

REPORT TO CONGRESS ON THE

Optimal Utilization

OF JUDICIAL RESOURCES

Submitted by

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OF JUDICIAL RESOURCES

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INTRODUCTION

The Judiciary will be well prepared for the new millennium. It has worked very hard over the years to put in place sound management, review, and planning processes to enable it to anticipate changing environments and position itself to meet successfully the challenges that lie ahead. Among other things, these include rigorous quarterly resource, management, and automation project reviews; an internal controls program; financial audits; program evaluations; court management and operational reviews; short and long range planning systems; and an institutionalized program to identify and implement practices that improve economies and efficiencies.

At present, the Judiciary has initiatives in place for all programs to determine how to do things better or more cost effectively. Examples include improving how the Judiciary determines requirements for court staff, exploring ways to manage better its judicial officer resources, enhancing long range planning and budgeting efforts, identifying better ways to run the Judiciary's space acquisition program, improving management of defender services program resources, finding ways to enhance the efficiency and effectiveness of the probation and pretrial services system, and using automation in myriad ways to enhance services and achieve efficiencies.

Provided at congressional request, this report summarizes several major efforts on which the Judiciary will be working over the next couple of years to meet the demands of the future. Included at the end of the document is a list of past and ongoing Judiciary efforts to reduce spending and improve resource use.

IMPROVED FORMULAS FOR DETERMINING COURT STAFFING NEEDS

The Judiciary initiated a major two-year study in June 1998 to update formulas for determining staffing requirements in the courts. The Judiciary will use the new formulas to allocate court staff resources beginning in fiscal year 2001 and to estimate personnel requirements beginning with the fiscal year 2002 budget request.

These staffing formulas serve as the basis for determining personnel needs in appellate, district, and bankruptcy clerks' offices and probation and pretrial services offices, which in fiscal year 1999 include about 20,000 people. The Judiciary develops the formulas through a detailed work measurement process. The current formulas were developed several years ago and do not account for changes in recent years that may have impacted the need for staffing, such as more efficient work processes or additional workload demands imposed by new legislation.

The first stage of this effort involves a work measurement study in each court unit type. It begins with creating a complete description of work being performed. A team of work measurement analysts and court subject matter experts then conduct on-site interviews in 20-25 district and bankruptcy courts and probation and pretrial services offices and the 12 regional appellate courts. After collecting the data, the Judiciary will develop formulas to reflect current work requirements and processes.

The second stage of this effort will provide a means for regularly updating the formulas to account for future changes in the system that increase or decrease staffing needs. After initial formula development, study teams will visit approximately 10 additional court units each year and conduct measurements similar to those involved in the base study. At the end of a three-year measurement period and after examining data from 30 additional court units, the Judiciary will revise the formulas to maintain an accurate estimate of staffing requirements. The process will be repeated at three-year intervals.

The Judiciary will finish the measurement studies in the sample courts in November 1999. The analysis phase will follow, and new formulas will be finalized in June 2000, in time for use in fiscal year 2001 resource allocation and fiscal year 2002 budget formulation.

This effort will help ensure the Judiciary employs the optimal number of staff needed to meet work requirements.

STUDY ON JUDICIAL OFFICER RESOURCES

In October 1998, the Judiciary established a working group to explore ways and means of managing available judicial officer resources in a manner that might reduce the need for some additional judgeships. The working group, composed of six Judicial Conference committee chairs and the chair of the Judicial Panel on Multidistrict Litigation, plans to complete its work in fiscal year 2000.

A primary area of focus will be ways to better use existing resources, such as visiting judges, to address the imbalance of workload among courts. Growing federal jurisdiction and the impact on the need for judicial officer resources will also be studied. And, the group will explore whether additional efforts to promote effective case management are needed.

LONG RANGE PLANNING AND BUDGETING EFFORTS

To ensure the Judiciary continues to be able to accomplish its mission in the face of ever-tightening resources, it is enhancing its focus on program and budget planning in the short, medium, and longer term. Committees of the Judicial Conference are placing greater emphasis on examining current and future program requirements, setting priorities, and determining resource needs so the Judiciary will be better able to decide how best to use available funds and successfully meet its responsibilities. This will involve a more direct focus on conducting tactical and strategic planning at the program level, examining issues that cross program lines and the resulting impact on the involved programs, and estimating resource needs several years beyond the budget year.

REVIEWING THE JUDICIARY'S SPACE PROGRAM

The Judiciary is in the process of engaging an outside consultant to conduct a comprehensive study of its space and facilities program by early 2000. The purpose of this review is to obtain an independent assessment of the effectiveness and efficiency of the Judiciary's building program and recommendations for future facilities planning, budgeting, and management.

This top-to-bottom review will examine program statutes, goals, policies, standards, and guidelines; planning practices and assumptions; courtroom utilization rates and policies; budgeting and funding mechanisms; building design policies; furniture acquisition policies; facilities management practices; and program costs. The study will include input from Judiciary officials, Congress, the General Services Administration, the Office of Management and Budget, and other interested parties.

The Judiciary initiated this study due to the program's large size, significant importance, and challenging management factors. With over 800 locations nationwide, courthouse facilities are critical to the Judiciary's ability to serve the public effectively. The program faces the need to provide space due to continued workload increases, a growing work force, and changing building security and operational requirements. Complex inter-branch and intra-branch relationships and responsibilities, federal budget constraints, and uncertainties inherent in long range planning make this a complicated program.

The study should produce recommendations to improve planning processes and reduce future costs, adding to cost avoidances realized in recent years. In fiscal year 1998, the Judiciary released over 40,000 square feet of space, saving over half a million dollars annually. This adds to reductions of over 600,000 square feet to planned and existing space, with corresponding rent savings of over \$13 million, in fiscal years 1996 and 1997.

IMPROVING MANAGEMENT OF DEFENDER SERVICES PROGRAM RESOURCES

Through its defender services program, the Judiciary ensures that the right to counsel guaranteed by the Sixth Amendment to the Constitution, the Criminal Justice Act (CJA), and other congressional mandates is enforced on behalf of those who cannot afford to retain counsel and other necessary defense services. The Judiciary has no control over the number of individuals for whom services will be provided. Congressional action, Department of Justice policies, and U.S. attorney practices determine the number of program clients. Within these external constraints, the Judiciary takes action wherever possible to contain costs. The following is a summary of several initiatives.

Recommendations on Cost and Quality of Defense Representation in Federal Death Penalty Cases

In early fiscal year 1999, courts and counsel were notified about and encouraged to comply with a series of recommendations for containing costs and improving the quality of federal death penalty representation. The recommendations, which were approved by the Judicial Conference in September 1998, are contained in the report entitled *Federal Death Penalty Cases: Recommendations Concerning the Cost and Quality of Defense Representation*. The report was the product of an extensive year-long study that addressed the cost, availability, and quality of defense representation in these cases and recommended steps to keep expenditures within reasonable limits. The report concluded that “overall, the average cost of representation is reasonable in relation to the obligations imposed on defense counsel and the costs of prosecuting such cases.”

Highlights of the report’s recommendations regarding representation in federal death penalty cases include the following:

- Courts should not appoint more than two defense lawyers to represent a defendant unless required by exceptional circumstances, but should author-

ize limited use of additional lawyers when this would contain costs or is needed to meet time limits.

- Courts should appoint experienced death penalty litigators since they generally are more cost-effective than less experienced counsel. Further, hourly rates of compensation should remain high enough to attract qualified attorneys.
- The federal defender program should consider establishing salaried investigator positions for federal defender organizations to coordinate preparation of the penalty phase at a lower cost than outside experts paid at hourly rates.
- Courts should require lawyers to develop case budgets, both before and after the prosecution decides whether to seek the death penalty, to ensure the most effective and economical use of resources.
- Courts should consider making early decisions on whether to sever non-capital defendants from defendants facing capital charges in multi-defendant federal death penalty cases.
- Courts should consider using case management techniques to diminish document production and distribution costs and to reduce duplication of effort among defense counsel.

In addition, the Judiciary will encourage the Department of Justice to streamline its review of federal death penalty cases so that cases with an unlikely chance of a death penalty request will be reviewed more quickly. Early decisions not to seek the death penalty reduce the length of time cases must be treated as federal death penalty cases where the defendant is entitled to two lawyers at higher hourly rates. Thus, expedited case review would reduce significantly defense costs.

January 1998 Cost-Savings Recommendations

The Judiciary continues pursuing implementation of 39 recommendations included in the January 1998 congressionally-mandated *Report on Costs and Recommendations for the Control of Costs of the Defender Services Program*. Conducted by the consulting firm Coopers and Lybrand, L.L.P, the study concluded that

Defender Services program costs are in line with what one would expect from the increase in the number of representations, the increasing proportion of capital and capital habeas representations, and the costs incurred in a handful of extraordinarily expensive representations each year.

The report's recommendations, which offer ways to contain costs and improve program results, were developed with the assistance of various internal Judiciary groups and external criminal justice experts. The Judiciary is working with courts, Judiciary policy makers, federal defenders, and the Department of Justice on implementation and will provide a progress report to Congress by March 1, 1999.

Comparative Study of Federal Capital Habeas Corpus Case Costs

At congressional request, the Judiciary will submit a report by March 1, 1999, on representation costs in federal capital habeas corpus cases. The report will examine the reasons for the disparity in costs among districts and circuits. It will include a comprehensive statistical analysis of private "panel" attorney costs in federal capital habeas corpus cases by district, state, and circuit.

Congress requested this study as a follow-up to the January 1998 report on defender services costs, which showed that the Ninth Circuit, particularly the California districts, accounted for over 60 to 76 percent of capital habeas representation costs from 1995 to 1997, but only 48 to 63 percent of the representations.

Performance Measures for the Defender Services Program

The Judiciary is in the process of developing performance measures for the defender services program. The measures should help the Judiciary improve management of the program budget, direct resources to areas where they are needed most, and better demonstrate the effectiveness of the program to Congress and the public.

As the first step in what is expected to be an extended process, in 1997 and 1998 the Judiciary conducted surveys of U.S. district court chief judges regarding the defender services program. Survey questions focused on the timeliness and quality

of services. Of the 89 judges responding, 99 percent said that counsel was secured for eligible defendants in what they considered to be a reasonable amount of time. With respect to the quality of legal representation provided by federal public defenders, 96 percent of the judges rated the services as very good or better. Private panel attorneys appointed under the program, however, were not rated as highly by the judges, with 65 percent of the judges ranking the quality of services provided by them as falling below that furnished by the federal public defenders.

These results indicate that, despite high praise for the program, there is a need for improvement, particularly with respect to the panel attorneys. The Judiciary is taking steps to address this need. For example, the Judiciary's fiscal year 2000 appropriations request includes funds to implement a 1986 congressionally authorized compensation rate of \$75 per hour for panel attorneys to attract experienced and well-qualified counsel.

In the future, the Judiciary plans to expand on the above and gather additional performance information to assist with managing the program.

IMPROVING THE EFFICIENCY AND EFFECTIVENESS OF THE PROBATION AND PRETRIAL SERVICES SYSTEM

The Third Branch has an essential law enforcement role in addition to its fundamental mission of providing for the fair resolution of matters brought to federal court. It is responsible for supervising offenders serving sentences in the community, individuals released from prison on supervised release, and persons charged with offenses released to the community pending adjudication. Further, it conducts investigations of convicted offenders and persons charged with criminal offenses, and prepares reports to assist with sentencing and with decisions related to pretrial release and detention. Several initiatives to improve the effectiveness of the probation and pretrial services system are underway.

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Comprehensive Review of System

In fiscal year 1999, the Judiciary plans to hire an outside consultant to conduct a comprehensive study of the probation and pretrial services system. The consultant will analyze current programs, identify strategic issues, and make recommendations for the future direction of the system.

The study will involve an examination of the investigatory and supervisory components of the system, including pretrial investigations, reports, and supervision; presentence investigations and reports; offender supervision; and the witness security program. It will include an assessment of all relevant programs such as drug testing, substance abuse and mental health treatment, home confinement, and the collection of fines and restitution. The review will examine program mission, goals, and objectives; program functions and work activities; required technical expertise; the use of automation; program costs; policies, standards, and guidelines; national program support, communications, and oversight roles; district level operations and services; organizational responsibilities and relationships; and governing statutes and regulations. The study will include input from key individuals in the judicial, executive, and legislative branches.

The Judiciary decided to conduct this study because the system is increasing in complexity, growing in size, and facing changing needs. For example, over the years, the system has adapted to major legislative changes in bail, sentencing guidelines, and responsibilities related to fines and restitution; expanded federal jurisdiction; shifting prosecutorial policies; and new technologies for supervising offenders. Further, the composition of the federal offender supervision population has changed dramatically, posing greater risks to the community than before, and program needs and costs for substance abuse and mental health treatment are growing.

The Judiciary expects the study to produce recommendations for improving both the efficiency and quality of the system.

Mobile Computing

In April 1998, the Judiciary completed a two-site study on the use of mobile computing for probation and pretrial services officers performing supervision and investigation activities. Having found numerous advantages to mobile computing, over the next several years the Judiciary will be providing these capabilities to probation and pretrial services offices around the country.

With mobile computing, officers can use hand-held computers equipped with

an electronic pen that substitutes for a mouse and keyboard. Specially developed software will give officers immediate access to information about individuals under supervision. Further, officers can make electronic records of field activities and transmit and receive data to and from the office.

The Judiciary's study found that mobile computing will increase the productivity of probation and pretrial services officers by reducing the amount of time officers spend traveling to and from the office to obtain or provide information, and eliminating data entry of hand-written or dictated field notes. This will allow officers to concentrate on critical investigation and supervision work.

ENHANCING THE QUALITY AND EFFICIENCY OF COURT PROCEEDINGS

The Judiciary continues working on several automation initiatives to enhance the quality and efficiency of court proceedings. A summary of notable efforts follows.

Courtroom Technologies

The Judiciary is following a multi-year plan to equip courtrooms with a variety of technologies to facilitate judicial proceedings. The plan's highest priority is to include some level of courtroom technology in every new construction and renovation project.

The technologies include video evidence presentation systems, videoconferencing capabilities, electronic court-reporting systems that provide immediate access to the record, and courtroom access to information via external applications and databases. From June 1997 through June 1998, the Judiciary studied the benefits of these technologies through usage logs, questionnaires, monthly reports, and interviews of a number of courts using one or more of the technologies. Results show that the technologies can reduce trial time, lower litigation costs, improve fact-finding, enhance understanding of information, and improve access to court proceedings.

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Videoconferencing in Judicial Proceedings

The Judiciary continues its efforts to achieve efficiencies by using videoconferencing to conduct court proceedings. Most notably, the Judiciary is making widespread use of the technology in prisoner civil rights proceedings. The Judiciary is providing videoconferencing capabilities to all district courts that have a level of prisoner civil rights case filings above the national average. These courts are using the technology successfully to conduct the majority of prisoner civil rights pretrial hearings. At the end of fiscal year 1998, 35 district courts (in 50 locations nationwide) were using videoconferencing for prisoner civil rights cases. The Judiciary will expand the program to eight more locations by the end of fiscal year 1999 and nine more locations by the end of fiscal year 2000.

The Judiciary created the prisoner civil rights videoconferencing program as a joint venture with state and federal prison authorities to conduct more efficiently prisoner civil rights proceedings. Due to its success, courts increasingly are using the technology in other types of proceedings as well. Examples include criminal pretrial matters, evidentiary hearings, bankruptcy hearings, client hearings, depositions, witness testimony, and appellate oral arguments.

Videoconferencing technology allows two or more geographically separated individuals or groups to conduct interactive face-to-face meetings with the ease of a telephone call. These computer-based systems also allow users in different locations to collaborate interactively by electronically sharing documents, spreadsheets, drawings, and other applications. Videoconferencing offers a variety of benefits. For example, it can save travel costs and avoid the non-productive work time associated with travel. Further, it expedites the handling of judicial proceedings because proceedings can be scheduled more easily, benefitting both the bar and the public. And, for proceedings involving prisoners, it eliminates the costs and security risks, borne by the Department of Justice and states, involved with prisoner transportation between the prison and courthouse.

Digital Audio Technology

The Judiciary is conducting a study through spring 1999 on the usefulness and cost-effectiveness of taking the court record with digital audio technology. Six district and six bankruptcy courts are using the technology to take the official record of court proceedings. The Judiciary will assess the appropriateness of using this technology in the courtroom, the utility of this equipment for transcribing accurately the record, the costs and benefits associated with this medium, and the technical requirements and specifications the Judiciary may need to adopt. After concluding the study, the Judiciary will determine whether to designate digital audio recording as an official method of taking the court record.

Telephone Interpreting

Last year, the Judiciary expanded to six the number of sites providing telephone interpreter services to other courts around the country. The Judiciary is developing plans to expand further the program over the next two years.

With telephone interpreting, the Judiciary provides court interpreter services from a remote location by telephone. This method ensures courts have ready-access to interpreting services when needed. Started in 1989 as a pilot experiment at one site, the program provides interpreting services in a variety of proceedings, such as pretrial hearings, initial appearances, arraignments, motion hearings, and probation and pretrial services interviews.

While program implementation costs have been negligible, the benefits are multifold. For example, the program increases the nationwide quality of interpreting services since individuals with advanced skills can be used more frequently through remote access, provides courts with access to quality interpretation services on short notice, saves travel costs, and facilitates the scheduling of court proceedings because proceedings do not have to be delayed for lack of qualified interpreters.

ENHANCED AND MORE EFFICIENT SERVICES FOR USERS OF THE COURT SYSTEM

The Judiciary continuously strives to offer better services to the bar and public. A summary of several major efforts follows.

Electronic Case Filing

In fiscal year 1999 and beyond, the Judiciary will continue efforts to develop a nationwide electronic case filing system. Electronic case filing enables judges, court

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staff, attorneys, and other users to file, store, and retrieve pleadings, motions, briefs, orders, and other documents electronically. It offers many potential benefits. Most significantly, it could reduce the time spent on manual tasks such as data entry, photocopying, and document filing, retrieval, and dissemination. Further, it may reduce courthouse space requirements for paper record storage. Also, electronic filing could improve the overall quality of service by facilitating more accurate up-to-date records and by providing the court, the bar, and the public quicker and easier access to case documents.

Nine district and bankruptcy courts currently are testing two Judiciary-developed prototype electronic case filing systems. As of December 30, 1998, the prototypes have received more than 5,500 electronic civil and bankruptcy case filings. Operations in the prototypes and other courts experimenting with similar technology are providing critical information on how best to design and implement a system for nationwide use. The Judiciary currently is examining alternatives and is addressing a host of technical, legal, and policy issues associated with moving to an electronic system, such as the technical ability of users of the judicial system to submit documents electronically; use of the Internet and related technologies as a means for filing and docketing; the authentication, security, and preservation of electronic documents; the provision of funding, including the appropriate role of user fees; and changes to national and local rules of practice and procedure.

Electronic Public Access

The Judiciary's broad and comprehensive electronic public access program, currently running at 183 federal courts, received over 9 million calls in fiscal year 1998. Their use dramatically enhances the public's ability to access and obtain court information quickly. Further, they reduce the amount of counter and telephone traffic that would otherwise be handled by clerks' office staff. They also benefit users by saving copying and transportation costs, and unproductive work time spent traveling to and from the clerk's office. The Judiciary currently offers telephone and/or computer dial-in access to 1) appellate court decisions and other information (e.g., oral argument calendars, case dockets, local rules, notices, and reports); 2) district and bankruptcy court case information and dockets; and 3) nationwide information on parties involved in federal litigation (i.e., case number, filing date, and filing location).

The Judiciary will make several improvements in its electronic public access programs in fiscal years 1999 and 2000. These changes will meet the increasing demands from the legal community, federal and state agencies, business and non-

profit organizations, the press, and the public for electronic access to court information. Upcoming program improvements include the following:

- The Judiciary is upgrading the bankruptcy Public Access to Court Electronic Records System (PACER) to allow for 24-hour real-time access to a court's entire database of records available to the public. The upgrade also will allow courts to maintain several years of data on line; the current program limits large courts to six months or less. Currently being tested in 15 beta courts, full distribution is expected early calendar year 1999.
- The EPA Grants Program provides funding for court-initiated research and development projects. Examples of projects underway in fiscal year 1999 include 1) development of an automated system to provide the public with naturalization information currently not readily accessible, which will save court staff time; 2) establishment of a public access kiosk that will accommodate the visual and hearing impaired (includes Braille keyboards, voice recognition commands, and touch screen monitors); and a system to provide public access to historical court records.
- The Judiciary is studying the feasibility of providing electronic access to court information via the Internet. Nearly 100 courts now use the Internet to post filing instructions, jury instructions, court calendars, and directions to the courthouse. There is considerable public and Judiciary interest in expanding Internet use to include specific case information, which currently is available only through telephone and computer dial-in access. The Judiciary must address various technical and policy issues in offering public access services through the Internet. Among them are data security and privacy, the impact of increased traffic on the Judiciary's internal data communications network, and appropriate user fee rates. The Judiciary will consider study results and recommendations in calendar year 1999 and decide how to proceed.

Electronic Bankruptcy Noticing

The Judiciary is in the process of expanding its use of electronic bankruptcy noticing. The Judiciary currently transmits electronic notices using Electronic Data Interchange (EDI) technology. This fiscal year, the Judiciary plans to start working to provide electronic noticing services via standard Internet e-mail as well. Transmitting notices through the Internet will make the service more practical for smaller

creditors and bankruptcy practitioners because they can access this service through regular desktop software and will not have to invest in special EDI technology.

The Judiciary began offering electronic noticing last year through its contractor-operated Bankruptcy Noticing Center (BNC). The service, which functions like a sophisticated e-mail system, eliminates the production and mailing of a substantial number of paper notices, enhancing public service and reducing costs for both the Judiciary and creditors.

The bankruptcy courts use the electronic noticing process by establishing a Trading Partner Agreement with a creditor interested in eliminating postal delivery time and reducing in-house processing requirements. Once the court sends the agreement to the noticing center, the center begins transmitting notices, as specified in the agreement, to the creditor's electronic mailbox rather than printing and mailing paper copies.

Electronic noticing can be particularly valuable for entities such as credit card companies or the U.S. Internal Revenue Service that receive thousands of bankruptcy notices and would benefit from a computer-to-computer process.

During fiscal year 1998, the BNC sent 70 million notices to the creditors of individuals or businesses filing for bankruptcy protection, as well as to other entities. A small, but increasing, number of these were sent electronically; the remainder were paper notices. Since electronic noticing is cheaper than paper noticing, the Judiciary will continue encouraging expanded use of electronic noticing throughout the creditor community. As with most innovations, overnight acceptance is not expected. New ways of doing business can take time to be widely adopted. If just 10 percent of the notices currently being prepared and mailed by the noticing center were delivered electronically, the Judiciary would save more than \$2 million per year.

AUTOMATING LABOR INTENSIVE WORK PROCESSES

The Judiciary will continue working on various systems over the next few years to create efficiencies by automating labor intensive work processes. The following highlights several of the major efforts.

Financial Accounting System for Tomorrow

The Judiciary continues nationwide implementation of its new financial system. Currently operating successfully in four test sites, the Judiciary is preparing to implement the system in additional courts.

FAS₄T will provide a single court financial accounting system linked to the Judiciary's central accounting system. When fully implemented, it will produce significant administrative efficiencies by automating and streamlining many financial recording and reporting activities. Further, the system will produce timelier, more reliable reports to enhance decision-making and will improve internal control processes to reduce the risk of potential fraud or abuse.

Important to maximizing the value of the new financial system is passage of pending legislation to appoint statutory certifying officers in the Judiciary to verify receipt of and funding availability for goods and services. This lack of authority results in duplicate voucher and payment reviews, redundant paperwork, unnecessary copying of documents, and related administrative inefficiencies.

Criminal Justice Act Replacement System

The Judiciary is implementing a new payment and management information system for panel attorneys. Linked to the Judiciary's official accounting system, the new system will provide a more efficient means of making payments to panel attor-

neys. Further, it will allow the Judiciary to collect additional, more timely, and better quality data to improve management of the program. The data enhancements will improve the Judiciary's ability to conduct financial and other analyses of the program, as well as assist judges with routine voucher payment activities. For example, judges will be able to compare a payment request with data on similar cases to assist with determining the bill's appropriateness before approving payment.

Integrated Library System

The Judiciary continues implementing its new integrated library system (ILS). The commercial-off-the-shelf system is a suite of interrelated software programs that automate library functions based on a single bibliographic database. In October 1998, all circuit libraries began using ILS to purchase lawbooks.

The new system streamlines four major work processes: (1) procuring and managing lawbooks for 108 libraries and more than 2,000 chambers and office collections; (2) tracking the receipt of thousands of journals, magazines, and other publications published on a regular schedule; (3) maintaining records of library collections; and (4) tracking borrowed library materials. In addition to performing these activities more efficiently when the ILS is fully implemented, the Judiciary expects to realize the following benefits from ILS: more accurate reporting of purchases, better inventory control and cost management, easier and more accurate serials control, improved research capabilities, enhanced chambers access to library catalogs and information, and easier and more accurate tracking of borrowed materials.

Magistrate Judge Statistics Through Automated Records

The Judiciary plans to begin implementing a new automated means of collecting magistrate judge statistics. Currently in the design phase, this project aims to enhance the efficiency and effectiveness with which the Judiciary obtains, presents, and uses the magistrate judge workload information that Congress requires it to collect.

With this initiative, the Judiciary will capture required data automatically during docketing. This will eliminate the substantially manual, tedious process chambers' staff currently use to assemble, enter, and report workload data. Magistrate

judges and their staffs will be able to reallocate time saved to core adjudicative duties.

The effort also will improve significantly the quality of the Judiciary's statistical data on the duties and workloads of magistrate judges and on cases in district courts since data will be collected automatically in a uniform and reliable way rather than through disparate manual record-keeping processes. Besides improving data accuracy, this will facilitate data analysis, such as nationwide comparisons of magistrate judges' workloads and enhance the Judiciary's flexibility in presenting and reporting data.

Probation and Pretrial Services Automated Case Tracking System

The Judiciary will implement nationwide a new case management system in probation and pretrial services offices. Called PACTS, the system will vastly improve the effectiveness and efficiency of probation and pretrial services offices.

Probation and pretrial services offices will have access to PACTS from the computers in their offices as well as from the mobile computers the Judiciary will eventually provide to officers conducting supervision and investigation activities (see page 9). PACTS will provide 1) electronic generation, storage, and retrieval of all investigation and supervision case information; 2) electronic retrieval of presentence reports, pretrial services reports, chronological records, and other vital reports and records; 3) integrated access to the Judiciary's criminal case management system; and 4) defendant/offender imaging. The system will automate many of the tasks that a probation or pretrial services officer currently handles manually, thereby enabling officers to focus more fully on serving the needs of the defendant or offender, the court, and the community.

Jury Management System

The Judiciary is implementing nationwide a new jury management system. It will modernize and standardize current processes for managing juries in district courts.

District courts currently use one of three processes for jury selection, management, and tracking. These include manual in-house processes, partially automated

in-house systems, or vendor-provided systems. Implementation of a single standard system will eliminate or reduce inefficient time-consuming manual work processes and rising vendor support costs.

With the new system, all courts will handle in-house jury selection, management, and tracking. The software will build qualified wheels, print and scan qualification questionnaires, print summonses, track jurors, maintain statistics, and provide financial calculations for juror payment. The system will produce many benefits. Most notably, it will reduce juror processing time and the cost of jury selection, management, and tracking; create efficiencies by eliminating labor intensive and redundant functions; improve data quality; provide immediate access to race, gender, and ethnicity information in response to jury composition challenges; and enhance juror satisfaction through better service.

Integration of Automation in Data Collection

The Judiciary is implementing recommendations from a recent study on how to use automation to improve the efficiency of collecting statistical data and to produce more timely information. Completed in October 1998 by an outside contractor, the study evaluated current automated systems for collecting Judiciary statistical data and presented short-, mid-, and long-range recommendations for improving operations through automation.

Personnel Systems Modernization Project

The Judiciary is modernizing its automated personnel systems and related work processes. Most notably, the Judiciary is preparing to implement a new personnel and payroll system; an automated system to track and report to carriers employee health benefit option choices; and a networked system for monitoring the use of official personnel files.

The Judiciary is using commercial-off-the-shelf software, which it is modifying to meet specific requirements. The new systems will produce more accurate records and will reduce the amount of printing, copying, postage, long distance calls and faxes, and staff time associated with processing personnel actions. Another important benefit is that courts will have ready access to payroll cost data needed to make personnel decisions.

REDUCING MEETING, TRAINING, AND COMMUNICATIONS COSTS

The following highlights several Judiciary efforts for reducing the costs of meetings, training, and communications.

Videoconferencing for Administrative Matters

Over the next few years, the Judiciary will continue to expand its use of videoconferencing. Besides using it in certain judicial proceedings, the Judiciary is increasingly using videoconferencing for administrative meetings, conferences, and training seminars. For example, districts with remote divisional offices use videoconferencing for judges' meetings, district-wide staff meetings, and interactive staff training sessions. As of January 1999, 85 court locations have been installed with videoconferencing capabilities and an increasing number of courts are interested in acquiring this proven technology. Videoconferencing can reduce travel costs, eliminate the inconvenience of travel, and avoid the unproductive work time associated with travel status.

Distance Learning

The Judiciary also will continue to pursue efficiencies over the coming years through expanded use of distance learning. Initial efforts emphasize the use of satellite broadcasting versus traditional training methods. Plans for the future include interactive video teletraining, computer-based training, and desktop videoconferencing. To support these efforts, the Judiciary is in the process of installing satellite dish antennae and receivers in about 250 court locations nationwide.

From its newly constructed Washington, D.C., studio, the Judiciary currently is broadcasting to courts more than 20 hours of programming weekly. Some ex-

amples of program content are retirement systems, contracting, facilities management, court personnel system, automation, and travel regulations. These broadcasts include both videotaped and live interactive teletraining programs. Live presentations include push-to-talk capabilities to allow viewer interaction. Work is in progress to convert current instructor-led training programs to the interactive teletraining format.

Like videonconferencing, distance learning programs create efficiencies by reducing the costs and inconveniences associated with travel. In fiscal year 1999, the Judiciary reduced its travel budget requested from Congress by \$1 million in anticipation of savings generated by distance learning programs. Also, distance learning provides quality training to larger audiences that are geographically dispersed at reduced per-student costs.

Completion of the Data Communications Network

The Judiciary will continue realizing efficiencies now that it has implemented fully its Data Communications Network (DCN). Completed September 1998, one year ahead of schedule and below estimated cost, the network provides an internal electronic communications link for all Judiciary employees.

The DCN offers a number of benefits and opportunities for efficiencies. It allows for the easy sharing of case information, opinions, and other information across the country. The e-mail component speeds communications and reduces the number of memoranda, phone messages, and meetings. It facilitates more timely turnaround of information. Traveling judges and employees can work more efficiently by having access to their offices, including receiving and returning messages promptly. The DCN provides an infrastructure to run future Judiciary-wide applications such as the new personnel/payroll and financial systems. The DCN also allows the Judiciary to consolidate software. Communications devices and network versions of software are shared, eliminating the more expensive purchase of individual software licenses.

Completion of the DCN makes possible widespread use of the Judiciary's intranet. Called the J-Net, the site allows electronic dissemination of a substantial and growing number of Judiciary documents. It results in significant savings in paper and postage costs as it allows the Judiciary to disseminate information in electronic versus hard copy formats. The site is visited more than 2,000 times daily by Judiciary employees looking for reports, statistics, newsletters, directories, manuals, and other documents.

IMPROVING CAPABILITIES THROUGH TRAINING

The Judiciary is working to determine areas in which court employees need additional training to ensure it maintains a workforce well-prepared to meet its responsibilities. In September 1998, the Judiciary obtained outside consultants to conduct a training needs assessment for chambers staff, court unit executives, court staff, and judges (in their non-judicial capacity). The consultants will determine the knowledge, skills, and abilities employees need to perform their jobs, assess what additional training is needed, and make recommendations. The Judiciary will then develop a prioritized plan for meeting these requirements.

In a parallel effort, the Judiciary has embarked on a major effort to enhance the financial management capabilities of court employees. The Judiciary's implementation of budget decentralization in the early nineties, coupled with more electronic processing of financial data and the need for greater accountability has, in part, driven the need for these improvements. The effort involves raising, across the board, the overall basic financial and accounting competencies among court personnel; closing the real or perceived gap between critical financial operating needs and an individual's confidence in meeting those needs; and ensuring that comprehensive financial knowledge and skill enhancement become an ongoing function within the Judiciary. To contain costs, the Judiciary plans to use distance learning methods to conduct much of this training.

APPENDIX

**SUMMARY OF PAST AND ONGOING EFFORTS
TO ENSURE THE OPTIMAL UTILIZATION
OF JUDICIAL RESOURCES**

The following provides brief examples of past and ongoing efforts to reduce spending and improve resource use. A number of these items are discussed in the body of this report.

**Judicial Resources
and Court Staff**

- A new study is underway to explore ways and means of managing available judicial officer resources in a manner that might reduce the need for some additional judgeships.
- The work measurement formulas that determine court staffing requirements are undergoing comprehensive review with a June 2000 expected completion date.
- Thirty-nine retired bankruptcy and magistrate judges currently recalled to service are an alternative to creating new positions that saves the government about \$13 million annually.
- More conservative criteria adopted in 1994 for evaluating new district judgeship requests results in approval of fewer requests, saving millions annually.
- A revised grade structure for career law clerks saves more than \$3 million annually.

- Adjustments made to the district clerks' staffing formula to reflect reductions associated with the processing of naturalization petitions saves about \$1 million annually.
- A full-time magistrate judge position discontinued in the Eastern District of Michigan saves over \$500,000 annually.
- Numerous policies and processes have been implemented to ensure that staff and judicial officer resources are distributed equitably and used efficiently (e.g., court staffing formulas, formal and regular surveys of judgeship needs, use of temporary judgeship positions, senior judges, shared judgeship positions, and intercircuit and intracircuit judicial assignments).
- A revised court personnel system was implemented to decentralize personnel authority to the courts and improve the ability of court managers to maximize use of scarce personnel resources.
- An automated magistrate judges statistical system is being implemented that results in administrative efficiencies through streamlined reporting processes.
- Information provided to courts on the initial and recurring costs of an additional magistrate judge position facilitates consideration of the financial impact of new positions and conservatism in submitting requests.
- The ongoing Judiciary Methods Analysis Program identifies suggested business practices with the potential to result in more efficient and effective operations and fosters implementation of these practices in the courts.
- Contractors are used in lieu of in-house Judiciary employees where cost effective and appropriate.
- A study of how courts can create alternative organizational structures to provide administrative services more efficiently was completed by an outside contractor and disseminated nationwide for court managers' consideration.

Automation and Technology

- Digital audio technology is being assessed to determine its usefulness and cost-effectiveness in taking the court record.

- A study is in progress to explore the potential to reduce time spent on information requests and paper/postage costs through electronic document imaging.
- A new modernization project will provide statistical information that will improve staff productivity, data quality, and timeliness involved in collecting and processing data.
- A new state-of-the-market computer system in the Judiciary Data Center is saving over \$1 million over the next five years in maintenance and software licensing costs.
- Two new network-based on-line communications systems for magistrate judges help magistrate judges communicate efficiently and cost effectively with each other and the AO on topics of importance to the Judiciary.
- An in-house television broadcast studio was built and satellite downlinks are being installed in about 250 court locations to deliver more cost-effectively a variety of education and training programs.
- Use of the Bankruptcy Noticing Center has saved the Judiciary over \$11 million from fiscal year 1993 through 1998, and a new contract awarded in 1998 for operating the center is providing expanded services at reduced costs.
- A new electronic bankruptcy noticing system is being implemented that will reduce the production and handling of paper notices by the courts and creditors and has the potential to save millions annually.
- Use of Internet and intranet technologies to distribute Judiciary publications, statistics, and other information will result in future savings of about \$1 million annually in paper and postage costs.
- A telephone interpreting program, now being expanded, saves travel costs and interpreting time.
- A new accounting system will produce significant administrative efficiencies and provide better tools to enhance financial decision-making.
- An automated juror management system will be implemented to reduce juror processing time, manage more efficiently labor-intensive functions, and reduce contracting costs.

- Videoconferencing systems being installed in appellate, district, and bankruptcy courts may produce savings in travel, create efficiencies in court scheduling, and enhance security when used in prisoner cases.
- Video and computer-based training is being used, enhanced, and explored for future potential as a way to conduct training and meetings more cost effectively.
- Ongoing experiments with electronic filing have the potential to eliminate repetitive, time-consuming manual tasks involved in docketing and to produce savings in the storage and movement of case files.
- The widely used electronic public access systems are being explored for future potential to save additional court staff resources in responding to public needs for information and to provide more direct, rapid, and easier access to official court records.
- An effort is in progress to provide courtrooms with technologies including videoconferencing and video evidence presentation systems.
- Standardization of the Judiciary's network and desktop software saves over \$2 million annually in software licenses.
- Use of group decision support systems software reduces the time and expense of planning, conducting, and documenting meetings.
- A Judiciary-wide information systems architecture implemented to promote interoperability of many applications on shared or compatible platforms saves systems development, maintenance, support, and equipment costs.
- Enhancements made to district court case management software save on-line storage costs and production time.
- An automated system developed to produce semiannual reports required by the Civil Justice Reform Act saves Judiciary staff resources through more efficient data collection and reporting.
- Enhancements made to automated case management systems (including electronic case file capabilities) will facilitate speedy resolution of pending cases by providing critical information needed to manage caseload.

- The Data Communications Network has been implemented, reducing by an average of 15 percent local telephone costs at each installation site through shared modems, telephone lines, and national software licenses.

Security, Space, and Facilities

- A comprehensive effort is underway to upgrade the professional status of the Judiciary's procurement personnel.
- A comprehensive study by an outside contractor will be conducted to assess the potential for additional efficiencies in the space and facilities program.
- A comprehensive space management plan continues to be implemented. Results to date include
 - ◆ 684,345 square feet of existing and planned space was released, saving over \$13.5 million annually in rent costs, which includes closure of 11 facilities without resident judicial officers.
 - ◆ A process was implemented whereby all judicial councils must evaluate biennially all space assignments to determine whether any can be released or used more efficiently.
 - ◆ Revisions were made to the *United States Courts Design Guide* that achieve a 5 percent reduction in GSA construction costs in an average size building.
 - ◆ All circuit judicial councils established policies on courtroom sharing for active and senior judges.
 - ◆ Criteria were developed for determining the need for facilities without resident judicial officers.
 - ◆ Space use rates by court unit type were developed as a tool for evaluating requests for new space acquisition.
 - ◆ Space acquisition guidelines were established to enable court units to evaluate critical space requests based on the cost impact, current space utilization rates, the ability to reconfigure space to satisfy the need, and the timing of new construction or major alteration projects.

- ♦ A policy was adopted encouraging courts to explore shared court facility arrangements with state and local governments.
- A staffing methodology, developed by the U.S. Marshals Service for allocating court security officers, avoided \$12.5 million in FY 1996 court security funding increases and limits subsequent year requests.
- A team of Judiciary and U.S. Marshals staff was established to conduct monthly reviews on the execution of the court security budget.
- A security system acquisition plan was developed to improve the tracking of security system requirements, inventory, and funding.
- A report that crosswalks court security officer requirements by district and facility (including planned occupancy dates for new courthouses) was developed to support annual funding requests for court security officers.

Defender Services

- The Judiciary is pursuing implementation of savings recommendations developed from the January 1998 congressional report on defender services costs.
- A study is ongoing on the cost of providing representation in federal capital habeas corpus cases, including a comprehensive statistical analysis of private panel attorney costs and a review of these costs by district, state, and circuit.
- Recommendations to reduce the cost and improve the quality of defense representation in federal death penalty cases as part of a recent year-long study are being incorporated into the *Guidelines for the Administration of the Criminal Justice Act*.
- Four district courts are exploring the benefits of using a supervising attorney to assist in reviewing payment claims submitted by attorneys and other service providers.
- A new effort is underway to develop a comprehensive performance measurement system for the defender services program.

- Rigorous financial and statistical reporting requirements for federal defender organizations capture more accurate data and result in more effective resource management.
- A procedure linking federal defender organization budget and staffing requests to caseload per attorney projections improves resource management.
- Federal defender organizations are required to secure AO approval for furniture or equipment purchases in excess of \$500, computer programs in excess of \$1,000, and tenant alterations costing more than \$5,000.
- AO approval is required for federal defender case-related travel outside the 48 contiguous states and for all administrative out-of-district travel.
- Federal defender organization training expenditures are subject to annual limits.
- The establishment of new federal defender organizations in five judicial districts will improve the quality and efficiency of representation.
- Reviews and assessments of federal defender organizations' operations are routinely conducted to identify ways to improve their effectiveness and efficiency.
- Various management initiatives continue to be implemented to contain capital habeas corpus costs, such as improved procedures for voucher review, training enhancements, and case-budgeting.
- Seven circuits have adopted special procedures to review costs in any federal capital habeas corpus case in which total attorney compensation expenditures exceed \$100,000.
- An improved information management system is being developed to increase the type, quality, and consistency of data collected on defender organizations and panel attorneys.
- Legislation allowing private panel attorney use of government travel rates continues to generate significant savings.
- A requirement that all private panel attorneys affirm under penalty of perjury that compensation claimed is for hours actually expended in connection with the representation helps ensure voucher integrity.

Probation and Pretrial Services

- A comprehensive study of the probation and pretrial services program is underway to identify strategic issues and make recommendations for the future direction of the program.
- The home confinement program, which monitors electronically about 3,700 individuals in their homes on a daily basis, saves the government between \$32 million and \$69 million annually.
- Reimbursements collected from offenders for the costs of electronic monitoring services totaled \$1.2 million in FY 1998 and similar savings are anticipated in FY 1999.
- A policy implemented to detect illicit drug use by using on-the-spot drug testing devices rather than sending specimens to the national laboratory saves about \$200,000 annually.
- Providing training on the witness security program using computer-based rather than traditional training methods will save more than \$200,000 over five years.
- Mobile computing capabilities are being provided to probation and pretrial services officers following a study showing that the technology allows officers to work more efficiently.

Other Areas

Libraries and Lawbooks

- Implementation of revised policies for lawbook purchases contributed to savings and cost avoidances of about \$20 million during fiscal years 1996 through 1998.
- Implementation of new contracts and policies on the use of computer-assisted legal research has produced savings and cost avoidances of about \$10 million in fiscal years 1996 through 1998.
- Integrated library system software was implemented, providing enhanced

management and reporting tools to circuit libraries and, eventually, enhancing library services to judges and other library users.

- Guidelines to help determine the appropriate space required for satellite library lawbook collections were approved as part of the effort to control rent costs.
- A new lawbook allotment process was implemented as part of the plan to simplify and provide an equitable formula for allotting funds to each circuit.

Resource Management Policies and Processes

- A new emphasis on long range planning and budgeting will improve the Judiciary's ability to determine priorities, develop program plans, and determine resource requirements.
- A procedure implemented to increase the timeliness of investing newly appropriated funds from the Judiciary's annuity plans to U.S. Treasury Securities earns about \$125,000 in additional interest annually.
- The Cost Control Monitoring System implemented for allotting salary dollars to courts increases managers' flexibility to use limited resources and simplifies the process of distributing funding.
- A newly implemented system of allotting non-personnel funding to the courts makes the process more efficient and increases court managers' flexibility in managing spending plans.
- A variety of routinely conducted audits and evaluations of Judiciary programs such as financial audits, court program unit reviews, and automation reviews, help ensure resources are used effectively and efficiently.
- A series of evaluations of the Judiciary's administrative and program review activities helps ensure that the reviews are effective and meet appropriate standards.
- Quarterly financial reviews conducted in the AO enhance oversight of program spending and identify funds that can be saved or redirected to meet higher priority needs.
- Quarterly internal management control reviews conducted in the AO improve

management and enhance program success while ensuring that waste, fraud, and abuse in the administration of Judiciary programs are avoided.

- An AO planning and management-by-objectives program drives overall agency goal setting and planning and monitors the agency's progress in accomplishing its objectives.
- Quarterly reviews in the AO of all major automation projects help ensure initiatives remain on track and accomplish established goals.
- An Economy Subcommittee was created to coordinate the Judiciary's efforts to improve fiscal responsibility, accountability, and efficiency in its overall operations.
- The *Long Range Plan for the Federal Courts* was adopted, which provides a framework for establishing funding priorities and addresses the optimal use of the Judiciary's human, financial, physical, and technological resources.
- A new way to develop the annual budget request was adopted, which results in requests being built from a lower base and requires any pending program increases to be reexamined along with new requested increases.

Training

- A comprehensive training needs assessment is being conducted to determine the knowledge, skills, and abilities Judiciary employees need to perform their jobs effectively and to deliver the needed training.
- A new financial management improvement program was initiated, in part, to develop and deliver consistent and cost effective financial management training for Judiciary personnel.
- Employment dispute resolution training and equal employment opportunity training for judges, court unit executives, and other court personnel on resolving complaints at the lowest level possible reduces conflict, which diverts resources and energy away from the fundamental business of the administration of justice.
- A program was developed for training court personnel on policies, procedures, and cost-saving practices in a variety of administrative areas, such as procure-

ment, property management, telecommunications acquisition, and mail management, among others.

All Other

- The AO's advisory processes were revised to speed the information flow to the courts and streamlined to reduce the need to travel to the AO.
- A revised review process implemented to produce quality publications at less cost saves about \$80,000 annually.
- Electronic means being used to transfer data from the courts to AO databases, and for making statistical data and tables available to the courts, the legislative and executive branches, and the public, decreases the costs associated with supplies, postage, and copier usage.
- Competitive procurement for slip opinion printing services in five circuits resulted in contract awards that are expected to reduce fiscal year 1998 spending by \$200,000.

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