

---

# REDUCING JUDICIARY SPACE COSTS

---

## Introduction

Containing the cost of space needed by the federal courts to conduct their business is a major administrative goal of the judiciary. In 1988, the Judicial Conference approved a long-range facilities planning process that enables the judiciary to project its housing and facility requirements using a standardized methodology. In 1991, the Judicial Conference approved space standards that define the needs of the federal courts and are used as a guide to plan new facilities. The planning process and the use of standards ensures that buildings are sized appropriately for current and projected requirements.

Recognizing the need to do even more to contain costs, in September 1995, prior to Congress' request for this review, the Judicial Conference initiated a comprehensive examination of space and facilities management in the federal judiciary. Specifically, the Judicial Conference directed two of its committees to develop a detailed plan for reducing the growth of space rental costs and to examine current space usage to see if savings could be achieved.

At its March 1996 session, the Judicial Conference approved a comprehensive plan, which includes five major elements to improve space management, control rent costs, and ensure optimal use of facilities. Two of the elements address courtroom sharing and the closing of visiting facilities, areas Congress specifically asked the judiciary to review. Recognizing the overall need to reduce government spending, the goal of the plan is to provide the facilities the judiciary needs to fulfill its mission economically, without impeding the delivery of justice.

To provide a complete picture of the judiciary's space management efforts, this chapter addresses the entire Judicial Conference space management plan, rather than limiting discussion to the two requested study areas. It summarizes each major element of the plan and provides the status and results to date of each. Actions implemented to date are expected to reduce future rent costs by more than \$12.4 million annually.

## Summary of Major Elements of the Space Management Plan

The Judicial Conference's March 1996 space management plan includes a series of actions intended to reduce the overall level the judiciary spends on rent. Further, the plan focuses on reviewing current policies and practices to ensure that resources devoted to judiciary space are being used effectively. Together, these actions are having widespread implications for the size and composition of the judiciary's current and future space inventory. Judges, court unit executives, and Administrative Office staff members have worked diligently on implementing the plan. The following summarizes the plan's major elements, each of which is discussed more fully in the next section.

- **Review of current and future space.** The judiciary conducted a review of all existing space assignments, and all future space planned through FY 2000, to identify square footage amounts that could be released to the General Services Administration (GSA).
- **Impact of courtroom sharing on the delivery of justice.** The judiciary is determining what policy on courtroom sharing for active and senior judges it should adopt and whether the impact of any change would adversely affect case processing.
- **Development of criteria for releasing visiting facilities and other types of space.** The judiciary is developing criteria for acquiring and releasing court facilities without resident full-time judicial officers (i.e., visiting facilities), visit-

ing courtrooms and chambers in facilities with resident full-time judicial officers, probation and pretrial services divisional offices, and libraries.

- **Review of the U.S. Courts Design Guide.** The judiciary is reviewing possible changes to the guidelines used to design and construct court facilities.
- **Establishment of new budgeting and management approaches.** The judiciary is developing benchmarks to compare space use in courts of like size and with similar building characteristics, developing financial incentives to improve space use, and imposing ceilings on rent growth.

## Discussion of Major Elements of the Space Management Plan

### Review of Current and Future Space

As a result of its comprehensive review of all space currently occupied and planned to be occupied through fiscal year 2000, the judiciary has targeted over 585,000 square feet of space for release, totalling more than \$12.4 million in rent costs. The review focused on

- Ensuring that the size of current and planned facilities reflects the reduced staffing levels the judiciary has decided to maintain (i.e., courts are staffed at only 84% of the level dictated by staffing formulas).
- Consolidating space for training, conference rooms, and other support-type areas.
- Ensuring that assumptions made about the establishment of new judgeships and projected judgeship vacancies are still valid.
- Reconfiguring space layouts and eliminating any excess circulation or other space, where possible.
- Determining if any visiting facilities could be reduced in size or closed.

The following provides details on the type and amount of space identified for release.

**Existing space in facilities with resident judicial officers—61,000 square feet, \$950,000 in rent savings.** The judiciary has identified about 61,000 square feet of space in existing facilities with resident judicial officers that it will propose for release to GSA. Releasing this space would save the judiciary about \$950,000 annually in rent costs. The types of space identified include storage space, conference rooms, entire floors of buildings, chambers used infrequently, parking spaces, and libraries, among others. It should be noted that existing space allocations will be reviewed continuously and additional space might be identified for release in the future.

**Future space in new and renovated buildings—491,000 square feet, \$11.1 million in rent savings.** The judiciary has identified 491,000 square feet of space that can be eliminated from its inventory in new buildings it plans to occupy by fiscal year 2000 and current buildings for which it plans a renovation. Reducing the scope of these projects would save the judiciary \$11.1 million in rent costs.

These savings will be achieved primarily by (1) revising needed square footage amounts based on 84 percent staffing projections, (2) entering into agreements with state, local, and federal agencies to lease parts of certain new buildings until the judiciary needs the space in the future, (3) including in new buildings “shell” space large enough to accommodate future growth but not finishing the space until it is needed, (4) reconfiguring space to accommodate systems-type furniture, and (5) reevaluating the need for additional circuit library space and conference, hearing, and training rooms.

**Existing space in facilities without resident judicial officers—33,000 square feet, \$410,000 in rent savings.** Some of the judiciary’s facilities have no judicial officer in residence. Most of these facilities are in locations where there are not sufficient filings to justify a fully staffed facility and are far enough away from the nearest courthouse that travel to it might constitute an unfair burden on area residents. These visiting facilities cost about \$8 million in rent annually (less than 2 percent of the judiciary’s total rent bill).

In fiscal year 1996, the judiciary closed six facilities saving \$399,213 annually in rent costs. The affected facilities are listed below:

## Visiting Facilities Released in Fiscal Year 1996

Location	Square Feet	Annual Rent Savings
1. Montpelier, VT	4,465	\$103,927
2. Ponca City, OK	4,697	60,745
3. Wausau, WI	9,475	106,076
4. Paris, TX	4,913	52,711
5. Pueblo, CO	3,230	38,861
6. Easton, PA	2,233	36,893
TOTAL	29,013	\$399,213

Recently, the courts conducted another review and identified six additional visiting facilities that can be reduced in size or released in fiscal year 1997, saving about \$410,000 in annual rent costs and eliminating 33,000 square feet, subject to Judicial Conference approval, congressional input, and acceptance of the space by GSA. Combined with the facilities closed in FY 1996, this would reduce the number of these facilities from 80 in 1995 to 69 in 1997 and the associated square feet from 634,000 to 572,000.

The need for the remaining 69 facilities is continuously being reviewed. Further, criteria are being developed to assist with the determination to keep or release these facilities, as discussed later in this section.

It is important to note, however, that the judiciary's current efforts to close visiting facilities is generating numerous inquiries from members of Congress and members of the local bars. To date, correspondence has been received requesting the judiciary not to close a number of specific facilities. In the past as well, Congress has raised objections to attempts to close facilities in outlying areas.

**Summary of space identified for release.** The following table summarizes, by type, the space the judiciary has identified for release.

Type of Space	Reduction in Square Feet	Annual Rent Savings
Existing space in non-visiting facilities	61,000	\$950,000
Future space in new and renovated buildings	491,000	11,100,000
Existing space in visiting facilities	33,000	410,000
TOTAL	585,000	\$12,460,000

## **Impact of Courtroom Sharing on the Delivery of Justice**

The judiciary's current practice is to provide each judge a courtroom. This practice allows judges to dispose of cases expeditiously. More specifically, the practice of providing a courtroom for each judge allows judges to set firm trial dates because courtroom availability is guaranteed. Firm trial dates promote settlement in civil cases and pleas in criminal cases, thereby avoiding the need for and cost of trials, and ensure that cases that go to trial are handled expeditiously, as encouraged by the Speedy Trial Act of 1974 and the Civil Justice Reform Act of 1990. Further, providing a courtroom for each judge permits timely handling of emergency matters, such as requests for injunctions, grand jury problems, contempt hearings, and detention and bail appeals. Moreover, this practice permits unscheduled opportunities to settle large multi-party cases, opportunities that may be lost without immediate courtroom access.

Because the judiciary is committed to reviewing space management policies to identify viable cost-saving opportunities, the judiciary is examining the impact of providing less than one courtroom per judge. Specifically, the space management plan calls for the Judicial Conference to consider in March 1997 what policy on courtroom sharing for active and senior judges should be adopted, and whether the impact of any delays that would result from sharing courtrooms would adversely affect case processing. To this end, the judiciary is conducting the following activities:

**Surveys of the Federal Courts.** The judiciary surveyed all federal district courts to request information on local sharing policies and practices. One survey was sent to all chief district and bankruptcy judges and sought information on the sharing practices in each court facility throughout the district. A second survey was given to those judicial officers in each district who shared courtrooms. The surveys sought information about

- The extent to which district courts had formal policies on courtroom sharing.
- Whether judicial officers were sharing courtrooms and, if so, with whom and to what extent.
- How courtroom sharing is coordinated and the effect courtroom sharing has on the scheduling of hearings, trials, and other court events.

It should be noted that the surveys were not meant to be conclusive, definitive, or statistically representative instruments. Rather, they sought to obtain initial impressions of courtroom sharing in the federal judiciary.

The surveys revealed that it is the norm for each judge to have a dedicated courtroom. Judges do, however, share their courtrooms with other judges when necessary, for example, to accommodate a visiting judge or the need for a larger courtroom, or until a new courtroom can be constructed. The highest frequency of sharing is between active district and senior district judges. In addition, courtrooms are used for purposes other than the court's regular business: administrative hearings, U.S. Trustee proceedings, state and local hearings, naturalization hearings, and training and seminars. Courtrooms also are shared with the U.S. Tax Court and the U.S. Court of Federal Claims.

It is clear from the responses, however, that while many judicial officers exchange courtrooms, very few share on a frequent or routine basis. As a result, there is very little data on the real impact of regular courtroom sharing.

**Surveys of State and Local Courts.** The judiciary hired a consultant to conduct a survey of courtroom practices among state and local trial courts. The purpose was to see if courts in these jurisdictions provide a courtroom for each judge or require judges to share courtrooms, and, if they share, under what circumstances. Prior to conducting this survey, no information could be located on courtroom assignment practices in state and local courts.

A questionnaire was sent to all trial courts in cities or counties with a population of at least 500,000. Approximately 130 questionnaires were sent and 102 were returned. The survey was not meant to be an exhaustive study of courtroom use practices in the states, but instead was a preliminary look to see if courtroom sharing is going on, in what way, and to what extent. The major findings are the following:

- Seventy-eight percent of the respondents follow the same practice as the federal courts, that is they provide each judicial officer a courtroom.
- The consultant found that generally in jurisdictions where courtrooms are shared it is done out of necessity and not as a matter of policy. In only 13 percent of the courts responding do judges share courtrooms as a matter of policy or choice.

**Other Research on Courtroom Sharing.** The judiciary engaged the services of the RAND Corporation to provide insight on the issue of courtroom sharing

and the resulting impact on the administration of justice. RAND, a research firm which has been studying federal case management practices as they relate to the Civil Justice Reform Act of 1990, was asked to provide

- A brief survey and assessment of the research literature on courtroom utilization policy and practice (i.e., courtroom sharing).
- Preliminary suggestions for designing further research in order to study courtroom utilization policies using knowledge gained from RAND's analysis of federal case management policies under the Civil Justice Reform Act.

Regarding the literature assessment, RAND located five studies that specifically considered courtroom sharing or contained ideas and methodologies relevant to the topic, only one of which had a federal focus. None moved beyond the most rudimentary questions about the effects of courtroom sharing on court operations. RAND concluded that the studies do not offer a solid empirical or theoretical basis for decision-making on the appropriate courtroom-per-judge ratio.

Regarding suggestions for further research, RAND proposed a detailed approach for conducting a thorough, empirically based study that would answer questions about the impact of altering the current 1:1 courtroom-per-judge ratio and provide a dependable basis for incorporating those answers into short- and long-range facilities planning. The heart of the research would rely on the collection and analysis of new data to answer the following core question: How will courtroom sharing affect costs, case processing, case outcomes, and the delivery of justice? More specifically, would total costs—to the taxpaying public, to the courts, and to lawyers and litigants—be higher or lower? Would the procedural and case processing consequences be harmful or beneficial? Would judicial and staff productivity go up or down? Would the capacity of the federal court system to deliver justice be impaired or enhanced? Changing the courtroom-per-judge ratio may save construction money, but what may be optimal from the construction cost standpoint may or may not be detrimental when a broader view is taken.

Because of the potentially damaging consequences of answering the above questions incorrectly, RAND concludes that an inquiry into the effects of changes in the courtroom-per-judge ratio must be thorough and definitive, and encompass elements of the litigation process beyond construction costs and the percentage of time courtrooms are in actual use. Further, RAND strongly cautions against any attempt to change the current policy without such study.

The judiciary is considering the results of its research to date, as well as RAND's observations, and recommendations regarding courtroom sharing will be presented to the Judicial Conference for action in March 1997.

### **Development of Criteria for Releasing Visiting Facilities and Other Types of Space**

The space management plan calls for the Judicial Conference to determine in March 1997 criteria for acquiring and releasing certain types of space. These include visiting facilities, probation and pretrial services divisional offices, and libraries.

As discussed earlier, the courts have examined the need for all existing space to determine if any could be released. The criteria being developed, which may be complemented by case-by-case cost-benefit analyses, will assist with further examinations, ensuring that all courts scrutinize their space requirements using a common framework and set of factors.

For example, the types of factors that are relevant in the determination to release a visiting facility may include number of days the facility is used annually, the cost per day of use, proximity to the nearest court facility, and economic benefit of the facility to the community. For a divisional probation office, criteria may include impact on travel, rent, and other costs of locating the office at the main courthouse; number of office personnel; and workload.

### **Review of the *U.S. Courts Design Guide***

The judiciary is in the process of reviewing the *U.S. Courts Design Guide*, which specifies the standards for building court facilities. The Design Guide is being evaluated based on input solicited from judges and court personnel, the private sector's design and construction community, and GSA. The review will emphasize the identification of cost-effective design strategies to maintain functionality while reducing construction and rent costs.

Any changes to the Design Guide will be presented to the Judicial Conference for approval in March 1997.

### **Establishment of New Budgeting and Management Approaches**

The judiciary is implementing several new budgeting and management approaches to control and reduce rent costs. Several examples include the following:

- Ceilings on rent increases are being used in the formulation of future judiciary budgets. For example, in formulating the fiscal year 1998 budget request, the judiciary set a maximum level that would be included for rent. That level was \$14 million below the amount estimated to be needed to pay for rent costs, anticipating that the judiciary would implement actions as part of its overall space management effort to reduce its planned inventory.
- A national incentive program is being implemented to encourage courts to manage space cost effectively. Specifically, courts can receive renovation funds to reconfigure existing space—altering it to accommodate systems furniture, for example—if the resulting rent savings would offset the investment over a three-year period.
- Space utilization benchmarks are being established to compare how courts of like size and with similar building characteristics are using their space.
- Courts are being asked to identify innovative space management practices so that these ideas can be shared with all courts for consideration.

## Conclusion

Containing the rent costs of court facilities is one of the judiciary's highest administrative priorities. The judiciary now is implementing a comprehensive plan that affects virtually every current space management policy and practice. Visiting facilities are being closed, the impact of changing the current practice of providing each judge a courtroom is being examined, the standards governing facility design and construction are being reviewed, and the entire space inventory is being examined. To date, the judiciary has identified over 585,000 square feet of space that can be eliminated from its inventory, saving over \$12.4 million annually. The judiciary will continue to explore the possibility of additional savings—to the extent they can be realized without impeding effective court administration and case management practices.