

4th Congress State of the Judiciary Message

I. Introduction

In 1970, Chief Justice Burger started the tradition of writing an annual report on the federal judiciary. This informal duty of the Chief Justice has since been continued by his predecessor Chief Justice Rhenquist and Chief Justice Roberts. The 2023 Year-End Report marked Chief Justice Roberts' 19th annual report.

Unlike our real counterpart where a report on the federal judiciary was borne out of tradition, the Judiciary Act of 2024 mandates by statute that the Chief Justice deliver a state of the judiciary message.¹ Both share the same ideas and goals. But overall, these reports and messages seek to promote public understanding of the federal judiciary.

I originally intended to transmit this message as soon as possible when the 4th Congress was inaugurated. Additionally, I hoped the first state of the judiciary message would be written on a full Supreme Court bench. Those two stars unfortunately could not align, and the convenience of drafting this message was usurped by my other commitments we are all familiar with. As this Congress comes to a close, I am statutorily duty bound to deliver this Congress's state of the judiciary message.

¹ See Judiciary Act of 2024, tit. I, § 108.

II. District Court's Caseload

This figure analyzes only disposed cases found under the “Case Archive” categories of the Judiciary server. The time period of which the cases were filed are from July 3, 2024 to October 10, 2024. A total of 31 cases have been filed or initiated in the District Court. Of those cases, 6 were civil actions, 19 were criminal actions, and 6 were criminal contempt cases or disciplinary proceedings.

III. Supreme Court Quorum

One of the Supreme Courts' main issues is its quorum. The real life Supreme Court's quorum is six of nine.² In our Supreme Court though, a full bench is a quorum. The obvious issue is that only one Justice, whether by vacancy or recusal, can effectively halt an appeal to the Supreme Court. Having one or two Justices decide a case and set legal precedent does present problems. But rejecting one's' appeals rights as a result of a seat being vacant or a Justice being required to recuse is equally problematic.

Not only are appeals and cases caught up in this problem, but something else too. At present, the District Court has been operating without any real procedural backing. The Supreme Court too lacks any foundation for its procedures. I am of course talking about the Supreme Courts' power of rulemaking. Federal Rules of Procedure and Evidence can only be prescribed by the Supreme Court. But the Supreme Court cannot use its powers absent a quorum. This leaves the District Court in an awkward position, resorting to its local power to promulgate Federal Rules of Procedures and Evidence without any actual legal footing.

² See 28 U. S. C. §1.

There have been multiple solutions proposed, including a bill which would allow the Supreme Court to designate a District Court Judge to fulfill the quorum requirement. While there are many solutions and rectifications, it is best left to the President and Congress to discuss and decide.

IV. Conclusion

I thank the President and Congress for their keen interest and hard work on improving the federal judiciary and our legal community.

Nathan Inslee

Chief Justice of the United States