

# SEPTEMBER 25, 2013 RESOLUTION

## THE GRAYSON COUNTY BAR ASSOCIATION

WHEREAS, the Grayson County Bar Association in a regularly scheduled meeting heard our Congressman, the Hon. Ralph Hall, address the lengthy federal judicial vacancy of the Sherman Division of the Eastern District of Texas sitting at Sherman;

WHEREAS, the last permanent resident judge to serve the Sherman Division sitting at Sherman was the Honorable Paul N. Brown, nominated on September 11, 1985 by President Ronald Reagan and confirmed by the United States Senate on October 16, 1985;

WHEREAS, Judge Brown served faithfully in that role, including beyond his taking of senior status on April 1, 2001;

WHEREAS, Judge Brown ceased taking new cases on June 1, 2006;

WHEREAS, Judge Brown retired on November 10, 2006, marking the end of 21 diligent years on the bench;

WHEREAS, Judge Brown passed away on November 26, 2012;

WHEREAS, the bench occupied by Judge Brown has now lain vacant for seven (7) years, with each passing day adding more cases to a crushing docket, corresponding delay in criminal and civil cases, and risk of denying Americans of average means access to our federal courts.

WHEREAS, the collective judges of the Eastern District have worked tirelessly to support the Sherman Division by traveling to Sherman to tend the docket here, while balancing calls for their time in their assigned place of service, from Beaumont to Texarkana to Tyler;

WHEREAS, On June 13, 2003, the judges of the Eastern District recognized the urgency of the circumstance when they passed a resolution calling for the next appointment of an Eastern District Judge to be expressly for the Sherman Division, reflected in the attached Exhibit "A;"

WHEREAS, on November 19, 2003 the United States Congress considered legislation designated as S. 1720 to effectuate the substance of the above resolution, in the course of which consideration the Congressional Record evidences support for same by the Administrative Office of the U.S. Courts, Senators John Cornyn and Kay Bailey Hutchison, Congressman Sam Johnson, and Congressman Hall, assuring Sherman as a place of court with a resident federal judge, as reflected in the attached Exhibit "B;"

WHEREAS, on December 3, 2003 that measure was signed into law by President George W. Bush as Public Law No: 108-157;

WHEREAS, despite the District Judges' resolution and the subsequent enactment of Public Law No: 108-157, the next appointment of an Eastern district Judge was designated for the Marshall Division, continuing Sherman without a resident federal judge, further underscoring the need for this appointment;

WHEREAS, once by resolution on May 11, 2011, and again by letter dated September 28, 2011, this Association requested relief from President Barack Obama, with the assistance of our Senators, as reflected in the attached Exhibit "C;"

WHEREAS, the Administrative Office of the United States Courts has since declared the vacancy left by Judge Brown as one of the nation's most pressing "Judicial Emergencies," reflected in the attached Exhibit "D;"

WHEREAS, the Hon. Richard A. Schell, the only other resident district judge in the Sherman division of the Eastern District of Texas, but sitting in Plano, has indicated his intention to take senior status in March of 2015, further underscoring the urgency of filling the Sherman court vacancy left by Hon. Paul Brown;

WHEREAS, the announcement of Hon. Richard A. Schell is anticipated to be made before March 31, 2014;

WHEREAS, any of several qualified members of the Grayson County Bar Association residing in Grayson County would, if nominated, offer reasonable assurance of a continuous federal judicial presence for many years, helping to restore much needed efficiency and structural stability for a fundamental institution of our republican form of government;

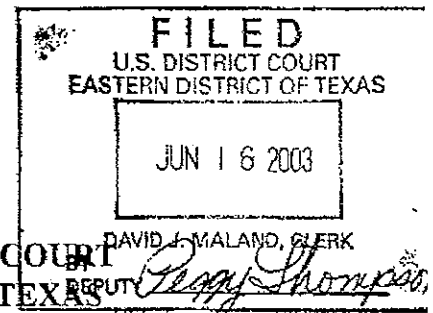
BE IT RESOLVED, that the Grayson County Bar Association respectfully requests our United States Senators, working with appropriate officials, forward to President Obama a bi-partisan slate of qualified potential nominees in time to allow both President Obama to nominate and the Senate to confirm by March 31, 2014 a federal judicial nominee for the Sherman Division of Eastern District of Texas sitting at Sherman, Texas, with strong preference given to a nominee residing in Grayson County.

Signed this the 25th day of September, 2013.

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Jeremy Poet, President

GENERAL ORDER NO. 03-15



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**RESOLUTION REGARDING PLACES OF HOLDING COURT IN THE SHERMAN  
DIVISION**

Since 1991, both this court and the Judicial Conference of the United States have supported legislation authorizing Plano as a place of holding court in the Sherman Division. Rapid population growth in the Sherman Division over the past decade, particularly in Collin and Denton Counties, underscores the need for an additional court facility. Sherman Division civil and criminal weighted filings over the past five years have grown by 100%. Sherman now has the second heaviest weighted caseload of the six divisions in the Eastern District of Texas.

In the near future, two resident district judges, a resident magistrate judge and a visiting district judge will be hearing all Sherman Division cases in only two courtrooms. The court has already run out of room in Sherman and needs to acquire additional court facilities in the Division. Having court facilities in both Sherman and Plano will enable the court to better manage the rapidly growing caseload and provide better service to a large population base in southern Collin County.

It is the court's intention, when a place of holding court in Plano is authorized, to assign the case filings as follows:

- 50% civil and criminal cases docketed and tried in Sherman (Judges Brown and Davis)
- 50% civil and criminal cases docketed and tried in Plano (Judge Schell)

In light of the above, the judges of this court hereby REAFFIRM our prior resolution to establish Plano as a place of holding court in the Sherman Division, and RESOLVE, if pending legislation passes that authorizes Plano as a place of holding court, to have half the Sherman Division caseload docketed and tried in Sherman, and the other half of the caseload docketed and tried in Plano. The court intends to maintain at least one resident judge in Sherman and one resident judge in Plano. If Judge Brown ceases holding court in Sherman, a new resident judge shall be designated to hold court in Sherman as soon as possible, and pending the new judge's residing in Sherman, 50% of civil and criminal cases shall be docketed and tried in Sherman, and the clerk's office in Sherman shall remain staffed sufficiently to support a resident judge.

Signed this 13<sup>th</sup> day of June, 2003.

**FOR THE COURT:**

JOHN HANNAH, JR.  
Chief Judge

**EXHIBIT "A"**

[Congressional Record Volume 149, Number 168 (Wednesday, November 19, 2003)]

[House]

[Pages H11586-H11589]

From the Congressional Record Online through the Government Printing Office [[www.gpo.gov](http://www.gpo.gov)]

PROVIDING FOR FEDERAL COURT PROCEEDINGS IN PLANO, TEXAS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1720) to provide for Federal court proceedings in Plano, Texas.

The Clerk read as follows:

S. 1720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGE IN COMPOSITION OF DIVISIONS OF EASTERN DISTRICT OF TEXAS.

(a) In General.--Section 124(c) of title 28, United States Code, is amended--

(1) in paragraph (3)--

(A) by striking ``Denton, and Grayson'' and inserting ``Delta, Denton, Fannin, Grayson, Hopkins, and Lamar''; and

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(B) by inserting ``and Plano'' after ``held at Sherman''; (2) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(3) in paragraph (5), as so redesignated, by inserting ``Red River,'' after ``Franklin,''.

(b) Effective Date.--

(1) In general.--This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Pending cases not affected.--This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Eastern District of Texas on such date.

(3) Juries not affected.--This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Eastern Judicial District of Texas on the effective date of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from California (Mr. Berman) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Sensenbrenner).

General Leave

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1720, the Senate

**EXHIBIT "B"**

bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Today when I was driving in, I followed a car that had a big bumper sticker on it that said "Don't Mess with Texas," and I came to the House today with great fear and trepidation that by messing with Texas and deciding where the Federal courts will sit, I would be caught in the crossfire of a Texas cat fight, and I am happy to report that the cats are purring and the Members can mess with Texas and not get in trouble by passing this bill.

Senate 1720 implements the March, 1991, Judicial Conference proposal to designate Plano, Texas, as a place for holding court in the Eastern District of Texas. It also realigns the divisions of the U.S. District Court for the Eastern District of Texas to reflect the closing of the courthouse in Denton County. The Paris division is eliminated and its counties redistributed among the other divisions of this court.

Plano is the largest city in the Eastern District of Texas. Of the 93 judicial districts in the United States, the Eastern District of Texas is the only one in which its largest city cannot hold Federal court.

This is a major impediment to the efficient operations of the Federal court system in the Eastern District of Texas. Senate 1720 will greatly assist the affected citizens, litigants, lawyers, and judges and also will promote the efficient administration of justice.

The bill is identical to language in section 102 of H.R. 1302, the Federal Courts Improvement Act of 2003, which was introduced by the chairman and ranking member of the Subcommittee on Courts, the Internet, and Intellectual Property. In addition, this Congress has passed this exact language on five previous occasions since 1991.

Following Senate passage of Senate 1720, the gentleman from Texas (Mr. Hall) expressed concern that the legislation does not ensure that the eastern district caseload will be distributed equally between Plano and Sherman. While the judges of the eastern district have unanimously agreed to split the docket between Sherman and Plano, this agreement, in a signed resolution, is nonbinding.

I share the concerns of the gentleman from Texas (Mr. Hall). Therefore, I support Senate 1720 premised on the understanding that the judges of the eastern district will do as they promised by implementing a system to assign at least 50 percent of the cases filed in or transferred to the Sherman district to a resident district judge sitting in the city of Sherman. The remaining 50 percent of the cases will be assigned to the Plano court.

Finally, in response to my request for assurance that the judges' agreement will be implemented, the Administrative Office of the U.S. Courts has written a letter promising to do whatever is necessary to implement this plan. I will insert this letter along with the resolution signed by the judges of the Eastern District of Texas into the Record. With these assurances, I am sure that we can mess with Texas and not get caught in the crossfire.

I urge my colleagues to support this bill.

Judicial Conference

of the United States,

Washington, DC, November 19, 2003.

Hon. F. James Sensenbrenner, Jr.,  
Chairman, Committee on the Judiciary, House of  
Representatives, Rayburn House Office Building,  
Washington, DC.

Dear Mr. Chairman: I understand that S. 1720, a bill to designate Plano, Texas, will be considered by the House later

today. The bill would remedy a serious problem hindering efficient judicial administration in the Eastern District of Texas.

This bill has the strong support of the Judicial Conference of the United States. As a provision of an omnibus court improvement bill, it has been passed by the House in two previous Congresses, only to remain unacted upon in the Senate.

The judges of the Eastern District of Texas have formally resolved that half of the Sherman Division caseload will be docketed and tried in Sherman, Texas, and half will be docketed and tried in Plano, Texas. A copy of an order of the court of June 13, 2003, stating this specifically and in some detail is enclosed hereto.

The Judicial Conference and the court in the Eastern District of Texas are well aware of the concerns of those in Sherman that the judicial business of the division would be largely transferred to Plano. This is not and will not be the case. This issue was considered by the Judicial Conference Committee on Court Administration and Case Management when the proposal was first considered. The resolve of the judges to assure equity to Sherman, Texas, and other factors relating to the great need for a court presence in Plano caused that committee to recommend that the Judicial Conference approve this proposal, which it did.

I congratulate you and the members of the Judiciary Committee for taking prompt action on this bill which will allow the court to better service the citizens of this region of Texas.

Sincerely,

Leonidas Ralph Mecham,  
Secretary.

Enclosure.

GENERAL ORDER NO. 03-15

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

RESOLUTION REGARDING PLACES OF HOLDING COURT IN THE SHERMAN DIVISION

Since 1991, both this court and the Judicial Conference of the United States have supported legislation authorizing Plano as a place of holding court in the Sherman Division. Rapid population growth in the Sherman Division over the past decade, particularly in Collin and Denton Counties, underscores the need for an additional court facility. Sherman Division civil and criminal weighted filings over the past five years have grown by 100%. Sherman now has the second heaviest weighted caseload of the six divisions in the Eastern District of Texas.

In the near future, two resident district judges, a resident magistrate judge and a visiting district judge will be hearing all Sherman Division cases in only two courtrooms. The court has already run out of room in Sherman and needs to acquire additional court facilities in the Division. Having court facilities in both Sherman and Plano will enable the court to better manage the rapidly growing caseload and provide better service to a large population base in southern Collin County.

It is the court's intention, when a place of holding court in Plano is authorized, to assign the case filings as follows:

50% civil and criminal cases docketed and tried in Sherman

(Judges Brown and Davis).

50% civil and criminal cases docketed and tried in Plano  
(Judge Schell).

In light of the above, the judges of this court hereby REAFFIRM our prior resolution to establish Plano as a place of holding court in the Sherman Division, and RESOLVE, if pending legislation passes that authorizes Plano as a place of holding court, to have half the Sherman Division caseload docketed and tried in Sherman, and the other half of the caseload docketed and tried in Plano. If Judge Brown ceases holding court in Sherman, a new resident judge shall be designated to hold court in Sherman as soon as possible, and pending the new judge's residing in Sherman, 50% of civil and criminal cases shall be docketed and tried in Sherman, and the clerk's office in Sherman shall remain staffed sufficiently to support a resident judge.

Signed this 13th day of June, 2003.

For the Court:

John Hannah, Jr.,  
Chief Judge.

Mr. Speaker, I reserve the balance of my time.

{time} 1800

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

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Mr. Speaker, I rise in support of S. 1720 and I ask my colleagues to support the bill as well. It is a narrow bill, but a necessary one. It is identical to the provisions of the Federal Courts Improvement Act currently before the Committee on the Judiciary, and to legislation which has I think several times passed the House.

The purpose of the bill is to allow for Federal court proceedings and an additional courthouse in Plano, Texas. As a result, the bill will remedy a critical problem hindering the efficient judicial administration of the U.S. District Court for the Eastern District of Texas.

The existing courthouse is in Sherman, Texas and is overburdened by its increasing caseload. Filings over the past 5 years have grown by 100 percent. This situation mandates a solution. S. 1720 designates Plano as an additional place of holding court to help address this expanded workload.

The one substantive concern about the bill, how cases will be distributed between the two courthouses, has been resolved. As I understand it, the chairman of the Committee on the Judiciary has agreed to engage in a colloquy with the distinguished gentleman from Texas in which it will become clear that S. 1720 is intended to relieve the overflow of filings in the Sherman courthouse, but not do away with the Sherman courthouse. I think the chairman has already made that clear, that that is his intention.

Furthermore, there is agreement from the Senate sponsor, the junior Senator from Texas, that the civil and criminal case filings for the Sherman division will be split 50-50 between the Plano and Sherman courthouses. The U.S. District Court for the Eastern District of Texas has adopted a resolution memorializing this agreement, and the Judicial Conference of the United States has sent a letter to the same effect. Finally, the Committee on the Judiciary Report on the Federal Courts Improvement Act, which currently contains identical provisions, will reflect this understanding. Through these measures, we can rest assured

that the addition of this courthouse will have no negative impact on the Sherman courthouse.

I appreciate the efforts that my colleagues have made to address the concerns of those in Sherman, and I am confident that there is general agreement that the judicial business of the Sherman and Plano divisions will be shared equally.

Mr. Speaker, I ask my colleagues to support S. 1720.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Sam Johnson).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate the gentleman yielding me this time. I just want to thank the gentleman from Texas (Mr. Hall) and the gentleman from California (Mr. Berman) for working with us.

This is a bipartisan agreement. I will let my colleagues know that Collin County is expected to increase by 73 percent in population by the year 2020, so this is a needed court and long overdue.

Mr. Speaker, you know, the role of the Federal Government is to serve people. And one way the government serves the people is through the judicial system.

Well, the people of Plano, nearly 250,000 strong and the largest city in Collin County, do not have access to a nearby Federal court. Simply put, today's bill is good legislation that is long overdue. Anytime a lawyer wants to file a court paper, they have to drive 48 miles to near the Oklahoma border to Sherman, TX. Anytime a police officer needs to sign a legal document, they have to drive nearly 100 miles round trip. That is not time well spent.

If the role of the Federal Government is to serve the people, then it's time to let Collin County hold court. You know, Plano consumes more than three-fourths of the criminal cases in Sherman and nearly 4 out of 5 civil cases. Clearly there is a need in Plano for a Federal bench. The people of Collin County and the Eastern District of Texas are woefully underserved.

On the top of that, the population of Collin County is expected to increase by 73 percent by the year 2020. If we don't take care of this now, when will we?

With four judges but just two courtrooms, the Sherman division badly needs another courtroom somewhere. That somewhere should be the city of Plano. Important to the city of Sherman, the bill also protects the Grayson County Courthouse Docket by expanding the Sherman Court jurisdiction to four new counties; Fannin, Lamar, Delta, and Hopkins.

I also want to thank my friend Ralph Hall for his work on this issue. I hope he believes we addressed many of his initial concerns.

Before I close, I'd like to thank my colleagues in the Senate, Senators Cornyn and Hutchison, who helped get this bill through the other body.

This measure has passed the House every Congress since 1991, only to die in committee in the Senate. Their leadership paved the way to make this possible for Collin County.

In the name of good government, the Federal Government started serving the people of Collin County.

GENERAL ORDER NO. 03-15

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

resolution regarding places of holding court in the sherman division

Since 1991, both this court and the Judicial Conference of the United States have supported legislation authorizing Plano as a place of holding court in the Sherman Division.

Rapid population growth in the Sherman Division over the past decade, particularly in Collin and Denton Counties, underscores the need for an additional court facility. Sherman Division civil and criminal weighted filings over the past five years have grown by 100%. Sherman now has the second heaviest weighted caseload of the six divisions in the Eastern District of Texas.

In the near future, two resident district judges, a resident magistrate judge and a visiting district judge will be hearing all Sherman Division cases in only two courtrooms. The court has already run out of room in Sherman and needs to acquire additional court facilities in the Division. Having court facilities in both Sherman and Plano will enable the court to better manage the rapidly growing caseload and provide better service to a large population base in southern Collin County.

It is the court's intention, when a place of holding court in Plano is authorized, to assign the case filings as follows:

50% civil and criminal cases docketed and tried in Sherman (Judges Brown and Davis)

50% civil and criminal cases docketed and tried in Plano (Judge Schell)

In light of the above, the judges of this court hereby REAFFIRM our prior resolution to establish Plano as a place of holding court in the Sherman Division, and RESOLVE, if pending legislation passes that authorizes Plano as a place of holding court, to have half the Sherman Division caseload docketed and tried in Sherman, and the other half of the caseload docketed and tried in Plano. The court intends to maintain at least one resident judge in Sherman and one resident judge in Plano. If Judge Brown ceases holding court in Sherman, a new resident judge shall be designated to hold court in Sherman as soon as possible, and pending the new judge's residing in Sherman, 50% of civil and criminal cases shall be docketed and tried in Sherman, and the clerk's office in Sherman shall remain staffed sufficiently to support a resident judge.

Signed this 13th day of June, 2003.

For the Court:

John Hannah, Jr.  
Chief Judge.

Mr. BERMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Hall).

Mr. HALL. Mr. Speaker, when I arrived at the Capitol today, I was handed the floor schedule that indicated that Senate bill 1720 had been placed on the Suspension Calendar. We have not had a lot of time to try to work out the details, but I am grateful to a lot of people for their assurance that we are going to keep the agreement that has been made between the two courts.

First, I want to thank, of course, the gentleman from Wisconsin (Chairman Sensenbrenner), Debby Lehman, Sam Garg, Blain Merritt, and Phil Kiko for their good work and for their support. I thank the ranking member, the gentleman from Michigan (Mr. Conyers), of the Committee on the Judiciary and Perry Applebaum. I thank the gentleman from California (Mr. Berman), my friend and ranking member on the subcommittee, and Shanna Winters and Alec French. They have all worked hard during the course of the day to work out assurance, and with the gentleman from Texas's (Mr. Johnson) support of assurance that this will be a 50-50 division.

I have never opposed Plano having a court. It is a huge city. It is a great city. It is a growing city. And as we move along with this 50-50 agreement and Plano grows, as it surely will, they will need more judges and more courts there. I certainly hope to help them.

For several years, efforts have been made to hold court proceedings in Plano, Texas where they have had no

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court proceedings. I have no objection to such, and I only want to continue holding court in Sherman, Texas. Agreements have been made to hold 50 percent of the cases in Plano and 50 percent in Sherman, adding some counties to the Sherman district. I only want this agreement to be part of the proceedings, and I will be asking for a colloquy in a little bit with the gentleman from Wisconsin (Chairman Sensenbrenner). I have conferred with Judge McGraw of Grayson County. I have received petitions from Judge McGraw and many of the major cities in and around Grayson County. I represent them. If I do not represent them, they will not be represented in this matter, and I want to be recorded here and now that we want an agreement of a 50-50 division of litigation to be committed to writing, both here and in the Senate.

I have spoken with Senator John Cornyn then of the Committee on the Judiciary, and I have spoken with Senator Kay Bailey Hutchison, subcommittee chairman, and they too want this documentation. There has been a difference of opinion as to whether or not it would be codified into the statute itself, and while this will not have that codification, there will be report language that will be with this bill, and I think will be evidence to people within the next 10, 15, 20, 30, 40 years that we still want a court in Sherman, Texas in Grayson County.

Senator Kay Bailey Hutchison and John Cornyn want Grayson County protected on the 50-50 agreement and, accordingly, they are placing proper report language in the Senate Committee on the Judiciary report to be placed with the passage of Senate bill 1720.

So Mr. Speaker, first, let me place in the Record the statement of the gentleman from Michigan (Mr. Conyers), the ranking member on the Committee on the Judiciary.

I also want to engage in a colloquy with my colleague, the gentleman from Wisconsin (Chairman Sensenbrenner). I again thank the chairman on S. 1720, a bill to provide for the Federal court proceedings in Plano, Texas.

It is my understanding that we have reached an agreement with Members on both sides of the aisle and with Senators Cornyn and Hutchison that the passage of this legislation shall be accompanied by the following report language in the Commerce, Justice, State Appropriations bill that would indicate a sense of Congress as follows: "Both Sherman and Plano shall have a resident United States District Judge. Fifty percent of the cases filed in or transferred to the Sherman Division of the United States District Court for the Eastern District of Texas shall be assigned for trial and tried in Sherman by either the resident United States District Judge sitting in Sherman or another United States District Judge assigned to hold court in Sherman. The remaining 50 percent of the cases shall be assigned for trial and tried in Plano by either the resident United States District Judge sitting in Plano or another United States District Judge assigned to hold court in Plano. If the resident judge in Sherman or Plano retires or dies, 50 percent of the cases shall continue to be tried in Sherman and 50 percent tried in Plano while a new resident judge is being assigned. This provision shall not prevent the transfer of a case to another judge or division of the United States District Court for the Eastern District of Texas or another United States District Court for trial, if such transfer is permitted by applicable law."

Mr. Speaker, I have long expressed my support and I have no objection to a Plano district court. The people in Plano are entitled to a court

and, likewise, the people of Sherman are entitled to an assurance that an addition of a Plano court will not diminish or otherwise imperil the court in Sherman. The folks in Plano are happy with the gentleman from Texas (Mr. Sam Johnson), and they should be. I want the people in Grayson County to be happy with this transaction also. I think this report language gives clarity to this amendment and would ensure the viability of both courts for the next 50 years.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the Committee on the Judiciary has no control over report language of bills that are under the jurisdiction of the Committee on Appropriations, and since the thought has been to have this statutory amendment placed in the Commerce, Justice, State Appropriation bill, I can say that the Committee on the Judiciary would have no objection to this, because this codifies the agreement that has been made and the resolution that has been adopted by the judges of the Eastern District of Texas, as well as confirmed by the Administrative Office of the U.S. Courts representing the Judicial Conference of the United States.

So I have no objection to this statutory amendment if it should find its way into an appropriation bill. But the gentleman from Texas and everybody else knows full well that what happens in appropriation bills at the end of a session of Congress is a very mysterious thing that those of us who serve on authorizing committees will never understand as long as we are here.

But rest assured that what the gentleman from Texas has said does represent the understanding of members of the Committee on the Judiciary, and if the appropriators will listen to us, for once, they will be able to make a constructive addition to an appropriation bill, whether it is the State, Justice, Commerce one or another one that mysteriously arises from the bowels of the Capitol within the next few days.

Mr. HALL. Mr. Speaker, reclaiming my time, we have Senator Cornyn and Senator Hutchison who will place this in the report language in the Senate judiciary bill.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation, which would provide greater access to Federal courts for litigants in various counties in Texas. One provision of the bill adds the city of Plano as a place of holding court; current residents of Plano must travel to the city of Sherman. It is my understanding that, with respect to the courthouses in Plano and Sherman, the courts will ensure that the civil and criminal dockets will be divided equally.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I am happy to yield back the balance of my time as well.

The SPEAKER pro tempore (Mr. Sweeney). The question is on the motion offered by the gentleman from Wisconsin (Mr. Sensenbrenner) that the House suspend the rules and pass the Senate bill, S. 1720.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

Letter Pursuant to Resolution of the  
**Grayson County Bar Association**

September 28, 2011

President Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Re: Judicial Appointment for the Eastern District of Texas, Sherman Division

Dear President Obama,

The Grayson County Bar Association, representing the lawyers of the Eastern District of Texas, Sherman Division, respectfully urge you to make, as prompt as possible, a judicial appointment to the United States District Court here in Sherman. The Federal bench here in Sherman has been vacant since October, 2006. Our United States Senators, the Honorable Kay Bailey Hutchison and the Honorable John Cornyn, are keenly aware of the needs here in our community and have interviewed candidates for this position. It is our understanding that you have recommendations for our vacant Federal bench before you for your consideration. We respectfully urge you to move expeditiously to fill this vacancy with someone committed to living in our community and supporting the Federal Court's important historical presence here in Sherman.

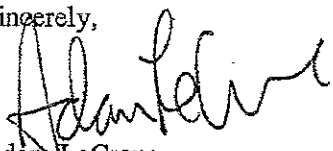
The particulars of the current situation are as follows:

1. The Honorable Judge Paul Brown retired in October of 2006, leaving the duties of the Sherman Division Court to be filled by a cadre of dedicated, but overworked Federal Judges from as away as Beaumont, Texas (320 miles). For 6 years, they have tirelessly covered the Sherman Court's docket, which has the largest criminal case load and one of the heaviest civil intellectual property case loads in the Eastern District.
2. We are informed that another division in the Eastern District will be getting a Federal Judge this October or shortly thereafter, with that appointment occurring less than one year after that Court's vacancy. We do not begrudge the Marshall Court's vacancy being filled, but merely the absence of a Federal Judge here in our community for so long.
3. The District Judges of the Eastern District, by an internal decision, agreed several years ago that after the Honorable Paul Brown retired, the next judge appointed should be placed in the Sherman Division. These Judges agreed on the Sherman Division because all other Divisions of the Eastern District had at least one Federal Judge. This has yet to happen.

The Sherman Division and the location of the Federal Court here in Sherman is historically important. It was the long time resident Court in the District represented by House Speaker Sam Rayburn. Through the years the sitting Federal Judges here have been local and Federal leaders. In that same period, our local officials, from the Grayson County Judge to the Grayson County Sheriff, have been supportive of this Court. These local officials have worked and continue to work with the Sherman-based Federal officials in jail planning and other related matters in support of the Federal prosecution and processing of Federal cases here in Sherman. However, the hard work and effort put forth by these Grayson County officials will be vain if a District Judge is not appointed.

The members of the Grayson County Bar Association do not speak in favor of any particular candidate currently before you, since all candidates are surely qualified. We respectfully urge you, however, to give priority to this long languishing vacancy on the bench in our community and appoint a candidate fully committed to living in Grayson County and serving this Honorable Court and community. We appreciate your timely consideration of this matter.

Sincerely,



Adam LeCrone

Grayson County Bar President

Pursuant to Resolution Passed on May 11, 2011 and re-urged September 28, 2011

Cc: Honorable Senator Kay Bailey Hutchison  
United States Senate  
284 Russell Senate Office Building  
Washington, D.C. 20510-4304

Honorable Senator John Cornyn  
United States Senate  
517 Hart Senate Office Building  
Washington, D.C. 20510-4304

Honorable Congresswoman Eddie Bernice Johnson  
United States House of Representatives  
2468 Rayburn Office Building  
Washington, D.C. 20515

Honorable Congressman Lloyd Doggett  
United States House of Representatives  
201 Cannon House Office Building  
Washington, D.C. 20515

Judicial Emergencies		As of 09/03/2013					Adjusted Filings per Panel*
Circuit/District	Vacancy Created By	Reason	Vacancy Date	Days Pending	Weighted Filings per Judgeship*		
01 - PR	Dominguez, Daniel R.	Senior	07/31/2011	765	438		
02 - NYS	Holwell, Richard J	Resigned	02/07/2012	574	494		
02 - NYW	Siragusa, Charles J.	Senior	12/15/2012	262	648		
04 - NCE	Howard, Malcolm J.	Senior	12/31/2005	2803	680		
<u>05 - TXE</u>	Folsom, David	Retired	03/17/2012	535	<u>1137</u>		
<u>05 - TXE</u>	Ward, T. John	Retired	10/01/2011	703	<u>1137</u>		
05 - TXS	Jack, Janis Graham	Senior	06/01/2011	825	575		
05 - TXW	Furgeson Jr., W. Royal	Senior	11/30/2008	1738	719		
05 - CCA	Benavides, Fortunato P.	Senior	02/03/2012	578			894
05 - CCA	Garza, Emilio M.	Senior	08/01/2012	398			894
07 - WIW	Shabaz, John C.	Senior	01/20/2009	1687	642		
07 - CCA	Evans, Terence T.	Senior	01/07/2010	1335			516
09 - AZ	Martone, Frederick J.	Senior	01/30/2013	216	677		
09 - AZ	Bury, David C.	Senior	12/31/2012	246	677		
09 - AZ	Zapata, Frank R.	Senior	08/03/2010	1127	677		
09 - AZ	Murguia, Mary H.	Elevated	01/03/2011	974	677		
09 - AZ	Teilborg, James A.	Senior	01/30/2013	216	677		
09 - CAE	Ishii, Anthony W.	Senior	10/31/2012	307	1044		
09 - CAN	Ware, James	Retired	08/31/2012	368	662		
09 - CAN	Illston, Susan Yvonne	Senior	07/01/2013	64	662		
09 - CAN		FJC Director	10/03/2011	701	662		
09 - MT	Cebull, Richard F.	Senior	03/18/2013	169	375		
09 - MT	Haddon, Sam E.	Senior	12/31/2012	246	375		
09 - NV	Pro, Philip M.	Senior	12/31/2011	612	545		
09 - CCA	Fisher, Raymond C.	Senior	04/01/2013	155			840
09 - CCA	Trott, Stephen S.	Senior	12/31/2004	3168			840
10 - KS	Lungstrum, John W.	Senior	11/02/2010	1036	463		
11 - ALN	Smith Jr., C. Lynwood	Senior	08/31/2013	3	602		
11 - ALN	Johnson, Inge Prytz	Senior	10/24/2012	314	602		
11 - FLM	Antoon II, John	Senior	06/03/2013	92	644		
11 - FLM	Lazzara, Richard A.	Senior	12/17/2011	626	644		
11 - FLS	Jordan, Adalberto	Elevated	02/15/2012	566	648		
11 - FLS	Seitz, Patricia A.	Senior	11/16/2012	291	648		
11 - GAN	Cooper, Clarence	Senior	02/09/2009	1667	545		
11 - GAN	Martin, Beverly B.	Elevated	01/20/2010	1322	545		
11 - CCA	Birch Jr., Stanley F.	Retired	08/29/2010	1101			1033
11 - CCA	Edmondson, J. L.	Senior	07/15/2012	415			1033

**Total Emergencies = 37**

\*Adjusted Filings per Panel and Weighted Filings per Judgeship are Calendar Year Data

**A judicial emergency is defined as the following:**

**Circuit Court**

- any vacancy in a court of appeals where adjusted filings per panel are in excess of 700; OR
- any vacancy in existence more than 18 months where adjusted filings are between 500 to 700 per panel.

**EXHIBIT "D"**

**District Court**

- any vacancy where weighted filings are in excess of 600 per judgeship; OR
- any vacancy in existence more than 18 months where weighted filings are between 430 to 600 per judgeship; OR
- any court with more than one authorized judgeship and only one active judge.

(1), In determining judgeship needs in the U.S. district courts, the Judicial Conference uses *weighted filings* as a means of accounting for differences in the time required for judges to resolve various types of civil and criminal actions. Rather than counting each case as a single case, weights are applied based on the nature of cases. For example, cases involving a defaulted student loan are counted as 0.031 for each case and patent cases are counted as 1.9 cases. The criminal weights are applied on a per-defendant basis. The total for "*weighted filings per judgeship*" is the sum of all weights assigned to civil cases and criminal defendants, divided by the number of authorized judgeships.

(2), In the courts of appeals, *adjusted filings* are used in a similar manner to weighted filings in the district courts. Adjusted filings eliminate reinstated cases and weight pro se appeals as one-third of a case. All other cases have a weight of one. The total for "*adjusted filings per panel*" is adjusted filings divided by the number of authorized three-judge panels (authorized judgeships/3).