

United States Court of Appeals
District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, DC 20001-2866

Chambers of
Merrick B. Garland
Chief Judge

Telephone (202) 216-7460
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July 1, 2013

The Honorable Charles E. Grassley
Ranking Member
United States Senate
Committee on the Judiciary
Washington, DC 20510-6275

Dear Senator Grassley:

Thank you for your letter of June 20, 2013. Enclosed are responses to your two inquiries, prepared by the Clerk of the Court.

Sincerely,



Merrick B. Garland
Chief Judge

Enclosures

cc: The Honorable Patrick J. Leahy, Chairman
Members of the Court
Clerk of the Court

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Response to Questions 1 and 2

U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

ACTIVE JUDGES

Court Term (Sept. 1 - Aug. 31)	Number of Active Judges	Consolidated Cases Scheduled for Oral Argument Per Active Judge (on average)*	Consolidated Matters Presented Without Oral Argument Per Active Judge (on average)**
2003-04	9	99	218
2004-05	9	89	261
2005-06	9	91	274
2006-07	10	90	279
2007-08	10	84	271
2008-09	9	80	363
2009-10	9	73	246
2010-11	9	78	287
2011-12	8	76	290
2012-13	8 ⁺	81	***

Notes:

* Multiple cases consolidated for the oral argument calendar are counted as single cases in this column. This column includes cases scheduled for oral argument that were decided without oral argument pursuant to FRAP 34(j).

** Multiple matters consolidated for presentation without oral argument are counted as single matters in this column. This column includes dispositive and procedural motions and cases not scheduled for oral argument that were considered on the briefs pursuant to FRAP 34(j).

*** The current term's non-oral-argument panels do not end until August 31, 2013.

⁺ Judge Sentelle was active for the majority of the term and is included in this figure.

U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

SENIOR JUDGES

Senior judges can choose to hear between 0% and 100% of the oral argument schedule of an active judge. They can decide anew each term what percentage they wish to hear for the following term. The Court currently has six senior judges who hear oral argument. (The court has one additional senior judge who no longer hears cases.) This term, expressed as full-time equivalents (FTEs) of the oral argument schedule of an active judge, the senior judges' contributions were as follows: one judge who took senior status mid-term continued at 100% (and plans to do so next term); one judge at 75%; two judges at 50%; and two judges at 25%. Combined, this amounted to 3.25 FTEs of an active judge's oral argument schedule this term.

Senior judges are not required to sit on the special panels that consider matters presented without oral argument, and with one brief exception have not done so since the 1980s. (The exception was one senior judge who took senior status mid-term but fulfilled his special panel commitment for that term.) The workload for active judges with respect to oral-argument and non-oral-argument matters is set forth in the enclosed chart.