



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

YOU'RE NOT THE BOSS OF ME!!
THE CHIEF JUDGE IN THE FEDERAL JUDICIAL SYSTEM

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In recent months there has been much public discussion regarding the federal courts, especially the United States Supreme Court. Much of the discussion has been about controversial decisions, ethical rules, and judicial temperament. Sometimes underlying these discussions are common misperceptions about the roles and responsibilities of federal chief judges and of the Chief Justice of the United States.

THE CHIEF JUDGE IS NOT THE “BOSS.”

Contrary to popular belief, a chief judge and even a chief justice is not the boss of the other judges or justices on a court. The misperception is that chief judges have the authority to supervise other judges and tell them what to do, including how to decide their cases, how to do their jobs, and how to comport themselves in their professional lives.

In reality, the position of chief judge or chief justice is primarily one of administrative responsibility and authority. It is not a position of oversight, supervision, or management of other judges. A chief judge cannot override the decisions of his or her fellow judges. A chief judge cannot dictate other judges' rulings. Nor does a chief judge have any authority to admonish, discipline, suspend, or correct a fellow judge. A chief judge also cannot adopt or change court rules; rather, the authority to adopt court rules lies with the court as a whole. Rather than having direct authority or control, chief judges must rely on moral persuasion to influence their colleagues.

The positions of chief judge of a district court and of a circuit court of appeals are created and defined by federal statute, while the position of Chief Justice of the United States finds its roots in the Constitution itself.

THE CHIEF JUDGE IN THE FEDERAL DISTRICT COURT AND COURT OF APPEALS.

A chief district or circuit judge is not appointed to that role by the president nor selected by the other judges on the court. Instead, a chief judge rises to that position by seniority and eligibility among the sitting judges of a federal district court. Specifically, federal law requires the chief district judge be the most senior active judge in that district who (1) is under the age of sixty-five, (2) has served at least one year as a district judge, and (3) has not previously served as chief judge. 28 U.S.C. § 136(a)(1).

A separate federal statute sets out a similar method of becoming a chief judge for a Circuit Court of Appeals: seniority, an age below sixty-five, a minimum of one year of service as a judge on that court, and not having served as chief judge before. 28 U.S.C. § 45(a)(1). So, we can see that by law the role of chief judge goes automatically to the judge who meets the requirements of age, seniority, and lack of prior service as soon as a vacancy in the role occurs. The term of chief is for seven years.

The roles of chief judge vary to some degree between the district court and the circuit court, but they substantially overlap. For both positions, federal law gives the chief judge precedence within the court. For the district courts, “[t]he chief judge shall have precedence and preside at any session which he attends.” 28 U.S.C. § 136(b); *see also* 28 U.S.C. § 45(b) (for circuit courts).

Although a chief judge has no authority to supervise or manage other judges, that does not mean the position is without authority. Chief judges have the responsibility of managing their entire court’s docket; overseeing court operations; supervising court personnel, such as the Clerk’s Office and the Probation Office; and representing their court in public and interbranch settings. In many ways, a chief judge acts as the chief administrative officer of the courthouse and as the public face of the court.

THE CHIEF JUSTICE OF THE SUPREME COURT.

Unlike a district or circuit chief judge, the Chief Justice of the Supreme Court is nominated to that position by the President and must be confirmed by the Senate. There are no prerequisites as to seniority. He or she need not even have been on the Supreme Court before. For most, that appointment is their first to the Court. Also unlike a district or circuit chief judge, there is no defined age limit or length of tenure to serve.

Another difference is that the role appears in the Constitution itself. Article I, Section 3, Clause 6 of the Constitution provides that in the case of an impeachment trial of a president, “the Chief Justice presides.” The First Congress fleshed out the role by creating the title “Chief Justice of the Supreme Court of the United States,” later changed to “Chief Justice of the United States.”

The administrative responsibilities of the Chief Justice of the United States are much greater than those of lower court chief judges in that he or she serves as the administrative head of the entire federal judiciary. He or she also heads certain judicial bodies, such as the Federal Judicial Center which is the research and education agency of the judiciary, and appoints members to numerous judicial panels and committees. Of course, the Chief Justice of the United States also presides over the Supreme Court, which means leading its public and private sessions, overseeing the selection of cases to hear, and assigning the task of writing majority opinions if he or she votes with the majority on that case.

As with lower court chief judges, despite the chief justice's extensive administrative authority and duties, he or she has no power to discipline other justices, adopt rules on his or her own, or compel fellow justices to rule in any particular way in any given case.

CONCLUSION.

Although chief judges are not "the boss" of other judges in a traditional top-down sense, they still carry significant responsibility. They play an essential role in ensuring that our federal courts can fulfill their constitutional role in administering justice and adhering to the rule of law.

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