



Highlights of [GAO-10-753T](#), a testimony before the Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives

Why GAO Did This Study

The federal judiciary and the General Services Administration (GSA) are in the midst of a multibillion-dollar courthouse construction initiative, which began in the early 1990s and has since faced rising construction costs. As requested, for 33 federal courthouses completed since 2000, GAO examined (1) whether they contain extra space and any costs related to it, (2) how their actual size compares with the congressionally authorized size, (3) how their space based on the judiciary's 10-year estimates of judges compares with the actual number of judges, and (4) whether the level of courtroom sharing supported by the judiciary's data could have changed the amount of space needed in these courthouses. GAO analyzed courthouse planning and use data, visited courthouses, modeled courtroom sharing scenarios, and interviewed judges, GSA officials, and other experts. The findings in this testimony are preliminary because the federal judiciary and GSA are still in the process of commenting on GAO's draft report and did not provide comments on this testimony.

What GAO Recommends

GAO developed draft recommendations related to GSA's oversight of construction projects and the judiciary's planning and sharing of courtrooms that GAO plans to finalize in its forthcoming report after fully considering agency comments.

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FEDERAL COURTHOUSE CONSTRUCTION

Preliminary Results Show Better Planning, Oversight, and Courtroom Sharing Could Help Control Future Costs

What GAO Found

The 33 federal courthouses completed since 2000 include 3.56 million square feet of extra space—28 percent of the total 12.76 million square feet constructed. The extra square footage consists of space that was constructed (1) above the congressionally authorized size, (2) due to overestimating the number of judges the courthouses would have, and (3) without planning for courtroom sharing among judges. Overall, this space represents 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.

Twenty seven of the 33 courthouses completed since 2000 exceed 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 had total project costs that exceeded the estimates provided to congressional committees—8 by less than 10 percent and 4 by 10 to 21 percent. There is no requirement to notify congressional committees about size overages, as is required for cost overages of more than 10 percent. A lack of oversight by GSA, including a lack of focus on not exceeding the congressionally authorized size, contributed to these size overages.

The judiciary overestimated the number of judges that would be located in 23 of 28 courthouses whose space planning occurred at least 10 years ago, 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. A variety of factors contributed to the judiciary's overestimates, including inaccurate caseload projections and long-standing difficulties in obtaining new authorizations. However, the degree to which inaccurate caseload projections contributed to inaccurate judge estimates cannot be measured because the judiciary did not retain the historic caseload projections used in planning the courthouses.

Using the judiciary's data, GAO designed a model for courtroom sharing, which shows that there is enough unscheduled time for substantial courtroom sharing. Sharing could have reduced the number of courtrooms needed in courthouses built since 2000 by 126 courtrooms—about 40 percent of the total number—covering about 946,000 square feet. Some judges GAO consulted raised potential challenges to courtroom sharing, such as uncertainty about courtroom availability, but others indicated they overcame those challenges when necessary, and no trials were postponed. The judiciary has adopted policies for future sharing for senior and magistrate judges, but GAO's analysis shows that additional sharing opportunities are available. For example, GAO's courtroom sharing model shows that there is sufficient unscheduled time for 3 district judges to share 2 courtrooms and 3 senior judges to share 1 courtroom.