

FOR IMMEDIATE RELEASE

Judicial Council
of the Third Judicial Circuit
of the United States

The ongoing government shutdown has forced federal courts to address how they will continue operations and fulfill their constitutionally mandated duty to assure that our justice system remains open. Today, Chief Circuit Judge Theodore A. McKee issued an Order in Philadelphia on behalf of the Third Circuit Judicial Council declaring that “all functions, with few limited exceptions, are essential to the administration of justice by the federal courts in the Third Circuit.” The Judicial Council is a body of Court of Appeals and District Court judges responsible for the effective and expeditious administration of justice within the Circuit.

The federal courts constitute an independent branch of government co-equal with Congress and the Executive. The delivery of justice is mandated by the Constitution and essential to our democracy, and the resolution of cases and controversies is the principal product of our federal courts. The effective performance of these critical, and core, functions requires sufficient funding. Since March of this year, the Judicial Branch has been further hobbled by sequestration. This has resulted in the financial and institutional crisis we now face.

The budget allocation request for the Judicial Branch amounts to a mere two-tenths of one percent of the entire federal budget. This slim funding, already reduced to bare-bones because of the budget cuts absorbed in court units since 2011, is further threatened because of the continued across-the-board reductions under sequestration. Severe staffing losses have resulted in slower processing of criminal, civil, and bankruptcy cases, as well as appeals. To continue to fulfill the Third Circuit’s constitutional mission, all functions, with few limited exceptions such as training and travel, are essential to the administration of justice by the federal courts in the Circuit.

Faced with the government shutdown, the judges and staff of the Third Circuit already have spent countless hours obtaining information and discussing ways to deal with this fiscal crisis. These efforts have further undermined the mission of our courts, which should be resolving disputes and delivering justice rather than struggling to survive. The Chief Judges of our District Courts must cope with the ever-changing fiscal and political climate, which has a direct effect on the processing of cases, be it cuts to the Federal Defenders program, furloughs at the Department of Justice, reductions in courthouse security, and the like.

Chief Judge McKee commented that “[o]ur employees are asked to work without timely payment of the salary that they have earned. Due to significant staffing cuts in all

court units, we have asked employees to do more with less. We are now forced to ask them to continue their superb performance without receiving a regularly scheduled paycheck. This results in dire financial consequences to our employees and their families, as well as to local economies. All Judges in the Third Circuit express their appreciation for the excellent and dedicated manner in which the employees of the courts discharge their responsibilities.”

Our Nation prides itself on having a judicial system that is second to none. Sequestration and the shutdown of government compromise the delivery of justice and threaten long-lasting damage to our system of justice. As noted by Chief Judge McKee, “Without courts to resolve disputes, the fabric of an orderly society begins to unravel.”

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