



NEWS RELEASE

Administrative Office of the U.S. Courts

March 16, 2004

Contact: David Sellers

Funding and Electronic Access Top Judicial Conference Agenda

Potential funding shortages that could eliminate or severely restrict key federal court operations, and the latest step to increase Internet access to court case files highlighted the agenda of today's meeting of the Judicial Conference of the United States.

"Unless Congress makes the Third Branch a higher funding priority, we run the risk of creating a second class system of justice," said Chief Judge John Heyburn II, who briefed the Judicial Conference on the fiscal year 2004 and 2005 funding picture. Judge Heyburn, chairman of the Conference's Budget Committee, testified March 11 before the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies. He was accompanied by Leonidas Ralph Mecham, Director of the Administrative Office of the U.S. Courts and Secretary to the Judicial Conference.

"As our nation shifts its focus to protecting the homeland and bringing terrorist and other criminal and immigration cases to trial, these efforts can be successful only if our federal Judiciary remains strong and is adequately funded," Judge Heyburn said in his testimony. "Courts have no control over the number of cases filed, the number of felons released from prison that must be supervised, or the number of indigent defendants requiring representation under the Constitution of the United States. Because workload continues to increase and resources have, in fact been declining, a crisis is emerging in the courts that soon will place the Judiciary in jeopardy of not being able to perform its core services and functions."

Judge Heyburn noted that the President's budget proposal allows for a 0.5 percent growth rate in fiscal year 2005 for all functions not related to defense or homeland security. If this growth rate is applied to the federal courts, court operating expenses will have to be cut by 50 percent and an estimated 3,800 court employees – nearly 20 percent of the workforce in probation and clerks' offices – will have to be let go.

Federal courts nationwide already have taken steps to cut back wherever possible, Judge Heyburn said. The number of court support staff in September 2004 will not only be less than the number in 2003, but will be lower than the level funded in fiscal year 2001. To cope with the fiscal year 2004 funding level, most vacant court positions are not being filled. Several hundred positions will be eliminated through

(MORE)

buyouts and early outs, and over 2,600 (out of 21,000) court employees will be furloughed for an average of more than a week each.

The Judiciary's \$5.7 billion fiscal year 2005 budget request represents less than two-tenths of one percent of the entire federal budget.

Judge Heyburn's appropriations testimony can be found at: http://www.uscourts.gov/Press_Releases/heyburn021904.pdf.

The Judicial Conference today also approved implementation guidance and a model local rule that will enable U.S. district courts nationwide to provide remote electronic access to criminal case files. Software modifications are necessary before this access can be effective.

This latest action follows the Conference's decision in September 2001 to make electronic access to most civil and bankruptcy case files the same as access to paper files at the courthouse. This includes the redaction of specific personal identifiers in both the paper and electronic forms. Because of unique safety issues relating to criminal files, the Conference delayed implementation for two years and created a pilot program in 11 courts to study the potential impact of electronic access. The study found no harm from enhanced access to criminal case file documents, and in September 2003 the Judicial Conference voted to permit courts nationwide to offer remote electronic access to criminal case files, with the redaction of personal identifiers and subject to the drafting of appropriate implementation guidance for courts. The guidance was approved today. The guidance and proposed local rule are attached.

Electronic case file documents may be accessed only through the federal court's Public Access to Electronic Records (PACER) program, which requires registration and issuance of a login and password. This can be done instantly at: www.pacer.psc.uscourts.gov.

The Judicial Conference of the United States is the principal policy-making body for the federal court system. The Chief Justice serves as the presiding officer of the Conference, which is composed of the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade. The Conference meets twice a year to consider administrative and policy issues affecting the court system and to make recommendations to Congress concerning legislation involving the Judicial Branch. A list of Conference members is attached.

###

###

JUDICIAL CONFERENCE OF THE UNITED STATES

March 2004

Chief Justice William H. Rehnquist, Presiding

Chief Judge Michael Boudin Chief Judge Hector M. Laffitte	First Circuit District of Puerto Rico
Chief Judge John M. Walker, Jr. Chief Judge Frederick J. Scullin, Jr.	Second Circuit Northern District of New York
Chief Judge Anthony J. Scirica Chief Judge Thomas I. Vanaskie	Third Circuit Middle District of Pennsylvania
Chief Judge William W. Wilkins Judge David C. Norton	Fourth Circuit District of South Carolina
Chief Judge Carolyn Dineen King Judge Martin L.C. Feldman	Fifth Circuit Eastern District of Louisiana
Chief Judge Danny J. Boggs Chief Judge Lawrence P. Zatkoff	Sixth Circuit Eastern District of Michigan
Chief Judge Joel M. Flaum Judge J. P. Stadtmueller	Seventh Circuit Eastern District of Wisconsin
Chief Judge James B. Loken Chief Judge James M. Rosenbaum	Eighth Circuit District of Minnesota
Chief Judge Mary M. Schroeder Chief Judge David Alan Ezra	Ninth Circuit District of Hawaii
Chief Judge Deanell R. Tacha Judge David L. Russell	Tenth Circuit Western District of Oklahoma
Chief Judge J. L. Edmondson Judge J. Owen Forrester	Eleventh Circuit Northern District of Georgia
Chief Judge Douglas H. Ginsburg Chief Judge Thomas F. Hogan	District of Columbia Circuit District of Columbia
Chief Judge Haldane Robert Mayer	Federal Circuit
Chief Judge Jane A. Restani	Court of International Trade

Conference Secretary:
Leonidas Ralph Mecham, Director
Administrative Office of U.S. Courts