

Statement of

EDWARD J. LODGE
Chief Judge

United States District Court
District of Idaho

To The

COMMISSION ON STRUCTURAL ALTERNATIVE
FOR THE FEDERAL COURTS OF APPEALS

I, Edward J. Lodge, was appointed to the United States District Court in Idaho in November 1989, and have served as its Chief Judge for the last six years.

Splitting the Ninth Circuit is a phenomenon whose time has come if we are truly interested in service to the public. I say that with utmost respect for the Ninth Circuit and its judges who have worked extremely hard, under adverse conditions, to dispose of the case load over which they have no control.

As a trial judge with responsibility to apply the law applicable in any given case, I find it almost impossible to keep current on the approximate 1,000 opinions issued by the Ninth Circuit and still carry out the other responsibilities and duties of this office.

The Ninth Circuit is becoming a victim of sheer size being the largest of the federal circuits in members of judges, volume of cases, population and land extending all the way from the Mexican border to the North Pole and from the Mariana Islands to the Rocky Mountains.

I cannot think of one administrative cost that involved new facilities or changes in physical facilities, that I have dealt with in the 35 years I have been a judge, that became less costly by delay or where taxpayers were better served by ignoring the inevitable.

I know you are privy to the statements of the Honorable Thomas G. Nelson and Steven S. Trott, Judges of the Ninth Circuit. Rather than repeat their observations, I would just simply adopt the same as I feel they correctly reflect the current problems in this Circuit.