

## Sequestration and the Federal Judiciary

The sequester – across-the-board budget cuts of \$1.2 trillion -- could have a drastic and harmful impact on public services that affect members of the public every day. This extends to the entire third branch of government – the federal judiciary. Under the sequester it will be even more difficult for Americans to get access to justice and the courts, which protect our constitutional rights every day.

It's already hard enough to get your day in court, thanks to widespread judicial vacancies and a large backlog of cases caused by unprecedented obstruction in the U.S. Senate. Millions of Americans are already seeing justice delayed and denied by vacancies, a situation that would be made even worse under cuts to the judiciary's budget.

### How much will be cut?

If Congress doesn't take action, the federal judiciary could see **5.3 percent** of its budget eviscerated. That's about \$323 million below the 2012 funding level.

### What will be cut?

Much of judicial spending is mandatory – judges can't be laid off or furloughed and rents must be paid. This means the cuts fall unevenly on certain court services and personnel, without which our federal judiciary cannot operate, and courthouse doors will shut.

- Up to **4, 400 staff** could be laid off including law clerks, court security officers and probation officers.
- Funding would be cut for **necessary security equipment**. Without proper safeguards, the entire judicial process could be compromised.
- The courts won't be able to pay for **jurors and commissioners**, inevitably suspending all civil jury trials.
- The courts won't be able to pay for **defender services**, meaning the courts won't be able to meet the constitutional right of defendants to a court-appointed attorney.

### Why does it matter?

Put simply, under sequestration, our federal courts – the third branch of government -- cannot operate. The administration of justice would continue to slow and put a greater strain on an already overburdened justice system. Our federal courts hear cases on many issues, and since criminal defendants have a constitutional guarantee of a speedy trial, criminal trials could move forward while civil trials would not. **Civil cases on a variety of issues would slow or come to a halt, including hearings on Social Security benefits, immigration, employment and civil liberties.**

Many leaders in the legal community from both parties are warning about the dangers of the cross-the-board budget cuts to the federal judiciary, including:

- **Chief Justice John G. Roberts (George W. Bush appointee)** [said](#): *“Because the judiciary has already pursued cost containment so aggressively, it will become increasingly difficult to economize further without reducing the quality of judicial services... Virtually all of the judiciary's core functions are constitutionally and statutorily required. Unlike executive branch agencies, the courts do not have discretionary programs they can eliminate or projects they can postpone.”*
- **Former Rep. Norm Dicks (D-WA)** [said](#): *“As a consequence, the federal courts would be unable to properly supervise thousands of persons under pretrial release and convicted felons released from federal prisons, thus compromising public safety in the community.”*
- **6th Circuit Judge Julia Gibbons (George W. Bush appointee)**, Chair of the Committee on the Budget of the Judicial Conference of the United States [said](#): *“[A] reduction of this magnitude would cripple the operation of the federal Judiciary and our constitutional mission would be compromised due to these sudden, arbitrary budget cuts.”*
- **Laurel Bellows**, president of the American Bar Association [said](#): *“Withering court funding when our economy is emerging from the worst economic disaster since the Great Depression would cause costly delays that would sap resources and prevent businesses from investing in their communities. Commerce thrives on the certainty that our courts provide. Keeping the courthouse doors open is essential for our nation's recovery.”*