

Highlights of [GAO-10-1068T](#), a testimony before the Subcommittee on Courts and Competition Policy, Committee on the Judiciary, House of Representatives.

Why GAO Did This Study

The federal judiciary (judiciary) and the General Services Administration (GSA) are in the midst of a multi-billion dollar courthouse construction initiative, which has faced rising construction costs. For 33 federal courthouses completed since 2000, GAO examined (1) whether they contained extra space and any costs related to it; (2) how their actual size compares with the congressionally authorized size; (3) how their space based on the judiciary's 10-year estimates of judges compares with the actual number of judges; and (4) whether the level of courtroom sharing supported by the judiciary's data could have changed the amount of space needed in these courthouses. This testimony is based on GAO's June 2010 report; for that report, GAO analyzed courthouse planning and use data, visited courthouses, modeled courtroom sharing scenarios, and interviewed judges, GSA officials, and others.

What GAO Recommends

The recommendations in GAO's related report include: GSA should (1) ensure courthouses are within their authorized size or provide notification when designed space exceeds authorized space (2) retain caseload projections to improve the accuracy of 10-year judge planning; and (3) establish and use courtroom sharing policies based on scheduling and use data. GSA and the judiciary agreed with most recommendations, but expressed concerns with GAO's methodology and key findings. GAO believes these to be sound, as explained in the report.

[View GAO-10-1068T or key components.](#)
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FEDERAL COURTHOUSE CONSTRUCTION

Better Planning, Oversight, and Courtroom Sharing Needed to Address Future Costs

What GAO Found

The 33 federal courthouses completed since 2000 include 3.56 million square feet of extra space consisting of space that was constructed (1) above the congressionally authorized size, (2) due to overestimating the number of judges the courthouses would have, and (3) without planning for courtroom sharing among judges. Overall, this space represents about 9 average-sized courthouses. The estimated cost to construct this extra space, when adjusted to 2010 dollars, is \$835 million, and the annual cost to rent, operate and maintain it is \$51 million.

Twenty seven of the 33 courthouses completed since 2000 exceed their congressionally authorized size by a total of 1.7 million square feet. Fifteen exceed their congressionally authorized size by more than 10 percent, and 12 of these 15 also had total project costs that exceeded the estimates provided to congressional committees. However, there is no requirement to notify congressional committees about size overages. A lack of oversight by GSA, including not ensuring its space measurement policies were followed and a lack of focus on building courthouses within the congressionally authorized size, contributed to these size overages.

For 23 of 28 courthouses whose space planning occurred at least 10 years ago, the judiciary overestimated the number of judges that would be located in them, causing them to be larger and costlier than necessary. Overall, the judiciary has 119, or approximately 26 percent, fewer judges than the 461 it estimated it would have. This leaves the 23 courthouses with extra courtrooms and chamber suites that, together, total approximately 887,000 square feet of extra space. A variety of factors contributed to the judiciary's overestimates, including inaccurate caseload projections, difficulties in projecting when judges would take senior status, and long-standing difficulties in obtaining new authorizations. However, the degree to which inaccurate caseload projections contributed to inaccurate judge estimates cannot be measured because the judiciary did not retain the historic caseload projections used in planning the courthouses.

Using the judiciary's data, GAO designed a model for courtroom sharing, which shows that there is enough unscheduled courtroom time for substantial courtroom sharing. Sharing could have reduced the number of courtrooms needed in courthouses built since 2000 by 126 courtrooms—about 40 percent of the total number—covering about 946,000 square feet of extra space. Judges raised potential challenges to courtroom sharing, such as uncertainty about courtroom availability, but those with courtroom sharing experience overcame those challenges when necessary, and no trials were postponed. The judiciary has adopted policies for future sharing for senior and magistrate judges, but GAO's analysis shows that additional sharing opportunities are available. For example, GAO's courtroom sharing model shows that there is sufficient unscheduled time for 3 district judges to share 2 courtrooms and 3 senior judges to share 1 courtroom.