



NEWS RELEASE

Administrative Office of the U.S. Courts

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Long-Term Impact of Terrorism Threats and an Increasing Caseload Shape Judiciary's Fiscal Year 2003 Budget Request

An increase in the federal courts' workload coupled with the Judiciary's continued response to the threat of terrorism attacks will have long-term resource implications for the federal Judiciary, a representative of the Judicial Conference of the United States told the Senate Appropriations Subcommittee on Commerce, Justice, and State, the Judiciary and Related Agencies.

Judge John G. Heyburn II of the Western District of Kentucky, chair of the Judicial Conference Budget Committee, appeared before the subcommittee today to request \$5.2 billion in appropriations for Fiscal Year 2003, a 10.7 percent increase over fiscal year 2002, to meet the Judiciary's needs. Judge Heyburn was accompanied by Judge M. Blane Michael of the Court of Appeals for the Fourth Circuit; and Leonidas Ralph Meham, Director of the Administrative Office of the United States Courts.

Hearings in the House on the Judiciary's FY 03 budget are scheduled for March 7, 2002. Magistrate Judge Thomas B. McCoun III of the Middle District of Florida, and Judge Fern Smith, Director of the Federal Judicial Center, will join Judge Heyburn and Director Meham when they testify at the House hearing.

Three quarters of the requested increase—\$375 million—is required to continue current operations in the federal courts, such as pay and benefit adjustments, inflationary adjustments, increases in GSA space rental costs, an increase in filled Article III judgeships—and continuation of the enhanced security measures taken since the September 11 terrorist attacks and the anthrax threat.

"In response to terrorist attacks, the Judiciary is taking steps to protect against future incidents that could disrupt the operations of the Judiciary," Judge Heyburn told subcommittee members. "Also in the long-term, the workload of the Judiciary is expected to increase. As additional resources are provided to the various law enforcement agencies of the Department of Justice and additional Assistant U.S. Attorneys are hired to combat terrorism, the result will be continued growth in the workload of the Judiciary."

Judge Heyburn cited increased security that includes the development of a nationwide continuity-of-operations plan, studying the feasibility of establishing a court operations center outside of Washington, D.C., and the continued use of technology to decrease the courts' reliance on mail to perform routine business. Since the September 11th attacks, the Judiciary has significantly enhanced security at Judiciary facilities.

"The additional resources appropriated by Congress in the fiscal year 2002 emergency supplemental," said Judge Heyburn, "will enable the Judiciary to maintain the level of court security officer (CSO) coverage recommended by the U.S. Marshals Service, procure upgraded X-ray machines for courthouse loading docks

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and mailrooms, create 106 new deputy marshal positions to coordinate security in each circuit and district, begin to address the mail handling and screening needs of the courts, and provide increased protection both for CSOs and court facilities, especially those with high-profile terrorist cases.” The 2003 budget request for Court Security will continue the higher level of security in the courts for fiscal year 2003.

Judge Heyburn warned that any number of high profile trials could result from prosecutions already known or probable. “These cases will cause increased security and defense expenditures,” Judge Heyburn said. The budget request does not specifically take into account these potential trials.

Judge Heyburn told the subcommittee that the remainder of the request —\$132 million—would address such programmatic and workload related needs as additional bankruptcy court staff to process an all-time high number of bankruptcy filings; additional probation staff to supervise a record number of offenders released from prisons; and an increase in district court staff to handle the projected growth in criminal filings as the number of Department of Justice prosecutors continues to grow. The number of criminal defendants in the district courts is projected to increase by 9 percent in FY 2002 over FY 2001; probation and pretrial services officers already supervise 139,797 offenders and defendants, and this number continues to increase every year.

The Judiciary was unable to fully fund its staffing formulas in fiscal year 2002, despite an increasing workload. In FY 2003, without sufficient staff, Judge Heyburn cautioned, “judicial processes are short-changed, civil and bankruptcy cases are delayed, support provided to judges and the public deteriorates, and offenders and defendants living in our communities are not adequately supervised.”

The Administrative Office of the Courts (AOUSC) has assisted the courts in implementing better management practices, developing and supporting innovative technologies that enhance operations, and collecting and analyzing statistics for planning and determining resource needs. One of the largest initiatives managed by the AOUSC in recent years is the Case Management/Electronic Case Files project, which permits courts to receive documents over the Internet and maintain electronic case filings.

“This new system will save considerable court resources,” Director Mecham told the subcommittee, “while also significantly improving public access to federal court records.” Among other initiatives Director Mecham highlighted were the Bankruptcy Noticing Center, which produces and mails 84 million notices at a fraction of the time and cost it would take if performed by local courts; and the electronic Jury Management System which now streamlines jury administration in 74 courts and will soon be in all district courts. The AOUSC also has provided the courts with policy guidance on the congressionally-mandated collection of DNA samples from violent offenders; on civil dispute resolution; on fiscal stewardship and management; and on offsite court operations and continuity of operations planning.

Judge Heyburn also assured the members of the appropriations subcommittee that the funding already provided by Congress to the federal courts is used responsibly.

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“The Judicial Conference of the United States recognizes that the responsibility for budgetary oversight requires stewardship and fiscal responsibility in both providing for the Judiciary’s requirements while considering the needs of the nation,” Judge Heyburn said. He also asked the subcommittee to fully fund the AOUSC, calling the agency “the manager of change in the Judiciary.”

He noted that, in addition to the annual review of the Judiciary’s budget request by the Budget Committee, which he chairs, the Judiciary on a regular basis retains outside consultants to evaluate independently financial and operational requirements and identify areas for improvements and efficiencies.

“Over the past few years, under the leadership of the Administrative Office,” Judge Heyburn told the subcommittee, “independent consultants have evaluated the courts’ space and facilities program, the information technology program, the library services program, and the court security program. Currently the Judiciary is conducting a comprehensive assessment of the probation and pretrial services system.” At the local level, chief judges and unit executives receive training on the financial responsibilities of operating their courts; local court unit financial analysts are trained in budget and accounting; and AO staff conduct court audits and program assessments that help court managers improve the management of their resources.

“These efforts are done to ensure that every court—from the large urban courts to the small rural courts—is effectively managing the funding provided to the Judiciary,” Judge Heyburn said.