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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

September 6, 2013

Via Electronic Transmission

The Honorable Ed Carnes
Chief Judge
United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Dear Chief Judge Carnes:

As a member of the United States Senate, it is my duty to be a good steward of taxpayer dollars and protect against waste, fraud and abuse. To that end, as Ranking Member of the Senate Judiciary Committee, I remain concerned about travel expenditures for annual circuit court conferences. Especially during this time of limited funding due to sequestration, it is important that all courts are utilizing their current funding allocations effectively.

An article in the *Atlanta Journal Constitution* provided a rough overview of the Eleventh Circuit Court Judicial Conference held earlier this year at the Westin Savannah Harbor Golf Resort and Spa in Georgia.¹ Notably, in that article, the Court Executive quoted a portion of the federal statute governing circuit court conferences, but failed to note that the conferences, while authorized, are not required. In fact, 28 USC 333, states, “The chief judge of each circuit may summon biennially, and may summon annually, the circuit, district, and bankruptcy judges of the circuit, in active service, to a conference at a time and place that he designates, for the

¹ Jamie Dupree; Federal court defends judicial conference at Georgia resort; Atlanta Journal-Constitution; <http://www.ajc.com/weblogs/jamie-dupree/2013/may/09/federal-court-defends-judicial-conference-georgia->

purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit.” In other words, the courts are not required to meet.

In the article, the Circuit Executive defended the conference in part by noting that the Eleventh Circuit had not held a conference since 2011. Of course, there is no requirement that conferences are held each year or even every other year. The Circuit Executive also noted that there would be financial costs associated with canceling the conference. Yet, given that sequestration loomed as a serious possibility for over a year, it is difficult to understand why there was not adequate time to assess the need for the conference given the circumstances. In fact, according to the sequestration plan the Administrative Office of the U.S. Courts (A.O.) provided to my office, the Executive Committee of the Judicial Conference worked “throughout the fall and winter to develop emergency measures in the event that sequestration occur[ed].” In the letter accompanying the plan, the A.O. estimated that “up to 2000 on-board employees [would be] laid off or thousands of employees [face] furloughs for one day each pay period (a 10 percent pay cut).”

In May, the Judicial Conference of the United States requested \$73 million in emergency supplemental funding “to address critical needs...includ[ing] \$31.5 million for the Court Salaries and Expenses account.”² More recently, 87 federal district court Chief Judges sent a letter to Vice President Joe Biden, President of the Senate, raising concerns about the impact of further funding cuts on the Judiciary. In the letter, the judges stated, “we have cut as much as possible while striving to uphold our core mission.”³ It is hard to reconcile these requests for emergency funding with the contemporaneous excursions to a pricey golf resort and spa.

I fully recognize the need for education and training conferences. But I fail to see any justification for holding a conference at a luxury resort during a time of funding reductions. Given these concerns, therefore, I am requesting the following for the 2013 conference:

² Sean Reilly; “Courts seek \$73 M in emergency funding; *Federal Times*; <http://www.federaltimes.com/article/20130515/PERSONNEL03/305150010/Courts-seek-73M-emergency-funding>

³ <http://news.uscourts.gov/sites/default/files/Chief-Judges-Letter-to-Joseph-Biden.pdf>

1. A complete itinerary for the conference.
2. A list of all expenses, in spreadsheet form, incurred by each attendee that were paid for or reimbursed with federal taxpayer dollars, including but not limited to: hotel room, transportation (including mode of transportation), meals and incidentals.
3. The total number of court employees who attended the conference and the roles they played during the conference. Please also provide the titles and affiliations of all other attendees, including U.S. Marshalls and any employees from other federal agencies in attendance.
4. The total amount paid for the use of conference facilities, including room rental, food, drink, hospitality room expenses, and all other expenses charged by the facility.
5. Copies of all contracts and/or agreements executed by the Eleventh Circuit Court related to the conference, including those with the facilities, professional conference managers and services, convention bureaus and airlines, used to organize the conference and activities. In addition, please submit the proposals from bidders provided an opportunity to host the conference.
6. Please explain whether judges and other participants participated in the extracurricular activities while the official business of the court was being discussed or other educational legal programs are being conducted. Are there any mandatory programs that judges must attend?
7. The conference opens some events to family and spouses. What are the costs related to the attendance of family members and spouses covered by government funds? For instance, does the resort charge additional fees based on single or double occupancy for hotel rooms?
8. Please explain how this venue, rather than a teleconference or some other avenue for the Court to conduct its business, will lead to improving the administration of justice.

Please respond in writing by September 20, 2013. Should you have any questions, please do not hesitate to contact Janet Drew of my staff at (202) 224-5225. Thank you for your attention to this matter.

Sincerely,



Charles E. Grassley
Ranking Member