

# Administrative Oversight and Accountability

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*Oversight mechanisms work together to hold judges and Judiciary staff responsible for their conduct as government officials and for the management of public resources.*

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Accountability is a core value of the federal Judiciary, as stated in the [Strategic Plan for the Federal Judiciary \(/statistics-reports/strategic-plan-federal-judiciary\)](#), encompassing:

- stringent standards of conduct;
- self-enforcement of legal and ethical rules;
- good stewardship of public funds and property; and
- effective and efficient use of resources.

Federal Judiciary oversight mechanisms deter and prevent fraud, waste, and abuse, and address mistakes should they occur. Oversight mechanisms also promote compliance with ethical, statutory, and regulatory standards. By statute, responsibility for administering the Third Branch rests with the Judicial Conference of the United States, regional circuit judicial councils, the individual courts themselves, and, in specified areas, the director of the Administrative Office of the U.S. Courts (AO). Internal safeguards exist at the local, regional, and national levels to deter waste and wrongdoing, and enable detailed performance assessments.

## Fraud, Waste, or Abuse

Allegations about fraud, waste, and abuse are addressed by the Judiciary official responsible for overseeing the individual or organization about which the complaint is being made.

- Allegations regarding courts (including probation and pretrial services offices) within the federal Judiciary should be submitted to the appropriate chief judge or circuit judicial council.
- Allegations regarding a federal public defender (FPD) should be submitted to the chief judge of the appropriate circuit court of appeals. However, allegations about the federal public defender organization (FPDO) or its staff (except the federal public defender themselves) should be submitted to the FPD.
- In North Carolina and Alabama, allegations regarding a bankruptcy administrator should be submitted to the chief judge of the appropriate circuit court of appeals. However, allegations about the bankruptcy administrator office or its staff (except the bankruptcy administrator themselves) should be submitted to the bankruptcy administrator.

- Allegations regarding the AO should be [submitted via email \(mailto:AdminOversight@ao.uscourts.gov\)](mailto:AdminOversight@ao.uscourts.gov) to an AO investigator. The AO also accepts allegations regarding court units or FPDOs and forwards them to the appropriate responsible Judiciary official per judiciary policy. See the [Guide of Judiciary Policy, Vol. 1 § 1440.10\(a\) \(/rules-policies/judiciary-policies/fraud-waste-or-abuse-policy\)](#).

If you're uncertain about where to submit your complaint, you may submit it to the AO. The AO will provide the complaint to the responsible Judiciary official.

## AO Authority

The AO has authority to investigate allegations regarding AO staff and activities. If the AO receives allegations concerning court unit or FPDO staff or activities, they are referred to the responsible Judiciary official. The AO is authorized by the Judicial Conference to provide investigative assistance at the request of these officials.

## Investigation Process

Upon receipt, all allegations are referred immediately to an AO investigator. The AO investigator or a review team examines relevant records, interviews staff, and analyzes activities to determine compliance with applicable law, regulations, and Judiciary policy. At the conclusion of the investigation, a report is provided to the appropriate Judiciary officials. If the AO identifies any loss due to fraud, the matter is referred to the Department of Justice for potential prosecution.

The Judiciary takes fraud, waste, and abuse allegations seriously. The AO reviews all allegations; however, not every allegation is guaranteed a full investigation. Due to the sensitive nature of allegations, the AO provides status reports only to the Judicial Conference Committee on Audits and Administrative Office Accountability and appropriate Judiciary officials.

AO officials will maintain confidentiality to the greatest extent possible, including protecting the identity of the person submitting a complaint, unless disclosure becomes unavoidable during the investigation.

## Matters Outside the AO's Authority

Certain matters do not fall within the scope of the AO's authority to investigate fraud, waste, or abuse. Therefore, an allegation is not investigated as a matter of fraud, waste, or abuse if:

1. The matter does not fall within the jurisdiction of the federal Judiciary (for example, allegations regarding state courts or agencies, local courts or agencies, or federal agencies in the executive or legislative branches).

2. The matter does not fall within the scope of the Judiciary's definitions of fraud, waste or abuse per the [Guide to Judiciary Policy, Vol. 1, § 1410.10 \(/rules-policies/judiciary-policies/fraud-waste-or-abuse-policy\)](#).
3. There is a specific process for the type of complaint being made.
4. The complainant disagrees with management's legitimate application of Judiciary policies or procedures.

## Ethics and Judicial Conduct

Judges, judicial employees, and federal public defender employees nationwide are bound by ethics laws and prescribed [codes of conduct \(/rules-policies/judiciary-policies/ethics-policies\)](#). These govern the proper performance of official duties and limit certain outside activities to avoid conflicts of interest. Under the Judicial Conduct and Disability Act, chief judges and circuit judicial councils, and the Judicial Conference of the United States, when appropriate, investigate and resolve any submitted claim that a judge “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts” or “is unable to discharge all the duties of office by reason of mental or physical disability.” Learn about the [Judicial Conduct and Disability Act \(/judges-judgeships/judicial-conduct-disability\)](#) and the process for filing a complaint against a judge. The public website of each judicial circuit also includes the rules that explain what may be complained about, who may be complained about, where to file a complaint, and how the complaint will be processed. An annual report on the [Judicial Business of the United States Courts \(/statistics-reports/analysis-reports/judicial-business-united-states-courts\)](#) includes information on all judicial complaints recently filed, terminated, and pending.

Every judge is required to develop a list of personal and financial interests that would require recusal, which courts use with automated conflict-checking software to identify court cases in which a judge may have a disqualifying conflict of interest under 28 U.S.C. § 455 or the Code of Conduct for United States Judges. All judges and high-ranking judiciary officials and senior staff must file public financial disclosure reports each year, as required of all three government branches by the Ethics in Government Act. Judiciary personnel are also subject to certain provisions in the Stop Trading on Congressional Knowledge (“STOCK”) Act.

## Audits and Program Reviews

The AO oversees comprehensive audits of judiciary funds. Most audits are conducted by independent certified public accounting (CPA) firms. The firms audit all district and bankruptcy courts, and all courts of appeal, every two to four years. CPA firms also audit federal public defender organizations, probation and pretrial services offices, and bankruptcy trustees on a regular basis. At the national

level, audits are performed of the Judiciary's appropriation accounts, and of other activities, systems and funds. The AO tracks all audit findings to ensure that auditor recommendations are implemented.

The AO also reviews court and defender services operations to provide management advice and determine compliance with Judicial Conference policies. These program reviews may be broad in scope or narrowly focused – they may address operations; personnel; budget and finance; property management; jury administration; court reporting; court interpreting; or information technology management and security.

Both of these programs serve as deterrents of fraud, waste, and abuse. If either program uncovers fraud, waste, or abuse, the AO notifies the appropriate authority.

## Role of National Entities

Judiciary personnel in Washington, D.C., provide an array of assessment and support services. The AO maintains an integrated management and financial planning system, with rigorous financial controls governing budget formulation and execution. In addition to coordinating audits and conducting program reviews, the AO regularly surveys court operations and judicial workloads and assesses operational effectiveness and economy. National standards and guidelines are promulgated in an official administrative policy manual, and the AO prepares supplemental court guidance materials. Every six months, the AO reports to the Judicial Conference Committee on Audits and Administrative Office Accountability on all recent financial audits, program reviews, special investigations, and prosecution referrals. The Federal Judicial Center (FJC) and the AO offer in-person and web-based training for chief judges and unit executives on their management and oversight responsibilities. In addition, the director of the AO has a statutory duty to “supervise all administrative matters” in the courts.

## Local and Regional Oversight

Regionally, each circuit includes a circuit judicial council that carries out critical oversight responsibilities. Each council has broad authority to “make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit.” [28 U.S.C. § 332\(d\)\(1\)](https://www.law.cornell.edu/uscode/text/28/332). Council functions cover judicial conduct and disability review processes, and councils review district court plans on a range of topics such as indigent defense and jury selection.

Every federal court is responsible for the effective stewardship of public resources under its control and for appointing and removing its employees as necessary. Each court is required to have clearly defined procedures for making financial management decisions and producing timely financial reports. Courts must produce management plans for monitoring various court operations, including a budget organization plan, budget spending plan, internal controls plan, employment dispute

resolution plan, jury plan, court reporter management plan, Criminal Justice Act plan, and long-range facilities plan. Data on every court's caseload and processing times are compiled and published on the [judiciary's public website \(/statistics-reports/analysis-reports/federal-judicial-caseload-statistics\)](#).

The Third Branch is internally structured and equipped with multiple mechanisms for self-correction. This interlaced, multi-tier system of administrative checks and overlapping authorities has provided effective operational oversight and accountability and ensured that problems are promptly identified and fixed. Working together, these components have proven an effective deterrent against misconduct and misuse of public resources, fostered a culture of integrity and accountability, and contributed to the federal Judiciary's established record of sound stewardship.

Please [email the AO \(mailto:AdminOversight@ao.uscourts.gov\)](mailto:AdminOversight@ao.uscourts.gov) questions regarding administrative oversight and accountability.