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WASHINGTON – Senator Chuck Grassley, Ranking Member of the Senate Judiciary Committee, is pressing for a comprehensive plan from the federal judiciary in light of possible budget cuts due to sequestration.

Grassley said he became concerned after reading an email alerting him to the drastic measures the governing body of the federal court system would take if sequestration occurs. The email lacked any reference to actions the courts should already be taking to limit unnecessary spending, such as limiting conferences expenses and travel for judges and other employees. Savings generated by cutting these unnecessary expenditures could help the courts avoid layoffs, continue juror compensation, and ensure that defender services are maintained.

Grassley's concerns were presented today in a letter to Judge Thomas Hogan, the Director of the Administrative Office of the U.S. Courts which is the operating body of the federal court system.

"The entire federal government is going to be absorbing some difficult cost saving measures. But, it's disappointing that the federal judiciary outlined draconian measures in a vague email instead of providing a comprehensive plan. It seems to present a Chicken Little mentality without much effort and forethought into avoiding major disruptions. The last thing we want is for people to be laid off or justice to be delayed," Grassley said. "The federal court system should have a detailed plan to ensure as little disruption as possible in case sequestration occurs. I've outlined a great deal of questionable spending by the federal judiciary that could easily be curbed to give the cost saving a jump start."

The Senate Judiciary Committee has jurisdiction over the federal courts system. Grassley has been conducting oversight of unchecked spending by the federal judiciary for several years.

Here's a copy of the text of the letter to Hogan. A signed copy can be found here .

November 8, 2012

Via Electronic Transmission

The Honorable Judge Thomas F. Hogan

Director

Administrative Office of the U.S. Courts

Thurgood Marshall Federal Judiciary Building

One Columbus Circle N.E.

Washington, D.C. 20544

Dear Judge Hogan:

The Administrative Office of the U.S. Courts (A.O.) sent an email recently to staff members of the Senate Committee on the Judiciary outlining the impact of the possible sequestration on the federal courts. As Ranking Member of the Senate Committee on the Judiciary, I want to ensure the A.O. has a more comprehensive plan for sequestration than was outlined in the email.

The A.O. warned that "[a]n 8.2 percent cut could amount to a $555 million [funding] reduction" and would be "devastating." In addition, the A.O. intimated the federal courts could be forced to downsize its staff across the country by approximately one third as well as potentially require involuntary separations and/or up to five weeks of furlough for court employees. Your office also cautioned that defender services would be severely impacted by the suspension of payments to private attorneys and their staffs. And finally, the A.O. suggested court security would be cut by fifty percent, and jurors would not be paid for their services.

There is no question that the funding reductions would be difficult to absorb. However, I find it surprising that while the A.O. has been quick to outline the number of employees who would be either involuntarily separated or furloughed, other operational expenses are not mentioned.

For a number of years, I have been raising concerns about the significant amount of court funding spent on non-case related travel. Thus far, the spending documents I have seen do not appear to justify the travel expenses associated with several events sponsored by various components of the judiciary. For instance, the Ninth Circuit Court of Appeals recently held a weeklong conference in Maui, Hawaii, costing taxpayers well over $1 million. In another example, five district courts requesting new judgeships spent over $635,000 and used at least 1362 paid work days for non-court related travel in 2010 alone. Additionally, the Federal Public Defender's Office (FPDO) for the Eastern District of California recently spent at least $25,000 for an employee spa weekend. And in fact, the 62 FPDOs across the country have spent at least $17 million on travel expenses over the past two years alone. While these only represent several examples, if spending on items of this nature were curtailed, the savings could go a long way towards filling the funding shortfalls your office identified.

According to the March 13, 2012 Report on the Proceeding of the Judicial Conference of the United States, [1] the Budget Committee "developed a report to the Executive Committee on the status of the judiciary's cost-containment efforts." The report states that "given the current and expected worsening funding climate facing the judiciary, it is essential that the judiciary complete and implement, as soon as possible, as many of these initiatives as feasible."

I agree wholeheartedly that the judiciary needs to seek out and implement cost-containment measures, but I strongly encourage the A.O. to review the judiciary budget as a whole to identify those measures. For this reason, I am requesting the following additional information:

1) The detailed plan for how the A.O. intends to meet effectively the demands of any potential sequestration, and the demands of the federal court system.

2) The cost savings for each measure outlined in the plan provided in question (1) would generate.

3) Details regarding the decision-making process for determining where funding cuts would be made, how deep those cuts would be, and what, if any, programs would not receive a funding reduction.

4) Details about how funding for non-case related travel throughout the federal judiciary will be reduced.

5) The results of the Federal Judicial Center survey of judges "to ascertain which resources they consider most (and least) essential to performing their official duties." [2]

Thank you in advance for your prompt attention to this matter. I would appreciate receiving your response to this matter by December 4, 2012. Should you have any questions regarding this matter, please do not hesitate to contact my staff at (202) 224-5225 .

Sincerely,

Charles E. Grassley

Ranking Member

1. Report of the Proceedings of the Judicial Conference of the United States, at 9 (March 13, 2012), available at http://www.uscourts.gov/FederalCourts/JudicialConference/Proceedings/Proceedings.aspx?doc=/uscourts/FederalCourts/judconf/proceedings/2012-03.pdf

2 *Id*. at. 7.

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