

United States Senate

WASHINGTON, DC 20510

February 29, 2024

The Honorable Amy J. St. Eve
United States Circuit Judge
For the Seventh Circuit Court of Appeals
Chair, Budget Committee of the
Judicial Conference of the United States

The Honorable Cathy Seibel
United States District Court Judge
For the Southern District of New York
Chair, Committee on Defender Services of the
Judicial Conference of the United States

Lee Ann Bennett
Acting Director, Administrative Office of the
U.S. Courts

CC: The Honorable Robert J. Conrad
United States Senior District Judge
For the Western District of North Carolina
Director, Administrative Office of the U.S.
Courts (assuming office March 1, 2024)

Dear Judge St. Eve, Judge Seibel, and Acting Director Bennett:

We urge you to give appropriate consideration to the funding of Defender Services, which funds the Federal Public Defender program, in the Administrative Office of the U.S. Courts' budget request for Fiscal Year (FY) 2025.

During the budget cycle for FY24, Federal Defenders face a budget shortfall due to inadequate consideration of their previous carryforward. News reporting suggests the funding shortfall from FY24 originated in the Administrative Office's accounting decisions. We believe those decisions gave inadequate weight to the foundational and fundamental services the Federal Public Defender program provides.¹

The FY24 funding gap has placed the Federal Defender program in dire financial straits, with estimates that this shortfall could, conservatively, result in a 9-12% reduction in the program's current workforce. Notably, the Federal Defenders are already approximately 100 full-time equivalent (FTE) positions below FY23 authorized staffing and approximately 400 FTEs below the level recommended by the Administrative Office's most recent work management study. An overwhelming majority of the Federal Defender budget is dedicated to personnel and space, and any cuts will have devastating impacts.

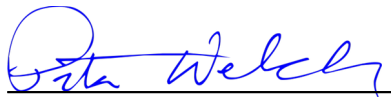
¹ Nate Raymond, *US judiciary's budget process to blame for potential public defender cuts, report says*, REUTERS (Sep. 18, 2023), <https://www.reuters.com/legal/government/us-judiciarys-budget-process-blame-potential-public-defender-cuts-report-says-2023-09-18/>.

Federal Public and Community Defenders are fundamental to the fair and efficient functioning of federal courts across the country. Nearly nine in 10 individuals charged with a federal crime cannot afford legal representation and thus are constitutionally entitled to appointed counsel. Preserving the public defender workforce is essential to our justice system. Because the Constitution requires courts to appoint counsel for individuals who cannot afford a lawyer, if there are fewer public defenders available, courts must refer more cases to private attorneys on the Criminal Justice Act panel. Although panel attorneys are dedicated to the public defense function, sending excess cases to the panel often incurs higher costs to the taxpayer.

We write to you to request the Administrative Office of the U.S. Courts and the Judicial Conference ensure that the decisions that led to the FY24 budget requests are not repeated for FY25. We urge you to give appropriate weight to funding for Defender Services in your budgetary request that will, at a bare minimum, provide enough resources to ensure federal public defender programs are fully staffed throughout FY25.

We appreciate your attention to this matter and look forward to working together to safeguard the Federal Defenders' resources.

Sincerely,



Peter Welch
United States Senator



Mazie K. Hirono
United States Senator



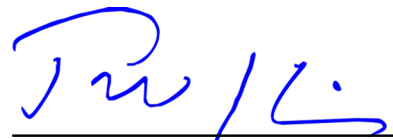
Richard J. Durbin
United States Senator



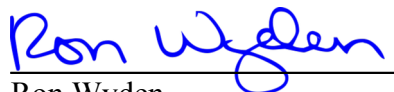
Jon Ossoff
United States Senator



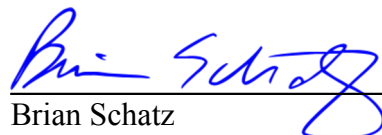
Christopher A. Coons
United States Senator



Tim Kaine
United States Senator



Ron Wyden
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Brian Schatz
United States Senator



Richard Blumenthal
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Alex Padilla
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