REPORT TO THE CONGRESS

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

Further Improvements Needed In Administrative And Financial Operations Of The U.S. District Courts

A 1970 GAO report directed attention to opportunities to improve the administrative and financial operations of U.S. district courts. While some improvements have been made, more are possible in areas such as

--juror utilization,

--placement of registry account funds,

--internal controls over cash and courtroom exhibits, and

--courtroom utilization.

Judicial councils, to a large extent, have not taken an active role in overseeing the administrative and financial activities of the district courts. In light of the long term inactivity of the councils and the factors contributing to it, the Congress should reexamine the role of the judicial councils.

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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To the President of the Senate and the
Speaker of the House of Representatives

In 1970 we reported that U.S. district courts could improve their administrative and financial operations. We performed a followup review to identify what corrective actions have been taken. Though some improvements have been made, further gains are possible in such areas as juror utilization, placement of registry account funds, and courtroom utilization. Increased oversight by the judicial councils is necessary to effect the needed improvements.

We made our review pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 67) and the December 1968 agreement between the Director, Administrative Office of the United States Courts, and the Comptroller General provided for in the September 1968 resolution of the Judicial Conference of the United States.

Copies are being sent to the Director, Office of Management and Budget; the Chief Justice of the United States; the Chairman, Judicial Conference of the United States; and the Director, Administrative Office of the United States Courts.

Comptroller General
of the United States

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COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

FURTHER IMPROVEMENTS NEEDED IN ADMINISTRATIVE AND FINANCIAL OPERATIONS OF THE U.S. DISTRICT COURTS

D I G E S T

District courts have much discretion in their administrative operations. One result is that the quality of administration varies and in some instances leaves much to be desired.

The judicial councils of the 11 circuits have authority over the administrative operations of district courts, but for years they have been inactive in carrying out their administrative responsibilities. The chief judges of several circuits who head the judicial council said their ability to bring about improvements was limited by:

--A lack of information about district court operations because of insufficient staff and inadequate reporting.

--The unresponsiveness of certain judges who assert their independence.

--The absence of sanctions against uncooperative judges.

--An excessive workload. (See ch. 2.)

In the absence of effective oversight, undesirable practices persist at certain courts:

--More jurors than needed are called for duty. (See ch. 3.)

--Court facilities are retained although used infrequently or, in some cases, not at all. (See ch. 5.)

--There are inadequate safeguards for moneys and property in court custody. (See ch. 6.)

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--Funds in court custody are kept in noninterest-bearing commercial bank accounts, rather than being deposited in Federal Reserve banks or used to earn income. (See ch. 4.)

Limitations cited by the various council heads may adversely affect implementation of some management improvements; however, the councils can effect many needed improvements through more forceful discharge of their statutory responsibilities. Some instances were noted where councils have become more involved in district court administration, although in various degrees.

GAO is recommending that the judicial councils assure that district courts take the necessary steps to

--improve juror utilization,

--release infrequently used court facilities, and

--deposit registry account funds in Federal Reserve banks or interest-bearing accounts.

The Administrative Office of the U.S. Courts advised GAO that the matters discussed in this report have been of concern and pointed out actions that have been or will be taken to improve them. (See appendix I.)

In light of the long term inactivity by judicial councils and the factors contributing to this inactivity, such as independence of judges, the Congress should reexamine the role of the judicial councils in carrying out their administrative responsibilities over distict courts.

CHAPTER 1

INTRODUCTION

We have reviewed selected administrative and financial operations of the U.S. district courts to determine the progress made in correcting the problems discussed in our prior report, "Opportunities for Improvement in the Administrative and Financial Operations of the United States District Courts" (B-133322), issued in October 1970. The major findings and conclusions of that report were:

--The number of prospective jurors summoned to appear at the district courts for impanelment but not selected to serve could have been reduced. Summoning fewer prospective jurors could have resulted in (1) benefiting the courts financially, (2) minimizing the number of persons inconvenienced, and (3) improving the relationship between the courts and the public.

--We estimated that the Federal Government could have saved about $1.8 million during fiscal year 1969 if all the district courts had deposited registry account funds exclusively in Federal Reserve banks. During fiscal year 1969, a monthly average of about $35 million of registry account funds were on deposit in commercial banks of which about 15 percent were earning interest. If the funds had been deposited in Federal Reserve banks, the Government would have reduced its borrowing requirements and interest costs.

--Some judicial districts held court at various locations infrequently and for short periods of time. This resulted in (1) lost time to the judges (due to the need for travel) and disruption to their schedules, (2) low use of courtroom facilities which could have been made available to other Government agencies, and (3) increased costs of transporting court employees and records.

--Internal control procedures within the clerks' offices needed to be strengthened to provide assurance that funds and other items of value are properly accounted for, safeguarded, and disposed of in a timely manner.

Since our prior review, the U.S. courts have made improvements in their administrative and financial operations, but opportunities for further improvements remain. Our review showed that the judicial councils with administrative responsibility over the courts have to a large extent been inactive and that needed improvements in the administrative and financial operations of the courts have not been fully implemented. (See ch. 2.)

ADMINISTRATIVE STRUCTURE OF THE JUDICIARY

The judicial branch of the Government has 3 levels of administration--the Judicial Conference of the United States, the judicial councils of the 11 circuits, and the district courts. Associated with this structure are the judicial conferences of the circuits, the Administrative Office of the U.S. Courts, and the Federal Judicial Center.

Judicial Conference of the United States

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The Judicial Conference consists of 25 members: the Chief Justice of the United States, the chief judge of each of the 11 circuits, the chief judge of the Court of Claims, the chief judge of the Court of Customs and Patent Appeals, and a district judge from each circuit.

The Judicial Conference is a policymaking body for the Federal judicial system. Its areas of interest include the condition of the business in the courts, assignment of judges, just determination of litigation, general rules of practice and procedures, promotion of simplicity in procedures, fairness in administration, and elimination of unjustifiable expense and delay. Except for its direct authority over the Administrative Office, the Judicial Conference is not vested with the day-to-day administrative responsibility for the Federal judicial system.

Judicial councils

The United States is divided into 11 judicial circuits, each containing a court of appeals (circuit court) and from 1 to 18 district courts. Each of the 11 judicial circuits has a judicial council consisting of the circuit court judges and presided over by the chief judge of the circuit. The law (28 U.S.C. 332) requires the councils to meet at least twice a year. Each judicial council is required to consider the quarterly reports on district

court activities prepared by the Administrative Office and to take such action as may be necessary. Additionally, the councils are to make all necessary orders for the effective and expeditious administratiion of the business of the courts within their circuit.

Each judicial council may appoint a circuit executive who may exercise such administrative power and perform such duties as the council delegates to him.

U.S. district courts

Each State has at least one district court and some have as many as four. Altogether there are 89 district courts in the 50 States and 1 each in the District of Columbia and the Commonwealth of Puerto Rico. Also, there are three territorial courts, one each in the Canal Zone, Guam, and the Virgin Islands.

The standard codes of civil and criminal procedures for the U.S. district courts provide the general rules of practice for these courts. However, the judges of each district court, through majority action, formulate local rules and orders and determine how the court's internal affairs will be handled. If the district judges cannot agree upon the adoption of rules or orders, the judicial council of the circuit should make the necessary rules or issue the orders.

In each district having more than one judge, the judge in regular active service who is senior in commission and under 70 years of age becomes the district court's chief judge. The chief judge is responsible for seeing that local rules and orders are observed.

Each court has a clerk of the court who is appointed by and directly responsible to the district judges. The clerk is the court's fiscal and disbursing officer and is responsible for maintaining the court's records and performing other court-assigned duties. He functions as the court's executive officer and attempts to promote administrative procedures which will contribute to efficient and effective movement of the court's work.

Judicial conferences of the circuit courts

Each circuit has an annual judicial conference. The conference, composed of the circuit and district court judges of the circuit, is to provide an informational and

advisory forum for the judges. It is not designed to exercise administrative authority, but helps improve administration through exchange of ideas and suggestions.

Administrative Office of the United States Courts

The Administrative Office is headed by a Director and a Deputy Director appointed by the U.S. Supreme Court. The Director is the administrative officer of all U.S. courts except the Supreme Court. Under the supervision and direction of the Judicial Conference, the Director is required to:

1. Supervise administrative matters relating to the office of clerks and other clerical and administrative court employees.

2. Prepare and submit various reports regarding the state of the dockets and other statistical data to the chief judges of the circuits, the Congress, the Attorney General, and/or the Judicial Conference.

3. Audit vouchers and accounts of the courts and their clerical and administrative personnel and determine and pay necessary expenses of courts, judges, and other court officials.

Federal Judicial Center

The Federal Judicial Center, which has no administrative authority over the various courts, was created to (1) conduct research and study the operation of the courts and stimulate and coordinate such research and study on the part of other public and private persons and agencies, (2) develop and present for Judicial Conference consideration recommendations for improving the courts' administration and management, (3) stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch, including judges, clerks of courts, probation officers, and U.S. magistrates, and (4) provide staff, research, and planning assistance to the Judicial Conference and its committees.

SCOPE OF REVIEW

Our review was primarily concerned with administrative matters and determining how successfully the judiciary corrected the problems discussed in our 1970 report.

The review was made in the U.S. district courts for the Central and Southern Districts of California, the Middle District of Florida, and the Eastern District of Pennsylvania, and at the Administrative Office of the U.S. Courts. Circuit court offices were also visited in the second, third, fifth, seventh, and ninth circuits.

We reviewed pertinent laws, regulations, and records and interviewed circuit and district judges and other officials of the courts and Administrative Office.

CHAPTER 2

JUDICIAL COUNCILS HAVE NOT TAKEN AN ACTIVE ROLE IN THE ADMINISTRATIVE AFFAIRS OF THE DISTRICT COURTS

Judicial councils, to a large extent, have been inactive in overseeing the administrative and financial activities of the Federal district courts.

There are opportunities for improving administration in a number of areas which have been recognized by the Judicial Conference, judicial councils, the Administrative Office, the Federal Judicial Center, and individual judges, including the Chief Justice. In certain areas discussed in our 1970 report--such as utilization of jurors, deposit of funds, internal control over funds and property, and consolidation of infrequently used court locations--improvements have been made; however, more improvement is possible.

ROLE OF THE JUDICIAL COUNCILS

The judiciary does not have a single administrative head. The 11 judicial councils are intended to function as the principal mechanism for administering Federal trial courts. The law (28 U.S.C. 332) provides that the judicial councils shall make all necessary orders for effective and expeditious administration of the business of the courts in the circuit and that the district judges shall promptly implement all orders of the judicial council. At present, there are no provisions for insuring that the judicial councils assume and actively carry out their administrative responsibilities. The law does not specify what action can be taken if the district judges do not follow a council's order.

In March 1974 the Judicial Conference reaffirmed that the judicial councils have the authority and responsibility for seeing that the business of each court within the circuit is effectively and expeditiously administered and for taking such action as may be necessary, including the issuance of orders, to accomplish these ends.

JUDICIAL COUNCILS' INVOLVEMENT IN DISTRICT COURTS ADMINISTRATIVE AFFAIRS

The judicial councils have been critized for their lack of activity. A 1959 Senate Appropriations Committee report entitled "Field Study of the Operations of United States Courts" (Cotter report) stated that the most startling and paradoxical condition found in the court

system was the general disregard of the law which charges the judicial council of each circuit to take whatever action necessary on the quarterly reports of the Administrative Office and to make all necessary orders for the effective, expeditious administration of the business of the courts within its circuit.

The report further stated that

> "* * * on the basis of all the facts, it is suspected that the underlying reasons why the judicial councils have not functioned as they should relate to the area of the individual autonomy of each judge, the fact that one judge's commission, for practical purposes, is identical with all the others, and the traditional deference which one judge shows another."

Recently, however, many councils have been active in handling certain administrative problems, most of which were more amenable to resolution through personal contact and informal means than through formal orders issued and made public by the councils.

Discussions with 5 of the 11 circuit chief judges indicate that the councils are becoming involved in administering district court activities, although in varying degrees. The councils have generally dealt with district courts informally and believed that written orders to the district courts should be used only as a last resort. The councils mainly used persuasion in dealing with district courts. However, some councils have become more forceful and have been handling selected matters with letters to chief judges or by council resolution.

For example, the chief judge of the second circuit acting under council direction sent a letter to a district that had refused to provide certain periodic reports. The letter stated:

> "* * * we must regard your refusal to furnish the council with regular periodic reports * * * as a repudiation of the council's efforts to fulfill the responsibilities imposed upon it by 28 U.S.C. 332."

* * * * *

"The old rubric of judicial autonomy or unwarranted resentments aimed at the council simply will not wash in the modern era as valid reasons not to reveal matters that establish the bases for policy decisions the council is required to make * * *. Indeed, as we have indicated, the council is charged by law with the responsibility for the effective and expeditious administration of the business of the courts within its circuit."

The required reports were furnished. The chief judge of the Second Circuit recognizes that judicial councils have oversight responsibility but told us that they should not administer all the internal affairs of the district courts. He said the judicial council of the Second Circuit regularly reviews performance statistics of each district and court support unit and through its circuit executive, conducts studies and makes recommendations with respect to district court operations.

ITEMS HINDERING GREATER COUNCIL INVOLVEMENT

Several councils reported that in addition to approving jury selection plans, Criminal Justice Act plans, and other housekeeping functions, their primary area of review has been case flow. According to the chief judges of the circuits, various items hinder the councils' involvement in the administrative activities of the district courts:

1. The circuit court judges are too busy with their own judicial matters to devote adequate time to their responsibilities under 28 U.S.C. 332.

2. The councils lack adequate manpower. The councils only have the circuit executive and his secretary to help review district court activities. At a minimum, an assistant to the circuit executive is needed.

3. District court judges generally believe that they should have complete autonomy.

4. Councils do not have enough information about district courts' administrative activities. The reports provided by the Administrative Office are not timely enough to be of great value nor do they analyze problems or report their causes.

5. Several chief judges of circuits indicated that 28 U.S.C. 332 needs to be clarified as to what

procedures a council can take if a district court refuses to follow the council's order.

The chief judge of one circuit suggested that the chief judges of district courts be made responsible to the councils and charged with implementing all administrative policies established by the judicial councils and the U.S. Judicial Conference. The judicial council should be empowered to designate another judge as chief judge of his district or the council itself should supersede the district chief judge, if necessary, to insure compliance.

CONCLUSIONS

At present, there are no provisions for insuring that the judicial councils assume and actively carry out their responsibilities to bring about needed improvements in the courts' administrative and financial operations. The law does not address what action the councils can take if district judges do not cooperate.

Although the Federal judicial system has in the judicial councils the administrative structure for self-government and self-improvement, reforms and improvements have been slow or inadequate. The district courts have not made needed improvements. Although some councils have become more involved in administering district court activities than others, the judicial councils, to a large extent, have not been overseeing the district courts' administrative and financial operations.

Our discussions with chief circuit judges have surfaced items which they believe hinder councils' involvement in the administrative activities of the district courts. Recognizing these limitations, we believe that the judicial councils could do more to improve the specific deficiencies noted in this report and we have made recommendations toward that end in subsequent chapters.

To effect long-term improvement, however, the role of the judicial councils needs congressional reassessment.

MATTER FOR CONSIDERATION BY THE CONGRESS

In light of the long-term inactivity by judicial councils and the factors contributing to this inactivity, such as independence of judges, the Congress should reexamine the role of the judicial councils in carrying out their administrative and financial responsibilities over district courts.

CHAPTER 3

JUROR UTILIZATION CAN BE IMPROVED

In our 1970 report, we concluded that juror utilization by the district courts could be improved, and we recommended that guidelines and instructions be provided to the district courts for that purpose. In October 1972, the Federal Judicial Center issued such guidelines. Since then, many district courts have improved juror utilization; however, further improvements are needed.

Substantial reductions in the number of jurors summoned for duty could be made if the district courts would (1) determine requirements for prospective jurors more in accordance with their present needs based on past experience, (2) revise local court practices contributing to poor juror utilization, (3) consider adopting court rules or administrative procedures to control last-minute settlements and plea changes, and (4) take greater advantage of jury pooling (i.e., primarily the multiple use of jurors).

JUROR UTILIZATION IN FOUR DISTRICT COURTS

We reviewed juror utilization for 18 months (July 1973-December 1974) and found that in the four district courts reviewed, a substantial number of prospective jurors were not challenged, not selected, or not serving (unused jurors). In two of the districts, unused jurors represented more than 50 percent of the total available jurors. The total estimated cost of unused jurors for the four district courts during the 18 months was $680,000.

The following chart shows the number of unused jurors and their cost by district.

Number and Cost of Unused Jurors by U.S. District Courts Reviewed During Period July 1973-December 1974

District court	Jurors available for jury selection	Number of unused jurors (note a)	Percent of jurors unused	Average cost/juror FY 74 (note b)	Estimated cost of unused jurors
California Central	14,753	8,408	57.0	$25	$210,000
California Southern	9,033	3,379	37.4	22	74,000
Pennsylvania Eastern	23,548	12,875	54.7	26	335,000
Florida Middle	6,017	2,343	38.9	26	61,000
Total	53,351	27,005	50.6		$680,000

[a]Figures exclude unused jurors in cases involving large impanelments due to the trials' notoriety.

[b]Computed by the Administrative Office of the U.S. Courts and includes attendance fees, subsistence, mileage, and miscellaneous costs.

Some excess jurors will always be necessary due to the nature of jury selection. District court juries for criminal cases consist of 12 jurors plus a number of alternate jurors. Juries for civil cases consist of 6 to 12 jurors plus alternates. During jury selection it is necessary to have more prospective jurors available than are eventually selected because of potential challenges and excuses. Litigants are allowed from 3 to 20 challenges (objections or exceptions to jurors) without cause and an unlimited number for cause, depending upon the type of case being tried. In addition, the judge may excuse prospective jurors.

Each individual serving on a jury or appearing for jury selection is paid $20 a day plus mileage between his residence and the court. When daily travel appears impracticable, a subsistence of $16 a day can be authorized.

In addition to the monetary cost of unused jurors, jury duty can have a negative effect on jurors who are called to serve and then are not used or wait long periods to be used. The Federal Judicial Center stated in a 1972 report that most jurors who have negative feelings toward the courts, and the jury system in particular, feel that way because of the time they spend waiting. The report stated, "They often sit all day waiting to be put on a panel, waiting for a trial to begin, or waiting until they are excused for the day."

According to fiscal year 1974 statistics released by the Administrative Office of the U.S. Courts, the 4 district courts reviewed ranked from 36th to 83rd nationally out of 94 district courts in the number of unused jurors (those who were not selected, serving, or challenged). The following list shows the Administrative Office rankings of the four courts.

Rank of Districts Reviewed For Jurors Not Selected, Serving, or Challenged--FY 1974

District	Ranking
Florida Middle	36
California Southern	67
California Central	74
Pennsylvania Eastern	83

NUMBER OF JURORS SUMMONED NOT BASED ON PAST EXPERIENCE AND PRESENT NEEDS

Generally, the district courts reviewed requested more prospective jurors than were needed in both criminal and civil cases (commonly termed "overcall"). Having more jurors available than were used at each jury selection resulted in 2,761 unused prospective jurors in the Central District of California, 1,476 unused jurors in the Southern District of California, and 1,454 unused jurors in the Middle District of Florida.

In the Southern District of California, for example, an average of eight prospective jurors in each criminal

case and nine prospective jurors in each civil case impanelment were not used. If the court projects juror needs using past experience, the number of unused jurors can be reduced. The Federal Judicial Center believes that one way to reduce juror costs is to improve predictive ability. The Center has stated that, "Drawing conclusions from historical data is a reasonable technique, and reliable assumptions can be made and put into practice on that basis."

According to the Center, a modern attitude toward court management requires that priorities be balanced to minimize juror costs and delay costs. A proper trade off of these costs makes it possible to achieve savings in exchange for occasional court delays due to insufficient juror availability. The Center believes that increasing the risk of not having enough jurors by 5 percent can substantially lower juror costs in almost any court without causing appreciable delays.

For instance, had the Central District of California followed the Center's 5-percent suggestion, the number of jurors summoned could have been reduced. During our 18-month review, there were 249 criminal jury trials in the Central District. On the average, 36 prospective jurors were available for each jury, but the number of jurors actually used averaged 24. If the Central District had increased the risk of not having enough jurors by 5 percent, an average of only 32 prospective jurors would have been required to select juries in 95 percent of the criminal cases. Thus, the number of unused jurors could have been reduced by approximately 1,000.

A Central District official informed us that the Court had been authorized in November 1974 to reduce the number of jurors required to select criminal trial juries to 32. In addition, the court in December 1974 authorized calling prospective jurors based on estimated needs rather than by individual panels per judge. We noted that jury utilization began to improve in February 1975.

COURT PRACTICES CONTRIBUTE TO POOR JUROR UTILIZATION

Local court practices in the Central District of California, the Southern District of California, and the Eastern District of Pennsylvania contributed to the number of unused jurors.

Both the Central and Southern Districts of California have all prospective jurors report to the court for a 1-day orientation.[1] Prospective jurors are divided into groups and orientations are held throughout the day. The practice of using certain days exclusively for orientation, when jurors could be selected to impanel juries, resulted in 2,325 unused jurors in the Central District and 1,022 unused jurors in the Southern District. At $20 a day for jury service, the cost of attending the orientations was $46,500 in the Central District and $20,440 in the Southern District. Since other districts hold orientation and impanel juries on the same day, the practices of the Central and Southern Districts do not fully utilize available jurors. The chief judge of the Central District told us that a study of this practice was being made.

The Administrative Office said that most metropolitan courts do not have exclusive orientation days. Although we do not know how extensive this practice is, it does illustrate how local court practices can impede effective juror utilization.

The Eastern District of Pennsylvania also has a practice which impedes effective juror utilization. Unlike the other district courts reviewed, the Eastern District requires that all prospective jurors not already serving report to the court on days when a criminal case jury is to be selected. The court believes that a broad base of jurors should be available, thereby protecting the court from criticism of manipulating the jury by reducing the number of available prospective jurors. This policy, however, adversely affects juror utilization, especially since there was a high rate of criminal panel cancellations. For example, there were 6 days when over 100 prospective jurors appeared at the court to staff a criminal trial jury that was canceled before juror selection.

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[1] Orientation generally included administering an oath to the prospective jurors, providing them with general instructions and answering questions, lecturing on juror duties and responsibilities, and ruling on excuses from service.

JURY CANCELLATIONS ADVERSELY AFFECT JUROR UTILIZATION

Juror utilization was adversely affected by last minute settlements, plea changes, and waivers of jury trials. The following table shows the effect of cancellations on the districts' juror utilization.

Number of Unused Jurors
Due to Jury Cancellations
July 1973-December 1974

District court	Unused jurors
California Central	3,322
California Southern	881
Pennsylvania Eastern	[a]10,717
Florida Middle	658

[a]Computed by multiplying the number of jury panels canceled by the average number of jurors available per panel requested.

Several of the districts have tried to reduce the effects of jury cancellations. The Central District of California requires prospective jurors to call the court the night before they are scheduled to appear to determine whether their services will be required the next day. A message tape informs the caller of any changes to the following day's agenda. The Southern District of California instituted similar procedures in February 1975. The Middle District of Florida also plans to try this technique.

The Central District of California has adopted a policy of having deputy clerks contact defendants' attorneys 2 or 3 days before trial dates to determine whether the case still needs a jury. However, there was no procedure to insure that this policy was being implemented.

The Southern District of California has adopted a different approach. In May 1973, the court ordered that on the day of the trial, defendants could not plead guilty to a lesser offense. The district's chief judge indicated that the court does not enforce the order but that it has helped reduce last-minute jury cancellations.

According to the Federal Judicial Center, judges can improve the probability of panel use by establishing by court rule a date before trial after which litigants may not settle or defendants change pleas without explanation before the court. Such a rule would prod lawyers to discuss settlements before they reach the "courthouse steps." This technique would not deprive defendants of their right to change a plea, but it would stimulate their attorneys to have them consider the alternatives at an earlier point in time.

Chief Justice Warren E. Burger has suggested that litigants who carry cases through jury selection before making a a settlement which could have been reached earlier, should be subject to the possibility of a substantial discretionary cost assessment by the trial judge. He stated that, "Someone must remind the bar and the public of the enormous cost of a trial."

JURY POOLING CAN IMPROVE JUROR UTILIZATION

Jury pooling is a technique whereby jurors have more than one opportunity to serve on juries. Those not serving on juries are pooled, forming a reservoir of available manpower to staff subsequent juries. While jury pooling is more applicable in large metropolitan court districts, other techniques can be effectively used in smaller district courts. However, the greatest impact on juror utilization can be made by improvements in the large metropolitan court districts. Administrative Office statistics for fiscal year 1975 reveal that 13 metropolitan district courts accounted for 50 percent of all unused jurors.

Among the factors necessary for effective jury pooling are (1) having more than one jury selection scheduled for the same day, (2) a central jury assembly room, and (3) staggered starting times for jury selection. For example, as shown by the following tables, if on a certain day jury selections for 3 criminal trials are scheduled to begin at 9 a.m. and if 35 jurors are needed at each to select the 12 jurors and 2 alternates generally necessary for a jury, then the court would have 105 people reporting for that day at a cost of $2,100. However, if jury pooling techniques were used, only 63 people, costing $1,260, would be needed to select the 3 juries. The following charts show the number of people necessary to select three criminal trial juries when jury pooling is and is not used.

Number of People Needed
to Select Three Criminal Trial Juries
Using Jury Pooling Techniques (note a)

Trial number	Needed for jury selection	Chosen for service	Received from prior jury selection	Additional people needed to select jury	Excused, challenged, and not used for the day	Called to impanel juries
1	35	14	-	-	-	35
2	35	14	21	14	-	14
3	35	14	21	14	21	14
Total		42			21	63

a/Starting times are staggered, and jurors unused in one courtroom are sent to another for possible use.

Number of People Needed to Select
Three Criminal Trial Juries When Jury
Pooling Techniques Are Not used

Trial number	Needed for jury selection	Chosen for service	Excused, challenged, and not used for the day	Called to impanel juries
1	35	14	21	35
2	35	14	21	35
3	35	14	21	35
Total		42	63	105

The district courts reviewed have used jury pooling and other jury utilization techniques to varying degrees; however, opportunities exist to expand their use. For example, in the Central District of California, some jury pooling was used on 33 of the 83 days in which more than one jury selection was scheduled. However, selections were often scheduled so that prospective jurors not chosen for one case could not be used for another case.

The chief judge of the Central District, the clerk of the court, and some of the district's judges had attempted to improve juror utilization by soliciting other judges' cooperation in summoning fewer jurors, selecting juries on the same day, and using jury pooling and other methods of improving juror utilization. Some judges did not cooperate. One judge always required more prospective jurors in his courtroom for each jury selection than other judges. Some judges would not stagger starting times for jury selection and one judge selected juries on a different day than all the other judges, thereby eliminating the opportunity for jury pooling.

The chief judge of the Central District said that a modified pooling formula was instituted in Febraury 1975 and, based upon a court estimate through October 1975, about $34,000 had been saved.

Like the Central District, the Southern District of California has not taken full advantage of jury pooling and other juror saving techniques. Juries were selected on all working days except Mondays, and jury selection was generally not scheduled so that those not selected in one courtroom would be available for jury selection in another courtroom. Some jury pooling was used on 22 of the 67 days on which more than one jury selection was anticipated.

The chief judge of the Southern District and the clerk of the court stated that increased jury pooling was impeded by the lack of a jury assembly room. A new courthouse with a jury assembly room was under construction.

Juror utilization has improved in the Middle District of Florida as a result of jury pooling. For example, when jury pooling was used in criminal cases, an average of 4 people per jury impanelment were not used, but when the court did not pool, an average of 13 people were not used.

When jury pooling was used in civil cases, the results were slightly better--an average of 2 people went unused as opposed to an average of 12 when there was no pooling.

As of August 1975, 82 of the 94 district courts, including those reviewed, had adopted rules allowing civil juries to have less than 12 jurors. By allowing less than 12-member civil juries, the number of jurors summoned can be reduced.

CONCLUSIONS

We recognize that the courts must have more prospective jurors available than will be impaneled to allow for excuses and challenges. However, the number of prospective jurors summoned and not used is excessive and the courts could act to reduce the number summoned without delaying court operations.

Juror utilization could be improved if (1) historical data were used more fully to project estimated juror needs, (2) local practices adversely affecting juror utilization were changed, and (3) jury pooling and other juror saving techniques were used more extensively.

The substantial cost of jury service, in terms of money and public inconvenience, makes improved jury utilization imperative.

RECOMMENDATIONS

We recommend that the judicial councils direct district courts to implement procedures suggested by the Federal Judicial Center and the Administrative Office for achieving effective juror utilization. These procedures should include

--considering panel cancellation experience in forecasting juror needs,

--reducing jury panel size,

--using a jury pool system, and

--staggering trial starts.

Additionally, district courts should be requested to review local practices and policies which further hinder effective juror utilization, such as not using jurors on the first day and requiring that all prospective jurors be present on days when criminal jury trials are scheduled. The adoption of local rules or implementing administrative procedures that would address the problem of last-minute jury cancellations should also be considered.

AGENCY COMMENTS

The Administrative Office agreed there is room for improvement in juror utilization by most district courts but said that the report seems to attribute the poor performance of a few metropolitan courts to the system as a whole, which is not the case.

We recognize that some court districts utilize jurors better than others and that the degree of performance varies among each district court. We believe, however, that the four district courts are representative of those district courts with poor juror usage. The 4 districts reviewed ranked between 36th and 83rd out of 94 districts for unused jurors. The districts ranked 36th or higher had 86 percent, or 123,886, of the unused jurors for fiscal year 1974. As noted on page 11, even the 36th ranked district had a large percentage of unused jurors. While deficiencies similar to those noted in the districts we reviewed may not be present in all district courts, the large percentage of unused jurors demonstrates the need for further improvements in juror utilization practices, if not throughout the system, certainly from the 36th ranked court and higher.

The Administrative Office also stated that as a result of its concern over juror utilization, it has conducted judges' workshops on juror utilization over the past several years. The Administrative Office pointed out that juror utilization has improved since these workshops. The one district we reviewed that did participate in the workship was ranked 36th in percentage of unused jurors. We would encourage greater use of such workshops to help focus on deficiencies such as those noted in this report.

CHAPTER 4

SAVINGS CAN BE OBTAINED IF REGISTRY ACCOUNT FUNDS ARE DEPOSITED IN FEDERAL RESERVE BANKS OR INTEREST-BEARING ACCOUNTS

Many courts continue to maintain large sums of registry account funds in noninterest-bearing accounts in commercial banks rather than in Federal Reserve banks or interest-bearing accounts in commercial banks. Consequently, the Government is losing the opportunity to reduce its borrowing needs and interest costs.

The registry account fund can be defined as a checking account for funds in the court's custody. This would include funds which are the subject of litigation, as well as bail moneys, bankruptcy funds, deposits in land condemnation cases, and funds held in trust.

These funds may be placed with the Treasurer of the United States or with a designated depository. Funds placed with the U.S. Treasury in Federal Reserve banks are available, interest free, to the Federal Government before disbursement. The decision as to whether the funds are to be deposited in Federal Reserve banks, in commercial banks, or in both has been the prerogative of the individual courts.

As of June 30, 1974, there was $148,484,126 in registry funds in the custody of the district courts as follows: $44,523,846 deposited in Federal Reserve banks, $51,518,340 invested in U.S. securities, and $52,441,940 deposited in commercial depositories. Of the $52.4 million in commercial depositories, about $21.6 million was in noninterest-bearing accounts. Had the $21.6 million been deposited in Federal Reserve banks, the Government could have reduced its borrowing requirements and interest costs. Assuming that this amount was indicative of the average monthly balance in noninterest-bearing accounts, we estimate that about $1.46 million in savings could have been realized during fiscal year 1974.

As of June 30, 1974, 10 district courts had all and 38 district courts had part of their registry funds in noninterest-bearing commercial accounts. The other 46 district courts had their registry account funds in the Federal Reserve banks and in interest-bearing accounts or securities.

The Administrative Office has urged the district courts to deposit the registry funds in Federal Reserve banks. The Director of the Administrative Office, in March 1971, sent letters to 64 chief judges of district courts having substantial registry funds on deposit in noninterest-bearing accounts in local depositories. The letters called attention to our recommendation that such funds be deposited in the Treasury and asked for their positions regarding the transfer. Thirty chief judges indicated that authorization was given to transfer the funds to the Treasury and four indicated that their funds would be transferred to interest-bearing accounts or securities. Judges in 20 districts indicated that they did not wish to change their existing arrangements and 10 districts did not respond.

As of June 30, 1974, nine of the district courts that indicated registry funds would be transferred to the Treasury still maintained some of their funds in noninterest-bearing accounts. The amounts ranged from a little over $600 to about $1.7 million and totaled almost $4.5 million.

As of the same date, only one district out of the four that indicated their funds would be placed into interest-bearing accounts had all its funds with the Treasury or in interest-bearing accounts. The other three still maintained a total of about $328,000 in noninterest-bearing accounts.

The primary objections given by the 20 districts not wishing to change their existing arrangements were

--registry funds belong neither to the court nor the Government; therefore, the Government should not have use of the money;

--local banks were more convenient for the courts than Federal Reserve banks; and

--there were bookkeeping and accounting problems incident to Federal Reserve banks.

As of June 30, 1974, 19 of these district courts had registry funds in non-interest-bearing accounts. The amounts ranged from $759 to about $3.6 million and totaled about $10.7 million.

By law, money received by any U.S. court should be deposited with the Treasurer of the United States or in a depository in the name and to the credit of the court. The law does not provide that the funds are to be treated as

property to be deposited in a vault for safekeeping until the final outcome of the case. Further, we believe that inconvenience and recordkeeping problems should not be the basis for not adopting sound financial management practices.

The methods used in handling registry funds in the four district courts we reviewed varied greatly. All of the Eastern District of Pennsylvania's funds were maintained in Federal Reserve banks or interest-bearing accounts in commercial banks.

The Central and Sourthern Districts of California maintained most of their registry funds in Federal Reserve banks and commercial interest-bearing accounts, and both maintained small monthly balances in noninterest-bearing accounts in commercial banks. The clerks of these courts said that all disbursements were made from the noninterest-bearing accounts. The courts believe that this procedure is more convenient than disbursing funds from a Federal Reserve bank account.

The Middle District of Florida had $783,774 deposited in a commercial bank in a noninterest-bearing account and $229,214 in accounts and certificates of deposit earning interest as of December 31, 1974. The court had maintained an average monthly balance of about $739,488 in the noninterest-bearing account during the 30-month period July 1972 through December 1974. We estimated that the Government could have saved interest costs of about $120,346 during the period had the $739,488 been deposited in a Federal Reserve bank.

CONCLUSIONS

Since our prior report, many courts have taken registry funds out of noninterest-bearing accounts. However, some courts have continued to maintain large sums of registry account funds in noninterest-bearing accounts in commercial banks.

RECOMMENDATION

We recommend that the judicial councils direct the district courts to place registry funds in Federal Reserve banks, or in interest-bearing accounts or securities.

AGENCY COMMENTS

The Administrative Office stated that both it and the Committee on Court Administration of the Judicial Conference have been concerned about registry accounts for a number of years, and as a result, it has recommended that the Committee

issue a policy statement urging all Federal judges, whenever practical and feasible, to deposit registry funds in interest-bearing accounts. It further stated that a recommendation is also being made that the Federal Judicial Center and the Institute for Court Management include the topic of registry accounts in any seminars or teaching programs to be attended by clerks of courts.

CHAPTER 5

SAVINGS CAN BE ACHIEVED BY CONSOLIDATING COURT LOCATIONS

In many districts, Government owned or leased court facilities are not used or used infrequently and for short periods. Reducing the number of these locations would result in savings from (1) eliminating time lost by judges and other Government employees traveling to these locations and related travel costs and (2) making the space available to other Government agencies occupying leased space.

Title 28, U.S. Code 81-131, provides that district court be held in 425 locations. In addition, court is held in territorial courts in Guam, Virgin Islands, and the Canal Zone. Under the statute, 9 districts are permitted to hold court in only 1 location and 82 districts are permitted to hold court in more than 1 location. Title 28, U.S. Code 140(a), provides that:

> "Any district court may, by order made anywhere within its district, adjourn or, with the consent of the judicial council of the circuit, pretermit any regular session of court for insufficient business or other good cause."

Two of the four districts we reviewed were authorized to hold court in more than one location. The Middle District of Florida was authorized eight locations; however, court was held on a continuous basis at only three of the locations: Jacksonville, Tampa, and Orlando.

Court was not held nor were there any court facilities at three locations. At the two remaining locations, Fort Myers and Ocala, court was generally held twice a year for short periods. During the 18 months from July 1973 through December 1974, there were about 378 available working days. However, the court only used space at Ocala on 43 days and at Fort Myers on 29 days. Thirteen cases were tried at Ocala and 11 at Fort Myers. According to a General Services Administration official, space assigned to the U.S. marshal and U.S. attorney at Ocala and Fort Myers was generally used only during court sessions. Had the court, U.S. marshal, and U.S. attorney released their space for use by other Government agencies, the Government would have saved an estimated $65,000 in rental cost during

the 18 months. Holding court in these locations required travel time by judges and other Government employees in addition to an estimated $16,400 in travel costs during the 18 months.

Litigants from Fort Myers and Ocala could use the court facilities at Tampa and Orlando since these locations are not unreasonably distant. The chief judge of the district believes that Fort Myers and Ocala should not be eliminated as places of holding court because litigants at these locations have the same right to have court held near them as litigants in Tampa and Orlando. Additionally, the population in both areas was increasing faster than any other area in Florida.

Although court is authorized at four locations in the Eastern District of Pennsylvania, only three locations have court facilities: Philadelphia, Reading, and Easton. The facilities at Philadelphia are used continuously and those at Reading were used on 155 days during fiscal year 1974. The facilities at Easton were not used by any judge or magistrate from July 1973 to April 1975. The Easton facilities, which occupy 2,475 square feet in a building owned by the U.S. Postal Service, cost the judicial branch about $16,800 annually. While the court occupies this space, other Federal agencies are commercially leasing about 2,800 square feet of space at other Easton locations. The chief judge of the district requested the Administrative Office to deactivate the Easton facility. The facility was returned to the General Services Administration in June 1975.

We solicited additional information on infrequently used court facilities from other district courts. An analysis of the information obtained showed that Government owned or leased court facilities at 17 locations in 11 districts were not used by the courts during 1974 and many facilities in other locations were used infrequently. The following schedule shows courtroom usage during 1974:

Days used by courts	Number of locations
0 - 5	26
6 - 10	13
11 - 20	32
21 - 30	25
31 - 50	39
51 - 99	58
100 plus	41

In addition to the Easton facility released by the judiciary, 11 other facilities included in the above schedule have been released after our review was initiated.

Underutilized court facilities has been a continuing problem of the judiciary. A report by the Committee on Ways and Means of Economy in the Operation of the Federal Courts, filed with the Judicial Conference in September 1948, concluded:

> "* * * it is clear that, throughout the country, court is now required to be held in many places where such a service is entirely unnecessary and wasteful of time and money."

In 1961 the Judicial Conference referred to the report by stating,

> "Recent studies by the Administrative Office of the United States Courts suggest that this conclusion is as valid today as it was in 1948 when the Committee on Economy reported to the Conference."

On February 10, 1972, the Director of the Administrative Office proposed to the Committee on Court Administration of the Judicial Conference that courtrooms at 71 locations where trial days averaged 5 or less during the preceding 5-year period be closed.

An ad hoc subcommittee, appointed by the Committee on Court Administration to review the situation, found that the chief judges of many districts wished to retain little-used court facilities for various reasons. However, the chief judges of the involved districts and circuits agreed that 12 court locations could be released.

The ad hoc subcommittee reporting on these 12 locations stated in part:

> "* * * we are not prepared to recommend to the Committee that it recommend to the Judicial Conference that it release the aforesaid facilities before an appropriation is sought with which to pay rent on court facilities. Rather we believe that the position of the judiciary should be that, while these are not needed now, we leave it to Congress as to whether we should receive an appropriation with which to pay rent on them. We say this for several reasons. Firstly, while the involved judges are willing to release these facilities, we would still expect the involved congressmen, chambers of commerce, bar associations, and the like to oppose such action."

During the fiscal year 1976 House appropriations hearings, the question of underutilized court facilities was again raised. The Director of the Administrative Office stated in part:

> "The places of holding court are established by the Congress. * * * Through historical development we have some 600 places of holding court in the United States, of which in excess of 200 are not used, or they are used less than 5 days out of the year. Some are not used at all by the judicial system. Once you establish this very expensive, elaborate facility and it is a physical reality, it is very difficult to dispose of it and get it off the books. We have importuned committees, other committees to pass laws abolishing the holding of court in those places so that we could sacrifice the facility and turn it back to GSA and let them put it to some other governmental use or destroy it, so far as we are concerned. We have not made much progress in that effort.
>
> "As a result, we do have court facilities and judge's chambers which are not used, judge's chambers fully stocked and furnished with complete libraries. A judge may walk into it 1 day a year and may not walk into it that frequently. It is customary when a man is appointed to the Federal bench, if he happens to be from a place other than where his predecessor was from the first thing he sets about to do is to importune his friends in the Congress

to see that that city is made a place of holding court, and in due course that is achieved. We have to build a court facility, furnish him chambers, and then when he takes senior status and dies, and his successor is appointed from a city 200 miles away, the proceedings start all over again. That is the reason we end up with 200 court facilities we don't need."

CONCLUSIONS

Holding court infrequently and for short periods of time at various locations has resulted in (1) lost time to the judges and other Government employees, due to the need for travel, (2) low usage of courtroom facilities at those locations, which could be made available to other Government agencies, and (3) increased cost of transporting various court employees and records.

RECOMMENDATION

We recommend that judicial councils (1) evaluate the need to continue holding court and court space at locations where the volume of court business requires that court be held infrequently and for short periods of time and (2) request the Administrative Office of the U.S. Courts to turn excess court facilities back to the General Services Administration to avoid maintenance and rent cost.

AGENCY COMMENTS

The Administrative Office said that consolidation of court locations has been a topic of constant concern. It said that some court locations, as noted in this report, have been abandoned. Additionally, a courtroom utilization survey is in progress. It pointed out two difficulties which arise whenever it attempts to close a facility. One is that although the district court may not often use a courtroom during a year, other judicial officers, such as U.S. magistrates and bankruptcy judges, do use the facility and, on occasion, executive branch agencies and congressional committees use the courtroom for hearings held out of Washington (usage figures on p. 27 include use by all judicial officers). Secondly, there is inevitably local pressure not to close a court facility.

CHAPTER 6

INTERNAL CONTROLS OVER FUNDS AND PROPERTY ARE WEAK

The internal control procedures followed by the clerks of the court need to be strengthened to provide assurance that funds and other items of value are properly accounted for, safeguarded, and disposed of in a timely manner.

The clerks of the court act as custodians for a variety of items pending the outcome of litigation. These items include funds in land condemnation cases, cash bonds, and undistributed balances from bankruptcy. These items also include guns, narcotics, cash, counterfeit currency, and miscellaneous items of value. Funds received by the clerks are held for payment to private parties and Government agencies. In addition, the court collects fees for adjudicating certain cases and receives funds from photocopy sales, bond forfeitures, and other miscellaneous sources.

A basic element of internal control over funds and other assets consists of clearly defining employees' responsibility and separating the bookkeeping from the asset-handling function.

Little improvement has been made in internal control since our prior report. In the four districts visited we observed that (1) deputy clerks receive cash, record the receipt of funds, and prepare and make bank deposits, (2) mail which sometimes contained funds was distributed to various employees without a control list to provide assurance that funds were properly recorded and deposited, (3) in three districts, combinations to vaults have not been changed in several years and in one case over 25 years, (4) in one district cash drawers were sometimes left unlocked and unattended, and (5) in two districts receipts were not deposited on a daily basis.

In all the districts reviewed, we noted problems related to the safeguarding or disposal of exhibits in the court's custody. In three of the four districts, exhibits were kept long after the period of appeal had expired. For example, we found exhibits in the custody of the clerks of the courts related to cases that had been closed for several years and, in a few cases, in excess of 10 years. These exhibits included cash, guns, and narcotics in addition to documents. In one case, we found $1,120 in cash that had been in the exhibit vault since 1958. After we notified the court, a court order was issued authorizing the money to be sent to the U.S. Treasury.

None of the districts reviewed maintained adequate inventory of the exhibits on hand. In two of the districts the inventory cards were incomplete or missing. In another district, each courtroom deputy had his own system of recordkeeping. Some of these deputies never disposed of exhibits after cases were closed and did not adequately safeguard exhibits. In the other district reviewed, exhibit sheets did not reflect the receipt or disposition of certain exhibits. In three of the four districts, numerous individuals had access to the vaults containing exhibits which makes it difficult to identify the responsible individual in the event of loss.

The above situations were discussed with the chief judges or clerks of the courts. They indicated that corrective action would be taken. The clerk of one court indicated, however, that access to the vault by a large number of individuals was necessary for operation. He also felt that the clerk of the court should be relieved of the responsibility of keeping the exhibits.

The Central District of California advised us that corrective action has been taken in several areas. Notably a procedure to control funds received by mail was adopted and an exhibit and sensitive-document control system was implemented.

In three districts, timely disposition of certain funds had not been made. The law (28 U.S.C. 2042) provides that, after money in the registry account fund has remained on deposit for at least 5 years after the right to withdraw the money has been adjudicated and is not in dispute, the money should be transferred the the U.S. Treasury. We found that certain of the registry account funds which were not in dispute had not been transferred to the Treasury, although more than 5 years had elapsed and in some cases more than 8 years had elapsed.

CONCLUSIONS

Because substantial sums of money and other items of value are handled by the clerks' offices, adequate internal controls should be established for accounting, safeguarding, and disposing of these items. In all four districts, the basic elements of sound internal control were lacking in the clerks' offices.

The courts could be provided with more assurance that funds and other items of value are properly accounted for and controlled by adopting certain fundamental internal control procedures. For example, (1) employees with accounting responsibility should not have access to funds or be given cash-handling responsibility, (2) cash drawers should be attended or locked, (3) combinations to vaults should be changed periodically, especially when employees having knowledge of the combination leave the court, (4) control lists of funds received in the mail should be prepared and, whenever possible, receipts should be deposited on a daily basis, and (5) required transfer of funds and disposition of exhibits should be made on a timely basis.

RECOMMENDATION

We recommend that the Director of the Administrative Office provide the clerks of the courts with detailed internal control procedures designed to separate accounting and cash-handling functions and control over court exhibits. In addition, we recommend that the judicial councils direct the district courts to implement such procedures.

AGENCY COMMENTS

The Administrative Office stated that it has established a new Accounting Systems and Planning Unit which has been devoting considerable time and effort to changes in the Clerks' Manual to provide more effective controls. It further stated that it has established a Division of Management Review which will be examining the offices with a goal of identifying weaknesses in fund controls and recommending improvements in that area.

APPENDIX I

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
SUPREME COURT BUILDING
WASHINGTON, D.C. 20544

ROWLAND F. KIRKS
DIRECTOR

WILLIAM E. FOLEY
DEPUTY DIRECTOR

January 26, 1976

Mr. Victor L. Lowe
Director, General Government Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Lowe:

For Mr. Kirks, I am responding to your letter of December 12, 1975, enclosing copies of a draft report to the Congress entitled "Further Improvements Needed in the Administrative and Financial Operations of the United States District Courts." We appreciate the opportunity to review it and our comment on this draft report follows:

1. Role of the Judicial Councils: The Judicial Conference of the United States has from time to time been concerned with the role of the judicial councils in administering the affairs of the district courts. As you know, the Chief Justice appointed a special committee to study the responsibilities and powers of the judicial councils which reported to the Conference at its March 1961 session in detail. This committee report appears at page 51 of the Report of the Proceedings of the Judicial Conference for 1961. As your draft report recognizes, the Judicial Conference reiterated in some detail its views of the role of the judicial councils of the circuits in the March 1974 session and its report appears at page 7 of the Report of the Proceedings of the Conference for 1974.

2. Jury Utilization: This is a subject matter which has concerned this office and the Judicial Conference over a period of years. For the past several years we have been conducting, in the several circuits and districts, judges' workshops on jury utilization. Unfortunately at the time of your study only one of the four sample districts, the Middle District of Florida, had participated in such a workshop. The statistics for this district show that after such a

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workshop was held, the percentage of selected or serving jurors improved from 54 percent in fiscal year 1973 to 69.1 percent in the following year and dropped to 66 percent in 1975 but was still 6 percentage points above the national average of 60.1 percent selected or serving in 1975. The staff of this office which supervises the preparation of statistical data relating to the use of jurors has furnished the following additional comments:

[See GAO note, p. 37.]

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One further comment is in order for the report on juror utilization as a whole. The four metropolitan courts studied exhibited poor utilization of jurors in the past few years as shown by their statistics and rankings (See 1975 Juror Utilization in U. S. District Courts). California Southern and Central are the two districts which continue to make extensive use of the separate impanelment day which strongly affects their utilization performance. They are not truly representative of the majority of metropolitan courts. Further, no consideration of mid-size or smaller courts has been made. Although room exists for more improvement in juror utilization by most district courts, the report seems to attribute the poor performance of a few metropolitan courts to the system as a whole which is not realistically the case.

[See GAO note, p. 37.]

3. Registry Accounts: This has been a subject matter of discussion between this office and the Committee on Court Administration of the Judicial Conference for a period of years and has resulted in a recommendation which will ask the Committee on Court Administration to issue a policy statement urging all federal judges, whenever practical and feasible, to deposit registry funds in interest-bearing accounts. A recommendation is also being made that the Federal Judicial Center and the Institute for Court Management include this topic in any seminars or teaching programs to be attended by clerks of court. In connection with this subject matter your attention is also invited to the Annual Report of the Director for 1975 which on pages VI-17 to VI-20 sets forth more recent data on the status of registry funds.

4. Consolidation of Court Locations: This is a topic which is constantly of concern to this office. As a result of a survey made within the past few years some court locations have been abandoned. There is another survey currently in progress at the request of a member of the Subcommittee on Appropriations of the House of Representatives and the target date for completion of this survey is March 31. Meanwhile, it may be pointed out that there are two difficulties which arise whenever we urge that a facility be abandoned. One is the fact that, although the district court may not use a courtroom with any degree of frequency during a year, other judicial officers such as United States Magistrates and Bankruptcy Judges do utilize the facility and on occasion executive branch agencies and congressional committees make use of courtrooms for hearings held out of Washington. Secondly, there is inevitably local pressure to combat the abandonment of court facilities and this manifests itself in expressions of concern from the Congress.

5. Internal Controls: Regarding the matter of internal controls and property, this is within the scope of our recently reorganized Division of Financial Management. The division has established a new Accounting Systems and Planning Unit which has been devoting considerable time and effort to changes in the Clerks' Manual to provide more effective controls. We have also established a Division of Management Review which will be examining the offices with a goal and objective of identifying weaknesses in fund controls and recommending improvements in that area to the Division of Financial Management.

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We are grateful for this opportunity to review this draft report. We will be glad to provide any further assistance to the members of your staff.

Sincerely yours,

William E. Foley
Deputy Director

GAO note: Deleted comments refer to material contained in draft report which has been revised or which has not been included in the final report.

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