



Federal Bar Association

Office of the President

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The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20515

The Honorable John Boehner
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressional Leaders:

I write on behalf of the 16,000 lawyers and judges who belong to the Federal Bar Association to warn against the impact of sequestration – the automatic budget cuts that are scheduled to take effect on January 1, 2013 – and to seek your help. These significant cuts, required by the Budget Control Act of 2011 in the absence of alternative Congressional action, will have a crippling effect upon the operations of our nation's federal courts and the administration of justice. They most certainly will delay the delivery of justice, compromise public safety and cause harm to the fragile state of our nation's economy.

An eight percent automatic cut for the federal Judiciary, as forecast by the Congressional Budget Office, would fund the Judicial Branch at approximately \$6.4 billion, more than a half-billion dollars *below* what is needed to maintain current operations. To put things in perspective, sequestration would reduce funding for the federal courts to a level *below* where funding was for the courts *three years ago in 2009*.

Because the operations of the federal courts are so labor-intensive, the courts' workforce would bear the biggest brunt of the cuts. The courts are already downsizing due to FY 2012 budget cuts, with staffing reductions of over 1,100 since July 2012. If sequestration occurs in January 2013, it is estimated that the federal courts would need to cut an additional 24 percent of their workforce, or 5,400 court staffers, a majority through adverse personnel actions, along with over 450 court security officers.

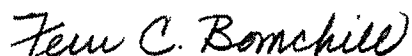
Such staffing cuts would have a significant and devastating impact on the operations of the federal courts and the federal bar. We are informed that the adverse effects include the following:

- Hours of operation in the clerk offices in the federal courts would have to be sharply reduced. There would be delays in processing all court filings and court administrative papers, including payments to jurors, thereby delaying court proceedings to the detriment of the litigants as well as the public as a whole.
- Due to reductions in the jury fees account, federal judges would have to suspend civil jury trials.
- The federal courts would be unable to supervise properly thousands of persons under pretrial release and convicted felons released from federal prisons, thus compromising public safety in the community.
- Payments to panel attorneys in Criminal Justice Act Cases would have to be suspended. The impact could extend to panel attorneys in thousands of CJA cases. Dismissal of criminal trials could occur as many sole practitioners may be unable to accept appointments without compensation.
- Staffing cuts would extend to roughly 10 percent of the court security officers responsible for providing courthouse security. Reductions of this magnitude could create security vulnerabilities throughout the federal court system by impairing the ability of the Marshal Service to provide adequate security for court facilities, court personnel and the public.
- Improvements in court security would be considerably delayed, further compromising the adequate protection of federal courthouses and those with business in them. A significant reduction in court security personnel, coupled with a funding shortfall for systems and equipment, could necessitate the closing of some courthouse entrances that would result in long security screening lines for jurors, litigants, and the public and delays in court proceedings.

There can be no dispute that these spending cuts will harm the administration of justice and the ability of the federal courts to carry out their mission. Congress must find a way to overcome its partisan differences and agree on a balanced approach to long-term deficit reduction. I urge you to devote the leadership necessary to arrive at appropriate solutions before these cuts are scheduled to take effect.

Thank you for your consideration of our concerns.

Sincerely,



Fern C. Bomchill
President

cc: The Honorable Daniel Inouye, Chair, Senate Committee on Appropriations
The Honorable Thad Cochran, Vice Chair, Senate Committee on Appropriations
The Honorable Richard J. Durbin, Chair, Senate Appropriations Subcommittee on
Financial Services and General Government
The Honorable Jerry Moran, Ranking Minority Member, Senate Appropriations
Subcommittee on Financial Services and General Government
The Honorable Hal Rogers, Chairman, House Committee on Appropriations
The Honorable Norm Dicks, Ranking Minority Member, House Committee on
Appropriations
The Honorable Jo Ann Emerson, Chairwoman, House Appropriations
Subcommittee on Financial Services and General Government
The Honorable Jose E. Serrano, Ranking Minority Member, House Appropriations
Subcommittee on Financial Services and General Government
The Honorable Patrick Leahy, Chairman, Senate Committee on Judiciary
The Honorable Charles Grassley, Ranking Minority Member, Senate Committee
on Judiciary
The Honorable Amy Klobuchar, Chairwoman, Senate Judiciary Subcommittee on
Administrative Oversight and the Courts
The Honorable Jeff Sessions, Senate Judiciary Subcommittee on Administrative
Oversight and the Courts
The Honorable Lamar Smith, Chairman, House Committee on Judiciary
The Honorable John Conyers, Jr., Ranking Minority Member, House Committee
on Judiciary
The Honorable Howard Coble, Chairman, House Judiciary Subcommittee on
Courts, Commercial and Administrative Law
The Honorable Steve Cohen, Ranking Minority Member, House Judiciary
Subcommittee on Courts, Commercial and Administrative Law