



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402

**RANDOM ASSIGNMENT OF FEDERAL JUDGES
IS IMPORTANT TO RETAIN PUBLIC CONFIDENCE**

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Practically all citizens agree that the federal judiciary is critically important to our democracy. For citizens to have confidence in and respect for the judiciary, it must be above suspicion. To retain the public's confidence and respect, the judiciary must not only deliver justice, but also be perceived as doing so. The perception that justice is being done is as important to the public's confidence in the courts as is the actual occurrence of justice.

RANDOM ASSIGNMENTS.

One important way for courts to maintain the confidence of the public is by randomly assigning cases to judges. All federal district courts, with the exception of the District of Guam, are now made up of multiple district judges. To avoid the possibility of judges picking cases over which to preside, or of lawyers picking judges to hear their cases, courts assign cases to judges randomly.

Initially, the assignment system depended on a physical deck of 3-by-5 cards each labeled with the name of a judge. The deck was shuffled so that the judges' names appeared randomly multiple times in the deck. When a new case was filed, the Clerk of Court would pull the top card from the deck and assign the case to the judge whose name appeared on that card. Because the cards were in random order, it was unpredictable who the next judge assigned to a case would be. The same judge could be selected for multiple cases in a row. Nowadays, the random assignments are made by computer programs and the actual, physical decks are no longer used.

DANGER OF LAWYERS PICKING JUDGES.

Public perception of justice is endangered if the public has reason to believe that lawyers are steering their cases to judges who may rule in their favor for personal reasons, ideological reasons, or other reasons not related to the law and facts. Lawyers naturally would love to have their cases heard by a judge they think is "sympathetic" to their clients. Yet, one can imagine how the other side would feel if they knew that their opponent had secured their preferred judge to hear a case. They would feel that the entire proceeding was unfair, and before long, the public at large would come to feel the same way. A lawyer strategically seeking to have a case heard by a

sympathetic judge is sometimes referred to as judge shopping. It invites the appearance that some are using the courts not to seek justice, but to secure a preordained result based on who the judge is rather than the merits of the case.

DANGER OF JUDGES PICKING CASES.

A corollary to the danger of allowing lawyers to pick particular judges is the danger of allowing judges to pick particular cases they want to hear. Such selections would lead the public to think a judge had an outsized interest in a case that might conflict with the judge's duty to ensure justice is done. Others might conclude that the judge's interest in presiding over that case would indicate a bias for or against one of the parties. In either scenario, the public's perception of an impartial and fair federal judiciary would be endangered. Random assignment of cases alleviates that concern.

SINGLE-JUDGE DIVISIONS.

Although virtually all districts have multiple judges, some districts are split into geographical divisions that might have only one judge each, making random assignment of cases more challenging. The Judicial Conference of the United States—the policy-making body for the federal judiciary—encourages district courts to minimize this concern by engaging in random case assignment across entire districts for certain civil cases with the potential for state-wide or national effects.

RANDOM ASSIGNMENT OF CASES PRESERVES TRUST IN THE JUDICIARY.

The Constitution gives federal judges lifetime tenure. It does so for a reason—so judges are not beholden to politics, parties, outside interests, or public pressure. If the public comes to believe that lawyers or interest groups are able to steer their cases before sympathetic judges, the perception of fairness is in danger.

That's why random case assignment is so essential. When cases are assigned randomly it removes the ability to pick and choose a judge or for a judge to pick and choose a case. Accordingly, it preserves public trust in the process and reinforces the ideal that the law, not a litigant's strategy, determines the outcome.

In any courtroom, the principle is clear: justice must be blind. Random assignment of cases helps to ensure that it is.

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