

A recent news article raised issues about the necessity of the new courthouse that Congress approved for this district. On behalf of the Judges of the Court, this article is to assure the communities served by the Middle District of Tennessee of the necessity of the new courthouse for the current and future needs of this district and its communities.

Since 1992, the Court has examined and evaluated its space needs and in each assessment, the Court determined that a new courthouse is necessary to address the Court's current and reasonably projected future needs. These projections consider the consistent population and business growth in this district. During these assessments, with some variations, the Court's caseload continues to increase statistically and in complexity. The Court has had commercial litigation involving patents, trademarks and securities with parties from, among other countries: China, England, France, Germany, India and Japan.

The Judges of this district have a high weighted caseload per judge compared to other districts across the country, but this district was recently listed as the fourth most productive court in the nation. This court currently has four district judges, one senior district judge and three magistrate judges. There is also a recalled magistrate judge who assists a district judge with management of extensive and complex multidistrict litigation comprised of cases originating out of numerous district courts throughout the nation.

The Judicial Conference of the United States recently approved the recommendations of the Subcommittee on Judicial Statistics for the Judicial Conference and the Sixth Circuit Judicial Council for an additional temporary district judgeship for this district. These recommendations were supported by many factors, including this district's 2011 weighted caseload of 542 cases per judge. Although this caseload would support a permanent judgeship, under current economic circumstances, the Court requested only a temporary judgeship.

We continue to experience significant deficiencies in the buildings that house the court. One district judge is eligible for senior status and another judge will become eligible to take senior status in less than two years. Upon appointment of their successors and their elections to take senior status, additional space needs may arise. There are only six courtrooms suitable for the conduct of trials by district and senior judges. One of these courtrooms has obstructions and sight limitations that impair the conduct of trials in those rooms. To meet the needs of five district judges, including the recommended judgeship and three senior district judges, at least one additional courtroom is required even with courtroom sharing by senior judges. One of these courtrooms is being used by the recalled magistrate judge with the multidistrict litigation. The current courthouse lacks the space to meet the Court's needs.

The current buildings housing the Court also create security concerns. The current buildings lack separate hallways and elevators for prisoner transport. To

transport prisoners to and from courtrooms, armed guards accompanying prisoners in chains, must use the same public hallways that judges, employees, and members of the public utilize to visit the various agencies in these buildings. The Court is experiencing an increase in criminal prosecutions of gangs accused of serious crimes of violence. Such use of common hallways poses a serious safety issue for the public, court staff and building employees. Such shared use of common hallways by the citizens, employees and prisoners is not permitted under current court design guidelines. The new courthouse is designed with separate elevators and pathways for prisoner transport in secured areas that will eliminate contact between defendants in custody and members of the public, judges and court staff.

The buildings' structures also pose serious security risks. The existing buildings lack any set-off from a publicly accessible alleyway that runs in an "L" shape behind them. The land upon which this alley runs is owned by a historic church with an active congregation that utilizes the alley to access its parking lot. Commercial and private trucks or other vehicles regularly utilize this alley and park directly alongside our buildings. The lack of set-offs poses a security risk to the safety of our employees and other employees in these buildings.

The necessity of the new courthouse for this district has been researched and reexamined for two decades. During these decades, this district's communities and caseloads continue to grow. Land acquisition and design phases have been completed for the new courthouse. More than \$26,000,000 has been expended for land acquisition and design of the new courthouse. To abandon this important project will result not only in a significant fiscal loss, but a significant communal loss of an important facility necessary for the Court to serve the future needs of the communities of the Middle Tennessee. On behalf of the Court,

William J. Haynes, Jr.
Chief Judge
Middle District of Tennessee