Annual Report of the Director

Administrative Office of the U.S. Courts
Leonidas Ralph Mecham, Director
2003

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Activities of the Administrative Office of the U.S. Courts

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Director's Message

Key Judiciary programs this past year were delayed, curtailed, or suspended due to uncertainty over the available level of funds. This meant that new judges in busy border courts were without chambers and courtrooms, the Judiciary's emergency reserve funds were depleted, and training, travel, and hiring were reduced dramatically.

The Administrative Office has focused its energies on helping courts steer through this difficult time so that core court functions can continue uninterrupted. When Judicial Conference committees wanted to study various funding scenarios, each with its own set of contingency plans, they turned to AO experts for input. When new budget systems needed to be developed, AO staff worked long hours to do so. When judges and court staff needed to receive regular funding updates, the AO assured timely and accurate communications.

We will continue to educate leaders in the other two branches of government about the unique aspects of Judiciary work and the dire impact of delayed and inadequate funding. The Administrative Office also will work with the Judicial Conference and its committees to help prepare courts to cope with what could be several years of limited funding.

The Administrative Office communicates regularly with Congress about numerous Judicial Conference legislative initiatives. Topping the agenda in 2003 was the effort to secure the first pay raise for judges in well over a decade. Under the active leadership of Chief Justice William H. Rehnquist, this multifaceted strategy was spearheaded by the Judicial Branch Committee and involved several Supreme Court justices, numerous lower court judges, national bar associations, and staff throughout the AO. I firmly believe we did all that was humanly possible to remedy what the National Commission on the Public Service called "the most egregious example of the failure of federal compensation policies." And, in the words of the Chief Justice, "we came remarkably close" to achieving the goal. The Administrative Office will continue to explore all possible options for correcting this blatant inequity.

In 2003, some progress was made in the House on legislation that would give the Administrative Office Director authority to establish a cafeteria-style benefits plan for judges and court employees and to use Judiciary funds to help defray the costs. In the coming year, we will work with the House and Senate toward enactment of this important legislation.

Administrative Office staff supply Congress with the justifications for new courthouses and judgeships. Regrettably, no new court of appeals judgeships have been created since 1990, and no new bankruptcy judgeships have been established since 1992, even though caseloads in both areas have increased dramatically. Although 34 district judgeships have been established in recent funding bills, no omnibus judgeship legislation has passed in 13 years, while district court judges nationwide have seen a growth in their workload. We will continue to make the case for more judgeships.

When the President's proposed fiscal year 2004 budget excluded funding for courthouse construction, I sent the request directly to Congress. We expect the first nine courthouses on the Judicial Conference priority list to be funded by Congress,

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and that money also will be provided for necessary repairs and alterations. Working with the General Services Administration, building safe and efficient courthouses remains an important part of the AO's business.

It is the Administrative Office's role to explain to Congress Judicial Conference positions that require legislation for implementation, draft testimony for hearings, and take other appropriate steps to seek enactment. The AO also identifies legislation that may be problematic to court operations and explains to Congress its potential impact. This past year, legislation that significantly limited judges' sentencing authority was enacted without public hearings or input from the Judiciary. Both the Chief Justice and I wrote Congress to express our serious concerns with the provision, which was attached in conference at the eleventh hour to a popular, fast-moving bill. The Administrative Office will continue to speak out about this ill-founded provision, and whenever judicial independence is in jeopardy.

Striving for efficient and cost-effective operations is a hallmark of the federal Judiciary. More than a decade ago, the Administrative Office launched a budget and management decentralization program to advance equitable funding formulas and offer court managers broad flexibility in expending those funds. As a result, funds managed directly by the courts now total $2 billion annually, and savings to the American taxpayer have been substantial. The Chief Justice called the decentralized management program "enormously successful," and a 2003 independent review gave high marks to the courts and AO, and recommended that other federal agencies consider adopting similar measures.

Operational efficiencies extend to automation in the Judiciary. Great progress was realized last year in new case management systems, known collectively as CM/ECF – Case Management/Electronic Case Filing. Growing numbers of attorneys and others doing business with the courts are finding it easier to file case documents over the Internet and to gain electronic access to court records. CM/ECF is operational in two-thirds of the bankruptcy courts, in a third of the district courts, and soon will be implemented nationwide.

In another information technology success, by the end of the year, more than 50 federal court districts were using the Probation and Pretrial Services Automated Case Tracking System-Electronic Case Management (PACTS-ECM). This system collects case-related information to produce statistical and workload reports for efficient case tracking. It also permits officers to access all case information available on their desktop computers while they are out in the field.

Helping courts share locally-developed information technology applications has resulted in greater efficiencies during 2003. A new web site with an applications library and discussion forum was established, and courts already have begun posting, sharing, and discussing applications that they have found effective, avoiding duplications in many technology efforts and expenses.

An area of concerted attention during 2003 was that of court security and emergency preparedness. Many federal courts developed, or are in the process of developing, continuity of operations plans (COOPs), designed to continue delivery of critical court services in the event of natural or manmade disasters and civic emergencies. Guided by the Administrative Office, courts have begun testing and validating their COOPs, and have been provided with enhanced emergency communications systems and tools. As the year closed, the AO was developing an educational CD-ROM to guide security planning and testing.

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These are among the highlights of what was an usually busy year. I suspect that tight budgets will impact Judiciary operations for some time, and we will do our best to help courts work within those constraints. However, long-term funding delays, like those we have experienced the past two years, simply are unfair. There is no reason to deprive the public of a fully functioning court system because of disputes between the political parties, or between the other two branches of government. The Administrative Office remains committed to fiscal responsibility, and continuously looks for ways to spend taxpayer dollars more efficiently. We regularly seek input from judges and court staff on cost-saving ideas and efficiencies and share these ideas Judiciary-wide. In 2004, we need to do more and we need to do it better, but with the handicap of insufficient resources. This is precisely the Administrative Office's goal, as we head into the new year, committed to success. ■

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