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September 10, 2012

Hon. James F. Holderman
Chief Judge
United States District Court
Northern District of Illinois
219 South Dearborn Street
Chicago, Illinois 60604

Dear Judge Holderman:

The American Bar Association shares your concern about the impact reduced funding of the federal courts will have on the administration of justice. As you know, the ABA brought greater focus on this issue in 2010 when then President Stephen N. Zack created the Task Force on Preservation of the Justice System. Both Immediate Past President Wm. T. (Bill) Robinson III and I have continued this effort.

In recent years, federal courts have faced cuts and restrictions, but not at the same level as state courts. In its work, the Task Force determined adverse effects in four critical areas: public safety, the economy, access to justice, and in the system of government. Let me summarize its findings. I would be pleased to provide you more detailed reports and related information if desired.

A reduction of 20% in court time would cause numerous delays in criminal matters, ranging from the length of time defendants are held in costly pretrial detention to the possibility of early release of defendants who pose a risk to public safety. The Task Force learned, for example, that in the state of Washington a defendant was released due to speedy trial concerns and subsequently committed rape and murder. While an extreme case, the risk to the general public is real.

The impact of delays on the civil system is more widespread and substantial on the economy, particularly on court staff, legal service providers, and litigants. Litigants whose cases are delayed cannot invest, spend, or dispose of the contested resources. Economists who have calculated the direct and indirect costs of such delays conclude that there is no net benefit of these cost reductions.

Difficult economic times also put pressure on businesses and families, and increase the number of parties who need the court. Individuals who may have lost their jobs due to

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illegal practices or discrimination need timely hearings. The Task Force found that the rights of minorities, particularly, suffer when there are lengthy delays.

The failure to adequately fund our courts also threatens the checks and balances of our constitutional system. The Task Force concluded adequate funding is necessary to protect judicial independence and the fundamental rights of all citizens.

Maintaining the fiscal soundness of the federal judiciary has remained a high priority of the Association and a central element of our "Judicial Independence" Legislative Priority. The ABA Board of Governors has approved this priority for more than a decade. Our Governmental Affairs Office remains in close contact with the Administrative Office of the U.S. Courts and will coordinate its advocacy efforts with this office as the situation warrants.

Thank you again for the opportunity to offer the ABA's insights on this issue. The information that you are gathering could be extremely helpful to the Association as a partner in advocacy for court resources, and we would welcome the sharing of any results of your study when completed.

Please do not hesitate to contact me if you need any further information.

With best regards,



Laurel G. Bellows