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Federal judges stretched thin in Indiana as they await White House appointments

POSTED 4:50 PM, SEPTEMBER 26, 2017, BY [RUSS MCQUAID](#), UPDATED AT 07:51PM, SEPTEMBER 26, 2017

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INDIANAPOLIS, Ind. – This is what the Judicial Emergency at the U.S. District Court for the Southern District of Indiana looks like to Chief Judge Jane Magnus-Stinson.

“I had a four-inch binder that I took home with me last night so that I could be prepared for conversations today with my staff,” she said. “You just do the best you can.”

To be declared in a judicial state of emergency, the dockets of a court’s judges must exceed 450 cases.

The judges who work in the federal courts stretching from Indianapolis to Terre Haute to Evansville to New Albany carry on average about 915 cases apiece.

With one judgeship vacant for more than three years and the deaths of a magistrate judge and a senior judge this summer, the Southern District of Indiana is struggling to handle a flood of cases that make it the second busiest district in the United States.

“We’ve had five authorized judgeships basically for decades,” said Judge Magnus-Stinson who advises it would take an Act of Congress to add a sixth seat in the overworked district. “We’ve haven’t had a new judgeship authorized and with the climate in Washington new judgeships are pretty hard to come by.”

President Trump inherited 108 federal bench vacancies on January 20, the day he was inaugurated, according to Ballotpedia. Since that time, the number of vacancies has ballooned to 144 with 45 pending nominees.

The White House has nominated only district judges in states represented by two Republican U.S. senators, most recently forwarding several names for confirmation to posts in Alabama and Texas.

“Each administration has their priorities about the order of filling vacancies that they want, how they want it handled” said the chief judge, “and that it’s beyond our control in any way

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other than to continually remind our senators of our need.”

When asked if it was a coincidence that states like Indiana, represented by one Democrat and one Republican in the U.S. Senate, were shut out of the nominating process while red states were seeing candidates named to fill empty seats, Judge Magnus-Stinson said, “I have no idea.”

The Southern District of Indiana is ripe for litigation as the home of Eli Lilly and Roche Diagnostics which can find themselves embroiled in multiple patent lawsuits familiar to the life sciences industry, said Judge Magnus-Stinson, as well as the location of a federal prison and 21 of Indiana’s 26 state prisons from which incarcerated offenders file civil and constitutional rights violations lawsuits.

More staff attorneys are being hired to handle prison litigation.

Federal judges from Wisconsin, Illinois and northern Indiana are volunteering to handle some of cases filed in Indianapolis.

Judge Magnus-Stinson said the four sitting judges, aided by four judge magistrates and a senior judge, at the Southern District are responsible for 2,793 civil cases, 367 criminal cases and 875 fully briefed motions awaiting decisions.

The deaths of Magistrate Judge Denise La Rue and the unexpected passing of Senior Judge Larry McKinney, in the wake of a three-year vacancy left by the semi-retirement of another judge, has left the Southern District struggling to keep pace with the demands of justice.

“It is going to cause problems,” said Judge Magnus-Stinson. “We can only be in one place at one time we can only try one case at a time.”

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