

New York State Bar Association

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Hon. Christopher Coons
127A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Coons:

The New York State Bar Association and its 76,000 members wish to add their full and complete support to the efforts of Hon. Julia Gibbons, who will be testifying at today's hearing, to assure that the federal court system is adequately funded.

During the last year, the State Bar Association has been repeatedly calling on Congress to protect the federal courts from the sequester. We wrote op-eds, issued press releases, visited our Congressional delegation and made many efforts to point out the consequences to the federal court system should Congress fail to avoid the sequester. In our efforts, we have consistently endorsed the positions expressed in testimony and in other statements by Judge Gibbons and the Judicial Conference. Now that sequestration has been implemented, we can see the results. The courts are facing a crisis, and it is going to become far worse unless Congress takes action.

As Chief Justice Roberts said in his 2012 year-end report, "A significant and prolonged shortfall in judicial funding would inevitably result in the delay or denial of justice for the people the courts serve."

The failure of the courts to be able to effectively function due to lack of funding will seriously affect the ability of our criminal justice system to function. We have already seen how cases are being delayed. Defendants could go free because of the speedy trial rule. Furthermore, supervision of those on probation will be severely limited. Security, which is essential for the courts to function, will be cut back, thereby limiting the time that courthouses can be open.

On the civil side, our clients will find the courts unreliable in terms of their ability to serve as a forum for resolving differences. Business and commerce will be affected by the inability of the courts to decide cases within a reasonable period of time. Eventually, there could be an inability to try civil cases.

As you know, the current crisis, which has caused Judge Gibbons to ask for an emergency appropriation of \$72.9 million, will become far worse unless Congress acts not only to avoid further implementation of the sequester, but to assure adequate funding of the courts.

As we have said so often during the last year, the New York State Bar Association urges Congress to act to prevent a totally avoidable deterioration in the functioning of the federal court system.

Sincerely,

David M. Schraver