

HOW THE JUDICIARY BUDGETS FOR ITS NEEDS

There are three general categories of requirements that the judiciary takes into account when formulating its budget request: (1) requirements that are legislatively mandated and controlled; (2) requirements that are driven primarily by outside forces over which the judiciary has no control, and these requirements are determined by workload-driven formulas; and (3) requirements that the judiciary has more discretion in determining.

The first component includes requirements for new judgeships, the delivery of new courthouse space, and other legislatively-mandated requirements. Although the judiciary plays a role in recommending the creation of new judgeships and the building of new courthouses, the actual accomplishment of these activities is achieved through the legislative process. Consequently, funding requirements for new judges and new courthouse space is driven by the judicial confirmation and authorization processes, respectively. Judges' salaries and benefits costs and space rental costs comprise 24 percent of the judiciary's fiscal year 2006 budget request for the *Courts of Appeals, District Courts, and Other Judicial Services*.

The second component encompasses operating expenses associated with judges and chambers staff; defender services; petit and grand jurors; the costs of court support staff, probation and pretrial services officers; and associated operating costs needed to process the cases presented to the courts. Within this component, the courts are responding to workload driven primarily by the activities of other federal law enforcement agencies. In formulating many of these requirements, the judiciary uses objective, scientifically-derived formulas to directly link resource requirements to workload requirements. For example, if workload for probation and pretrial services is projected to increase, the formulas for staffing and operating costs would result in a request for additional resources. Similarly, if workload is expected to decrease, the formulas for staffing and operating costs would result in fewer resource requirements. The judiciary updates these formulas on a regular basis to recognize efficiencies achieved through improved automated processes and other workplace efficiencies. These activities combined comprise nearly 62 percent of the fiscal year 2006 budget request for the *Courts of Appeals, District Courts, and Other Judicial Services*.

The third component includes all other requirements that provide direct support for the operations of the courts. This includes information technology, court security, and library services. These activities account for approximately 14 percent of the fiscal year 2006 budget request for the *Courts of Appeals, District Courts, and Other Judicial Services*. While this component accounts for a small percentage of the judiciary's budget, it receives a significant amount of scrutiny within the judiciary. For example, the judiciary hires outside consultants on a periodic basis to independently evaluate the courts' financial and operational requirements and identify areas for improvements and efficiencies. While Congress has directed that some of these studies be undertaken, more often it is the judiciary that initiates the reviews. The judiciary continues to look for efficiencies and savings in order to constrain resource requirements.

One additional component that impacts the judiciary's appropriation requirements is the ability to use non-appropriated sources of funding to augment its appropriations from Congress. This includes filing fees paid to the courts for processing cases as well as unobligated funds, or "savings,"

that can be carried forward from one fiscal year to the next. Every dollar in non-appropriated funding that is available reduces our appropriation request by a dollar. The judiciary encourages court staff and program managers to defer discretionary spending as much as possible in order to maximize the availability of these funds to mitigate appropriation requirements in the following year. The judiciary includes an estimate of non-appropriated funding in its budget request to Congress each February.

After the budget is submitted to Congress in February, the judiciary provides the Appropriations Committees with periodic budget re-estimates that incorporate the most current workload factors and fee and carryforward projections.