

28 U.S.C. Section 333. Judicial Conferences of Circuits

The chief judge of each circuit may summon biennially, and may summon annually, the circuit, district, and bankruptcy judges of the circuit, in active service, to a conference at a time and place that he designates, for the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit. He shall preside at such conference, which shall be known as the Judicial Conference of the circuit. The judges of the District Court of Guam, the District Court of the Virgin Islands, and the District Court of the Northern Mariana Islands may also be summoned biennially, and may be summoned annually, to the conferences of their respective circuits.

Every judge summoned may attend.

The court of appeals for each circuit shall provide by its rules for representation and active participation at such conference by members of the bar of such circuit.

COUNCIL ORDER

The purpose, organization, and procedures of the Judicial Conference of the Ninth Circuit shall be as follows:

1. Purpose

- a. The Judicial Conference of the Ninth Circuit (circuit conference) shall meet annually, but is a continuing entity.
- b. The purpose of the circuit conference is:
 - (1) To consider the business of the courts in the Ninth Circuit.
 - (2) To advise means of improving the administration of justice in the Ninth Circuit.
 - (3) To assist in implementing decisions made by competent authority as to the administration of the business of the courts in the Ninth Circuit.

2. Composition of the Conference

- a. The circuit conference shall be composed of the following members:
 - (1) All active and senior circuit and district judges in the Ninth Circuit.
 - (2) All bankruptcy judges in the Ninth Circuit and all recalled bankruptcy judges serving at the time of the conference.
 - (3) All full-time magistrates judges in the Ninth Circuit and all recalled full-time magistrate judges serving at the time of the conference.
 - (4) Lawyer representatives in the following categories:
 - (a) The United States Attorney from each district and the Federal Public Defender or community defender from each district having one;
 - (b) Lawyers serving on the Executive Committee of the Conference who are not otherwise members of the conference; and

- (c) Lawyer representatives, apportioned among the districts of the circuit in proportion to the authorized active district judgeships in the district, according to the following formula: (# of active authorized judgeships)multiplied by (1.28) = # of lawyer representatives (round up .5 and above); and
- (d) Lawyers serving on the Senior Advisory Board.

b. Where selection is required in section 2.a hereof, conference members shall be selected as follows:

(1) Lawyer representatives from the category described in subsection a(4) (c) shall be selected within 90 days after the beginning of the conference year according to the criteria set forth in section 2.c and by means of one of the following procedures:

(a) The bar in the district shall nominate to a committee of judges within the district a number of proposed lawyer representatives approximately three times larger than the number to be selected, and the committee of judges shall select the lawyer representatives for that district from the names so submitted.

(b) A committee of judges within the district shall nominate to the bar within the district a number of lawyer representatives approximately three times larger than the number to be selected, and the bar shall select the lawyer representatives for that district from among the names so submitted.

(c) Any alternative procedure which better meets the needs of the individual district so long as that system adheres to the principle that the lawyer representatives shall represent the attorneys rather than the judges. Any such alternative procedure must have prior approval of the Executive Committee.

(d) The word "bar" as used in this subsection, 2.b(1)(a), means an association or associations of attorneys formed by attorneys for the purpose other than selection of lawyer representatives pursuant to these bylaws. Such association or associations, taken singly or collectively, shall be representative of the attorneys practicing in the federal courts of that district.

(e) The committee of judges referred to in subsections 2.b(1)(a) and (b) would ordinarily be composed of two district judges of the district from which the representative is to be chosen and one circuit judge residing in, or closest to, that district.

(i) The district judges should be chosen by the chief judges of the respective district courts.

(ii) The circuit judge should be chosen by the circuit administrative judge for that administrative unit. Circuit judges are selected for a three-year term which may be extended. The new participating circuit judge shall be appointed by January 1.

(iii) The circuit executive, as Secretary to the Judicial Conference, shall be informed of the members of the selection committee.

(2) Lawyers from the category described in subsection (4)(d) shall be selected to fill staggered three year terms through the following procedure:

(a) Three senior lawyers shall be selected from each administrative unit of the court of appeals;

(b) The chairs of the lawyer representative delegations in the administrative unit shall nominate a slate of three names of senior lawyers from the unit for each vacancy and shall submit them to the Conference Executive Committee;

(c) The Conference Executive Committee shall select the lawyers for the Senior Advisory Board from the names so submitted.

- c. Criteria for the selection of lawyer representatives invited pursuant to subsection 2.a(4)(c) are that each representative shall be:
- (1) A lawyer admitted to practice in the district court and actively involved in federal practice.
 - (2) A lawyer interested in the purposes and work of the conference.
 - (3) A lawyer willing and able to contribute actively to the purposes and work of the conference.
 - (4) A lawyer willing to assist in implementing conference programs with the local bar.
 - (5) A lawyer who, together with others selected, will constitute a fair cross section of practitioners before the federal courts of the district. The selection committee should consider the gender, ethnic, racial, and religious diversity and the diverse geographic and practice backgrounds of those who practice before the federal courts.
- d. Lawyer representatives shall serve as members for three-year terms. A number equaling as nearly as possible one-third (1/3) of the lawyer representatives from each district shall be appointed each year. A lawyer representative (except as designated in subsection 2.a(4)(a)) shall not serve as such for more than three consecutive years, nor be eligible for further service in such capacity until the expiration of one full conference year following the end of his or her prior term. Lawyer representatives who have completed their terms shall continue to serve as ex-officio members of the district's lawyer representatives delegation for a period of two years following completion of their three year terms. As ex-officio members, they shall have the right and duty to participate in all respects in meetings among the representatives and judges, other than attending the Conference. Ex-officio members are not eligible to attend the Conference in that capacity except as an alternate for a lawyer representative unable to attend.
- e. Each member of the conference shall have one vote upon matters considered by the conference.
- (1) Judges and lawyer representatives shall vote separately on conference resolutions.
 - (2) A resolution is deemed "passed" by the conference when a majority of the judges voting separately and a majority of the lawyer representatives voting separately vote in favor of its passage.
- f. The Executive Committee, upon consultation with the chief circuit judge, may in its discretion invite attendance at the conference by other persons, who shall be non-voting attendees.

3. Committees

- a. There shall be the following committees of the conference:
 - (1) The Executive Committee
 - (2) The Lawyer Representatives Coordinating Committee, composed of the several chairs of the lawyer representatives' delegations from each district in the circuit. The lawyer representatives shall elect a vice chair who shall automatically become chair-elect commencing at the conclusion of the next annual conference. The chair-elect shall automatically become the chair for a one-year term at the conclusion of the next annual conference. The vice chair must be the chair of a lawyer representative delegation at the time of election. In the absence or disability of the chair, the chair's duties and responsibilities shall be carried out by the chair-elect. The Lawyer Representatives Coordinating Committee shall elect a person to fill any vacancy in the office of chair-elect or vice-chair.
 - (3) Such other ad hoc committees to accomplish specific projects as shall be established by the Executive Committee, or as shall be authorized by the circuit conference.

- b. The composition, organization and duties of the Executive Committee shall be as follows:
 - (1) The Executive Committee shall have the following membership:
 - (a) The chief judge of the circuit, or designee.
 - (b) Three active circuit judges of the circuit elected by the active circuit judges for staggered three-year terms.
 - (c) Three active district judges of the circuit elected by the District Judges Association for staggered three-year terms.
 - (d) One bankruptcy judge elected by the bankruptcy judges for a three-year term.
 - (e) One full-time magistrate judge elected by the full-time magistrate judges for a three-year term.
 - (f) Nine lawyers: The current chair and, chair-elect, and vice chair of the Lawyer Representatives Coordinating Committee; and six lawyers elected by the lawyer representatives of the conference for staggered three-year terms. The lawyer Committee members must be selected from among those who are lawyer representatives of the conference at the time of their election, and one of them shall be a lawyer representative under Subsection 2(a)(4)(a).
 - (g) The current president of the Ninth Circuit District Judges Association or designee.
 - (h) Members of the Executive Committee shall not serve for more than three consecutive years, nor be eligible for further service in such capacity until the expiration of one full conference year following the end of his or her prior term, except as provided in 3.b.(2)(a) below.

 - (2) The Executive Committee shall be organized as follows:
 - (a) The chief circuit judge shall appoint its chair from the membership of the Executive Committee for a one-year term. The chair shall be selected on a rotating basis from the following three categories; selection from within these categories shall be at the discretion of the chief circuit judge:
 - (i) circuit, bankruptcy or magistrate judge

- (ii) district, bankruptcy or magistrate judge
- (iii) lawyer representatives.

The Program Subcommittee chair shall be selected by the Executive Committee chair. Both the Executive Committee chair and the Program Subcommittee chair may have their terms on the Executive Committee extended in order to serve in those positions. An individual serving an extended term shall continue to be a voting member of the Executive Committee but shall not be counted in fixing the membership of the Executive Committee as set forth in Section 3.b.(1). The Executive Committee chair may also designate any other member of the Executive Committee to act in the absence or unavailability of the chair.

(b) It shall establish such subcommittees for the accomplishment of its business as it from time to time deems appropriate, subject to review by the circuit council. It shall appoint the members of such subcommittees, who need not be members of the Executive Committee.

(c) The circuit executive shall serve as Secretary and Treasurer of the Executive Committee and of the conference.

(3) The authority and responsibility for the conduct of the business of the circuit conference is vested in the Executive Committee, subject to review by the circuit council. Without limiting the foregoing, the Executive Committee shall:

(a) Attend to the finances of the conference.

(b) Make plans for and see to the accomplishment of the purposes and activities of the conference, both at the annual meetings and in the interim.

(c) Establish ad hoc committees of the conference to accomplish specific projects, and recommend to the chief judge the names of persons for appointment to such committees.

(4) By acceptance of appointment to the Executive Committee, an appointee undertakes to attend all meetings thereof unless his or her absence is excused in advance of the meeting by the chair of the committee.

- c. The Lawyer Representatives Coordinating Committee shall, subject to the authority of the Executive Committee, coordinate the activities of the lawyer representatives, both at the annual meetings of the conference and in between such meetings, in order to effectuate the purposes of the conference as stated in this order. It shall act as liaison between the Executive Committee and the lawyer representatives. It shall also act as liaison between the court of appeals and the lawyer representatives. It shall elect a current lawyer representative to fill any interim vacancy of lawyer members on the Executive Committee.
- d. Each ad hoc committee of the conference shall be established for the accomplishment of a specific project and is subject to dissolution upon accomplishing that project. A report to the conference from any ad hoc committee shall include a recommendation for appropriate action to be taken on the basis of the report, including, if appropriate, a recommendation for

distribution of the report. The members of such committees shall serve at the pleasure of the Executive Committee, but for no longer than three consecutive years, and shall not be entitled to attendance at the annual meeting of the conference by virtue of their committee membership except upon individual invitation from the Executive Committee.

4. Business and Annual Meetings

- a. Each conference year shall begin at the conclusion of an annual meeting and end at the conclusion of the next succeeding annual meeting.
- b. The delegation of lawyer representatives of a district of the circuit shall be composed of those selected pursuant to subsections 2.a(4)(a)-(c). At or before the annual meeting of the conference, each district delegation shall elect, from among its members whose terms continue during the following conference year, a chair to serve during the following conference year.
- c. The conference shall, under the general supervision of the Executive Committee, take actions necessary or proper to accomplish the purpose of the conference throughout the conference year. Within each district, the chief judge of the district or his or her designee, and the chairperson of the lawyer representatives' delegation or his or her designee in that district shall confer with each other and, together with the circuit judges, district judges, bankruptcy judges, magistrate judges and lawyer representatives, plan and accomplish such activities within the district as shall be requested by the Executive Committee or as shall be necessary and proper to accomplish the purposes of the conference. The Chairman of the Executive Committee of the Conference shall issue a report to the delegates, either in writing thirty (30) days before the commencement of the next succeeding conference or orally at the beginning of the next succeeding conference, setting out what decisions, discussions and other significant events have occurred during the course of the year relating to the subjects of the preceding conference. At the conference, or within thirty days thereafter, the chief judge of the district or his or her designee and the chairperson of the lawyer representatives or his or her designee for the district, together with the circuit judge designated by the chief circuit judge, shall meet to do the following:
 - (1) Set firm dates for the nomination and the selection of the lawyer representatives. The process shall be completed and the new lawyer representatives appointed within ninety days following the close of the conference.
 - (2) Identify at least four tentative dates for meetings of the lawyer representatives either as an entire delegation or in regional groups.
 - (3) Identify at least two tentative dates for a joint lawyer representatives-judges meeting. The first should take place within four months following the conference, and another within the two months preceding the next conference. Special circumstances may dictate a variety of methods of meeting the spirit of these requirements.
 - (4) Discuss and plan for the holding of a district conference to consider the administration of justice within the district, including to discuss and carry forward the themes of the annual circuit conference. All judicial officers and lawyer representatives should be invited to the annual district conference. Districts are encouraged to invite a cross-section of other federal practitioners to attend to increase communication with and to broaden bar participation in federal court administration.
 - (5) Within ten days following the selection of the new lawyer representatives, the lawyer

representative chairperson shall by letter advise the Circuit Executive of each newly-selected representative's name, address, term, firm or affiliation. Such letter shall also identify the method of selection, as set forth in Section 2(b)(3), which was utilized in the selection of the lawyer representative and shall advise that the meeting dates called for by subparagraphs 2, 3 and 4 have been scheduled.

(a) The lawyer representatives shall function as a liaison committee to assist the district court in improving the administration of justice in the district and to implement conference goals and programs.

(b) Each district shall submit to the district membership and to the Circuit Executive's Office for consideration at the annual meeting, at least thirty days prior to the meeting, a written report on the business of the courts within the district and emphasis on any special problems. The district report shall be jointly submitted by the chief judge or his or her designee and the lawyer representative chairperson. It shall include:

(i) A statement of the lawyer representatives' efforts to coordinate with the local, county, and other bar associations, and lawyers generally who practice before the federal courts within that district to obtain views of how the administration of justice could be improved within that district.

(ii) The agenda from the district conference and an indication of the number of attendees.

(iii) A brief description of the efforts of the judges and lawyer representatives to follow up on the themes of the prior year's conference.

(iv) A description of current lawyer representative projects or efforts in the district to improve the administration of justice.

(v) A statement of any special problems confronting the district.

d. The annual meeting of the conference shall take place at such time and place as shall be designated by the chief judge of the circuit and shall be subject to the following:

(1) The meeting program shall include separate executive sessions of the circuit judges, the District Judges Association, the bankruptcy judges, the magistrate judges, and the lawyer representatives, and also general sessions of all members of the conference.

(2) The chief judge of the circuit, or such other person(s) as may be designated at the chief judge's request by the Executive Committee, shall preside at the general sessions.

(3) Unless permitted by the Executive Committee or by a two-thirds vote of voting members present, no resolution shall be considered by the conference unless it has been filed with the secretary of the conference not less than 45 days prior to the opening session of the conference. This rule is not intended to prevent amendment of a timely-filed resolution by majority vote at the time of consideration of the resolution.

(4) All committee reports and recommendations to be considered by the conference at the annual meeting shall be filed with the secretary of the conference not less than thirty days prior to the opening session of the conference. No part of any committee

report or recommendation may be amended from the floor of the conference unless such proposed amendment has been filed with the secretary of the conference at least ten days before the opening session of the conference or unless the proposed amendment is expressly accepted by the committee (or its chairman) which submitted the report or recommendation being considered.

- e. Following the annual meeting, the Circuit Executive, as secretary of the conference, shall transmit any resolutions adopted by, and any committee reports submitted to, the conference to the judicial council for appropriate action at the first meeting of the council following the conference. (However, should the Resolutions Subcommittee determine that some body other than the judicial council has primary responsibility for consideration of said resolution, the resolution may be referred directly to such body and the referral reported to the Council.) In either case, the Circuit Executive shall report to both the Executive Committee and Subcommittee on Resolutions on actions taken and on the status of resolutions every 60 days.

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