

**House Committee on the Judiciary
Subcommittee on Courts, Intellectual Property, and the Internet**

**Hearing Titled: "Bringing Justice Closer to the People: Examining Ideas for Restructuring
the 9th Circuit"**

**Thursday, March 16, 2017
10:30 a.m. 2141 Rayburn House Office Building**

**Statement for the Record
Submitted by Rep. Louie Gohmert (TX-01)**

Chairman Issa, Vice Chairman Collins, Ranking Member Nadler:

Thank you for allowing me to submit a statement for the record regarding the House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet hearing on restructuring the Ninth Circuit Court of Appeals.

The committee's interest in examining the current structure and caseload of the U.S. Court of Appeals for the Ninth Circuit is shared by many of us who are concerned about constitutional governance. The Court of Appeals for the Ninth Circuit is the both the largest and most overburdened court in the nation, and its caseload continues to grow. It has been suggested before that the Ninth Circuit be divided to create an additional court to better serve the American people.

The Ninth Circuit currently serves nine states and two territories, spanning from Alaska to the Northern Mariana Islands. The caseload for the court is substantial, with over 60,000 cases commenced in 2015. That number alone would support the idea to split this overburdened circuit to better handle the caseload. But a closer examination of the docket reveals that one state is responsible for a disproportionate number of the cases filed: California.

While the number of cases filed in the Ninth Circuit as of December 31, 2015 was 60,369, more than half of the cases commenced – 34,951 – originated in California. The number of cases filed elsewhere in the Ninth Circuit numbered far less than those from California at 25,418. Other states do not dominate their circuit court dockets in the way that California's caseload dwarfs the entirety of the Ninth Circuit.

The citizens of the other states of the Ninth Circuit would be better served if they were represented by their own circuit court. The state of California, both by population, diversity, and volume of cases commenced in circuit court, is a prime candidate for being the sole state within a newly created circuit court system. The number of cases generated within California and the size of the state alone would justify it being served by its own circuit. As solutions to the issues facing the Ninth Circuit are discussed, creating a new circuit court for California should be considered.

Ninth Circuit Civil Cases as of December 31, 2015			
	Commenced	Terminated	Pending
California	28,781	29,053	24,200
Other 9th Circuit States	15,339	14,968	14,202
Total Ninth Circuit	44, 120	44,021	38,402

Ninth Circuit Criminal Cases as of December 31, 2015			
	Commenced	Terminated	Pending
California	6,170	6,521	9,115
Other 9th Circuit States	10,079	10,494	7,332
Total Ninth Circuit	16,249	17,015	16,447

Ninth Circuit Total Cases as of December 31, 2015			
	Commenced	Terminated	Pending
California	34,951	35,574	33,315
Other 9th Circuit States	25,418	25,462	21,534
Total Ninth Circuit	60, 369	61,036	54,849