

ADMINISTRATIVE STRUCTURE OF THE U.S. FEDERAL COURTS

A. Judicial Conference of the United States

1. Created by statute in 1922, the Judicial Conference of the U.S. (JCUS) is the policymaking body for all courts in the judicial branch of the federal government other than the Supreme Court.
2. The JCUS is comprised of 27 judges:
 - a. the Chief Justice of the U.S., who presides;
 - b. the chief judge of each of 13 federal courts of appeals – the 12 geographic circuits and the U.S. Court of Appeals for the Federal Circuit;
 - c. one district (trial) judge from each of 12 geographic circuits, elected by all the Article III judges within the circuit; and
 - d. the chief judge of the Court of International Trade.
3. The JCUS has several specific statutory responsibilities, including to:
 - a. “make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges to or from circuits or districts where necessary”;
 - b. approve the budget of the federal judiciary for submission to Congress;
 - c. “submit suggestions and recommendations to the various courts to promote uniformity of management procedures and the expeditious conduct of court business”; and
 - d. “carry on a continuous study of the operation and effect of the general rules of practice and procedure” in the federal courts and make recommendations to the Supreme Court for amendments to the rules.
4. The JCUS takes positions on pending legislation affecting the judiciary.
5. The JCUS also “supervises and directs” the Administrative Office of the United States Courts, which in turn has statutory authority over such matters as preparing the judiciary’s annual budget request, financial management and accounting, salaries and qualifications of court staff, contracting and procurement, travel regulations, and statistics.
6. The JCUS meets in Washington, D.C. twice a year, in September and March and considers reports and recommendations submitted by its various subject-matter committees.

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- a. Committee chairs and committee members are all appointed by the Chief Justice. Members normally serve two 3-year terms.
- b. Members of committees other than the Executive Committee are generally not members of the JCUS itself.

- c. Many committees have at least one member from each circuit. Committee members are usually federal judges, but a few committees include members who are not federal judges, including state judges, law professors, government representatives, or practicing attorneys.
- d. The Executive Committee, composed of seven JCUS members and the director of the Administrative Office ex officio, acts on behalf of the JCUS between regular sessions on matters requiring urgent action, and reports to the JCUS at next session or more promptly, as necessary. It also resolves any disputes over committee jurisdiction.
- e. Other JCUS committees, each focused on a different area, are:
 - (1) Administrative Office;
 - (2) Bankruptcy;
 - (3) Budget;
 - (4) Codes of Conduct;
 - (5) Court Administration and Case Management;
 - (6) Court Security;
 - (7) Criminal Law;
 - (8) Defender Services;
 - (9) Federal-State Jurisdiction;
 - (10) Financial Disclosure;
 - (11) Information Technology;
 - (12) Intercircuit Assignments;
 - (13) International Judicial Relations;
 - (14) Judicial Branch (judges' status and benefits);
 - (15) Judicial Resources human resources and Article III judgeships);
 - (16) Magistrate Judges;
 - (17) Review of Circuit Council Conduct and Disability Orders;
 - (18) Rules of Practice and Procedure; and
 - (19) Space and Facilities.
- f. Committees often appoint subcommittees (standing or ad hoc) to work on specific projects or subject areas.

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- g. The Administrative Office provides staff support to the committees. The Federal Judicial Center provides research assistance to the committees.

B. Administrative Office of the United States Courts

- 1. The Administrative Office of the United States Courts was established by statute in 1939, when policymakers concluded it was improper for the Executive Branch (the leading litigator in the federal courts) to have administrative control over

the Judicial Branch's operations (e.g., paying judges' salaries, providing material support, keeping caseload statistics).

2. The Director of the AO is appointed by the Chief Justice on advice of the JCUS.
3. Since the early 1990s, the AO has decentralized the federal judiciary's budget, delegating much of the Director's own statutory authority to the individual courts.
 - a. For the first half-century of its existence, the AO centrally managed the judiciary's budget, setting every employee's salary and buying nearly all equipment, furniture, books, and supplies for the courts.
 - b. Each court now enjoys broad authority to manage its own operations and to set its budget spending priorities, within national standards. Staff budgets are based largely on work measurement formulas. Courts may use the money to hire as many (or as few) staff as desired or redirect the money for other purposes.
4. Most AO functions fall into four broad categories:
 - a. Supporting the JCUS and its committees in setting and implementing policy. (Approximately 10% of AO staff is devoted to staffing JCUS committees and helping the Conference set policy.)
 - b. Providing informational services
 - (1) Communicating with Congress, the press, and the public;
 - (2) Analyzing each all legislation introduced in Congress for potential impact on the courts and working with the appropriate JCUS committees to develop a response and communicates the judiciary's concerns to Congress;
 - (3) Preparing publications for judges, court staff, and the public;
 - (4) Compiling case statistics used to project caseloads, formulate budget requests, allocate resources to individual courts, and prepare legally-required reports for Congress; and

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- (5) Serving as liaison with other government agencies, bar associations, and private organizations.
- c. Running national administrative operations
 - (1) Managing the judiciary's budget, finances, and accounting;
 - (2) Providing auditing on a regular basis and by special request;
 - (3) Providing contract and procurement support;
 - (4) Overseeing human resources policy and administering the judiciary's payroll and benefits programs;
 - (5) Performing a variety of information management functions, including operating the national communications networks, developing software, and training judges and staff;
 - (6) Collecting and reporting national statistics;
 - (7) Working with the courts and the executive branch on space and facility matters; and

- (8) Coordinating court security with the Marshals Service.
- d. Furnishing courts with advice and management support
 - (1) Identifying and analyzing court needs and presents to JCUS;
 - (2) Determining the annual levels of court funding;
 - (3) Providing management and technical advice;
 - (4) Organizing regular conferences and advisory group meetings; and
 - (5) Working with professional associations.

C. Federal Judicial Center

1. Created in 1967, the Federal Judicial Center (FJC) provides the federal courts with a wide variety of training services, conducts research, and analyzes data to assist JCUS and its committees in establishing national policies for the judiciary.
2. Its director is chosen by the FJC's Board of Judges, chaired by the Chief Justice.
3. The FJC educates judges and court staff on legal and policy matters, management, personal development, and substantive matters.
4. The FJC, the AO, and the U.S. Sentencing Commission operate a national television network that broadcasts judiciary-related programs to the courts every workday.
5. The FJC publishes a variety of books, pamphlets, videotapes, and audiotapes.

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6. The FJC operates a history program for the federal judiciary.

D. U.S. Sentencing Commission

1. Created by Congress in 1985, the United States Sentencing Commission (USSC) is an independent judicial branch agency, tasked with collecting federal sentencing data and establishing uniform, nationwide sentencing guidelines.
2. Each of the seven voting members (no more than three may be judges) are appointed to six-year terms by the President and confirmed by the Senate.
3. In *United States v. Booker*, 125 S. Ct. 738 (2005), the Supreme Court rendered advisory the Commission's previously mandatory sentencing standards.

E. Circuit Judicial Councils and Circuit Executives

1. Congress created "Judicial Councils of the Circuits" in 1939 to help ensure that public funds are being spent lawfully and wisely by providing internal accountability within the judicial branch.
2. Councils have broad statutory authority (unlike the AO and JCUS) to issue orders to judges and court staff in the circuit and take any necessary disciplinary actions, up to and including recommending that Congress impeach a judge.

3. Each circuit's judicial council may appoint a Circuit Executive to assist in representing the circuit and handling circuit matters (28 U.S.C. § 332).

F. Local Court Governance

1. Judges of each court appoint their own court staff, establish local rules of procedure that can expand on the national procedural rules, and are authorized by statute to divide case work among themselves.
2. Although the chief judge serves as first among equals, or "chair of the board," court management authority for most purposes is vested by statute in "the court," meaning all the active judges of the court as a body.
3. The chief judge is expected to exercise authority in the name of all the court's judges and supervise its administration for the common good.
4. In minor administrative matters, the chief judge may act on court's behalf without consulting fellow judges; in other matters, chief judge may act on his or her own

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and later inform the other judges; but all judges on the court are typically convened to discuss and vote on any important policy issues.

5. Chief judge generally supervises the clerk of court and other court executives directly, regularly meeting with the clerk of court, asking to be kept informed of all important activities and developments, and receiving regular budget and spending reports from court executives.

G. Clerks of Court and Other Unit Executives

1. Judges of each court are statutorily authorized to hire a clerk of court to serve as its primary administrative officer, handle most day-to-day non-judicial functions pursuant to court policy under supervision of chief judge.
2. Clerks of court and their principal deputies today are normally career professionals, with expertise in management as well as various specific disciplines, such as financial management, human resources, and IT.
3. Clerks often group their staffs into teams of experts on subject matters such as:
 - a. providing courtroom support services to the judges;
 - b. maintaining the court's records and dockets;
 - c. operating the court's computerized systems;
 - d. handling the court's financial management (e.g., collecting fees and fines, banking court funds, paying jurors and vendors);
 - e. administering the jury system;
 - f. managing court reporters and interpreters; and
 - g. responding to the bar and the public.
4. Courts also appoint other executives, including the chief probation officer, the chief pretrial services officers, the librarian, and the chief staff attorney.