

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1526
OFFERED BY M . Ross**

Add, at the end of the bill, the following:

1 **SEC. 3. RANDOM ASSIGNMENT OF CASES.**

2 (a) DIVISION OF BUSINESS AMONG DISTRICT
3 JUDGES.—Section 137 of title 28, United States Code, is
4 amended—

5 (1) by redesignating subsection (b) as sub-
6 section (c); and

7 (2) by inserting after subsection (a) the fol-
8 lowing:

9 “(b) RANDOM ASSIGNMENT OF CASES.—

10 “(1) IN GENERAL.—In establishing rules for
11 the division of business among district judges, a dis-
12 trict court shall ensure that the probability that an
13 action, suit, or proceeding is assigned to any par-
14 ticular judge does not exceed 25 percent.

15 “(2) EXCEPTIONS.—Paragraph (1) shall not
16 apply to—

17 “(A) a criminal proceeding;

1 “(B) an action, suit, or proceeding that is
2 related to another action, suit, or proceeding
3 pending before a judge of the district court;

4 “(C) an application for a writ of habeas
5 corpus under section 2242 or any related pro-
6 ceeding; or

7 “(D) a motion to vacate, set aside, or cor-
8 rect a sentence under section 2252 or any re-
9 lated proceeding.

10 “(3) LOW-POPULATION DISTRICTS.—

11 “(A) DEFINITION.—In this paragraph, the
12 term ‘low-population district’ means a district
13 that does not have enough judges to ensure
14 that the probability that an action, suit, or pro-
15 ceeding is assigned to any particular judge does
16 not exceed 25 percent, as required under para-
17 graph (1).

18 “(B) USE OF JUDGES FROM ADJACENT
19 DISTRICTS.—The chief judge of the circuit in
20 which a low-population district is located may
21 assign 1 or more judges from 1 or more dis-
22 tricts that are adjacent to, and in the same
23 State as, the low-population district to serve in
24 the low-population district as necessary to en-
25 sure that the probability that an action, suit, or

1 proceeding is assigned to any particular judge
2 does not exceed 25 percent, as required under
3 paragraph (1).

4 “(C) EXCEPTION.—Notwithstanding para-
5 graph (1), if there are no adjacent districts
6 within the same State as a low-population dis-
7 trict, the probability that an action, suit, or
8 proceeding is assigned to any particular judge
9 in the low-population district may not be great-
10 er than the percentage obtained by dividing the
11 number 1 by the number of judges within the
12 low-population district.”.

13 (b) THREE-JUDGE COURTS.—Section 2284(b)(1) of
14 title 28, United States Code, is amended—

15 (1) in the first sentence, by striking “designate
16 two” and inserting “randomly designate three”; and

17 (2) in the second sentence, by striking “, and
18 the judge to whom the request was presented,”.

19 **SEC. 4. PUBLICATION OF DIVISION ORDERS.**

20 Section 137 of title 28, United States Code, as
21 amended by section 3, is amended by adding at the end
22 the following:

23 “(d) PUBLICATION OF DIVISION ORDERS.—A district
24 court shall publish any order for the division of business

1 among district judges with other standing orders on the
2 website of the district.”.

