

Fair Courts Act

Section by Section Summary

Section 1 Title

Section 2 Reinstating Three Judge Requirement for Suits Seeking Nationwide Relief:

This section prohibits a court of the United States, other than a court of appeals or the Supreme Court, from granting nationwide relief in a case unless the request is heard by a panel of three random judges that includes at least one circuit court judge and appealable directly to the Supreme Court. Prior to 1976, three-judge district court panels with direct review by the Supreme Court were used for cases seeking to enjoin state laws and federal statutes on federal constitutional grounds. They are still used for challenges to redistricting.

Section 3 Random Assignment of Cases: This section requires that most civil cases are randomly assigned to judges within a district such that no judge may have a greater than 25% chance of hearing any given case. Alternate rules are established for districts that cannot fulfill the general randomization requirement due to a low number of judges.

Section 4 Publication of Division Orders: This section requires that district court orders for the division of business among district judges be publicly posted on the district's website in order to create more transparency in this process.