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VIA FACSIMILE AND U.S. MAIL

The Honorable Dianne Feinstein
U.S. Senate
One Post Street, Suite 2450
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Dear Senator Feinstein:

I write on behalf of the Northern District of California Chapter of the Federal Bar Association to urgently ask for your support for fiscal year 2005 funding for our federal courts that assures continued court operations providing the prompt delivery of justice.

The workload of the federal courts is increasing, while their resources are decreasing. From 2002 to 2004, criminal cases are projected to increase 10 percent, activated pretrial services cases by 17 percent, bankruptcy filings by 11 percent, and Criminal Justice Act representations by 19 percent, to name but a few key indicators. At the same time, according to the Administrative Office of the U.S. Courts, court non-salary operating expenses have been reduced by 32 percent below the courts' requirements as a result of lower funding levels over the last two fiscal years. Workforce cuts already are causing court operations to suffer. Court expenses cannot be cut again in fiscal year 2005 without a significant adverse effect on court operations. Unless Congress makes the judiciary a high priority, we run the risk of creating a second class justice system.

We are encouraged that the House Commerce-Justice-State Appropriations Subcommittee recently approved a funding level sufficient to maintain the judiciary's current services requirements and cover built-in costs and inflation. The Subcommittee provided \$5.2 billion for the federal judiciary, \$391 million over fiscal year 2004 and \$159 million below the judiciary's full request.

However, if Congress fails ultimately to pass the Commerce-Justice-State funding measure and enacts a continuing resolution for the entirety of fiscal year 2005 that imposes a "hard freeze," the federal courts will be forced to cut operating expenses in half, and to fire or lay off an estimated 3,800 court employees, representing almost 20 percent of the probation and clerks' office personnel.

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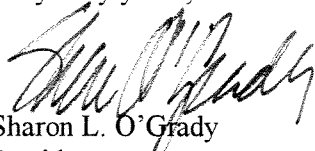
The impact of these cuts would be felt throughout the federal courts across the nation and by the public in several ways:

- The sentencing process will be jeopardized because there will not be sufficient few probation officers available to help judges fashion appropriate sentences.
- Testing and supervision of released prisoners will be limited to only the most dangerous felons, resulting in a significant decrease in public safety.
- Victim advocacy responsibilities, including the determination of monetary loses and the collection of victim restitution and criminal fines, will be substantially impaired.
- Jury payments for civil trials will run out months before the end of the fiscal year, throwing into jeopardy the availability of trial by jury.
- Payment of court-appointed counsel for indigent defendants, as required by the Constitution, will become unavailable.

A significant number of members of the Federal Bar Association practice before the federal courts, including the Ninth Circuit Court of Appeals and the district courts in San Francisco, San Jose and Oakland. Our members are critically concerned about the urgent need to assure that adequate funding is made available to the federal courts to provide for the prompt delivery of justice. The war on terrorism and related efforts to render justice rely upon a judiciary that is strong and adequately funded. 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.

We urge you to insist that Congress appropriate the funds necessary for the fulfillment by the courts of their constitutional and statutory responsibilities. Thank you for your consideration and support of our concerns.

Very truly yours,


Sharon L. O'Grady
President