

Optimal Utilization

OF JUDICIAL RESOURCES

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EXECUTIVE SUMMARY

The judiciary has completed a review of its efforts to ensure the optimal use of judicial resources. This study describes how the judiciary is taking action to carry out its mission cost effectively by streamlining operations, using technology, and ensuring resources are deployed appropriately and used efficiently.

For many years, the judiciary has been intensely focused on improving economy and efficiency. To facilitate these efforts, the Judicial Conference of the United States, the judiciary's policy-making body, three years ago created a special, permanent subcommittee of its Budget Committee. Supported by the Administrative Office of the United States Courts, and in conjunction with other committees of the Judicial Conference, the Economy Subcommittee's mission is to coordinate the judiciary's actions to improve fiscal responsibility, accountability, and efficiency. The appendix to this report provides a list of initiatives compiled by the Economy Subcommittee which identifies substantial savings to the federal government through the concerted cost-containment efforts of the judiciary family. The judiciary is committed to continuing and expanding these efforts to identify further savings and ways to improve the administration of justice.

Approved by the Judicial Conference, this report responds to Congress' request for a study on the optimal utilization of judicial resources. Specifically, the congressional Conference Report cited in the federal judiciary's fiscal year 1996 continuing resolution asked for a study by November 30, 1996, addressing four specific topics. In addition, the fiscal year 1997 House appropriations committee report asked that the study also address a fifth topic, specifically any other areas where improvements and cost efficiencies can be achieved. The five requested study areas and results are summarized below and described in detail in the report.

Distribution of Judicial Resources

- **The extent to which the current judicial workload corresponds to the distribution of judicial resources**

The staff resource planning and distribution systems of the judiciary ensure that staffing corresponds to workload. For court support staff, the judiciary measures the work performed in the courts and uses workload-driven formulas and sophisticated statistical forecasting to formulate budget requirements, and up-to-date workload information to distribute positions based on the workload in each court. For judgeships, the Judicial Conference applies workload-based criteria to determine requirements. For Article III and bankruptcy judgeships, the Judicial Conference makes recommendations to Congress, which ultimately decides the distribution of those positions. Chapter 1 provides a detailed analysis of the distribution of judiciary staff resources.

Space Costs

- **The extent to which under-utilized court facilities could be closed, or the sharing of courtroom space expanded, without appreciably affecting the delivery of justice, and the potential for savings in space costs that could be realized**

The judiciary is taking a number of steps to reduce courthouse space costs wherever this can be done without impeding the effective administration of justice. The Judicial Conference has adopted a comprehensive plan for enhancing space management and containing General Services Administration (GSA) rental costs. Initiatives underway include reducing the size of the current and projected space inventory by closing or downsizing visiting court facilities where appropriate, reexamining the amount of space to be occupied in future buildings, and consolidating existing space when possible. Also, the Judicial Conference is exploring the feasibility of courtroom sharing and will adopt an appropriate policy. In addition, the Judicial Conference Committee on Security, Space and Facilities is reviewing the judicial space standards compiled in the **U.S. Courts**

Design Guide. One aspect of this review is to emphasize proven cost-effective design strategies. Actions already taken will save over \$12.4 million in annual rent costs. Chapter 2 provides a detailed discussion of the judiciary's space management initiatives.

Contract Services

- **The extent to which the use of contract services might be substituted for non-judge employees in the courts and what, if any, savings could be realized**

The judiciary makes extensive use of non-judiciary employees to perform a wide variety of functions, such as photocopying, computer repair, production of jury wheels, temporary clerical work, drug testing, and expert consultant services. In fiscal year 1995 alone, the judiciary obligated approximately \$355 million for outside services. The appropriate use of contract services can save resources and often provides a more efficient way to deliver certain services. In addition to national contracts, the courts have been given the flexibility to obtain services by contract where it would be cost-effective. Possibilities for additional use of outside services are being explored, but new opportunities are limited because many judiciary functions simply cannot be appropriately performed by non-judiciary employees. Chapter 3 provides a detailed analysis of the judiciary's use of contractor services.

Automation and Technology

- **The extent to which savings and efficiencies can be realized through enhanced use of automation and other high technology initiatives**

The automated systems currently available to the courts rival those of any other similar federal entity and most private law firms. To expand on past ac-

complishments and take advantage of emerging information and communications technologies, the judiciary is pursuing several major initiatives with excellent potential to change and improve the processes by which business is conducted in the federal courts—for the courts themselves as well as for litigants and the public. The judiciary is exploring and testing the use of Internet and Intranet technologies, imaging technologies, electronic filing, electronic noticing, videoconferencing, computer-based training, mobile computing, and other technologies and applications. The judiciary's modern business approach to information technology development ensures that technological solutions to business needs are based on user requirements and are shown to be cost effective. Enhanced use of technology can improve the accessibility and accuracy of information, improve judge and staff productivity, enhance public access to court services and information, and facilitate more efficient disposition of cases. Chapter 4 provides a detailed discussion of the judiciary's forward-looking automation efforts.

Other Opportunities for Economy

■ The extent to which the judiciary is pursuing improvements and cost efficiencies in other areas

The judiciary has a broad array of programs and procedures in place to identify other areas where improvements and cost efficiencies can be achieved. The judiciary is examining and implementing numerous process, policy, and program improvements to reduce spending, ensure resources are not wasted, and improve efficiency. Individual courts are adapting to resource shortages through innovations that can be adopted by other courts. National efforts include a program to identify and communicate potentially better methods for carrying out work processes, and the examination of alternative ways of organizing staff resources for handling administrative functions. An extensive list of efficiency improvements the judiciary has either implemented in recent years, or is considering for future years, demonstrates a commitment to identifying ways to economize. Chapter 5 discusses in detail several major economy and efficiency efforts, and the Appendix provides a comprehensive summary.

ENSURING THE EQUITABLE DISTRIBUTION OF JUDICIAL RESOURCES

Introduction

The judiciary employs a number of sophisticated systems to ensure that judicial resources correspond directly to workload. It redistributes staff resources as needed to meet changing needs. The judiciary is notable among federal entities for its use of scientific means to measure its workload, estimate staffing needs, and deploy resources to meet those needs most efficiently. This section includes (1) descriptions of processes used by the judiciary to allocate resources or develop recommendations for congressional use in allocating resources, (2) explanations of the systems in place to ensure equitable distribution of staff and judicial officer resources, and (3) summaries of how resource distributions correspond with the primary workload factors from the most recent year and explanations of any variations.

Summary

Workload measures correspond closely to the distribution of court staff and judges. The judiciary has developed and continually refines a sophisticated staffing allocation system to ensure the proper distribution of court staff among clerks' offices (appeals, district, and bankruptcy), probation offices, and pretrial services offices. The allocation system for these resources is designed to ensure

that they are distributed in a manner consistent with workload through the use of formulas derived from comprehensive national studies of the work performed in these offices. The judiciary redistributes resources in this manner each year to ensure a fair and equitable allocation of staff to each of the offices based on current workload information.

The judiciary uses standard formulas based on caseload to determine when it should request additional Article III and bankruptcy judgeships from Congress. The number and distribution of appellate, district, and bankruptcy judgeships are determined by Congress. As a result, the distribution of judicial officers is primarily workload-driven, but not entirely so, and there is some disparity in workload among judicial officers. Allocations of judges' chambers staff (law clerks and secretaries) are based on standards for each type of judicial officer.

Allocation of Staff Resources

For many years, the judiciary has allocated court staff resources on the basis of workload in the courts. Staff resources in the clerks' offices, probation offices, and pretrial services offices account for approximately 80 percent of the support staff of the courts. For each of these court units, the allocation of staff resources is based on staffing formulas developed through work measurement studies. The formulas are applied every year using the most recently compiled data for each of numerous workload factors. In making allocations in this manner, the judiciary ensures that distribution of staff resources to the courts is consistent with current workload. To support equitable resource distribution on a continuing basis, the judiciary has adopted a new Court Personnel System, which provides individual courts flexibility in establishing work forces appropriate for their locale, and a Cost Control Monitoring System requiring financial accountability for personnel actions taken in each court. Together, these systems for measuring, allotting, and funding staff resources guarantee that the allocation of staff resources will not vary from the distribution of workload. Additional information on these systems is included in Chapter 3.

Staffing for the remaining 20 percent of the judiciary is determined through ratios and standards. Nearly all of this represents staffing allocated to chambers.

Standards are set by Judicial Conference policy for appeals, district, bankruptcy, and magistrate judge chambers across the country. Because the judicial officer allocations are workload-driven, the supporting chambers allocations are equally representative of current workload.

Work Measurement

The formulas the judiciary uses to request and allocate staff are based on standard business techniques. Work measurement studies form the basis for formulas used to determine staffing requirements and allocate resources to the support offices. This methodology provides a statistically valid measurement of the staffing hours required to produce an end product or service. Work measurement studies include on-site data collection at a representative sample of courts and additional data collected through interviews with court staff. The time required to perform a task is documented, along with the frequency with which the task is performed.

Data collection occurs only after extensive consultation with court staff to identify accurately the tasks to be studied. This detailed description of tasks is the work-center description that must contain all required duties of the court unit. After data collection, all of the data are analyzed, validated, and subjected to statistical testing in order to identify workload factors (e.g., case filings, the number of judicial officers, etc.) that have the strongest relationships with the time required to perform the work. The best relationships are further validated by applying the resulting staffing factors against the workload to determine their reliability. The factors that are found to be the most reliable in estimating the times to perform tasks are then used to establish a representative and equitable nationwide staffing formula. The number of determining factors will vary. For example, the district court clerks' formula contains more than 30 separate factors, and the probation formula contains 15 factors.

The work measurement process includes a modular approach for formula development to provide flexibility. A modular formula that has the work functionally separated by specific staffing factors is easier to update when changes in operations occur. For example, if the formula has a specific factor for all financial activities and procedural changes occur, the new operation is measured, the old factor is pulled from the formula, and the new factor is substituted.

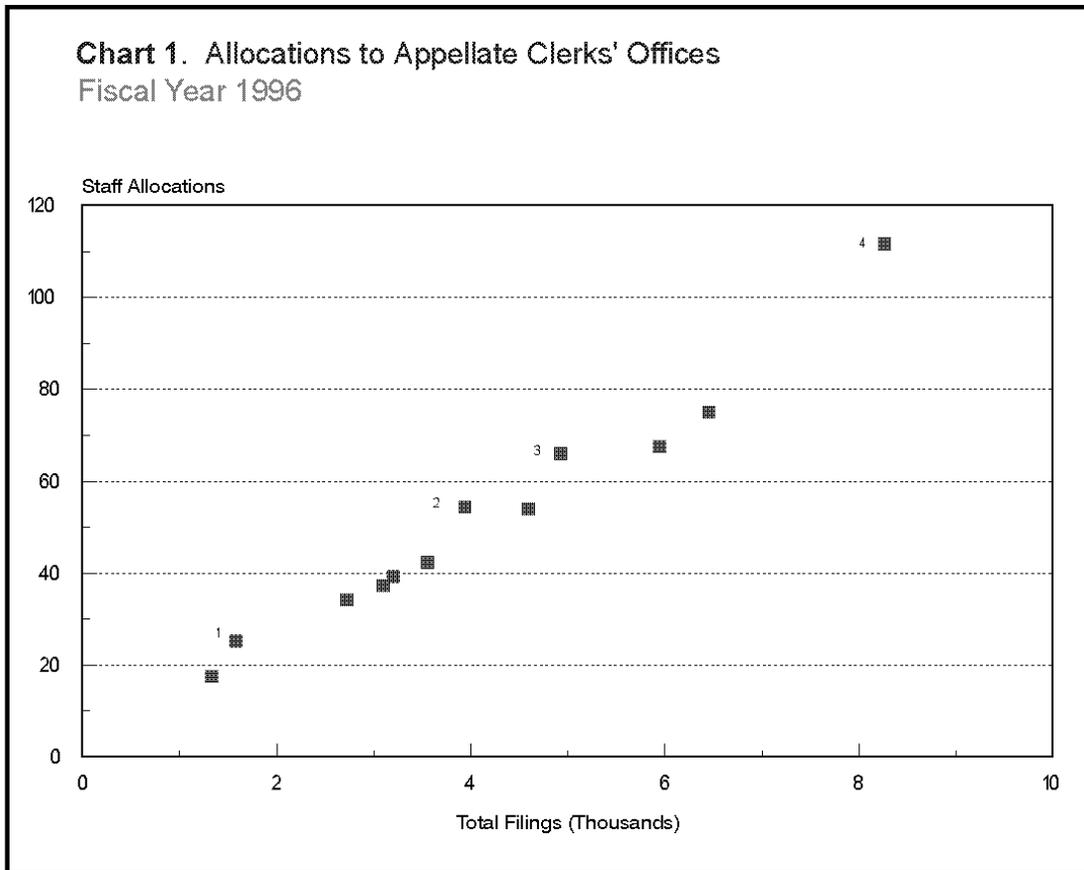
The formulas are revised periodically to incorporate significant changes in procedures, the impact of automation in the courts, and changes in functions resulting from legislative or Judicial Conference actions. The district court clerks'

staffing formula, for example, was recently adjusted to reflect reduced staffing needs associated with processing naturalization applications because of a transfer of responsibilities. Also, the bankruptcy court clerks' formula was adjusted downward to reflect the efficiencies of using a private contractor to issue bankruptcy notices rather than performing the noticing function in the clerk's office.

Since workload fluctuates from year to year, it is necessary to adjust the staffing level of court offices periodically. In fiscal year 1994, bankruptcy filings, which account for a major portion of the clerks' staffing formula, dropped unexpectedly and substantially. The Judicial Conference determined that it could not rely solely on attrition to reduce the existing level of staffing in most of the bankruptcy clerks' offices. Accordingly, it approved a tough, realistic nationwide "equalization" program. The program applied to clerks' offices of all types and probation and pretrial services offices. Courts authorized to hire new staff were urged to consider hiring staff from court units that were over their own target levels. As a result of these efforts, approximately 500 positions were eliminated in bankruptcy courts through voluntary transfers of employees to under-target court units, and through buyouts, retirements, resignations, and involuntary separations.

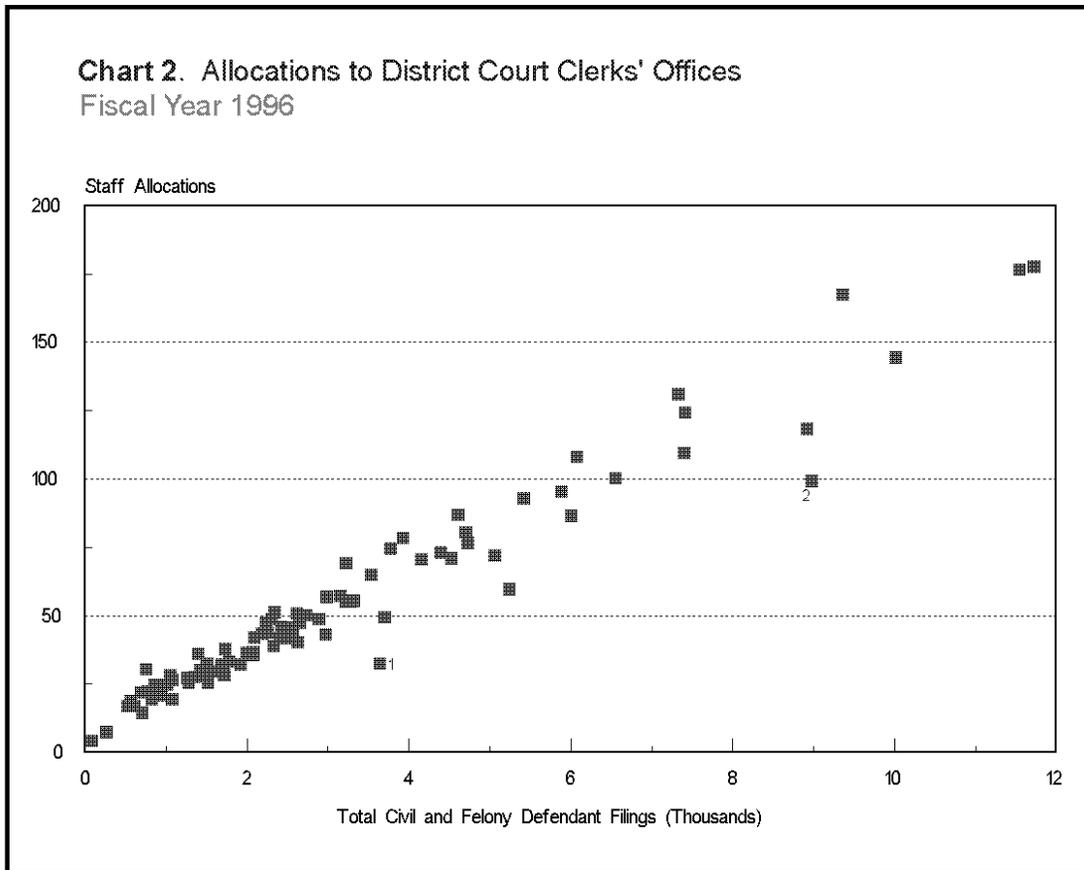
Distribution of Resources and Workload

Caseload is one appropriate measure of staff workload, but some functions performed by the support offices are not directly tied to caseload. For that reason, other factors also are valid determinants of resource requirements. If all workload factors could be rolled into one single factor, the relationship between that result and the allocations would be almost a perfect straight line. Because it is impossible to graph all of the factors combined, Charts 1 through 5 illustrate the close relationships between the primary caseload factor or factors from each staffing formula and the fiscal year 1996 staffing allocations. In each of the charts there is a very high correlation between the two. The small variations in the distribution of resources occur because there are factors other than caseload, and because different weights are given to differing case types. Some of the variation may be due also to adjustments made on a case-by-case basis to accommodate special workload conditions (usually of a temporary nature) faced by individual courts and not represented in the national formulas. In the charts that follow, the square points represent court units (e.g., appellate clerks' offices, probation offices) and all are included unless otherwise noted. In some charts a single point may represent more than one court unit.



Appellate Clerks' Offices. The staffing allocation for appellate clerks is based primarily on case filings. Chart 1 shows the relationship between case filings and the allocations to the clerks' offices of the courts of appeals. The nearly straight line shows there is a very high correlation between the two. The few data points that stray slightly from the pattern are caused by (1) allocations made to three of the clerks' offices for personal computer support (noted with 2, 3, and 4 on the chart), which in other circuits is included in allocations to circuit executives' offices; and (2) allocations made to two circuits (1 and 4 on the chart) to accommodate special workload burdens associated with administrative agency cases and staff support to a bankruptcy appellate panel.

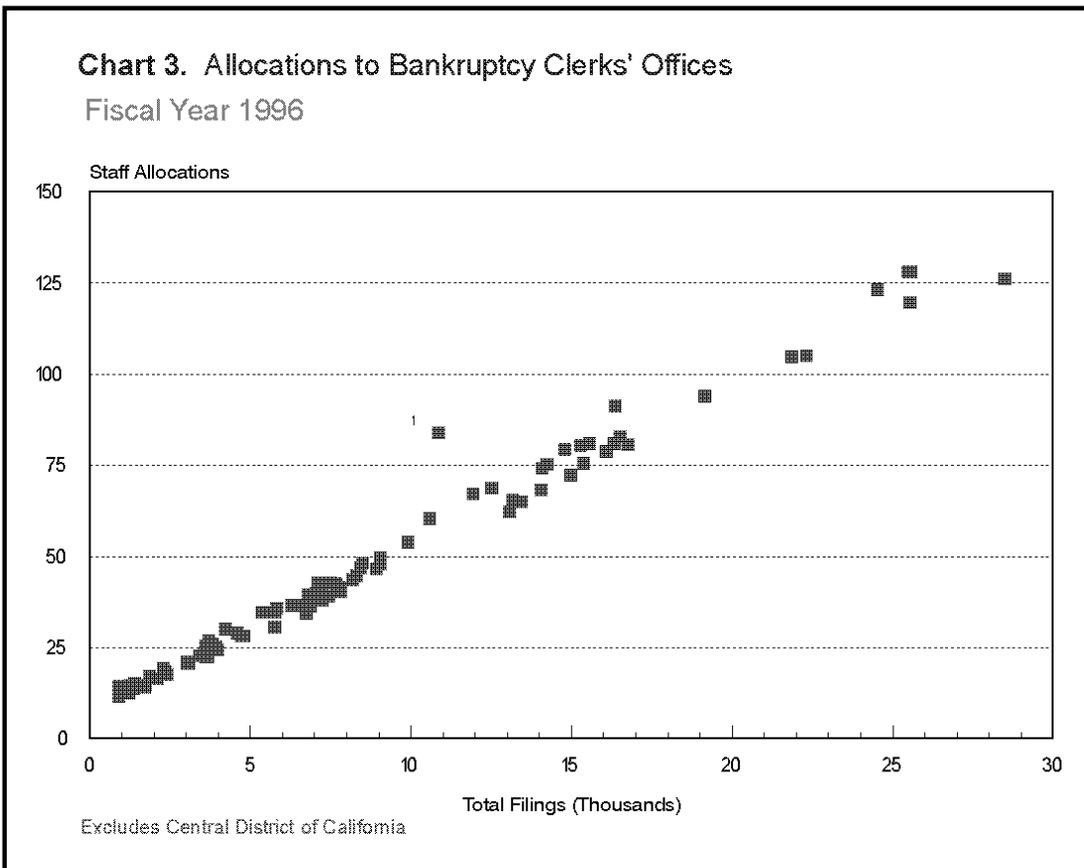
District Court Clerks' Offices. In district courts, the number of civil case and criminal defendant filings account for approximately 30 percent of the total district clerks' staffing requirement, and the number of judges serviced by the office accounts for another 30 percent. In addition, there are factors representing the financial functions, space management and planning, automation support, and



the number of divisional offices in operation. Chart 2 shows the relationship between the civil case and criminal defendant filings in each district and the staffing allocations. The data form a consistent pattern of increasing resources with increasing caseload. There is little variation from the pattern formed by the data, again showing the correlation is very high. The courts with the lower allocations (noted as 1 and 2 in the chart) have fewer judges than the caseload would seem to require, and because the number of judges is a major factor in the staffing formula, the allocation appears to be low. One of the courts has a large number of specialized cases that are not a factor in developing the need for judges (asbestos cases). For the other court, Congress has not acted on the Judicial Conference's recommendation to create an additional judgeship (first proposed in 1984), so this court has fewer judges than necessary.

Bankruptcy Clerks' Offices. Chart 3 contains data on the allocation of resources to bankruptcy clerks' offices compared to the total number of bankruptcy cases filed. The data form a consistent pattern. In the bankruptcy clerks' formula, caseload (usually weighted by chapter) is used in most of the 30 factors

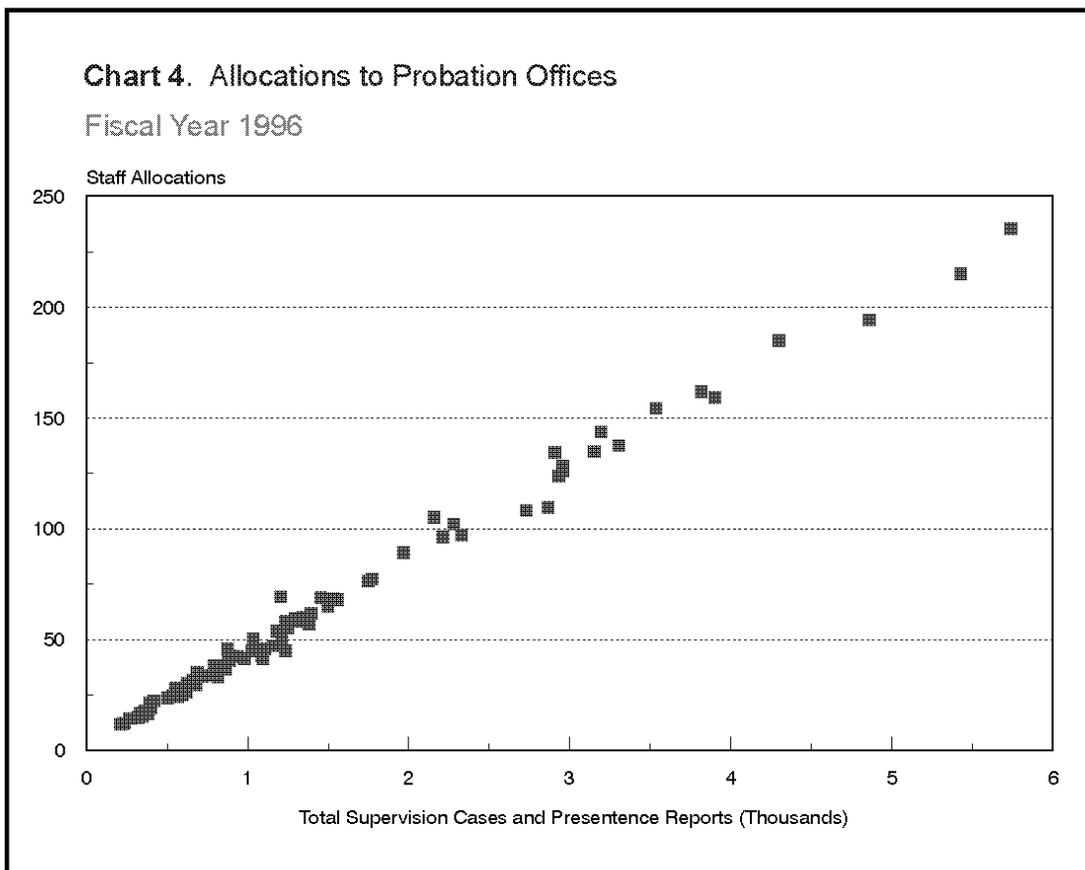
that make up the staffing formula. In addition, there are factors representing the financial functions, space management and planning, automation support, and the number of divisional offices in operation. Slight variations from the pattern result from the use of differing weights for each chapter of the bankruptcy code or from one or more of the other workload factors used in the staffing formulas. Chapter 13 cases are weighted about 1.5 times more than chapter 7, and chapter 11 cases, which are relatively small in number, are weighted almost 10 times higher than chapter 7. Because of this weighting by case type, courts that have a disproportionate number of chapter 13 cases will be allocated more staff resources than a court that has predominately chapter 7 filings, although the courts may have the same number of total case filings. Even with this weighting system, there is still one court (marked 1 in Chart 3) that falls outside the consistent pattern. That court has been provided additional staff resources to address the demands on the clerk's office of "mega"-chapter 11 cases. These are cases in which the assets of the company filing under chapter 11 are in excess of \$100 million and there are more than 1,000 creditors. If a court has a large number of



these unusually large cases, the staffing formula does not adequately account for the workload generated by the cases and an adjustment is made.

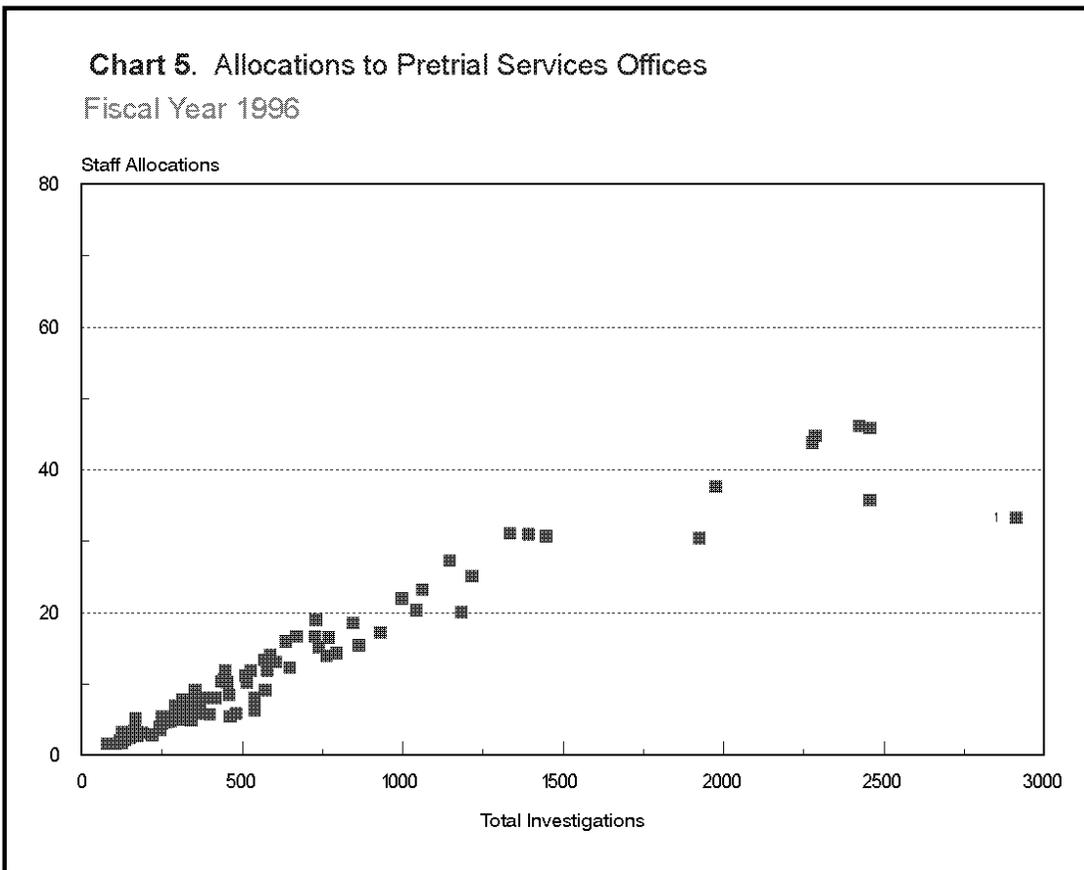
As noted, the Central District of California is excluded from Chart 3, as well as Charts 8 and 9 later in this chapter. That court is significantly larger than other bankruptcy courts and the data presentation would be distorted if it were included.

Probation Offices. In probation offices, the number of persons under supervision and the number of presentence reports are the dominant workload factors. Chart 4 contains data on the staff allocations to each of the probation offices compared to these factors. The data form almost a straight line, indicating the consistency between workload distribution and resource allocations. The consistency of the pattern results from the fact that these two workload factors determine approximately 80 percent of the staffing allocations to probation offices. Variations from the pattern result from the influence of other workload factors such as the number of home confinement/electronic monitoring cases, the number of mental health cases, and the number of substance abuse cases, all of



which have an impact on workload and staffing requirements but are not accounted for in the comparison shown in Chart 4.

Pretrial Services Offices. In pretrial services offices, staffing requirements are determined largely by the numbers of investigations, violation reports, collateral reports, persons under pretrial supervision, and detention hearings. Chart 5 provides the data on allocations to pretrial services offices compared to the total number of investigations conducted by the offices. The data form a consistent pattern of increasing staffing as investigations increase. The numbers of staff allocated to pretrial services offices is relatively small by comparison to other court support offices. Because of that, the pattern in the chart appears to contain more variation than in other court units where staffing allocations are two to five times higher than for pretrial services offices. Variation results from the fact that the staffing formula for pretrial services offices contains numerous workload factors rather than just investigations. For example, the numbers of substance abuse cases, diversion supervision cases, and home confinement cases all play an important role in determining staffing requirements for a court. The courts



that fall furthest from the general pattern in Chart 5 have relatively low numbers of cases in one or several of these staffing factors. The court with the largest number of investigations (labeled 1) has relatively low numbers of detention hearings, substance abuse cases, and diversion supervision cases. Because of those factors, the court receives a lower staffing allocation than other courts with fewer investigations.

Distribution of Judgeships

Judiciary Role in Judgeship Process

The role of the judiciary in establishing, eliminating, appointing or transferring judgeships is different for magistrate, bankruptcy, and Article III judgeships. The judiciary's role in the distribution of Article III and bankruptcy judgeships is primarily advisory to Congress. For magistrate judge resources, the judiciary has a more direct role. In all cases, the judiciary conducts detailed reviews of its need for judicial officers in all courts and, through the application of general workload standards, determines the appropriate allocation of resources and makes recommendations to Congress.

Congress has the authority to establish or eliminate Article III judgeship positions. The President, with the advice and consent of the Senate, makes judicial appointments. The Judicial Conference recommends congressional action to establish new judgeships and uses standard formulas to determine when an additional judgeship is needed. The Judicial Conference is considering whether it should also recommend that certain positions be eliminated or left vacant.

Congress has the authority to create, eliminate, or transfer bankruptcy judgeships. The Judicial Conference recommends creating new positions or holding positions vacant based upon workload measures. The appointment process for bankruptcy judges is under the control of the courts of appeals and, therefore, decisions related to filling positions or leaving them vacant are within the control of the judiciary. In instances where the court can handle its current workload without filling a vacancy, the judiciary can make adjustments by leaving current vacancies unfilled or by not filling vacancies as they occur.

Under 28 U.S.C. § 633, the Judicial Conference has the authority to establish magistrate judge positions, subject to funding by Congress. It may also eliminate

positions. The judiciary, with each district court having that authority, also appoints magistrate judges. With this control of positions and appointments, the judiciary has established procedures to make sure that magistrate judge resources are distributed equitably. For example, with each vacancy in a magistrate judge position, both the judicial council of the circuit and the Director of the Administrative Office of the U.S. Courts must recommend filling the position before the court can make an appointment.

Judgeship Survey Process

The Judicial Conference, through its committee structure, uses a formal survey process to review and evaluate magistrate, bankruptcy, and Article III judgeship needs, regularly and systematically. The surveys are based on established criteria related to the workload of the judicial officers. These reviews are conducted by the appropriate committees of the Judicial Conference, with final decisions on judgeship needs by the Judicial Conference itself. For bankruptcy and Article III judgeships, the Judicial Conference submits recommendations to Congress for legislative consideration. With each judgeship survey, the Judicial Conference reconsiders prior recommendations based on more recent workload data and makes adjustments for any court where the workload no longer supports the need for additional judgeships. For both magistrate and bankruptcy judgeships, surveys also include consideration and recommendations related to filling vacant positions. A similar process is under development for Article III judgeships.

The Judicial Conference and its committees use case weighting systems¹ designed to measure judicial workload, along with a variety of other factors, to assess bankruptcy and Article III judgeship needs. The Judicial Conference submits recommendations for additional judgeships for congressional consideration every other year.

For Article III courts, nationwide surveys of judgeship needs are conducted biennially by the Judicial Conference through its Committee on Judicial Resources. At its March 1996 session, the Judicial Conference approved a recommendation to expand the surveys to include possible moratoriums on filling vacancies or

¹“Weighted filings” is a mathematical adjustment of filings, based on the nature of cases and the expected amount of judge time required for disposition. For example, in the weighted filings system for district courts, each student loan civil case is counted as only 0.031 cases while each cocaine distribution defendant is counted as 2.27 weighted cases. In the bankruptcy weighting system, each chapter 11 case where assets are in excess of \$1 million is weighted 11.234. Each non-business chapter 7 case with assets under \$50,000 is weighted only 0.089. The weighting factors for both systems were developed on the basis of time studies conducted by the Federal Judicial Center.

eliminating judgeships based on workload changes. The evaluation of judgeship needs is based on justifications submitted by each court, the recommendations of the judicial councils of the circuits, and the most recent caseload data. Although numerous factors are considered, the primary factor for evaluating the need for additional district judgeships is the level of weighted filings. In an ongoing effort to control growth, in 1994 the Judicial Conference adopted new, more conservative criteria to evaluate requests for additional district judgeships, including an increase in the benchmark caseload standard from 400 to 430 weighted cases per judgeship. At its most recent session, the Judicial Conference approved a revised process for evaluating judgeship needs in the courts of appeals. The new process will include the use of a general caseload guideline of 500 filings (with pro se cases weighted 1/3) per three-judge panel, along with numerous other factors affecting the nature of the business of each court. Because of the unique nature of each of the courts of appeals, the Judicial Conference process will involve detailed consideration of local circumstances that may have an impact on judgeship needs.

At present, in odd-numbered years the Judicial Conference, through its Committee on the Administration of the Bankruptcy System, conducts a nationwide survey to determine whether additional bankruptcy judgeships should be recommended to Congress based in part on whether the weighted caseload handled by each judge exceeds 1,500. In even-numbered years the Judicial Conference assesses the continuing need for all currently authorized positions, with the need demonstrated in part if each of the bankruptcy judges in the district would have more than 1,000 weighted filings if a position were eliminated. In situations where the caseload does not support the need for the present number of judgeships, the Judicial Conference recommends that an existing vacancy or the next vacancy on the court not be filled until there is a need to do so. In addition, the Judicial Conference recently approved a procedure through which each circuit judicial council notifies the chair of the Bankruptcy Committee and the Director of the Administrative Office before initiating the process to fill a bankruptcy judgeship so that relevant, up-to-date data can be provided to the circuit to assist with its decision on whether to delay filling the vacancy.

Acting through its Committee on Administration of the Magistrate Judges System, the Judicial Conference considers three primary factors in evaluating the need for full-time magistrate judge positions: (1) the caseload of the district court as a whole and the comparative need of the judges for additional assistance from magistrate judges (comparative need and overall workload); (2) the effectiveness of the existing magistrate judges system in the district and the commitment of the

court to the effective use of the magistrate judges (magistrate judge utilization); and (3) the sufficiency of judicial business that the judges intend to assign to magistrate judges to warrant the addition of a full-time position (available work). In recent years, particular consideration has been given to felony cases and drug filings.

Actions to Maximize Use of Judgeships

Recognizing that workload has increased at much higher levels than authorized judgeships and given the current climate of fiscal constraint, the judiciary is continually looking for ways to work more efficiently without additional resources. As a part of the normal judgeship survey process or as separate initiatives, the judiciary has used a variety of approaches to maximize the use of resources and to ensure that resources are distributed in a manner consistent with workload. Among the more significant methods in use:

- **Temporary Positions.** The Judicial Conference recommends temporary judgeship positions in those instances where the need for an additional judgeship is demonstrated through the survey process, but it is not clear that the need will exist permanently in the district. Temporary positions have been requested by the judiciary and created by Congress for years. This tradition has continued in the most recent Judicial Conference bankruptcy and Article III judgeship requests, which include several recommendations for temporary rather than permanent positions.
- **Delayed Filling of Vacancies.** Pursuant to Judicial Conference policy, the circuit judicial councils manage judicial resources efficiently and economically by filling vacant bankruptcy judgeships only when needed to ensure the continued effective operation of the bankruptcy system in each district. Consideration also is given to delaying the filling of vacant magistrate judge positions in appropriate circumstances. For example, a district court has agreed to leave a position vacant during the recall of a retired magistrate judge; using recalled judges can be more cost-effective than filling a vacancy.
- **Senior and Recalled Judges.** The judiciary also meets its judicial resource needs through the use of Article III judges who retire from regular active service to senior status, and through recall by any circuit of retired bankruptcy judges or magistrate judges to serve in a district on either a full-time or part-

time basis. Most senior Article III judges volunteer their services and perform substantial judicial duties. The number of bankruptcy judges and magistrate judges eligible for recall increases almost every year. Currently, about 392 senior district and circuit judges, 23 recalled bankruptcy judges, and 17 recalled magistrate judges are serving nationwide.

- **Shared Positions.** The judiciary turns to shared judgeship positions (e.g., a bankruptcy judge position shared by the Middle and Southern Districts of Georgia and the district judge position shared by the Eastern and Western Districts of Kentucky) when possible to meet the resource needs of more than one district, thus avoiding the cost of an additional judgeship.
- **Cross Designation.** The judiciary may designate a bankruptcy judge to serve in more than one district pursuant to 28 U.S.C. § 152(d), which permits designation of a bankruptcy judge to serve in any district adjacent to or near the district for which the judge was appointed. The most recently approved example is service by a bankruptcy judge from the Southern District of Alabama in the Northern District of Florida. Other jurisdictions have also used this authority.

Magistrate judges may be designated by a court pursuant to 28 U.S.C. § 631(a) to serve on a continuing basis in districts adjacent to the district for which the judge was appointed. In 1996, approximately 70 magistrate judges assisted other districts under this authority, usually with preliminary felony criminal proceedings.

- **Intercircuit and Intracircuit Assignments.** The judiciary uses systems for intercircuit and intracircuit assignment of bankruptcy, magistrate, and Article III judges to furnish short-term solutions to the disparate judicial resource needs of districts within a circuit and between circuits. Under these systems, in 1995, visiting judges assisted the district courts in disposing of approximately 1,400 civil cases, 270 criminal cases, and 450 trials. In courts of appeals, visiting judges assisted in the disposition of more than 6,500 appeals.
- **Local Initiatives.** The Ninth Circuit currently has a pilot project designed to balance the disparate bankruptcy caseloads more evenly within that circuit by transferring pretrial work in adversary proceedings to districts with lighter workloads.

- **Use of Technology.** The judiciary also is constantly exploring ways to use technological advancements (e.g., in those districts with the necessary equipment, a judge may conduct pretrial hearings in prisoner petitions by videoconference, saving travel time and costs).

Distribution of Judgeships and Workload

Generally, judgeships are distributed in a manner consistent with workload. However, even with the judgeship survey processes and the actions taken by the Judicial Conference to maximize use of resources, there is still some inevitable disparity in workloads. Some of this results from the volatile nature of the workload in some courts. Many courts have too few judgeships, based on Judicial Conference standards, and a few appear to have too many. This varying distribution of judgeships results from many factors. For example, Congress has created judgeships that were not recommended by the Judicial Conference and which, based on Judicial Conference standards, were not justified. For others, the caseload has declined since the last judgeship was created.

To the extent that the judiciary can control any disparities in workload per judgeship among the courts, it is doing so. In situations where it lacks control, the judiciary is in the process of developing a procedure for recommending corrective action for congressional consideration.

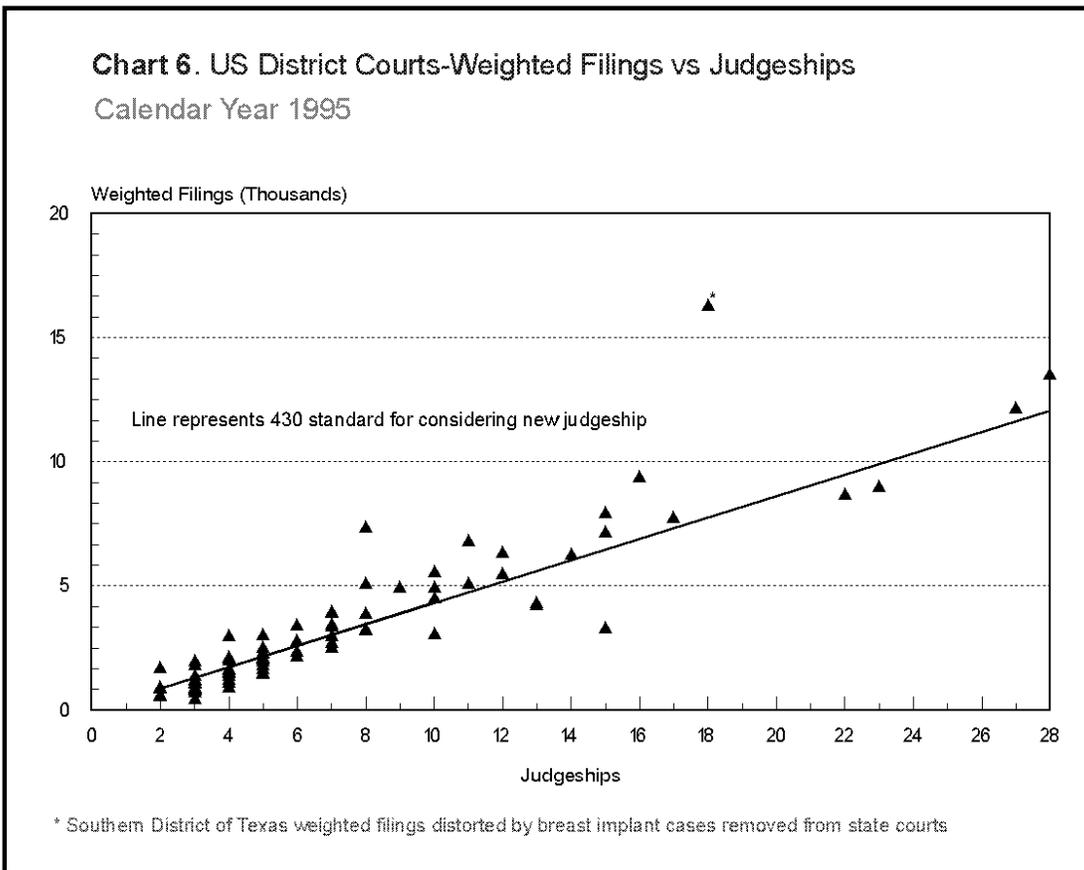
The following section provides, for each type of judgeship, more detailed information on the distribution of judgeships compared to the primary workload measures used by the Judicial Conference to evaluate judgeship needs, and actions taken or recommended by the Judicial Conference to remedy any inequitable distribution of resources. In the charts that follow, the triangular points represent courts and all are included unless otherwise noted. In some charts, a single point may represent more than one court.

Article III Judgeships. As noted previously, the primary factor used for determining the need for district judgeships is the weighted caseload per judgeship in a district. Although this is not the only important factor, it can be used to demonstrate the extent to which judgeships are distributed in a manner consistent with workload. In 1994, the Judicial Conference revised its standard level of weighted filings for considering requests for additional judgeships. Prior to that time, the Judicial Conference used 400 weighted filings per judgeship as the point at which it would consider recommending that an additional judgeship be created. The

standard was raised to 430 per judgeship in 1994, a 7.5 percent increase, and remains in effect today. By comparison, with recent increases in the caseload in district courts without an increase in judgeships, the national average weighted caseload per judgeship is now up to 462.

Chart 6 shows the weighted caseload per judgeship for each of the district courts for calendar year 1995 and a line representing the Judicial Conference standard of 430 weighted filings per judgeship. There is considerable variation in the caseload levels, some of it resulting from too few judgeships in many locations and some from the fact that many district courts are relatively small. For these small courts, the addition or elimination of a judgeship has a significant impact on the per judge caseload and results in considerable variation in per judge caseloads (see more detailed discussion of the small-court situation on page 24).

Based on the most recent full year of data, there are 29 courts with weighted filings more than 10 percent above the Judicial Conference standard. In 1992 and again in 1994, the Judicial Conference recommended that additional judgeships be created in a number of these courts. These recommendations have been



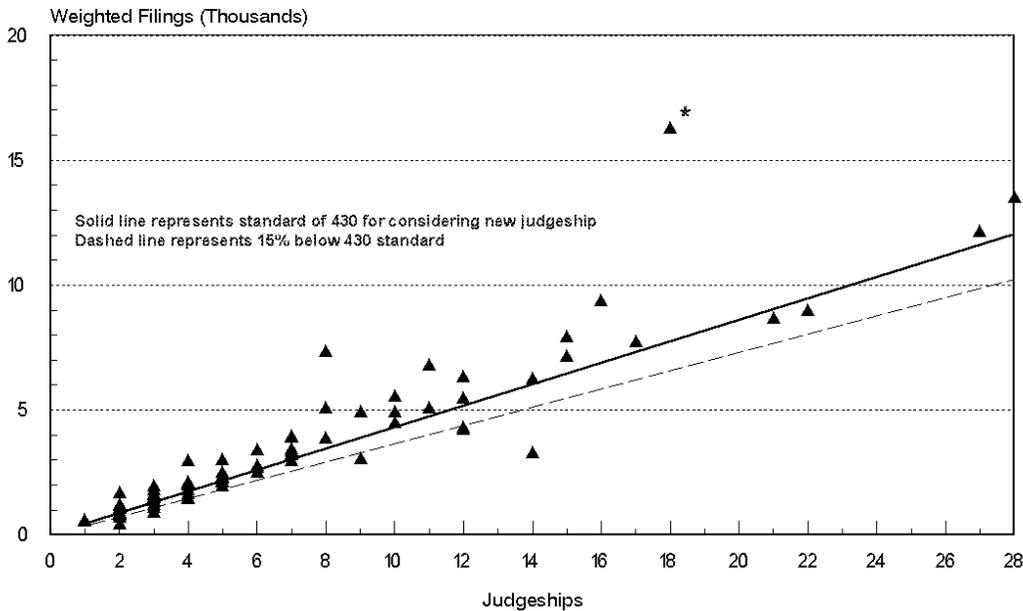
transmitted to Congress with a request for consideration, but neither of the requests resulted in the introduction of legislation. The Judicial Conference updated its judgeship requests in September 1996, and those revised recommendations for 20 of the 29 courts will be transmitted for consideration by the 105th Congress. These districts are noted in Table 1 (page 29), along with the weighted filings per judgeship for all courts. Inaction on Judicial Conference recommendations is one of the primary factors resulting in an inequitable distribution of judicial resources in the district courts.

The Judicial Conference currently is in the process of developing standards for considering recommendations related to the reduction of judgeships or leaving vacancies unfilled. Therefore, any analysis of courts where it may be appropriate to leave vacancies unfilled or eliminate judgeships is premature. As an example of a potential standard, the Judicial Conference could require the judgeship situation in courts to be reviewed if per judgeship weighted filings with the loss of a judgeship would fall more than 15 percent below the current standard of 430 per judgeship for recommending additional judgeships. Chart 7 shows the results of eliminating a judgeship in each court currently below the 430 standard. The data for each district are provided in Table 1 on page 29.

With this adjustment to judgeships, there would be only six courts that fall more than 15 percent below the standard.

- Two of these courts had the last judgeship created by Congress without a recommendation or request from the Judicial Conference.
- One had the last judgeship established by Congress as a permanent judgeship when the Judicial Conference had recommended that the judgeship be temporary.
- One had the last judgeship created in 1978 when the caseload was at a much higher level and more than justified by the caseload at that time; that court has already acknowledged that there is no need to fill existing vacancies.
- One had its last judgeship created in 1970 when both Judicial Conference and congressional standards for reviewing needs were substantially different than more recent standards.
- The remaining one had its last judgeship created in 1949 and changes in jurisdiction led to substantial reduction in the caseload.

Chart 7. US District Courts-Weighted Filings vs Judgeships
 With Elimination of One Judgeship in Courts Under 430 Per Judgeship



* Southern District of Texas weighted filings distorted by breast implant cases removed from state courts

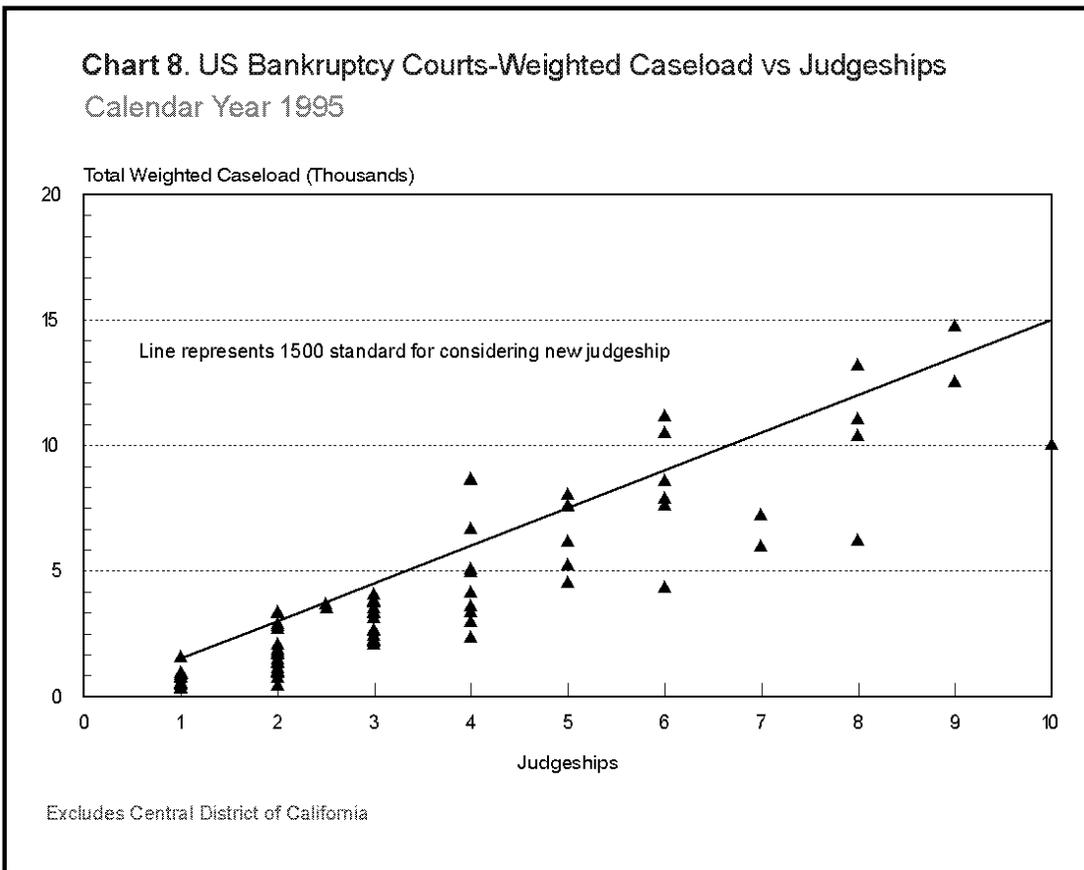
The Judicial Conference will review the situation very carefully in each of these courts in the near future and recommend action related to the judgeship situation in the courts if that appears to be appropriate based on all available information.

Defining appellate workload is a complex matter. There are too many variables to depict in a simple manner the distribution and relationship of appellate workload and judgeships. The relatively small number of appellate courts and judges, combined with the varying nature of appellate cases and practices, make it difficult to define a general measure of workload. Therefore, developing a general standard for evaluating judgeship needs is a challenging task.

Since the Judicial Conference recently adopted a new process for reviewing judgeship needs in the courts of appeals, it is premature to compare the distribution of resources to the revised standards. Actual application of the process through the courts and the Judicial Conference committees may result in adjustments based on local situations that could have an impact on the distribution of judgeships. Based on a strict application of only the new caseload standard, two

courts do not meet the standard. One of those is just below the standard, and if the court were to lose a judgeship, it would then exceed the standard. The other court below the standard has long been recognized by the Judicial Conference and the Congress as having a unique caseload that does not lend itself to the same criteria as other courts. This situation was taken into consideration by the Judicial Conference and the Congress when the last judgeships were created for this court.

Bankruptcy Judgeships. The primary factor used for determining the need for bankruptcy judgeships is the level of the weighted caseload per judgeship in a district. Although this is not the only important factor, it can be used to demonstrate the extent to which bankruptcy judgeships are distributed in a manner consistent with workload. Chart 8 shows the weighted caseload per judgeship for each of the bankruptcy courts for calendar year 1995. The diagonal line represents the Judicial Conference standard of 1,500 weighted cases per judgeship for considering requests for additional judgeships. All courts above the line

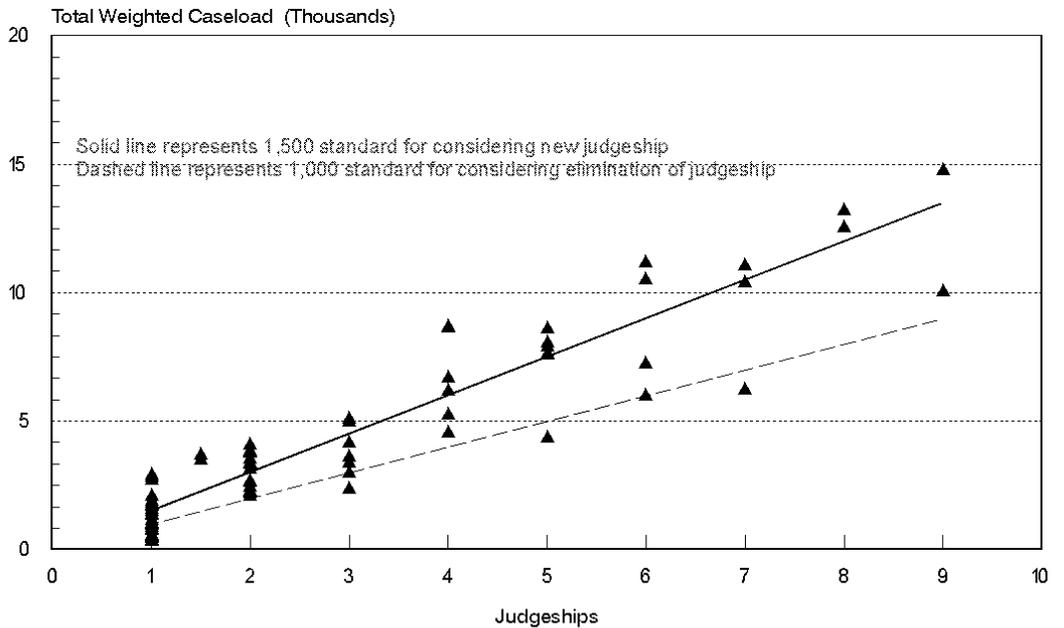


have per judgeship caseloads in excess of 1,500. There is clearly considerable variation in the caseload levels, resulting in many instances from the fact that most bankruptcy courts are relatively small. By way of an example, if a two-judge bankruptcy court has a weighted caseload of 1,600 per judgeship (meeting the Judicial Conference standard of more than 1,500 weighted cases per judgeship) and is authorized an additional judgeship, the resulting weighted caseload per judgeship for three judges would fall to 1,067, a reduction of 33 percent. Because most bankruptcy courts are small (only 18 have more than 5 judgeships), the addition or elimination of a judgeship has a significant impact on the per judge caseload.

The Judicial Conference assesses the need for additional judgeships in bankruptcy courts based, in part, on whether the weighted caseload handled by each judge exceeds 1,500. Chart 8 shows that there are 15 bankruptcy courts (some points on the chart represent more than a single court and Central California is not shown on the chart) that exceed the Judicial Conference standard based on data for calendar year 1995. To address the situation of too few judgeships in some courts, in 1993 the Judicial Conference recommended 19 additional judgeships, but Congress did not act on the request. In September 1995, the Judicial Conference revised this request to 11 additional judgeships (5 permanent and 6 temporary) in eight courts. All of the eight courts are among the 15 with weighted caseloads in excess of 1,500 per judgeship. The districts are noted in Table 2 (page 32), which contains weighted caseload data for all courts.

In even-numbered years, the Judicial Conference assesses regularly the continuing need for all currently authorized positions. The Judicial Conference has stated that all bankruptcy judgeships should be retained but that vacancies should not be filled in districts where the need is not demonstrated by weighted filings. The need is demonstrated in part if each of the bankruptcy judges in the district would have more than 1,000 weighted filings if a position were eliminated. Chart 9 shows the per judgeship weighted caseload if all courts currently below the standard for recommending additional judgeships (1,500 per judgeship) were to lose a position (except courts with only a single judgeship now). The data are provided in Table 2 on page 32. Excluding the courts with only one judgeship, there would be seven courts at or below the Judicial Conference standard of 1,000 per judgeship if one existing judgeship were eliminated. For each of these courts, the Judicial Conference has recommended that the next vacancy not be filled. In addition, the Judicial Conference has recommended that the next vacancy not be filled in three courts where the weighted caseload with the loss of a judgeship is just above the 1,000 standard. There are also a few situations

Chart 9. US Bankruptcy Courts-Weighted Caseload vs Judgeships
 With Elimination of One Judgeship in Courts Under 1,500 Per Judgeship
 Calendar Year 1995



Excludes Central District of California

where the courts of appeals have delayed filling a bankruptcy judge vacancy (even though the weighted caseload is above the 1,000 standard) until the caseload supports the need for the judge.

Magistrate Judgeships. The process for determining the need for magistrate judge positions is based on a complex set of factors that are not readily quantified in a standard way. The work of magistrate judges is dependent upon assignments made by the district court and, at times, the willingness of parties to consent to magistrate judge jurisdiction. A magistrate judge's work may include civil consent cases, pretrial duties in civil and felony cases, preliminary proceedings in felony cases, misdemeanor criminal cases, petty offense cases, and a variety of other matters assigned by the court. Because of this, it is difficult to isolate a specific measure to show in chart form the extent to which workload corresponds to the distribution of resources.

In reviewing the need for magistrate judge positions, the Judicial Conference examines the overall workload of the court, including (1) the number and

location of district judges, (2) the number of authorized places of holding court and caseload per divisional office, (3) total civil and criminal filings and the trend in filings, (4) weighted filings per judgeship, and (5) special factors bearing on the workload of the court.

The Judicial Conference also examines the following factors to assess magistrate judge utilization and available work: (1) number, location, and workload of existing magistrate judge positions in the district; (2) areas and facilities served by the magistrate judges; (3) special geographic and communications considerations; (4) extent of duties delegated to the magistrate judges by the district court; (5) number and types of misdemeanor and petty offense cases terminated by the magistrate judges; (6) number and types of initial proceedings conducted by the magistrate judges in felony criminal cases; (7) number and types of "additional duties" handled by the magistrate judges upon delegation from the district judges; (8) number and types of civil cases and trials completed by the magistrate judges under 28 U.S.C. § 636(c); (9) types and volume of duties available for assignment to an additional magistrate judge; and (10) other pertinent factors particular to the district court or the magistrate judge position in issue.

The Judicial Conference adopted a program of district-wide reviews in March 1991 to streamline the magistrate judge survey process. Previously, the Committee on the Administration of the Magistrate Judges System reviewed each magistrate judge position prior to expiration of the incumbent's term of office to determine whether the position should be continued for an additional term and, with respect to part-time positions, whether there should be any change in the salary or other arrangement. Under the new procedures, all positions in a district with part-time magistrate judge positions must be reviewed every four years and all positions in a district with only full-time positions must be reviewed every five years. This process allows the Magistrate Judges Committee to place greater emphasis on magistrate judge utilization and resource allocation. In addition to the scheduled district-wide review, a court may request at any time additional magistrate judge resources or changes to existing positions. Through this process, the Judicial Conference eliminated one existing full-time magistrate judge position in March 1996.

Conclusion

The distribution of staff resources to the courts is consistent with the distribution of workload. Staffing allocations are made each year on the basis of recent workload data so changes in the workload are reflected in changes to allocations. To ensure equitable distribution of resources on a continuing basis, the judiciary has adopted a new Court Personnel System providing courts flexibility in establishing their work force and a Cost Control Monitoring System requiring financial accountability for personnel actions. These systems, in conjunction with the staffing formulas, ensure that the allocation of staff resources will be consistent with current workload.

The distribution of judicial officers to the individual courts is consistent with the distribution of workload to the extent that the judiciary independently can control. One magistrate judge position was recently eliminated and the Judicial Conference has identified 10 bankruptcy courts where it has recommended that the next vacancy not be filled. For Article III positions, the Judicial Conference is developing a process to identify situations where it may be appropriate to recommend that a vacancy not be filled or that a position be eliminated. In addition to identifying situations where the caseload of a court might be manageable with fewer judicial officers, the much more common scenario is one where there are insufficient judicial officers to handle the caseload. For district courts, the Judicial Conference recommended additional judgeships in 1992 and 1994 and just completed development of recommendations in 1996, all without congressional action to establish these needed positions. The Judicial Conference recommended additional positions in 1993 and 1995 for bankruptcy courts, but, to date, Congress has not established these positions. Because of the delays in establishing needed positions, there are numerous courts with an insufficient number of judgeships.

One important caveat needs to be kept in mind when reflecting on the information in this report. The Judicial Conference does not use the data alone in developing recommendations for congressional consideration. A detailed process of reviewing and evaluating requests for additional judgeships has been in place for many years, and the Judicial Conference is developing a similar process for reviewing situations where it may be appropriate to recommend eliminating Article III judgeships or not filling vacancies. Such a process is already in place for bankruptcy judgeships.

The elimination of a judicial officer position in any particular location is one that requires careful study, as is the case with the addition of a judgeship. There

needs to be careful analysis of the increased delays, burdens on the other judges, interference with case processing, and related strains on the entire judicial system before any such reduction takes place. The impact on a court of eliminating a position may, in fact, be much greater than is apparent from a review of the caseload data.

Caseloads in nearly all appellate and district courts have been increasing steadily for the last 30 years, so the Judicial Conference has not considered recommending elimination of positions. As a result, the judiciary has little experience with this issue, particularly as it relates to Article III judgeships. Developing recommendations for reducing the number of judgeships in any particular court is a matter that requires more study and reflection—a process in which the Judicial Conference is presently engaged.

Table 1
U.S. District Courts
Weighted Filings per Judgeship
Calendar Year 1995

District	Authorized Judgeships	Current Weighted Filings Per Judgeship	Weighted Filings With Loss of One Judgeship
DC.....	15	222	238
1ST CIRCUIT			
ME.....	3	289	434
MA.....	13	327	354
NH.....	3	304	456
RI.....	3	312	468
PR.....	7	389	454
2ND CIRCUIT			
CT.....	8	413	472
NY,N.....	5	459 *	574
NY,E.....	15	530 *	568
NY,S.....	28	484	502
NY,W.....	4	529 *	705
VT.....	2	317	634
3RD CIRCUIT			
DE.....	4	239	319
NJ.....	17	457	486
PA,E.....	23	392	410
PA,M.....	6	395	474
PA,W.....	10	308	342
4TH CIRCUIT			
MD.....	10	452	502
NC,E.....	4	507	676
NC,M.....	4	378	504
NC,W.....	3	665 *	998
SC.....	9	552 *	621
VA,E.....	10	496	551
VA,W.....	4	536	715
WV,N.....	3	281	422
WV,S.....	5	299	374
5TH CIRCUIT			
LA,E.....	13	333	361
LA,M.....	2	871 *	1,742

Table 1
U.S. District Courts
Weighted Filings per Judgeship
Calendar Year 1995

District	Authorized Judgeships	Current Weighted Filings Per Judgeship	Weighted Filings With Loss of One Judgeship
LA,W.....	7	365	426
MS,N.....	3	411	617
MS,S.....	6	398	478
TX,N.....	12	532	580
TX,E.....	7	484	565
TX,S.....	18	906	959
TX,W.....	10	560	622
6TH CIRCUIT			
KY,E.....	5	440 *	566
KY,W.....	5	343	441
MI,E.....	15	480	514
MI,W.....	5	366	458
OH,N.....	12	459	501
OH,S.....	8	405	463
TN,E.....	5	472 *	590
TN,M.....	4	385	513
TN,W.....	5	420	525
7TH CIRCUIT			
IL,N.....	22	396	415
IL,C.....	4	390	520
IL,S.....	4	408	544
IN,N.....	5	412	515
IN,S.....	5	510 *	638
WI,E.....	4	410	547
WI,W.....	2	474	948
8TH CIRCUIT			
AR,E.....	5	433	541
AR,W.....	3	311	467
IA,N.....	2	445	890
IA,S.....	3	423	635
MN.....	7	430	502
MO,E.....	8	412	471
MO,W.....	6	472	566
NE.....	4	357	476
ND.....	2	321	642
SD.....	3	364	546

Table 1
U.S. District Courts
Weighted Filings per Judgeship
Calendar Year 1995

District	Authorized Judgeships	Current Weighted Filings Per Judgeship	Weighted Filings With Loss of One Judgeship
9TH CIRCUIT			
AK.....	3	256	384
AZ.....	8	642 *	734
CA,N.....	14	449	484
CA,E.....	7	570 *	665
CA,C.....	27	451	468
CA,S.....	8	921 *	1,053
HI.....	4	379	505
ID.....	2	306	612
MT.....	3	386	579
NV.....	4	750 *	1,000
OR.....	6	576 *	691
WA,E.....	4	282	376
WA,W.....	7	498 *	581
10TH CIRCUIT			
CO.....	7	566 *	660
KS.....	6	398	478
NM.....	5	607 *	759
OK,N.....	3.5	355	497
OK,E.....	1.5	419	629
OK,W.....	6	365	438
UT.....	5	334	418
WY.....	3	161	242
11TH CIRCUIT			
AL,N.....	8	490	560
AL,M.....	3	617 *	926
AL,S.....	3	619	929
FL,N.....	4	418	557
FL,M.....	11	623 *	685
FL,S.....	16	588 *	627
GA,N.....	11	465	512
GA,M.....	4	396	528
GA,S.....	3	468	702

* The Judicial Conference has recommended additional judgeship(s).

Table 2
U.S. Bankruptcy Courts
Weighted Caseload per Judgeship
Calendar Year 1995

District	Authorized Judgeships	Current Weighted Caseload Per Judgeship	Weighted Caseload With Loss of One Judgeship*
DC.....	1	935	935
1ST CIRCUIT			
ME.....	2	401	802 ***
MA.....	5	1,525	1,906
NH.....	2	538	1,076
RI.....	1	977	977
PR.....	3	1,129	1,694
2ND CIRCUIT			
CT.....	3	1,274	1,911
NY,N.....	2	1,708 **	3,416
NY,E.....	6	1,760 **	2,112
NY,S.....	9	1,644	1,850
NY,W.....	3	1,287	1,931
VT.....	1	520	520
3RD CIRCUIT			
DE.....	2	1,681	3,362
NJ.....	8	1,658 **	1,895
PA,E.....	5	1,618 **	2,023
PA,M.....	2	1,707	3,414
PA,W.....	4	760	1,013
4TH CIRCUIT			
MD.....	4	2,183 **	2,911
NC,E.....	2	1,381	2,762
NC,M.....	3	709	1,064
NC,W.....	2	959	1,918
SC.....	3	1,056	1,584
VA,E.....	5	1,531	1,914
VA,W.....	3	752	1,128
WV,N.....	1	567	567
WV,S.....	1	925	925
5TH CIRCUIT			
LA,E.....	2	924	1,848
LA,M.....	1	624	624

Table 2
U.S. Bankruptcy Courts
Weighted Caseload per Judgeship
Calendar Year 1995

District	Authorized Judgeships	Current Weighted Caseload Per Judgeship	Weighted Caseload With Loss of One Judgeship*
LA,W.....	3	888	1,332
MS,N.....	1	1,607	1,607
MS,S.....	2	1,474	2,948
TX,N.....	6	1,326	1,591
TX,E.....	2	1,432	2,864
TX,S.....	6	1,277	1,532
TX,W.....	5	1,055	1,319
6TH CIRCUIT			
KY,W.....	3	763	1,144 ***
MI,E.....	4	1,685 **	2,247
MI,W.....	3	910	1,365
OH,N.....	8	781	893 ***
OH,S.....	7	859	1,002 ***
TN,E.....	4	917	1,223
TN,M.....	3	1,294	1,941
TN,W.....	4	2,174	2,899
7TH CIRCUIT			
IL,N.....	10	1,010	1,122
IL,C.....	3	753	1,130
IL,S.....	2	1,068	2,136
IN,N.....	3	823	1,235
IN,S.....	4	1,051	1,401
WI,E.....	4	596	795 ***
WI,W.....	2	721	1,442
8TH CIRCUIT			
AR,E.....	3	1,142	1,713
IA,N.....	2	410	820 ***
IA,S.....	2	500	1,000 ***
MN.....	4	1,282	1,709
MO,E.....	3	1,366	2,049
MO,W.....	3	762	1,143
NE.....	2	601	1,202
ND.....	1	429	429
SD.....	2	252	504 ***

Table 2
U.S. Bankruptcy Courts
Weighted Caseload per Judgeship
Calendar Year 1995

District	Authorized Judgeships	Current Weighted Caseload Per Judgeship	Weighted Caseload With Loss of One Judgeship*
9TH CIRCUIT			
AK.....	2	522	1,044 ***
AZ.....	7	1,041	1,215
CA,N.....	9	1,398	1,573
CA,E.....	6	1,440	1,728
CA,C.....	21	1,963 **	1,859
CA,S.....	4	1,254	1,672
HI.....	1	790	790
ID.....	2	780	1,560
MT.....	1	788	788
NV.....	3	1,187	1,781
OR.....	5	916	1,145
WA,E.....	2	698	1,396
WA,W.....	5	1,247	1,559
10TH CIRCUIT			
CO.....	6	732	878 ***
KS.....	4	856	1,141
NM.....	2	768	1,536
OK,N.....	2	862	1,724
OK,E.....	1	566	566
OK,W.....	3	751	1,127
UT.....	3	779	1,169
WY.....	1	386	386
11TH CIRCUIT			
AL,N.....	6	1,868	2,242
AL,M.....	2	959	1,918
AL,S.....	2	717	1,434
FL,N.....	1	840	840
FL,M.....	8	1,307	1,494
FL,S.....	5	1,526 **	1,908
GA,N.....	8	1,386	1,584
GA,M.....	2.5	1,484	2,473
GA,S.....	2.5	1,426	2,377

* In courts with more than one authorized judgeship.

** Judicial Conference recommended additional judgeship(s) in 1995.

*** Judicial Conference recommended that next vacancy not be filled.

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.

SUBSTITUTING CONTRACTOR SERVICES FOR COURT EMPLOYEES

Introduction

The judiciary currently makes extensive use of contract services to perform its work. This includes contracts administered by the Administrative Office to support court activities at the national level and local contracts administered by individual court units. The judiciary obligated approximately \$355 million on national and local contracts in fiscal year 1995. Similar amounts will be spent in subsequent years. Use of contractors saves judiciary personnel resources and often provides a more efficient and effective way to deliver services.

This chapter discusses the nature and extent of the judiciary's current contracting activities and provides an inventory of national and local contracts; describes the structural mechanisms in place that facilitate use of contractors in lieu of judiciary employees; reports on efforts to expand current contract activities, where appropriate; and explains additional processes the judiciary has implemented to ensure that in-house employees carry out their work as efficiently as possible.

Summary

Based upon the results of a recent examination of the extent to which the judiciary now uses contractors, opportunities to realize significant additional savings appear somewhat limited. This is the result of the already considerable use of contracts in the

judiciary and the fact that some functions in the judiciary may not be appropriately performed by non-judiciary employees. For example, many clerks' office functions are generated from the clerk of court's statutory responsibility to maintain the official record in federal cases, and performance of these functions outside the judiciary raises legal and operational obstacles.

Nevertheless, the judiciary is firmly committed to ensuring that contractors are used for all activities for which it would be cost-effective and would not impede the delivery of justice. Through decentralized personnel authority and other structural mechanisms, the courts have been given the needed flexibility to use local contractors in lieu of in-house employees when appropriate. Further, the judiciary is actively pursuing the expansion of contracted activities by ensuring that all courts are aware of efficiencies that other courts may be realizing by using contractors and that they are exploring additional activities that could be outsourced.

Current Judiciary Contracting Activities

The judiciary conducted a nationwide survey of all courts to determine the nature and extent of current contracting activities and to identify opportunities for additional contract use. The survey results show that the judiciary currently makes extensive use of contracts at both the national and local levels in two broad functional areas: general administrative and program support; and provision of specialized skills, including expert and consulting services. In general, contracts are used in either area when savings can be achieved through the use of a contractor or the nature of the work is not appropriately performed by judiciary employees or is better performed by contractors.

National Contracts

The judiciary currently uses contracts at the national level to perform 22 major activities (listed on page 53). In general, contractors are used because it is more cost-effective than conducting the activities with in-house employees.

As an example of one type of contracted service, a national drug-testing contract is currently in place for the analysis of urine specimens for persons who are on pretrial release, probation, parole, and supervised release. This contract

provides an economical way to test over 720,000 specimens annually for drugs. At a per-item cost of approximately \$9, the contract covers the cost of staff, space, supplies, equipment, training, and other services. In addition, the judiciary maintains a national contract for the provision of electronic monitoring services for offenders supervised in the community. Electronic monitoring permits 24-hour surveillance that would be impractical to perform in-house. The contract for these services provides the necessary structure and control for certain offenders, providing an alternative to more costly incarceration. Nearly half the annual cost of electronic monitoring is paid by the offenders under supervision.

The judiciary also has a national contract for the provision of noticing services for bankruptcy courts, which results in substantial savings. The contractor-operated Bankruptcy Noticing Center is now processing about four million notices in bankruptcy cases each month. The consolidation of this function with a private contractor provides bankruptcy courts nationwide with significant administrative support and will result in \$11 million in savings over four years. This arrangement relies on the use of automated systems and processes. As the judiciary continues its efforts to identify and employ technological solutions to business problems, opportunities for additional cost-effective partnerships with the private sector may emerge.

As another example of a national contract, the judiciary maintains a contract for the development and administration of court interpreter examinations used to certify interpreters as qualified to interpret proceedings in federal court. The development of professional certification exams requires very specialized skills and education not generally required in the judiciary and not directly related to the judiciary's work. In addition, work related to certification of interpreters is cyclical in nature and not consistent with the development of full-time staff expertise. Thus, to fulfill the need for a certification process cost effectively, the judiciary uses contractor services.

The provision of security for federal courthouses and leased facilities housing court operations is another example of a national service contract that saves the judiciary significant resources. On the judiciary's behalf, the U.S. Marshals Service contracts with private security vendors for the services of approximately 2,600 contract security guard positions. A 1994 study conducted in conjunction with the Department of Justice showed that providing this same level of service with in-house employees rather than contractors would cost approximately \$10 million more per year.

As a final example, the judiciary contracts nationally for the provision of computer-assisted legal research services. Use of these services makes the courts'

task of conducting legal research significantly more efficient. The judiciary recently awarded a five-year contract for these services at extremely competitive rates.

Local Contracts

At the local level, courts use contractors in lieu of in-house employees to conduct 58 types of activities, listed on page 54. Through these contracts, local court units achieve savings and, in some cases, have work performed that would be impractical to conduct in-house.

As one example, many courts contract out photocopying services as a way to provide improved access to court records, while at the same time easing the courts' workload. Moreover, the judiciary does not pay for these services; the costs are borne directly by the users. Other examples of local contracts courts used to conduct their work more cost effectively include court reporting, court interpreting, automation support, training, software development and maintenance, newsletter publication services, and substance abuse and mental health treatment for offenders under supervision. Courts have been delegated the authority by the Director of the Administrative Office to enter into contracts such as these at the local level so each can be tailored to meet individual court needs.

Notable is a cost-effective contracting approach employed by one circuit where four separate probation offices combined resources to contract for a single substance abuse treatment program to service all four districts within the circuit. This arrangement saves \$300,000 annually. To encourage and reward such innovative practices, the Administrative Office recognized the drug abuse treatment specialists in these offices with the 1995 Director's Award for Administrative Excellence.

A Commitment to Continue and Expand the Use of Contractors

The judiciary is committed to ensuring that courts use contractors instead of judiciary employees when it makes good business sense and when doing so would not impede the administration of justice. This is exhibited by the structural mechanisms in place that give courts the needed flexibility to employ contractors

and the judiciary's firm commitment to explore expanded use through numerous established programs and processes.

Structural Support for Contracting

Substantial contract authority to procure goods and services on a local basis has been delegated by the Director of the Administrative Office to individual courts. Thus, court managers have the contractual authority to engage contractors to perform certain functions instead of hiring judiciary employees. Training in government contract procedures has been provided to court personnel to assist in this regard.

In addition, the judiciary has recently implemented new personnel and salary allotment systems that give court managers the flexibility to perform activities through contracts instead of court employees, where appropriate. The new Court Personnel System deployed at the end of fiscal year 1996 represents major reform in human-resource management in the judiciary. It decentralizes personnel authority to court managers and allows them to determine the composition of their work force to strike the right balance between full-time, part-time, and temporary employees and contractor services. Complementing this are the judiciary's budget decentralization policies and salary allotment system. As one of the central features, rather than receiving an annual position allocation, courts receive an annual compensation allotment based on workload requirements. Court unit executives can then decide locally how to allocate resources between in-house staff and contractor requirements. Together, these systems empower court managers to use scarce resources efficiently by promoting the utilization of contract services as an alternative to incurring long-term personnel costs.

In sum, the judiciary has implemented the necessary structural requirements to allow court managers to determine locally the most cost-effective mix between contractors and judiciary employees.

Additional Contract Opportunities

A survey the judiciary conducted on contract use produced information on the types of activities for which contractors are used in each court unit. The responses varied—services may be provided by a contractor in some court units and by in-house employees in others. Because the judiciary comprises more than 500 court units varying in size, location, requirements, and management style, this variation is expected. Not all contract services are appropriate for all

courts. For example, in some medium and large courts it can be cost-effective to obtain contract copier service, but in many smaller courts this may not be economical or feasible.

To ensure that all courts are aware of and fully consider the array of cost-effective contracting opportunities from which other courts are benefitting, several mechanisms are being used. These include the following:

- **On-site court program unit reviews.** The judiciary conducts a variety of management reviews to provide clerks' offices, probation offices, and pretrial services offices with assessments of existing operations and recommendations for improvements. Whether courts could achieve efficiencies by expanding the use of contractor services is an element of these reviews.
- **Operational and procedural manuals.** Courts receive various operational and procedural manuals to assist with the delivery of services and the performance of court work. Updates of these manuals will include, as appropriate, information on the potential benefits gained from conducting activities through contractors instead of in-house.
- **Information-sharing through an electronic bulletin board.** More efficient and effective business practices will be published on a judiciary-wide electronic bulletin board. Information on opportunities to create efficiencies through effective use of contractors will be included in these communications.
- **Newsletters and other publications.** Courts receive various newsletters, publications, and other correspondence that often feature ideas on achieving savings and efficiencies. As appropriate, efficiencies possible through the use of contractors will be included in these documents.

In addition to these efforts, the judiciary is committed to identifying new types of activities where use of contractors could be cost-beneficial. Through the court program unit reviews described above, the judiciary will explore whether any activities currently being performed in-house in all courts could be more efficiently contracted out. Promising opportunities would then be encouraged in all courts that would benefit. The identification of new contracting areas also will be explored through the Judiciary Methods Analysis Program. Discussed in more detail in the following section, the purpose of this program is to identify and promote the use of suggested better business practices, some of which could be to contract out particular functions instead of using court staff.

As a starting point for these expansion efforts, the judiciary will explore the extent to which benefits could be realized by contracting out six activities identified in the recent survey on contracting. These include file room services; court document scanning services; transportation of jurors in high-profile cases; the videotaping of testimony of minor children; and the screening and testing of applicants for positions in the judiciary.

It is important to note that, while the judiciary makes extensive use of contract services and is firmly committed to exploring opportunities for expansion, there are functions that are so closely associated with the judicial function that performance of the work by non-judiciary employees would raise serious legal and operational issues. In addition to the work performed by judicial officers, examples of such functions include providing personal law clerk and secretarial services to judges and central legal services to the courts, conducting investigations of convicted offenders and preparing presentence reports in accordance with sentencing guidelines, and supervising convicted offenders serving sentences in the community. Also, Rule 79(a) of the Federal Rules of Civil Procedure and 28 U.S.C. §156(e) require the clerk of court to maintain the docket, case files, calendars, final judgments and orders, and the official record.

Programs to Ensure Effective Work Practices

Using contractors instead of in-house employees is one effective way to realize administrative efficiencies. Numerous other efforts are underway in the judiciary in pursuit of this same goal, many of which are mentioned in Chapter 5. In particular, three judiciary programs focus on ensuring that employees work as efficiently as possible. Described briefly below, these include the Judiciary Methods Analysis Program (MAP), Maximizing Productivity, and Process Innovation. These and other efforts help courts cope with the hardship of operating at only 84 percent staffing—the level at which the courts are staffed in order to contain costs.

MAP was established to identify business practices that have the potential to result in more efficient and effective operations and to foster implementation of these practices in the courts. MAP is ongoing and shows great promise. Since

becoming operational in 1994, 319 practices have been developed by court personnel: 34 in probation, 34 in pretrial services, 48 in district, and 203 in two bankruptcy studies. A study soon will be completed for appellate courts. In addition to identifying ways for court staff to conduct their work more efficiently, determinations to expand use of contract services may be a result of this process. The program is discussed in more detail in Chapter 5.

The second program, Maximizing Productivity, provides tools for individual court units to improve work processes and thus improve productivity. This program, sponsored by the Federal Judicial Center, offers training in three powerful management strategies that have proven successful in the private sector: total quality management, team-based management, and process improvement. This is done by engaging court staff at all levels in designing better ways to get the work done. Court managers have used total quality management to reduce late disclosures of presentence investigations by 75 percent and to reduce turnaround time for prisoner petitions. A common long-term outcome of team-based management is a reduced ratio of supervisors to staff. Process improvement is responsible for eliminating unnecessary steps, clarifying procedures, and expanding the use of automation. For example, one bankruptcy court used process improvement to reduce processing time for claims assignments by 70 percent.

The third program, Process Innovation, helps court offices explore and implement new approaches to automation and work processes. The judiciary, with the assistance of contract expert consulting services, uses business process reengineering techniques to aid court unit managers in devising and implementing new processes and determining what, if any, enabling technology is required. The objective is to employ Process Innovation methodology in pilot court experiments to identify and implement significant business process improvements, and to ensure that future automation efforts address efficient business processes. For example, the judiciary was able to centralize violations processing in San Antonio, Texas. The San Antonio Central Violations Bureau studied its work flow and business processes and how technology could enhance its efficiency. Recommendations were implemented to reorganize work flow and procure document imaging technology. The results were the consolidation of two centers (Denver and San Antonio) with significant savings in personnel. Other studies are underway in the electronic processing of documents.

Conclusion

The judiciary currently makes extensive use of contracts when it is both cost-effective and beneficial. The judiciary uses contractors for many types of activities at the local and national levels, resulting in savings to the government. The judiciary's personnel, decentralized budgeting, and salary allotment systems give courts the flexibility to use contractors to perform their work in lieu of judiciary employees when cost effective.

Some potential may exist to expand the use of contract services. Through a series of established programs and processes—such as court program management reviews, MAP, and various publications—courts will be encouraged to examine additional opportunities to use contractors. This may include activities for which other courts are already using contractors, as well as new areas. In addition, the judiciary's efforts to identify and employ new technological applications may offer opportunities to increase the use of contract activities. The Bankruptcy Noticing Center is an excellent example of how the judiciary is realizing efficiencies through a combination of automated systems and contract services. As part of its ongoing economy and efficiency efforts, the judiciary will continue to examine opportunities to contract out when it would be both cost-effective and not impede the delivery of justice.

CONTRACTS CURRENTLY UTILIZED BY THE JUDICIARY

National Contracts

1. Court interpreter certification testing
2. Court interpreter certification consulting services
3. Drug testing
4. Drug testing quality assurance
5. Electronic monitoring
6. Production of computer-based training package for probation officers
7. Production and mailing of notices in bankruptcy cases (Bankruptcy Noticing Center)
8. Provision of employee assistance programs and counseling
9. Provision of employee health services

10. Computer-assisted legal research (CALR)
11. Court security officers (contract executed by the U.S. Marshals Service)
12. Training in operational support subjects such as Court Personnel System, pre-retirement, accounting and auditing, project management, program evaluation, quantitative analysis, EEO, space tracking, etc.
13. Numerous automation-related services contracts for requirements and technical support such as operation and maintenance of the Network Management Facility in support of the Data Communications Network; programming, maintenance, and enhancement of the Judiciary Employees Management System; and support and enhancement of the Central Accounting System
14. Investment and accounting of court registry funds
15. Courthouse planning and design services
16. Printing of slip opinions
17. Professional studies by the National Academy of Public Administration (NAPA) and other consultants
18. Background investigations for probation and pretrial services officers and bankruptcy and magistrate judges
19. Installation of sound systems in the courts
20. Jury Wheel National Service Center
21. Financial audits of the judiciary
22. Audits of Criminal Justice Act grants

Local Contracts

1. Court reporting services
2. Electronic court recorder operator services
3. Transcription services
4. Court interpreter services
5. Document translation services
6. Copying services
7. Training (automation, general skills, and training consultants)
8. Provision of master and qualified jury wheel services
9. Production and mailing of jury questionnaires and summonses

10. Moving of office furniture
11. Armored car pickup of cash and checks for deposit in the Federal Reserve Bank
12. Accounting and ledger services in large civil cases
13. Protective off-site storage of computer back-up tapes (including pick-up from courthouse)
14. Packing and shipping of case records to the Federal Archives and Records Center
15. Manual labor
16. Data entry
17. Software development and maintenance
18. Outgoing mail services (postage metering, bar coding, and mail handling)
19. Overnight delivery services
20. Courier services between divisional offices
21. Computer depot services for minor repair and maintenance of computers
22. Microfiche and microfilm services
23. Interior design/architecture services
24. Temporary help services
25. College work-study program services
26. Analytical studies (e.g., assessment of court's mediation program, review of the condition of dockets, CJRA, and research involving CJA payments)
27. Drug treatment
28. Publication of bi-weekly probation newsletter
29. Publication of quarterly probation journal
30. Pretrial services alternatives to detention
31. Provision of subscription services for procurement of law books
32. Locksmith services
33. Furniture maintenance, repair, and design
34. Space alteration, maintenance, and repair
35. Courtroom sound equipment maintenance and repair
36. Processing claims for "mega" bankruptcy cases
37. Teleconferencing
38. Printing services
39. Vehicle radio installation

40. Firearm maintenance and repair
41. Time stamp maintenance
42. Mail handling equipment maintenance
43. Telephone maintenance
44. General office equipment maintenance
45. Mail metering equipment maintenance
46. Recycling fax cartridge services
47. Credit check services
48. Birth/death records services
49. Communications services (pagers and beepers)
50. Cleaning services at rented locations
51. Naturalization ceremonies set-up and take-down services
52. Messenger services
53. Binding services
54. Packing and shipping of excess law books
55. Graphic art services
56. Financial audits
57. Disk duplication, printing, and mail services
58. Provision of defender services

ACHIEVING SAVINGS AND EFFICIENCIES THROUGH AUTOMATION AND TECHNOLOGY

Introduction

Use of automation and technology allows the judiciary to handle a continuously growing workload while, at the same time, minimizing overall spending increases and maintaining services to the public. For example, automation has contributed significantly to the judiciary's ability to operate effectively for the past several years at dramatically reduced staffing levels (i.e., about 84 percent of required levels). Absent the benefits of automation, the judiciary would have required a higher staffing level to meet workload demands, or would have compromised seriously the quality of its services.

Numerous initiatives underway offer the potential for a variety of benefits, such as greater judge and staff productivity, better public access to court services and information, more efficient disposition of cases, and lower future year increases for paper, postage, travel, and training costs. These initiatives are in the initial prototype stage; as development progresses, the magnitude of potential savings and efficiencies will become known. In addition to these progressive, large-scale efforts to use technology creatively to improve the way the judiciary conducts its business, dozens of automation projects, large and small, are underway. These efforts are addressed in Chapter 5.

The interim report given to Congress in April 1996 on this topic discussed the judiciary's forward-looking automation management approach and the various technology initiatives currently being implemented to reduce business costs and improve public service. The following section summarizes briefly these efforts. The focus of this final report is on several major new initiatives the judiciary has recently begun exploring for the future, which are discussed beginning on page 59.

Automation Management and Current Technology Efforts

Automation Management

In recent years, the judiciary has initiated new management structures and processes to improve the planning, development, implementation, and evaluation of automation and technology solutions to the courts' operating requirements. In particular, the adoption of a disciplined life-cycle management approach to projects promotes the design and adoption of timely and cost-effective business systems and applications. Information technology projects are monitored and evaluated at every stage—from the original idea to the definition of user requirements; the consideration of alternatives; the design, development, and acquisition of solutions; the testing of new systems; and the deployment and support of systems in the courts. A reliance on user-defined requirements and the provision of effective end-user training programs ensure acceptance and use of new business applications.

Current Technology Efforts

The following initiatives, summarized briefly, were described at greater length in the interim report.

Data Communications Network (DCN). The judiciary is in the final stages of implementing a nationwide communications network linking all of the courts with each other and with the Administrative Office. Near-term dividends include the ability for judges and staff to access and exchange case information, opinions, and other documents within a building, district, circuit, or nationwide with equal ease. Recurring cost saving opportunities have resulted from sharing modems and telephone lines, the use of nationwide network software licenses, and the electronic transmission of text data. Future returns on the judiciary's investment in the DCN will accrue as direct access to centralized databases is increased and additional judiciary-wide applications and systems are completed.

Bankruptcy Noticing Center (BNC). About ninety percent (4 million per month) of the judiciary's bankruptcy notices are now being processed through a central-

ized, automated noticing function instead of being produced manually. This is saving about \$11 million over a four-year period.

Central Violations Bureau (CVB). Document imaging technology is being used in the judiciary's CVB, a unit that serves as a consolidated national district clerk's office by processing and handling the paperwork associated with petty offense cases and misdemeanors. This technology increases staff productivity by significantly reducing the amount of time previously spent manually filing, retrieving, and refiling citation notices and payment cards.

Opinion Retrieval System (ORS). This recently developed system allows court opinions and other documents not submitted to a computer-assisted legal research service to be indexed electronically and retrieved by the court. The ability to access more easily these important records improves judges' and staff productivity.

Computer Assisted Legal Research (CALR). The judiciary makes extensive use of CALR to improve the efficiency of legal research. CALR offers a variety of usefully organized, complete, and up-to-date databases and provides superior search capabilities. These features, together with other functions, make it an invaluable tool for expeditious and thorough research and an outstanding supplement to other legal research resources. The current five-year contracts for CALR services, which were awarded following a competitive procurement, will result in substantial future cost avoidance due to the extremely competitive rates offered by contractors.

New Initiatives to Achieve Future Savings and Efficiencies

Building on these and numerous other past successes, the judiciary currently is exploring a number of new major technology-based initiatives to (1) create better and more efficient ways of communicating; (2) make information and services more accessible to judges, court staff, and the public; and (3) improve the quality and efficiency of courtroom proceedings.

Creating Better and More Efficient Ways of Communicating

Videoconferencing, video training, and computer-based training can reduce the need for people to travel to carry out their business, enabling people who are geographically separated to communicate often and inexpensively.

Videoconferencing. The judiciary currently is evaluating videoconferencing applications for several uses, such as the handling of routine and case-related administrative responsibilities, training, and courtroom proceedings. Videoconferencing in the courtroom is discussed with other courtroom technologies later in this report.

Routine and case-related administrative responsibilities can be handled through the use of desktop videoconferencing. Desktop videoconferencing allows two or more individuals to view and hear each other from a unit that may sit on one's desk, and allows users to share computer applications such as spreadsheets or word-processing tools. It is being explored currently as a means for judges and court staff to handle a variety of activities, including conducting settlement conferences and other case-related activities and carrying out management responsibilities such as discussing reports, planning agendas, and holding meetings. Future applications could include having attorneys meet with judges for conferences and hearings while remaining in their offices, which could help reduce the cost of litigation by reducing travel and waiting time.

In the training arena, videoconferencing technologies offer significant potential for more economical and better training programs for the judiciary. A series of seminars for judges and court staff on legal issues and topics related to court administration is being implemented. Two video seminars have been presented in fiscal year 1996. The first seminar was a satellite broadcast from Washington to over 40 locations around the country; the second seminar was a videoconference using two-way video and two-way voice to locations in 12 cities. Six seminars are planned for fiscal year 1997 and will include at least five satellite broadcasts and one videoconference.

Besides reducing travel costs, this technology makes it possible to provide training to a large, geographically dispersed audience at one time, rather than over several weeks or months, as traditional instructor-led training would require. Further, it minimizes lost judicial officer and staff working time because traveling is avoided, and it results in the delivery of a consistent training program.

Video Training and Computer-Based Training. More and more, videotapes are being used for training and for disseminating information to appellate, district, and bankruptcy courts as well as probation and pretrial services offices on a variety of subjects. For example, the judiciary is converting to a new computer operating system and is using an off-the-shelf video training program for systems staff. This eliminates the expense of developing and delivering instructor-led classes and makes it possible to provide training to the courts at the time the system is installed. Instructor-led training for staff from 275 judiciary locations would have cost the judiciary about \$675,000 in travel and instructor expenses. The cost of the videos, including staff evaluation time as well as reproduction and distribution costs, was approximately \$190,000.

In addition to video training, the judiciary also uses computer-based training to train staff on various automation subjects, personnel regulations, and court programs. For example, the judiciary has developed a computer-based training program to replace an annual nationwide training program for probation and pretrial services office specialists. It would have cost more than \$750,000 for travel and instructor expenses over five years to deliver this training using traditional methods, which will now be avoided. The total development, production, and distribution costs of the computer-based training program were approximately \$274,000.

In addition to direct travel and instructor cost savings, both videotape and computer-based training produce indirect savings through more efficient use of judges' and staff time because they are not traveling. Further, these training media can be more effective than traditional methods because they result in the delivery of a more consistent program and leave the trainee with an interactive reference tool that can be used whenever needed.

In summary, the value of video communication technology is multifold. The judiciary is beginning to avoid significant costs through its use and will continue using it in the future where appropriate to realize additional savings.

Making Information and Services More Accessible to Judges, Court Staff, and the Public

Electronic Case Files. Preliminary efforts are underway to experiment with hardware and software packages to reduce the production and handling of paper documents. This involves exploring the potential of various interoperative capabilities, such as e-mail, full-text searching, and the processing of electronic

forms and images, that would improve the judiciary's ability to process, route, file, retrieve, and share a variety of documents in electronic format. These technologies provide various opportunities for future cost savings and productivity efficiencies in the courtroom, in judges' chambers, and in the clerk's office, as well as savings for the Department of Justice, private attorneys, and parties to cases.

Courts would be able to handle more inquiries more quickly, thereby improving the overall quality of service. Documents filed with the court could be stored electronically and then displayed on workstation screens. This should reduce costs and delays associated with maintaining, retrieving, filing, copying, and disseminating paper documents. Space needed for storage of paper records could be reduced. Available information indicates most courts have or soon will face a critical shortage of file space. Electronic case files would be more accurate, up-to-date, organized, and easy to use than paper records, and they would improve public access to case-related information. In summary, electronic case files have great potential to improve the way courts handle and use documents, thus creating efficiencies for those reviewing case files. These efficiencies may save time and avoid costs for the judiciary. This opportunity is being actively explored.

Electronic Filing. In addition to looking at ways to convert paper documents to electronic form, the judiciary is evaluating the technological possibilities for the filing of cases electronically. The courts could receive pleadings, motions, briefs, and other case-related documents in an electronic form rather than in a paper format. Electronic filing has the potential to move the judiciary toward a "paperless" process, eliminating repetitive, time-consuming manual tasks (retrieval, copying, filing, etc.), and automatically entering vital information into case management systems.

In the Northern District of Ohio, a prototype electronic filing system was developed to handle the maritime asbestos cases. The process makes use of Internet and related technologies. The system not only eliminates the court's massive paper-handling burden for these cases, but also most of the court's data entry and docketing work. At the court's expected rate of 5,000 asbestos case filings annually, the system is estimated to save approximately \$250,000 per year. In addition, this prototype system is paving the way for broader electronic filing applications, which could yield substantial nationwide savings.

Two other courts—the Eastern District of California and the District of New Mexico—have initiated the process of automating bankruptcy case opening procedures. The judiciary is working with commercial vendors to develop software

that will enable attorneys to create electronically case opening documents and that will allow the courts to transfer case opening data to other electronic case management systems.

The enhanced quality of service the federal courts would be able to provide in a less paper intense environment would result in significantly improved information retrieval that more often would be in terms of seconds rather than minutes, hours, or days. Efficiencies would accrue as court personnel handle, transport, and copy physical files less frequently.

More long-term, this technology would allow the public to have expanded access to electronic case documents, such as pleadings, petitions, and schedules. These documents are among the most frequently requested documents from case files. Providing these documents electronically would further reduce the administrative demands on court staff.

Electronic Dissemination of Information. Providing case-related information is part of the mission of each clerk's office in the federal courts. Electronic public access (EPA) to case records saves court staff resources while at the same time permits the public to gain direct, rapid, and easy access to official court records without having to visit the courthouse. For those who do visit the courthouse, public access terminals are available on-site for users to access information without visiting court staff. For off-site users without access to a computer terminal, automated voice response systems allow access to a limited amount of case information directly from the court's database in response to touch-tone telephone inquiries. This service is now operating in bankruptcy and appellate courts.

The judiciary's EPA services have generated increasing demand, both from within the legal community and from other interested parties, such as federal and state agencies, business and non-profit organizations, the press, and the general public. The judiciary expects to complete the installation of electronic public access services in every federal court later this year—presently 95 percent of the jurisdictions offer these services. The expansion and operation of the judiciary's EPA program is self-funded through the collection of public user fees. Further, the judiciary is actively engaged in identifying other methods for providing these services. A series of surveys and focus group meetings have been conducted to this end and work will continue in the future.

Internet/Intranet. In addition to the prototype electronic filing experiments already described, the judiciary is exploring the potential uses and benefits of Internet technologies. The Internet's World Wide Web now is being used to

make available judiciary publications and information to the public. Several publications, as well as decisions for important cases, are currently available on the Internet for global users to read and download as needed. Examples include publications related to judiciary history, updates on issues such as sentencing guidelines and habeas corpus and prison litigation, and decisions in cases of public interest. Internet use reduces the postage, printing, and staff costs needed to respond to information inquiries by mail or telephone, and results in much faster response to the needs of the courts and the public.

The judiciary also is exploring the use of Web technology and software tools to establish a judiciary "Intranet" for publishing and communicating through the judiciary's data communications network (DCN). This will allow the judiciary to publish electronically court directories, manuals, bulletins, and other documents for judiciary users. Electronic publishing using the Intranet and the DCN has the potential to yield substantial savings over the current costs of printing and distributing paper documents and maintaining and updating paper files and shelf documents. When fully implemented, the net savings for printing and postage costs alone is estimated to be about \$1 million a year. Other benefits would be derived as well. For example, countless hours of staff time used to store and later find relevant information would be saved, and the timeliness and quality of data would be improved.

Electronic Bankruptcy Noticing (EBN). The judiciary—working with the Internal Revenue Service, trustees in bankruptcy cases, and large institutional creditors—is seeking to lower the cost of processing bankruptcy case notices. An electronic noticing capability currently is being developed to enable courts to transmit electronic notices to creditors and other parties. Electronic transmission of just 25 percent of the bankruptcy courts' notices is expected to provide the judiciary with approximately \$4 million a year in net savings. Most of these savings will accrue through reduced postage costs.

The bankruptcy courts issue over 55 million notices a year to notify various parties of important bankruptcy case events. Current noticing processes involve copying or printing the notice, addressing or printing envelopes to the proper recipients, folding and stuffing envelopes, and affixing metered postage and depositing the notices in the mail. The Bankruptcy Noticing Center transmits centrally paper notices for 74 courts at this time; the EBN project, now being tested in four courts, will allow the courts to transmit electronically bankruptcy notices to the largest creditors.

Experiments with an electronic noticing prototype currently are being conducted in four bankruptcy courts using value added network and electronic data

interchange technologies. The goal of the court EBN experiments will be to (1) make an assessment of costs, (2) observe court processing activities, and (3) define specific software requirements.

Overall, EBN is expected to be a significantly more efficient and effective way to process the largest volume of notices. The benefits of implementing EBN technology present significant opportunities for sharing existing data, improving the quality of service, and decreasing costs that extend beyond the judiciary into the private sector. EBN would provide large institutional creditors lower bankruptcy notice processing costs because they would not have to manually process hundreds of thousands of paper notices. Additional savings also would accrue because the EBN technology would provide bankruptcy notice information automatically to creditors in a standardized data format that would allow for direct input with automated error correction capability.

Looking toward the future, the judiciary anticipates that investment in this technology would allow for the expansion of electronic services to the public and parties to cases. This same technology can be used for the electronic filing of multiple bankruptcy forms, such as petitions, schedules, and claims.

Improving the Quality and Efficiency of Courtroom Proceedings

Technologies that facilitate and expedite courtroom proceedings are offering the judiciary alternative ways to address growing workloads. Advances in computer, telecommunications, and video technologies, along with decreasing costs due to development of technology in the market place, are increasing opportunities for the judiciary to provide a single, unified system of electronic applications in courtrooms and chambers. The judiciary is working with municipal courts, the Department of Justice, and others to identify and evaluate courtroom technologies, and to provide planning assistance to courts.

Three key activities that take place in the courtroom where technology can help the judiciary conduct its business and improve the quality of service to the public include the presentation of testimony, the presentation of evidence, and the taking of the record.

Within this context, the judiciary is making significant progress toward identifying and studying those technologies that have the potential to reduce the logistical costs of conducting a trial, facilitate the presentation of information, and enhance the comprehension of complex information by jurors and other participants.

Currently, technologies under exploration include videoconferencing, evidence presentation applications, and real-time court reporting systems. These technologies currently are being evaluated in a small number of courts under several different programs. Formal evaluation of the use of these technologies in the courtroom is underway.

Videoconferencing. Videoconferencing can be used to provide live, two-way audio and video transmission between a court and a remote court site or a prison to transmit proceedings to and from the courtroom. It offers opportunities to conduct business without having all participants physically co-located. For example, it provides opportunities to (1) reduce travel costs and (2) reduce security costs and risks by allowing prisoners to participate in courtroom proceedings directly from prison rather than at the courthouse.

Under one program begun in 1991, the judiciary authorized videoconferencing pilot programs in several courts for applications that included prisoner civil rights pretrial proceedings, routine bankruptcy proceedings, and, on a one-time basis, mental competency hearings. Today, two of these pilot courts continue to use videoconferencing for prisoner civil rights pretrial proceedings, and a third continues to use it for bankruptcy applications.

This program has been expanded recently to allow a number of additional courts meeting specific criteria to obtain funding for videoconferencing equipment for prisoner civil rights pretrial proceedings. The total number of courts to be included in this expanded program will be based on funding availability and individual courts' ability to meet the specified criteria.

Exhibit (evidence) Imaging, Retrieval, and Display Technology. The judiciary is exploring the potential for the use of document imaging, retrieval, and display technologies in the courtroom. Document imaging and document cameras are specific technologies that can be used in the courtroom to electronically enhance the presentation and comprehension of complex evidence. The value of these technologies currently is being explored in a number of locations including the District of Arizona, District of Massachusetts, and District of North Dakota courts.

Document imaging technology stores documents as photographs in a computer system for later retrieval without recourse to paper files; retrieval can be as easy as using a barcode pen to select from an index of documents. The judiciary is examining several different applications of this technology. With regard to the presentation of evidence, attorneys can have all the documents needed for a trial

scanned onto a CD-ROM for subsequent quick retrieval and displayed on video monitors placed strategically in the courtroom.

Document cameras can be used effectively in the courtroom to improve the presentation of evidence (documents, photos, three-dimensional objects, x-rays, fingerprints, DNA autorads, transparencies, etc.). Use of this technology allows all courtroom participants (judges, jury, counsel, etc.) and observers (public, media, etc.) to view images concurrently and eliminates the need for time-consuming individual examination of evidence. The technology also allows the presenter to zoom in and highlight the most critical areas of detail. By projecting an image of the object or document, the evidence is protected from rough handling and can be better preserved. The application of this technology allows the presentation of complex evidence to be simplified and clarified by augmenting verbal explanation with visual representation. This can increase retention and recall of trial participants and, perhaps more importantly, jury members.

Real-Time Court Reporting. Real-time court reporting is a technological enhancement to traditional stenotype reporting methods. Real-time reporting permits a stenotype reporter—trained in the use of computer-aided transcription—to produce an unedited transcript version of court proceedings for almost instantaneous (i.e., “real-time”) review by court participants and interested parties in the courtroom. The reporter’s shorthand notes entered into the stenotype machine are translated into their English text equivalent by computer software. The text then is transmitted via telecommunication lines and displayed on monitors or stored on personal computers within the courtroom, such as at the judge’s bench or counsel tables, and can be transmitted to parties outside the courtroom as well.

The instant availability of the court record permits the judge, counsel, and other parties to monitor and review the court proceedings more easily. In circumstances where hearing impaired participants (e.g., a witness, a juror, or counsel) are involved in the proceeding, such individuals can more easily participate by reading the real-time record on computer monitors.

As an additional component of real-time court reporting, court transcript annotation enables the judge and participating counsel to display, capture, and annotate the real-time transcript. It allows courtroom participants to view the testimony on a computer screen and, if desired, make personal notes and mark text in any portion of the electronically captured testimony within seconds. The judge or counsel can also review new or previously recorded testimony and use various sophisticated text retrieval software tools to locate key words and phrases.

This technology also provides flexibility in the transporting and sharing of the oftentimes voluminous record with legal team members or other court staff. It has the added advantage of allowing counsel to electronically integrate testimony into their litigation support systems. Most of the equipment costs of real-time court reporting are borne by the court reporter; by statute, court reporters are required to bear the costs of producing the transcript.

At its September 1994 session, the Judicial Conference endorsed the use of real-time court reporting technologies in the district courts to the extent that funding is available to support their use. The Judicial Conference Committee on Automation and Technology formally adopted technical standards for these technologies at its June 1996 session.

In summary, the judiciary is firmly committed to exploring the potential of expanded use of information technology in the courtroom. These efforts can produce cost savings and efficiencies by significantly facilitating the conduct of judicial proceedings.

Conclusion

The judiciary has a proven track record for successfully exploring and employing technology-based initiatives to enhance productivity and improve access to information. The new initiatives currently being examined, combined with the judiciary's strong management focus on information technology improvements, signal that the judiciary's past successes will continue. Seeking out the power of emerging technologies and strategically integrating them into judicial work processes is one of the judiciary's highest priorities. The judiciary is committed not only to refining and making existing processes work better, but to creating new ways of working that are more productive, efficient, and effective, and that will enable the courts to deliver better service to the public at lower cost.

CREATING EFFICIENCIES THROUGH PROCESS, POLICY, AND PROGRAM IMPROVEMENTS

Introduction

The previous chapters cover four specific topics in response to Congress' study directive in the Conference Report cited in the judiciary's fiscal year 1996 continuing resolution. Specifically, those chapters discuss how the judiciary ensures that judge and staff resources are distributed equitably to meet workload demands, the numerous activities underway to reduce rent costs, the ways in which the judiciary realizes efficiencies by using contractors in lieu of judiciary employees, and efforts to achieve savings and efficiencies through automation and high technology. This chapter responds to Congress' request that the judiciary also address any other areas "where improvements and cost efficiencies can be achieved."

The judiciary appreciates the opportunity to highlight to Congress our commitment to making the judicial branch as efficient and cost-effective as possible without harming the justice system. For several years now, the judiciary has been intensely focused on improving processes, policies, and program delivery to reduce overall spending, ensure resources are not wasted, and do more with less—all in the face of growing workload. One major step in this area was the decision by the Judicial Conference to create an Economy Subcommittee of its Budget Committee to coordinate judiciary-wide efforts to improve fiscal responsibility, accountability, and efficiency. The Administrative Office of the U. S. Courts provides support for this committee's efforts and for the other Judicial Conference committees, which are deeply involved in

the judiciary's economy initiatives. As a result of these efforts, the federal government is realizing significant cost avoidances and savings.

Some of these continuing efforts, as well as new initiatives, are explained in the earlier chapters of this report. This chapter describes other efforts to create efficiencies through process, policy, and program initiatives that hold out the possibility for even more savings and cost-avoidance.

Continuing Efforts to Create Efficiencies

Judiciary Methods Analysis Program

As discussed in Chapter 1 of this report, the judiciary uses a series of formulas to determine the appropriate number of staff needed in each court unit to meet workload demands. In order to contain costs, the Judicial Conference made a decision to staff the courts with fewer employees than the formulas dictate. Specifically, the judiciary only gives courts enough funds to hire 84 percent of the people dictated by the formulas. Operating at this reduced staff level, although a hardship on the courts, saved over \$160 million in FY 1996 alone; maintaining this level in subsequent years will save even greater amounts as workload increases and salaries rise with inflationary adjustments.

Given the reality of long-term operations with significantly less than a full complement of staffing, the courts have two choices—decrease public service or increase productivity. Since maintaining high quality services is a top priority, the judiciary launched an innovative effort in 1994 to help courts cope with the imposed staffing shortages by improving operating efficiency. Called the Judiciary Methods Analysis Program (MAP), its goals are to identify suggested business practices that have the potential to result in more efficient and effective operations, and to foster implementation of these practices in the courts.

The judiciary designed MAP following a review of methods analysis techniques being applied in government and industry. MAP involves the formation of teams of functional experts and analysts. Each team reviews one or more specific court operations to identify innovative approaches or potentially “better” practices for accomplishing the work more efficiently, economically, or effectively.

It is up to each court to determine the usefulness and appropriateness of individual suggestions resulting from the MAP process in relation to the court's particular circumstances (e.g., size, demographics, caseload, etc.). By implementing those practices that will improve their efficiency, the courts are better able to perform functions that faced possible delay or reductions because of staffing shortages. Overall, MAP's suggested practices will allow the judiciary to do more with existing resources. In the future, work-process changes resulting from the adoption of better practices will be incorporated into the revision of staffing formulas. Similarly, any substantial non-personnel cost savings associated with the better practices would be reflected in the allotments of operating funds to the courts.

The identified practices are publicized to the courts through various publications and are posted on a judiciary-wide electronic bulletin board. Further, recommendations regarding the adoption of the practices are incorporated into the court program unit reviews that are conducted to assist courts with improving operations, discussed in more detail later in this chapter.

To date, the MAP process has covered five functional areas and identified over 300 new work practices for possible implementation by the courts. A sixth study of appellate clerks' functions is ongoing. Each functional area already studied is listed below, along with a few examples of the "better" practices that were identified. A complete list of the practices, along with explanatory information about each, is available on request from the Administrative Office.

Investigations and report writing in probation offices. Thirty-four practices have been identified for this activity. Examples:

- Use a court duty officer or court liaison officer to attend plea hearings to free officers' time for other duties.
- Limit trial attendance to the closing arguments or verdict to reduce officer time required in court.

Investigations and report writing in pretrial services offices. Thirty-four practices have been identified for this activity. Examples:

- Require officers to attend plea hearings only if there is a possible change in bail status to make time available for other duties.
- Expand use of electronic forms, calendars, and time-management applications to improve efficiency and streamline production.

Case opening in district clerks' offices. Forty-eight practices have been identified for this activity. Examples:

- Eliminate the filing of discovery documents in the case opening process to reduce time spent processing these documents.
- Allow deputy clerks to enter procedural orders to save judicial officer time in preparing and signing these orders.

Case opening in bankruptcy clerks' offices. Fifty-six practices have been identified for this activity. Examples:

- Reduce data entry time by limiting the information contained on the claims register to the creditor's name and address, the creditor's identification number, the claim number, the dollar amount, and the date.
- Require parties filing petitions by mail to provide a self-addressed stamped envelope for return of the receipt to reduce time and expense for the court.

Case processing in bankruptcy clerks' offices. One-hundred forty-seven practices have been identified for this activity. Examples:

- Maintain an electronic forms library and make it accessible to deputy clerks and the public through the court's public access system to achieve administrative efficiencies.
- Require parties to submit certain documents on diskette, such as proposed findings of fact, conclusions of law, and briefs, to achieve administrative efficiencies.

Automation of Manual Work Processes

Chapter 4 of this report discusses several initiatives underway to achieve future savings and efficiencies through major forward-looking technology-based initiatives. These include videoconferencing, video and computer-based training, electronic case files, electronic filing, electronic public access services, electronic bankruptcy noticing, use of Internet and Intranet, and real-time court reporting, among others.

In addition to these progressive, large-scale efforts to use technology creatively to improve the way the judiciary conducts its business, dozens of large and small projects are underway to improve operating efficiency and effectiveness for more routine, administrative-type tasks by automating manual business processes or updating outmoded systems and practices. A comprehensive report of these efforts is available on request from the Administrative Office.

A few examples are noted below:

- A system is being developed for processing health benefit forms more quickly, easily, and accurately by eliminating labor-intensive processes.
- A new library management system is being acquired that will improve law-book inventory management and purchasing practices.
- Case management systems for the appellate, district, and bankruptcy courts are being enhanced, which will eliminate labor-intensive processes and reduce data entry requirements.
- An improved, more efficient system for collecting magistrate judge workload statistics is being implemented. The improved system also is expected to enhance data reliability.
- A flexible, automated, more efficient system is under development for building and maintaining jury wheels, tracking jurors from the time of summoning to service completion, and providing payment and related jury service information.
- A modern, efficient, more reliable court financial system is being implemented, which will replace labor-intensive systems and streamline work processes.

These initiatives, and those discussed in Chapter 4, are governed by the judiciary's information systems architecture. The architecture determines the platforms, databases, principles, and standards that are to be used in designing and building judiciary systems. As such, the architecture ensures that expenditures on automated systems are efficiently and wisely made by guaranteeing that systems are compatible and user needs are met.

Establishment of More Efficient Organizational Structures

The judiciary asked the National Academy of Public Administration (NAPA) to conduct a study on the delivery of administrative functions in the courts. Completed in May 1996, the study (1) identifies various ways courts currently organize to handle administrative functions, (2) identifies ways in which the courts are sharing administrative services, (3) offers alternative organizational approaches, (4) analyzes the strengths and weaknesses of different approaches, and (5) presents a process for assessing a district's or court's structure and operations.

The study covered eight administrative functions in district and bankruptcy clerks' offices, probation and pretrial services offices, and, where applicable, district court executives' offices. The eight functions are personnel administration, training, financial management, budget management, automation management, contracting and procurement, property management, and space and facilities management. While these functions do not directly affect public service, how they are carried out clearly impacts the overall efficiency and effectiveness of court operations.

Upon its completion, the study was distributed to chief judges nationwide so they could consider its results and determine whether an alternative arrangement of administrative services would be effective in their courts. Further, the Judicial Conference referred the study in September 1996 to several of its committees for integration, as appropriate, with forthcoming policies regarding the overall administration of court operations.

Improved Management of Defender Services Program Resources

Through its defender services program, the judiciary provides legal representation for defendants who are financially unable to retain counsel on their own. The right to counsel is guaranteed by the Sixth Amendment to the Constitution.

The judiciary has no control over the number of defendants for whom it must provide defense counsel. This is a function of congressional action and Department of Justice policies. Approximately 85 percent of criminal defendants in the federal courts require court-appointed counsel. Consequently, the cost of this program is determined primarily by factors outside the judiciary's control.

Notwithstanding, the judiciary is taking action wherever possible to help contain program costs. The following is a summary of selected initiatives.

Containing the cost of death penalty representation. The Judicial Conference Committee on Defender Services conducted a study on the costs of counsel in federal capital habeas corpus cases. Approved by the Judicial Conference late last year, the study set forth a series of recommendations directed at controlling capital habeas costs, as follows:

- Require defender organizations representing capital habeas petitioners to maintain minimum average caseload-per-attorney ratios as a guard against an organization devoting unwarranted resources in any given case.
- Require defender organizations representing capital habeas petitioners to employ record-keeping and reporting practices designed to facilitate assessments of resource requirements, attorney caseload ratios, and cost controls.
- Encourage courts to require appointed counsel to submit ex parte a proposed litigation budget for court approval prior to engaging in any representation task for which payment or reimbursement will be sought.
- Encourage courts to employ case management techniques used in complex civil litigation to control costs in federal capital habeas corpus cases.
- Develop national training and research tools to reduce the time required, and thereby the compensation sought, by counsel appointed in federal capital habeas cases.
- Consider requiring court-appointed counsel to obtain expert advice and assistance to avoid the need to engage in costly research, writing, and other litigation tasks.
- Make available to judicial officers reviewing compensation requests the complete history of prior payments made in a case, including payments to other counsel who may have been compensated for work performed in related proceedings.
- Foster communication and cooperation among all those involved in capital litigation, including both federal and state judges, state attorneys general, and private attorneys.
- Develop guidelines to ensure that federal funds are not expended on state court work.

Reviewing and assessing defender program operations. The judiciary conducts routine reviews of federal defender organizations. The objectives of the reviews include helping the offices improve the effectiveness and efficiency of their operations; collecting and disseminating to all offices information regarding exemplary procedures, processes, and controls; and ensuring that federal funds are being spent conservatively. The reviews cover office structure and governance, financial management, human resource management, procurement, reporting and record-keeping, and case management. Upon completion of each review, a report with recommendations for improvements is provided to the defender organization and the district court or court of appeals, as appropriate.

Improving panel attorney voucher review. The judiciary recently developed two tools to help courts improve their review and analysis of panel attorney compensation claims. First, the judiciary produced and distributed new forms for panel attorneys to use when submitting compensation claims to the court. The forms elicit important information about cases and the nature of representation that voucher examiners need for their review of claims. Second, the judiciary distributed data showing the ranges of in-court and out-of-court hours that panel attorneys claimed for major case types. The purpose is to enhance voucher review by allowing the examiners to consider pending vouchers within the context of all vouchers submitted for that type of case.

Collecting better management data. The judiciary is developing new information systems to increase the type, quality, and consistency of data being collected on defender organizations and panel attorneys. These efforts should improve the judiciary's ability to manage, project, audit, and explain program costs.

Generating ideas at the local level. In addition to the various national efforts to contain program costs, there is a strong commitment at the local level. For example, over 40 districts have established Criminal Justice Act Cost Containment Committees. The committees' primary purposes are to develop and implement in their respective districts cost-saving initiatives for the delivery of defense services.

AI ternatives to Incarceration and Detention

The judiciary is saving the government considerable resources through its home confinement program. Home confinement is an alternative to carcera-

tion and detention that allows pretrial defendants and offenders on post-conviction release to be placed under surveillance in their homes rather than housed in more costly corrections and detention facilities. Often, it includes electronic surveillance as well.

It costs the government between \$39 and \$63 daily to keep an offender in a federal prison or detention facility. The average daily cost of supervising an offender in the home confinement program, however, is only \$14 to \$20, depending on whether electronic surveillance is used.

On a daily basis, the judiciary monitors about 4,000 individuals (offenders and defendants) in their homes who would otherwise be held in prison or jail facilities. This costs about \$26 million annually. Placing these individuals in prison or detention facilities would cost between \$57 and \$88 million. Thus, the program saves the government between \$31 and \$62 million annually.

To help offset the costs of the home confinement program, the judiciary seeks reimbursement from participating offenders when possible. In fiscal years 1995 and 1996, the judiciary collected over \$3 million in offender copayments. In addition, the judiciary is making every effort to contain the costs of the electronic surveillance component of the program. For example, when the program first began, the judiciary paid about \$6 per person per day for electronic surveillance services. Through competitive bidding for a national contract, the cost now is under \$5, which saves the judiciary over \$1 million a year.

New Financial Management Policies, Practices, and Procedures

The judiciary is implementing numerous budget policies, practices, and procedures to increase the focus on containing costs and improving resource use. The following summarizes selected initiatives.

Decentralizing budget functions to local managers. Rather than conducting the activities centrally at the Administrative Office, certain budget execution functions have been decentralized to the courts. The decentralized budgeting program was designed to give courts increased flexibility to create, manage, and control their annual operating budgets. It gives local managers an incentive to identify and employ more efficient business practices, a greater ability to prioritize scarce resources, and the flexibility to distribute resources according to unique local needs. In sum, it is an important tool for ensuring that judiciary resources are optimally utilized.

Streamlining funding allotment processes. The judiciary is in the midst of an effort to streamline the processes used for the allotment of non-personnel court funding. The project involves dramatically reducing the number of categories in which funding is allotted to the courts (from 57 to 3) and, where appropriate, developing and using formulas rather than historical expenditures to determine court funding needs for specific budget line items. The program offers several benefits. First, it will make the allotment process more efficient by reducing paperwork requirements in the courts and the Administrative Office. Further, it will result in a more equitable distribution of resources to the courts. It also will provide court managers with increased flexibility for managing their spending plans, thereby complementing budget decentralization.

Improving management and control of personnel resources. A new personnel system was developed for the courts that represents a major reform in personnel management. The new system decentralizes personnel authority to court managers, giving them more flexibility to determine the composition of their workforce. By allotting dollars for personnel resources rather than a set number of positions, the system gives courts the discretion to determine the number, compensation level, and classification of their employees, and whether to hire contractors in lieu of judiciary employees. This improves the courts' ability to maximize use of scarce personnel resources. It also improves management of future-year salary liabilities through built-in cost controls. Further, the system simplifies the process of distributing funding to the courts, saving staff resources.

Enhancing financial review processes. A new quarterly financial review process has been initiated to improve oversight of program spending and to identify funds that should be saved and redirected to meet higher priority needs. The purpose is to review program spending, discuss needed changes in spending plans, and identify opportunities for savings. These reviews help ensure that the judiciary's increasingly scarce resources are available to meet the highest priority needs. To enhance these financial reviews, automated methods are being implemented to receive and review more timely information on the status of funds in the courts and at the Administrative Office.

Distribution of Comparative Case Processing Statistics

The judiciary distributes to district and bankruptcy courts comparative case processing statistics to allow courts to compare their performance with other courts.

For district courts, the statistics demonstrate how individual courts compare with the national average on several key civil and criminal case processing measures. These include the following:

- Number of civil cases pending over three years.
- Median time from filing to disposition for civil cases overall, and for specific types of civil cases.
- Median time from filing to disposition of felony defendants overall, and for criminal cases with varying numbers of defendants.
- Weighted caseload per judgeship.

In addition, district courts receive comparative data on juror use. The data show the percentage of jurors each court calls but does not select for duty, a measure of how efficiently the juror selection process is conducted.

For bankruptcy courts, statistics are distributed that compare individual courts with the national average on the following measures:

- Median time from case filing to disposition.
- Ratio of the number of cases pending to the number of cases filed.
- Age of cases.

Distribution of this data is an important tool for helping courts strive to find innovative ways to dispose of cases as quickly and efficiently as possible and to reduce juror costs.

Program Reviews and Audits

The judiciary has in place rigorous and effective oversight mechanisms for audit, review, and investigation. These mechanisms are a critical component of the judiciary's efforts to ensure resources are optimally utilized. Through these mechanisms, the judiciary

- Identifies, investigates, and resolves improprieties or allegations of waste, loss, or abuse.

- Oversees the judiciary's funds, programs and operations; surveys the condition of business in the courts; promotes uniformity of management procedures and the expeditious conduct of court business; studies the operation and effect of the general rules of practice and procedure; and studies ways to improve litigation management and dispute resolution in the district courts.
- Performs cyclical financial audits of the courts every two and one-half to four years.
- Conducts studies, reviews, and evaluations of programs, organizations, operations, and policies.
- Addresses allegations of judicial misconduct or disability pursuant to statutorily prescribed process.
- Calls upon independent outside experts to review specific areas of concern to obtain objective analyses and recommendations for action.

Since 1993, the judiciary has undertaken numerous studies, reviews, audits, and evaluations. Examples of these activities follow:

Court Program Unit Reviews. Management and organizational reviews are conducted to provide clerks' offices, probation and pretrial services offices, and federal defender organizations with assessments of existing operations and to make recommendations for improving court services. In addition, reviews of specific court program areas such as case management, jury utilization, court reporting, court interpreting, drug and mental health treatment, and electronic monitoring also are conducted. A written report documenting the findings is provided to the court at the conclusion of each review.

Automation Reviews. On-site assessments in appellate, district, and bankruptcy courts are conducted to review nationally-supported case management applications. The purpose is to ensure that courts are achieving maximum benefit from the case management tools provided by automated systems. A report with recommendations for improvements is provided to the court upon completion of the review. A new methodology is being developed to strengthen these reviews and to provide a more comprehensive assessment of a court's automation program.

Long Range Planning

Strategic and operational planning are integral parts of the judiciary's internal governance and management processes. As such, they are important components of the judiciary's efforts to ensure that resources are optimally utilized. Judiciary planning efforts set forth recommendations, goals, objectives, and strategies that describe an intended path for addressing issues, thereby providing direction to those responsible for applying personnel, funds, and other available resources. This establishes a general context within which priorities are set and resource allocation decisions are made.

In December 1995, the Judicial Conference adopted its first comprehensive Long Range Plan for the Federal Courts. The plan sets forth 93 specific recommendations for conserving core values—the rule of law, equal justice, judicial independence, limited jurisdiction, excellence, and accountability—while preserving flexibility to respond to new challenges. The plan devotes an entire chapter, plus numerous other sections, to recommendations aimed at optimal use of judiciary human, financial, physical, and technological resources. A copy of the plan is available on request from the Administrative Office.

Complementing the Long Range Plan, the judiciary produced in September 1996 a strategic business plan. It identifies the following six major business activities and sets forth objectives for each: adjudication, administration of the courts, supervision of defendants and offenders, defender services for eligible criminal defendants, policy-making and national administration, and rulemaking. The business plan provides a foundation for more specific plans and planning processes. In particular, the Long Range Plan for Automation in the Federal Judiciary will be based on the strategic business plan and user needs assessments. This document also is available on request. At the local level, several individual courts and court units have developed plans that discuss how to use limited resources most efficiently to meet future needs.

Conclusion

The judiciary has initiated a variety of efforts to improve processes, programs, and policies to ensure resources are optimally utilized, many of which are described above and listed in the appendix. From the Judicial Conference to the

local court unit manager, members of the judiciary family continuously search for innovative ways to reduce spending and do more with less. The judiciary has an impressive list of cost-containment accomplishments and many additional initiatives are in progress. These efforts demonstrate the judiciary's firm commitment to doing its part to streamline government and better serve the nation's taxpayers.

APPENDIX

Summary of Efforts to Ensure the Optimal Utilization of Judicial Resources

The following provides over 90 brief examples of ways in which the judiciary is reducing spending and improving resource use. A number of these efforts are discussed in Chapters 1 through 5 of this report.

Judicial Resources

- Staffing courts at only 84% of workload measurement formulas, although a hardship on the courts, avoiding costs of over \$160 million annually.
- Using more conservative criteria for evaluating new district judgeship requests, resulting in approval of fewer requests and avoiding costs of over \$6 million annually from FY 1994 requests and additional savings in subsequent years.
- Using a new grade structure for career law clerks, saving more than \$3 million annually.
- Using a new policy for allocating resources for electronic court recorder operators in bankruptcy courts, saving \$2 million annually.

- Adjusting the district clerk's staffing formula to reflect reduced staffing needs associated with the processing of naturalization petitions, saving about \$1 million annually.
- Implementing the Judiciary Methods Analysis Program, a program to identify suggested business practices with the potential to result in more efficient and effective operations and to foster implementation of these practices in the courts.
- Using contractors in lieu of in-house judiciary employees where cost effective.
- Ensuring that court staff and judicial officer resources are distributed equitably and used efficiently through the use of staffing formulas, judgeship survey processes, temporary positions, senior judges, shared judgeship positions, and intercircuit and intracircuit assignments.

Automation and Technology

- Processing bankruptcy notices through the Bankruptcy Noticing Center, saving \$11 million over four years through FY 1998.
- Using numerous new approaches to the operations and maintenance of the automation program, saving over \$10 million annually.
- Using computer-based training to train systems staff on a new operating system, saving \$485,000 over five years over traditional instructor-led methods.
- Instituting quality assurance procedures for application software releases for the Integrated Case Management System, saving \$10,000 during each nine-month release cycle.
- Using enhanced district court case management software, resulting in savings for on-line storage and in the amount of time needed to produce reports.
- Implementing the Data Communications Network, which when fully installed is estimated to result in a return of \$1.45 for every dollar spent, and completing its installation through an amended contract, saving \$3 million.

- Exploring opportunities to realize efficiencies through videoconferencing applications for several uses, such as the handling of routine case-related administrative responsibilities, training, and the conduct of courtroom proceedings.
- Using and exploring the future potential of video and computer-based training as a means to conduct training more cost effectively.
- Exploring opportunities to realize savings and efficiencies by reducing the production and handling of paper documents through use of electronic case files.
- Experimenting with electronic filing to eliminate repetitive, time-consuming manual tasks involved in docketing.
- Using and exploring the future potential of electronic public access systems to save court staff resources in responding to public needs for information and to permit the public to gain direct, rapid, and easy access to official court records.
- Implementing about 100 automated systems to improve operating efficiency and effectiveness for routine, administrative-type tasks by automating manual business processes or updating outmoded systems and practices.
- Designing an electronic bankruptcy noticing system to transmit electronically bankruptcy notices to large creditors rather than through the more expensive printing and mailing system currently used.
- Exploring expanded use of Internet and Intranet technologies to distribute judiciary publications and other information at lower cost.
- Exploring opportunities to realize efficiencies through the use of document imaging, retrieval, and display technologies in the courtroom.
- Using real-time court reporting to improve the transcript services available during court proceedings.
- Conducting experiments in process innovation to examine how courts can reengineer business processes to make better use of automation and technology and identify efficiencies.

- Installing satellite downlinks for receiving education and administrative video broadcasts in more than 100 court sites to reduce travel costs.
- Using computer-assisted legal research to improve the efficiency of legal research, and providing this service through a new contract offering extremely competitive rates.
- Using Group Decision Support Systems software to facilitate meetings, which reduces the time and expense of planning, conducting, and documenting meetings.
- Adopting a judiciary-wide Information Systems Architecture, which results in savings in systems development, maintenance, support, and equipment costs by promoting interoperability of many applications on shared or compatible platforms.
- Deploying and enhancing automated case management systems, which facilitates speedy resolution of pending cases by providing critical information needed to manage caseload.
- Enhancing public access information systems, which results in administrative efficiencies by relieving clerks' offices from responding to in-person inquiries and provides better, faster service to the public.
- Using an automated system to produce semiannual reports required by the Civil Justice Reform Act, which saves judiciary staff resources through more efficient data collection and reporting.
- Establishing a systems test laboratory to assess the impact on the judiciary's Information Systems Architecture of new and modified software applications to maximize use of the judiciary's information systems infrastructures and keep total costs to a minimum.

Defender Services

- Allowing private panel attorneys to travel at government rates as a result of judiciary-initiated legislation, saving about \$100,000 a year.

- Imposing new financial and statistical reporting requirements upon federal defender organizations to capture more accurate data, resulting in more effective resource management.
- Imposing temporary spending restrictions for FY 1994 through 1996 on federal defender organizations, limiting funding for salary increases, travel, training, furniture and equipment, and space alterations.
- Using two tools to help improve court review of panel attorney compensation claims: new forms that provide important case-specific information examiners need to analyze vouchers; and a data package for courts that provides nationwide information on hours claimed for major case types.
- Studying and implementing recommendations on containing costs in death penalty representation.
- Reviewing and assessing operations of federal defender organizations to identify ways to improve effectiveness and efficiency.
- Developing an improved information management system to increase the type, quality, and consistency of data being collected on defender organizations and panel attorneys.
- Establishing Criminal Justice Act cost containment committees in individual districts to develop and implement cost-saving initiatives in the delivery of defense services.

Security, Space and Facilities

- Using a U.S. Marshals Service-developed staffing methodology for allocating court security officers, which reduced FY 1996 court funding requests by \$12.5 million.
- Using furniture cost ceilings for appeals, district, magistrate, and bankruptcy courtrooms, saving \$200,000 annually.
- Implementing numerous recommendations from a comprehensive space management plan, the purpose of which is to contain rent costs and improve space management practices throughout the judiciary. The plan includes

- Setting limits on space rental funding requested from Congress. For example, in formulating the FY 1998 budget request, the judiciary set a maximum level that would be included for rent, which was \$14 million below estimated needs, in anticipation of future actions to reduce the space inventory.
- Examining whether facilities without full-time resident judicial officers can be closed. Six such facilities have already been closed, saving about \$400,000 annually in rental costs.
- Considering what policy on courtroom sharing should be adopted.
- Reviewing the **U.S. Courts Design Guide**.
- Examining existing and planned space to identify any opportunities for savings. Efforts to date could reduce future rent costs by more than \$12 million annually.

Magistrate Judges System

- Designating fewer magistrate judges for accelerated funding in FYs 1995 and 1996, saving over \$1 million.
- Discontinuing a full-time magistrate judge position in the Eastern District of Michigan, saving over \$500,000 annually.
- Developing the automated magistrate judges statistical system, resulting in administrative efficiencies.
- Encouraging the use of recalled magistrate judges as an alternative to new full-time magistrate judges, when appropriate, saving salaries and other costs.
- Providing information to the courts on the initial and recurring costs of an additional magistrate judge position to facilitate consideration of the financial impact of new positions.
- Ensuring that magistrate judge resources are distributed equitably and used efficiently through use of survey processes, recalled judges, cross-designation of judges, and intercircuit and intracircuit assignments.

Bankruptcy System

- Reducing judicial officer costs by having withdrawn a request to Congress for eight new bankruptcy judgeships based on a reevaluation of needs, saving about \$6 million annually.
- Ensuring that bankruptcy judge resources are distributed equitably and used efficiently through use of survey processes, temporary positions, delayed filling of vacancies, recalled judges, shared positions, cross-designation of judges, and intercircuit and intracircuit assignments.

Probation and Pretrial Services

- Operating the electronic monitoring program, which monitors about 4,000 individuals in their homes on a daily basis, saving the government between \$31 million and \$62 million annually.
- Adopting a new method of allocating probation and pretrial services officer staff resources to the courts by basing the allocation on two-year average workload data rather than the most recent data to reduce the impact of workload fluctuations, which lowered the FY 1997 staffing allocation by \$8.5 million.
- Collecting reimbursements from offenders for the costs of electronic monitoring services, resulting in collections of \$3 million in FYs 1995 and 1996.
- Reducing costs for electronic monitoring services through award of a national contract, saving \$1 million a year.
- Conducting drug tests on a random vs. standard schedule, saving about \$300,000 annually.
- Using a computer-based training program for probation and pretrial services officers, saving \$476,000 over five years over traditional instructor-led methods.
- Using new standards for the preparation of petty offense presentence and post-sentence reports, allowing reports to be prepared more efficiently and making more time available to devote to supervision activities.

- Improving the quality of the supervision program through implementation of a comprehensive plan, helping to ensure that probation officer resources are put to the best possible use.
- Working to improve the sentencing guidelines by seeking clarification of guidelines that are ambiguous or troublesome in application to conserve judicial resources in the form of court time, preparation by the judicial officer for sentencing and/or appellate review, and time spent by the probation officer in producing presentence reports and being present in court.
- Improving administration of the drug treatment program based on recommendations from a December 1994 study to ensure that scarce drug treatment resources are used as effectively as possible.

Court Administration and Case Management

- Eliminating funding for certain lawbooks, saving \$2 million annually.
- Consolidating the Denver and San Antonio Central Violations Bureaus and implementing document imaging technology in its operations to increase administrative efficiencies, saving about \$400,000 annually.
- Conducting reviews to assist courts in managing their language interpreting programs, resulting in savings of about \$250,000 annually.
- Using videoconferencing for prisoner civil rights proceedings and certain types of bankruptcy proceedings, which saved about \$4,000 per month in two completed pilot projects.
- Expanding the settlement conference attorney program in the courts of appeals to help contain the need for, and costs associated with, new circuit judgeships.
- Providing interpreting services by telephone for certain types of proceedings to reduce the costs of this activity, and studying the potential for its expanded use.
- Evaluating less-costly methods for qualifying foreign language interpreters.

- Studying how courts can create alternative organizational structures to provide administrative services more efficiently.

Administrative Office

- Implementing a policy at the AO to control personnel spending, which saved about \$3 million in FYs 1995 and 1996.
- Implementing a procedure to increase the timeliness of investing newly appropriated funds from the judiciary's annuity plans to U.S. Treasury Securities, which earned about \$125,000 in additional interest in FY 1995.
- Training court unit executives to increase efficiency in the processing and investigation of, and counseling involved with, discrimination complaints, saving \$115,000 annually.
- Implementing policies to contain new furniture and personal computer spending, which saved about \$100,000 in FY 1995.
- Using a new review process to produce quality publications at less cost, saving about \$80,000 annually.
- Combining six newsletters into the "Federal Court Management Report", saving \$50,000 annually.
- Following new cost-saving policies relating to staff attendance at Judicial Conference committee and subcommittee meetings.
- Using an electronic means of transferring data from the courts to AO databases, and for making statistical data and tables available to the courts, which decreases costs associated with supplies, postage, and copier usage.
- Training court unit executives on policies, procedures, and cost-saving practices in a variety of administrative areas, such as procurement, property management, telecommunications acquisition, and mail management, among others.
- Beginning to implement the Long Range Plan for the Federal Courts, which provides a framework for establishing funding priorities and addresses the

optimal use of the judiciary's human, financial, physical, and technological resources.

- Implementing the Court Personnel System, which decentralizes personnel authority to the courts and improves the ability of court managers to maximize use of scarce personnel resources.
- Implementing the Cost Control Monitoring System for allotting salary dollars to the courts to increase court flexibility in using limited funds and to simplify the process of distributing funding.
- Simplifying the process of allotting funding to the courts to make the process more efficient and to increase court managers' flexibility in managing their spending plans.
- Conducting routine reviews, audits, and investigations of judiciary programs such as financial audits, court program unit reviews, and automation reviews.
- Conducting quarterly financial reviews to improve oversight of program spending and to identify funds that can be saved or redirected to meet higher priority needs.
- Implementing a management controls program to improve internal AO management and enhance program success while ensuring that waste, fraud, and abuse in the administration of judiciary programs are avoided.
- Implementing a planning and management-by-objectives program that drives overall agency goal setting and planning and monitors the agency's progress in accomplishing its objectives.
- Developing a database of cost-saving ideas offered by members of the judiciary family and pursuing promising ideas.
- Increasing financial oversight of the court security program by improving financial reporting processes, developing formal financial management procedures for transferring funds from the judiciary to the Marshals Service, and examining financial controls for managing court security funds.
- Examining ways to improve the effectiveness and efficiency of the judiciary's advisory and automation user group structures and processes.

- Distributing comparative performance statistics to district and bankruptcy courts on a variety of key case processing measures and on the utilization of jurors.

Financial Management Policy

- Decentralizing certain budget functions to the courts to improve efficiency and court flexibility in managing funds.
- Increasing the judiciary's focus on cost containment through establishment of the Economy Subcommittee, which coordinates the judiciary's efforts to improve fiscal responsibility, accountability, and efficiency in its overall operations.
- Using a new way to develop the annual budget request, which results in requests being built from a lower base and requires any pending program increases to be reexamined along with new requested increases.