

A Summary of Calendaring Practices in the 9th Circuit

The rules which govern calendaring practices in the 9th circuit are reported in chapter 3 of the Ninth Circuit General Orders (http://www.ca9.uscourts.gov/rules/general_orders.php). This document is a summary of those rules, as we understand them.

Appeals to the Circuit Court are regularly heard in six cities: San Francisco (12 sessions a year), Pasadena (12 sessions a year), Seattle (12 sessions a year), Portland (6 sessions a year), Honolulu (3 sessions a year), and Anchorage (1 session a year). At times, appeals are heard in other cities. Appeals are argued before a panel of three judges. A panel will generally hear a cluster of cases in a single court session known as a Panel Sitting. The Clerk's Office groups cases into clusters so that (a) similar cases are heard together and (b) the combined workload required for the cluster is reasonably similar to other clusters. Thus, calendaring cases consists of three broad tasks:

1. Establishing the dates that cases will be heard in each city.
2. Based on the availability of judges, assigning judges to cities and then to panels within each city.
3. Assigning case clusters to Panel Sittings.

The Clerk must assign case clusters to Panel Sittings in a neutral way, as the General Orders states: "The Clerk shall then assign the case clusters to the panels that will be sitting, without regard to which judges are sitting on the panels."

The General Orders outline a number of factors which influence when and to which city a judge is assigned. We note that:

1. Active judges are assigned to eight monthly city-specific calendars, and within each calendar, serve on five panels.
2. Judges are rotated throughout the circuit so that
 - (a) each active judge is assigned to each city with roughly the same long-run frequency,
 - (b) each active judge is grouped with other judges in the circuit with roughly the same long-run frequency.

The General Orders outline a number of factors which influence when and to which city a case is assigned. We note that:

1. The Clerk designates which cases are to be scheduled.
2. Clusters are created from the list of designated cases.
3. Cases are generally scheduled in the order of appeal, though certain cases have priority.
4. A case may be included with a previously scheduled case cluster if the cluster already includes a similar case.