

Statement of Honorable Barbara J. Rothstein  
Director, Federal Judicial Center  
Before the Subcommittee on  
Financial Services and General Government  
Committee on Appropriations  
United States Senate  
March 12, 2008

I am Barbara Rothstein. I have been the Center's director since 2003, and a district judge since 1980. I am pleased to submit the Center's 2009 budget request on behalf of the Center's Board, which the Chief Justice chairs, and which approved this request.

First, the Center is grateful for the efforts of Congress to provide in fiscal year 2008 not only full adjustments to its 2007 base (for only the second time in more than a decade) but also \$156,000 for three new positions (30% of the \$504,000 we sought in fiscal 2008 to restore 10 of the 22 Center positions vacated and frozen since 2003 because of budget shortfalls).

Our 2009 request is for \$25,759,000, a \$1,572,000 (or 6.5%) increase over 2008. The increase includes \$1,060,000 for standard adjustments to base, \$387,000 for four full-time equivalent positions (seven positions for approximately six months), and \$125,000 for critical education and training programs.

Before providing more detail on this request, let me provide you with a little background on the Center and its activities. I hope with this description to convey to you the important contribution that the Center makes to the effective and efficient functioning of the federal courts.

## I. The Center's Contribution to the Courts

The Center's mission is to provide objective, well-grounded empirical research and balanced, effective educational programs for the courts.

The courts, and particularly the Judicial Conference of the United States, as well as Congress and the public, are regular consumers of the Center's research projects. They rely on the Center for thorough, unbiased, well-documented research. Examples include examining the impact of the Class Action Fairness Act of 2005 on the resources of the federal courts; providing information to assist judges in handling capital cases; and developing empirically sound case weights that accurately reflect judicial workload. Not only do projects such as these help judges decide cases efficiently and fairly, they also help the judiciary and Congress make better-informed decisions about policies and procedures affecting the courts.

Center education programs are vital to judges and court staff. For new judges, orientation programs enable them to assume their new responsibilities quickly. Continuing education programs bring judges up to date on topics ranging from case-management techniques to new statutes and case law. (For example, the Center quickly responded to the U.S. Sentencing Commission's decision to retroactively apply changes to the sentencing guidelines on crack cocaine by providing

educational programs and other resources to help judges, probation officers, and others deal carefully, efficiently, and fairly with the many issues this raised.)

Court staff, who play a critical role in supporting judges and ensuring the efficient operation of the courts, rely on the Center for educational programs and materials that help them do their jobs better (for example, integrating new technologies and executing cost-containment strategies). The Center's Professional Education Institute, which provides basic and advanced programs on leadership and management for managers and supervisors at all levels in the courts, is a key component of court staff training.

The Center uses a wide range of tools to deliver education. One reality of the information age is that people can (and expect to) receive information in many different ways. Where once the Center relied almost exclusively on in-person programs, audiotapes, and hard-copy publications to reach judges and court staff, we have expanded into satellite television broadcasting, teleconferencing, and use of the Internet and the courts' intranet, and, more recently, web-conferencing and streaming video. All these delivery means are needed to meet the diverse needs of a diverse population of judges, managers, and staff.

The importance of the Center's educational programs is reflected in their use by the courts. All Center training is voluntary; large numbers of judges and court staff choose to participate in Center programs and use its services because they know the Center's products will help them do their jobs better. In 2007, over 9,000 employees of the courts (including over 2,000 judges) attended Center programs in person—over half did so in their own districts. Over 1,000 court staff participated in Center video, audio, and web conferences, and thousands of judges and court staff watched Center television programs, accessed resources and downloaded materials from the Center's intranet site, and used Center publications.

## II. The Center Has Managed Its Appropriation Responsibly

Understanding the need for fiscal responsibility, the Center has made careful use of its appropriation each year. As I noted earlier, we use a wide variety of cost-effective delivery tools to provide education and information to judges and staff efficiently. The various delivery tools we use have enabled us to reach a larger and larger audience for less money than we could with only one or two of these media. But new technology also requires a highly professional staff with diverse skills in order to take full advantage of these tools and to identify and implement newer technologies as they emerge.

In-person programs remain a vital part of our education efforts. Here we economize in several ways. Most in-person staff training (and some judge education) is done by bringing faculty to the courts for local training. Most programs to which participants must travel are conducted in hotels in large cities where we can negotiate reasonable rates and take advantage of competitive airfares. We conduct smaller seminars in collaboration with several outstanding law schools, enabling us to avoid faculty and overhead costs.

We stretch our appropriation by working closely with our sister agencies, the Administrative Office of the U.S. Courts and the U.S. Sentencing Commission. We regularly consult with them to avoid duplicative efforts, and we often provide them an opportunity to convey their information to the courts at Center-sponsored programs.

### III. The Center's Fiscal Year 2009 Request

Our request for 2009 is modest—standard adjustments to our 2008 base, \$387,000 to enable us to fill the seven positions sought but not funded in our fiscal year 2008 request, and \$125,000 for programs that are needed but which we cannot currently afford without cutting equally important programs elsewhere. The seven positions will return the Center to approximately its fiscal year 2005 staffing level, but that level will still be more than 10% below the number of staff the Center had as recently as 2003, and over 20% below the number of staff employed by the Center in the early nineties. With these resources we can continue to help the courts prepare for and meet the many substantive, procedural, and operational challenges they face. The additional program funds would provide expanded programming for judges on sentencing, ethics, and case management (including the use of information technology). These additional funds would also provide programs for attorneys in the courts; the Center has not kept pace with the growing educational needs of these attorneys. The requested amounts represent a total increase of only 6.5% over the Center's fiscal year 2008 level. I ask you to please find the resources to fund them in full.

Thank you for your careful consideration of our request. I would be pleased to respond to any questions you may have.