts requesting additional bankruptcy judges was conducted in 1993. In 1995, there were relatively few surveys. Surveys were conducted only when the requesting district made no request in 1993 or the requesting district's weighted case filings were below 1,500. In most bankruptcy districts, the district reviewed its weighted case filings data, and, if the filings met the 1,500 threshold, renewed its request through its Circuit Judicial Council. In 1997, a survey was conducted for only one district. Thus, there is little documentation from the district courts and few surveys for 1995 and 1997. As a result, we did not attempt to include data for the district courts or AOUSC surveys in the table because the data could be misleading.

^cIncludes the recommended extension of one temporary judgeship. This recommendation would not add a judgeship position, but it would extend the duration of an existing temporary judgeship position.

Source: GAO analysis of AOUSC data.

**Weighted Filings Standard
Consistently Applied
Across Districts**

In our analysis, we found that in the 1993 and 1997 assessment cycles, all of the districts requesting additional bankruptcy judgeships—16 in 1993 and 15 in 1997—had weighted case filings over 1,500 per authorized judgeship prior to the addition of any judgeships. However, in the 1995 assessment cycle, 8 of the 14 requesting districts had weighted case filings per judgeship over 1,500; the remaining 6 districts had weighted case filings below 1,500. (See table II.1 in app. II.)

Our analysis also showed that the Judicial Conference approved additional permanent bankruptcy judgeships only when the weighted case filings would be 1,500 or more per judgeship after adding the requested judgeship(s) to the district's current authorized number of judgeships. If the weighted case filings would drop below 1,500 per judgeship after adding the requested judge(s), the Bankruptcy Committee and the Conference approved a temporary judgeship or no increase in judgeships. In two districts, the Committee approved both one permanent and one temporary judgeship—the Southern District of New York in 1993, and the District of Maryland in 1997. In these two districts, the weighted workload was considered sufficiently high after adding one permanent judgeship to merit another judgeship, but not sufficiently high to merit a second permanent judgeship.

**Some Districts That Met
the Minimum Weighted
Filings Standard Did Not
Request Additional
Judgeships**

Not all districts whose weighted case filings met the minimum threshold of 1,500 weighted filings per authorized judgeship requested additional judgeships in 1993, 1995, or 1997. We found that during the 1993 assessment cycle, 10 districts with weighted case filings above 1,500 per authorized judgeship did not request additional judges. In 1995, four such districts did not request additional judgeships; and, in 1997, five such districts did not. (See tables II.5-II.7 in app. II.) However, one of the five districts in 1997 was the Northern District of Mississippi, which is to share the additional position requested for the Southern District of Mississippi. Conversely, in 1995, six districts whose weighted filings were below 1,500 per authorized judgeship requested additional judgeships. None of these six districts' requests were approved by the Bankruptcy Committee. (See table II.3 in app. II.)

We spoke to officials in the four districts that had more than 1,500 weighted case filings per authorized judgeship in 1997, but had not asked for additional judgeships.¹³ The officials in these four districts told us that

¹³We did not speak to officials in the Northern District of Mississippi since that district is to share the additional judgeship the Conference has requested for the Southern District of Mississippi.

they had not requested any additional judgeships because (1) one district was not aware that its weighted case filings were at or above 1,500 per authorized judgeship; (2) one district said it could handle the workload if the district's temporary judgeship, scheduled to expire in October 1998, was converted to a permanent judgeship;¹⁴ and (3) the remaining two districts currently share a judgeship and could not agree on how an additional judgeship would be allocated between the two districts.

**Little Documentation
Exists on the Effect of
Other Available Data on
the Judicial Conference's
Recommendations**

The Judicial Conference's policy for assessing a bankruptcy district's need for additional judgeships states that the Bankruptcy Committee is to review a number of workload factors in addition to weighted filings. These factors include the nature and mix of the bankruptcy district's workload; historical caseload data and filing trends; geographic, economic, and demographic factors in the district; the effectiveness of case management efforts; the availability of alternative solutions and resources for handling the district's workload; the impact that approval of requested additional resources would have on the district's per judgeship caseload; and any other pertinent factors. The Bankruptcy Committee asked that districts requesting additional judgeships address these factors "with as much specificity as possible." A district could also provide any additional information it thought relevant to its request.

Most of the districts surveyed in 1993, 1995, and 1997 provided information on at least four of these factors. AOUSC officials said they provided us with all the written information on these factors that was available to the Bankruptcy Committee for its deliberations. AOUSC officials said that the use of this information in assessing judgeship requests is inherently judgmental and that neither AOUSC nor the Committee keeps minutes of the Committee's discussions regarding individual districts. Consequently, it was not possible to determine from the documentation we received, how this information was or was not used in assessing districts' bankruptcy judgeship requests. Nevertheless, none of the judgeship requests approved by the Judicial Conference were in districts that did not meet the 1,500 weighted filings standard.

¹⁴Converting an existing temporary judgeship to a permanent judgeship reclassifies an existing judgeship. It does not add a judgeship for the district.

**Most Districts That
Requested Additional
Judges Have Requested
Assistance From Visiting
and Recalled Judges**

The Judicial Conference's policies encourage districts to use visiting and recalled judges wherever possible as an alternative to requesting additional judgeships. For each district that requested additional bankruptcy judgeships in the 1993, 1995, and/or 1997 assessment cycles, we requested information on whether the districts had requested, received, and/or used assistance from visiting or recalled judges. The circuit executives for all 12 circuits provided us documentation on each of the bankruptcy districts that had requested and been assigned assistance from judges outside their districts in each of those years.¹⁵ However, the circuit executives did not have information on whether and to what extent the districts actually used the assistance available from visiting and recalled judges.

Our analysis of this information showed that 18 of the 19 districts that requested additional bankruptcy judges during 1993 to 1997 had requested assistance from judges outside their districts during this period. (See table II.4 in app. II.) Only the Middle District of Pennsylvania had not requested either visiting or recalled judges at some time during the period from January 1, 1993, to June 1997. Ten of the 18 districts that requested assistance received intracircuit assignments (judges from within their circuit) to provide assistance with their caseloads. None of the four districts in California relied on intracircuit assignments. These districts are in the Ninth Circuit, which uses its own "workload equalization program" that transfers cases from districts in the circuit with above-average caseloads to districts in the circuit that have below-average caseloads. This program allows cases to be transferred rather than judges. According to the circuit, transferring cases minimizes both the inconvenience to the parties involved as well as judges' travel time and expenses.

Six districts received intercircuit assignments (judges from outside their circuits) to provide assistance with their caseloads. Only four of these six districts received both intracircuit and intercircuit assignments of bankruptcy judges. Eleven of the 18 districts that requested assistance had been assigned recalled judges as a means to alleviate the heavy caseloads.¹⁶

¹⁵Our information for 1997 covers the period from January to June 1997.

¹⁶A recalled judge is a retired bankruptcy judge who is recalled for duty for a specific period of time, usually 1 year. Some of the recalled judges were assigned to more than one district at the same time.

Bankruptcy Judges’ Noncase-Related Travel in Calendar Years 1995 and 1996 Varied by District

Bankruptcy judges’ travel can be categorized as case-related and noncase-related. Case-related travel is travel to work on specific bankruptcy cases whether within a judge’s district or in other districts. Noncase-related travel is travel that is not related to adjudicating specific bankruptcy cases. The amount of time devoted to noncase-related travel could potentially affect the amount of time judges have to devote to work on individual cases.

In assessing bankruptcy judges’ workloads, the Judicial Conference assumes that each bankruptcy judge will spend, on average, about 30 percent of his or her time—about 600 hours, or 75 work days per year—on matters that cannot be attributed to a specific case, such as travel, training, court administration matters, and general case management activities that cannot be attributed to a specific case. These 600 hours, or 75 work days, are in addition to the average of 1,500 hours or 187.5 workdays that each judge is assumed to spend annually on work attributable to specific bankruptcy cases.

Through AOUSC, we requested information on the noncase-related travel of the judges in the 14 districts for which the Judicial Conference requested judgeships in 1997, plus the Northern District of Mississippi which is to share the position requested for the Southern District of Mississippi. We received information from 80 of the 84 judges in these districts judges on noncase-related travel in calendar years 1995 and 1996. These judges reported a total of 416 trips in 1995 and 403 trips in 1996. On the basis of the data reported, we calculated that these judges had an average of 12.5 noncase-related travel work days each year.¹⁷ As shown in table 2, there was a marked difference between the districts with the highest and lowest average number of noncase-related trips per judge and between the districts with the highest and lowest average number of workdays per judge for noncase-related trips. The reasons for these differences were not apparent from our data.

¹⁷We identified workdays by excluding weekend days and federal holidays in 1995 and 1996.

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Table 2: Range in Number of Trips and Workdays Per Judge for Noncase-Related Travel in Calendar Years 1995 and 1996 in the 15 Districts for Which the Judiciary Requested Bankruptcy Judgeships in 1997

	District range	1995	1996
Average number of noncase-related trips per judge	High	9.3	12.0
	Low	0.5	1.3
Average number of workdays per judge for noncase-related travel	High	22.3	28.5
	Low	1.5	5.2

Source: GAO analysis of bankruptcy judges' travel data.

Together, circuit or district meetings and activities; Judicial Conference meetings and activities; and AOUSC- or FJC-sponsored workshops, seminars, or other activities accounted for about 66 percent of all noncase-related trips and about 74 percent of all noncase-related travel workdays reported for 1995. Comparable figures for calendar year 1996 were about 67 percent and 73 percent, respectively. About 98 percent of the 819 trips were for destinations within the United States. Overall, about 34 percent of all trips made in these two years were sponsored by organizations other than the federal judiciary and were paid for by the judges themselves or the sponsoring organizations.

Noncase-Related Travel in the Four Districts With Weighted Filings of 1,500 or More in 1997 That Did Not Request Judgeships

You requested that we also obtain information on the noncase-related travel of the 13 authorized judges in the four districts with weighted filings of 1,500 or more in 1997 that did not request judgeships. The 12 judges in these 4 districts (one position was vacant) reported a total of 177 noncase-related trips—75 in calendar year 1995 and 102 in calendar year 1996.¹⁸ On the basis of these reported data, we calculated that the 12 judges spent a total of 178 workdays in 1995 and 258 workdays in 1996 on noncase-related travel. This is a per judge average of 14.8 workdays in 1995 and 21.5 workdays in 1996.

Together, circuit or district meetings and activities; Judicial Conference meetings and activities; and AOUSC- or FJC-sponsored workshops, seminars, or other activities accounted for 72 percent of all noncase-related trips and about 79 percent of all noncase-related travel workdays reported for 1995. Comparable figures for calendar year 1996 were about 80 percent and about 83 percent, respectively. All but 1 of the 177 trips reported were for

¹⁸Although the Eastern District of Texas has two authorized bankruptcy judgeships, one of the positions is vacant. Currently, the district is served by one permanent judge and one recalled judge. For comparability, we did not include the travel of the recalled judge in our analysis because we did not request or use data for recalled judges in the 15 districts for which we had previously reported on bankruptcy judges' noncase-related travel.

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destinations within the United States. Overall, about 23 percent of all trips made in these 2 years were sponsored and paid for by organizations other than the federal judiciary. (Additional details are in app. II, tables II.8 - II.10.)

On September 18, 1997, we provided a draft of this statement to AOUSC officials for comment. On September 19, 1997, we met with AOUSC officials to discuss their comments. Overall, AOUSC officials said they found the statement to be fair and accurate. AOUSC suggested that we change our description of the formal judgeship assessment process to state that on-site surveys are always to be done when a district made its initial request for additional judgeships, but are not required when the district renews a previously-approved request and district's weighted workload remained at or above 1,500 weighted filings. AOUSC provided a formal written support for this change, and we incorporated the new language into our statement. AOUSC official also noted that judges' personal vacations were not included in the average of 600 hours that bankruptcy judges are assumed to spend on activities that cannot be attributed to a specific case. We also included several technical changes, as appropriate.

This concludes my prepared statement, Mr. Chairman. I would be pleased to answer any questions you or other members of the Subcommittee may have.

Scope and Methodology

To identify the process, policies, and standards the Judicial Conference used to assess the need for additional bankruptcy judgeships, we asked the Administrative Office of U. S. Courts (AOUSC) to provide all available documentation on the Conference's policies, process, and standards from 1993 through 1997, including any changes that occurred during this period and the reasons for those changes. To determine how the process, policies, and standards were applied during the 1993, 1995, and 1997 assessment cycles, we asked AOUSC to provide all available documentation for each step in the process from the initial bankruptcy district request to the final Judicial Conference decision. With this documentation, we used a structured data collection instrument to review how the Conference's process, policies, and standards were applied to each bankruptcy district's judgeship request in 1993, 1995, and 1997. We also interviewed AOUSC officials about how the process, policies, and standards were used in the 1993, 1995, and 1997 assessment cycles.

To determine which districts had requested and used temporary assistance from recalled judges or judges outside their districts from January 1993 to June 1997, we contacted each of the 12 circuit executives. AOUSC did not maintain these data, and the circuit executives had no consistent data on the extent to which the districts actually used the assistance available.

To identify districts whose weighted case filings for each assessment cycle—1993, 1995, 1997—were at least 1,500 per authorized judgeship, but which did not request additional judgeships, we obtained AOUSC data on weighted filings for each of the 90 bankruptcy districts for each of those assessment cycles. To determine why each these districts did not request additional judgeships, we interviewed AOUSC officials. We also interviewed local court officials in the four districts with weighted filings of 1,500 or more during the 1997 assessment cycle that did not request additional judgeships.¹⁹

To identify the number, purpose, and destination of noncase-related trips for the judges in each of the 14 districts for which the Judicial Conference requested bankruptcy judgeships in 1997, through the AOUSC we surveyed the judges in each district, plus the Northern District of Mississippi, which is to share the judgeship requested for the Southern District of Mississippi. These 15 districts have a total of 84 authorized judgeships, and we received responses from 81 judges. However, one judge did not provide information on the dates of each trip or the paying organization. Thus, our

¹⁹We did not speak to officials in the Northern District of Mississippi, because this district is to share the judgeship requested for the Southern District of Mississippi.

Appendix I
Scope and Methodology

analysis is based on the responses of 80 judges. We organized the reported trips into five categories: (1) judicial meetings and activities within the district or circuit;²⁰ (2) workshops, seminars, and other activities sponsored by AOUSC or the FJC; (3) meetings, conferences, and seminars sponsored by the National Conference of Bankruptcy Judges (NCBJ), the National Association of Bankruptcy Trustees (NABT), or the National Association of Chapter 13 Trustees (NACTT); (4) Judicial Conference activities;²¹ and (5) other.²²

We did not independently verify the data on weighted filings, nor the information bankruptcy judges provided on their noncase-related travel, including the dates, purpose, cost, destination, or paying organization for each trip.

²⁰This category includes trips to circuit conferences and circuit committee meetings as well as bankruptcy judges meetings within the circuit, either for a specific district or more than one district. We included such meetings in this category whether or not the listed destinations were within the geographic boundaries of the district or circuit.

²¹This category included trips to attend meetings of Judicial Conference committees or subcommittees.

²²This category included any activity not contained in the other four categories. It includes activities, such as meetings or seminars sponsored by law schools, bar associations, civic associations, executive branch agencies of the federal government, or foreign governments.

Table II.1: Authorized Judgeships, Judgeships Approved by the Judicial Conference, and Weighted Case Filings for Bankruptcy Courts Requesting Additional Judgeships, 1993, 1995, and 1997

District	Number of authorized judgeships	Weighted case filings prior to the 1993 request	Number of judges approved in 1993
D.C.	1	1,732	0
NY (E)	6	1,904	1 P
NY (N)	2	1,855	1 T
NY (S)	9	1,916	1 P & 1 T
DE	2	848	N/A
NJ	8	1,894	1 P
PA (E)	5	1,969	1 P
PA (M)	2	1,595	N/A
MD	4	2,235	1 P
VA (E)	5	1,935	1 P
MS (S)	2	1,781 ^c	1 T
MI (E)	4	2,067	1 P
TN (W)	4	1,968	N/A
AZ	7	1,758	1 T
CA (C)	21	2,144	4 P
CA (E)	6	1,576	1 T
CA (N)	9	1,828	1 P
CA (S)	4	1,817	1 T
FL (S)	5	1,965	1 P
Totals	10	N/A	13 P & 6 T

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Weighted case filings after the 1993 request	Weighted case filings prior to the 1995 request	Number of judges approved in 1995	Weighted case filings after the 1995 request	Weighted case filings prior to the 1997 request	Number of judges approved in 1997	Weighted case filings after the 1997 request
1,732	988	N/A	988	1,053	N/A	1,053
1,632	1,675	1 T	1,436	1,753	1 T	1,487
1,237	1,538 ^a	1 T	1,025 ^a	1,895	1 T	1,263
1,568	1,271	0	1,271	1,510 ^e	1 T	1,359 ^e
848	883	N/A	883	2,065	0 ^f	2,065
1,684	1,648	1 T	1,465	1,748	1 P	1,554
1,641	1,568	1 T	1,307	1,708	1 T	1,423
1,595	1,816	N/A	1,816	1,525	1 T	1,017
1,788	1,982	1 P	1,586	2,230	1 P & 1 T	1,487
1,613	1,347 ^b	0	1,347 ^b	1,631	1 T	1,359
1,336 ^c	1,324 ^c	0	1,324 ^c	1,646 ^c	1 T	1,234 ^c
1,654	1,788 ^b	1 T	1,430 ^b	1,679	1 T	1,343
1,968	1,984	N/A	1,984	2,345	1 P	1,876
1,538	1,117	N/A	1,117	1,014	N/A	1,014
1,801	1,795	4 P	1,508	1,940	4 P	1,630
1,351	1,496 ^b	0 ^d	1,496 ^b	1,523	1 T	1,306
1,645	1,490 ^b	0	1,490 ^b	1,403	N/A	1,403
1,454	1,440 ^b	0	1,440 ^b	1,361	N/A	1,361
1,638	1,502 ^b	1 T	1,251 ^b	1,584	1 T	1,320
N/A	N/A	5 P & 6 T	N/A	N/A	7 P & 11 T	N/A

Note: N/A = not applicable. For entries for individual districts, N/A indicates that the district did not request additional judgeships in that assessment cycle. For the total columns, it was not meaningful to total the weighted filings workloads per authorized judgeship for all districts

^aThe weighted case filing data for the Northern District of New York are as of June 30, 1995.

^bWeighted case filing data for these districts are as of the end of the calendar year preceding the request rather than the end of the fiscal year preceding the request.

^cWeighted case filing data are combined for the Northern and Southern Districts of Mississippi since the additional judgeship is to be shared by the two districts.

^dThe additional temporary judgeship initially approved for the Eastern District of California was later withdrawn when the case filings declined.

^eThe weighted case filings for the Southern District of New York were computed using a 2-year average for "mega cases."

^fWhile no new judgeships were approved for the District of Delaware, the Conference requested the extension of a temporary judgeship.

Source: GAO analysis of AOUSC data.

Appendix II

Table II.2: Results of the 1993, 1995, and 1997 Needs Assessments for Additional Bankruptcy Judges, by Type of Judgeship

Initial requests and subsequent actions	Permanent judgeships	Temporary judgeships	Convert temporary to permanent judgeships	Extension of temporary judgeships	Total number of judges
Initial bankruptcy court request					
1993	21	1	0	0	22
1995	13	5	0	0	18
1997	17	3 ^a	1 ^b	0	20 ^a
Approved by the district court					
1993	21	1	0	0	22
1995	N/A	N/A	N/A	N/A	N/A
1997	N/A	N/A	N/A	N/A	N/A
Approved by the Circuit Judicial Council					
1993	20	2	0	0	22
1995	11	7	0	0	18
1997	17	4	1 ^b	0	21
Supported by the AOUSC survey					
1993	14	5	0	0	19
1995	N/A	N/A	N/A	N/A	N/A
1997	N/A	N/A	N/A	N/A	N/A
Approved by the Bankruptcy Committee					
1993	13	6	0	0	19
1995	5	6	0	0	11
1997	7	11	0	1 ^b	18
Approved by the Judicial Conference					
1993	13	6	0	0	19
1995	5	6	0	0	11
1997	7	11	0	1 ^b	18

(Table notes on next page)

Appendix II

Note: N/A indicates data were not sufficiently complete to be meaningful. The last formal survey of all districts requesting additional bankruptcy judges was conducted in 1993. In 1995 there were relatively few surveys. Surveys were conducted only when the requesting district had made no request in 1993 or the requesting district's weighted case filings were below 1,500. In most bankruptcy districts, the district reviewed its weighted case filings data and, if the filings met the 1,500 threshold, renewed its request through its Circuit Judicial Council. Thus, there is little documentation from the district courts and few surveys for 1995. Only one district was surveyed for the 1997 request. As a result, we did not attempt to include data for the district courts or AOUSC surveys for 1995 and 1997 in the table because it could be misleading.

^aThe Southern District of Mississippi did not ask for a specific number of judges in 1997; rather the district requested that a survey be conducted to determine if additional judgeships were warranted.

^bThese positions are not new judgeships; rather they are a change in category for existing judgeships. As a result, these positions do not change the total number of judgeships approved.

Source: GAO analysis of AOUSC data.

Table II.3: Data on the Results of the 1993, 1995, and 1997 Bankruptcy Judgeships Needs Assessments and the Resulting Changes in Weighted Case Filings, by District

District and year	Weighted case filings prior to the judgeship requests	Initial bankruptcy court request
D.C.		
1993	1,732	1 P
1995	988	0
1997	1,053	0
NY (E)		
1993	1,904	2 P
1995	1,675	1 P
1997	1,753	2 P
NY (N)		
1993	1,855	1 P
1995	1,538 ^b	1 T
1997	1,895	1 P
NY (S)		
1993	1,916	1 P & 1 T
1995	1,271	1 P & 1 T
1997	1,510 ^c	1 P & 1 T
DE		
1993	848	0
1995	883	0
1997	2,065	1 T ^d
NJ		
1993	1,894	1 P
1995	1,648	1 P
1997	1,748	1 P
PA (E)		
1993	1,969	1 P
1995	1,568	1 T
1997	1,708	1 P
PA (M)		
1993	1,595	0
1995	1,816	0
1997	1,525	1 T
MD		
1993	2,235	1 P
1995	1,982	1 P
1997	2,230	2 P

Appendix II

Approved by the district court	Approved by the Circuit Judicial Council	Supported by the AOUSC survey	Approved by the Bankruptcy Committee	Approved by the Judicial Conference	Weighted case filings after the judgeship approval
1 P	1 P/T ^a	0	0	0	1,732
N/A	N/A	N/A	N/A	N/A	988
N/A	N/A	N/A	N/A	N/A	1,053
2 P	2 P	1 P	1 P	1 P	1,632
N/A	1 P	N/A	1 T	1 T	1,436
N/A	2 P	N/A	1 T	1 T	1,487
1 P	1 P	1 T	1 T	1 T	1,237
1 T	1 T	1 T	1 T	1 T	1,025 ^b
N/A	1 P	N/A	1 T	1 T	1,263
1 P & 1 T	1 P & 1 T	1 P & 1 T	1 P & 1 T	1 P & 1 T	1,568
1 P & 1 T	1 P & 1 T	1 T	0	0	1,271
N/A	1 P & 1 T	N/A	1 T	1 T	1,359 ^c
N/A	N/A	N/A	N/A	N/A	848
N/A	N/A	N/A	N/A	N/A	883
1 T ^d	1 T ^d	0 ^e	0 ^e	0 ^c	2,065
1 P	1 P	1 P	1 P	1 P	1,684
N/A	1 P	N/A	1 T	1 T	1,465
N/A	1 P	N/A	1 P	1 P	1,554
1 P	1 P	1 P	1 P	1 P	1,641
0	1 T	1 T	1 T	1 T	1,307
N/A	1 P	N/A	1 T	1 T	1,423
N/A	N/A	N/A	N/A	N/A	1,595
N/A	N/A	N/A	N/A	N/A	1,816
N/A	1 T	N/A	1 T	1 T	1,017
1 P	1 P	1 P	1 P	1 P	1,788
N/A	1 P	N/A	1 P	1 P	1,586
N/A	2 P	N/A	1 P & 1 T	1 P & 1 T	1,487

(continued)

Appendix II

District and year	Weighted case filings prior to the judgeship requests	Initial bankruptcy court request
VA (E)		
1993	1,935	1 P
1995	1,347 ^f	1 P
1997	1,631	1 P
MS (S)		
1993	1,781 ^g	1 P
1995	1,324 ^g	1 P
1997	1,646 ^g	^h
MI (E)		
1993	2,067	1 P
1995	1,788 ^f	1 P
1997	1,679	1 P
TN (W)		
1993	1,968	0
1995	1,984	0
1997	2,345	1 P
AZ		
1993	1,758	1 P
1995	1,117	0
1997	1,014	0
CA (C)		
1993	2,144	4 P
1995	1,795	4 P
1997	1,940	4 P
CA (E)		
1993	1,576	1 P
1995	1,496 ^f	1 P
1997	1,523	1 P
CA (N)		
1993	1,828	2 P
1995	1,490 ^f	1 T
1997	1,403	0
CA (S)		
1993	1,817	1 P
1995	1,440 ^f	1 T
1997	1,361	0

Appendix II

Approved by the district court	Approved by the Circuit Judicial Council	Supported by the AOUSC survey	Approved by the Bankruptcy Committee	Approved by the Judicial Conference	Weighted case filings after the judgeship approval
1 P	1 P	1 P	1 P	1 P	1,613
1 P	1 P	0	0	0	1,347 ^f
N/A	1 P	N/A	1 T	1 T	1,359
1 P	1 P	1 P	1 T	1 T	1,336 ^g
N/D	1 T	0	0	0	1,324 ^g
^h	1 T	N/A	1 T	1 T	1,234 ^g
1 P	1 P	1 P	1 P	1 P	1,654
1 P	1 P	1 P	1 T	1 T	1,430 ^f
N/A	1 P	N/A	1 T	1 T	1,343
N/A	N/A	N/A	N/A	N/A	1,968
N/A	N/A	N/A	N/A	N/A	1,984
N/A	1 P	N/A	1 P	1 P	1,876
1 P	1 P	1 T	1 T	1 T	1,538
N/A	N/A	N/A	N/A	N/A	1,117
N/A	N/A	N/A	N/A	N/A	1,014
4 P	4 P	4 P	4 P	4 P	1,801
N/A	4 P	N/A	4 P	4 P	1,508
N/A	4 P	N/A	4 P	4 P	1,630
1 P	1 P	1 T	1 T	1 T	1,351
N/D	1 T	1 T	0	0	1,496 ^f
N/A	1 P	N/A	1 T	1 T	1,306
2 P	2 P	1 P	1 P	1 P	1,645
N/D	1 T	1 T	0	0	1,490 ^f
N/A	N/A	N/A	N/A	N/A	1,403
1 P	1 P	1 T	1 T	1 T	1,454
1 T	1 T	0	0	0	1,440 ^f
N/A	N/A	N/A	N/A	N/A	1,361

(continued)

Appendix II

District and year	Weighted case filings prior to the judgeship requests	Initial bankruptcy court request
FL (S)		
1993	1,965	1 P
1995	1,502 ^f	1 P
1997	1,584	1 P
Totals		
1993	N/A	21 P & 1 T
1995	N/A	13 P & 5 T
1997	N/A	17 P & 3 T

Appendix II

Approved by the district court	Approved by the Circuit Judicial Council	Supported by the AOUSC survey	Approved by the Bankruptcy Committee	Approved by the Judicial Conference	Weighted case filings after the judgeship approval
1 P	1 P	1 P	1 P	1 P	1,638
1 P	1 P	1 P	1 T	1 T	1,251 ^f
N/A	1 P	N/A	1 T	1 T	1,320
21 P & 1 T	20 P & 2 T ^a	14 P & 5 T	13 P & 6 T	13 P & 6 T	N/A
N/A	11 P & 7 T	N/A	5 P & 6 T	5 P & 6 T	N/A
N/A	17 P & 4 T	N/A	7 P & 11 T	7 P & 11 T	N/A

Legends

P = Permanent judgeship
T = Temporary judgeship
N/D = Not documented

Note 1: N/A indicates data were not sufficiently complete to be meaningful. The last formal surveys of the districts requesting additional bankruptcy judges were performed in 1993. Only when the requests were new (i.e., no survey had been performed since 1993) or if the weighted case filings were below 1,500 were surveys conducted. In most districts, the bankruptcy courts reviewed the weighted case filings data; and if the case filings were above the 1,500 threshold, the courts would renew their request through their respective Circuit Judicial Council. Thus, there is little documentation from the district courts and relatively few surveys were performed in 1995 or 1997. As a result, we did not attempt to factor in the data for the district courts or AOUSC surveys in these 2 years because the data would be misleading.

Note 2: Based on guidance provided by AOUSC, unless documented otherwise, all requests by the bankruptcy courts for additional judgeships were assumed to be for permanent positions.

^aThe Circuit Judicial Council supported the request for an additional judgeship but was unsure whether the judgeship should be a temporary or permanent position. In our analysis, we counted the judgeship approved for D.C. as a temporary judgeship.

^bThe weighted case filing data for the northern district of New York are as current of June 30, 1995.

^cThe weighted case filings for the southern district of New York were computed using a 2-year average for "mega cases."

^dDelaware also asked for a temporary judgeship to be converted to a permanent judgeship.

^eWhile no new judgeships were approved for Delaware, a temporary judgeship was extended.

^fWeighted case filing data for these districts are as current of the end of the calendar year preceding the request, rather than the end of the fiscal year preceding the request.

^gWeighted case filing data are shown for the northern and southern districts Mississippi combined since the additional judgeship is to be shared by the two districts.

^hMississippi (Southern) did not ask for a specific number of judges in 1997, rather the district requested that a survey be performed to determine if any additional judgeships were warranted.

Source: GAO analysis of AOUSC data.

Appendix II

Table II.4: Alternative Resources Assigned to and Provided by Districts Requesting Additional Bankruptcy Judgeships During the Period January 1993 to June 1997

Circuit/District	Resources assigned to district		Resources provided by district		
	Recalled judges	Judges from within the circuit	Judges from another circuit	Provided judges to other districts within the circuit	Provided judges to districts in other circuits
D.C.			X		X
Second					
NY (E)	X	X			
NY (N)	X	X	X		
NY (S)	X	X	X		
Third					
DE		X			
NJ	X			X	
PA (E)	X	X			
PA (M)					
Fourth					
MD		X	X		X
VA (E)		X	X		
Fifth					
MS (S)		X		X	
Sixth					
MI (E)		X			
TN (W)		X		X ^a	X
Ninth					
AZ	X	b			
CA (C)	X	b			
CA (E)	X	b			
CA (N)	X	b			
CA (S)	X	b			
Eleventh					
FL (S)	X		X		

^aTennessee (Western) provided a judge for one case in Tennessee (Middle) when all the judges in that district were disqualified.

^bThe Ninth Circuit uses the "work equalization program" in which cases from districts with above-average caseloads are transferred to districts with below-average caseloads. According to the circuit, this minimizes the inconvenience to the parties and reduces travel expenses. Because of this program, the cases within the Ninth Circuit are transferred rather than using intracircuit assignments of judges.

Source: GAO analysis of Circuit Executive data.

Table II.5: Weighted Case Filings Per Bankruptcy Judgeship for 1993, in Rank Order by District for Districts With Weighted Case Filings at or Above 1,500 Per Judgeship

District	Number of judgeships requested in 1993	Weighted case filings per authorized judgeship as of June 30, 1993
MA	0	2,183
MD	1	2,168
CA (C)	4	2,058
D.C.	1	2,052
MI (E)	1	2,025
NY (E)	2	1,993
NJ	1	1,984
TN (W)	0	1,965
NY (N)	1	1,810
NY (S)	2	1,807
PA (M)	0	1,801
MS (N)	0 ^a	1,796
AL (N)	0	1,774
PA (E)	1	1,748
VA (E)	1	1,742
CA (S)	1	1,736
CA (E)	1	1,734
FL (S)	1	1,732
CA (N)	2	1,729
CT	0	1,677
TX (N)	0	1,629
AZ	1	1,623
GA (S)	0	1,610
TN (M)	0	1,560
RI	0	1,540

Note: All districts in bold type had weighted case filings of more than 1,500 per judgeship but did not request additional judgeships.

^aWhile Mississippi (Northern) did not request a judgeship, it was to share the judgeship requested by Mississippi (Southern).

Source: GAO analysis of AOUSC data.

Table II.6: Weighted Case Filings Per Bankruptcy Judgeship for 1995, in Rank Order by District for Districts With Weighted Case Filings at or Above 1,500 Per Judgeship

District	Number of judgeships requested in 1995	Weighted case filings per authorized judgeship as of June 30, 1995
TN (W)	0	1,984
MD	1	1,982
PA (M)	0	1,816
CA (C)	4	1,795
AL (N)	0	1,784
PA (E)	1	1,686
MI (E)	1	1,680
NY (E)	1	1,675
NJ	1	1,648
MA	0	1,556
NY (N)	1	1,538
FL (S)	1	1,506

Note: All districts in bold type had weighted case filings of more than 1,500 per judgeship but did not request additional judgeships.

Source: GAO analysis of AOUSC data.

Table II.7: Weighted Case Filings Per Bankruptcy Judgeship for 1997, in Rank Order by District for Districts With Weighted Case Filings at or Above 1,500 Per Judgeship

District	Number of judgeships requested in 1997	Weighted case filings per authorized judgeship as of June 30, 1996
TN (W)	1	2,345
MD	2	2,230
DE	1	2,065
CA (C)	4	1,940
NY (N)	1	1,895
MS (N) 0	^a	1,767
AL (N)	0	1,765
NJ	1	1,748
NY (E)	2	1,735
PA (E)	1	1,708
GA (M)	0	1,691
MI (E)	1	1,679
GA (S)	0	1,674
VA (E)	1	1,631
TX (E)	0	1,615
MS (S)	0 ^b	1,585
FL (S)	1	1,584
PA (M)	1	1,525
CA (E)	1	1,523

Note: All districts in bold type had weighted case filings of more than 1,500 per judgeship but did not request additional judgeships.

^aWhile Mississippi (Northern) did not request a judgeship, it was to share the judgeship requested by Mississippi (Southern).

^bMississippi (Southern) did not ask for a specific number of judges in 1997, rather the district requested that a survey be performed to determine if any additional judgeships were warranted.

Source: GAO analysis of AOUSC data.

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Table II.8: Information on the Number Trips, Total Travel Days, Total Workdays, and the Purpose of Bankruptcy Judges' Noncase-Related Trips in the Four Districts Whose Weighted Filings Were 1,500 or More but Did Not Request Judgeships in the 1997 Assessment Cycle

District/number of judges/year	Number of trips each year	Number of travel days each year	Number of work days each year	Purpose
Alabama (Northern) 6 judges	20	38	30	Circuit or district meetings, activities
	12	55	48	AOUSC or FJC workshops, seminars, activities
	2	12	7	NCBJ, NABT, or NACTT conferences
	0	0	0	Judicial Conference meetings, activities
	15	25	21	Other (e.g., law school seminars, bar association meetings)
1995 total	49	130	106	
	25	44	37	Circuit or district meetings, activities
	22	90	84	AOUSC or FJC workshops, seminars, activities
	1	5	4	NCBJ, NABT, or NACTT conferences
	0	0	0	Judicial Conference meetings, activities
	15	42	28	Other (e.g., law school seminars, bar association meetings)
1996 total	63	181	153	
Georgia (Middle)^a 2.5 judges	4	18	12	Circuit or district meetings, activities
	11	45	36	AOUSC or FJC workshops, seminars, activities
	0	0	0	NCBJ, NABT, or NACTT conferences
	0	0	0	Judicial Conference meetings, activities
	1	4	3	Other (e.g., law school seminars, bar association meetings)
1995 total	16	67	51	
Georgia (Middle) continued	4	16	11	Circuit or district meetings, activities
	16	54	48	AOUSC or FJC workshops, seminars, activities
	0	0	0	NCBJ, NABT, or NACTT conferences
	0	0	0	Judicial Conference meetings, activities
	3	10	9	Other (e.g., law school seminars, bar association meetings)
1996 total	23	80	68	
Georgia (Southern)^a 2.5 judges	3	12	9	Circuit or district meetings, activities

(continued)

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District/number of judges/year	Number of trips each year	Number of travel days each year	Number of work days each year	Purpose
	3	5	3	AOUSC or FJC workshops, seminars, activities
	0	0	0	NCBJ, NABT, or NACTT conferences
	0	0	0	Judicial Conference meetings, activities
	1	2	2	Other (e.g., law school seminars, bar association meetings)
1995 total	7	19	14	
	3	12	7	Circuit or district meetings, activities
	6	14	12	AOUSC or FJC workshops, seminars, activities
	0	0	0	NCBJ, NABT, or NACTT conferences
	0	0	0	Judicial Conference meetings, activities
	1	2	2	Other (e.g., law school seminars, bar association meetings)
1996 Total	10	28	21	
Texas (Eastern)^b 2 judges	1	4	3	Circuit or district meetings, activities
	0	0	0	AOUSC or FJC workshops, seminars, activities
	0	0	0	NCBJ, NABT, or NACTT conferences
	0	0	0	Judicial Conference meetings, activities
	2	6	4	Other (e.g., law school seminars, bar association meetings)
1995 total	3	10	7	
	1	4	3	Circuit or district meetings, activities
	5	16	13	AOUSC or FJC workshops, seminars, activities
	0	0	0	NCBJ, NABT, or NACTT conferences
	0	0	0	Judicial Conference meetings, activities
	0	0	0	Other (e.g., law school seminars, bar association meetings)
1996 total	6	20	16	

^aThe Middle and Southern Districts of Georgia share a bankruptcy judgeship. The travel data for this shared judgeship are included in the totals for the Middle District of Georgia.

^bThe Eastern District of Texas has two authorized bankruptcy judgeships, but one of the positions is vacant. Currently, the second judge in the district is a recalled judge. Our analysis excluded the travel data for the recalled judge because we did not receive or report travel data for recalled judges in the 15 districts for which we reported in our correspondence of August 8, 1997.

Source: GAO analysis of bankruptcy judges' travel data.

Table II.9: Information on the Purpose and Destinations of Bankruptcy Judges' Noncase-Related Trips in the Four Districts Whose Weighted Filings Were 1,500 or More but Did Not Request Judgeships in the 1997 Assessment Cycle

District/number of judges/year	Number of trips each year	Purpose	Destination (number of trips)
Alabama (Northern) 6 judges	20	Circuit or district meetings, activities	Birmingham, AL (7); Asheville, NC (4); Tuscaloosa, AL (4); Anniston, AL (4); Amelia Island FL
	12	AOUSC or FJC workshops, seminars, activities	Washington, D.C. (4); San Antonio, TX (3); Orlando, FL (2); Boston, MA; Marina Del Rey, CA; Clearwater, FL
	2	NCBJ, NABT, or NACTT conferences	New Orleans, LA; Boston, MA
	0	Judicial Conference meetings, activities	N/A
	15	Other (e.g., law school seminars, bar association meetings)	Birmingham, AL (6); Montgomery, AL (3); Washington, D.C. (2); Talladega, AL; Troy, AL; Perdido Beach, AL; Orlando, FL
1995 total	49		N/A
1996 total	25	Circuit or district meetings, activities	Birmingham, AL (9); Panama City, FL (6); Tuscaloosa, AL (4); Decatur, AL (3); Anniston, AL (3)
	22	AOUSC or FJC workshops, seminars, activities	San Francisco, CA (7); Atlanta, GA (6); San Antonio, Tx (3); Kansas City, MO (2); Tempe, AZ; Mobile, AL; Chicago, IL; Philadelphia, PA
	1	NCBJ, NABT, or NACTT conferences	San Diego, CA
	0	Judicial Conference meetings, activities	N/A
	15	Other (e.g., law school seminars, bar association meetings)	Perdido Beach, AL (4); Montgomery, AL (3); Birmingham, AL (2); Hilton Head, SC; San Antonio, TX; Orlando, Florida; Tuskegee, AL; San Francisco, CA; Sofia, Bulgaria
1996 total	63		
Georgia (Middle)^a 2.5 judges	4	Circuit or district meetings, activities	Asheville, NC (3); Amelia Island, FL
	11	AOUSC or FJC workshops, seminars, activities	Boston, MA (3); San Francisco, CA (2); Washington, D.C. (2); Amelia Island, FL; San Antonio, TX; Atlanta, GA; Augusta, GA
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A

(continued)

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District/number of judges/year	Number of trips each year	Purpose	Destination (number of trips)
	1	Other (e.g., law school seminars, bar association meetings)	San Francisco, CA
1995 total	16		
	4	Circuit or district meetings, activities	Panama City, FL (3); Ponte Vedra, FL
	16	AOUSC or FJC workshops, seminars, activities	Chicago, IL (3); San Antonio, TX (3); Macon, GA (2); San Francisco, CA; Philadelphia, PA; Washington, D.C.; Savannah, GA; Amelia Island, FL; Brunswick, GA; Atlanta, GA; Albany, GA
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	3	Other (e.g., law school seminars, bar association meetings)	Washington, D.C. (2); Santa Fe, NM
1996 total	23		
Georgia (Southern)^a 2.5 judges	3	Circuit or district meetings, activities	Asheville, NC (2); Amelia Island, FL
	3	AOUSC or FJC workshops, seminars, activities	Amelia Island, FL (2); Savannah, GA
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	1	Other (e.g., law school seminars, bar association meetings)	Atlanta, GA
1995 total	7		
Georgia (Southern) continued	3	Circuit or district meetings, activities	Panama City, FL (2); Ponte Vedra, FL
	6	AOUSC or FJC workshops, seminars, activities	Amelia Island, FL (2); San Francisco, CA; Brunswick, GA; Atlanta, GA; Savannah, GA
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	1	Other (e.g., law school seminars, bar association meetings)	Brunswick, GA
1996 total	10		
Texas (Eastern)^b 2 judges	1	Circuit or district meetings, activities	New Orleans, LA
	0	AOUSC or FJC workshops, seminars, activities	N/A

(continued)

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District/number of judges/year	Number of trips each year	Purpose	Destination (number of trips)
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	2	Other (e.g., law school seminars, bar association meetings)	Palm Beach, FL; Houston, TX
1995 total	3		
	1	Circuit or district meetings, activities	Ft. Worth, TX
	5	AOUSC or FJC workshops, seminars, activities	Tyler, TX (2); San Francisco, CA; Washington, DC; San Antonio, TX
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	0	Other (e.g., law school seminars, bar association meetings)	N/A
1996 total	6		

Note: N/A = not applicable.

^aThe Middle and Southern Districts of Georgia share a bankruptcy judgeship. The travel data for this shared judgeship are included in the totals for the Middle District of Georgia.

^bThe Eastern District of Texas has two authorized bankruptcy judgeships, but one of the positions is vacant. Currently, the second judge in the district is a recalled judge. Our analysis excluded the travel data for the recalled judge because we did not receive or report travel data for recalled judges in the 15 districts for which we reported in our correspondence of August 8, 1997.

Source: GAO analysis of bankruptcy judges' travel data.

Table II.10: Information on the Purpose and Paying Organizations for Bankruptcy Judges' Noncase-Related Trips in the Four Districts Whose Weighted Filings Were 1,500 or More but Did Not Request Judgeships in the 1997 Assessment Cycle

District/number of judges/year	Number of trips each year	Purpose	Paying organization
Alabama (Northern) 6 judges	20	Circuit or district meetings, activities	Federal Judiciary (20)
	12	AOUSC or FJC workshops, seminars, activities	Federal Judiciary (12)
	2	NCBJ, NABT, or NACTT conferences	NCBJ endowment; NACTT
	0	Judicial Conference meetings, activities	N/A

(continued)

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District/number of judges/year	Number of trips each year	Purpose	Paying organization
	15	Other (e.g., law school seminars, bar association meetings)	Arts Council (4); Univ. of Alabama Law School (3); Cumberland School of Law (2); Alabama Bar Assoc. (2); U.S. AID (2); Alabama Bankers; American Bar Assoc.
1995 total	49		
	25	Circuit or district meetings, activities	Federal Judiciary (25)
	22	AOUSC or FJC workshops, seminars, activities	Federal Judiciary (22)
	1	NCBJ, NABT, or NACTT conferences	NCBJ
	0	Judicial Conference meetings, activities	N/A
	15	Other (e.g., law school seminars, bar association meetings)	Alabama State Bar (4); Arts Council (3); American Bar Assoc. (2); Cumberland School of Law (2); U.S. AID; ABI; Alabama Courts; Assoc. of Bankruptcy Judicial Assts.
1996 total	63		
Georgia (Middle)^a 2.5 judges	4	Circuit or district meetings, activities	Federal Judiciary (4)
	11	AOUSC or FJC workshops, seminars, activities	Federal Judiciary (11)
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	1	Other (e.g., law school seminars, bar association meetings)	Norton Institute on Bankruptcy Law
1995 total	16		
	4	Circuit or district meetings, activities	Federal Judiciary (4)
	16	AOUSC or FJC workshops, seminars, activities	Federal Judiciary (16)
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	3	Other (e.g., law school seminars, bar association meetings)	NCBJ (2); National Bankruptcy Review Commission
1996 total	23		
Georgia (Southern)^a 2.5 judges	3	Circuit or district meetings, activities	Federal Judiciary (3)
	3	AOUSC or FJC workshops, seminars, activities	Federal Judiciary (3)

(continued)

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District/number of judges/year	Number of trips each year	Purpose	Paying organization
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	1	Other (e.g., law school seminars, bar association meetings)	Institute for Continuing Legal Education (ICLE) - Georgia
1995 total	7		
Georgia (Southern) continued	3	Circuit or district meetings, activities	Federal Judiciary (3)
	6	AOUSC or FJC workshops, seminars, activities	Federal Judiciary (6)
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	1	Other (e.g., law school seminars, bar association meetings)	Federal Judiciary
1996 total	10		
Texas (Eastern)^b 2 judges	1	Circuit or district meetings, activities	Federal Judiciary
	0	AOUSC or FJC workshops, seminars, activities	N/A
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	2	Other (e.g., law school seminars, bar association meetings)	State Bar of Texas; American College of Mortgage Attorneys
1995 total	3		
	1	Circuit or district meetings, activities	Federal Judiciary
	5	AOUSC or FJC workshops, seminars, activities	Federal Judiciary (5)
	0	NCBJ, NABT, or NACTT conferences	N/A
	0	Judicial Conference meetings, activities	N/A
	0	Other (e.g., law school seminars, bar association meetings)	N/A
1996 total	6		

(Table notes on next page)

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Note: N/A = not applicable.

^aThe Middle and Southern Districts of Georgia share a bankruptcy judgeship. The travel data for this shared judgeship are included in the totals for the Middle District of Georgia.

^bThe Eastern District of Texas has two authorized bankruptcy judgeships, but one of the positions is vacant. Currently, the second judge in the district is a recalled judge. Our analysis excluded the travel data for the recalled judge because we did not receive or report travel data for recalled judges in the 15 districts for which we reported in our correspondence of August 8, 1997.

Source: GAO analysis of bankruptcy judges' travel data.

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