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**MEMORANDUM TO ALL CHIEF JUDGES, UNITED STATES COURTS**

**SUBJECT:** Impact of Hurricane Katrina on Courts (**URGENT INFORMATION**)

I know that all members of the court family are interested in and concerned with the wellfare of the courts in the Fifth and Eleventh Circuits and the impact of Hurricane Katrina on their safety and operations. This is a disaster of immense proportions whose impact can be fully comprehended only by those who live and work in the area. I know I speak for the entire federal judiciary in offering our prayers for the safety and well-being of those impacted and their families. We have been in regular communication with judges and staff in virtually all the affected courts. It is important to recognize that in some instances a court's status may change rapidly. For example, a court that appeared safe one day, may be flooded the next, and a court that lost power when the storm first hit, may have it restored in the near future.

An initial review indicates that some courts will be unusable for weeks and even months. I also am deeply concerned about the personal loss of homes and belongings of judges, court staff and their families. Courts in the impacted areas already have been informed of the assistance available through the Federal Emergency Management Agency (FEMA), the American Red Cross (1-800-HELP-NOW), and the General Services Administration. In addition, I have assured the courts that the AO is available to provide any assistance they may need. The AO's Judiciary Emergency Preparedness Office has been meeting daily to monitor the status of the courts impacted by Katrina and to coordinate assistance efforts. This is a true catastrophe and a time for the entire judicial family to support the courts in need.

The following is the status of impacted courts as we currently understand it:

- The Fifth Circuit Court of Appeals in New Orleans is closed and may move its operations temporarily to Houston.
- The Eastern District of Louisiana is closed and plans to activate its Continuity of Operations Plan, provided legislation is enacted to allow for holding court outside the district.
- The Southern District of Alabama is closed.
- The Southern District of Mississippi is closed.

I have taken the following steps to assist the impacted courts:

- In instances where there is damage to court facilities and their contents, I have delegated to the impacted courts interim authority to procure replacement furniture, supplies, and services required to restore facilities to operate, up to \$50,000 per procurement. If a court is facing an overwhelming burden in processing procurement actions, it should contact the AO's Procurement Management Division for assistance.
- Funds in addition to those already allotted to impacted courts will be made available upon request, in the form of emergency allotments. Such requests can be made either through InfoWeb or, if a court does not have electronic access, by contacting the AO's Budget Division.
- We are seeking emergency legislation to amend 28 U.S.C. §§141 and 152(c) to allow district and bankruptcy courts to conduct special sessions outside their district when emergency circumstances so require. We currently understand that there is no viable place within the district to relocate the Eastern District of Louisiana. This proposed amendment is contained in the Federal Courts Improvement Act of 2005 which was transmitted to Congress in June. However, we are making every effort to secure Congressional enactment of the amendment as soon as possible.
- Alternative phone and electronic communications systems are available for those unable to use Sprint. The Judiciary's primary long distance carrier, Sprint, has suffered a loss to a major switching center located in New Orleans. As result, many courts are experiencing difficulties placing long distance calls to and from the affected areas. This also can impact offices outside the area that are attempting to call into the area using their normal

Sprint long distance service. As far as we are aware, MCI and AT&T are not having the same level of difficulties. Courts are advised that they can make long distance calls by bypassing Sprint and using these other carriers through what is called a Carrier Access Code. Calls placed with these other carriers will result in long distance charges directly to the court at commercial prices. Questions may be directed to OIT-IMD at (202) 502-2640. Carl Tucker is also available via email at [Carl\\_Tucker@ao.uscourts.gov](mailto:Carl_Tucker@ao.uscourts.gov) or at (202) 502-2665 to assist you. If funds are not available to cover the commercial charges, courts may contact the AO Budget Division at (202) 502-2100.

- As of noon, August 31, case management and electronic filing systems in 13 courts were impacted by storm damage or by Sprint telecommunications outages resulting from the storm. Twelve of those courts use the Case Management/ Electronic Case Files (CM/ECF) system and can activate operations from the Replication Center by notifying the AO to take that step. Given the current Sprint problems, some courts will have to weigh the benefits of their options. They can continue operation on their local network and local server – providing access only to those court staff located in that same building. Alternatively, they can activate their service at the Replication Center – providing CM/ECF and PACER access to the bar, the public, and those limited court staff who have telecommunications access outside the courthouse.
- Impacted courts have been informed that chief judges or their designees may grant excused absence to employees who are prevented from reporting to work or faced with a personal emergency because of a weather emergency and its aftermath, and who can be spared from their usual responsibilities. This is consistent with the information OPM has furnished to heads of executive departments and agencies.
- The Benefits Division of the Office of Human Resources has been working closely with the administrators of the various benefit programs and all are making allowances for those individuals impacted by Hurricane Katrina. The Office of Federal Employees' Group Life Insurance (OFEGLI) has instituted its expedited payment procedures; the carriers in the Federal Employees Health Benefits Program (FEHB) have been asked to demonstrate maximum flexibility and relax certain provisions; SHPS will

track claim reimbursements to ensure they are made timely; and the long-term care carriers (both CNA and Long Term Care Partners) will ensure any participants in the affected areas who may miss a premium payment do not lose coverage.

I know there are many judges and court employees who would like to volunteer their help and voice their support to those in the affected courts. I suggest you delay in doing so at this time. Some courts are experiencing communications difficulties and need to limit phone and electronic communications to only those that are most essential. Others are still trying to account for all employees and their families. In the meantime, Bill Lehman, Chief of the AO's Judicial Emergency Preparedness Office, is your best point of contact. He can be reached via e-mail at [William\\_Lehman@ao.uscourts.gov](mailto:William_Lehman@ao.uscourts.gov) or at (202) 502-1200. I intend to provide regular updates on the impact of Katrina in the Judiciary News section of the J-Net.

I am pleased to report that a group of court employees is in Washington this week participating in the Continuity of Operations Plan Managers Train-the-Trainer Course. The course is co-sponsored by the AO, FEMA, and the Department of Homeland Security. The fact that this training is occurring as courts strive to cope with the aftermath of Katrina is a vivid reminder of the importance of court COOPs and emergency preparedness planning. Chief Judge Carolyn Dineen King, the judges and staff of the Fifth Circuit have been leaders in these areas, efforts that undoubtedly have helped prepare these courts for this crisis. The AO will continue to communicate with you about these initiatives and future training opportunities.

A handwritten signature in black ink, appearing to read "Leonidas Ralph Mecham". The signature is fluid and cursive, with a large initial "L" and "M".

Leonidas Ralph Mecham