

STAFFING GUIDELINES FOR SENIOR JUDGES IN THE SECOND CIRCUIT

Effective: December 11, 2025

Senior circuit and district judges (“senior judges”) already have served the federal judiciary and this country honorably for many years before taking senior status. It is the policy of the Second Circuit Judicial Council (“Judicial Council” or “Council”) that senior judges should be treated for all purposes exactly like active judges, except for those differences incident to statute or required by the judge’s reduction in workload. Senior judges are entitled to the same level of respect and deference as their active colleagues and are to suffer no diminution in status because of their election of senior service, recognizing that they continue to hold their judicial offices.

It is the intent of the Council to allow senior judges to aggregate the broad array of services they render to the courts of this Circuit and this country toward satisfying the statutory and regulatory requirements for chambers staff. These guidelines are intended to assist the Council in ensuring that senior judges are recognized for their continued service to the federal judiciary and are provided staffing appropriate to that service. They take into account the totality of the circumstances bearing upon the work of the courts and the individual senior judge.

A. Senior judges who perform “substantial judicial work” are entitled to chambers staff.¹ To qualify for chambers staff, a senior judge “must carry a substantial

¹ Staff refers to a chambers law clerk, paralegal, or judicial assistant. *Guide to Judiciary Policy*, Vol. 3, Ch. 8, § 860.10. Court reporters and courtroom deputies are not chambers staff positions. *Id.* §§ 860.20-30.

caseload, that is, one sufficient to keep that chambers law clerk, paralegal, or judicial assistant engaged full time.” *Guide to Judiciary Policy*, Vol. 3, Ch. 8, § 860.10(b)(1).

- B. For the purpose of approving staff, the Council will meet annually to survey the judicial work performed by each senior judge principally in the prior full fiscal year, but also in the current fiscal year as well as the work expected to be performed in the fiscal year to come. The Council should consider the following:
 - 1. Case-related statistics
 - 2. Any other relevant information, including information submitted by the senior judge and the chief judge of the senior judge’s court.
- C. As circumstances warrant, the Council may depart from these guidelines, suspend their effect, or modify them.
- D. In accordance with Judicial Council policy, senior judges may hire staff in any combination up to the number of staff positions approved annually by the Council, except that senior circuit judges approved for five staff positions may not hire more than four law clerks.
- E. If staff assigned to a senior judge is not used by that judge, the chief judge of the senior judge’s court may reassign staff, full-time or part-time, to other judges.
- F. In determining whether a senior judge performs substantial judicial work, the Council may consider the work categories and criteria in Section (H) as well as additional case-related service, including but not limited to:

1. Acceptance of assignment of trial-ready cases from other judges in the senior judge's court;
2. Handling motions and pre-trial matters;
3. Handling habeas corpus petitions;
4. Accepting emergency or additional assignments by the chief judge of the circuit or of the senior judge's court;
5. Serving as a visiting judge pursuant to intra- or inter-circuit assignments;
6. Presiding over support court, reentry court, diversion court, or other alternative court;
7. For circuit judges: accepting assignment on the non-argument calendar;
8. Service on the Foreign Intelligence Surveillance Court or the Judicial Panel on Multi-District Litigation.

G. Administrative work and other non-case-related duties, such as service on committees or sub-committees of the Judicial Conference of the United States, the Second Circuit Judicial Council, or the senior judge's court, including grievance committees, or service to the Federal Judicial Center, Administrative Office of the United States Courts, and United States Sentencing Commission,

may be considered only with prior approval of the Judicial Council based on a clear written description of specific tasks to be completed by the chambers staff.²

H. Presumptions

The objective, case-related criteria below should be considered in determining senior judge staffing. Failure to satisfy any of these criteria is not conclusive with respect to the presumed authorization of staffing levels for senior judges. There may be circumstances under which a senior circuit or district judge does not meet the qualifications for two (2) staff members under Section (H)(1) or Section (H)(2), respectively. In such instances, the Council may determine that a senior judge qualifies for one (1) staff member, after considering the criteria referred to in Sections (F), (G), and (H) and the assessment of the chief judge of the senior judge's court.

1. Senior Circuit Judges

A senior circuit judge is presumed to have performed substantial judicial work warranting the following chambers staff positions if he or she has carried a workload, measured by sitting days, in the most recently completed fiscal year, as follows:

- At least 80% of that of an active circuit judge – 5 staff positions
- At least 50% of that of an active circuit judge – 4 staff positions

² The requirement that administrative work and other non-case-related duties can be considered only with prior approval by the Judicial Council is necessary to comply with the March 2025 updates to the *Guide to Judiciary Policy*. *Guide to Judiciary Policy*, Vol. 3, Ch. 8, § 860.10(b)(3) (“Circuit judicial council staffing guidelines for senior judges may not provide workload credit based upon non-case-related duties (e.g., committee assignments, speaking engagements, ceremonial duties). Absent prior approval of the circuit judicial council based upon a clear description of specific tasks to be completed by chambers staff, no staffing credit may be provided to a senior judge for non-case-related duties.”).

- At least 25% of that of an active circuit judge – 3 staff positions
- At least 15% of that of an active circuit judge – 2 staff positions

2. Senior District Judges

A senior district judge is presumed to have performed substantial judicial work warranting the following chambers staff positions if he or she has carried a workload, measured by a percentage of the average workload of an active judge³ in the circuit or the senior judge's district, whichever is lower:

- At least 50% of that of an active district judge – 3 staff positions
- At least 25% of that of an active district judge – 2 staff positions.

The senior judge must meet the percentage requirement based on either [i] accepted weighted filings, including cases transferred to the senior judge; or [ii] two of the following six criteria:

- a. Trials⁴
- b. Trial hours⁵

³ “Average workload of an active judge” is the workload of all active judges divided by the number of authorized judgeships. Each November, the Circuit Executive's Office calculates and circulates the average workload of an active judge for the fiscal year just ended, which is then used to measure a senior judge's workload in the then-current fiscal year. For example, the average workload of an active judge in fiscal year 2025 is used to determine whether a senior judge has performed sufficient work in fiscal year 2026 to warrant the requested number of staff positions.

⁴ A trial is defined as a contested proceeding before either a court or jury in which evidence is introduced. Evidence is considered witness testimony or exhibits presented. Trial proceedings include contested evidentiary hearings, suppression hearings, hearings on preliminary injunctions and temporary restraining orders, probation revocation and contested violation proceedings, and similar proceedings as noted in the [District Court Trials Data Program Statistical Reporting Guide, pp. 6-7 \(July 2020\)](#).

⁵ See n.4.

- c. Non-trial hours⁶
- d. Weighted civil terminations
- e. Weighted criminal terminations
- f. Written opinions on the following motions⁷:
 - i. Motions to dismiss
 - ii. Motions for summary judgment
 - iii. Motions for preliminary injunction
 - iv. Motions for temporary restraining order

I. No reduction in requested staffing levels will be made without first affording the affected judge notice of the proposed action and an opportunity to make a prompt written submission to the Council. Any such reduction is subject to reconsideration prior to its effective date on the application of the senior judge affected. No such reduction will be effective earlier than a year after a final determination by the Council about staffing levels.

⁶ Non-trial hours are defined as time spent on arraignments/pleas, sentencing procedures not involving evidentiary hearings, motions, pretrial conferences, grand jury proceedings, conferences and hearings on supervised release and probation matters, jury selection in trials that were settled before evidence was introduced, and similar proceedings as noted in the [*District Court Trials Data Program Statistical Reporting Guide, p. 7.*](#)

⁷ Written opinions on other types of motions may be considered under Section (F).