Judiciary Server
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12th Congress State of the Judiciary Message

I. Introduction

The Supreme Court operates with a quorum of a full bench of 3 Justices. For most of its early history, though, the Supreme Court mostly never had a full bench. If it did, it was only for a miniscule period. During that era, the Court only ever had 2 sitting Justices at any given time. Because the quorum was 3 Justices, it was difficult for the Court to transact any business—even something as simple as promulgating its own rules.

Murmurs of this issue floated around the community discourse. In my first judiciary message, I officially notified the 4th Congress of the Courts' quorum issue.[1] By the next term, Congress enacted the Appellate Reform Act which allowed District Court Judges to sit on the Supreme Court by designation for cases, thus partly ridding the quorum issue. The Act saved litigants of "their appeals rights from being deprived for the sole reason of an absent quorum."[2] But it was keen to note too that all unfilled judicial posts, no matter which court, should not be ignored, as other issues could arise.

Friday saw the resignation of then-Chief Judge 42PXA for the District of Columbia. In the absence of a Chief Judge, the role would ordinarily fall onto the next

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[1] Indeed, this was related to Congress's intentions that these messages "promote better understanding between the legislative and judicial branches of government and promote more efficient administration of justice." Judiciary Act of 2025, div. A, tit. I, §108(b). It also addressed "the accessibility of the courts to the citizens of the United States and future directions and needs of the courts of the United States." *Id.*, §108(a). And that is precisely the aim of this message too.

[2] 5th State of the Judiciary Message (2024).
https://supremecourtrblx.github.io/publicinfo/judiciarymessages/5thcongress-judiciarymessage.pdf

senior judge. The only other judge in the District Court is Judge villenueve_montbell. But Judge villenueve_montbell is on a noticed leave of absence lasting until December. This leaves the District Court with no able judges to preside over cases. And while Acting President FatherVerice was quick to nominate judges in light of 42PXA's resignation, the nominees must still wait the time to go through the Senate's constitutional duty of confirming them. For the District Court, that means cases stalled, litigants waiting, and magistrates and civil staff confused.

There are some methods to rectify this. But one doesn't rise to the occasion, and the other is suspect.

§109 of the Judiciary Act of 2025 allows a justice or judge to retire from active service but nonetheless continue to serve under senior status provided that the service requirement of 4 months is met. No non-active justice or judge has met the service requirement with the exception of former Chief Judges SoutherSheriff, dojgov, and some other judges. And none of those former judges have retired under such provisions. Thus, §109's senior status method cannot save the District Court. §109(f)(iii) allows the Chief Judge to designate a retired judge to perform judicial functions. But recall that there is no Chief Judge able to make such designations. On a side tangent, §109(f)(iii), and even §109 generally, only permits *retired* judges to undertake senior status or serve by designation. No justice or judge has explicitly retired (retired from active status or retired in general). Justices and judges have only *resigned*. Nontheless, §109(f)(iii) cannot save the District Court either because there is no Chief Judge.

The only other avenue left to rectify stagnation in the District Court is for a Justice to ride the District Court. On February 11th of this year, Justice notsfeelings rode the District Court in the interest of the timely administration of justice and to keep the court open for business. This action primarily rested on Justice Rehnquist of our real-life counterpart presiding over a 1984 trial in the District Court. And even more, the practice of the Supreme Court riding circuit is deeply rooted in our nation's early founding. But this practice in our community is suspect for at least two connected reasons. First, it is unclear whether Justice Rehnquist had statutory authorization from Congress to preside over a trial in the District Court. So, it is unclear whether it is necessary for our community to enact a law to allow our Justices to do the same. And second, even though riding circuit is a deeply rooted historical practice, there was still some statutory footing for circuit riding, beginning particularly with the Judiciary Act of 1789. This statutory footing nonetheless does not exist in our community. So, a Justice to ride the District Court is suspect at best.

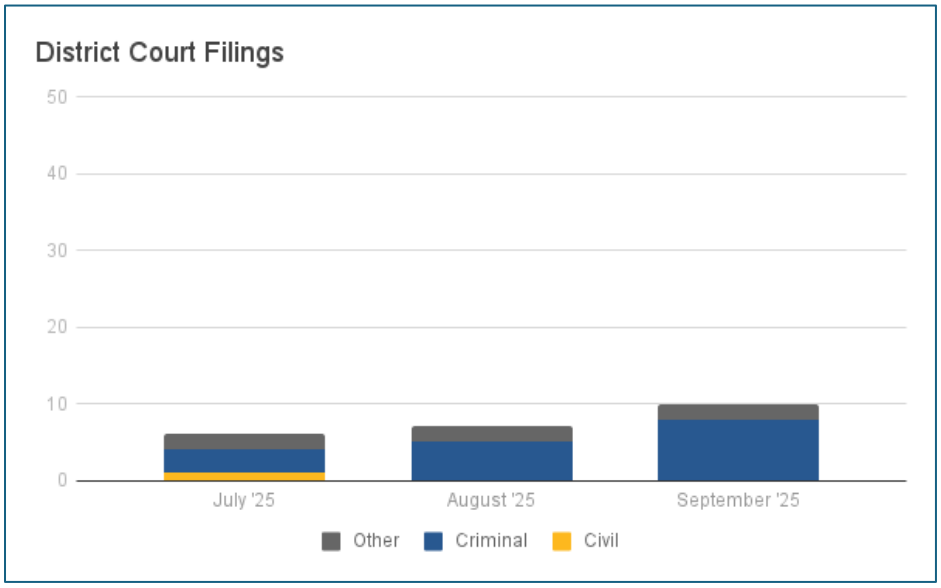
To recap: No active and able judges sit on the District Court, resulting in stagnant cases and confused actors. With the authority given by Congress, the judiciary has two main options to respond, but they are sketchy to undertake without going beyond lawful authorization. As is Congress's duty, it is next best for it to respond. There are several options for Congress to respond to this problem, including not making any changes to the judicatures framework at all. But it is ultimately up to the behest of Congress on which to choose.

II. Supreme Court's Caseload

This figure analyzes all initiated appeals starting September 1, 2025, until September 30, 2025. The total number of appeals filed in the Supreme Court in September was 0. There was no change from the previous month.

III. District Court's Caseload

This figure analyzes all initiated cases starting September 1, 2025, until September 30, 2025. A total of 10 cases have been filed or initiated in the District Court during September which is a 42.86% increase from August. Of those cases, 8 were criminal actions, and 2 were contempt cases or disciplinary proceedings.



IV. Conclusion

My best wishes.

NathanInslee

Chief Justice of the United States