



Federal Bar Association

OUR FEDERAL COURTS NEED ADEQUATE FUNDING AND ADDITIONAL JUDGESHIPS

The Federal Bar Association congratulates Congress for providing the Federal Judiciary with adequate FY 2014 funding to allow the courts and federal defender offices to recover from the devastating cutbacks caused by sequestration. The Federal Bar Association supports the Federal Judiciary's FY 2015 funding request and urges Congress to provide the funds necessary for the federal courts to fulfill their constitutional and statutory responsibilities.

The Association also supports the Judiciary's request to Congress for additional Article III and bankruptcy judgeships, especially in district courts with extraordinarily high caseloads.

The Need for Adequate Funding

The Federal Bar Association's members, who represent a major constituency of the federal court system, daily witness the need for adequate funding for the federal courts through their reliance on the courts to fairly and promptly administer justice. Their clients, both defendants and plaintiffs, enter the courts in civil and criminal disputes with the expectation of prompt justice.

Sequestration in FY 2013 unfortunately caused deep cuts in court staffing and operating budgets with serious implications for the administration of justice. Congress cannot allow that to happen again.

For FY 2014, Congress clearly made the Judiciary a funding priority by providing a 5.1 percent overall increase in discretionary appropriations above the FY 2013 sequestration level, essentially restoring the Federal Judiciary to pre-sequestration funding levels and permitting reversal of most of the emergency measures imposed by sequestration. This will help to stabilize the financial position and operations of the courts and federal defender offices after the devastating impact of sequestration.

The Judiciary's FY 2015 budget request of \$6.7 billion in discretionary appropriations reflects a 3.4 percent increase above FY 2014 to support the Constitutional and statutory mission of the federal courts. The FY 2015 request will help the Judiciary continue to recover from several years of essentially flat funding followed by sequestration cuts in FY 2013. It is a current services budget that simply seeks to maintain a FY 2014 level of operations in FY 2015. The Federal Bar Association urges Congress to make the Judiciary a funding priority again in FY 2015.

The Need for Secure Judicial Space

The Federal Bar Association applauds Judiciary actions to contain costs and implement more efficient ways to administer justice. However, there is an ongoing need for Congress to address the Judiciary's

space needs in some specific locations and the Federal Bar Association urges Congress to provide FY 2015 funding within the General Services Administration's Federal Buildings Fund for projects on the Judiciary's Interim Five-Year Courthouse Project Plan. The Federal Bar Association also supports funding in FY 2015 for the Judiciary's Capital Security Program to address security deficiencies in existing courthouse buildings.

The Acute Need for Additional Judgeships and S. 1385, the Federal Judgeship Act of 2013

Inadequate numbers of judgeships have created difficulties for courts across the nation, especially in these five district courts struggling with extraordinarily high and sustained workloads:

- The Eastern District of California;
- The Eastern District of Texas;
- The Western District of Texas;
- The District of Arizona; and
- The District of Delaware

The creation of nineteen judgeships for these five districts, as recommended by the Judicial Conference, is sorely needed. These judgeships are contained within a comprehensive judgeships bill, the Federal Judgeship Act of 2013, S. 1385, based on the Judicial Conference's latest detailed assessment of the resource needs of the judiciary.

The bill calls for the addition of 5 permanent judgeships and one temporary judgeship for the courts of appeals and 65 permanent and 20 temporary judgeships for the district courts. It also calls for the conversion of 8 existing temporary district court judgeships to permanent status.

The district courts in which the Judicial Conference is recommending additional judgeships are laboring under heavy workloads. Their weighted caseloads are currently at 630 case filings per authorized judgeship, far above the 430 filings threshold that the Conference uses as a starting point to assess whether additional judgeships are called for. Nationwide, district courts have experienced a 38 percent growth in caseload since 1990, the last time Congress passed a comprehensive judgeship bill. During the same period, there has been only a 4 percent increase in judgeships. Our bankruptcy system has also come under increasing stress. Since 1990, the bankruptcy courts have seen a 56 percent increase in case filings, while only experiencing a 7.4 percent increase in judgeships.

About the FBA

The Federal Bar Association is the foremost national bar association devoted exclusively to the practice and jurisprudence of federal law and the vitality of the United States federal court system. More than 16,000 lawyers and judges belong to the Federal Bar Association.

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