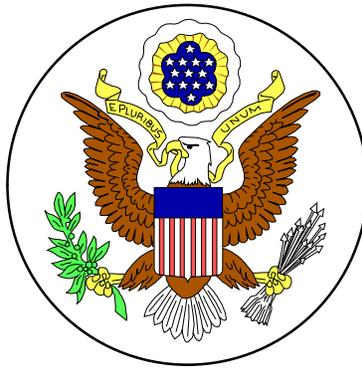


**JUDICIAL CONFERENCE OF THE UNITED STATES**

**STATEMENT OF**

**MICHAEL A. PONSOR  
U.S. DISTRICT JUDGE, DISTRICT OF MASSACHUSETTS  
CHAIRMAN, COMMITTEE ON SPACE AND FACILITIES**



**BEFORE**

**THE SENATE COMMITTEE ON ENVIRONMENT  
AND PUBLIC WORKS**

**UNITED STATES SENATE**

**ON**

**“GSA AND FEDERAL COURTHOUSES:  
MANAGEMENT, RENOVATION AND CONSTRUCTION ISSUES”**

**APRIL 28, 2011**

**(Hearing held at the Edward A. Garmatz U.S. Courthouse, Baltimore, Maryland)**

## **Introduction**

Good afternoon, Senator Cardin. I want to thank you for holding this hearing. (*I also appreciate the participation of other members of the Maryland delegation here today.*) I am Michael A. Ponsor, a District Judge of the United States District Court in Massachusetts, and Chair of the Judicial Conference's Committee on Space and Facilities. I appreciate the opportunity to appear before the Committee today to discuss with you how the Judiciary prioritizes its long-range facilities needs, and in particular, the status of the Baltimore courthouse. Before addressing these issues, I also want to convey the Judiciary's gratitude for the Committee's work in support of the federal courts and the authorization of new courthouses in the past.

## **The Courthouse Construction Program**

The courthouse construction program was created to ensure that federal courthouses facilitate the effective administration of our judicial system. For the last 20 years, the Judiciary has been working with the General Services Administration (GSA) to replace aging courthouses. Most of these older courthouses lacked sufficient space to house the judges and judicial operations assigned to them, and many needed significant physical upgrades and security improvements.

The courthouses most urgently in need of replacement are listed on the *Five-Year Courthouse Project Plan*, which is a prioritized list of the Judiciary's courthouse construction needs. I have attached to this statement the current *Five-Year Courthouse Project Plan for FYs 2012-2016* that was approved by the Judicial Conference in September 2010. The courthouses on this list are there as a result of the application of the Judiciary's long-range facilities planning

policies. These policies employ objective criteria to determine which courthouses have the most serious space, operational, and security deficiencies. The sites on this list have been waiting for many years for the facilities they need to ensure an adequate, appropriate, safe, and secure courthouse in which to dispense justice.

### **Reducing Courthouse Construction Costs**

The Judiciary has recognized its responsibility to be a good steward of public funds, and began a major cost-containment initiative in 2004, long before the current budget crisis. At the outset, the Judicial Conference placed a two-year moratorium on all new courthouse construction projects, with the exception of four projects that had been declared space emergencies. During the moratorium and shortly thereafter, the *U.S. Courts Design Guide* was revised, and a nationwide annual budget cap was imposed for rent paid to GSA. The Conference also adopted courtroom sharing policies for senior district judges and magistrate judges. Finally, the moratorium presented an opportunity to take a second look at 33 courthouse projects that were proposed on that last plan (FY 2005-2009), but that had not yet begun, because they had not yet received any congressional funding. The Baltimore, Maryland project was one of those unfunded projects subject to this review.

A new long-range planning methodology to conduct this review was developed by the Space and Facilities Committee and adopted by the Judicial Conference in March 2008. This new methodology, called asset management planning (AMP), identifies the most cost-effective strategies for meeting a court's operational needs, including alternatives to building new courthouses. It is a comprehensive approach to facility planning with the objective to help the Judiciary achieve the best value in both the short and long term. The end product, a long-range

plan for each district, identifies housing strategies to meet both current and future operational needs.

The long-range plan is then used to prioritize the locations that have the most urgent space needs. Due to financial constraints, the Judicial Conference has directed that the *quantity* of space needed at a particular location must be the primary consideration in determining urgency, and that the *quality* of the space be a secondary consideration. The assessment of the quantity of space needed includes considering the need for chambers and courtrooms based on courtroom sharing policies. The assessment of the quality of the space includes the condition of the space (plumbing, heating); space adjacencies (how well the space functions); how the space comports with the Judiciary's *U.S. Courts Design Guide*; and security issues in the building.

### **Baltimore, Maryland Federal Courthouse**

The Edward A. Garmatz U.S. Courthouse was constructed in 1976 and reflects the architectural style of the period. The layout, including courtrooms and chambers, adjacencies, and separate circulation patterns generally conforms to current Judicial Conference space standards. There is currently no shortage of chambers and courtrooms, nor is there expected to be within the planning window.

Based on the planning process in place at the time, and before the current AMP methodology was adopted, a proposed new courthouse for Baltimore first appeared on the Judiciary's prioritized Five-Year Courthouse Project Plan for FYs 2000-2004. On that plan it was scheduled for site and design funding (the first phase of a project) in FY 2003. Congress did not appropriate any funding for courthouse projects in FY 2000, however, and in most subsequent years, Congress appropriated far less funding than the amount requested. The result

was that courthouse projects were pushed into future years and a large project backlog was created.

Baltimore's last appearance on a prioritized courthouse plan was immediately before the moratorium – on the *Five-Year Courthouse Project Plan for FYs 2005-2009*. At that time, Baltimore was the first project on the list for a future year – FY 2006. Because of the backlog, however, the list for FY 2005 included 4 judicial space emergency projects, 2 projects scheduled in previous years that had not yet been funded, and 13 projects that would have been ready for contract award. These 19 projects totaled \$1.62 billion. Considering the funding levels Congress was approving for courthouses at that time, the courthouses on the FY 2005 list alone constituted at least four years-worth of projects. In reality, therefore, the proposed Baltimore project would not have been considered for funding for several more years. Moreover, Baltimore, together with 32 other projects on the list that had never been funded, was subject to the Judicial Conference's two-year construction moratorium and re-evaluation described above. That re-evaluation, using the current long-range planning methodology, resulted in Baltimore not being included on subsequent five-year plans.

The results of the long-range facilities plan (Plan) dated June 2008 prepared for the District of Maryland show that the space needs of the Baltimore courthouse can be met without building a new courthouse. In terms of security, judges have a separate, restricted elevator and secure parking, the public has separate circulation, and the U.S. Marshals Service has prisoner elevators and a sallyport for prisoner movement. The Plan does, however, recommend a renovation strategy through 2020 for the Baltimore courthouse. It includes GSA's upgrading the electrical system, replacing water line/piping, replacing air handling units and relocating the main

entrance to Pratt Street. Some courtroom renovations are also needed.

### **Conclusion**

Thank you again for the opportunity to discuss these issues with you. The Judiciary and GSA will continue to work collaboratively with each other and with the Congress as we address the facilities needs of the federal courts both nationally and here in Baltimore.