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# THE JUDICIAL BRANCH AND THE EFFICIENT ADMINISTRATION OF JUSTICE

UNITED STATES HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,  
SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY AND THE INTERNET

ONE HUNDRED FOURTEENTH CONGRESS, SECOND SESSION

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## HEARING CONTENTS:

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Director, Administrative Office of the U.S. Courts

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**STATEMENT OF JAMES C. DUFF, ESQ.  
DIRECTOR,  
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS  
AND SECRETARY,  
JUDICIAL CONFERENCE OF THE UNITED STATES**

**BEFORE THE SUBCOMMITTEE ON  
COURTS, INTELLECTUAL PROPERTY, AND THE INTERNET  
OF THE  
COMMITTEE ON THE JUDICIARY  
UNITED STATES HOUSE OF REPRESENTATIVES**

**“THE JUDICIAL BRANCH AND THE EFFICIENT ADMINISTRATION  
OF JUSTICE”**

**June 23, 2016**

Chairman Issa, Ranking Member Nadler, and members of the subcommittee – I am Jim Duff, Director of the Administrative Office of the U.S. Courts (AO) and Secretary of the Judicial Conference of the United States. I appreciate the invitation from Chairman Goodlatte to appear before you to discuss the Federal Judiciary. I am pleased to appear here today with the Honorable Rodney W. Sippel, Chief Judge of the United States District Court for the Eastern District of Missouri. Judge Sippel chairs the Judicial Conference Committee on the Judicial Branch.

As this subcommittee reviews the topic of “The Judicial Branch and the Efficient Administration of Justice,” I assure you that the Federal Judiciary is devoted to and has been actively engaged in accomplishing that very objective. As the Third Branch performs its constitutional duties, we are focused on being good stewards of the resources Congress has provided, while also meeting the needs of the litigants and the public. To this end, the Judiciary has implemented a number of plans, policies, and procedures which shape the administration of justice.

This statement, provided for the record, outlines in greater detail the Judiciary’s views on a number of topics. First, the judicial branch of our government is effectively accomplishing its constitutional mandate to resolve cases and controversies brought before the courts by sound management locally and by nationally coordinated best practices through its Judicial Conference and its committees. Second, the Judiciary is effectively and efficiently managing public resources provided through Congress by the taxpayers to accomplish its mandate. Third, the Judiciary is committed to and working towards enhanced access to the judicial process even in the midst of austere budgets.

## I. Judicial Case Management

The day-to-day responsibility for judicial administration regarding the resolution of cases rests with each individual court, overseen by the chief judge of each court. This is no small task considering the workload of our courts. Last year, nearly 280,000 civil cases were filed in U.S. District Courts. Criminal cases against more than 80,000 defendants were filed. And more than 52,000 cases were filed in the U.S. Courts of Appeals. There are also 1.3 million cases pending in our bankruptcy courts. Additionally, the Judiciary's workload includes post-conviction supervision of 135,000 persons and providing pretrial services in 95,000 cases.

There is some fluctuation in cases filed from year to year. There has been a slight decline in recent years, but the long-range trends over the past 50 years show nearly a four-fold increase in civil case filings. Criminal cases commenced in that time frame have nearly doubled, and total pending cases are four and one-half times what they were 50 years ago. In contrast, the number of judgeships in that time frame has only doubled. Since the last comprehensive judgeship bill was enacted 25 years ago, total case filings have increased by nearly 30 percent. The fact that our judges and courts are meeting many of the challenges of increasing caseloads is a testament to the efficiencies in our court system. There is concern, however, about the workload in certain districts where the number of cases far exceeds the average for a district court judge as discussed herein.

Effective case management is essential to the delivery of justice, and most cases are handled in a manner that is both timely and deliberate. The Judiciary monitors several aspects of case management through its Judicial Conference committee structure and the AO. It has a number of mechanisms to identify and assist congested courts and courts with the heaviest caseloads. National coordination mechanisms also include the work of the Judicial Panel on

Multidistrict Litigation, which is authorized to transfer certain civil actions pending in different districts to a single district for coordinated or consolidated pretrial proceedings. The work of chief judges in managing each court's caseload is critical to the timely handling of cases, and these local efforts must be supported at both the circuit and national levels. Circuit judicial councils have the authority to issue necessary and appropriate orders for the effective and expeditious administration of justice, and the Judicial Conference is responsible for approving changes in policy for the administration of federal courts. Cooperative efforts with state courts have also proven helpful, including the sharing of information about related cases that are pending simultaneously in state and federal courts.

Challenges to the efficient administration of justice could arise, however, as more cases are brought into federal court. Looking ahead, we are concerned not only about a recent rise in pending cases, but also about the impact of new legislation on the workload and resource needs of the Judiciary. For example, sentencing and criminal justice reform legislation and immigration reform, legislation without provision for additional personnel and resources, would place significant additional responsibilities on the Judiciary. We ask that as Congress considers new legislation that it also considers the impact of new laws on the federal courts and the federal indigent defense system and ensures the Judiciary has the resources needed to address increased workload. As to some courts experiencing extraordinarily high and sustained workloads, we have sought assistance from Congress in creating 19 new judgeships in 11 districts and the conversion of three temporary judgeships to permanent status. Many of these courts are in immigration-impacted areas.

## II. Judicial Resources Management

Regarding the effective and efficient management of public resources, sophisticated and proven resource management processes and controls are in place for all the resources provided to the Judiciary by Congress -- human resources, financial resources, and physical property resources.

### A. Managing the Workforce

The strength of the Judiciary is dependent on dedicated individuals who serve as judicial officers, court staff, and in the Judiciary's support organizations. The Judiciary can meet future workload demands only if it can continue to attract, develop, and retain highly skilled and competent judges and staff.

The foundation of the efficient administration of justice in an independent Judiciary begins with its judges who are dedicated to a lifetime of service. Here again, judges manage the branch both at the local level and through nationally coordinated policies and practices through our Judicial Conference. It is critical that new judges, active judges, chief judges, senior judges, judges recalled to service, and retired judges are supported throughout their careers. The Judicial Conference and the AO, along with the Federal Judicial Center (FJC), are committed to programs and practices that support the education, training, development, retention, and morale of judges.

Similarly, the efficient use of judicial officers is critical to respond to a federal court workload that varies across districts and over time. A strategic goal of the Judiciary is to make more effective use of judges to relieve courts that are overburdened and congested. A number of programs are in place to increase the flexibility of the Judiciary in matching resources to workload. Examples include the effective utilization of magistrate judges, using visiting judges,

requesting and approving inter- and intra-circuit assignments of judges to cases, encouraging senior Article III judges to continue handling cases as long as they are willing and able to do so, and recall of judges who were appointed to fixed terms to serve after retirement. With regard to magistrate judges, the testimony of Judge David Keesler, which was submitted for the record for today's hearing, illustrates the substantial and important contribution of magistrate judges toward the efficient administration of justice and the assistance they provide to our district courts. In short, our magistrate judges enable the courts to stay current in their caseloads.

Recruiting, developing, and retaining a highly competent staff while determining the Judiciary's future work force requirements is also a high priority for the Judiciary. Delivering leadership, management, and human resources programs and services to help courts function efficiently is a key component of the Judiciary's strategic vision.

As we seek to attract, recruit, develop, and retain the most qualified people to serve the public in the Judiciary, we do so with an eye towards being good stewards of taxpayer dollars. An example of prudent management is the increasing use of shared administrative services among the courts of appeals, district courts, bankruptcy courts, and probation and pretrial services offices to reduce duplicative human resources, procurement, financial management, and information technology activities. Forty-eight percent of all courts have formal sharing arrangements of some kind, and many others have informal or temporary arrangements. The decision to migrate to a shared administrative services model is voluntary, and we are exploring ways in which we can continue to increase and incentivize shared administrative services.

We are also looking at organizational streamlining to control costs and increase efficiencies in the courts. For instance, we are exploring voluntary vertical and/or horizontal consolidation of district and bankruptcy court offices across districts, as well as other sharing

arrangements among the court units. Vertical consolidation is the combining of a district and bankruptcy clerks' offices into a single office. Horizontal consolidation combines operations of a district court's clerks' offices, within a multidistrict state, into one office or, similarly, bankruptcy clerks' offices within a multidistrict state. All consolidations are completely voluntary. The FJC is analyzing the impact of consolidated district and bankruptcy clerks of court offices through surveys and interviews with consolidated, and formerly consolidated, courts. In March 2016, the Judicial Conference approved a pilot project to evaluate the impact of horizontal sharing in the bankruptcy courts. We are currently seeking four to six districts to volunteer to participate in the pilot.

Another component of the efficient management of public resources, to ensure the Judiciary has appropriate staffing levels, is the Judiciary's work measurement program. This allows us to develop statistically-based staffing formulas. The staffing formulas estimate the number of non-chambers employees required to perform the work of the court units and federal defender organizations (FDOs). Work measurement applies to both administrative and operational staffing requirements across diverse functions such as probation and pretrial services offices, district and bankruptcy clerks' offices, circuit and appellate court offices, FDOs, and specialized functions such as bankruptcy administrators, and death penalty and pro se law clerks.

Although the Judiciary has used work measurement for several decades, current and foreseeable emphasis on cost-containment and reduction has focused increased attention on work measurement as one of the more effective tools available to the Judiciary to help emphasize objectivity in staffing requirements of court units and FDOs. From a cost-containment perspective, the enhanced work measurement procedures have worked extremely well. Since FY 2011, the Judiciary's data collection process and subsequent analysis have yielded a net



reduction of total staffing requirements by nearly 3,900 full-time equivalent (FTE) positions, which equates to 13.5 percent.

#### B. Managing Financial Resources

In addition to managing its human resources, the Judiciary is focused on managing effectively and efficiently its financial resources. With regard to our appropriations, we thank the Congress for treating the Judiciary as a funding priority in recent years. The government-wide sequestration cuts in 2013 had a significant impact on federal court operations. Post-sequestration, however, Congress essentially fully funded the Judiciary's budget request in fiscal years 2014, 2015, and 2016. This funding enabled the Judiciary to recover from the harmful effects of sequestration and allowed us, among other things, to: make investments in our probation and pretrial services program to reduce further recidivism and improve public safety; strengthen security at federal courthouses; pursue information technology initiatives to increase efficiencies, improve continuity of operations capabilities, and address cyber security needs; and provide for court and federal defender staffing and operations to meet workload needs. Given that the defense and non-defense discretionary spending caps place tight spending constraints on Congress, the Judiciary recognizes and appreciates the Congress' attention to making the Judiciary a funding priority. Accordingly, the Judiciary will continue to be good fiscal stewards, cutting costs where possible, spending each dollar wisely, and looking for long-term savings.

Sound financial resource management contributes to the efficient administration of justice. There are many aspects to financial management. Three areas where we are particularly focused are: realistic budget formulation; prudent budget execution; and sound fiscal controls and accountability mechanisms.

i. Budget Formulation

The Judiciary relies upon effective decision-making processes, within the Branch, governing the use of judicial resources, staff, facilities, and funds to ensure the best use of limited resources. Our budget process has demonstrated that the Judiciary has worked to contain the growth in Judiciary costs and match resources to workload.

One area of concern is the unanticipated expenses that are beyond those planned for in our budget process. We appreciate that Congress recognizes the uncontrollable nature of our workload and provides the resources needed to perform our current level of work. In considering the future of the Judiciary, we urge Congress to assess and consider fully the impact new legislative actions will have on the prospective workload and costs to be incurred by the federal courts. The official cost estimates prepared by the Congressional Budget Office (CBO) are a vital part of ensuring that resource impact information related to the legislative actions of the authorizing committees gets to the appropriating committees when they make their funding allocations.

From time to time, however, this information is lacking and CBO cost estimates fail to consider appropriately the significant potential workload and cost burdens imposed on the Judiciary by particular legislative proposals. Last year, I had a very cordial and productive meeting with Dr. Keith Hall, the new CBO Director, to discuss our concerns. We have developed a much more engaged effort to improve communication and data sharing between CBO and the Judiciary. This in turn will provide better support for Congressional decision-making and improve the overall legislative process, and ultimately, the efficient administration of justice. These efforts will be even more critical given the likely increasingly limited financial resources available to the federal government over the foreseeable future.

ii. Cost Containment

Another focus of our financial management program is careful budget execution. For more than 10 years, we have focused on containing costs in the Judiciary's budget and we have achieved significant success. Since the beginning of our formal cost-containment program in 2005, we have made changes that have reduced current and future costs for: rent; information technology; magistrate judges; compensation of court staff and law clerks; law books; probation and pretrial services supervision work; and other areas. These initiatives have helped the Judiciary operate and keep up with workload during periods of financial constraint. Cost-containment efforts have also helped the Judiciary demonstrate to Congress that it is an effective steward of public resources, and when it requests additional resources they are well justified. We have employed cost-containment with some sacrifices but without significantly harming Judiciary operations.

iii. Auditing

The third aspect of financial management that is a priority is the Judiciary's audit program. Audit results assist courts and the AO in evaluating and ensuring continued sound financial management practices and internal control processes. Recommendations and information obtained from the audits are used to mitigate the risk of financial misstatement; errors; and fraud, waste, and abuse.

As Director of the AO, I have the statutory responsibility to conduct audits of the courts. As detailed below, the AO's Office of Audit contracts with independent certified public accounting (CPA) firms to conduct audits that are performed consistent with the relevant auditing industry standards. For audits that do not require an independent CPA firm – generally those that do not include an independent auditor's opinion on financial statements – staff from

the AO's Office of Audit may conduct the audits. All audits are conducted in accordance with the American Institute of Certified Public Accountants (AICPA) Generally Accepted Auditing Standards and the Government Accountability Office (GAO) Generally Accepted Government Auditing Standards, the standards that apply to both financial and performance audits of governmental agencies.

Independent CPA firms under contract with the AO's Office of Audit conduct a number of different types of audits. Cyclical financial audits of court units and federal public defender organizations are conducted on a two and one-half year cycle for large and more complex organizations and a four-year cycle for smaller organizations. Audit reports include an auditor's opinion on financial statements for the clerks' offices. For all organizations, the audits report on internal controls and compliance with Judiciary policies and procedures.

The AO's Office of Audit contracts with independent CPA firms to conduct financial statement audits of AO financial systems, programs, or operations that support the courts. These audits include audits of Judiciary appropriations, court registry investment funds, and retirement trust funds for judges and their survivors. Other audits in this category include audits of national Judiciary operations and financial-related performance audits of national contracts or AO administrative functions.

In addition, independent CPA firms conduct annual financial and compliance audits of Criminal Justice Act (CJA) grants to the 18 community defender organizations (CDOs); audits of Chapter 7 and Chapter 13 bankruptcy trustees; and debtor audits of Chapter 7 and Chapter 13 bankruptcy filings by individuals.

The AO's Office of Audit also conducts financial-related performance audits to document the transfer of accountability when a court has a change in its clerk of court, or when

there is turnover in other Judiciary executive positions. Judiciary organizations may also request audits when there is a change in the financial administrator; to follow up on prior audit issues; or to examine a particular area or process.

In sum, during fiscal year 2015, 205 separate audits were completed. One hundred and fifty-four audits were completed during fiscal year 2014. For the first half of fiscal year 2016, 73 audits have been completed.

In addition to financial audits, the AO conducts program reviews and management assistance services of various types in court units and federal defender organizations. Reviews are intended to promote effectiveness, efficiency, and economy and cover both operational as well as administrative areas of court functions. Reviews of probation and pretrial services offices and federal defender organizations are conducted on a cyclical basis, while reviews of appellate, district, and bankruptcy clerks' offices and other court units are performed upon request.

The AO also offers assessments of administrative areas, including human resources and information technology. These assessments may be included as part of a program review or conducted as separate engagements by AO offices that have specific expertise and responsibility for the area to be assessed.

### C. Management of Physical Resources – Space and Facilities

The third broad area of resource management is of our physical property, including space and facilities. As with our human and financial resources, the Judiciary has established policies to ensure that our property resources are properly managed and contribute to the efficient administration of justice.

Congress has recognized that, because of budget constraints, there are courts that for too long have been housed in aging facilities that have serious space, security, and operational deficiencies. Accordingly, Congress provided \$948 million in lump-sum funding to the General Services Administration (GSA) in the Consolidated Appropriations Act of 2016 for the construction of courthouses. This much appreciated and needed appropriation will be used to build courthouses, or annexes in some locales, as prioritized by the current Federal Judiciary Courthouse Project Priorities (CPP) plan, formerly known as the Five-Year Courthouse Project Plan. It is our intention that by working together with the relevant courts and GSA this money will fully fund the top eight projects on the CPP: Nashville, Tennessee; Toledo, Ohio; Charlotte, North Carolina; Des Moines, Iowa; Greenville, South Carolina; Anniston, Alabama; Savannah, Georgia; and San Antonio, Texas. This money will also partially fund the ninth project on the plan in Harrisburg, Pennsylvania. The majority of these funded projects have been on the Judiciary's construction priority list for over 15 years.

The FY 2016 omnibus appropriations bill also provided \$53 million to GSA for new construction and acquisition of federal buildings that jointly house U.S. courthouses and other federal agencies in Greenville, Mississippi and Rutland, Vermont. The Judiciary Capital Security Program received \$20 million in funding for physical security enhancement projects such as Raleigh, North Carolina; Alexandria, Louisiana (design only); and St. Thomas, U.S. Virgin Islands.

In receiving this much-needed funding, the Judiciary recognizes its responsibilities. The Judicial Conference has implemented policies in the federal courthouse construction program to ensure that each project satisfies the housing needs of each court in the most cost-efficient manner possible. Furthermore, the individual courts, the AO, and the Judicial Conference, are

coordinating with GSA to manage these projects and spend appropriated funds in the most cost-effective manner.

i. Space/Rent Reduction

As in other areas, we have instituted cost-containment initiatives for our space and facilities over the past 10 years. The Judicial Conference reformed its space and facilities program to reduce costs, increase efficiencies, and prioritize requirements on the basis of urgency of need. Some of these changes were made to modernize our facility planning processes and take advantage of best practices in industry and government. As part of these changes, we responded to recommendations made by the Government Accountability Office (GAO) and incorporated guidance from Congress. The changes have provided cost savings and/or cost avoidance for all new courthouse construction needs for the Judiciary.

Examples include: implementing a new construction planning and management tool; adopting courtroom sharing policies; instituting a space reduction program, a “No Net New” policy whereby any increase in square footage within a circuit must be offset by an equivalent reduction identified within the same fiscal year; and designing the Integrated Workplace Initiative (IWI), a program to identify innovative management, technology, and space planning techniques; optimizing space utilization; and reducing rent costs.

The space reduction program will reduce our space footprint by 3 percent by the end of fiscal year 2018 – equal to a reduction goal of 870,305 square feet from the fiscal year 2013 baseline level of 29,010,183 square feet. The space reduction target is prorated among the 12 regional circuits nationwide to ensure space reduction is fair and equitable across the country. As of March 31, 2016, approximately 570,100 square feet have been vacated and removed from the Judiciary’s rent bill which equates to a rent avoidance of \$15.5 million annually. If all of the

projects currently under construction are completed as planned, we anticipate that we will achieve space reduction of 885,200 square feet, over 15,000 square feet above the original target.

ii. Service Validation Initiative

In tandem with the Judiciary's space reduction effort, our partnership with our landlord, GSA, has been strengthened by a Service Validation Initiative. We have evaluated and improved the services the Judiciary receives from GSA as a result. This initiative has resulted in policy changes in a number of areas: GSA's appraisal methodology/return on investment pricing methodology; overtime utilities estimating and energy savings sharing policies; space assignment; classification and rent validation; project management (scope, development, and estimating); and building management, service requests, and building operations. Groups comprised of subject matter experts from both the Judiciary and GSA have conducted extensive research in these areas and made recommendations in the form of policy and procedural changes, best practices, and new online tools to improve services that are currently being implemented. A national training program is underway to educate Judiciary and GSA executives on the new policies.

This partnership with GSA marks a fundamental shift in the relationship between the Judiciary and GSA at all levels. It is fostering an increase in trust, collaboration, and commitment to success that we hope will serve as a model for the federal government. After full implementation, we believe the Service Validation Initiative will achieve improved services and significant savings. Changes in how GSA sets rent charges for courtroom space, for example, could save as much as \$10 million in annual rent costs.



#### D. Information Technology

Another facet of the management of our physical assets is in the area of information technology. The Judiciary is leveraging technology to make important improvements in the efficient administration of justice and to serve the public better. Of course, one concern for all institutions, public and private, as well as for other organizations and individuals, is the protection of systems and data, and our cyber security initiatives are a high priority for the Third Branch.

Some of the enterprises we are developing or have implemented in the information technology field include the Next Generation of Case Management/Electronic Case Files (CM/ECF) system, hosting services, a national videoconferencing service, and a national IT telephone program.

The Case Management/Electronic Case Files (CM/ECF) system is the Judiciary's comprehensive case management system for all bankruptcy, district, and appellate courts. CM/ECF allows courts to accept filings and provides access to filed documents online. CM/ECF gives access to case files by multiple parties, and offers expanded search and reporting capabilities. The system also offers the ability to update dockets immediately and download documents and print them directly from the court system.

Over the last several years, a number of technologies have matured to a point that makes centralized hosting services more efficient and reliable. These technologies include increased network capacity, server virtualization, and highly reliable and flexible server architectures. By investing in these technologies, the Judiciary eliminated some of its data centers and laid the foundation for further server consolidation. This in turn has reduced the Judiciary's costs for

telecommunications, hardware and software, and physical facilities and related staff, while enhancing the reliability and security of the Judiciary's data and systems.

Beginning in 2014, the Judiciary expanded centralized hosting services, in which servers supporting national applications are hosted in data centers rather than court locations, at the national level at no cost to the courts. This service provides the benefits of a more resource-efficient hosting solution for the Judiciary in addition to a better continuity-of-operations model in the event of a disaster. Progress to date has been achieved to establish the architecture to support cloud-based services and virtual desktop computers and to support implementation of some level of services in an increasing number of court units.

Many courts routinely use videoconferencing to conduct meetings with other government entities, training, law clerk interviews, and other official business. Until recently, courts purchased and maintained their own videoconferencing equipment and incurred significant costs for hardware, dedicated circuits, and maintenance. The Judiciary therefore established a national videoconferencing service that courts can use at their option. The national service is reducing videoconferencing costs by eliminating the need for redundant local connections and equipment. More significantly, videoconferencing enables the Judiciary and other federal agencies to avoid costs by reducing the time and expense of travel.

In 2011, the AO initiated a five-year deployment of a Judiciary-wide Voice over Internet Protocol (VoIP) telephone system that: (1) provided a cost-effective, technically superior communications solution for courts whose telecommunications systems had reached end of life; and (2) provided a communications infrastructure that supports Judiciary-wide applications, voice, and video. The centralized nature of the system also allows for timely enhancement and updates.

The initiatives described above to manage our physical resources balance the Judiciary's obligation to be good stewards of taxpayers' funds along with our duty under the Constitution to provide access to justice and ensure that cases are handled in a fair and expeditious manner.

### III. Access to the Courts

The third general area of interest to the Judiciary in the efficient administration of justice addressed in this testimony is improving access to the courts. This involves not only those who come to the courthouse as participants -- parties, attorneys, witnesses, and jurors -- but also the public who have varied interests in the administration of justice. This includes news media, commentators, researchers, the academic community, and the public at large.

Access to the judicial process begins with having a sound judicial infrastructure. This includes the judges, court staff, space and facilities, and other resources to perform the core mission of the Judiciary. There are some judicial districts with extraordinarily high caseloads where the number of judges has not kept pace with the growing workload. As referenced previously, the Judicial Conference has requested the Congress consider a request for a limited number of judgeships to meet these high caseload districts. In addition, the Judicial Conference has requested the conversion of certain temporary judgeships to permanent status to avoid losing these judicial resources. In the meantime, the Judiciary is using all available tools to ensure that the workload requirements in all districts are being met.

In recent years Congress has included one-year extensions of authorizations for nine temporary district judgeships in the Judiciary's annual appropriations bill. Although we are grateful for these short-term extensions, including the nine district and seven bankruptcy temporary judgeships included in the House and Senate versions of the FY 2017 Financial

Services and General Government Appropriations Bill, H.R. 5485 and S. 3067, respectively, the conversion of certain temporary judgeships to permanent ones is needed.

Another aspect of enhancing access to the judicial process, and thereby improving the efficient administration of justice, is in court rules, processes and procedures. These rules must meet the needs of lawyers and litigants in the judicial process. Courts are obligated to be open and accessible to anyone who initiates or is drawn into federal litigation, including litigants, lawyers, jurors, and witnesses. The federal courts must consider carefully whether they are continuing to meet the litigation needs of court users.

As part of its commitment to the core value of equal justice, the Judiciary seeks to ensure that all who participate in federal court proceedings are treated with dignity and respect and understand the process. The Judiciary's national website and the websites of individual courts provide the public with information about the courts themselves, court rules, procedures and forms, judicial orders and decisions, schedules of court proceedings, and fees. Court dockets and case file documents are posted on the internet through a Judiciary-operated public access system. Court forms commonly used by the public have been rewritten in an effort to make them clearer and simpler to use, and court facilities are now designed to provide greater access to persons with disabilities. Some districts offer electronic tools to assist pro se filers in generating civil complaints. The Judicial Conference is working to enhance citizen participation in juries by improving the degree to which juries are representative of the communities in which they serve, reducing the burden of jury service, and improving juror utilization.

For example, 91 district courts are utilizing eJuror, a public portal that allows jurors to answer qualification questionnaires and provide summons information online. All remaining courts are expected to provide it this year. As of the end of 2015, 91 courts also were using the

Integrated Voice Response system, which lets jurors check the status of their service and obtain reporting instructions by phone. Additionally, to save courts time with juror check-in, a secure kiosk was developed so jurors can check in electronically upon reporting to the courthouse.

In addition, the Judiciary is working to make more interactive data available to the general public. The AO has traditionally posted statistical data on an annual and quarterly basis through static, published reports. Over the past decade, to expedite release of data and save money on the reproduction of reports, these statistical reports have been available in their traditional format directly from [www.uscourts.gov](http://www.uscourts.gov) in PDF format. In more recent years, the AO has begun making many of these data files available on the website in downloadable, Microsoft Excel format. Given that there are hundreds of tables available through the web, however, users require a lot of time and effort to access multiple tables across different reports. The AO is working on an initiative that will provide more seamless, dynamic access to the general public for the data available through our traditional reports and tables. The AO will continue to use a Microsoft Excel format in addition to using emerging analytics software (such as data visualization tools) to enable users to interact more easily and dynamically with our published data. This will allow both novice users as well as more advanced users the capability to explore or download data in a way in which users can build their own data tables or charts and graphs using our data. We anticipate that this will take time and effort, but it remains a high priority for the staff that has responsibility for our reporting and analysis.

To enhance both the relevancy and timeliness of our dataset for research purposes, and to increase transparency of our data to the general public, the AO is working closely with the FJC to: (1) provide more information in the dataset including docket numbers as well as plaintiff and defendant names in civil cases; and (2) post the dataset through links available on

www.uscourts.gov to enable users to access more readily the database without the lag time associated with ICPSR access. This will assist academics and others as they study the Judiciary.

A major focus of the Judiciary's effort to enhance public information and understanding of the administration of justice is providing access to court records. Through the implementation of the Public Access to Court Electronic Records (PACER) system, we offer an internet-based service that provides the courts, litigants, and public with access to court dockets, case reports, and over 1 billion documents filed with the courts through the Case Management/Electronic Case Files (CM/ECF) system. CM/ECF is an integral part of filing and case management, as well as for dissemination of data to the public. Therefore, Congress instructed that the support and enhancement of CM/ECF be funded from Electronic Public Access (EPA) fee collections. Currently, there are more than 2 million registered PACER users, of which approximately one-quarter of all user accounts are active in a given year.

Fee waivers and exemptions help achieve the Judiciary's policy objectives for public access, with more than 70 percent of all PACER users paying no fees at all. All PACER users are eligible to have their fees waived if their usage does not exceed a quarterly cap (currently \$15 per quarter). In addition, every year, thousands of PACER users, including indigents, academic researchers, and CJA attorneys receive fee waivers from all charges.

Several other initiatives are intended to broaden public access, including a program to provide access to court opinions via the Government Printing Office's Federal Digital System; an Internet tool, RSS, to "push" notification of docket activity to the public free of charge; a new program, known as Debtor Electronic Bankruptcy Noticing (DeBN), specifically for debtors to receive court notices and orders electronically upon request; and the Multi-Court Voice Case

Information System (McVCIS) which provides free public access to bankruptcy case information in English and Spanish through an automated voice response system.

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Chairman Issa and Ranking Member Nadler, thank you again for the opportunity to appear today to discuss the Federal Judiciary and the efficient administration of justice. I would be happy to answer any questions the Subcommittee may have.