



Federal Bar Association

**STATEMENT FOR THE RECORD
OF THE
FEDERAL BAR ASSOCIATION**

**BEFORE THE SUBCOMMITTEE ON FINANCIAL
SERVICES AND GENERAL GOVERNMENT**

**COMMITTEE ON APPROPRIATIONS
UNITED STATES HOUSE OF REPRESENTATIVES**

OVERSIGHT HEARING ON THE JUDICIARY

MARCH 20, 2013

Chairman Crenshaw, Ranking Member Serrano and Members of the Subcommittee:

The Federal Bar Association expresses its strong support for the Federal Judiciary's FY 2014 funding request and requests the inclusion of these comments into the record of the Subcommittee's hearing.

We take this opportunity to offer these comments because our membership of 16,000 attorneys represents a major constituency of the federal court system. A widespread majority of our members practice before the federal courts. They witness daily the need for adequate court funding to assure the fair and prompt administration of justice. Their clients, whether defendants or plaintiffs, rely upon the federal judicial system to preserve public safety, adjudicate disputes, and sustain commerce.

We are deeply appreciative of the Subcommittee's past support and ask for its continued vigilance to assure that the federal courts possess the necessary resources to fulfill their constitutional and statutory responsibilities as a co-equal branch of our government.

We recognize the hard choices that the Congress and your Subcommittee must make in crafting the fiscal year 2014 budget. We join with all Americans in common concern for the need to assure a secure foundation for future prosperity. At the same time, we ask you to give equal consideration to the significant threats that deep budget cuts will continue to pose for America's Judiciary and our federal courts. Already they are

laboring under a \$350 million sequestration cut that went into effect on March 1. We are alarmed that this cut, even after emergency measures, could still result in up to 2,000 court employees being laid off or thousands facing furloughs for one day each pay period between now and September 30. Furloughs at this level will represent a 10 percent pay cut for these dedicated employees. Moreover, sequestration staffing losses will come on top of the almost 9 percent decline in staff (over 1,800 probation officers and clerks' office staff) that the courts have undergone since July 2011. The Judiciary does not have programs or grants available to cut in order to reduce its costs. Nor can it turn away the cases that arrive on its doorstep.

In a March 5, 2013 letter to your subcommittee, U.S District Judge Thomas F. Hogan, Director of the Administrative Office of the U.S. Courts, succinctly described the most notable impact of sequestration for the federal courts:

These budget reductions to the Judiciary will have serious implications for the administration of justice and the rule of law. Public safety will be impacted because there will be fewer probation officers to supervise criminal offenders released in our communities. Funding for drug testing and mental health treatment will be cut 20 percent. Delays in the processing of civil and bankruptcy cases could threaten economic recovery. There will be a 30 percent cut in funding for court security systems and equipment and court security officers will be required to work reduced hours, thus creating security vulnerabilities throughout the federal court system. In our defender services program, federal defender attorney staffing levels will decline, which could compromise the integrity of the defender function and delay payments to private attorneys appointed under the Criminal Justice Act for nearly three weeks in September.

These consequences should take into account the fact that total funding for the Judicial Branch in Fiscal Year 2012, which amounted to \$6.97 billion, represents a tiny portion of the total federal budget of \$3.7 trillion. This means that for every taxpayer dollar, only two-tenths of one penny went towards funding the entire co-equal third branch of our federal government. Yet funding at that level assures a judicial system that is second to none, as the Chief Justice noted in his recent year-end report. Those budgetary resources keep courts open, pay judges and staff, manage the criminal justice system, adjudicate civil disputes, and manage a national bankruptcy system. These functions are essential to the nation's welfare and respect for the rule of law.

There can be no dispute that significant spending reductions for the Judicial Branch of our government will harm the administration of justice and the ability of the federal courts to carry out their Constitutional mission. We urge you to find a way to overcome differences and agree on an appropriate approach to long-term deficit reduction, while at the same time assuring the Judicial Branch is able to perform its important Constitutional responsibilities.

Thank you for your assistance in assuring that sufficient financial resources are devoted to the continuance of court operations that provide for the prompt delivery of justice.