

STATEMENT OF
THE HONORABLE MARGARET M. MORROW
DISTRICT JUDGE
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BEFORE

**THE SUBCOMMITTEE ON ECONOMIC DEVELOPMENT,
PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT**
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
UNITED STATES HOUSE OF REPRESENTATIVES

ON

**“A REVIEW AND ANALYSIS OF THE PROPOSED \$400 MILLION
LOS ANGELES, CALIFORNIA, FEDERAL COURTHOUSE PROJECT”**

NOVEMBER 4, 2011

Good morning, Chairman Denham and Ranking Member Norton. My name is Margaret M. Morrow, and I am a District Judge of the United States District Court for the Central District of California, resident in Los Angeles. I appreciate the opportunity to appear before the Subcommittee today to discuss with you the Judiciary's number one courthouse construction priority – the Los Angeles courthouse project.

Over the past 18 months, the Judiciary has worked closely with the General Services Administration (GSA) to develop a plan for a functional and cost-effective facility that will provide long-term, secure housing for the Los Angeles district court and for the public that uses the building. The project incorporates the direction from this Subcommittee and Committee to maximize the use of existing courtrooms in the Edward R. Roybal Federal Building (Roybal) to the extent practicable, and to share courtrooms. The project does not require additional funding, also a directive of this Subcommittee and Committee. *The planned project is a reduction of 350,000 square feet, 17 courtrooms, and 8 chambers from the project that this Committee considered in prior years.* In my testimony, I will explain why a new courthouse is needed, and describe the project that the Judiciary and GSA have jointly developed.

The Need for a New Courthouse in Los Angeles is Well-Established

All those familiar with the existing facilities in Los Angeles agree that there are serious operational, infrastructure, and security concerns that must be addressed. In addition, 14 judges will be eligible for senior status between now and 2019, with 9 of those becoming eligible in the next 5 years.

The court in Los Angeles currently operates in two buildings: 312 North Spring Street (Spring Street) and the Roybal building at 255 East Temple Street. District judges are split between the two buildings. At this time, 21 active and senior district judges (including one vacancy) and 11 magistrate judges have chambers and use courtrooms in the Spring Street building. Ten active and senior district judges and 6 magistrate judges have chambers and use courtrooms in the Roybal building.

Space Concerns

The Central District of California is one of the largest and busiest courts in the nation. It handles a high percentage of complex criminal cases related to drugs, murder, street gangs, prison gangs, and terrorism. Judges in the Central District carry one of the heaviest caseloads in the nation with the number of weighted caseload filings currently at 639 per authorized judgeship (year ending June 30, 2011). This far exceeds the national average of 505, and makes the Central District the 11th busiest of the 94 districts in the nation.

Currently, there are 21 authorized Article III (district) judgeships in the Los Angeles division. As noted, 14 of the active judges will be eligible for senior status between now and 2019; nine are eligible in the next five years. As these judges take senior status, and replacement district court judges are appointed, we will still have to provide space to accommodate the senior judges, while keeping with our sharing policy. We hope, of course, that Congress will also recognize the dire need for nine new judgeship positions that have been approved by the Judicial Conference of the United States for the Central District, and pass legislation creating them. These new judgeships are proposed in two bills currently pending before Congress – S. 1032 and

H.R. 2365. If these judgeships are created, chambers and courtrooms will be needed for the new judgeship positions as well. I want to emphasize, however, that the project the Judiciary and GSA have developed *does not* include space for any new judgeship positions.

In sum, excluding any new judgeships that may be created, and taking into account those judges eligible for senior status over the next ten years, the Judiciary's space requirements in 2021 for district and magistrate judges, after incorporating courtroom sharing policies, will be 37 courtrooms and 61 chambers. The proposed plan encompasses these needs and addresses the operational and security concerns discussed below.

Operational Concerns

The Spring Street facility, originally a post office and courthouse, was built in 1938. There are serious seismic problems with the building, which is unfortunately located in an area highly prone to earthquakes. GSA has informed the court that the building will require a seismic retrofit to meet GSA's standards. The building is also riddled with asbestos, which makes improvements complicated and costly. Due to its age, the existing infrastructure does not accommodate modern-day technology, and the building systems (e.g., HVAC, electrical, and elevators) are old and require upgrades or replacement. Air quality tests have detected contaminants that are at the high end of an industry-accepted range, and employees have reported respiratory problems.

The Roybal building was built 20 years ago; its systems have functional failures that need to be addressed. As an example, there are water intrusion issues and significant problems with the elevators in the building.

Security Concerns

The Spring Street location has many serious security issues that affect the safety of the public (i.e., parties, jurors and witnesses), the marshals, court employees, and judges. ***It is critical to recognize that many of these problems cannot be ameliorated through modifications to the building due to the building's configuration.*** These include:

- There is no vehicular sally port. Prisoners are brought into the facility through the judges' parking area where they are able to identify the judges parking in the area and the license plates on their vehicles. Prisoners and judges often encounter each other upon exiting their respective vehicles because they enter/exit the garage at the same point.
- The entry and size of the parking garage cannot accommodate large prisoner buses; therefore, large numbers of smaller vans are used to transport large numbers of prisoners, causing delays and increased risks.
- The central holding facilities in the main cellblock are extremely undersized. As a result, in-custody defendants may be placed in the same cell together, adding to the security risk.
- The pathway from the central cell block to 12 of the 29 courtrooms is circuitous through extremely narrow corridors and staircases. Escorting large numbers of prisoners who are shackled together in such tight spaces with blind spots is extremely dangerous for both the marshals and the prisoners. Because of this risk, prisoners are often moved to these courtrooms through public elevators and public corridors, causing them to cross paths with the public, jurors and witnesses. The only prisoner access to the remaining 17 courtrooms is through the public corridors.
- There are only two holding cells directly adjacent to courtrooms. One of these holding cells has been out of commission for more than 12 years as the prisoner elevator that provides access to this cell is inoperable. The other holding cell serves two courtrooms. Eight magistrate judge courtrooms are supported by holding cells on the same floor as the courtrooms but only accessible through a public corridor. In-custody defendants who appear in the remaining 19 courtrooms not supported by any holding cells are generally escorted back and forth through public corridors and elevators to the central cell block. This requires extensive time and causes delays to court proceedings, especially court recesses which must be extended to accommodate this activity.

The History of the Los Angeles Courthouse Project

As the Subcommittee is well aware, since FY 2000 there have been appropriations and authorizations totaling approximately \$400 million for the Los Angeles courthouse project. The Subcommittee knows the many challenges this project has faced, including complexities resulting from the need to house a large number of judges, and the unprecedented escalation of construction costs in the Los Angeles area beginning in 2006, which caused the project budget to exceed the funds appropriated and authorized. GSA planned to award a contract to build the project in FY 2006, but withdrew the request for proposal due to lack of competition and inadequate funding. We regret the passage of time since the House Transportation and Infrastructure Committee authorized funding for this project, but we have worked diligently and in good faith with GSA over the past year and a half to devise a new plan that we believe will address the district court's needs for a functional, safe, and cost-effective building, and that is responsive to the directives of this Subcommittee and Committee – to maximize the use of the Roybal building, to share courtrooms, and to ensure that no additional appropriated funding is required.

Proposed Plan for the New Courthouse

The proposed plan I present to you today is the product of close collaboration between the Judiciary and GSA – at both the national and the local levels. It is our understanding that the plan also has the approval of the Office of Management and Budget. GSA and the Judiciary re-assessed the requirements for the new courthouse, applying current Judicial Conference senior judge courtroom sharing policies and eliminating any provision for projected judgeships. (When

both the new courthouse and Roybal are considered, 23 senior judges will share seven courtrooms; 17 magistrate judges will share nine courtrooms in the Roybal building.)

Additionally, given the difficult federal budgetary situation, the Los Angeles court suggested numerous reductions in the scope of the project.

The new housing plan includes the following:

- Construction of a new courthouse that will be approximately 650,000 gross square feet on a site already owned by the government, that has been cleared and is ready for construction. This is a reduction of 350,000 square feet.
- Construction of a facility that will have 24 district judge courtrooms and 32 chambers for the 21 authorized active district judges and 11 senior judges. This reflects application of the Judicial Conference's courtroom sharing policies for senior judges, and is a reduction of 17 courtrooms and 8 chambers.
- Construction of a facility that will have reduced space for the functions of the clerk of court and the requirements of the USMS.
- As has always been planned, the district court will not occupy the Spring Street facility. The Judiciary understands that GSA has plans to renovate the Spring Street facility to address the seismic and health and safety issues highlighted above, so that it can be used by Executive Branch agencies that have substantial operations in the downtown Los Angeles area, and that are currently in leased facilities.
- The Roybal building will be used for: (1) magistrate judge courtrooms and chambers; (2) bankruptcy judge courtrooms and chambers; (3) judicial support functions; and (4) courtrooms and chambers for senior judges who cannot be accommodated in the new facility.
- In response to the concerns expressed by this Subcommittee and Committee, the proposed project does *not* include space for judgeships that the Judiciary has requested that Congress create, or for projected judgeships not yet approved by the Judicial Conference but warranted based on caseload.

While the proposed plan will not address all of the operational issues that result from the court being split into two facilities, the court will function more efficiently in this new configuration

than it currently does. In particular, significant efficiencies will be achieved if the active district court judges are consolidated in one facility.

Judge Michael A. Ponsor, Chair of the Judicial Conference Space and Facilities Committee testified at a May 25, 2010, hearing of this Subcommittee. At that hearing, the Chair and Ranking Member clearly stated that no additional funds would be authorized for the Los Angeles project, and that the Los Angeles problem needed to be solved within the existing appropriation. The Subcommittee also made clear that courtroom sharing was required, and that the manner in which the Judiciary plans space for projected judgeships that have not been approved by the Judicial Conference, or created by Congress, needed to be changed. The Judiciary believes that the plan GSA and the Judiciary have developed for the Los Angeles courthouse project meets all of those requirements.

Additionally, since 2008, the Senate and House of Representatives Appropriations Committees have reiterated their support for this project in Conference Reports accompanying annual appropriations bills, have directed the Judiciary to work with GSA to move forward with the project, have prohibited GSA from using the funding appropriated for this project for any other purpose, and have prohibited GSA from using the proceeds of any sale of the land acquired for this project for any purpose other than the facility needs of the Los Angeles division of the Central District of California.

Consistent with all of the direction we have received from Congress, GSA and the Judiciary have proceeded in good faith to develop a reasonable and cost-effective solution that addresses the space, operational and security concerns of the Central District of California in the present Spring Street and Roybal buildings.

Conclusion

I appreciate very much the opportunity to discuss the housing challenges faced by the Los Angeles court. The Judiciary greatly appreciates the courthouses that the Committee has authorized over the years. These buildings provide secure places and space needed to administer justice fairly and equally to the American people. The Judiciary and GSA believe that they have found an efficient and cost-effective solution to the Los Angeles court's long-standing housing problem. We believe that this solution will provide long-term, secure housing for the Los Angeles district court and members of the public who use the building. The project incorporates the Judicial Conference's courtroom sharing policies, and the directives of the House Transportation and Infrastructure Committee to maximize the use of existing courtrooms in the Roybal building to the extent practicable and not to request any additional funding for the project.