

**STATEMENT OF  
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BEFORE THE  
SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES HOUSE OF REPRESENTATIVES**

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**INTRODUCTION**

Chairman Graves, Ranking Member Quigley, and members of the Subcommittee, I am pleased to appear before you today in my dual roles as Director of the Administrative Office of the United States Courts (AO) and as Secretary of the Judicial Conference of the United States. As Director of the AO, I am here to discuss the work of my organization and present its fiscal year 2019 budget request. As Secretary of the Judicial Conference, which is the policy making and governance body for the Judiciary, I offer my support for the overall request for the entire Judicial Branch and ask for the Subcommittee's assistance on a handful of Conference priorities that extend beyond the Judiciary's budget, including the extension of temporary judgeships and the sufficient funding of judicial priorities within the General Services Administration's budget.

Before turning to the substance of my remarks, I would first like to make two acknowledgements. The first is for my fellow witness, Judge John Lungstrum, who assumed the chairmanship of the Judicial Conference Committee on the Budget on February 1 of this year. Judge Lungstrum's predecessor, Judge Julia Gibbons, served superbly in that capacity for many years and testified before this Subcommittee and its forerunners a dozen times. We are grateful for her excellent work and extremely confident that Judge Lungstrum will represent the branch with equal effectiveness and distinction.

Second, I would like to acknowledge the Subcommittee for its generous and consistent support of the Judiciary's needs. This support was clearly reflected in the recently enacted fiscal year 2018 appropriations omnibus, which provided funding to meet fully the Judiciary's budgetary requirements for the year. We are cognizant of the constraints you face and the many competing demands for the resources under your control, and we remain extremely grateful that the Subcommittee has continued to make the Judiciary a funding priority despite these challenges. We hope to maintain your confidence and support through another year of successful performance of our constitutional and statutory duties and efficient stewardship of taxpayer resources through the continuation of our longstanding cost containment program.

## ADMINISTRATIVE OFFICE OF THE U.S. COURTS

The federal court system is decentralized in many ways. Significant operational and administrative authority rests with judges, clerks, federal defenders, and probation and pretrial chiefs across the country. They have the flexibility to make most decisions according to their local circumstances and priorities, guided by the policy framework established by the Judicial Conference. The role of the AO is to facilitate both ends of that management process. We staff the Judicial Conference and its 25 committees as it sets policy on court administration, resource management, space, security, and other important topics. At the same time, the AO provides support to judges, court employees, and federal defenders as they execute that policy through their local authorities. Our support functions include the direct provision of services; the development and implementation of new technologies and business processes for use in the field; and the performance of branch-wide administrative functions that cannot be efficiently handled at the judicial district or circuit level.

The AO's goal is to both provide the best services in government for our colleagues around the country and foster a challenging, rewarding work environment within our own organization. I am very pleased with the progress we continue to make in pursuit of our goal and happy for this opportunity to share just a few examples of the important work of the AO.

### *Providing Services to the Branch*

The AO provides a long list of direct services to the court and federal defender communities, including payroll, auditing, and emergency management. Our capabilities in that latter category were sorely tested this year as we endured three large hurricanes and a devastating wildfire, all within a two-month period. I am proud of the dedication and resilience of Judiciary employees in places like California, Texas, Puerto Rico, and the U.S. Virgin Islands. These individuals faced mortal danger and the catastrophic loss of homes and property but still found the time and energy to assist one another and to ensure that the critical work of the Judiciary continued uninterrupted to the greatest extent possible. Their heroic local efforts were strongly aided by the AO, principally through our Judiciary Emergency Response Team (JERT), which serves as a central coordinating body for communications and assistance during natural disasters and other emergencies. The JERT was in constant contact with affected districts, giving them the latest updates from our federal partners, sharing best practices, and directing resources for administrative needs like generators, remote IT services, and temporary employee relocation. Other AO employees beyond the JERT also contributed to our emergency response. For example, our Probation and Pretrial Services Office helped to take over location monitoring duties for offenders in districts where the local probation staff was unable to operate as normal. Emergency management is truly a team effort, and our team performed exceptionally well to

maintain court operations and continue the administration of justice while enduring these historically challenging conditions.

Beyond direct services, the AO also works to develop and provide new technology and business processes for the courts and federal defenders. We have multiple avenues for deploying these new technologies and practices to the field, but one of the biggest efforts is our sponsorship of regular operational and financial forums for court and defender staff. These forums provide physical and online gatherings for employees around the country to obtain updates on new policies or tools; share best practices; get hands-on training; and establish or strengthen working relationships with colleagues in different judicial districts or circuits. The most recent forum to occur was our biannual Financial Forum, which took place earlier this month. Like each of these events, AO staff and court and defender office experts spent many hours planning and conducting this forum, but it represents one of our most comprehensive and detailed opportunities to disseminate information about the best and most current technologies and practices for the administration of justice.

Finally, in the AO's role as a facilitator of Judiciary policymaking, I was recently asked by the Chief Justice to lead a working group of judges and other senior executives, with staff support from AO offices, to assess the adequacy of the branch's safeguards to protect its employees from workplace misconduct. I fully support the current movement to confront and address issues of sexual harassment and inappropriate workplace conduct. We are committed to providing a work environment in which all employees feel valued for the quality of their work, empowered to speak up if they have been mistreated, and supported while their concerns are addressed without retaliation. Our standard for behavior in the workplace is that even one incident of workplace harassment is one too many, and our focus has been on removing barriers to report and address any such incidents. The Federal Judiciary Workplace Conduct Working Group is making progress in its assessment, and we already have implemented several actions designed to address issues identified in the course of our work to date. The Working Group plans to complete its review in the next two months and provide recommendations both for immediate implementation and for referral to the relevant committees of the Judicial Conference to develop the best possible Judiciary policy on this topic.

### *Creating a Stronger AO*

Beyond the AO's support for the operations of the Judiciary as a whole, we are also always working to improve our own operations. For example, the AO is currently deploying a whole new suite of information technology tools that will make it easier for AO employees to share and co-edit products with one another; access their work documents remotely and securely; and communicate with coworkers via a variety of mechanisms to improve collaboration and information sharing. We refer to this effort as the Unify Project, and look forward to the project's subsequent expansion to courts after successful implementation at the AO.

While continuing to seek better and more effective ways of doing business, we are also cognizant of the need to find savings and other efficiencies within our programs and activities. We ask much of the court community in terms of cost containment, and it is important for the AO to participate fully in that effort. Currently, we are revalidating and adjusting our use of contractor positions. For many job functions, we have determined that it is less expensive to hire government employees than to procure services from outside firms. In those instances, we are working to reduce our use of contractors and have already identified contractor conversions that will lower overall requirements by \$3 million annually. As an additional benefit, those conversions will also improve our ratio of federal employees to contractors to provide appropriate supervision and oversight to all contracted operations.

As we continue to carry out these and other projects, I remain committed wherever possible to formal evaluation of our effectiveness and efficiency. In 2015, we undertook our first significant attempt to assess the AO's performance objectively by seeking the views of our employees through the administration of the Office of Personnel Management's Employee Viewpoint Survey. While the results of that survey were positive, both in absolute terms and relative to the average results of Executive Branch agencies, I am pleased to report that the administration of the survey again in 2017 demonstrated further improvement. The AO's scores increased between 2015 and 2017 across virtually every category and question, including those areas identified by the 2015 survey as priorities for improvement. We will continue to use our survey results to guide our internal management decisions and to benchmark our progress against the rest of government and against ourselves over time.

#### *AO Fiscal Year 2019 Budget Request*

To facilitate the work of the AO in fiscal year 2019, our appropriation request totals \$89.9 million. That is an increase of \$1.9 million, or 2.2 percent, over the fiscal year 2018 appropriation assumption we used at the time our budget request was built. As with all Judiciary accounts, we will re-estimate our fiscal year 2019 request in light of the enactment of the fiscal year 2018 omnibus and advise the Subcommittee of any necessary technical changes. The policy and priorities behind our request, however, will not change, and that includes our commitment to efficiency and to maximizing the resources that can be invested directly into the work of the courts and the federal defender offices. As a result, the AO's budget request represents a current services level only. The requested funds will be used to maintain current staffing by providing for the pay and benefit adjustments and adjustments for goods, services and contracts projected for fiscal year 2019, but there are no new spending initiatives included. Consistent with the fiscal year 2019 budget proposed for Executive Branch employees, the AO's budget request does not include a 2019 Employment Cost Index or locality pay adjustment for personnel.

## **TEMPORARY JUDGESHIPS**

Having the correct number and distribution of judicial officers is critical to the effective administration of justice. The Judicial Conference regularly reviews the number and location of district, circuit, and bankruptcy judges to assess whether existing judgeships are sufficient and deployed in the appropriate judicial districts. To the extent that these assessments determine that additional judgeships are needed, those recommendations are communicated by the Judicial Conference to the House and Senate Judiciary Committees for congressional action.

Over the years, Congress has chosen occasionally to create temporary, rather than permanent, new judgeships. Temporary judgeships expire after a specified period of time, and a judgeship is lost in the affected court upon the first vacancy—through death, retirement, or elevation to a higher court—occurring after an expiration. While temporary judgeships allow the Judiciary to increase judicial resources in districts with workload needs, temporary judgeships are not an appropriate solution for districts with persistent heavy workload. In those cases, the creation of a new permanent judgeship is necessary, and the Conference has a longstanding policy to advocate for the conversion to permanent of all temporary judgeships in districts where the workload indicates a permanent investment is needed.

Unfortunately, bills to act on our judgeship requests have been infrequent, and, in the absence of such authorizing legislation, we have found it necessary to ask this Subcommittee to use the annual appropriations process to preserve existing temporary judgeships by extending their expiration dates in one year increments. We are exceptionally grateful to have always had your support for these extension requests, which in recent years have preserved as many as ten temporary district judgeships and seven temporary bankruptcy judgeships.

Despite the relative rarity of judgeship bills, I am pleased to note that several months ago Congress enacted legislation creating four new temporary bankruptcy judgeships and reauthorizing and extending 14 temporary bankruptcy judgeships, including the seven judgeships that this Subcommittee had been protecting. This means that we no longer need the Subcommittee to take any further action on these bankruptcy judgeships through its fiscal year 2019 bill. Due to continuing uncertainty about the ability of the House and Senate Judiciary Committees to address our district judgeship needs in the upcoming year, however, our fiscal year 2019 request includes, once again, the legislative language needed to extend for one year our temporary district judgeships in Arizona, California Central, Florida Southern, Kansas, Missouri Eastern, New Mexico, North Carolina Western, and Texas Eastern. We continue to ask for your support of these requested extensions, without which the administration of justice in the affected districts would be disrupted and delayed.

## **JUDICIARY CONSTRUCTION PRIORITIES**

Like most other federal entities, the Judiciary is a tenant of the General Services Administration (GSA). We rely on GSA to rent us sufficient space for our operations; to

maintain and improve that space as needed; and to construct new space for our use when required. We have worked diligently to forge a strong working relationship with our partners at GSA, and the Judicial Conference has a vested interest in ensuring that GSA receives the resources and other support it needs to execute our space priorities adequately. For the purposes of this Subcommittee, those priorities are embodied in two significant programs: the Judiciary Capital Security Program (CSP) and new courthouse construction.

Before turning to the details of those programs, I would like to thank the Subcommittee for the fiscal year 2018 emergency appropriations you provided to GSA to repair court facilities in Puerto Rico and the U.S. Virgin Islands that were damaged by Hurricanes Irma and Maria. This funding is needed to ensure these facilities are returned to their pre-hurricane condition and can fully meet the operational needs of the courts as they continue to serve our fellow citizens in these locations.

### *Capital Security Program*

The CSP is a special emphasis program within the GSA Federal Buildings Fund and was designed to address serious security deficiencies in existing courthouse buildings where physical renovations are viable alternatives to new construction. By undertaking projects such as constructing secure corridors and elevators, enclosing prisoner drop-off areas, and reconfiguring security screening areas, the CSP creates measurable improvements in facility security at reasonable cost. For example, the federal building and courthouse in Benton, Illinois, had a Facility Benefit Assessment security score of only 46.1 out of 100 prior to receiving CSP-funded upgrades. After completing CSP work, that facility's security score was re-measured at 80.2, a 74 percent increase that was achieved with an investment of only \$4.7 million.

Since its inception in fiscal year 2012, the CSP has supported projects in Georgia, Illinois, Kentucky, Puerto Rico, the U.S. Virgin Islands, Louisiana, Texas, Arkansas, and North Carolina. Projects are selected through a collaborative process involving the Judiciary, the United States Marshals Service, and GSA and then implemented with GSA funding. For fiscal year 2019, we have identified \$25.4 million of CSP priorities for work in Detroit, Michigan, and Augusta, Georgia, and request that the Subcommittee provide the necessary funding to GSA to ensure that these priorities can be addressed in full.

### *New Courthouse Construction*

The new courthouse construction program is designed to resolve space deficiencies that are much broader than the security issues addressed by the CSP. When a court facility faces not only security problems, but also a critical lack of sufficient courtroom or chambers space, deteriorated building infrastructure, and chronic maintenance issues, the most feasible solution is to build a new courthouse or an annex to an existing courthouse to meet the operational needs of the court. The construction of those new facilities or annexes is funded by GSA.

As you know, GSA and the Judiciary continue to execute the unprecedented courthouse construction appropriation provided in fiscal year 2016. We have projects fully funded and moving forward now at courthouses or joint federal buildings/courthouses in nine locations (Nashville, Tennessee; Toledo, Ohio; Charlotte, North Carolina; Des Moines, Iowa; Greenville, South Carolina; Anniston, Alabama; Savannah, Georgia; San Antonio, Texas; and Greenville, Mississippi) and a tenth project (Rutland, Vermont) awaiting authorization. If all goes according to plan, we expect to complete work on each of these projects between fiscal year 2020 and fiscal year 2023.

In addition to helping with the management of the fiscal year 2016 construction portfolio, we are now preparing to execute three additional courthouse construction projects that were just funded in the fiscal year 2018 omnibus. This new portfolio is comprised of the top three priorities as reflected on the fiscal year 2019 *Courthouse Project Priorities (CPP)* list, including a new courthouse in Harrisburg, Pennsylvania (which received partial funding in fiscal year 2016 and is fully authorized), and new courthouses in Huntsville, Alabama, and Fort Lauderdale, Florida. As always, we are very grateful for the Subcommittee's support of our construction priorities, as functional, efficient, and safe court facilities are a necessary precursor to the effective administration of justice. We remain committed to ensuring that all of our ongoing courthouse construction projects are carried out in a timely and cost-effective manner and look forward to their completion.

The Judicial Conference Committee on Space and Facilities will revise the *CPP* this summer to reflect the outcomes of the fiscal year 2018 appropriations process. This will entail the removal of the fully funded projects and could result in the reprioritization of the remaining projects from the current *CPP* (Chattanooga, Tennessee; San Juan, Puerto Rico; McAllen, Texas; and Norfolk, Virginia) and/or the integration of new projects. A project becomes eligible for inclusion on the *CPP* after GSA has completed a feasibility study of the facility, if the result of that study is a recommendation that a new courthouse or annex be built. Feasibility studies are underway or planned in Hartford, Connecticut; Greensboro/Winston-Salem, North Carolina; Clarksburg, West Virginia; Bowling Green, Kentucky; and Green Bay, Wisconsin. In the event that Congress makes construction funding available to GSA for more courthouse projects in fiscal year 2019, we ask that such funding be allocated consistent with the priorities of the *CPP* that is in effect at the time that the appropriation is made.

## **CONCLUSION**

Chairman Graves, Ranking Member Quigley, and members of the Subcommittee, thank you for your ongoing and generous support of both the AO and the Judicial Branch as a whole. I understand that you will likely be faced with difficult decisions and tradeoffs as you allocate funding to the many different agencies within the Subcommittee's jurisdiction. As you make your decisions, I hope you will keep in mind the unique constitutional role of the Judiciary and the importance of its effective functioning to the health and vibrancy of our democracy. By

providing the resources needed by the AO and the rest of the branch, as well as supporting the continued extension of temporary judgeships and the funding of Judiciary priorities at GSA, you are ensuring that the Judiciary continues to perform its vital role as intended and required.

Thank you again for the opportunity to testify today. I would be pleased to answer your questions.