



# NEWS RELEASE

## Administrative Office of the U.S. Courts

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### **Judicial Improvement Bill Would Help Judiciary Retain, Recruit Employees**

The chair of the Judicial Conference Committee on the Judicial Branch told a House Subcommittee today that pending legislation would help the Third Branch of government retain and recruit staff. Chief Judge of the Court of Appeals for the Tenth Circuit, Deanell Tacha, appeared before the House Judiciary Subcommittee on Courts, the Internet, and Intellectual Property, where she testified on H.R. 2522, the Federal Courts Improvement Bill of 2001. The bill, which was introduced by Representatives Howard Coble (R-NC) and Howard L. Berman (D-CA) at the request of the Judiciary, contains 22 provisions that would improve current Judiciary practices in the areas of court operations, personnel matters, and administration.

The bill would give the Director of the Administrative Office of the U.S. Courts authority to expand health benefits for judicial branch employees. Judge Tacha explained the reasons why the Judiciary has undertaken an upgrade of its health benefits program.

“Providing Judiciary employees with health benefits comparable to benefits provided state government employees and a great many private sector employees is motivated by necessity,” said Judge Tacha. “The Judiciary is at risk of losing 40 percent of our employees to retirement over the next five years. As the General Accounting Office points out, one of the key challenges of the future for the entire Federal government is securing staffs whose size, skills, and deployment meet agency needs. Because the Judiciary must compete for qualified employees in every state and territory in the United States, the Judicial Conference has concluded that improving benefits is an imperative management tool.”

Judge Tacha cited a 1998 study of Judiciary benefits which concluded that health benefits currently available to Judiciary employees were ‘below average’ as compared with the comparison group of employers. The study also described benefits routinely provided to employees of the comparison group which are not available to Judiciary employees. These gaps included no long-term care insurance program, no pre-tax benefit options, such as flexible spending accounts for health care and dependent care, and no comprehensive dental or vision benefits.

H.R. 2522 also includes provisions that would:

- Authorize bankruptcy administrators in Alabama and North Carolina to appoint bankruptcy case trustees, standing trustees, examiners, and committees of creditors and equity security holders and fix fees for compensation and percentage fees. Provisions in current bankruptcy law, which authorizes U.S. trustees to perform these duties, are not in effect in these districts.

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- Designate Plano, Texas, as a place of holding court in the Eastern District of Texas.
- Eliminate a requirement that court records must be physically maintained at a geographical location where court is held in a district or circuit. This requirement is becoming unrealistic as federal courts develop and implement electronic case management and case filing systems which contain court records in digital form that may be maintained on a system located anywhere without affecting accessibility.
- Clarify the scope of diversity of citizenship jurisdiction in disputes involving aliens admitted to the U.S. as permanent residents. District courts would not have diversity of citizenship jurisdiction under subsections 1332(1)(2)-(3) of title 28 where the matter in controversy is between a citizen of a state and a citizen or subject of a foreign state admitted to the U.S for permanent residence and domiciled in the same state.
- Repeal the exemption from jury service now granted to members of the Armed Forces, members of fire and police departments and public officials. Current law prohibits these individuals from serving even if they wished to do so. Sufficient exemptions exist should jury service prove an undue hardship or, in the case of military personnel, unreasonably interfere with their military duties.
- Eliminate the public drawing requirements for selection of juror wheels. In most courts, computer programs have replaced the physical drawing of names.
- Shorten the number of days, from more than 30 to 5, a juror would be required to serve before becoming eligible for the supplemental daily attendance fee.
- Equalize disability retirement and cost-of-living adjustments for territorial judges with other non-Article III judges.
- Authorize judicial law clerks to defer payment of principal and interest on federally insured loans during the period they serve as clerks. Unlike executive branch agencies, the Judiciary cannot assist employees in any manner in repaying student loans. This authorization would aid in the recruitment and retention of highly qualified individuals as clerks.
- Extend to the judicial branch the Organ Donor Leave Act, which increases the amount of paid leave available to those who volunteer to be an organ donor.
- Increase compensation maximums for the services of investigators, experts, and other service providers under the Criminal Justice Act by approximately the rate of inflation since 1986, the last time maximums were increased.
- Extend the categories of borrowers eligible for student loan cancellation to include full-time federal defenders. This provision would give federal defenders parity with federal prosecutors, who already are eligible for this program.
- Protect federal judges against malicious recording of fictitious liens by creating a new federal criminal sanction.