

MARY M. SCHROEDER
CHIEF JUDGE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT



U.S. COURTHOUSE, SUITE 610
401 W. WASHINGTON ST., SPC 54
PHOENIX, AZ 85009-2156
(602) 322-7320
FAX: (602) 322-7329

April 19, 2004

Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510-0504

Dear Senator Feinstein:

During the recent subcommittee hearing on possibly dividing the Ninth Circuit, several speakers cautioned against increasing administrative costs at a time when the federal courts can least afford it. I believe this point deserves further explanation. The federal courts are currently experiencing severe financial duress due to a decline in federal funding over the last several years. The situation has necessitated reducing the overall non judicial court workforce by nearly 500 positions and requiring our employees to take some 17,560 forced furlough days. These employees include the people who docket the filings, send out critical notices of court proceedings and supervise probationers. In light of this very serious belt-tightening, this hardly seems the time to duplicate, much less triplicate, administrative regional headquarters staffing and incur expensive building construction and renovation costs.

Federal courts in California have been particularly hard hit by budget cutbacks. The Central District of California, which has courthouses in downtown Los Angeles, Santa Ana and Riverside, has cut its workforce by 20 percent. Many court programs and services have been negatively affected and the clerk has reduced public window service by two hours per day at all three divisions. Staff reductions also have occurred in the Northern District of California, which has courthouses in San Francisco, San Jose and Oakland. The Eastern District of California reduced the work week of some staff. Even the border-stressed Southern District of California in San Diego was not excluded from the cutbacks. The San Diego probation office reduced staffing 13 positions below that authorized by workload increases, yet still needed to lay off an additional ten employees. Ominously, the probation office is reducing the frequency of offender drug testing and is redirecting \$150,000 in drug and mental health services just to meet payroll.

Reductions in public service hours have been implemented by our courts in Alaska and Hawaii. Other judicial districts in the Ninth Circuit have coped through use of furlough days, staff reductions and reduced staff work schedules. The Court of Appeals has left a number of positions unfilled despite a growing caseload driven by a recent influx of immigration appeals. Overall, the courts within the Ninth Circuit have lost 112 positions. Over 600 of our employees were furloughed for a total of 2,190 days.

Honorable Dianne Feinstein

Page 2

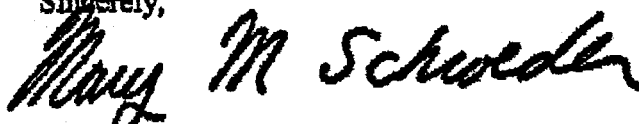
April 19, 2004

Next year's fiscal situation will also be grim. The Administrative Office of the U.S. Courts estimates a potential loss of an additional 2,000 - 5,000 probation officer and court staff positions should current budget predictions hold. We face the very real possibility of suspending civil jury trials and halting indigent defense counsel payments by summer of 2005.

In his April 14th letter to Senator Gordon Smith, Chief Judge Ancer Haggerty of the District of Oregon describes the federal court's upcoming fiscal prospects as a potential "Constitutional crisis to the Rule of Law in America." He predicts a reduction in access to court services and the creation of a public safety crisis in Oregon should Congress not fund the Federal Courts at a 6.1% rate or higher in fiscal year 2005. I enclose a copy of Chief Judge Haggerty's letter for your review.

In light of our already constrained financial resources, incurring administrative and construction expenses redundant of existing court services would further burden our ability, particularly here in the West, to administer the business of the federal courts. May I ask that my letter be included as part of my public testimony.

Sincerely,



Mary M. Schroeder
Chief Judge

Enclosure