



Testimony

Before the Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives

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FEDERAL COURTHOUSE  
CONSTRUCTION

Nationwide Space and Cost  
Issues Are Applicable to  
L.A. Courthouse Project

Statement of Mark L. Goldstein, Director  
Physical Infrastructure Issues





November 4, 2011

## FEDERAL COURTHOUSE CONSTRUCTION

### Nationwide Space and Cost Issues Are Applicable to L.A. Courthouse Project

Highlights of [GAO-12-206T](#), a testimony to the Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives

#### Why GAO Did This Study

In 2000, as part of a multibillion-dollar courthouse construction initiative, the judiciary requested and the General Services Administration (GSA) proposed building a new courthouse in Los Angeles to increase security, efficiency, and space—but construction never began. About \$400 million was appropriated for the L.A. courthouse project. For this testimony, GAO was asked to report on (1) the status of the L.A. courthouse project, (2) challenges GAO has identified affecting federal courthouses nationwide, and (3) the extent to which these challenges are applicable to the L.A. courthouse project.

This testimony is based on [GAO-10-417](#) and GAO's other prior work on federal courthouses, during which GAO analyzed courthouse planning and use data, visited courthouses, modeled courtroom sharing scenarios, and interviewed judges, GSA officials, and others.

In [GAO-10-417](#), GAO recommended that (1) GSA ensure that new courthouses are constructed within their authorized size or, if not, that congressional committees are notified, (2) the Judicial Conference of the United States retain caseload projections to improve the accuracy of its 10-year-judge planning, and (3) the Conference establish and use courtroom sharing policies based on scheduling and use data. GSA and the judiciary agreed with most of the recommendations, but expressed concerns with GAO's methodology and key findings. GAO continues to believe that its findings were well supported and developed using an appropriate methodology.

View [GAO-12-206T](#). For more information, contact Mark L. Goldstein at (202) 512-2834 or [goldsteinm@gao.gov](mailto:goldsteinm@gao.gov).

#### What GAO Found

GAO reported in 2008 that GSA spent about \$33 million on design and site preparations for a new 41-courtroom L.A. courthouse, leaving about \$366 million available for construction. However, project delays, unforeseen cost escalation, and low contractor interest had caused GSA to cancel the project in 2006 before any construction took place. GSA later identified other options for housing the L.A. Court, including constructing a smaller new courthouse (36 courtrooms) or using the existing courthouses—the Spring Street Courthouse and the Edward R. Roybal Federal Building and Courthouse. As GAO also reported, the estimated cost of the 36-courthouse option as of 2008 was over \$1.1 billion, significantly higher than the current appropriation.

The challenges that GAO has identified in recent reports on federal courthouses include increasing rent and extra operating, maintenance, and construction costs stemming from courthouses being built larger than necessary. For example, in 2004, the judiciary requested a \$483 million permanent, annual exemption from rent payments to GSA due to difficulties in paying for its increasing rent costs. GAO found in 2006 that these increasing rent costs were primarily due to increases in total courthouse space—and in 2010, GAO reported that more than a quarter of the new space in recently constructed courthouses is unneeded. Specifically, in the 33 federal courthouses completed since 2000, GAO found 3.56 million square feet of excess space. This extra space is a result of (1) courthouses exceeding the congressionally authorized size, (2) the number of judges in the courthouses being overestimated, and (3) not planning for judges to share courtrooms. In total, the extra space GAO identified is equal in square footage to about 9 average-sized courthouses. The estimated cost to construct this extra space, when adjusted to 2010 dollars, is \$835 million, and the estimated annual cost to rent, operate and maintain it is \$51 million.

Each of the challenges GAO identified related to unnecessary space in courthouses completed since 2000 is applicable to the L.A. courthouse project. First, as GAO reported in 2008, GSA designed the L.A. Courthouse with 13 more courtrooms than congressionally authorized. This increase in size led to cost increases and delays. Second, in 2004, GAO found that the proposed courthouse was designed to provide courtrooms to accommodate the judiciary's estimate of 61 district and magistrate judges in the L.A. Court by 2011—which, as of October 2011, exceeds the actual number of such judges by 14. This disparity calls into question the space assumptions on which the original proposals were based. Third, the L.A. court was planning for less courtroom sharing than is possible. While in 2008 the judiciary favored an option proposed by GSA that provided for some sharing by senior judges, according to GAO's 2010 analysis, there is enough unscheduled time in courtrooms for three senior judges to share one courtroom, two magistrate judges to share one courtroom, and three district judges to share two courtrooms. In 2011, the judiciary also approved sharing for bankruptcy judges. Additional courtroom sharing could reduce the number of additional courtrooms needed for the L.A. courthouse, thereby increasing the potential options for housing the L.A. Court.

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Chairman Denham, Ranking Member Norton, and Members of the Subcommittee:

We are pleased to be here to discuss our recent work on federal courthouse construction issues and on the Los Angeles (L.A.) courthouse in particular. Since the early 1990s, the General Services Administration (GSA) and the federal judiciary (judiciary) have undertaken a multibillion-dollar courthouse construction initiative that by June 2010 had resulted in 66 new courthouses or annexes, with 29 additional projects in various stages of development. However, rising costs and other federal budget priorities threaten to stall the initiative. The L.A. courthouse is one of the projects that has not been constructed, even though in fiscal year 2000, the judiciary ranked Los Angeles, California, as its first priority for courthouse construction.<sup>1</sup> Currently, in downtown Los Angeles at one of the nation's busiest federal district courts (L.A. Court), the judiciary's operations are split between two buildings—the Spring Street Courthouse and the Edward R. Roybal Federal Building and Courthouse. In 1996, the judiciary concluded that the split created operational inefficiencies, that it needed additional space in downtown Los Angeles, and that the Spring Street building had obsolete building systems and poor security conditions. The split court was a significant factor in the high priority ranking given to the L.A. courthouse project. For example, according to GSA officials, inefficiencies occur because the court's operations are split between these two buildings. GSA agreed in 2000 that the existing buildings did not meet the court's expansion and security requirements, among other things. Accordingly, the judiciary requested and GSA proposed building a new courthouse in downtown Los Angeles.

In July 2000, GSA was congressionally authorized to begin designing a new courthouse in Los Angeles, and from fiscal year 2001 through fiscal year 2005, Congress appropriated about \$400 million for the project.<sup>2</sup>

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<sup>1</sup>California is divided into four judicial districts and Los Angeles is located in the Central District.

<sup>2</sup>Before Congress makes an appropriation for a proposed project, GSA submits to the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure detailed project descriptions, called prospectuses, for authorization by these committees when the proposed construction, alteration, or acquisition of a building to be used as a public building exceeds a specified threshold. For purposes of this testimony, we refer to approval of these projects or prospectuses by these committees as “congressionally authorized.” See 40 U.S.C. § 3307.

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GSA initially estimated in 2000 that the L.A. Court could take occupancy of a new courthouse in fiscal year 2006, but construction never began. For this testimony, GAO was asked to address (1) the history and status of the L.A. courthouse project, (2) challenges we have identified affecting federal courthouses nationwide, and (3) the extent to which these challenges are applicable to the L.A. courthouse project. This testimony is based on GAO's prior work on federal courthouses,<sup>3</sup> for which we analyzed courthouse planning and use data; reviewed relevant laws, regulations, and project planning and budget documents; visited key sites in Los Angeles and courthouses in many locations; analyzed selected courthouses as case studies; modeled courtroom sharing scenarios; contracted with the National Academy of Sciences to convene a panel of judicial experts, and conducted structured interviews with numerous other district and magistrate judges about the challenges and opportunities related to courtroom sharing; analyzed nationwide judiciary rent data generated from GSA's billing system, and interviewed judges, GSA officials, and others. This prior work was conducted from June 2004 through June 2010 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. More detail on our scope and methodology is available in the full reports on which this testimony is based.

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<sup>3</sup>See GAO, *Federal Courthouse Construction: Better Planning, Oversight, and Courtroom Sharing Needed to Address Future Costs*, [GAO-10-417](#) (Washington, D.C.: June 21, 2010); GAO, *Federal Courthouse Construction: Estimated Costs to House the L.A. District Court Have Tripled and There Is No Consensus on How to Proceed*, [GAO-08-889](#) (Washington, D.C.: Sept. 12, 2008); GAO, *Federal Courthouses: Rent Increases Due to New Space and Growing Energy and Security Costs Require Better Tracking and Management*, [GAO-06-613](#) (Washington, D.C.: June 20, 2006); and GAO, *L.A. Federal Courthouse Project: Current Proposal Addresses Space Needs, but Some Security and Operational Concerns Would Remain*, [GAO-05-158](#) (Washington, D.C.: Dec. 20, 2004).

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## Background

The judiciary pays rent annually to GSA for court-related space. In fiscal year 2010, the judiciary's rent payments totaled over \$1 billion. The judiciary's rent payments are deposited into GSA's Federal Buildings Fund, a revolving fund used to finance GSA's real property services, including the construction and repair of federal facilities under GSA control. Since fiscal year 1996, the judiciary has used a 5-year plan to prioritize new courthouse construction projects, taking into account a court's projected need for space related to caseload and estimated growth in the number of judges and staff, security concerns, and any operational inefficiencies that may exist. Under current practices, GSA and the judiciary plan new federal courthouses based on the judiciary's projected 10-year space requirements, which incorporate the judiciary's projections of how many judges it will need in 10 years.

The L.A. Court's operations are currently split between two buildings—the Spring Street Courthouse built in 1938 and the Roybal Federal Building built in 1992. In 2008, we reported that the Spring Street building consists of 32 courtrooms—11 of which do not meet the judiciary's minimum design standards for size<sup>4</sup>—and did not meet the security needs of the judiciary. The Roybal Federal Building consists of 34 courtrooms (10 district, 6 magistrate, and 18 bankruptcy). (See fig. 1.)

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<sup>4</sup>The judiciary considers three of the courtrooms in the Spring Street Building to be hearing rooms and not courtrooms.

**Figure 1: U.S. District Courthouses in Los Angeles**



Source: GAO.

Spring St. Courthouse, opened in 1938 (765,000 square feet)  
Court family tenants as of December 2004:  
U.S. District Court, U.S. Attorneys, U.S. Marshals Service,  
U.S. Circuit Court



Source: GAO.

Roybal Federal Building, opened in 1992 (1.2 million square feet)  
Court family tenants as of December 2004:  
U.S. Bankruptcy Court, U.S. District Court, U.S. Circuit Court of Appeals  
Satellite Library, U.S. Marshals Service

Since 2000, the construction of a new L.A. courthouse has been a top priority for the judiciary because of problems perceived by the judiciary related to the current buildings' space, security, and operations. From fiscal year 2001 through fiscal year 2005, Congress made three appropriations for a new L.A. courthouse. Specifically, in fiscal year 2001, Congress provided \$35.25 million to acquire a site for and design a 41-courtroom building, and in fiscal year 2004, Congress appropriated \$50 million for construction of the new L.A. courthouse. In fiscal year 2005, Congress appropriated an additional \$314.4 million for the construction of

a new 41-courtroom building in Los Angeles, which Congress designated to remain available until expended for construction of the previously authorized L.A. courthouse.

## L.A. Courthouse Project Cancelled After Delays and Increases in Estimated Costs

In our 2008 report, we found that GSA had spent \$16.3 million designing a new courthouse for the L.A. court and \$16.9 million acquiring and preparing a new site for it in downtown Los Angeles. In addition, we reported that about \$366.45 million remained appropriated for the construction of a 41-courtroom L.A. courthouse. Subsequent to the initial design and site acquisition, we noted that the project experienced substantial delays. The project was delayed because GSA decided to design a larger courthouse than congressionally authorized, GSA and the judiciary disagreed over the project's scope, costs escalated unexpectedly, and there was low contractor interest in bidding on the project. We also reported that because of the delays, estimated costs for housing the L.A. Court had nearly tripled to over \$1.1 billion, rendering the congressionally-authorized 41-courtroom courthouse unachievable with current appropriations. As a result of the delays and the increases in estimated cost, in 2006, GSA cancelled the entire 41-courtroom courthouse project for which Congress had appropriated funds.

By 2008, GSA was considering three options for a revised L.A. courthouse project, which would have required balancing needs for courtroom space, congressional approval, and additional estimated appropriations of up to \$733 million. These options are summarized in Table 1.

**Table 1: Three Options for Housing the L.A. Court Currently under Consideration by GSA**

Description	Total courtrooms	Estimated completion date	Estimated new appropriations needed
Option 1: Construct a new 36-courtroom, 45-chamber building to house district judges; add 4 more courtrooms to Roybal to house the magistrate and bankruptcy judges; and the L.A. Court vacates the Spring Street building.	74	2014	\$733.6 million
Option 2: Construct a new 20-courtroom, 20-chamber courthouse to house about half of the district judges; add 12 more courtrooms to the Roybal building; and the L.A. Court vacates the Spring Street building.	66	2014	\$301.5 million
Option 3: Add 13 more courtrooms in the Roybal building, retain 17 courtrooms and upgrade security in the Spring Street building, and house the remaining court functions in the federal building on L.A. Street (located in between the Spring Street and the Roybal buildings).	64 (some below design standards for size)	2016	\$282.1 million

Source: GAO analysis of GSA data.



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The L.A. Court supported the first of these options—building a 36-courtroom, 45-chamber courthouse to house all district and senior judges and adding 4 more courtrooms in the Roybal building to house all magistrate and bankruptcy judges—but it was the most expensive, pushing the total project costs to \$1.1 billion at that time. While in 2008, we took no position on the three options, it was clear that the process had become deadlocked. Moreover, none of the options considered in 2008 would have solved the issue of a split court, as all involved using two buildings to house the L.A. Court.

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## GAO Found Judiciary’s Rent Challenge Stems from Courthouses Having Unneeded Space with Higher Associated Costs

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### GAO Found That Increases in the Judiciary’s Rent Costs Were Primarily Due to Increases in Space and That Courthouses Have Significant Unneeded Space

In 2004, the judiciary requested a \$483 million permanent, annual exemption from rent payments to GSA because it was having difficulty paying for its increasing rent costs. GSA denied this request. GAO found in 2006<sup>5</sup> that the federal judiciary’s rental obligations to GSA for courthouses had increased 27 percent from fiscal year 2000 through fiscal year 2005, after controlling for inflation, and that these increasing rent costs were primarily due to the judiciary’s simultaneous 19-percent increase in space.<sup>6</sup> Much of the net increase in space was in new courthouses that the judiciary had taken occupancy of since 2000. In 2010, we found that the 33 federal courthouses completed since 2000

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<sup>5</sup>GAO, *Federal Courthouses: Rent Increases Due to New Space and Growing Energy and Security Costs Require Better Tracking and Management*, [GAO-06-613](#) (Washington, D.C.: June 20, 2006).

<sup>6</sup>The judiciary’s rent increased from \$780 million in fiscal year 2000 to \$990 million in fiscal year 2005, after controlling for inflation. During this time, the judiciary’s space increased from 33.6 million to 39.8 million rentable square feet.



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include 3.56 million square feet of unneeded space—more than a quarter of the space in courthouses completed since 2000. This extra space consists of space that was constructed as a result of (1) exceeding the congressionally authorized size, (2) overestimating the number of judges the courthouses would have, and (3) not planning for judges to share courtrooms. Overall, this space is equal to the square footage of 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.

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### Most Federal Courthouses Constructed Since 2000 Exceed Authorized Size, Some by Substantial Amounts

In our 2010 report on federal courthouse construction, we found that 27 of the 33 courthouses completed since 2000 exceeded 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 incurred total project costs that exceeded the estimates provided to congressional committees. However, there is no statutory requirement to notify congressional committees about size overages. According to our analysis, a lack of oversight by GSA, including not ensuring its space measurement policies were understood and followed, and a lack of focus on building courthouses within the congressionally authorized size, contributed to these size overages.

For example, all 7 of the courthouses we examined in case studies for this 2010 report included more building common and other space—such as mechanical spaces and atriums—than planned for within the congressionally authorized gross square footage. The increase over the planned space ranged from 19 percent to 102 percent. Regional GSA officials involved in the planning and construction of several courthouses we visited stated that they were unaware until we told them that the courthouses were larger than authorized.

Further indicating a lack of oversight in this area, GSA relied on the architect to validate that the courthouse's design was within the authorized gross square footage without ensuring that the architect followed GSA's policies on how to measure certain commonly included spaces, such as atriums. Although GSA officials emphasized that open space for atriums would not cost as much as space completely built out with floors, these officials also agreed that there are costs associated with constructing and operating atrium space. In fact, the 2007 edition of the

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U.S. Courts Design Guide,<sup>7</sup> which reflects an effort to impose tighter constraints on future space and facilities costs, emphasizes that courthouses should have no more than one atrium.

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### Because the Judiciary Overestimated the Number of Judges, Courthouses Have Much Extra Space after 10 Years

For 23 of 28 courthouses whose space was planned at least 10 years ago, the judiciary overestimated the number of judges who 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 and filling vacancies. However, we found that the contribution of inaccurate caseload projections to inaccurate estimates of how many judges would be needed cannot be measured because the judiciary did not retain the historic caseload projections used in planning the courthouses.

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### Low Levels of Use Show That Judges Could Share Courtrooms, Reducing the Need for Future Courtrooms by More than One-Third

According to our analysis of the judiciary's data,<sup>8</sup> courtrooms are used for case-related proceedings only a quarter of the available time or less, on average. Furthermore, no event (case related or otherwise) was scheduled in courtrooms for half the time or more, on average. Using the judiciary's data, we designed a model for courtroom sharing, which shows that there is enough unscheduled time for substantial courtroom sharing. (For more information on our model, see app. I). Specifically, our model shows that under dedicated sharing, in which judges are assigned to share specific courtrooms, three district judges could share two courtrooms, three senior judges could share one courtroom, and two magistrate judges could share one courtroom with time to spare. This level of sharing would reduce the number of courtrooms the judiciary

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<sup>7</sup>The U.S. Courts Design Guide specifies the judiciary's criteria for designing new court facilities and sets the space and design standards for court-related elements of courthouse construction.

<sup>8</sup>Federal Judicial Center, *The Use of Courtrooms in U.S. District Courts: A Report to the Judicial Conference Committee on Court Administration & Case Management*, (Washington, D.C.: July 18, 2008).

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requires by a third for district judges and by more for senior district and magistrate judges.

In our 2010 report, we found that dedicated sharing could have reduced the number of courtrooms needed in courthouses built since 2000 by 126 courtrooms—about 40 percent of the total number—accounting for about 946,000 square feet of extra space. Furthermore, we found that another type of courtroom sharing—centralized sharing, in which all courtrooms are available for assignment to any judge based on need—improves efficiency and could reduce the number of courtrooms needed even further.

Some judges we consulted raised potential challenges to courtroom sharing, such as uncertainty about courtroom availability, but others with experience in sharing indicated they had overcome those challenges when necessary and no trials were postponed. In 2008 and 2009, the Judicial Conference adopted sharing policies for future courthouses under which senior district and magistrate judges are to share courtrooms at a rate of two judges per courtroom plus one additional duty courtroom for courthouses with more than two magistrate judges. Additionally, the conference recognized the greater efficiencies available in courthouses with many courtrooms and recommended that in courthouses with more than 10 district judges, district judges also share.

Our model's application of the judiciary's data shows that still more sharing opportunities are available. Specifically, sharing between district judges could be increased by one-third by having three district judges share two courtrooms in courthouses of all sizes. Sharing could also be increased by having three senior judges—instead of two—share one courtroom. We found that, if implemented, these opportunities could further reduce the need for courtrooms, thereby decreasing the size of future courthouses.

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## GSA and the Judiciary Have an Opportunity to Align Courthouse Planning and Construction with the Judiciary's Real Need for Space

In 2010, we concluded that, for at least some of the 29 courthouse projects underway at that time and for all future courthouse construction projects not yet begun, GSA and the judiciary have an opportunity to align their courthouse planning and construction with the judiciary's real need for space. Such changes would reduce construction, operations and maintenance, and rent costs. We recommended, among other things, that GSA ensure that new courthouses are constructed within their authorized size or that congressional committees are notified if authorized sizes are going to be exceeded; that the Judicial Conference of the United States

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retain caseload projections to improve the accuracy of its 10-year-judge planning; and that the Conference establish and use courtroom sharing policies based on scheduling and use data. GSA and the judiciary agreed with most of the recommendations, but expressed concerns about our methodology and key findings. We continue to believe that our findings were well supported and developed using an appropriate methodology, as explained in the report.<sup>9</sup>

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## Challenges Related to Costs and Unneeded Space in Courthouses Are All Applicable to the L.A. Courthouse Project

The three causes of extra space—and the associated extra costs—in courthouses that we identified in 2010 are all applicable to the L.A. courthouse project. These causes, as described above, include (1) exceeding the congressionally authorized size, (2) overestimating the number of judges the courthouses would have, and (3) not planning for courtroom sharing among judges.

In 2008, we reported that GSA's decision to design a larger courthouse in Los Angeles than was congressionally authorized had led to cost increases and delays. The design of a new courthouse in Los Angeles was congressionally authorized in 2000 and later funded based on a 41-courtroom, 1,016,300-square-foot GSA prospectus. GSA decided instead to design a 54-courtroom, 1,279,650-square-foot building to meet the judiciary's long-term needs. A year and a half later, after conducting the environmental assessments and purchasing the site for the new courthouse, GSA informed Congress that it had designed a 54-courtroom courthouse in a May 2003 proposal. However, the Office of Management and Budget (OMB) rejected this proposal, according to GSA, and did not include it in the President's budget for fiscal year 2005. GSA then designed a 41-courtroom building, but by the time it completed this effort, the schedule for constructing the building had been delayed by 2 years, according to a senior GSA official involved with the project.

With this delay, inflation pushed the project's cost over budget, and GSA needed to make further reductions to the courthouse in order to procure it within the authorized and appropriated amounts. However, GSA and L.A. Court officials were slow to reduce the project's scope, which caused additional delays and then necessitated additional reductions. For example, GSA did not simplify the building-high atrium that was initially

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<sup>9</sup>[GAO-10-417](#).

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envisioned for the new courthouse until January 2006, even though the judiciary had repeatedly expressed concerns about the construction and maintenance costs of the atrium since 2002. In our 2010 report, we found that large atriums contributed to size overages in several courthouses completed since 2000. Moreover, according to GSA officials in 2010, GSA's current policy on how to count the square footage of atriums and its target for the percentage of space in a building that should be used for tenant space (which does not include atriums) should make it difficult, if not impossible, for a courthouse project to include large atriums spanning many floors—although relatively modest atriums should still be feasible.

Second, overestimates of how many judges the L.A. Court would need led to the design of a courthouse with more courtrooms than necessary. Specifically, we reported in 2004 that the proposed L.A. courthouse was designed to include courtrooms for 61 judges (47 current district and magistrate judges and 14 additional judges expected by 2011), but in 2011, the L.A. Court still has 47 district and magistrate judges—and none of the 14 additional judges that were expected. This outcome calls into question the space assumptions that the original proposals were based on.

Third, in 2008 we reported that in planning for judges to share courtrooms, the judiciary favored an option proposed by GSA that provided for sharing by senior judges, but our 2010 analysis indicated that further sharing was feasible and could reduce the size and cost of the L.A. courthouse project. Specifically, GSA's proposal to build a 36-courtroom, 45-chamber building and add 4 courtrooms to Roybal's existing 34 courtrooms—which GSA estimated at the time would cost \$1.1 billion, or \$733.6 million more than Congress had already appropriated—would have provided the L.A. Court with 74 courtrooms in total—36 district courtrooms in the new building and 38 courtrooms (20 magistrate and 18 bankruptcy) in Roybal. The judiciary supported this proposal in part, it said, because, with more chambers than courtrooms included in the plan, it could fulfill its need for a larger building through courtroom sharing among senior judges who would occupy the extra chambers in the new building. In this option, the district and senior judges would be housed in the new courthouse, while the magistrate and bankruptcy judges would be housed in the Roybal building. As described above, our model suggested that additional courtroom sharing would be possible in a courthouse such as the L.A. courthouse, which could reduce the number of courtrooms needed for this project, broadening the potential options for housing the L.A. District Court.

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Chairman Denham, Ranking Member Norton, and Members of the Subcommittee, this concludes our testimony. We are pleased to answer any questions you might have.

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## Contact Information

For further information on this testimony, please contact Mark L. Goldstein, (202) 512-2834 or by e-mail at [goldsteinm@gao.gov](mailto:goldsteinm@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Individuals making key contributions to this testimony include Keith Cunningham, Assistant Director, Susan Michal-Smith, and Alwynne Wilbur.

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# Appendix I: Additional Information on GAO's Courtroom Sharing Model

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To learn more about the level of courtroom sharing that the judiciary's data support, we used the judiciary's 2008 district courtroom scheduling and use data to create a simulation model to determine the level of courtroom sharing supported by the data.

The data used to create the simulation model for courtroom usage were collected by the Federal Judicial Center (FJC)—the research arm of the federal judiciary—for its *Report on the Usage of Federal District Court Courtrooms*, published in 2008. The data collected by FJC were a stratified random sample of federal court districts to ensure a nationally representative sample of courthouses—that is, FJC sampled from small, medium, and large districts, as well as districts with low, medium, and high weighted filings. Altogether, there were 23 randomly selected districts and 3 case study districts, which included 91 courthouses, 602 courtrooms, and every circuit except that of the District of Columbia. The data sample was taken in 3-month increments over a 6-month period in 2007 for a total of 63 federal workdays, by trained court staff who recorded all courtroom usage, including scheduled but unused time. These data were then verified against three independently recorded sources of data about courtroom use. Specifically, the sample data were compared with JS-10 data routinely recorded for courtroom events conducted by district judges, MJSTAR data routinely recorded for courtroom events conducted by magistrate judges, and data collected by independent observers in a randomly selected subset of districts in the sample. We verified that these methods were reliable and empirically sound for use in simulation modeling.

Working with a contractor, we designed this sharing model in conjunction with a specialist in discrete event simulation and the company that designed the simulation software to ensure that the model conformed to generally accepted simulation modeling standards and was reasonable for the federal court system. Simulation is widely used in modeling any system where there is competition for scarce resources. The goal of the model was to determine how many courtrooms are required for courtroom utilization rates similar to that recorded by FJC. This determination is based on data for all courtroom use time collected by FJC, including time when the courtroom was scheduled to be used but the event was cancelled within one week of the scheduled date.

The completed model allows, for each courthouse, user input of the number and types of judges and courtrooms, and the output states whether the utilization of the courtrooms does not exceed the availability of the courtrooms in the long run. When using the model to determine the



level of sharing possible at each courthouse based on scheduled courtroom availability on weekdays from 8 a.m. to 6 p.m., we established a baseline of one courtroom per judge to the extent that this sharing level exists at the 33 courthouses built since 2000. In selecting the 8 a.m. to 6 p.m. time frame for courtroom scheduling, we used the courtroom scheduling profile that judges currently use, reflecting the many uses and flexibility needed for a courtroom. Judges stated that during trials courtrooms may be needed by attorneys before trial times in order to set up materials. This set up time was captured in the judiciary's data; other uses of a courtroom captured by the judiciary are time spent on ceremonies, education, training, and maintenance. We differentiated events and time in the model by grouping them as case-related events, nonjudge-related events, and unused scheduled time, and we allotted enough time for each of these events to occur without delay. Then we entered the number of judges from each courthouse and determined the fewest number of courtrooms needed for no backlog in court proceedings.

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