



NEWS RELEASE

Administrative Office of the U.S. Courts

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Judiciary Asks Congress to Ease Financial Hardships of Courts

The federal Judiciary today asked Congress to provide the courts with funding to help restore personnel cutbacks incurred in recent years.

“At the present time, the Judiciary is in a most difficult and paradoxical situation,” said Judge Julia S. Gibbons (6th Cir.), chair of the Judicial Conference Budget Committee in a House appropriations hearing.

“Courts desperately need to add staff in order to keep our growing caseload flowing smoothly through the courts, but court managers are deeply concerned that they may again need to cut staff in fiscal year 2006. In the middle of this funding crisis, we face new responsibilities and increased workload. . . in addition, our rent bill is growing dramatically. . . .”

Judge Gibbons appeared before the House Appropriations Subcommittee on Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia and Independent Agencies, with Administrative Office Director Leonidas Ralph Mecham.

“We fully recognize that overall budget constraints will continue in FY 2006,” Director Mecham told the subcommittee. “However, within these limitations, I urge you to make the Judicial Branch one of your highest priorities. Core court functions must be adequately funded so the administration of justice is uninterrupted.”

The full testimony of Judge Gibbons and Director Mecham can be found at www.uscourts.gov/Press_Releases/index.html.

Staff Cutbacks and Workload Increases

Because of Fiscal Year 2004 budget constraints, the federal courts lost over 6 percent of their workforce. “A loss,” said Gibbons, “from which we have not yet begun to recover. . . . We are unaware of any other federal entity that sustained such a reduction in staffing.”

From FY 2001 to FY 2005, the workload of the courts increased by 18 percent, but funded staffing levels over the same period decreased. Courts have had to fire or furlough employees, offer early retirements and buyouts, and hold vacant positions open.

“This loss of court staff has affected court operations and degraded services,” said Judge Gibbons. Many courts have reduced the hours that the public can file papers, seek information, and ask questions in the clerk’s office. Because of the budgetary shortfall, supervision of lower-risk offenders by probation officers is being suspended or reduced in order to maintain the level of supervision for more serious cases. Payments to citizens who have served as jurors have been delayed. Some courts have had to decrease their emphasis on fine collection and restitution payments to victims of violent crimes.

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Additional Resources Needed for Growing, Uncontrollable Workload

Judge Gibbons cited the impact of legislation enacted by Congress, policy changes by the Department of Justice, and decisions by the Supreme Court have had on the Judiciary's workload. For example, the new Class Action Fairness Act of 2005 is expected to result in hundreds of additional class action cases being brought in federal court each year. When guidelines were streamlined by DOJ's Board of Immigration Appeals, immigration filings in the federal courts of appeals rose 592 percent. And the Supreme Court's *Booker/Fanfan* decisions will have a major impact on the Judiciary's workload as sentenced defendants seek re-sentencing. The Judiciary estimates there will be an additional 12,000 indigent representations as a result of the *Booker/Fanfan* decisions.

In addition, the Judiciary must pay rent to the General Services Administration for court facilities owned by the federal government, many of which were built and fully amortized many years ago. Currently, rent for all federal court buildings consumes a full 20 percent of the Judiciary's operating budget.

The Judiciary is asking Congress for relief from having to pay what it considers to be exorbitant rent to another federal entity during this time of severe budget constraint, Judge Gibbons said. The Judiciary believes its limited budget resources need to be applied to the staffing and related expenses required to process the courts' growing caseload and not to continue paying rent on a federally-owned building that has been paid for two or three times already.

Cost-Containment Initiatives

The budgetary constraints of recent years have caused the Judiciary to redouble its efforts to cut costs, to reduce court requirements without harming the delivery of justice.

"The Judicial Conference is committed to cost-containment and has made the cost-containment program a permanent part of the Judiciary's budget process," said Judge Gibbons. "Efforts remain underway to consider ways to temporarily or permanently reduce costs in areas such as space rental, as well as to maximize the receipt of non-appropriated funds by ensuring that fees are regularly and appropriately adjusted to reflect economic changes."

FY 2006 Request

For FY 2006, the federal Judiciary is requesting a 9.7 percent, or \$526 million increase, over FY 2005 appropriations.

Of the \$526 million increase,

- nearly 27 percent, or \$142 million, is needed to pay for standard pay and benefit increases of staff currently on board;
- \$30 million for pay and benefit costs associated with the current level of Article III judges;
- \$55 million for space rental increases, including inflationary increases and new space delivery;
- \$22 million to pay for Federal Protective System security charges, which GSA passes on to the courts in rented space;
- \$48 million to cover the projected loss in non-appropriated sources of funding;

- \$26 million to pay costs associated with Criminal Justice Act representation, the number of which is expected to increase by nearly 6,000 in FY 2006 as the number of defendants for whom appointed counsel is required increases;
- \$25 million, approximately, for items such as security system replacement, body armor for court security officers, and software licenses and upgrades.

“These increases total \$348 million over FY 2005 levels,” said Judge Gibbons, “or 66 percent of the requested increase, and represent absolute must-pay items for which little to no flexibility exists.”

Consequently, the areas funded by the remaining \$178 million would bear the full impact of any reduction to the Judiciary’s request. These areas include \$18 million for additional court security, \$13 million for information technology systems and courtroom system upgrades—and \$95 million for additional staff and associated expenses.

“If the Judiciary is granted this funding increase,” said Judge Gibbons of the increased staff funding, “it will only provide the courts with essentially the same number of staff funded in fiscal year 2001.” Judge Gibbons pointed out that while statistically developed formulas are used to determine the number of positions needed to address workloads, the Judiciary has reduced even those levels—and is asking for less than half of the staffing increase called for by the formulas.

“I hope that my testimony here today has given you a better appreciation for the hurdles the Judiciary faces and the many factors that influence judicial workload,” Judge Gibbons said. “The Judiciary has, with great care and consideration, placed before you a budget request that is mindful of the fiscal constraints you are facing, but that reasonably tries to alleviate some of the hardship under which the Judiciary has been operating.”