

## Cost-conscious federal courts trim needs, ask for FY 2008 funding

by Bend\_Weekly\_News\_Sources

The federal courts yesterday asked Congress for enough funding to cover basic operating costs in Fiscal Year 2008, while assuring both Houses that the federal Judiciary is doing its part to contain costs and enhance productivity.

Judge Julia Gibbons, chair of the Judicial Conference Budget Committee, and Administrative Office Director James C. Duff appeared before both the House and Senate Appropriations Subcommittees on Financial Services and General Government on March 21.

"The Judiciary recognizes that the Administration and Congress are rightfully concerned about overall federal spending and budget deficits and that you face tough choices," said Judge Gibbons. "It may seem obvious, but it is worth noting that every item in our budget request relates to performing the functions entrusted to us under the Constitution. We have no optional programs; everything ultimately contributes to maintaining court operations and preserving the judicial system that is such a critical part of our democracy."

Judge Gibbons noted that while in recent years spending for non-defense homeland security spending has more than tripled since 2001, "appropriations for the courts' operating budget have increased only 33 percent to meet workload requirements, but on-board staffing levels have declined by 5 percent." The funding provided by Congress in 2007 will allow the courts to begin to close this gap between staffing levels and workload. "It is therefore critical," Judge Gibbons stressed, "that the courts be funded at a current services level in fiscal year 2008 in order to sustain the staffing gains funded in fiscal year 2007."

### Cost Containment Efforts

Cost containment, Judge Gibbons told the subcommittees, is a top priority for the Judiciary. "The courts realize it is necessary, and we have had great cooperation Judiciary-wide as we have moved forward on cost containment initiatives," she testified.

Among the initiatives are:

A rent validation project that has identified savings and cost avoidance over three fiscal years totaling \$52 million.

"Although it is quite time consuming," Judge Gibbons said, "detailed reviews of GSA rent billings are now a standard business practice throughout the courts." The federal courts' rent bill, payable to the General Services Administration, consumes about 20 percent of the courts' operating budget and is projected to exceed \$1 billion in FY 2008. The savings identified in rent overcharges are re-directed to other Judiciary requirements,

"thereby reducing our request for appropriated funds," said Judge Gibbons. Additionally, Director Duff reported that the AO is working cooperatively with GSA on significant changes in how GSA determines or calculates courthouse rents.

Budget caps in selected program areas. The Judicial Conference approved a cap of 4.9 percent on the average rate of growth for GSA rent requirements for fiscal years 2009 through 2016. "This cap will produce a GSA rent cost avoidance by limiting the annual amount of funding available for space rental costs," said Judge Gibbons, "and courts will have to further prioritize space needs and deny some requests for additional space."

Other cost containment initiatives adopted by the Judiciary include redefined work requirements for probation officers, tighter restrictions on appointing new magistrate judges, consolidated computer servers—which is projected to save several million dollars over five years—and modified courthouse space design standards.

Fiscal Year 2008 Budget Request

The Judiciary is requesting a 7.6 percent overall increase above fiscal year 2007 enacted appropriations.

"The courts' Salaries and Expenses account requires a 6.7 percent increase for fiscal year 2008," said Judge Gibbons. "We believe this level of funding represents the minimum amount required to meet our constitutional and statutory responsibilities," she said. "While this may appear high in relation to the overall budget request submitted by the Administration, I would note that the Judiciary does not have the flexibility to eliminate or cut programs to achieve budget savings as the Executive Branch does."

The Judiciary's funding requirements essentially reflect basic operating costs which are predominately for personnel and space requirements and would account for 86 percent (\$390 million) of the \$452 million increase requested. The remaining \$62 million is for program enhancements of which \$22 million would increase the non-capital panel attorney rate from \$96 to \$113 per hour.

"I realize that fiscal year 2008 is going to be another tight budget year as increased mandatory and security-related spending will result in further constrained domestic discretionary spending," Judge Gibbons said. "The budget request before you recognizes the fiscal constraints you are facing." The Judiciary's cost containment efforts to date have significantly reduced the Judiciary's appropriations requirements, without adversely impacting the administration of justice.

Judge Gibbons urged the subcommittees to fund the Judiciary's FY 2008 request fully in order to continue to maintain the high standards of the federal Judiciary. "A funding shortfall for the federal courts," she cautioned, "could result in a significant loss of existing staff, cutbacks in the levels of services provided and a diminution in the administration of justice."

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