

## Stimulus Falls Short on Court Projects

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When President Obama began talking about his economic stimulus plan, he stressed the importance of funding projects that were "shovel-ready," or ready to begin construction immediately in order to create jobs. Yet courthouses don't appear to be a big part of that plan.

The stimulus package, which was passed on Feb. 17 as the American Recovery and Reinvestment Act of 2009, allocates about \$750 million toward the construction of U.S. courthouses and federal buildings. Of that, more than half is anticipated to go toward a new headquarters building for the U.S. Department of Homeland Security.

That leaves about \$300 million for new courthouse projects — a far cry from the nearly \$1.5 billion in appropriations proposed by the Judicial Conference of the United States.

"That's a big drop," said U.S. Magistrate Judge Andrew Austin of the Western District of Texas, the point person for the planned construction of a new courthouse in Austin. "We were not very happy. We were, in fact, very disappointed."

In addition to Austin, the highest priority projects are new courthouse buildings in San Diego; Los Angeles; Salt Lake City; Savannah, Ga.; Mobile, Ala.; and Nashville, Tenn. Many of the existing courthouse buildings in those cities have a long list of problems, such as poor heating and cooling systems, inadequate security and a lack of space for judges.

### 1930S-ERA COURTHOUSES

In a Dec. 5 letter to House Speaker Nancy Pelosi, James Duff, director of the Administrative Office of the U.S. Courts and secretary to the Judicial Conference, which is the policy-making arm of the federal judiciary, outlined seven new construction projects that could be funded through the economic stimulus package.

At that time, the projects were estimated to cost nearly \$1.5 billion and create more than 7,000 jobs in the next three years. Many of the existing courthouses in those cities were built in the 1930s as part of the Works Progress Administration.

Now faced with \$300 million, the U.S. General Services Administration, which operates U.S. courthouses, has 45 days to pick the new projects that could be built. Under the stimulus package, another \$4.5 billion is available for smaller renovations, such as converting existing buildings, including courthouses, into more energy-efficient structures.

"We have 45 days to put together a project list, and we're still putting it together," said MaryAnne Beatty, a spokeswoman for the GSA. She declined to comment further, other than to state that the agency was "almost finished."

In a Feb. 23 letter to GSA Acting Administrator Paul Prouty, Duff reiterated the Judicial Conference's top priority projects, particularly courthouses in San Diego and Los Angeles, which are facing space emergencies. The San Diego courthouse, however, is anticipated to be funded through the \$410 billion omnibus appropriations bill for 2009 that is now pending before the U.S. Senate.

That leaves Los Angeles as the No. 1 priority, "if more than the \$300 million for new construction . . . becomes available," Duff wrote in the letter. If not, projects in some of the five other cities could begin immediately. "These projects are 'shovel-ready' in that construction documents are ready to be included in solicitations for offers, and contracts can be awarded without delay," he wrote.

As to renovation work, he identified several existing courthouses that could begin repairs immediately, the most prominent being the Thurgood Marshall U.S. Courthouse in New York City. Courthouse projects in Washington, Honolulu and Bangor, Maine, also could be ready for renovation work, he added.

The biggest problem with the proposed Los Angeles courthouse, judges say, is the cost.

"I'm neither optimistic nor pessimistic," said U.S. District Judge Margaret Morrow of the Central District of California. "I realize that it would be easier to fund some other projects because they're smaller, and the amount of money is not as much as we need."

In December, the new Los Angeles courthouse was estimated to cost \$530 million. But last fall, an audit released by the U.S. Government Accountability Office found that the planned building, originally with 41 courtrooms, had escalated to an estimated \$1.1 billion and is no longer economically feasible. The audit provided two smaller alternatives, ranging in cost from \$282 million to \$733 million in additional funds, for a new courthouse.

But Morrow said a scaled-down version, with 36 courtrooms, would not be big enough to replace the two existing courthouses that house about 45 judges — leaving courthouse operations in downtown Los Angeles divided among three buildings, one of which was a WPA project.

A smaller prominent project on the table for economic stimulus funds is in Austin, where \$116.1 million would complete construction of a new courthouse that would have eight courtrooms.

Austin's courts currently are split between two buildings, one of which, built as a WPA project, has mold infestation, leaks and inadequate heating and cooling, Judge Austin said. That building has four courtrooms for four judges and one judge on senior status, while another building houses two judges on senior status who share one courtroom.

The new courthouse, which began design work in 2001, would solve security problems in the main building, which is about 20 feet from the street and shares a common alleyway for judges to park, Austin said. Prisoners move through the same hallways and elevators as do judges.

"It's not the security they would like to see," Austin said.

Still, Austin wasn't certain that his courthouse would get funding from the stimulus package.

"Before the bill was first passed, I would say I was cautiously optimistic," he said. "I'm anxious right now because we have not gotten any assurances from the GSA about what they're thinking."

The next courthouse on the priority list is in Salt Lake City, where Tena Campbell, chief judge of the U.S. District Court for the District of Utah, expressed similar reservations about getting funds for the new courthouse.

"If there's only \$300 million, I don't know if GSA wants to spend \$211 million with us," she said.

The new Salt Lake City courthouse would replace a structure that was built about 100 years ago and has six courtrooms for five active judges and three judges on senior status. She said judges in that district have been asking for funds to build the courthouse for 14 years.

Judges often share the same elevator as prisoners — one of the "very, very worrisome security issues" in the building, Campbell said. And the building doesn't

have room for two more judges who are expected to be added in the next two years.

"It's a beautiful building, but it's woefully inadequate for space and for security," Campbell said.

Near the bottom of the priority list is a proposed new courthouse in Mobile. Another New Deal project, the courthouse has a basement that was flooded during the two most recent hurricanes, including Katrina, and that doesn't cool properly in the region's humid climate, said Callie Granade, chief judge of the U.S. District Court for the Southern District of Alabama. As to security, judges run into prisoners in the parking garage and in halls and elevators.

But the project's cost has ballooned from an initial \$89 million to about \$190 million, Granade said. "We know that there are needs that are really in front of ours in terms of where courthouses needed to be built because of overcrowding and case load," she said.

## **BETTER ODDS IN SAN DIEGO**

Unlike the other proposed courthouses, which depend on the stimulus package, the San Diego building's additional \$110.4 million funding request was approved as part of this year's budget bill, which is pending before the U.S. Senate.

If the funds are approved, construction on the project could begin in May, said Irma Gonzalez, chief judge of the U.S. District Court for the Southern District of California.

The San Diego courthouse, which already has cost more than \$200 million, was halted in 2007 after the costs of construction skyrocketed in Southern California, she said. Security enhancements would be a critical element of the new building, located across the street from the existing courthouse, where magistrate judges are located on the first floor and no concrete barriers surround the perimeter of the facility. Last year, a bomb exploded at the front entrance of the building, breaking glass doors and windows.

The new building also would provide 14 additional courtrooms to the district's existing 24.

"We've run out of space," Gonzalez said. By the time the building gets finished, in 2012, the district, which has the third largest criminal case load in the nation, could have another three judges, she said.

San Diego also benefits from being near the U.S. border with Mexico, she said. Other recent courthouse projects that have broken ground include those in El Paso, Texas, and Las Cruces, N.M.

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