

President's Message

AMERICAN BAR ASSOCIATION
DIVISION FOR BAR SERVICES
CLEARINGHOUSE AND LIBRARY

JOYCE E. KITCHENS

It's Time to Rally Against Court Funding Cuts

OUR MIDYEAR MEETING in Washington coincided with the Cherry Blossom Festival, so, despite the cold, rainy weather, I took a long walk and wound up at the Tidal Basin. Under the umbrella of gorgeous cherry blossoms, I strolled through the

Jefferson, FDR, and Korean Memorials and reflected on the actions that ordinary Americans, at extraordinary times in our history, took to defend our basic, inalienable rights.

As practitioners in the federal courts, we also are ordinary people who serve as lawyers and are charged with the responsibility to uphold those fundamental, cherished rights. The protection of those rights is accomplished in many ways, including the representation we provide to our clients whenever we walk into a federal courthouse or an agency of the federal government. It also comes about through the efforts of the Federal Bar Association to ensure that our courts remain healthy and effective guardians of those rights.

Right now the FBA is engaged in a critical campaign to make sure that the federal courts have the minimum requisite resources to operate at normal levels. That the FBA would need to spend time on a task like this is shocking, to say the least. Nonetheless, current and projected funding levels as set by Congress are so meager that a crisis threatens to overtake the federal courts. The workload of the federal courts is increasing, while their financial resources, as provided by Congress, are decreasing. As Judge John G. Heyburn II, testifying for the Judicial Conference of the United States, told a congressional committee recently, "The courts' workload and the resources provided to handle that workload are headed in opposite directions."

Compared with the situation of two years ago, increases are projected to be 10 percent in criminal cases, 17 percent in activated pretrial services cases 11 percent in bankruptcy filings, and 19 percent in Criminal Justice Act representations. At the same time, Congress has cut funding to pay for the courts' nonsalary operating expenses by 32 percent below the courts' required amount.

The impact of these budget cuts is not a future concern; the crisis is already at hand. Operations in federal courts across the country already have begun to suffer. Probation officers, for example, are being compelled to scale back on the supervision of of-

fenders who do not pose a risk to public safety.

The situation over the next several months is expected to grow only worse. By June, the courts' resources to pay federal defender panel attorneys, who provide for constitutionally and statutorily mandated indigent defense counsel, will dry up. This will necessitate a halt in payments to panel attorneys, resulting in significant delays in criminal proceedings. Similarly, funds to pay jurors in civil trials are expected to run out in July. This has the potential of bringing all civil jury trials to a dead stop.

The situation is even more desperate when looking ahead to next year. If Congress enacts the administration's FY 2005 funding request, the federal courts will be forced to cut operating expenses in half and to fire or lay off an estimated 3,800 court employees, representing almost 20 percent of the probation and clerks' office personnel.

The federal courts across the nation and the public will feel the impact of these budget cuts in several ways:

- The sentencing process will be jeopardized because too few probation officers will be available to help judges fashion appropriate sentences.
- Testing and supervision of released prisoners will be limited to only the most dangerous felons, resulting in a significant degradation of public safety.
- Victim advocacy responsibilities, including the determination of monetary losses and the collection of victim restitution charges and criminal fines, will be substantially impaired.
- Payment of court-appointed counsel for indigent defendants, as required by the Constitution, will become unavailable.
- Payments to jurors in civil trials will run out, throwing into jeopardy the availability of trial by jury.



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ney Joe Corrao, sponsors numerous activities throughout the year, including monthly luncheons at the Department of Transportation (co-sponsored by the DOT Lawyers Association), a law student writing competition, the award-winning newsletter *TransLaw*, and various seminars and meetings. Included in its jurisdiction are legislation and other developments affecting aviation, water, rail, public transit, trucking, customs, and transportation security. To join this section, contact Alli Parrott, aparrott@fedbar.org.

Federal Career Service Division

The Federal Career Service Division and Cricket Technologies co-sponsored two seminars on March 12 and March 26 at the Ronald Reagan Building in Washington, D.C. The program, titled *Forensics Matters: An Innovative Computer Forensics and Electronic Document Discovery Seminar*, was open to all government attorneys and featured Hon. Royce Lamberth, U.S. district judge, and Hon. Paul Grimm, U.S. magistrate judge. **TFL**

Sections & Divisions is compiled by Alli Parrott, FBA manager of sections and divisions.

Federal Career Service Division — (top photo, l to r): Joyce Kitchens, FBA president; Jim Scott, Capitol Hill Chapter president-elect; Hon. Charles Erdmann, U.S. Court of Appeals for the Armed Forces; and John Lynch, Pentagon Chapter president; (bottom photo, l to r): Ellen Lazarus, FBA past national president; Whitney Adams, vice president, Cricket Technologies; Joyce Kitchens; Hon. Royce Lamberth, U.S. District Court for the District of Columbia.



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All of this will have a direct bearing on our use of the federal courts and the quality of justice made available to our clients. The rights of federal litigants will be severely impaired, and the safety of our communities will be affected. As federal practitioners and members of the FBA, we clearly have a responsibility to do something about the situation.

In recent days, I have written on behalf of the FBA to congressional leaders in the House of Representatives and the Senate to let them know how serious the situation is and to ask for a supplemental increase in this year's funding for the federal courts, as well as for an increase in next year's appropriation for the federal judiciary. I ask you to do the same. Consult the FBA Web site for further information and resources. FBA headquarters and our Government

Relations Committee are also working with chapter leaders to undertake important efforts establishing greater dialogue between members of Congress and their federal courts.

The strength of our judicial system absolutely depends on the availability of the courts to provide for the prompt administration of justice. That outcome requires sufficient financial resources. It's up to us as ordinary Americans to assure that our elected leaders in Washington share that same view. **TFL**

Joyce S. Kitchens