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(Original Signature of Member)

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

To amend title 28, United States Code, to provide for the allotment of Supreme Court justices to circuits, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title 28, United States Code, to provide for the allotment of Supreme Court justices to circuits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supreme Court Justice  
5 Circuit Riding Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1           (1) Circuit riding, the system of the Supreme  
2           Court justices traveling the country to serve as  
3           judges of the various Federal circuit courts, was an  
4           essential component of the Supreme Court's practice  
5           for the first 121 years of its history. See David R.  
6           Stras, *Why Supreme Court Justices Should Ride Cir-*  
7           *cuit Again*, 651 MINN. L. REV. 1710, 1711  
8           (2007); see also *Stuart v. Laird*, 5 U.S. (1 Cranch)  
9           299 (1803) (rejecting constitutional objections to  
10          circuit riding). That practice ended in 1911.

11          (2) For the justices, the practice of circuit  
12          riding exposed the justices to life outside of Wash-  
13          ington and brought them closer to the American  
14          public.

15          (3) Today's justices, in contrast, spend roughly  
16          9 months a year cloistered in the Supreme Court  
17          building in Washington, DC, rendering decisions and  
18          issuing opinions on some of the most consequential  
19          issues of the day. See Stras, *supra*, at 1711.

20          (4) The principal historical arguments against  
21          circuit riding regarded burdensome travel and a bur-  
22          geoning docket. Both concerns have dissipated. Mod-  
23          ern-day travel is convenient and the Supreme  
24          Court's docket has shrunk considerably. According  
25          to an analysis by Adam Feldman, a lawyer and po-

1        litical scientist who publishes empirical work on the  
2        Supreme Court, the Supreme Court’s workload has  
3        steadily declined since the 1960s. Indeed, by the  
4        mid-2010s, the Supreme Court was deciding fewer  
5        cases than it has since the Civil War and Recon-  
6        struction. Adam Feldman, *Looking Back to Make*  
7        *Sense of the Court’s (Relatively) Light Workload*,  
8        EMPIRICAL SCOTUS (Jan. 9, 2018).

9            (5) Today, the public’s confidence in the Su-  
10        preme Court is near historic lows. Joseph Copeland,  
11        *Favorable views of Supreme Court remain near his-*  
12        *toric low*, PEW RSCH CTR. (Aug. 8, 2024). Most  
13        Americans cannot even name a single Supreme  
14        Court justice. See Emily Birnbaum, *Poll: More than*  
15        *half of Americans can’t name a single Supreme*  
16        *Court justice*, ROLL CALL (Aug. 28, 2018).

17            (6) For these reasons, restoring the practice of  
18        circuit riding would help to restore the public’s trust  
19        in the justices, bring them closer to the people, and  
20        expose them to life outside of the secluded confines  
21        of Washington, DC. As then-professor (now judge)  
22        David Stras observed, “[a] modern form of circuit  
23        riding would ensure that justices gain exposure to a  
24        wider array of legal issues, the laws of various  
25        States, and the difficulties faced by lower courts in

1 implementing the Court’s sweeping (and sometimes  
2 confounding) rulings” Stras, *supra*, at 1711.

3 **SEC. 3. ALLOTMENT OF SUPREME COURT JUSTICES TO CIR-**  
4 **CUITS.**

5 (a) IN GENERAL.—Section 42 of title 28, United  
6 States Code is amended to read as follows:

7 **“§ 42. Allotment of Supreme Court justices to circuits**

8 “(a) IN GENERAL.—The Chief Justice of the United  
9 States and the associate justices of the Supreme Court  
10 shall from time to time be allotted as circuit justices  
11 among the circuits by order of the Supreme Court. The  
12 Chief Justice shall make such allotments for any recess  
13 during the period beginning on July 1 and ending on Octo-  
14 ber 1, or while the court is otherwise in vacation. A justice  
15 may be assigned to more than one circuit, and two or more  
16 justices may be assigned to the same circuit.

17 “(b) PROCESS.—A justice of the Supreme Court al-  
18 lotted as a circuit justice to a United States Court of Ap-  
19 peals shall serve consistent with the following:

20 “(1) The justice shall sit on not less than 1  
21 panel of the Court of Appeals.

22 “(2) The justice shall sit on one or more panels  
23 of the United States Courts of Appeals for not less  
24 than 10 days of oral argument during each year.

1           “(3) To the greatest extent practicable, a jus-  
2           tice shall not sit with the same judge for more than  
3           10 days of oral argument during any two-year pe-  
4           riod.

5           “(4) The justice shall engage in such service  
6           during the time period specified in subsection (a),  
7           pursuant to the regulations provided in subsection  
8           (d).

9           “(5) No more than one justice may sit on a  
10          panel in order to fulfill the requirements of this sec-  
11          tion

12          “(6) The justice is ineligible to vote on or par-  
13          ticipate in an en banc rehearing of any matter.

14          “(7) The justice is eligible to vote for panel re-  
15          hearing to the extent that they were a member of  
16          the original panel.

17          “(8) The justice may not render such service by  
18          video argument or teleconference.

19          “(c) SCHEDULING.—The chief judge of each circuit  
20          shall schedule proceedings such that the justices may ful-  
21          fill the requirements of this section.

22          “(d) REIMBURSEMENT OF NECESSARY EXPENSES.—  
23          Provision shall be made for payment of reasonable travel,  
24          lodging, and other expenses incurred by the justices, and  
25          any staff accompanying a justice, in fulfilling the require-

1 ments of this section consistent with section 5702 of title  
2 5, United States Code.”.

3 (b) DISQUALIFICATION.—Section 455(b) of title 28,  
4 United States Code, is amended by adding at the end the  
5 following:

6 “(6) For any consideration of a matter after  
7 the justice has participated as a circuit justice.”.

8 (c) REGULATIONS.—Not later than 180 days after  
9 the date of enactment of this Act, the Chief Justice, in  
10 consultation with the Judicial Conference of the United  
11 States shall, after appropriate public notice and oppor-  
12 tunity for comment, issue relevant regulations for the  
13 process of allotting circuit justices among the circuits in  
14 accordance with this Act.