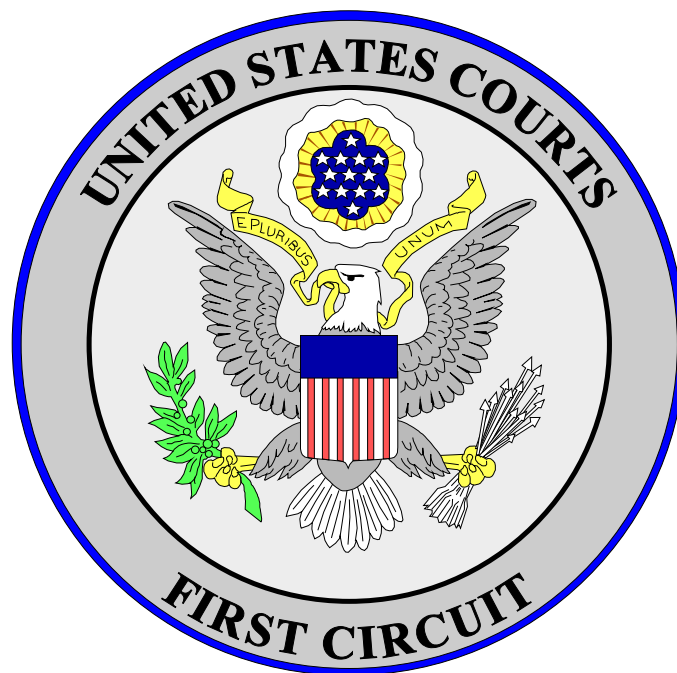


UNITED STATES COURTS FOR THE FIRST CIRCUIT



2010
ANNUAL REPORT

**United States Courts for the
First Circuit**

2010 Annual Report

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FOREWORD

by

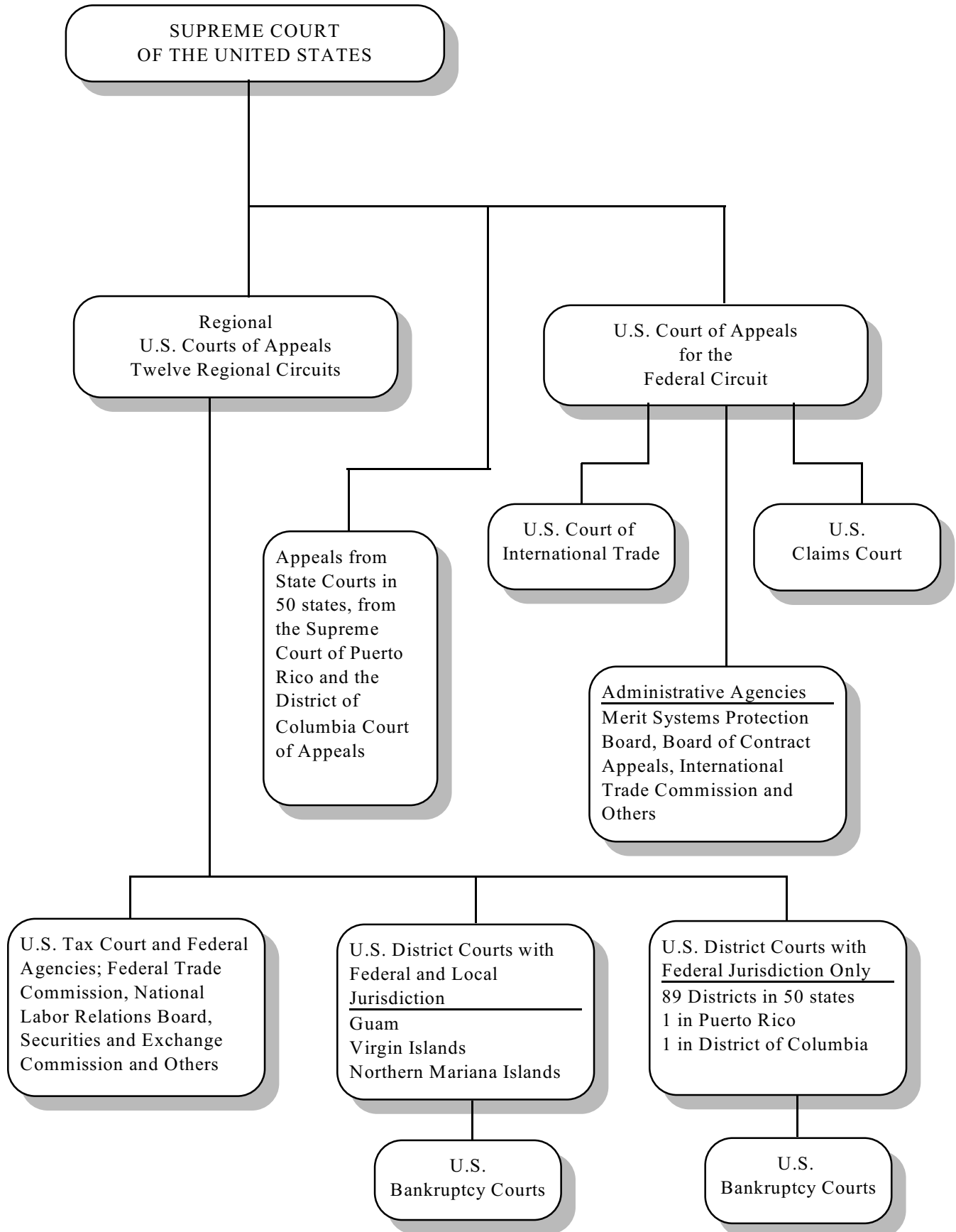
**Gary H. Wente
Circuit Executive**

The Annual Report allows the courts of the First Circuit to review the accomplishments achieved in a year. The report reviews case filing statistics, employment trends, building projects, technological advancements, including CM/ECF, and numerous other developments. The report illustrates the varied nature of the business of the courts and the efficiency with which that business is conducted in the Circuit.

I would like to thank all those who provided the information and statistics set forth in this report, especially the chief district judges and unit executives throughout the circuit. Personnel from the Statistics Division of the Administrative Office of the United States Courts provided the extensive data necessary to produce this compilation and deserve thanks for their accuracy and efficiency. I would also like to thank Florence Pagano, Michelle Dumas and Kelly McQuillan who compiled and edited the material presented in the report.

Finally, and most important, I wish to acknowledge the contribution made on a daily basis by the judges, court administrators, and court staff who dedicate themselves to the business of the courts.

Structure of the Federal Judiciary



**NARRATIVE REPORTS
OF THE UNITS
OF THE COURT OF APPEALS**

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

CLERK'S OFFICE

In March 2010, Judge Ojetta Rogeriee Thompson was confirmed as a circuit judge for the First Circuit. Although she was sworn in and began sitting on cases in the spring, a formal investiture ceremony was held on Monday, September 27, 2010 in Cranston, Rhode Island. Judge Thompson comes to the court after serving thirteen years as an associate justice of the Rhode Island Superior Court.

Also in March 2010, Maria Hamilton joined the Clerk's Office as the new Chief Deputy Clerk. Ms. Hamilton was formerly a partner at a major Boston law firm. Prior to that, she was a career law clerk for a Massachusetts district court judge for 13 years.

Several of the court's 2010 sittings deserve special mention. In January, February, March, and May 2010, retired United States Supreme Court Justice David Souter sat with the court. The court also heard oral arguments at the University of Maine Law School on April 5, 2010 and at the Roger Williams University School of Law on October 6, 2010. The latter sittings provided an opportunity for law students to observe oral argument.

The Clerk's Office achieved a major milestone by fully implementing the Case Management /Electronic Case Files system (CM/ECF) in 2010. Effective January 1, 2010, attorneys filing documents are required to file electronically. Most attorneys greeted this milestone enthusiastically and appreciate the fact that they can file documents from their office or home 24 hours a day.

In the fall of 2010, the Clerk's Office participated in the first of three court-sponsored criminal appellate practice seminars. The first session was held in San Juan, Puerto Rico. Clerk of Court Margaret Carter and Chief Deputy Maria Hamilton both spoke at the seminar and provided procedural tips on practice before the First Circuit.

In October 2010, a full Continuity of Operations Plan (COOP) exercise was conducted in conjunction with the Circuit Executive's Office.

In November 2010, several members of the Clerk's Office participated in a national Appellate CM/ECF symposium in San Diego, California. Operations Manager Frank Perry facilitated a session on case management quality control. Administrative Attorney/Analyst Stephen Turner facilitated a session on automated recusal tracking.

There was one minor change to the court's local rules in 2010. First Circuit R. 34.0(c)(2) governing rebuttal at oral argument was modified slightly to conform with current practice. Allowance of time for rebuttal is within the discretion of the presiding judge, but often the appellant will be allowed to reserve a few minutes on request made at the outset of oral argument.

In Fiscal Year (FY) 2010, the Court of Appeals reported 1,530 filings, compared with 1,746 filings for Fiscal Year (FY) 2009. This represented a 12.4 % decrease in filings. The court also reported a 2.5 % decrease in case terminations, and a 12 % decrease in pending cases.

For this same time period, the District of Massachusetts represented the largest source of appeals (509), and the District of Puerto Rico represented the second large source (497). The number of appeals from the Districts of Maine, New Hampshire and Rhode Island were 97, 103, and 73, respectively. There were 158 appeals from Administrative Agencies, most of which were from the Board of Immigration Appeals (137). The remaining cases were bankruptcy appeals (37) and original proceedings (56).

In FY 2010, civil cases (including prisoner petitions) represented 50% of the appeals commenced in the First Circuit and criminal appeals represented 33.7% of the appeals commenced. The court's median time from the filing of a notice of appeal to final disposition was 11.7 months in FY 2010, which was the same as the national median time.

OFFICE OF THE STAFF ATTORNEYS

The Office of the Staff Attorneys does legal research for the judges of the Court of Appeals. During calendar year 2010, the office consisted of one senior staff attorney, one supervisory staff attorney, 20 attorneys (6 part-time, 14 full-time), and two support persons.

The following numbers of matters were referred by the Clerk's Office to the Staff Attorneys' Office for processing:

January	133	July	146
February	161	August	160
March	208	September	158
April	183	October	162
May	137	November	186
June	168	December	161

Total: 1,963

This is 437 fewer referrals in calendar year 2010 than in 2009.

In addition, there were 146 pro se or social security submitted cases (17 fewer than in

2009) and 149 sua sponte summary dispositions in counseled, briefed cases (13 fewer than in 2009).

Among the types of matters referred to the Staff Attorneys' Office for research were: applications for certificate of appealability, applications for leave to file second or successive habeas petitions, motions for summary affirmance or dismissal, mandamus petitions, Anders briefs, motion for stay or bail, § 1292(b) petitions, applications to file an interlocutory appeal under Fed. R. Civ. P. 23(f), and many other miscellaneous matters.

CIVIL APPEALS MANAGEMENT PROGRAM

The First Circuit's Civil Appeals Management Program (hereinafter CAMP) is governed by Local Rule 33. The process begins with the filing of a Notice of Appeal with the Clerk of the Court of Appeals who notifies the appellant of the program. The Clerk also notifies Settlement Counsel of all civil appeals considered eligible for the program.

The First Circuit's rule mandates mediation of all civil appeals, except habeas corpus, prisoner petitions, *pro se* cases, National Labor Relations Board (NLRB) summary, enforcement actions, and original proceedings, such as mandamus. Although the rule grants Settlement Counsel the discretion to decide in which cases the parties will be required to attend a pre-argument conference, it is the practice to require such a conference in all eligible cases unless the information supplied by the parties demonstrates, in the opinion of Settlement Counsel, that there is no reasonable likelihood of settlement. Such cases amount to a small percentage of the cases eligible for the program.

When Settlement Counsel has been notified of a pending appeal, a conference is scheduled. Appellants are required to electronically submit a copy of the orders, memoranda or opinions from which the appeal has been taken at least two weeks prior to the scheduled conference. If the parties choose, they may also file a confidential memorandum containing, inter alia, the following:

The history of any settlement negotiations that may have taken place before and since the appeal was filed;

The major points of error that are the focus of the appeal (appellant is instructed to generally inform the appellee of such points of error); and

Important factors (factual, legal, practical) which counsel believes may affect his/her client's chances of prevailing upon appeal, and which affect the terms and conditions upon which the case may reasonably be settled.

The attorneys are also informed that their clients are required to attend the conference unless excused.

The conferences can last from a few hours to a full day or more. In special circumstances, the conference may be conducted by telephone, but, in-person conferences are preferred because experience demonstrates that in-person conferences are much more likely to produce positive results. After the initial conference, settlement counsel may conduct one or more follow-up telephone conferences, and in some cases, have the parties appear for a subsequent in-person conference.

When the process has run its course, a report is filed with the Clerk's Office indicating only that the case has been settled or that it has not been settled.

Honorable Patrick J. King (ret.) mediates cases appealed from the federal district courts in Massachusetts, Rhode Island, Maine and New Hampshire. Honorable Charles A. Cordero (ret.) mediates cases appealed from the federal district court in Puerto Rico.

In FY 2010, of the 390 cases that were opened, one or more conferences were held in 232 cases, which produced 109 settlements or approximately 47% of the mediated cases.

BANKRUPTCY APPELLATE PANEL (BAP)

In October 2010, the BAP moved to its new office suite at the John W. McCormack Court House and Post Office. Oral argument continued at the John Joseph Moakley Courthouse through the end of the year.

During 2010, Bankruptcy Judge Joel Rosenthal (D. Mass.) and Bankruptcy Judge Mark Vaughn (D. N.H.) retired. Staff Attorney, Ameer Synnott, also left the BAP. The Court welcomed Bankruptcy Judge Frank Bailey (D. Mass.) to the Panel and commenced the search for a new staff attorney.

Also in 2010, the BAP implemented CM/ECF and adopted new local rules, including rules governing electronic case filing.

For the 12-month period ending December, 2010, the BAP reported a 21.4% increase in case filings over the previous year. For that same period, approximately 55% of the appeals from the bankruptcy courts within the circuit were filed with the BAP.

FIRST CIRCUIT LIBRARIES

Overview

The First Circuit Library system provides services to the judges and court staff of the Court of Appeals, and the District and Bankruptcy Courts in Maine, New Hampshire, Massachusetts, Rhode Island and Puerto Rico. There are four libraries in the First Circuit: the Headquarters Library, located in the Moakley U.S. Courthouse in Boston, Massachusetts and Satellite Libraries in the District courthouses in Concord, New Hampshire; Providence, Rhode

Island; and Hato Rey, Puerto Rico. The Boston library provides services for chambers and court staff in Portland and Bangor, Maine. It also provides services to chambers and court staff in Springfield and Worcester, Massachusetts. The Satellite Librarian in Concord provides services for the New Hampshire Federal Bankruptcy Court located in Manchester, New Hampshire. The staff of the Hato Rey library provides services for chambers and court staff located in the federal courthouses in Old San Juan and Ponce, Puerto Rico.

All judges and court staff have access to the Boston headquarters' library and the three satellite libraries. The Boston library is open to members of the practicing bar, *pro se* litigants and the general public. The satellite libraries are closed to non-court patrons, unless permission is authorized by a judge of the court.

Personnel

In FY 2010, staff were distributed amongst the libraries as follows: seven (7) in Boston; two (2) in Hato Rey; and one (1) each in Concord and Providence. Ten staff members were full time (40 hours per week); and one staff member in the Boston library was part time (30 hours per week). The library staff functions as a team, providing services Circuit-wide. Each librarian is responsible for providing first level, "local" services to the judges and court staff within their geographic location but also have assigned responsibilities for services to judges and court staff throughout the Circuit.

Services Added in FY 2010

In the summer of 2010, the District Court for the District of Massachusetts established the Lindsay Fellows Program. The staff of the Boston library has provided library support for the District Court's Fellows Program for several years now by providing study space as well as formal and informal instruction in legal research.

The Weekly Watch of First Circuit Petitions Before the U.S. Supreme Court began at the start of 2010. This publication, which tracks First Circuit Court of Appeals cases as they move through the Supreme Court appeals process, is emailed to all judges, judicial assistants, clerks of court, law clerks, and staff attorneys throughout the circuit.

Lawbook Funds

The national aggregate increase in law book allotments in FY 2010 was 4% over FY 2009. The First Circuit law book allotment increased by approximately 1.5% for the same period. The law book allotment provides funds for both print and electronic resources for libraries' and chambers' collections. This increase, along with the voluntary cancellation of titles from chambers and libraries, was adequate to fund requested subscriptions in libraries and chambers. In addition, two electronic resources were added, *J-Stor (Arts & Sciences Collection VI)* and *Lundin, Chapter 13 Bankruptcy*. A national subscription to *LexisNexis Digital Congressional Serial Set II* covering 1969 - 2006 was funded by the Administrative Office of the Courts. With this subscription, chambers and libraries now have electronic full text access to

Congressional documents from 1789 - 2006. The First Circuit Library Collection Development Committee continues to review electronic databases which would enhance services to chambers' staff.

Selected Statistics

Below are FY 2010 statistics reflecting the work performed by library staff and the frequency with which library facilities were used.

- “In library” use of the Boston library totaled 3260. Approximately, 1300 were visits by individuals from the federal courts and other federal agencies. Over 1500 were visits by attorneys, pro se litigants or others.
- The Providence Satellite library recorded 420 "in library" uses by judges or court staff and 10 visits by attorneys given permission to use the library.
- The Concord Satellite library recorded 501 "in library" uses by judges or court staff.
- The Hato Rey Satellite recorded 1456 in library" uses by judges or court staff and individuals given permission to use the library.
- The Boston Library’s Public Access computers were used 1033 times by judicial interns or other court staff and 1182 times by public users (pro se litigants, attorneys, and other individuals). The Boston library is the only library generally open to the public.
- Reference questions answered by the four libraries via email, in-person or telephone
 - taking 10 minutes or less to provide the answer: 2889
 - taking 10 minutes to 1 hour to provide the answer: 714
 - taking over 1 hour to provide the answer: 269

Outreach Services

Services via Email:

<u>Name of Service</u>	<u>*Number of Recipients</u>
<i>Today’s News</i>	155
<i>Daily Opinion Summaries of</i>	149
<i>U.S. First Circuit Court of Appeals</i> (Findlaw)	579 (via DCNH web page service)

<i>U.S. Supreme Court Opinions</i> (Findlaw)	109
<i>Weekly Watch</i> (First Circuit Cases before the U.S. Supreme Court)	195
<i>First Circuit Sentencing Guidelines</i>	170
<i>Weekly Summary</i> for the 1 st Circuit	65

*Sent to court email addresses unless otherwise indicated

**NARRATIVE REPORTS
OF THE DISTRICTS**

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

DISTRICT COURT

In 2010, the District of Maine focused on increasing the efficiency of court operations. Programs such as e-Juror, an Excel-based CJA voucher template for court-appointed counsel, the District-Wide Civil Case Assignment Plan and the Court's Plan for Management of Social Security Appeals reflected the commitment to enhance the experience of the Bar and the public. The court's biennial District Judicial Conference, the "Court as Classroom" programs, and high school mock trial competitions reflected the court's continued effort to provide high-quality service and maintain excellent bench-bar relationships.

A significant portion of the District's administrative work in FY 2010 was devoted to courthouse renovations at both the Gignoux Courthouse in Portland and the Margaret Chase Smith Federal Building in Bangor.

The Article III judicial vacancy created when Judge D. Brock Hornby elected senior status in April, 2009 remained unfilled in FY 2010. Judge Hornby continued to maintain a full caseload.

Throughout 2010, the judges served the Judiciary nationally in the following capacities:

- Chief District Judge John A. Woodcock, Jr. served on the Committee on the Budget;
- District Judge George Z. Singal chaired the Committee on Judicial Resources;
- District Judge D. Brock Hornby chaired the Committee on the Judicial Branch; and
- Magistrate Judge Margaret J. Kravchuk served as a member of the Magistrate Judges Advisory Group and the Magistrate Judge Education Committee.

Judicial Caseload

The District of Maine has a smaller caseload compared to the national average. As a result, the Court achieves speedy dispositions and provides exceptional case management support and service to the Court, the Bar and the public. The Court has a minimal number of civil cases pending over three years, median months for civil dispositions is just over 7 months and the percentage of jurors not selected or challenged is 24%, which is far below the Judicial Conference goal of 30%.

Source: Federal Court Management Statistics 2010

Civil Caseload

For the twelve-month period ending September 30, 2010, the District's civil caseload decreased 3.5% to 577 civil cases. The Court's Social Security caseload accounted for almost 38% of the Court's civil docket. Since the year 2000, the Social Security caseload has exploded

by more than 240%. The Court experienced modest decreases in the number of prisoner petitions and personal injury and product liability cases filed last year.

With respect to the Social Security caseload, 93% involved claims by insured workers for disability insurance benefits or for widows or widower insurance benefits based on a disability. In response to the rising Social Security caseload, the District implemented the Plan for Management of Social Security Disability Cases. The Plan provides more predictability and efficiency in the Court's management and disposition of Social Security cases.

On July 1, 2010, the Court began piloting the District-Wide Case Assignment Plan to (1) more equitably distribute the assignment of civil cases throughout the district rather than by division and (2) attain a strategic planning goal set back in 2007 for judges to hear cases in Portland and Bangor. During the second half of 2010, the Court equitably distributed its civil caseload among the district judges, and those cases managed pursuant to the new Plan are expected to go to trial in FY 2012. The efficacy of the pilot will be reviewed at that time.

Criminal Caseload

The Court's criminal caseload increased 12% in 2010, compared with a national increase of 17%. The most notable change in Maine's caseload during the last five years was the decrease in the number of charges involving violent offenses.

In 2010, the median months to criminal disposition were 8.3 months, which reflects an increase over 2009. This increase may be attributable to the complexity and number of issues to be resolved prior to a Rule 11 hearing or trial in Internet child pornography cases and cases involving mental health issues.

Finance and Budget

In 2010, there were several important changes and improvements in finance for the District of Maine. In early 2010, the District volunteered to participate as a pilot court for the Cash Register hosting project. This project allowed the Court to migrate the Cash Register database from a local server to a consolidated server in Virginia. Not only was this project a major cost-savings initiative for the Judiciary, but the migration also eliminated an under-utilized server from the local operations and provided a reliable, remotely-administered and redundant system for our cash receipt transactions.

The District established a Bench Bar Fund in July 2010. Income is generated to the fund from every pro hac vice filing in district court cases and is collected electronically at a rate of \$100 per pro hac vice appearance. As of November 30, 2010, the Court collected a total of \$7,300. The fund is maintained in a commercial bank account and inures to the benefit of the bench and the bar in the administration of justice and for any purpose deemed proper according to the fund plan and the *Guide*.

Implementation of the Paper Check Conversion - Over the Counter system (PCC-OTC) was completed in the fall of 2010 in both the Portland and Bangor offices. This effort was part of a pilot program among a handful of district and bankruptcy courts nationwide. A check scanning device is utilized for daily transmission of check and money order data to the Federal Reserve Bank. This procedure significantly reduces the need for staff to make physical bank deposits, and also hastens the transfer of funds to the U.S. Treasury as payment for criminal debt and other fees payable to the Court.

To strengthen internal control monitoring of financial, budgetary, procurement, property management, human resources, jury, and other processes, the District instituted formal transaction sampling as part of its annual internal controls review. The District Court coordinated an effort among all of Maine's court units to share the responsibility of examining procedures and policies and samplings transactions. Utilizing the draft version of an instrument currently being developed by the AO's Office of Audit, transactions were randomly selected and rigorously examined by various members of the administrative staff from all of the court units.

Information Technology

A new IT Director and Systems Engineer were hired in 2010. Both individuals bring many years of private sector IT experience to the Court.

A new Cisco core switch was installed in Portland to provide redundant connections for enterprise equipment, as well as the necessary infrastructure to easily integrate IP telephone and other converged services. This switch also improved the speed and security of the Court's network by segregating traffic into logical segments.

The CM/ECF core hardware was upgraded to the latest HP G6 servers. These newer servers provide a faster and more stable platform for ECF. The system was successfully migrated to the new servers over a two-month period.

With the purchase of VMware, the District began virtualizing the Portland and Bangor servers. This also included installation of a new storage area network system for Portland and Bangor. These technologies provide the court with redundant servers which will fail over automatically in the event of a server failure. The IT staff replicated all of the data across the network to enhance data protection and recovery capabilities to better accomplish COOP initiatives. This also dramatically reduced the power and cooling requirements in the server room.

iPads were deployed to the judges and court executives in FY 2010. These compact devices gave users additional flexibility to work while traveling without the need for a bulky laptop. The small form factor makes getting through airport security much more efficient and painless.

In addition, an IT security and LAN assessment was completed this year, driving the 2011 initiatives to make the court more secure and organized.

Additional 2010 IT accomplishments:

- Upgraded courtroom AV equipment
- Improved data archiving
- Upgraded all UPS units for proper management and monitoring
- Added evidence monitors for case managers in all courtrooms
- Completed FAS4T migration

Operations

In 2010, new processes were developed for scheduling Social Security oral arguments before the magistrate judges and for the District-Wide Civil Case Assignment Plan. A committee was formed to review the quality control process. The Interpreter Plan was adopted and implemented and a plan to digitally preserve paper documents and dispose of them was also implemented. A new scheduling order for management of ERISA cases was adopted by the Court. Finally, the Clerk's Office continued to electronically preserve paper documents by scanning naturalization records and archive logs for easy access and redundancy.

In 2009, the Administrative Office asked the Courts to retain temporary records beyond the five-year period and not send the files to the Federal Records Center to be archived. In order to help save costs, in July 2010 the Clerk's Office deployed, with the approval of the judges, the Disposal of Paper Documents Plan. The Disposal of Paper Documents Plan allowed the Clerk's office to dispose of paper documents in civil and criminal cases which have been scanned in their entirety to the CM/ECF system and verified on CM/ECF. The paper documents are then destroyed once the case is closed and the appeal period has expired. The Clerk's Office will still retain in paper criminal judgments, wiretap applications, and pen registers. To date, the Clerk's Office has disposed of paper documents filed in closed criminal cases, closed sealed miscellaneous case, and closed magistrate cases from 2003 to present.

Contract Interpreter Management Plan

On November 16, 2010, the District of Maine adopted the Contract Interpreter Management Plan. This Plan ensures that federally certified and qualified interpreters are used, enhancing the operation of the court, as well as maintaining an effective and efficient procedural system of contract court interpreting.

The Clerk's Office also established an orientation for contract court interpreters. The orientation includes watching the FJC video "Taking the Interpreter's Oath to Heart," receiving a tour of the courtroom, as well as training on the courtroom interpreting equipment. Detailed orientation handouts describing the courtroom were created as an aid for interpreters. The

Clerk's Office also developed an interpreter link on its website for other agencies and contract interpreters to use.

Training and Development

The District Court, Bankruptcy Court, and Probation and Pretrial Services attended two District-sponsored programs facilitated by the Employee Assistance Program. The program topics were *Balancing Work and Personal Life* and *Stress Management- Building Resiliency*. Each program included a short presentation by a local subject matter expert, handouts, and time for questions, comments, and discussion. Staff members were reminded of all the Employee Assistance Program has to offer and how to take full advantage of their services.

In addition to the Employee Assistance Programs, the Clerk's Office hosted a Thrift Savings Plan Allocation Seminar conducted by Gary Slipp of Northeast Planning Associates. The program covered topics such as investment funds and the most important factors in determining portfolio return.

Throughout 2010, the Clerk's Office staff received in-house training in subject matters such as Case Management/Electronic Case Filing (CM/ECF), Quality Control Tickets in SharePoint, and Courtroom Technology. These training sessions were conducted by staff members from both the Bangor and Portland offices. Staff completed training surveys in an effort to identify training needs and to gather information to create future training schedules.

Various Clerk's Office staff members were also given the opportunity to attend off-site training seminars such as the 2010 FCCA Conference, Interpreter Coordinator Training, the Financial Forum, E-Juror Conference, Workshop for New Court Managers and Supervisors, the CM/ECF Operations Forum, ICE Training, and Statistical Training, to name a few.

Criminal Justice Act Programs

There were a number of improvements in 2010 with respect to court-appointed counsel and related internal processes in the Clerk's Office. The obsolete Citrix-based CJA payment system used since the 1990's was replaced in August when the District converted to a web-based solution, which improved workflow and provided significantly faster software. The new processing system was implemented as an interim solution until the e-vouchering project is completed by the Administrative Office.

Also in 2010, the Clerk's Office developed a temporary solution to assist panel attorneys in the process of completing CJA 20 vouchers. A series of Excel-based worksheets became available on the Courts' internet site and serve as a standardized electronic tool to create and process voucher invoices, thus reducing voucher preparation time, increasing accuracy of submitted vouchers, reducing Clerk's Office voucher review time and accelerating turnaround time of payment to panel attorneys. The response from the panel and support staff has been positive. A training seminar for panel attorneys and support staff was provided at each

courthouse in conjunction with the Federal Public Defender's Office. In addition to presenting the new worksheets at the seminars, staff presented training on policies and procedures surrounding the various CJA components. It is anticipated that additional, smaller training sessions will continue.

CM/ECF

The District Court migrated its CM/ECF server to a new server in compliance with AO requirements. In addition, the Clerk's Office upgraded CM/ECF through three different versions adding new functionality, such as the ability to create an appendix, with or without hyperlinks to documents, as well as implementing the unique sequential Page Id number assigned to the header of each document filed. These upgrades brought the Court into compliance with the Judicial Conference Policy regarding public access to information in sealed cases.

CM/ECF also changed the Court's § 2255 motion procedures so that all docket entries are entered in the underlying criminal case. When the motion is filed in a criminal case, a shell civil case is automatically opened and case opening statistics created. When the motion is disposed of in the criminal case, the civil case is automatically closed.

The Conflict Checking Report was upgraded to automatically run nightly on any new cases and weekly on the entire database. Finally, the Case Assignment program was updated to accommodate the pilot assignment program for civil cases in which all cases in the District are randomly assigned to a judge regardless of the case location.

Jury Administration

In 2010, the e-Juror system was implemented to allow jurors to respond to jury qualification questionnaires and summonses electronically using the internet. Once implemented, the District had an average response rate of 32%.

In the fall of 2010, Jury Administrator Devon Richards attended national jury training. Jury administrators from federal courts across the country gathered to discuss the eJuror program, share their experiences in implementing eJuror, and offer suggestions on how to improve eJuror with future versions.

In 2010, the percentage of jurors not selected, serving or challenged (NSSC) for the District of Maine was 24%, a decrease of 1% from 2009. The District of Maine remains well below the national average and well below the Judicial Conference's goal of 30% or less. Comparatively, the national average of jurors NSSC ending June 30, 2010 was 39.4%.

Space & Facilities

In Portland, continued deterioration to the interior and exterior of the Edward T. Gignoux U.S. Courthouse, as a result of failed mortar joints and a roof at the end of its useful life, prompted Congress to issue the Court \$4.3 million to perform an out-of-cycle renovation on the

complete exterior of the building. The work is scheduled to begin sometime in 2011 and should be completed in the fall of 2012.

The District had an AO IT management review in the summer of 2010 which identified the need for the Court to replace all of the data cabling throughout the Gignoux Courthouse in order to prepare for the transition to converged services and replace the obsolete phone system. The Clerk's Office, working in concert with the Office of the Circuit Executive, initiated the process, obtaining funds for the design phase and for the actual recabling.

In April 2010, GSA awarded Consigli Construction of Milford, MA and Portland, ME the construction contract for the renovations to the Margaret Chase Smith Federal Building pursuant to the \$52.82 million award allocated to the building under the American Recovery and Reinvestment Act of 2009 ("ARRA"). In May 2010, the Postal Service vacated the building and part of that space was repurposed as swing space for the District Court during construction. The ARRA Project is expected to be completed in December 2013.

In the fall, Ryan Doil began work on a Test, Training, and Exercise (TT&E) Plan to complement the District Court's Continuity of Operations Plan. The objective of the TT&E Plan is to provide staff with education and awareness of the COOP, and embark on exercises between the various court units within the District.

Property management implemented more efficient monitoring and tracking of accountable mobile property this year. The Clerk's Office upgraded to the newest version of the Judiciary Inventory Control System (JICS), which allows for the creation of property passes electronically, care-taker sign-out sheets, and the attachment of pictures of property to the inventory entries. Additionally, the mobile property database was consolidated into JICS which resolved discrepancies that had occurred with multiple tracking systems.

Human Resources

Since 2007, the District of Maine has shared day-to-day human resources services with the Bankruptcy Court. In 2010, the District of Maine implemented its Performance Management Plan and conducted training for staff in preparation for the new salary progressions rates, which took effect on October 1, 2010. The District of Maine also continued to participate in the New Menu Pilot for HRMIS and provide feedback to the AO regarding updates and enhancements to the HRMIS System.

District of Maine Judicial Conference

The District of Maine hosted its biennial Judicial Conference in October of 2010. The Conference was held at the Samoset Resort in Rockport, Maine. More than 300 attorneys, judicial officers, court employees and speakers attended the Conference. Plenary sessions included topics on the Ethical Pitfalls of Social Networking and Trends, and Impact of Social Media and Emerging Technologies. Breakout sessions were conducted addressing federal

bankruptcy, civil and criminal practices. Several local attorneys volunteered as planning committee members and participated as panelists in the breakout sessions. U.S. Circuit Judge M. Margaret McKeown from the Ninth Circuit and Esther DeVries from the Federal Judicial Center spoke at each of the plenary sessions. Keynote speaker and best-selling author, Tracy Kidder discussed his most recent book, Strength in What Remains, at the evening dinner. In addition, the district judges announced the commencement of the Charles Harvey Award, which will recognize significant service to the federal court in the spirit of Chuck Harvey.

Community Outreach

In the spring of 2010, the judicial officers of the District hosted bench-bar meetings in Portland and Bangor for the purpose of maintaining communication. The judges discussed topics of mutual interest to the lawyers and the judges, then opened the floor to discuss issues in district and bankruptcy practice.

In 2010, 175 new citizens were naturalized and 107 new attorneys were admitted to the Federal Bar in the District of Maine.

The Blue Hill Consolidated School mock trials for grades 5 and 6 were hosted in Bangor in April. Chief Judge Woodcock and Assistant U. S. Attorney James McCarthy addressed each class. In Portland, 27 high school students and their advisors from the University of Southern Maine's Upward Bound program visited the court for two days in June and July, conducting mock trials, observing court proceedings and meeting with judges and the U.S. Marshal. College students from the Netherlands spent an afternoon in July observing a proceeding and talking with Judge Hornby. Finally, the Portland Police Department Police Scouts conducted part of their training in the Gignoux Courthouse.

In October, students and teachers from Grace Baptist High School in Portland also observed a court proceeding and met with Judge Hornby afterwards. In November and December, mock trial teams from high schools across Maine competed in the District Court and Bankruptcy Court courtrooms in Portland.

To ease public access, public court calendars were added to the Court's internet site, as well as links to CM/ECF and the Central Violations Bureau.

Other Notable Changes

On December 31, 2010, Linda L. Jacobson retired as the Clerk of the Court. Linda was inducted as the Clerk of Court for the District of Maine on May 1, 2007, and was the 15th person to receive an appointment as Clerk since 1789. At the time of her appointment, Linda's tenure with the court in Maine spanned 28 years. Linda held positions in all three branches of the government over the course of her service, which began in 1969. Prior to her appointment in 1979 as Deputy in Charge of the Clerk's Office in the District of Maine's then "Northern

Division” located in Bangor, Linda had been employed by the Federal Bureau of Investigation, the United States Air Force, the United States House of Representatives and the United States Senate. Her career involvement in court administration nationally included work with the Administrative Office of the U.S. Courts, the Federal Judicial Center and a joint American/Canadian/Russian RJRP project to develop a court administration curriculum for Russian court administrators and employees.

Elizabeth Richardson also retired on December 31, 2010, following thirty-two years of service. Elizabeth began her career with the federal judiciary in 1979 as secretary to U. S. Bankruptcy Judge Conrad Cyr and followed Judge Cyr when he was appointed as U.S. District Judge in Bangor in 1981. Prior to joining the Judiciary, she served as secretary to Gene Carter at Winchell, Carter & Buckley. Elizabeth also served as secretary to U.S. District Judge Morton A. Brody from 1991 – 1996, and then served as Administrative Analyst and Deputy Clerk for Clerk William S. Brownell and Clerk Linda L. Jacobson.

BANKRUPTCY COURT DISTRICT OF MAINE

Operations

The Bankruptcy Court for the District of Maine enjoyed a stable year in 2010. The successful re-introduction of an Intake Department in 2009 continued unabated in 2010, allowing case administrators to focus almost exclusively on case administration. As a result, docketing accuracy rates improved.

The Court's Operations Manager, Phil Normand, and Judge Kornreich's career law clerk, Jim Wholly, both completed the Federal Court Leadership Program. Their successful completion of the Program brings to eight the number of graduates currently working for the Bankruptcy Court.

In 2010, Judge James B. Haines, Jr. served as the sole Bankruptcy Judge on the Judicial Conference Committee on Court Administration and Case Management, and as a member of the Federal Judicial Center's Board of Directors. Clerk Alec Leddy also served on various national committees and working groups this year. He acted as the First Circuit representative to the Bankruptcy Clerks Advisory Group, as a member of the Administrative Office's Budget and Finance Advisory Council, a member of the Court Sizing Working Group, and as Chair of the Salary Allotment Formula Update working group.

Information Technology

The Maine Bankruptcy Court continued to invest significant local funds toward upgrading its IT infrastructure this year, in preparation for the installation of a new VOIP

telephone service and enhanced DCN capabilities. Network switches were upgraded in Portland and a comprehensive LAN assessment was performed.

Conferences

As it has in recent years, the Bankruptcy Court sent a sizeable contingent of staff to national training meetings hosted by the National Conference of Bankruptcy Clerks (Pittsburgh, PA), and also the Administrative Office and the Federal Judicial Center. The Court also conducted its own 1.5-day offsite COOP training meeting in the spring, at which COOP readiness was evaluated, tested, and improved. One hundred percent of both Chambers and Clerk's Office staff participated.

Caseload

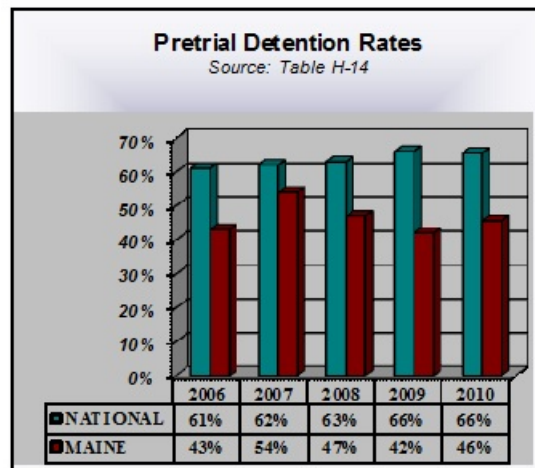
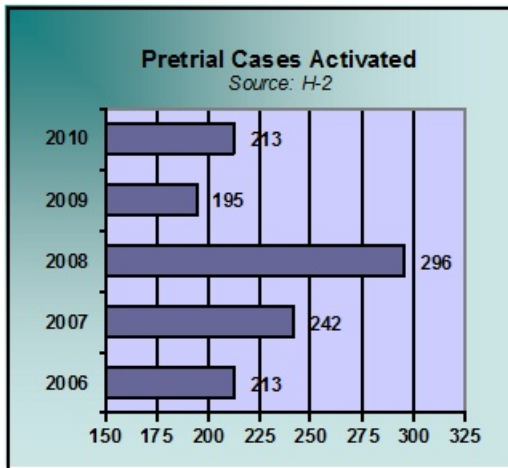
There were 4,204 new bankruptcy cases filed in calendar year 2010 in Maine, the vast majority of which were filed under Chapter 7. This represents an increase of just under 10% from filings in 2009, which themselves were up almost 30% over 2008.

Building and Construction

Significant planning took place in 2010 for renovation work in both the Portland and Bangor Bankruptcy Court locations. With help from the Circuit Executive's Office, both projects were ready for construction to begin by the end of the year.

PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF MAINE

The Probation staff in both offices adjusted to a number of changes in FY 2010, including the move of the Portland office and the complete renovation of the Bangor office. A new national supervision philosophy was incorporated involving Evidence-Based Practices, new staff were added, and two long-time Probation administrative staff retired. Existing programs, including SWiTCH and Offender Re-Entry, were continued. In addition, the first set of results were received from the Muskie School of Public Service, which evaluated the impact of the SWiTCH program. Finally, the Firearms and Safety program continued to be enhanced through the use of the latest training and equipment recommended by our National Training Academy.



In FY 2010, there was a significant drop in presentence reports, which will affect funding for fiscal year 2011. Although the pretrial workload increased slightly during FY 2009, those cases did not translate into presentence workload during FY 2010, as expected. In addition, the post-conviction workload also declined, which added to the overall workload and funding decrease. Treatment services funding for FY 2010 remained healthy, however.

Significant IT investments were completed in 2010, which will serve the office well into the future. Work continued on completing systems and telephone redundancy between the Portland and Bangor offices, as well as completing the network conversion which added speed and accessibility.

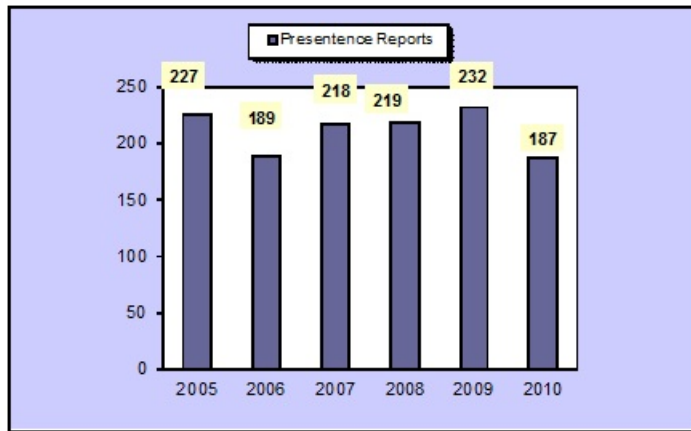
A considerable amount of planning was completed in 2010 to shift the District to Evidence-Based Practices. This included researching the most effective programming to address risk using a national risk assessment tool, and providing cognitive programming to the clients, all with a focus toward identifying and reducing the risks associated with recidivism. Succession planning was integrated into these efforts to ensure continuity in the future and to allow staff opportunities for professional development and growth.

For the second straight year, the national pretrial detention rate showed that two-thirds of all pretrial defendants in the country are never released on bail. For Maine, detention rates continued at approximately 45%. In FY 2010, the presentence unit reported its first decline in workload since FY 2006. During FY 2010, the unit wrote 187 presentence reports, which is a decline of almost 20% compared to FY 2009.

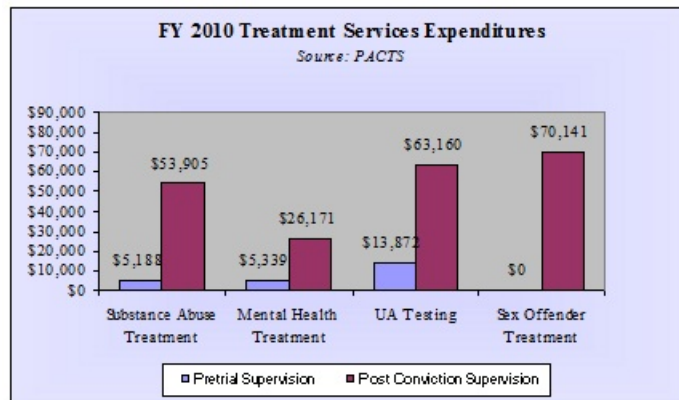
At the close of FY 2010, post-conviction cases were supervised by a total of 12 officers/officer assistants. This includes a Re-Entry Program Specialist, Treatment Services Specialist, and a Location Monitoring Coordinator.

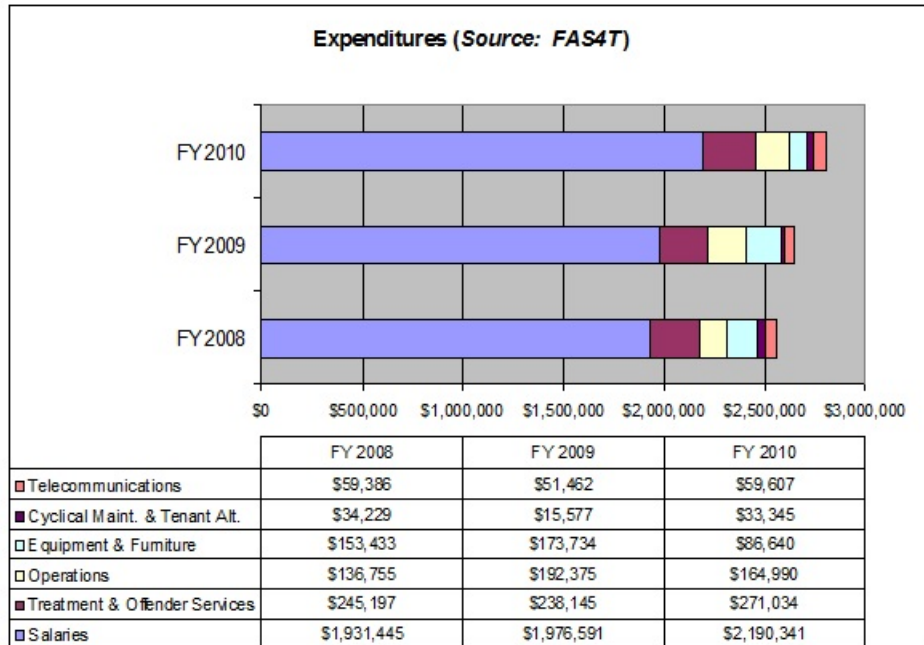
In FY 2010, the Probation Office saw a 6.32% decrease in total supervision cases, a 1% increase in violations, and a 0.5% increase in early terminations.

The Probation Office reported 6.49% increase in the number of location monitoring (LM) cases supervised in FY 2010. The total expenditure for LM services was \$36,526.



For the second straight year, the highest level of spending occurred in the area of sex offender treatment, totaling \$70,141 (a 3.6% decrease). Substance abuse treatment expenditures followed with a total outlay of \$59,093 (an 11.1% decrease). The Probation Office spent a total of \$31,510 on mental health treatment (an astounding 30.7% increase).





Total expenditures in FY 2010 increased by nearly six percent over FY 2009. Expenditures for Salaries, Treatment and Offender Services, Cyclical Maintenance & Tenant Alterations and Telecommunications all increased.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DISTRICT COURT

The United States District Court for the District of Massachusetts has thirteen (13) authorized district judges, two senior district judges and seven (7) authorized full-time magistrate judges.

Judicial Accomplishments

Chief Judge Mark L. Wolf moderated a discussion along with Professor Burt Neuborne and Josh Marshal on March 27, 2010 in New York City at *Top Secret Talks*, one in a series of lectures provided by USC Annenberg's Center on Communication Leadership & Policy. The topic of the evening was “Confidential Government Information in the Internet Age: Roles and Responsibilities of Courts, the Executive Branch, and the Media.”

Judge Nathaniel Gorton was appointed by Chief Justice Roberts to serve on the Judicial Conference Committee on Intercircuit Assignments in November, 2010.

Judge Richard G. Stearns sat by designation in the Southern District of New York and on the Third Circuit Court of Appeals. He serves as a Trustee of Vincent Memorial Hospital at Massachusetts General Hospital and as Chair of the Committee on Science and Research of the Vincent Center for Reproductive Biology. He continues work overseas for the Department of Defense, NATO and the State Department. His consultation work relates to: bioterrorism in Turkey, judicial reform in Macedonia, nuclear counter-proliferation in Germany and NATO integration in Croatia. In 2010, Judge Stearns received the Federal Bar Association's Distinguished Judicial Service Award.

Judge Patti B. Saris was confirmed by the Senate as the new Chair of the United States Sentencing Commission on December 22, 2010. Judge Saris also served as a member of the First Circuit Judicial Council and as Vice President of the Federal Judges Association.

Judge Nancy Gertner taught courses in Comparative Sentencing Institutions and American Sentencing during the spring and fall semesters at Yale Law School. She also taught a class at the Monash Law School in Prato, Italy. Judge Gertner participated in events around the globe, including: the The Journal of Criminal Law and Criminology Centennial Symposium: A

Century of Criminal Justice at Northwestern University School of Law in Chicago; a forensics panel at UCLA Law School in Los Angeles, CA; a white collar crime panel at the American Bar Association spring meeting in Miami, FL; the Wellesley College Centers for Women conference about anti-discrimination laws in Beijing China; a "View from the Bench" speech at Cleveland State University; a panel at the American Bar Association's Antitrust Law Section spring meeting in Washington, DC; an international human rights meeting in Washington, DC with members of the Wellesley College Centers for Women; the Quadrennial Conference of the Federal Judges' Association in Washington, DC; the Kanazawa University in Ishikawa, Japan where she spoke about the American jury system; and a human rights symposium with the International Association of Women Judges in Budapest, Hungary.

Judge Michael A. Ponsor notified President Obama on July 23, 2010 that he would take senior status as of August 15, 2011. Judge Ponsor served as Chair of the Judicial Conference Committee on Space and Facilities and held Committee meetings in Boston in June 2010 and in Austin, Texas in December 2010. He appeared before the House of Representatives Subcommittee on Economic Development, Public Buildings and Emergency Management, a subcommittee of the larger House Committee on Transportation and Infrastructure on May 25, 2010, representing the Judiciary and offering testimony on the topic of "Eliminating Waste and Managing Space in Federal Courthouses." On September 29, 2010, he appeared a second time before the House of Representatives, this time before the Subcommittee on Courts and Competition Policy, a subcommittee of the larger House Committee on the Judiciary, representing the Judiciary and offering testimony on the topic of "Courtroom Use: Access to Justice, Effective Judicial Administration, and Courtroom Security."

Judge Denise J. Casper was confirmed by the Senate on December 17, 2010.

Senior Judge Edward F. Harrington assumed a more active role in the court mediation program.

Magistrate Judge Leo T. Sorokin spoke at conferences sponsored by the John Jay College of Criminal Justice, the National Association of Drug Court Professionals, Boston Bar Association, the Federal Judicial Center and Stanford University Law School regarding a variety of legal issues. Magistrate Judge Sorokin continued to preside over the Court Assisted Recovery Effort (CARE) that celebrated its third graduating class in November, 2010.

Judicial Conference

In addition to the achievements noted above, the following judges of this Court served on various Committees of the Judicial Conference of the United States:

Chief Judge Mark L. Wolf. Member, Judicial Conference of the United States
Judge Patti B. Saris. Committee on the Budget
Judge Michael A. Ponsor. Chair, Committee on Space and Facilities
Judge Richard G. Stearns. Committee on Judicial Security
Judge F. Dennis Saylor, IV. Committee on Defender Services
Senior Judge Edward F. Harrington. Committee on the Administration
of the Bankruptcy System
Magistrate Judge Marianne B. Bowler. Committee on International Judicial Relations

Alternative Dispute Resolution

The Alternative Dispute Resolution (ADR) Program continued to play a vital role in the pretrial resolution of a broad range of civil matters during 2010. A total of 266 cases were referred to the ADR Program. Senior Judge Edward F. Harrington served as a mediator, as did the magistrate judges in Boston, Worcester and Springfield. In addition to the mediations conducted by judicial officers, the court's volunteer ADR Panel members mediated a few of the cases.

Criminal Justice Act

In accordance with the CJA Plan of the U.S. District Court for the District of Massachusetts, the Federal Public Defender shall receive at least 35% of all assignments in the Eastern (Boston) and Central (Worcester) Divisions annually. CJA panel attorneys shall receive those cases that the FDO cannot take. The District Court approves and regularly revises a list of private attorneys to serve on CJA Panels for the Eastern Division, Central Division, and the Western Division (Springfield) and a specialized panel to provide representation in habeas corpus cases. During 2010, the court completed its first full year utilizing the court-developed CJA Assignment Program as outlined in its CJA Assignment Protocol, revised February 24, 2010. The primary goal is to maximize random assignment of attorneys and equitable distribution of cases.

During 2010, Judge Nancy Gertner continued to serve as the liaison judge for CJA matters and Attorney Peter Krupp continued as the Chair of the CJA Board along with the following attorneys: Victoria Bonilla-Argudo; Roberto M. Braceras; J.W. Carney, Jr. ; Patricia Garin; John P. Pucci; Edward P. Ryan, Jr.; A. Hugh Scott; Kathy B. Weinman; William M. White, Jr.; and Federal Defender, Miriam Conrad. The CJA Board, along with the Federal Public Defender and other members of the criminal bar, coordinated several training programs for criminal defense attorneys during the year.

National hourly rates for CJA panel attorneys were increased to \$125.00 effective January 1, 2010, along with the maximum compensation rates for appointed cases. CJA Rates and other reference documents including CJA Plan, CJA Assignment Protocol, and Travel Guidelines are posted on the Attorneys' CJA Information page of the Court's website. A link to the recently released *National CJA Voucher Reference Tool* has been added to the web-page. This on-line reference tool provides quick access to the policies and procedures related to CJA cases, beginning with the appointment of panel attorneys and continuing through the processing of vouchers to the approval of payment for services rendered.

In May 2010, Judge Nathaniel M. Gorton issued a Standing Order regarding the filing of interim CJA 20 vouchers for his cases which is designed to facilitate the prompt review and payment of CJA 20 vouchers in cases involving claims for compensation that exceed the applicable statutory maximum (currently \$9,700) for felonies and non-capital post-conviction proceedings and other representations.

Helen Costello and Christine Karjel served on the National Criminal Justice Act (CJA) Voucher Policy Training Program Working Group. The national working group assisted in the development of a National CJA Voucher Policy Training program to provide the federal courts and defender organizations with the policy guidance and quality training to ensure good stewardship of Judiciary funds.

Finance

The financial staff implemented PCC-OTC (Paper Check Conversion Over-the Counter) and TGA Net (Treasury General Account Deposit Reporting Network), both initiatives of the United States Department of Treasury. The PCC-OTC program focuses on the collection of public monies via checks presented by customers. Under this program, checks presented to the Clerk's office are converted to debit entry transactions or truncated to create substitute checks. The PCC-OTC program eliminated the need to make physical deposits of checks by a courier to a bank, saving the court \$1,000 per month. TGA Net is a reporting mechanism for cash deposits. The financial staff also upgraded the CJA Payment System.

In 2010, the financial staff issued 27,420 payments. Restitution payments represent a significant portion of that total with 6,173 payments issued to 2,044 unique payees totaling \$5,891,731.42.

Marie O'Keefe was appointed to the District Methods Analysis Program (DMAP) Working Group on Criminal Fines and Restitution. This group, staffed by the District Court Administration Division, provides recommendations on "best practices" to improve the efficiency and effectiveness of district clerks' office operations.

Lucien Adam was selected to participate in the Judiciary Integrated Financial Management System (JIFMS) Focus Group in the area of the Civil/Criminal Accounting Module (CCAM). JIFMS will work to streamline financial operations, eliminate costly interfaces, improve data security and controls, and position the Judiciary to take advantage of efficient financial practices like electronic payments. The focus group will assist in developing the requirements for JIFMS.

Christine Karjel, Financial Manager of the Court, continued in her role as a working group member of the Electronic CJA Voucher Processing System (eCJA VPS). The working group's role is to provide expert advice regarding the development of a system to replace the current paper-intensive CJA voucher process with modern, electronic capability. The critical objectives of the group are to recommend and critique the system requirements and to review and comment on documents related to the requirements and alternative analyses.

Human Resources

A number of staffing changes took place in 2010. Several long-standing employees retired, and new positions were added. The court welcomed two new jury clerks, a computer systems administrator, docket clerk, procurement technician, financial technician, human resources specialist, and added the position of deputy assistant operations manager to the operations management team.

The Clerk's Office began using an electronic performance management process supported by the Administrative Office, called ePerformance. Discretionary increases in personnel compensation now will be related directly to job performance. The Clerk's Office spent the last few months of the year implementing a new automated leave tracking program supported by information technology staff at the Administrative Office of the United States Courts.

Immigration & Naturalization

The judges of this District conducted fifty-two naturalization ceremonies during 2010, swearing in 24,050 new citizens. The District continues to work with the United States Citizenship and Immigration Service to provide ceremonies in accessible and historically significant venues. In 2010, ceremonies were held at venues throughout Massachusetts, including each Federal courthouse, Faneuil Hall, Fenway Park, Gloucester City Hall, the Golden Stairs in East Boston, the JFK Library, the Lowell Memorial Auditorium, Mechanics Hall in Worcester, the Seaport World Trade Center, and the U.S.S. Constitution.

While every ceremony is a memorable event to all in attendance, a few of particular note were held this year. On October 12, 2010, a ceremony was held at the Golden Stairs in East Boston. Boston Mayor Thomas Menino and Victoria Kennedy spoke during the ceremony. The historic area next to the Navy Fuel Pier on Marginal Street was at one time second only to Ellis Island as a point of entry for thousands of Irish, Jewish and Italian immigrants into the U.S. during the late 1800's and early 1900's. Across Marginal Street from the former Immigration Station building are the "Golden Stairs" named because they represented the final climb to golden opportunity in America for countless Europeans.

On September 14, 2010, Judge Nancy Gertner presided over the largest ceremony of the year held at Fenway Park. Secretary of Homeland Security, Janet Napolitano, and Red Sox CEO, Larry Lucchino, spoke during the ceremony and 5,211 petitioners were sworn in as United States citizens. A video commemorating the event was produced by the Red Sox and is available at: http://mlb.mlb.com/video/play.jsp?content_id=12093217.

Information Technology (IT)

CM/ECF

The District Court maintains a 24/7 presence on the Internet through the CM/ECF (Case Management/Electronic Case Filing) and the national PACER (Public Access to Court Electronic Records) Systems. Through these systems, litigants and the public can access court records from any computer connected to the Internet. In addition to the CM/ECF system, the District Court maintains both the financial system (FAS4T) and messaging system (Lotus Notes) for the other court units in the District of Massachusetts.

In March, CM/ECF was upgraded to version 4.1.1. The new version included numerous application updates as well as a host of new features. New features allowed integration with applications for the Probation Department, the Pretrial Services Department and the Court of Appeals, along with announcement e-mail capability to all system users, interface upgrades, additional reporting features, functional testing improvements, and improved quality control tools. The system included many enhancements to document management, including document appendix creating and linking, proper document pagination and multiple document printing.

CM/ECF and all supporting applications were migrated to new G6 cyclical replacement servers in August. This was a time intensive project that required careful inter-disciplinary planning and support. The project required electrical upgrades to the server room, complete reinstallation of application databases and server software, migration of existing data accounts, security infrastructure and external data connections. Several applications were modified to accept the new configuration including the jury management system, the court electronic organizer (calendar) and the public access terminals.

Courtroom Technology

Courtroom technology projects provide state of the art electronic evidence presentation systems in all district judge courtrooms throughout the District. These systems are used by all parties to effectively transmit documents and multi-media evidence to all participants, including the judge, attorneys, witnesses and jurors. New evidence presentation systems were installed in two courtrooms and upgraded audio systems were installed in twelve courtrooms between Boston and Worcester. In addition, preparations began to implement new evidence presentation systems in four additional courtrooms, and new audio systems for three additional courtrooms in Boston.

Network

After significant design and preparation, all of the Court's active workstations and users were migrated to a new network operating system. This included the installation of two servers in each of the three locations for purposes of redundancy and fault tolerance. Users can now access their data seamlessly in all three offices.

Internal Controls

In a continuing effort to improve and develop tools and methodologies that strengthen the policies and procedures used to safeguard public assets, the Internal Controls Analyst (the analyst), in conjunction with the Chief Deputy Clerk, implemented the Internal Controls Evaluation (ICE) application program. Developed by the Administrative Office of the United States Courts to aid in the monitoring and mitigation of segregation of duties issues, ICE also provides data-mining functions, and was used in conducting analysis of information system based financial transactions. Computer software was incorporated within the internal controls program to increase the efficiency and effectiveness of planning and conducting risk assessments and audits.

Throughout the year, the analyst performed research and issued a special report on CJA attorney billing hours, conducted internal control evaluations on finance related operations at all offices of the District Court and Pretrial Services, audited the Attorney Admissions Fund, and provided verification of the raw data and formulas used by the AO to determine the District Court's FY 2010 allotments. Security monitoring of the accounting system was performed on a monthly basis, and the process of writing new control procedures for the District Court's financial operations was initiated.

The analyst completed continuing education course work from the American Institute of Certified Public Accountants with a focus on developing controls for the detection of common

frauds in the areas of purchasing, cash transactions and inventory.

International Visiting Judges and Legal Scholars

Just as in years past, the Court hosted many visiting judges from other countries in 2010. In February and April, two different groups of judges from South Korea visited. During their visit, the judges observed jury trials heard in the courtroom of Judge William G. Young, and then had an opportunity to visit with Judge Young and his staff. In March, judges of the Japanese judiciary visited and observed a criminal jury trial in the courtroom of Judge Douglas P. Woodlock. They also met with Judge Rya W. Zobel and Magistrate Judge Marianne B. Bowler.

Robert Cordy, Associate Justice of the Supreme Judicial Court for the Commonwealth of Massachusetts escorted Tatyana Andreyeva, Deputy Chief Judge of the Russian Federation (RF) Supreme Arbitrage Court to meet with the judges of this court. Judge Andreyeva is the chair of the committee charged with redrafting their Judicial Code of Conduct.

During May, Judge Nancy Gertner hosted a delegation of Chinese judges traveling in this country as part of a program involving the International Judicial Academy and the Chinese People's Court. The Fletcher School at Tufts University brought three separate groups of judges from Mexico, totaling over 120 visitors, to the Court in June and July. Each group had the opportunity to observe a jury trial and then meet with the presiding judicial officer.

In September, ten judges from Taiwan spent a day at the courthouse, observing a jury trial and visiting with Judge Rya W. Zobel and Magistrate Judge Marianne B. Bowler.

The last group to visit in 2010 included five judges from the Ukraine. During their visit, the group met with Magistrate Judge Marianne B. Bowler and Chief Judge Sandra Lynch of the Court of Appeals for the First Circuit.

Interpreter Services

Court interpreters were provided by the Court for 436 litigants in FY 2010. Of those, 305 (70%) were for the Spanish language. The remaining 131 (30%) required interpreters for eight other languages. A total of \$107,984 was spent on interpreting services in FY 2010, an increase of \$16,637 or 8½% from 2009 when \$91,347 was expended on interpreting services.

Judicial Outreach

An exhibit at the Moakley Courthouse by acclaimed photographer Michal Ronnen Safdie of her travels to Rwanda and Darfur (*Rwanda: After; Darfur: Now*) was presented as the starting point for a discussion about the genocides in Rwanda and Darfur and the possible implications for violence in Boston and other cities in the United States.

The District Court hosted two seminars. The first was geared toward high school students, during which the participants heard from Claude Kaitare, a survivor of the Rwandan genocide. The second was a collaborative effort between the District Court and local bar associations and community groups. Moderated by Chief Judge Mark L. Wolf, the speakers included: Amaka Megwalu (Harvard Law School '10); Dr. Gloria White-Hammond (Massachusetts Coalition to Save Darfur and My Sister's Keeper); and Reverend Jeffrey L. Brown (Boston Ten Point Coalition). Respondents to the panel were: Nora Baston (Deputy Superintendent, Boston Police Department); Dr. Lin Piwowarczyk (Boston Center for Refugee Health and Human Rights); and Taisha Sturdivant (Brandeis University '11).

The District Court began its Speaker Series in November, 2010 with a presentation on "Deterrence and Crime Prevention – Reflections for the Federal Court," by David Kennedy, Professor, John Jay College of Criminal Justice and Director of the Center for Crime Prevention and Control.

Lindsay Fellowship Program

Following Judge Reginald C. Lindsay's untimely death in 2009, this Court established an educational student fellowship in his honor. The Lindsay Fellowship is designed to assist college sophomores or juniors who express a strong interest in law school. Although first preference is given to past Nelson Fellows (see below), any college student with an interest in the law may apply.

The Fellowship is an intensive two month program. During the first month, the fellows attended a four week class on Legal Research and Writing, taught by a local law school professor, observed court proceedings in the District Court and the Court of Appeals and visited other courts. During the second month, the Fellows spent four weeks in either the Office of the United States Attorney or the Federal Public Defender Office. The Fellows returned to the District Court after their month in the other offices to compete in a moot court proceeding, arguing a motion they had prepared as part of their legal research and writing class.

Nelson Fellowship Program

The Nelson Fellowship Program graduated 15 students in 2010, one of the largest classes to date. During the 2010 term, the Fellows attended educational programs, met with civic leaders and performed public service. One of the highlights of the term was going to the “Future Stars” Camp and working with the children there.

The Fellows also toured a number of area colleges: Brown University; University of Massachusetts (Amherst); Amherst College; Boston University; Boston College and Brandeis University. As part of their consideration of higher education, the Fellows visited Bottomline, a local organization with a mission to help disadvantaged high school students get into college and graduate. The culmination of the summer was a mock trial, in which the Fellows competed against students in the Massachusetts State Court’s Judicial Youth Corps.

Jury

The jury department continues to exemplify the customer service mission of the U.S. District Court. Jurors consistently respond with positive feedback regarding their experience during their service. In 2010, the District sat 107 juries, 62 civil and 45 criminal.

The jury department strives to minimize the number of citizens called to jury duty but not utilized. A total of 30.1% of petit jurors present for jury selection in the District of Massachusetts in 2010 were "not selected, serving or challenged (NSSC) on the first day of jury service." This was a decrease from the Court's 34.9% reported in 2009. The District is well below the national average for 2010 of 40.0%. The Judicial Conference had set an approved utilization goal of 30% or less for 2010.

Official Court Reporters

Court reporters' in-court hours during 2010 decreased from 2009 by 2.1%. The total number of original transcript pages produced in 2010 increased by 12.3%. On average, reporters spent 383 hours in court and produced 9065 original transcript pages in 2010.

The operations section of the Clerk’s Office is responsible for civil and criminal case processing and management. The courtroom deputy clerks assigned to district judges and magistrate judges manage the judges’ calendars and cases. The docket deputy clerks focus on quality assurance and maintaining the electronic case docket and file. The data quality analysts focus their efforts on the more complex issues affecting case openings, case closings and statistical reporting.

The operations section statistics team reviews and compares the local statistical reports with the national statistical reports provided by the Administrative Office (AO). These statistics are used for all reporting required by Congress, the Judicial Conference and the Administrative Office of the United States Courts. The data can affect judgeships, staffing, and the Court's budget.

Case filings

The Case Management/Electronic Case Files (CM/ECF) is the Court's automated electronic case filing and case management system. Attorneys with CM/ECF filing access are required to file all documents electronically. In 2007, this represented about 35% of all electronic filings into the CM/ECF system. Requirements for electronic filing were expanded in 2009 to include all new civil cases filed by attorneys and the electronic payment of filing fees by credit card through CM/ECF. Electronic filing by attorneys was further expanded in 2010 to include non-sealed miscellaneous cases. By the end of 2010, 67% of all new civil case filings were filed electronically by attorneys.

Caseload Statistics

The total number of trials (hearings involving the presentation of evidence) conducted by the district judges of this Court increased 1.3% from 2009 to 2010 (from 217 to 220). Similarly, the total number of jury and non-jury trials started during this period increased 1.7% (from 116 to 118).

The total in-court hours for district judges fell 1.2% from 2009 to 2010 (from 5,406 to 5,340). Hours on trial increased 3.4% in 2010 (from 3,033 in 2009 to 3,137 in 2010). In-court hours spent on matters other than trials decreased 7.1% from 2009 to 2010 (from 2,372 to 2,202).

The District continued to exceed the national average of trial hours reported by active judges in 2010, averaging 241 trial hours per judgeship compared to 207 hours nationally.

Civil Caseload

During 2010, 2,892 civil cases were filed in the District of Massachusetts, 2,665 civil cases were terminated and, at year's end, 3,099 civil cases were pending. Civil filings increased 2.6% from 2009 to 2010 (from 2,818 to 2,892). This increase was below the national trend which showed an overall increase of 5.2% for the year.

**BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In April 2010, the Court welcomed Melvin S. Hoffman as the fifth bankruptcy judge, replacing the retired Joel Rosenthal; Judge Hoffman sits in Worcester.

Case filing statistics for the last two years revealed a 12.6% increase in 2010 (from 20,966 cases filed in 2009 to 23,618 in 2010). This follows an increase of 26.8% from 2008 to 2009. The Clerk's Office continued to utilize Team Leaders for each session in Boston to assist the case administrators in managing dramatic increases.

Pro se, or unrepresented debtors, filed 1,205 new cases in 2010 compared to 868 in 2009. The pro se law clerk continued to be involved throughout the District in organizing a response from the private bar to provide legal assistance for these people. He met with many bar groups and individual attorneys in an effort to develop a referral service and legal safety net for those in need. Informational sessions, led by private attorneys, were hosted throughout the state to educate pro se debtors and potential debtors of the bankruptcy process and to review the myriad of paperwork needed to file a bankruptcy petition. The purpose of these sessions is to show people how complex a bankruptcy case may be and to encourage them to seek legal counsel, which many do.

Each of the bankruptcy judges and the Clerk participated in varied educational forums, seminars, panel discussions and meetings throughout the year, continuing the tradition of serving the bar and the public. The judges served as panelists on local, regional and national programs presented by entities such as Massachusetts Continuing Legal Education, the Boston Bar Association, the Practising Law Institute, the National Association of Consumer Bankruptcy Attorneys, and the American Bankruptcy Institute.

Judge Joan N. Feeney continued to serve on the Judicial Conference's International Judicial Relations Committee and also on the board of the American Bankruptcy Institute. She is the co-author of the West treatise "Bankruptcy Law Manual" and is the President Elect of the National Conference of Bankruptcy Judges. Judge Feeney continued to serve as the Co-Chair of the M. Ellen Carpenter Financial Literacy Project, a joint Bankruptcy Court/Boston Bar Association effort to promote financial literacy among high school students throughout the Commonwealth. The program has five modules, the last of which is a visit to the bankruptcy court for a mock Meeting of Creditors and a hearing on a Motion for Relief from the Stay to repossess an automobile. All five bankruptcy judges have held these mock hearings. Judges Feeney, Hillman and Bailey conducted mock hearings in Boston, while Judge Boroff conducted a mock hearing in Springfield and Judge Hoffman conducted a mock hearing in Worcester.

PROBATION OFFICE DISTRICT OF MASSACHUSETTS

In November of 2010, the Probation staff and the Court family said goodbye to Chief Probation Officer John M. Bocon who retired after 32 years of service. Chief Bocon was an asset to the Probation Office in every capacity in which he served and, as Chief for the last six years, worked diligently to enhance client treatment services, expand community partnerships, improve office practices, support staff involvement in national initiatives, and foster staff professional development. Chief Bocon was innovative and progressive in seeking to advance the Probation Office, proactively sought to meet the needs of the Court, and was recognized by his colleagues for his integrity, professionalism, and humanity.

Presentence Investigations

The Presentence Unit has officers located in all three courthouse locations. A total of 500 cases were assigned to the Unit in 2010. Cases with the most complex offense conducts are primarily assigned to the Presentence Unit's Sentencing Guideline Specialists; however, leadership responsibility for offense conduct preparation is also assigned to other veteran officers when multiple-defendant cases need to be assigned in close proximity. Officers continued to manage these cases well, ensuring that the Guidelines were consistently applied and that the Court had all of the information necessary to make determinations as to relative culpability and the appropriate sentence for each defendant.

In 2010, twelve presentence reports were prepared in cases where the United States Sentencing Guidelines did not apply (Class B or C Misdemeanors and Infractions). Most of these cases involved Motor Vehicle Offenses (e.g., Operating Under the Influence of Alcohol; Refusal to Submit to a Breathalyzer) that occurred on National Park Service Lands. In 2010, three investigations were assigned in cases where defendants filed a motion pursuant to 18 U.S.C. § 3582(c)(2) to have their sentence reduced based on the retroactive crack cocaine amendment to the Sentencing Guidelines which became effective in March 2008. This number was down from the 11 such investigations assigned in 2009. In 2010, an additional 49 collateral criminal history investigation reports ("collaterals") were completed by the three officers in the Presentence Unit assigned to satellite offices in Springfield and Worcester.

Supervision of Offenders

Probation Officers assigned to the Supervision Unit oversee offenders serving a term of community-based supervision, such as probation, supervised release, or parole. Officers recommend and implement conditions of release and monitor offenders' compliance with those conditions. Officers also work with offenders to facilitate their reintegration into the community

as law-abiding and productive members of society. Officers carry out these responsibilities by assessing the risks, needs and strengths of each offender to determine the appropriate level of supervision. They use skills from various disciplines to simultaneously monitor and, as necessary, control and correct offender behavior.

The Probation Office continued to employ evidence based practices in an effort to achieve the desired outcomes of supervision. These include the execution of the sentence and protection of the community by reducing the risk and recurrence of crime, maximizing offender success during the period of supervision and beyond, and the successful completion of the term of supervision, during which the offender commits no new crimes, is held accountable for victim, family, community and other court-imposed responsibilities, and prepares for continued success through improvements in his or her conduct and condition.

The number of cases under supervision in the District of Massachusetts has remained steady over the last 10 years. In 2000, there were 1230 offenders under active supervision at year end. Comparatively, in 2010, there were 1290 offenders under supervision, the majority living in the greater Boston area.

The Probation Office continued to be progressive in developing and delivering innovative programs to address the needs of the offenders. The treatment services unit has established contracts with substance abuse, mental health, and sex offender treatment specialists across the state. In 2010, the Probation Office delivered, through the contract treatment professionals, approximately \$800,000 in related services. In addition, two problem solving courts, CARE & RESTART, provided close supervision to the high risk and chronic substance abusing offenders.

The Probation Office continued to evaluate national trends and associated research, and has benefitted from staff involvement in the Administrative Office's Evidence Based Practices working group which continues to be on the forefront of evaluating services and effectiveness. The District-wide training of supervision officers in use of Moral Reconciliation Therapy (MRT) supports this commitment. MRT is a cognitive behavioral group which addresses offenders' criminal thought processes. In 2010, the Probation Office had one group, which had been active for approximately one year and is a requirement of all RESTART participants. The District is looking to expand on this effort and develop additional groups in 2011 which will be available to a wider population of offenders throughout the District.

PRETRIAL SERVICES DISTRICT OF MASSACHUSETTS

In Fiscal Year 2010, U.S. Pretrial Services maintained staffed offices within each of the three courthouses in the District of Massachusetts. The Harold D. Donohue Federal Building and Courthouse in Worcester continued to be staffed by one line pretrial services officer; the Pretrial Services Office located in the Springfield courthouse was staffed by one line pretrial services officer and one pretrial services technician; and the office located in the John Joseph Moakley U.S. Courthouse in Boston continued to be staffed by the chief pretrial services officer, the supervising pretrial services officer, one drug and alcohol treatment specialist, the home confinement/location monitoring specialist, five pretrial services officers, one budget and procurement manager, one data quality analyst, and one inventory control specialist.

Human Resources

In 2007, the District Clerk, the United States Probation Office and Pretrial Services reviewed how human resources was delivered and concluded that a combined effort would serve this District in a more efficient and cost effective manner. To that end, Pretrial Services agreed to fully fund the position of Human Resource Technician. The duties and responsibilities of this position are shared between Pretrial Services, the Clerk's Office and the U.S. Probation Office. In 2008, the position was enhanced to Human Resource Assistant. Pretrial Services continued to fully fund this position in 2010. The Human Resource Assistant is located in the Clerk's Office and is under the supervision of the Human Resource Manager.

Internships

In Fiscal Year 2010, this agency's student internship program, which began in 2005, continued to benefit from the participation of student interns from local colleges and universities. Students enrolled in undergraduate and graduate programs as well as law students participated in the internship program in 2010. Interns are able to gain valuable experience in the criminal justice process of the federal court and participate in all phases of a pretrial services' approach to criminal matters from the initial appearance and interview process through release and supervision of conditions of release.

Training

Training remained a top priority in 2010. Employee participation in training programs locally, regionally, and at the national level equip the officers and support staff with the necessary knowledge, skills and abilities to perform their duties at the highest level. Regular participation in training also assures that this Office is providing the Court and the stakeholders with effective interviewing, assessments and supervision practices. Finally, training keeps

employees up to date on the latest technologies as well as national polices, procedures and best practices.

Pretrial Services Officers are required to receive a minimum of 40 hours of formal training and continuing education annually. Staff attended a variety of training classes over the course of 2010. Officers participated in both local safety training programs, as well as safety training events combined with surrounding Districts such as Maine, New Hampshire, Connecticut, and Rhode Island. During 2010, pretrial officers completed officer response tactics training and, for those officers opting to carry the "OC" Spray, additional "OC" training was completed. Pretrial Services Officer Specialist Tom O'Brien, a Certified Officer Safety Instructor, led the officer safety training program and coordinated all of the staff training needs.

Support staff also attended a wide variety of training events in 2010 which included quarterly training for the District's Critical Stress Incident Management (CISM) team, and budget and financial training, including training on the implementation of a new internal control evaluation tool called ICE. In 2010, all employees attended a one day training on the Code of Conduct for Judicial Employees which was sponsored by the Clerk's Office. Two officers became certified Moral Reconciliation Facilitators (MRT) and the commitment to the national Offender/Defendant Workforce Development program was continued by sending a Workforce Development representative for national training. The location monitoring specialist attended electronic monitoring and GPS training and, the Office continued to benefit from additional training in the latest version of PACTS.

Budget and Facilities

Pretrial Services for the District of Massachusetts received \$1,879,063 in total funding in FY 2010. This represented a 3.8% increase over the total allotment received in FY 2009 (\$1,809,819). Each year, allotments are disbursed into four categories: Personnel, General Operations, Law Enforcement and Information Technology. Personnel funding represented the largest budget allotment, 74.4% in 2010 (\$1,398,278).

In FY 2010, the law enforcement allotment (Alternatives to Detention) represented 16.9% (\$317,594) of the total allotment. This budget funds all electronic monitoring/voice identification/gps costs, all costs associated with drug use detection and all travel and training costs.

General operations which funds all office supplies, office equipment (not automation), maintenance agreements as well as maintenance projects represented 4.2% (\$78,465) of the total FY 2010 allotment.

The allotment for the Information Technology budget in FY 2010 was \$84,726 which represented 4.5% of 2010 funding. From this fund, the Office was able to complete all its cyclical automation purchases. The Office also contributed funding to shared District projects and purchases. Because Pretrial Services does not employ an automation specialist, the Probation Offices' automation staff continued in FY 2010 to support all of Pretrial Services' automation needs.

Policy and Procedures

Communication and sharing of information between Pretrial Services and the U.S. Probation Office remained a high priority. Probation officers preparing Pre-sentence Investigation (PSI) reports had access to the file of each defendant at the guilty plea stage and throughout the period of time the defendant's case was pending disposition. The rate of imaging documents has steadily increased since its inception in 2008 with the ultimate goal of the program to make the free flow of information between Pretrial Services and Probation more efficient. Further, the reduction of paper files will reduce the need for space to store files.

Pretrial Services continued to provide release status letters to the judicial officers, the Probation Office, the United States Attorney's Office, and to defense counsel at the time of conviction or disposition. Each letter outlined compliance with release conditions over the course of the defendant's pretrial release.

Electronic Monitoring, Testing, Treatment (Contract Services)

Electronic monitoring continued to play an important role in the release of defendants viewed as posing substantial non-appearance and/or safety risks. During the course of FY 2010, pretrial services supervised a total of 118 defendants released on electronic monitoring. Sixty-one released in 2010 were new releases. The remaining balance carried over from previous fiscal year(s). This reflects an average daily caseload of 45 defendants on electronic monitoring. The average length of time a defendant spent on electronic monitoring was 312 days. Pretrial Services processed 7,166 alerts (which are key events requiring a monitoring company to notify Pretrial Services). The majority of those alerts were resolved quickly and related to technical issues.

In 2010, the district judges approved a new warrant protocol procedure which allowed the location monitoring specialist to seek and obtain an arrest warrant after hours. An additional 15 defendants were released under a curfew condition supervised by a computer-based voice recognition system.

In FY 2010, Pretrial Services expended \$72,000 in electronic monitoring and voice recognition services, and the daily defendant cost of detention was \$70.56. The daily cost of electronic monitoring per defendant, in FY 2010, was \$3.18, arguably saving detention costs of \$1.3 million.

Substance abuse testing is an extremely valuable condition of pretrial release. Urinalysis was conducted at the three court locations (Boston, Worcester and Springfield), as well as at contracted private facilities (drug treatment programs). During FY 2010, a total of 1,740 drugs tests were performed by Pretrial Services Officers, with 1,667 through urine collection and 40 by use of a sweatpatch. There were 177 (10%) urine samples confirmed as positive for narcotics, and all sweatpatch results were negative. Pretrial Services expended a total of \$296,419.00 for treatment services and costs associated with urine testing collection and supplies.

During FY 2010, as in all previous fiscal years, Pretrial Services continued the practice of "piggybacking" U.S. Probation Offices' Blanket Purchase Agreements in contracting for both outpatient and inpatient substance abuse and mental health treatment. In FY 2010, Pretrial Services also continued to piggyback the Bureau of Prisons (BOP) contract for services at the Community Resource for Justice, the BOP halfway house for temporary housing.

In FY 2010, 39 defendants participated in inpatient substance abuse programs as a condition of pretrial release; 71 defendants were enrolled in an outpatient substance abuse program; and 15 defendants participated in an outpatient mental health counseling program contracted by Pretrial Services.

Caseload Data

In the District of Massachusetts, a total of 590 new cases were activated during Fiscal Year 2010. After adjusting for cases dismissed or defendants returned to state custody (no release/detention issue), immigration cases and cases transferred out of the District (removed), 420 cases were subject to a release/detention hearing. Two-hundred-ten (50%) defendants were detained and 210 (50%) defendants were released. The National detention rate in FY 2010 was 53% and the release rate was 47%.

The Attorney Pilot Project, which requires that prior to the pretrial services interview all defendants have access to defense counsel, continued to be practiced in FY 2010. The interview rate was 52% which represented a 7% decrease from that of 2009. The national interview rate in FY 2010 was 57% which represented a 6% decrease over the FY 2009 rate.

In FY 2010, Pretrial Services Officers submitted bail reports in 71% of all new cases at the initial appearance, and an additional 6% were submitted at the detention hearing. Reports on a defendant's criminal history were submitted in 100% of the cases activated.

Over the course of FY 2010, a total of 1,560 cases were open. Of these cases, 678 (43.5%) were on release status. These figures include cases remaining open and carried over from previous fiscal years. When factoring in cases being closed during course of the year, Pretrial Services ended FY 2010 with 421 defendants under supervision.

Pretrial Services Officers in FY 2010 recorded 81 instances of non-compliance, a rate of 12%. Of the 81 instances of non-compliance reported, 69 resulted in violation reports submitted to the Court — an overall violation rate of 9%. Pretrial Services Officers strive to bring a non-compliant defendant back into compliance before the non-compliance rises to the level of a violation. The national average for instances of non-compliance in 2010 was 9% with 9% of those resulting in violation reports. The major categories of violations reported to the Court were: the use of illegal drugs or alcohol (36%); violations of electronic/location monitoring (16%); violations of the statutory conditions of release on new criminal activity or failure to report contact with law enforcement personnel (20%); violations involving failure to complete a substance abuse treatment program (10%); and other factors (17%). In Fiscal Year 2010, there were no instances where a defendant failed to appear.

Pretrial Diversion

In 2008, Pretrial Services and the United States Attorneys Office drafted an agreement to resume the use of the Pretrial Diversion Program in the District of Massachusetts. At the end of FY 2007, pretrial services had five (5) diversion cases. In FY 2008, ten (10) pretrial diversion cases were opened and in FY 2009, four (4) pretrial diversion cases were opened. In FY 2010, an additional 10 diversion cases were activated.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

DISTRICT COURT

For the District of New Hampshire, 2010 was a year of growth and change. In May 2010, Magistrate Judge James R. Muirhead retired after nearly 15 years of service on the federal bench, and Landya B. McCafferty was unanimously selected by a merit selection committee as the new Magistrate Judge. Judge McCafferty was sworn in on May 31, 2010. Additionally, Chief Deputy Clerk Daniel J. Lynch was sworn in as the Court's new Clerk/Magistrate Judge on January 14, 2010.

There were also a number of staff changes in 2010. Gail Adams assumed the role of Magistrate Judge McCafferty's Judicial Assistant, while Kristie Trimarco stepped into Gail's role as CM/ECF Administrator. Jennifer Sackos was hired as Executive Assistant and Courtney Merrill was hired as a second assistant in the Clerk's Office. Other new hires and job expansions include the following: Frank Clough was promoted to Director of IT; Kelly Otis was hired as a case manager; Joe Messineo and Melissa Whelan were hired as program analysts; Paul Guest was hired as a system network administrator; and Eric Swanson went from part-time to full-time program analyst with the retirement of John Sideris, a long-time systems administrator for the District's U.S. Probation and Pretrial Services Office. After over 10 years with the court, Barbara Bammarito accepted the job of CM/ECF Administrator at the Bankruptcy Court in the District of Connecticut. Hillary Goodnow's temporary appointment ended in October, and Lianne Lavigne's ended in November.

As duties assigned to personnel evolved over the year, a significant amount of training was provided to court employees. Staff attended the following training sessions in 2010: U.S. Magistrate Judge training (Dan Lynch); CM/ECF Forum (Dan Lynch, Frank Clough, Kristie Trimarco); CJA Payment System Training (Tia Hooper, Kristie Trimarco); Coordination of Interpreting Services Training (Kristie Trimarco, Jennifer Sackos); CM/ECF Dictionary Training (Kristie Trimarco, Jennifer Sackos); Data Reconciliation Training (Kristie Trimarco); Word 2007 (Kristie Trimarco); Conference for Women on Communication and Dealing with Difficult People (Cathy Dube); Statistical Training (Kristie Trimarco); Procurement Training (Jennifer Sackos, Courtney Merrill); Trainer Seminar (Tia Hooper); Windows 7 (IT Department); First Circuit IT Conference (IT Department); and CM/ECF Linux Training (Joe Messineo). Also, in June, staff participated in a seminar on Generation Diversity, Customer Service, and Avoiding Burnout and Stress. In October, staff participated in a TMI Team Excellence training session and Extended Disc Analysis, a behavioral assessment that improves individual, team and organizational productivity.

Members of the Clerk's Office received the following honors: Dan Lynch was appointed to serve a two-year term on the Next Generation of District CM/ECF Clerk's Office Functional Requirements Group; Frank Clough was accepted into the Federal Leadership Program. Eric Swanson received the Director's Award for his work in OPERA, a web-based system that provides probation officers with access to offender fine, restitution and special assessment data recorded by district clerks' offices; and Tia Hooper was the recipient of the Court's Innovation Award.

Significant facility upgrades were made to the Warren B. Rudman U.S. Courthouse during 2010, including replacement of overhead lighting with more efficient fixtures; upgrading the paging system throughout the courthouse to include an audio component to the Court's emergency response system; and a new eco-friendly roof with grass pans.

The ongoing courthouse history project, which focuses on displays of events having either national or local significance, continued. In 2010, the following historical exhibits were completed: 1) the Declaration of Independence exhibit, with artwork, images and text installed on the 3rd floor; 2) the Civil War exhibit (Lincoln's Emancipation Proclamation and Gettysburg Address featured), with art and essays installed on the 3rd floor; 3) the exhibition on Civil Rights in the 20th century exhibit (Women's suffrage and the Civil Rights Movement), with art and essays installed on the 3rd floor; 4) the Mayflower Compact painting and text installed in a 3rd floor conference room; 5) New Hampshire's Fighting Fifth Regiment (Civil War) artwork, photos and text installed in a 3rd floor conference room; 6) Concord Coach text was added to the 1st floor wall to accompany the artwork installed in 2009; 7) the Portsmouth Peace Treaty and International Monetary Conference (two events of international diplomacy, negotiated in New Hampshire) with artwork, photos, and text installed on the 1st floor; 8) Cornish Art Colony artwork and text installed on the 1st floor; 9) Informational tablet regarding the Federal Judiciary was installed in portable signs on the 3rd floor; 10) framed photos of magistrate judges who have served the Federal District Court of New Hampshire were installed on the 1st floor, with text explaining the magistrate judges system; and 11) the exhibit of the Silver Oar of Admiralty, "Federal District Courts and the Silver Oar of Admiralty," was installed at the stairway split between the 2nd and 3rd floors.

The District continued its tradition of outreach to the public and bar in 2010. The Court hosted civics classes for local high schools. In September, the Court held a jointly sponsored Federal and State Mediation CLE, focusing on practical mediation issues for the entire bar, and provided special training on how to break impasses for court approved mediators. In October, the Court hosted a Continuity of Operations Plan (COOP) exercise for the First Circuit Court of Appeals and the Circuit Executive's Office. Also that month, the Federal Practice Section of the New Hampshire Bar coordinated an open forum with Senior Judge Stahl and Judge Howard at the Rudman Courthouse. In November, the Court hosted the 6th Federal Practice Institute, which is the premier educational program for attorneys who litigate in federal court in New Hampshire. The Institute was attended by roughly 140 bar members. Also in November the Court held the first joint bar admission ceremony with the New Hampshire Supreme Court.

The Federal Court Advisory Committee (“FCAC”) continued its role as a sounding board on many issues facing the Court and as a liaison between the bench and bar on issues of importance. During 2010, FCAC members addressed the following topics: the courthouse art and history project; courthouse security concerns; courtroom technology; the Court's website redesign; continuing legal education initiatives; library fund expenditures; and public outreach. In 2010, Mark A. Abramson, Benjamin T. King, and Andrew R. Schulman agreed to serve three-year terms replacing outgoing members Peter S. Cowan, Wilber A. Glahn, III, and Lawrence A. Vogelman. The Court also appointed the outgoing Federal Practice Section Chair, Gordon J. MacDonald, to serve as an at-large member of the Committee, while Lawrence A. Vogelman remained on the Committee in his capacity as the CJA District Representative. The newly appointed Chief of the Criminal Division, Donald A. Feith, was re-appointed to serve as a permanent member, replacing former Chief, Robert M. Kinsella. William E. Christie, the incoming CJA District Representative, was also appointed to a three-year term of service, effective January 1, 2011. Due to her exemplary work as Chair of the Local Rules Subcommittee, Civil Division Chief Gretchen Witt was presented with a Certificate of Appreciation from the Court at the Federal Practice Institute in November.

The IT Department continued maintaining and upgrading existing systems and implementing new systems in 2010. iPads were deployed to judges in June. IT staff tested and implemented ReaddleDocs, an application used in conjunction with a FTP server to exchange documents from judges' desktop PCs to their iPads. Also in 2010, IT began infrastructure upgrades necessary for the Court to release Internet Protocol Telephony (IPT), a voice over internet technology. This project is projected to be complete by spring of 2011. Additional technology improvements included the upgrade of Courtroom 3 with remote video capabilities, and the installation of For the Record (FTR), a software based recording system, in all courtrooms. Lastly, a voice matrix system, Advanced Judicial Information System (AJIS), was installed to compliment the Court's Jury Management System (JMS). AJIS copies JMS juror information several times a day and links reporting instruction messages to jurors, increasing juror attendance, providing the Court with emergency bulletin capacity, improved juror customer service, reduced postage costs, and reduced personnel time addressing telephone inquiries.

The District of New Hampshire's CM/ECF system was upgraded in 2010 to Version 4.1.1. in March and later to Version 4.2. The new CJA6.X system was implemented in September. The Court began implementing the Jury Evidence Recording System (JERS), a touch screen application permitting jurors to view admitted exhibits electronically during deliberations. The system will also have benefits in post-trial litigation, as it stores and catalogs evidence electronically for future appellate court needs.

Also in 2010, the Court, with input from the bar, redesigned the public website and internal intranet site, and implemented associated system upgrades. An integral part of the redesign effort was to improve both the external search capabilities (for example, web content and court opinions) as well as the Court's current internal desktop search methods. The IT Department configured a new web server, installed a new mail server, upgraded the content

management software and began migrating content from the old site to the new one.

With regard to Court policy, a new procedure for processing In Forma Pauperis motions was implemented, simplifying the process of obtaining inmates' consent to draw filing fees from their inmate accounts. Updates were also completed to the Court's Teleworking Policy and Employee Dispute Resolution Plan after approval by the First Circuit Judicial Council. The District of New Hampshire dedicated a significant amount of time in 2009 developing its Performance Management Plan. This Plan, including the discretionary step system for pay increases, was fully implemented in October, 2010.

The Court's new drug court program, which was initiated by Judge Laplante, became operational in June, 2010. The new program, "LASER Docket," encourages individuals to develop an understanding of addiction, to recognize patterns of use and factors that influence their decision to use, and to appreciate the impact their drug addiction has had on themselves, their family, and society. By the end of the year, seven individuals were receiving treatment through the program, and were gaining the necessary tools to achieve a sober, law-abiding lifestyle.

In June, 2010 Judge Laplante visited Iraq for a comprehensive look at U.S. Government rule of law projects, programs and facilities and engaged with Iraqi legal audiences regarding the roles of prosecutors and judges in the United States. A key feature of the program was teaching two investigative and judicial seminars. At the Judicial Development Institute, Judge Laplante conducted a judicial seminar, the first of its kind, bringing together Iraqi judges, prosecutors and an array of law enforcement and legal professionals from across GOI ministries and departments, including the Commission on Integrity. Subjects included judicial independence and cooperation with other agencies to promote evidence-based investigations. A similar seminar was conducted at the Judicial Training Institute, the premier training center in Iraq for new judges. On this trip, Judge Laplante met with Chief Justice Medhat al-Mahmoud, the Deputy Minister of Justice, judges from the Iraqi High Tribunal, and officials from the Commission on Integrity and human rights advisors. He visited Baghdad Police College, where progress made in training female officers and developing a modern, comprehensive law enforcement curriculum were addressed.

The District's CJA Panel accepted a large portion of court appointments in 2010. At the annual business meeting in December, William E. Christie was elected to replace Lawrence A. Vogelmann as the District's CJA Representative. Also, David H. Bownes was re-elected to another three-year term as a member of the CJA Panel Selection Committee. The Federal Defender fulfilled its training obligations to the CJA Panel by assembling two three-hour CLE training sessions in 2010. The April session addressed CJA LASER Docket issues, and the December session discussed First Circuit & Supreme Court updates, 2010 guideline amendments, and criminal defense practice and obligations in the wake of Padilla v. Kentucky, 130 S.Ct. 1473 (2010). Attendees received CLE credits from the New Hampshire Bar Association for these programs.

During the 2010 calendar year, civil filings increased 41% while criminal filings decreased by 43%. The District judges presided over 13 jury trials during 2010.

The District hosted twelve naturalization ceremonies in 2010. In all, 979 new citizens were naturalized and 196 name changes were processed. Representatives from New Hampshire's congressional delegation, as well as the Order of the Elks, the American Legion, and the American Legion Auxiliary, were on hand to congratulate the new citizens at each ceremony. The Governor for the State of New Hampshire, John Lynch, also attended six of the District's ceremonies. Children from local schools sang patriot songs during each ceremony.

The District of New Hampshire conducted two public bar admission events in 2010. The first ceremony, held on May 26, admitted 71 new attorneys to practice before the Court. The second event, the inaugural joint ceremony held in conjunction with the New Hampshire Supreme Court for state bar admissions, was held on November 9, with 76 new members sworn in. The Court also conducted special bar admissions on February 19 and November 16, at which two more attorneys were admitted. In total, the District admitted 149 new bar members last year.

The year 2010 also saw the creation of Healthy Fed, a program created by court staff pursuant 5 U.S.C. § 7901. Through implementation of the Healthy Fed Program, employees are given the option to participate in training and education programs that introduce new tools to assist with stress management and healthy eating, creating alternative health remedies, and developing an overall healthier employee. With the development of the program, a newsletter was created and is produced monthly.

Finally, the staff of this District continued their charitable tradition of giving back to the greater Concord community. After a house fire destroyed a court employee's home, staff rallied behind the family donating money, clothes, furniture, household goods and preparing meals. Other staff increased their hours to keep the workload current during the employee's absence. In May, staffers again participated in the Ocean National Bank Rock 'N Race, which helped to raise money for Concord Hospital's Payson Cancer Center. Deputy Clerks Kathy DuPont and Charli Pappas co-organized Daffodil Days for the American Cancer Society, selling bouquets of daffodils to raise money for that organization. In December, court staff again participated in "Operation Santa Clause," by donating money, shopping for gifts, wrapping presents, and/or delivering packages to needy families in the area.

**BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In 2010, the Court continued its ongoing effort to "virtualize" its IT program. When completed, this will result in a complete recasting and modernization of the basic electronic systems. It will also contribute to and simplify the ongoing development of a plan for continuing operations (COOP) in the event of a catastrophic event. A duplicate real-time virtualized server will be activated at the District Court in Concord to protect data if a COOP event occurs.

As a result of the retirement of Chief Judge Mark W. Vaughn in late 2010, the Bankruptcy Court became a one-judge court. Also, two new staff members joined the office in 2010.

During the course of 2010, the Court experienced an overall increase in case-filings of 13.7%, for total cases filed of 5,507. This constitutes the largest number of cases filed in any year in the District of New Hampshire other than 2005 when filings were artificially inflated to avoid the new restrictions of BAPCPA.

**PROBATION AND PRETRIAL SERVICES
DISTRICT OF NEW HAMPSHIRE**

The U.S. Probation & Pretrial Services Office for the District of New Hampshire is a combined office located in the Warren B. Rudman U.S. Courthouse, Concord, New Hampshire. The Office serves the U.S. District Court for the District of New Hampshire. Investigative services in the form of pretrial services reports and presentence investigation reports are one aspect of the Office's responsibilities to the Court. Supervision services of pretrial defendants and post-conviction offenders (i.e., probationers and supervised releasees) are the second aspect of the Office's responsibilities. The Office also supervises parolees and military parolees under agreement with the U.S. Parole Commission, and provides investigative and supervision services to the U.S. Attorney's Office for its Pretrial Diversion Program. The Office is responsible for all such matters in the State of New Hampshire.

FY 2010 proved to be a year of transition for staff with fluctuating workloads, new responsibilities associated with the implementation of the District's inaugural drug court, and increasing obligations associated with Hampshire House. While Pretrial Service activations decreased 14% from FY 2009, increased presentence investigations, BOP releases to supervision, and pretrial diversion referrals netted an overall increase in District activity. The District continued to maintain a low detention rate, almost 20% below the national average.

The transition to an Evidenced Based Practice orientation continued in 2010 with officers in the supervision unit receiving certification from Brown University's Center for Addiction Studies Program. The program is designed to enhance officers' ability to manage difficult and challenging addiction issues with offenders/defendants on supervision in the community. In addition, all officers received training in several new supervision focused risk assessment tools, the PTRA (pretrial risk assessment), and PCRA (post conviction risk assessment), designed to identify, target and reduce risks associated with recidivism.

Administrative Services

The Chief Probation Officer is the unit executive responsible for all administrative functions, personnel, and budget. The Deputy Chief and Administrative Officer report directly to the Chief. The Office is organized by its major functions: court investigations and supervision services. The Court Investigations Unit conducts all pretrial interviews, attends initial appearances, prepares presentence reports, and attends all hearings associated with the sentencing process, while the Supervision Unit is responsible for the day to day supervision of all active pretrial and post-conviction cases. The management team consists of the Chief, Deputy Chief, Administrative Officer, the two unit supervisors, and the Officer-in-Charge who addresses all office management issues.

Management Team

In 2010, the management team implemented new initiatives in the following areas: supervision unit, new performance evaluations for staff, guidance for expenditures of second chance funding and a training program for new magistrate judges. In addition, the team focused on managing a fluctuating caseload and raising awareness regarding the importance of "wellness."

Teleworking Program

The District of NH has had a Teleworking policy for the past several years which allows staff (primarily employees completing presentence investigations) to perform their official duties and responsibilities in a setting away from the traditional workplace, most often at home, which management finds reasonable and which promotes the mission of the office. The District's experience with such a policy has demonstrated that the benefits of the policy outweighed its costs. During FY 2010, six staff members participated in the District's Telework Program for a total of 57 days. This was an increase from four members in the prior fiscal year.

Court Investigations Unit

During FY 2010, the Court Investigations Unit continued to evolve as the single source of presentence and pretrial investigations for the Court. This time frame also saw officers hone their investigative techniques, analytical skills, and writing ability to obtain increased proficiency in both of those core job functions.

The U.S. Attorney's Office and law enforcement maintained its trend of targeting large arrest groups in FY 2010, which was highlighted by a seventeen-defendant sweep in September 2010. In response to the significant number of arrests, two judicial officers were utilized to streamline the appearance process. In addition, the Court Investigations Unit disseminated completed pretrial investigation reports electronically to the Court, which reduced the amount of travel between the office and the courtrooms, and allowed officers more time to verify defendant information and produce a thorough bail report more efficiently. An officer was also assigned to each courtroom to maintain consistency with the Court during those hearings.

FY 2010 also introduced more stringent criteria into the Court Investigations Unit's performance evaluation process. In addition to measuring disclosure rates, a "4-day rule" was implemented to enhance the review of presentence investigation reports, provide proper time for corrections/modifications, and ensure timely disclosure.

A renewed emphasis was placed on conducting collateral contacts with family members and/or significant others in all cases to verify offender characteristics. This initiative enhanced the accuracy of the information contained in the presentence report and established a point of contact for future release planning.

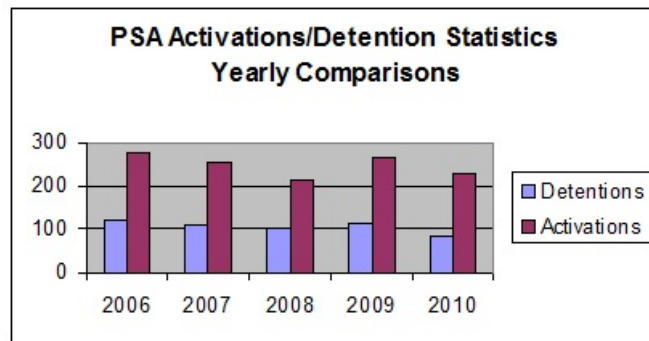
Training initiatives for the Court Investigations Unit, focused on the new Victim Notification System (VNS) and Pretrial Risk Assessment (PTRA) in FY 2010 in preparation for an FY 2011 deployment.

Case Activations

Fiscal year 2010 ended with a total of 228 case activations, a 14.3% decrease over Fiscal Year 2009. The U.S. Attorney's Office continued to aggressively prosecute criminal cases, and increase criminal filings. The following graph, which also includes detentions, depicts pretrial case activations over the last five fiscal years.

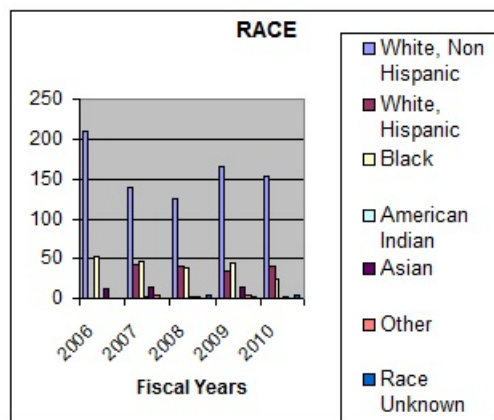
Detention Rate

The District's detention rate for the year ending September 30, 2010 was 46.4%, which was a decline from the 2009 rate of 48.5%. This was significantly lower than the FY 2010 national rate of 65.5%. This office continued to keep the Court informed of alternatives to detention, such as location monitoring and home detention, and submitted such recommendations when appropriate.



Profile of Pretrial Defendants

In FY 2010, the most common demographic for a pretrial defendant in the District of New Hampshire was a white, non-Hispanic single male, between the ages of 26 to 30, charged with a drug offense. In addition, there was an even split between individuals without a high school degree or GED and those with a high school degree or GED. This profile differs from the average defendant in FY 2009 who was younger (between the ages of 18 and 25) and who did not have a high school diploma or GED. In reviewing the 228 case activations in the District of New Hampshire, 155 (67.98%) were White Non-Hispanic, 41 (17.98%) were White Hispanic, 25 (10.96%) were Black, 3 (1.32%) were Asian, and 4 (1.75%) individuals' race was unknown. One-hundred ninety (83.33%) were U.S. citizens, 18 (7.89%) were illegal aliens, and 20 (8.77%) individuals' status was unknown.



Sex and Age Range

No juveniles were prosecuted in this District in 2010. Thirty-three (14.47%) of the pretrial defendants were males between the ages of 18-25, while 15 (6.58%) in that age group were females; 34 (14.91%) were males between ages 26-30, while 14 (6.14%) were females; 27 (11.84%) were males between the ages of 31-35, while 4 (1.75%) were females; 33 (14.47%) were males between the ages of 36-40, while 3 (1.31%) were females; 14 (6.14%) defendants were males between the ages of 41-45, while 2 (.88%) were females; and 14 (6.14%) were males between the ages 46-50, while 4 (1.75%) were females. Finally, 25 (10.96%) were males

over age 50, while 4 (1.75%) were females in that age group. It is noted that there were two male defendants whose age was unknown.

Marital Status

There were 38 (16.67%) defendants who were married; 80 (35.09%) were single, 28 (12.28%) were cohabiting, 27 (11.84%) were divorced, 7 (3.07%) were separated, 3 (1.32%) were widowed, and 45 (19.74%) marital status was unknown.

Education

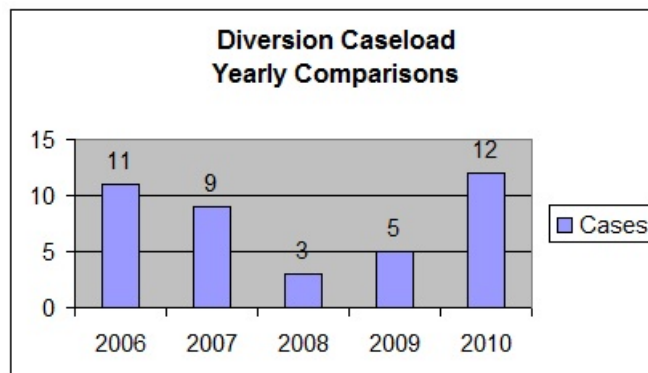
Regarding education, 51 (22.37%) had no High School Diploma or GED, 51 (22.37%) had graduated from High School, 27 (11.84%) had a G.E.D., 0 (0.00%) attended Vocational Training, 2 (.88%) had an Associate Degree, 15 (6.58%) had a Bachelor Degree, 5 (2.19%) had a Master’s Degree, 2 (.88%) had a Doctorate Degree, and 75 (32.89%) individuals' educational status was unknown.

Charged Offenses

The vast majority of pretrial defendants were charged with drug offenses (93 defendants or 40.79%). Forty-six individuals (20.18%) were charged with a property offense; 29 (12.72%) were charged with firearms/weapons offenses; 26 (11.40%) were charged with violent offenses; 17 (7.46%) were charged with immigration offenses; 10 (4.39%) were charged with sex offenses; 6 (2.63%) were charged with public order offenses; and, one (.44%) was charged with escape/obstruction.

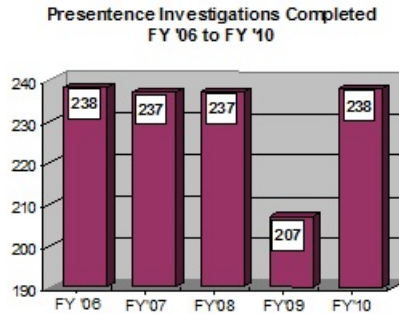
Pretrial Diversion

In general, pretrial diversion cases range from theft of government property to Social Security fraud, which does not exclude additional agency referrals. In fiscal year 2010, the diversion program saw a significant increase in activated cases from the previous year (from five to twelve).



Presentence Investigations and Sentencing Issues

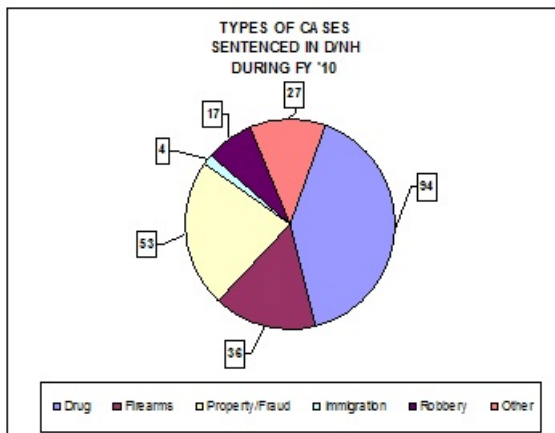
A total of 238 presentence investigation reports were completed during FY 2010, a 13% increase from FY 2009. As shown in the following chart, the number of investigations completed rebounded from a dip the previous year after three years of marked consistency.



The Court sentenced 231 defendants in FY 2010 compared with 205 sentenced to prison in FY 2009; 19 of those individuals were sentenced to up to 12 months imprisonment; 46 defendants were ordered to serve between 13 and 24 months imprisonment; 24 defendants were ordered to serve between 25 and 36 months imprisonment; 41 defendants were ordered to serve between 37 and 60 months imprisonment; and 59 defendants were ordered to serve more than 60 months imprisonment. Only 25 defendants received a probationary sentence; of that number, 12 defendants received a probation-only sentence, while 13 defendants received a sentence of probation with some type of confinement.

The most significant increase in the length of sentence received by defendants occurred within the 37-to-60-month range and the greater-than-60-month range. Specifically, there was a 36% increase in the number of sentences ordered between 37 and 60 months, and a 53% increase for the number of sentences ordered that were greater than 60 months. The average sentence received by a defendant in this District was 62.8 months.

Over 40% of the cases (94 cases) sentenced in the District were drug cases.



Property/fraud offenses were the second highest category at 23% (53 cases). Firearm offenses accounted for 15% of the cases (36 cases), while robbery cases (7% or 17 cases) and immigration cases (1% or 4 cases) rounded out the list.

Guilty pleas accounted for 96.1% of the cases sentenced in the District during FY 2010, compared to the national average of 96.8% and the First Circuit average of 94.2%. Almost 4% (3.9%) of the defendants proceeded to trial compared to the national average of 3.2% and the

First Circuit average of 5.8%. Male defendants accounted for 81.7% of the total number of defendants sentenced in this District.

	Plea	Trial	Total Cases
NH	222 (96.1%)	9 (3.9%)	231
National Average	81,217 (96.8%)	2,724 (3.2%)	83,941
1st Circuit	1,780 (94.2%)	109 (5.8%)	1,889

Despite the Supreme Court rulings in the *Booker/Fanfan* cases, 42.4% of all cases in the District of New Hampshire were sentenced within the advisory guideline range. This figure has remained relatively consistent over the last few years. Comparatively, 55% of all cases were sentenced within the range nationally, and 54.7% were sentenced within range in the First Circuit. There was one case (0.4%) sentenced by way of an upward departure and five cases (2.2%) sentenced above the range based on *Booker/3553* factors in the District in 2010.

Downward departure pursuant to USSG §5K1.1 represented the largest percentage of cases sentenced below the range in this District (26.4%), as compared to the national average of 11.5% and the First Circuit average of 13.5%. In addition, .9% of the cases involved downward departures for other reasons, while 15.6% of the cases involving a sentence below the advisory guideline range for *Booker/3553* factors. The chart below outlines the guideline sentencing issues for this District, the First Circuit, and the nation.

SENTENCES BELOW THE ADVISORY GUIDELINE RANGE

	Downward Departure	Downward Departure with Booker/ 18 U.S.C. § 3553	Below Guideline Range with Booker/ 18 U.S.C. § 3553	All Remaining Cases Below Guideline Range
NH	2 (.9%)	4 (1.7%)	36 (15.6%)	2 (.9%)
National Average	1,687 (2.1%)	865 (1.1%)	11,116 (13.6%)	897 (1.1%)
1st Circuit	30 (1.6%)	21 (1.1%)	338 (18.0%)	16 (.9%)

Digital Pen Project

With the assistance of the U.S. Pretrial Services Office from the Western District of Texas, the District explored utilizing a digital pen in the preparation of bail reports to save officer/clerk data entry time into PACTS. Two officers were selected to pilot the program and received training in this area by the Western District of Texas. Actual implementation of the project will occur in FY 2011.

Pilot Drug Court– Laser Docket

The Law-Abiding, Sober, Employed, and Responsible (LASER) Docket development committee consisting of members from the U.S. Probation Office, Federal Defender's Office, U.S. Attorney's Office, CJA panel members, and U.S. District Judge Joseph Laplante met on a monthly basis, visited neighboring federal drug court programs, and attended training by the National Drug Court Institute in pre-planning efforts during 2009 and 2010. The group determined participant eligibility criteria, LASER Docket structure and expectations, the referral process, and the role of various team members. In addition, team members conducted training for CJA panel attorneys and worked with members of the Clerk's Office to draft administrative orders/procedures. The primary goal of the LASER Docket is to have law-abiding, sober, employed individuals engaging in pro-social behaviors with stable housing, addressing their financial and family responsibilities. In addition, the LASER Docket hopes to reduce detention rates through the use of a multi-dimensional approach to pretrial supervision. This includes substance abuse treatment and intensive supervision techniques intended to control the damage to the community, ensure the appearance of defendants for court obligations and provide a cooperative environment for team members, thus increasing the efficiency of the supervisory process for addicted defendants/offenders and improving their life situations.

Pretrial participants enter the LASER Docket at the discretion of the United States Attorney's Office, while post-conviction participants may enter the LASER Docket upon the recommendation of the U.S. Probation Office after other interventions and strategies of managing non-compliance have been exhausted. All participants are required to acknowledge the Contract for Participation and abide by the contract's terms. Successful participants will be involved in the program for a minimum of one year, engaging in varying levels and modalities of treatment to address substance abuse problems. Regularly scheduled court appearances are also required to allow the team to assess the participants' progress. The LASER Docket Team includes the LASER Docket Judge, the AUSA, the Supervising Probation Officer and the Deputy Chief U.S. Probation Officer, the defense attorney assigned to the defendant, and a substance abuse treatment provider.

Potential participants are identified by the Court, the U.S. Attorneys' Office, the U.S. Probation Office, the Federal Defender's Office, and/or any defense attorney representing a defendant/offender. Participants must meet the following criteria: have a documented history of substance abuse which may be corroborated through previous attempts at treatment with relapse and/or previous criminal convictions motivated by substance abuse; currently have a substance abuse problem; and drug dependence as diagnosed by a licensed drug and alcohol treatment

provider. The Deputy Chief Probation Officer screens and prepares a referral report to the LASER Docket team for eligible applicants. Once an applicant has been accepted into the program, the Probation Officer is responsible for conducting personal contacts with the defendant at home and/or work and completing weekly status reports used by the LASER Docket team members to discuss the participant's progress at team meetings.

The first LASER Docket court session was held on July 12, 2010 involving three participants. During FY 2010, three pretrial defendants joined the program and a post-conviction referral process was planned to begin at the end of the year. Program violations have ranged from drug use, lying to the Probation Officer, and committing a new crime. Sanctions have been imposed in each instance including verbal reprimands, remaining in a phase, curfews, completing a functional analysis, attending a violation hearing, and one person was terminated from the program.

There were thirty-one pretrial referrals made during the fiscal year. Six individuals were accepted and two were deterred until 2011; two individuals were denied as their sentence exceeded the five year "cap;" one defendant had charges dismissed; two individuals received the "traditional" pretrial diversion program, one defendant pled guilty to a misdemeanor, three defendants did not have transportation, two defendants did not have a substance abuse problem, two defendants declined the program, one resided in another state, two defendants were violated and subsequently detained prior to the referral being completed, one defendant was ineligible because of firearm possession during the offense, and six defendants were not approved for entry by the government.

Pretrial Supervision

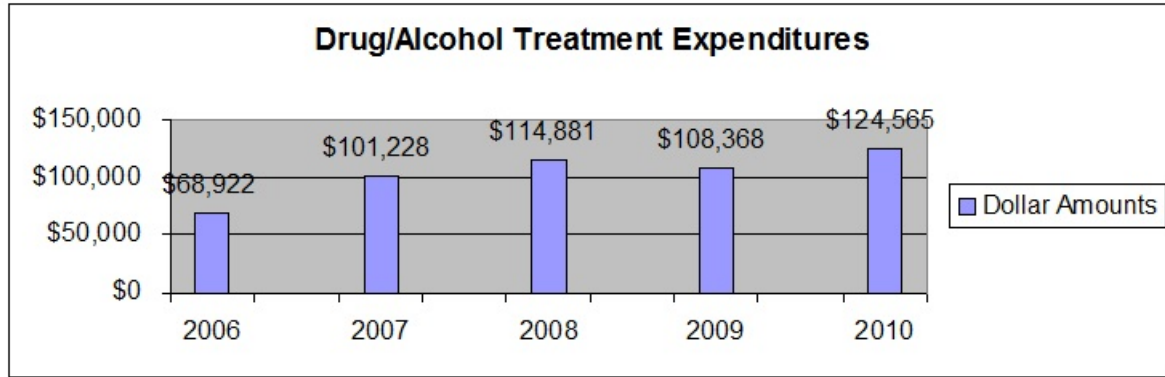
As shown in the following chart, the majority of pretrial case activations included conditions for drug testing and treatment and a small number of cases involved mental health treatment.

Pretrial Services Defendants With Conditions Of Release (Table H-8) For 12-Month Period Ending: 2010/09/30

Circuit	District Name	Defendants Released	Defendants Received For Pretrial Services Supervision	Third Party Custody	Testing Only	Treatment And Testing	Home Confinement	Mental Health	Other
1	Maine	106	92	5	7	63	17	39	88
	Massachusetts	313	293	15	77	55	52	39	280
	New Hampshire	102	75	4	14	48	6	27	73
	Puerto Rico	454	456	19	138	132	91	109	439
	Rhode Island	85	80	7	32	22	31	25	78
1	Total	1060	996	50	268	320	197	239	958

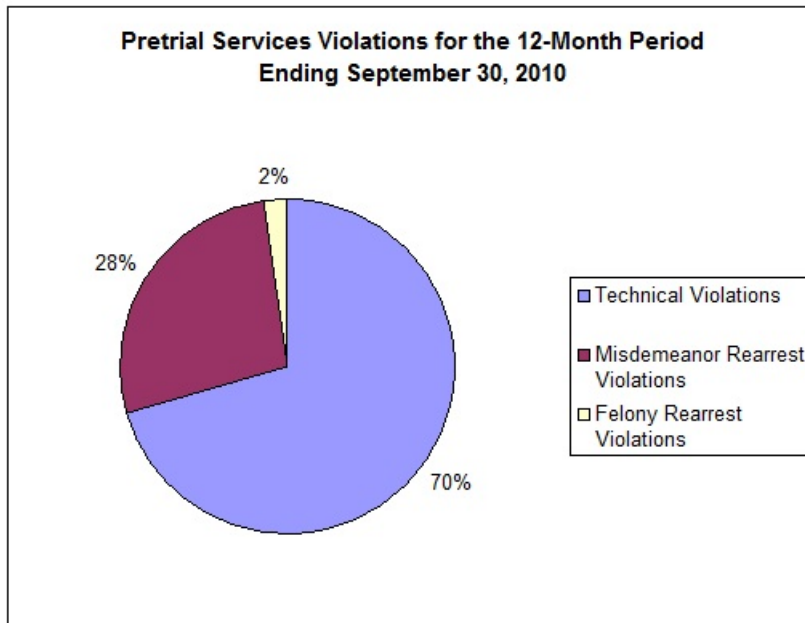
Drug/Alcohol Treatment Expenditures

Costs for drug and alcohol treatment for pretrial defendants in FY 2010 were \$154,949. The District was able to receive defendant co-payments totaling \$30,384, resulting in a total cost of services to the District of \$124,565. The Office incurred total costs of \$9,026 in mental health treatment, representing an increase from FY 2009.



Pretrial Services Violations

During this fiscal year, there were 47 instances of non-compliance resulting in 41 pretrial violation reports being filed with the Court. As shown in the following chart, the vast majority of the violations were technical in nature.



POST-CONVICTION SUPERVISION SERVICES

Caseload

During FY 2010, the post-conviction caseload reached an all-time high of 338 cases, (a 15% increase from 2009). There were 20 early terminations of supervised release granted by the Court in FY 2010. Supervision officers aggressively managed caseloads by identifying low risk cases which might meet criteria for early termination, and other cases that would be appropriate for a “step-down” to low risk status. Additionally, and in accordance with the issue-driven supervision model set forth in *Monograph 109*, officers implemented supervision strategies appropriately matched with the offender’s risks, needs and strengths to ensure supervision is individualized, proportional, and purposeful supervision.

In terms of the types of post-conviction supervision cases, 88.8% of offenders were on supervised release, 10.7% were on probation, and .6% were on other types of supervision (i.e., parole, special parole, mandatory release, military parole, and Bureau of Prisons cases). Drug offenses represented 56% of the total caseload, an increase from 47% the previous year, followed by property offenses at 19%, a decrease from 20% during FY 2009. Firearm offenses constituted 12% of the caseload, down slightly from 14% the previous year. Sex offenses decreased to 4% from 5% the previous year.

A team approach to the utilization of the Internet Probation and Parole Control (IPPC) Program, which provides the Office with the ability to effectively monitor and control the computer and internet use of sex offenders, was implemented this year. Previously, a single point of contact provided training in the program enrollment process, installation of the monitoring system on the offender’s computer, and interpretation of activity reports. In 2010, this became a shared responsibility within the Supervision Unit with Probation Officers Kristin Cook and Matt DiCarlo. In order to enhance the ability to effectively supervise this expanding offender population, staff attended “Meeting the Challenge: Supervising the Cyber Criminal in the 21st Century,” April 6 - 7, 2010. This training provided an overview of computer and cyber crime, sex offenders and the Internet, accessing and assessing digital evidence, legal issues, and supervision issues.

In response to a consistent increase in the number of sex offender specific cases released from custody, and to more effectively manage this expanding offender population, two Supervision Officers attended advanced location monitoring (LM) training (with a focus on Global Positioning System [GPS] capability) during FY 2010. Probation Officers Kristin Cook and Matt DiCarlo attended the National Location Monitoring Conference to focus on assessing the District’s philosophy and approach to location monitoring and move toward compliance with the national policy. Probation Officer Cook assumed the lead role in developing policy/procedure and training for other officers with assistance from Probation Officer DiCarlo.

Supervision Outcomes

Reliable national and district data are now available for determining post-conviction supervision outcomes. A “successful completion” outcome is currently defined as a case in which the original term of supervision expired on its full term date, was terminated via an early termination or completed its term after an extension. Correspondingly, an “unsuccessful” completion is a case in which the term of supervision was closed due to revocation. (Cases which were closed due to transfer out of District, deceased, or in which the closing code was “other” were not used in the calculation.) In the District of New Hampshire, 131 cases were closed during FY 2010. Thirty (30) of those cases were closed due to revocation. Therefore, the District of New Hampshire reported a successful termination rate of 77.1% which was slightly higher than the national rate of 70.7%.

There was a decrease in the number of revocations in the District during FY 2010 (30 as opposed to 35 during FY 2009). However, 159 violation reports were submitted to the Court during this fiscal year. There were 54 No Action Petitions (PF 12A) which recommended continued supervision and specific interventions; 33 Voluntary Modifications (PF 12B) whereby the offender waived his or her right to a hearing and representation by counsel and agreed to specific modifications of the conditions of supervision; 1 Modification Request without the offender’s consent (PF 12D); and 71 Requests for Summons or Warrant (PF 12C) which addressed high severity violations and those that required revocation by statute, involved substantial risk to the public, or represented repeated noncompliance after less intrusive community-based interventions had failed. The majority of increased violation activity was addressed through intermediate community-based interventions as opposed to violation proceedings. Of the 30 revocations, 13 were technical in nature (43.3%) while 11 were considered “major violations” (36.7%) and 6 minor violations (20 %).

Federal law, 18 U.S.C. §§ 3564(c) and 3583(e)(1), permits the Court to terminate terms of probation in misdemeanor cases at any time and terms of supervised release or probation in felony cases at the expiration of one year of supervision, if such action is warranted by the conduct of an offender and is in the interest of justice. The Probation Officers for the District of New Hampshire assess whether an offender meets the qualifications for such consideration consistent with the philosophies of the Monograph 109. In FY 2010, (20) twenty offenders in this District received an early termination of supervision, or approximately 15.3% of the total cases closed for the year.

Treatment Services Expenditures

Treatment services continued to be the District’s second highest expense. Despite concerted efforts made in collecting co-payments from offenders, this cost factor rose significantly in FY 2010. The following table reflects the breakdown by category of the various treatment services carried out by the Office:

TREATMENT SERVICES				
	2007	2008	2009	2010
Drug Aftercare	\$187,281.00	\$204,522.00	\$227,642.00	\$230,137.00
Pretrial Services	\$122,336.00	\$122,507.00	\$113,719.00	\$142,010.00
Electronic Monitoring	\$5,153.00	\$5,564.00	\$12,998.00	\$13,898.00
Mental Health	\$31,183.00	\$16,333.00	\$30,307.00	\$13,133.00
Sex Offender Tx			\$17,315.00	\$20,866.00
TOTALS	\$345,953.00	\$348,926.00	\$401,981.00	\$420,044.00

Starr Initiative

In 2009, the District was introduced to an evidence based practice research project titled Strategic Techniques Aimed at Reducing Re-arrest (STARR) implemented by the Office of Probation and Pretrial Services (OPPS). In addition, the District participated in Cognitive Behavioral Therapy Exposure and Skills Training which provided an overview of the cognitive behavioral therapy (CBT) model.

This year, the Supervision Unit continued to move forward with incorporating the STARR and CBT models into the supervision process. Through in-house training and noncompliance meetings, officers focused on building the “alliance” with offenders and entering into partnerships where they teach/model problem solving and coping skills forging productive relationships and gaining offenders' trust. Officers recognize the positive impact of teaching offenders how to cope with stress and solve their own problems as opposed to doing this for them, enabling offenders to sustain a productive and law-abiding lifestyle during the term of supervision and beyond.

Law Enforcement Notification System (LENS)

The Law Enforcement Notification System (LENS) is a web-based system that was developed by the AO to support the Violent Crime Control Act (VCCA) and Law Enforcement Agencies (LEA) Act of 1994. In FY 2010, the District of New Hampshire was selected as one of three districts to pilot the LENS System. An implementation plan was developed in the District and a letter explaining the new LENS System, along with a LEA Contact Information Sheet and a Business Reply Envelope will be sent to the over 230 police departments, sheriff's offices, state police and Attorney General's Office in the District during the next fiscal year. In addition, brief informational training sessions will be set up with the larger police departments (Manchester and Nashua) and with the Attorney General's Office to assist them in the transition to the new LENS system.

Department of Information Technology

Frank Clough became the Director of Department of Information Technology (IT) for the U.S. District Court Clerk's Office in FY 2010 and has continued to work closely with the Probation Office in the area of technology improvement.

The District of New Hampshire began scanning/uploading documents in every new case with the goal of becoming paperless in two years. In addition, the District indexed PACTS electronic case documents so documents can be searched using Isys (which allows text in the PACTS casefile to be copied into Word Perfect). An electronic reporting system (ERS) was implemented by installing a kiosk in the Concord Office. The ERS kiosk allowed the Office to reduce paper costs and eliminate the need for filing, scanning and entering data from monthly supervision reports. Offenders who reported to the Concord Office were enrolled in the system through a fingerprint scanner. After answering a series of questions, the offender then had the ability to send an email to his/her respective officer. The Office also hopes to investigate utilizing a web based reporting program sometime during the next fiscal year and to add the kiosk reporting capability to the Manchester Office.

In on-going efforts to share resources, the Probation Office provided \$9,080.28 during FY 2010 to assist the IT Department in the purchase of items for the benefit of the Court as a whole.

Budget

The Office's budget increased by 5% over FY 2009. Salaries and Contractor Fees accounted for the majority of that increase. As noted previously, treatment services expenditures continued to increase. The table below provides details in each of the budget categories.

EXPENDITURES				
	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Salaries/Contractor Fees	\$1,739,858.00	\$1,905,223.00	\$2,028,294.00	\$2,034,538.00
Operations	\$85,601.00	\$132,276.00	\$92,659.00	\$147,704.00
Treatment Services	\$299,826.00	\$348,926.00	\$380,532.00	\$420,045.00
Furniture & Equipment	\$14,004.00	\$46,011.00	\$9,275.00	\$20,676.00
Telecommunications	\$33,313.00	\$38,322.00	\$33,622.00	\$48,787.00
Automation	\$92,702.00	\$31,304.00	\$57,296.00	\$68,149.00
TOTALS	\$2,265,304.00	\$2,502,062.00	\$2,601,678.00	\$2,739,899.00

Employee Recognition

During FY 2010, and consistent with the recommendations of the year's peer-based Employee Recognition Committee, Chief Thomas K. Tarr delivered the District's award for exceeding expectations to Matthew J. DiCarlo.

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

DISTRICT COURT

The Clerk's Office is located at the Federico Degetau Federal Office Building at 150 Chardón Street in San Juan, near the banking district, with a satellite office located at the José V. Toledo United States Courthouse in historic Old San Juan. Seven active Article III judges, three senior judges, and four magistrate judges manage the Court's caseload.

In 2010, the United States District Court for the District of Puerto Rico operated with a Clerk's Office staff of 64 employees and seven interpreters. Chambers staff for district, senior district and magistrate judges totalled 42 employees including two pro se law clerks. The District employed nine court reporters.

Legal Education Programs

Under the direction of the Honorable Carmen C. Cerezo, who presides over the District's Committee of Educational Programs, the Court sponsored several Continuing Legal Education Seminars featuring lectures by nationally renowned speakers. The Court hosts these events at least twice a year to members of the bar free of charge.

On March 10-11, 2010, Mark Tushnet, the William Nelson Cromwell Professor of Law at Harvard Law School, lectured members of the bar on the topics of Great Opposing Opinions in Landmark Supreme Court Cases, and The United States Constitution: A Contextual Analysis. Professor Tushnet also offered a U.S. Supreme Court Update.

On March 12, 2010, Patrick A. Parenteau, Senior Counsel to the Environmental and Natural Resources Law Clinic and Professor of Law at Vermont Law School, offered a lecture on "The Changing Climate of Environmental Law."

On May 13, 2011, the Court sponsored lectures on the topics of: The Effect of Iqbal on Civil Rights Litigation and Appellate Advocacy Before the First Circuit, jointly offered by John M. Greabe, Professor of Law at the University of New Hampshire School of Law, and Seth R. Aframe, Assistant U.S. Attorney for the District of New Hampshire; and, Current Ethical Issues, offered by Mitchell M. Simon, a Professor of Law at the University of New Hampshire School of Law and an active practitioner on the areas of legal ethics, lawyer discipline and medical ethics.

On December 2-3, 2010, the Court sponsored lectures on: Contemporary Research on Judicial Decision-Making, by Dr. Ryan C. Black, Assistant Professor in the Political Science Department at Michigan State University; The Work of the Innocence Project: Wrongful Convictions, Causes and Remedies, by Barry C. Scheck, Professor of Law at the Benjamin N.

Cardozo School of Law, and co-founder and co-director of the Innocence Project, a national litigation and public policy organization dedicated to exonerating wrongfully convicted individuals through DNA testing and reforming the criminal justice system; and on Law and Neuroscience, by Dr. Adina L. Roskies, Professor in the Department of Philosophy at Dartmouth College.

Implementation of the Civil/Criminal Accounting Module

The Clerk's Office successfully implemented the Civil/Criminal Accounting Module (CCAM), the system which replaces all judiciary financial data nationwide. CCAM has improved overall performance of accounting, budget and financial activities in the District for the benefit of the bench, the bar, and the public.

Criminal Justice Act (CJA) eVoucher Program

The District of Puerto Rico began implementation of CJA eVoucher, a web-based application that provides counsel, expert service providers, court staff, and judges the ability to create and process CJA vouchers and documents electronically. eVoucher's features and capabilities allow optimized appointment management, authorization for excess cost for service providers, itemized voucher entries for services and expenses by categories, automatic rate adjustments and calculations, transfer of vouchers between District and Circuit courts, and document upload and attachment. eVoucher also interfaces with the Case Management Electronic Case Filing (CM/ECF) program, has search and reporting capabilities, and facilitates voucher history tracking and auditing. The Clerk's Office expects full implementation of eVoucher early next year.

Pro Bono Program

Effective September 2, 2010, the Court adopted amendments to the Local Rules establishing a Pro Bono Program. U.S. District Judge Francisco A. Besosa chaired the Court's Pro Bono Plan Committee. Implementation of this program required creation of an automated computer program which randomly selects 25 attorneys from the CM/ECF database to be used by the Court in the appointment process.

Implementation of a new Performance Management Program

The District fully implemented its Performance Management Project (PMP), together with implementation of HRMIS II's ePerformance application. As a result, the performance evaluation process has been revamped to facilitate constructive discussion between employees and supervisors, and to clarify the responsibilities of each staff position. Implementation of the PMP involved training sessions with employees, supervisors and managers. The District takes full advantage of ePerformance integrated functionality with an overall improvement in the workflow of the performance appraisal process.

District Bar Examination

The Court offered two district bar examinations, on April and October 2010, to 553 examinees, of which 147 passed. A total of 151 attorneys were admitted to practice in the District during calendar year 2010.

Naturalization Ceremonies

During calendar year 2010, the Court held 15 Naturalization Ceremonies during which 816 persons were sworn in as new United States citizens.

On September 23, 2010, a special Naturalization Ceremony was held in commemoration of Constitution and Citizenship Day. This ceremony was presided over by Chief U.S. District Judge José A. Fusté, with the participation of fellow U.S. District Judges Juan M. Pérez-Giménez, Daniel R. Domínguez, Aída M. Delgado-Colón, and Gustavo A. Gelpí, Jr. The Honorable Luis A. Fortuño, Governor of Puerto Rico, was the keynote speaker.

Information Technology

In 2010, the District implemented the MJSTAR module which directly extracts magistrate judges' statistics from CM/ECF for submission to the AO's Statistics Division. The program, eJuror, was also implemented offering prospective jurors the option of responding to qualification questionnaires and summons online, as well as the ability to update personal information, verify when to report for jury service, submit requests for excuse or deferral, and select alternate times to serve.

As part of the Court's emergency preparedness plan (COOP), 25 laptop computers were configured and distributed with wireless cards to key chambers' and Clerk's Office personnel. These preparations ensure that the Court will be able to continue or rapidly resume essential operations in the event of any emergency.

Employees had the opportunity to participate in several in-house training sessions addressing a variety of programs, such as: Microsoft Word Levels I and II; Microsoft PowerPoint Levels I and II; Corel WordPerfect X4; and Microsoft Publisher and Time Management.

New PACTS reports were implemented for the new Performance Appraisal Instrument, as well as an Electronic Signature Program for the Supervisory Division at the U.S. Probation Office (USPO). In addition, a new USPO Intranet Web Page was developed.

Space and Facilities

The year 2010 began with several major facilities projects in the District. Most significant was the President's Stimulus Program (ARRA), which awarded \$100 million to the General Services Administration (GSA) for major renovations in the Clemente Ruiz Nazario U.S.

Courthouse and Federico Degetau Federal Office Building (the Hato Rey Court Complex). These improvements are designed to maximize energy conservation and sustainability in the two facilities, and includes the complete replacement of the air conditioning system in the Federico Degetau Federal Office Building and the Clemente Ruiz-Nazario Courthouse, along with significant upgrades to the electrical and lighting systems. This project will require temporary relocation of all tenants for varying periods of time between 2010 to 2015.

In order to maintain full court functionality during the ARRA project, judges will be temporarily relocated from the Hato Rey complex to the Jose V. Toledo Courthouse in Old San Juan. To accommodate the increased number of judges at this facility, new chambers and a new courtroom are currently under construction and will be completed this year.

The ARRA Program also included funding for a new garage in the Hato Rey complex. This garage will accommodate employee cars and include green features such as solar panels and electric vehicle charging stations. This project began construction in 2010 and is scheduled for completion in 2012. Finally, in 2010, a project commenced to replace all of the windows in both the courthouse and federal building making them blast-resistant and weather-tight.

Courtroom Technology

In 2010 the Court began a project to install a state-of-the-art audio-visual system in a district judge's courtroom in the José V. Toledo U.S. Courthouse. Infrastructure work was completed, and the installation of the new system is scheduled for 2011. In addition, an evidence presentation system was installed in the multi-use courtroom on the 5th floor of the José V. Toledo U.S. Courthouse. The Court also awarded infrastructure and installation contracts for all four magistrate judge courtrooms in the Federico Degetau Federal Office Building. By the end of 2011, all courtrooms in the District of Puerto Rico will be equipped with audio-visual systems upgraded to the highest level of digital operation and high-definition quality.

BANKRUPTCY COURT DISTRICT OF PUERTO RICO

Information Technology

The IT Division for the U.S. Bankruptcy Court for the District of Puerto Rico focused on the relocation of the Clerk's Office to new space in 2010. The move was necessary to accommodate additional chambers to be used by the District Court. This move was conducted in June. In addition, the Ponce Divisional Office was temporarily closed and all the electronic equipment was removed and placed in storage in the San Juan area.

Work continued on the implementation of the Voice Over IP telephone system troubleshooting existing performance issues, working with the system fail-over and recovery process.

Independent A/C units were installed in each data closet to protect the data racks from overheating due to the lack of adequate ventilation, especially during non-working hours where the building A/C is turned off. A Liebert A/C unit was also installed in the computer room.

The gradual migration to Windows 7 began this year. All new workstations are being purchased with Windows 7 installed, and existing Windows XP workstations will be migrated to Windows 7.

CM/ECF was upgraded late in 2010 to version 3.4, which improved the security of the system and addressed reported issues.

Case Management

The case management and court services teams worked with the implementation of CHAP Calendar and Work Flow and with training the Clerk's Office and chambers' staff. Also, staff participated in gathering data for the Courtroom Study. In addition, work continued on the implementation and development of automatic closing and automatic discharge for Chapter 7 no asset cases.

During this year, the Office actively participated in cleaning the caseload to be transferred to the newly appointed judge, Hon. Mildred Caban. The Office also worked with the redistribution and reassignment of cases in San Juan due to the transfer of the Hon. Brian K. Tester from the Southwestern Divisional Office.

As a result of the temporary closing of the Southwestern Divisional Office, some intake functions in San Juan were consolidated. Furthermore, there was time dedicated to the implementation of the telework policy brought about by the closing of the Ponce Office, and the implementation of the new Performance Management Plan, both of which required substantial training of employees and supervisors.

Educational Training

Training was provided based on identified organizational needs, external and internal (AO, FJC) opportunities, employee requests, and availability of funds. Training was focused on telework, sexual harassment, managing multiple priorities, burnout and stress management, information security awareness, time management, procurement, performance management, travel, ethics, computer skills, reasonable accommodation, benefits, and coaching and counseling.

Court personnel also traveled to participate in training programs including: ePerformance, Workshop for Experienced Managers and Supervisors, National Conference of Bankruptcy Clerks, IT Conference and Captivate.

Special Awards Received by Judicial Officers or Administrative Staff

The First Circuit Executive's Office gave System's Manager, Félix Martínez, a special award for his continued support to the First Circuit. The administrative staff were also recognized for their contributions, dedication and efforts to create and optimize the use of the new facilities in San Juan.

Judicial Appointments

The Hon. Mildred Cabán Flores was appointed as Bankruptcy Judge sitting in the Southwestern Divisional Office. The Hon. Brian K. Tester was transferred from the Southwestern Divisional Office to San Juan.

New Local Rules and Internal Operating Procedures

All four judges conducted a review and update of their case management procedures manual including the electronic orders catalog (CAOS).

A new Rules Committee was formed to review the Court's Local Rules. Representation on the Committee included bankruptcy practitioners, the U.S. Trustee's Office and trustees. The Committee is chaired by the Hon. Brian K. Tester.

Construction Projects

As stated during FY 2010 the process of completing the construction of new facilities was underway to relocate the operations of the Clerk's Office on the first floor of the Jose Toledo Building in Old San Juan. This new construction reduced the space for the Bankruptcy Court and new furniture was acquired and installed in order to maximize its use.

At the end of the fiscal year, multiple difficulties with the facilities in the Luis A. Ferre Building in Ponce necessitated the closing of the courthouse in Ponce, and the temporary relocation of personnel to San Juan until adequate replacement space in Ponce can be acquired.

Special Conferences/Programs

There was ample court participation from judges, chambers and staff at the Bankruptcy Operations Forum.

Judge Enrique Lamoutte attended the Bankruptcy Judges Continuing Education Program, the IT Training by the AO, the First Circuit Judicial Conference, the Conference for Chief Judges, the American Bankruptcy Institute Conference, the Operations Forum and CM/ECF Working Group Meeting, the National Conference of Bankruptcy Judges, the Puerto Rico Bankruptcy Bar Seminar, and was a member of the Local Federal Bar Examination Committee.

Judge Brian K. Tester attended the National Workshop for Bankruptcy Judges, the First Circuit Judicial Conference, the Federal Judicial Center's Law and Genetics Seminar, the ABI Caribbean Insolvency Symposium, the ABI Regional Northeast Bankruptcy Conference, various Bankruptcy Appellate Panel hearings, the AO Bankruptcy Operations Forum, and the Association of Bankruptcy Judicial Assistants Annual Meeting as a lecturer.

Judge Mildred Cabán attended the First Circuit Judicial Conference, the American Bankruptcy Institute's Northeast Conference, Phase II, the Bankruptcy Operations Forum, Federal Judicial Center's Conference, the National Conference of Bankruptcy Judges and the Economic Institute for Judges at Northwestern University School of Law.

Judge Cabán also collaborated with the Information Technology Division of the U.S. Bankruptcy Court for the development and creation of supplemental software within CHAP which provides easy access and storage of historical data. She is also assisting in updating and revamping the website of the National Conference of Bankruptcy Judges' Committee.

The Court participated as a CM/ECF Release 5.0 MLO court (monitor live operations), and continued in CM/ECF development and groups, such as the CM/ECF Working Group and the CM/ECF Next Generation Group.

Judge Enrique Lamoutte participated in the American Bankruptcy Symposium, the Workshop for Bankruptcy Judges, the CM/ECF Group, the Operations Forum, and CM/ECF Working Group.

Judge Sara de Jesús and Carlos Mergal, Assistant Systems Manager, were part of the Next Generation CM/ECF Chambers Functional Requirement Group (FRG) for FY2010. Judge Mildred Cabán was a member of the Public Outreach Committee of the National Conference of Bankruptcy Judges.

Statistics

For Fiscal Year 2010, there were 12,232 new bankruptcy filings, a 12% increase over Fiscal Year 2009. The filings by chapter were as follows: 4,085 cases for Chapter 7; 170 cases for Chapter 11; 15 cases for Chapter 12; and 7,962 cases for Chapter 13.

PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF PUERTO RICO

The U.S. Probation and Pretrial Office for the District of Puerto Rico is responsible for the entire Island of Puerto Rico consisting of 78 municipalities and a population of approximately 4 million U.S. citizens. During Fiscal Year 2010, the Office remained committed to assisting defendants and offenders in leading law abiding lives, and ensuring the protection of the community while assisting the Court in the fair administration of justice.

Court Services

During Fiscal Year 2010, the Court Services Division operated with eighteen (18) full-time U.S. Probation Officers conducting pretrial and presentence investigations and preparing bail and presentence investigation reports (PSIs); one part-time officer solely conducting presentence investigations; an Assistant U.S. Probation Officer; one (1) Case Administrator; six (6) Support Specialists (reduced to 4 in mid January 2010 based on an office restructuring); and one (1) Probation Technician. Within the unit, Senior Probation Officers continued their ancillary duties as trainers and mentors, four (4) as specialists, and another as a Training Specialist.

The Division has an Assistant Deputy Chief U.S. Probation Officer and three (3) Supervising U.S. Probation Officers who conducted investigations as needed. These investigations were mainly related to retroactive crack cocaine cases and special or expedited sentencing investigations for the judicial officers (reflecting 16.5% of the overall investigations in the division).

Further, the Court Services Division's Case Administrator continued to maintain the daily court calendar for the units, receiving electronic notifications via CM/ECF. The Case Administrator maintained an electronic assignment, record keeping and tracking system of all investigation assignments within the Court Services Division, monitored the workflow among the supervisors, and assisted in the staffing and workload needs within the Division. The Case Administrator continued to maintain effective use of the Electronic Submission System of the Bureau of Prisons as well as the U.S. Sentencing Commission.

Pretrial Services Investigations

Cases activated (statistically opened) amounted to 1,300. The District continued to report the highest activations for the First Circuit, with 50.6% of the total cases activated Circuit-wide.

Additionally, 37 Pretrial Diversion cases were activated during this period, again the highest for the First Circuit, with 54.4% of the total. Out of the 1,300 cases activated, 1,281 (98.5%) were arrested by law enforcement agencies and the remaining were provided verbal notice (3), or issued a summons (16). The Office interviewed 1,252 (96.3%) of the total cases activated, and submitted 1,262 (97.1%) pre-bail reports to the Court.

Defendant Profile

<i>Total Cases Activated: 1,300</i>		
	<i>%</i>	<i>Predominant Age</i>
Male (1,090)	84%	18 to 25 (20.3%)
Female (209)	16%	36 to 40 (3.23%)

<i>Employed at Arrest</i>	<i>Illegal Aliens</i>	<i>Drug/Alcohol Dependency</i>	<i>Under Psychiatric Treatment</i>	<i>Prior Felony Convictions</i>	<i>Pending Felony Charges</i>
360 (27.7%) (416 or 32% Unknown)	187 (14.3%)	273 (21%)	227 (17.4%)	513 (39.4%)	103 (7.9%)

Case Profile

Controlled substances cases remained the most frequent type of offense, representing 54.5% of the total, a 1.24% increase from FY 2009. Weapons and firearms charges amounted to 4.6% (.3% more than last fiscal year), and immigration cases decreased from 17.7% in 2009 to 12.9% in 2010. Property related cases (20.07%) increased 13.5% from last fiscal year, whereas sex offense cases slightly decreased from 1.96% to 1.07%.

Types of Offenses Charged

<i>Offense Charged</i>	<i>Total</i>	<i>Percentage</i>
Drugs	708	54.5%
Escape / Obstruction	0	0%
Firearms / Weapons	60	4.6%
Immigration	168	12.92%
Other	41	3.15%
Property	261	20.07%
Sex Offenses	14	1.07%

Violence	26	2%
Public Order	22	1.69%
Total Activations	1,300	100%

Workload

Pretrial Services made recommendations in 1,232 cases (94.8% of the cases activated). The U.S. Attorney's Office made recommendations in 94.5% of the cases.

<i>Pretrial Services and U.S. Attorney's Office Recommendations</i>					
<i>Type of PSO Recommendation Made</i>			<i>Type of AUSA Recommendation Made</i>		
<i>Pretrial Recommend.</i>	<i>Detention</i>	<i>Released</i>	<i>AUSA Recommend.</i>	<i>Detention</i>	<i>Released</i>
1,232	723	509	1,228	975	253
(94.8%)	(58.7%)	(41.3%)	(94.5%)	(79.4%)	(20.6%)

The U.S. Attorney's Office's recommendations for detention surpassed the Probation Office's recommendations by 20.7% this year. Detention recommendations decreased by 10.4%, and financial recommendations to the Court increased by the same percentage (10.4%). Compared to the rest of the First Circuit, detention was recommended in 58.7% of the cases.

Pretrial Services Release and Detention

Of the 1,300 cases activated, the Office excluded dismissals, transfers-out, and cases that were later converted to diversion cases, leaving a total of 1,251 cases. There was an increase (12.9%) in defendants released over the previous fiscal year.

<i>Pretrial Services Release and Detention</i>		
<i>Cases</i>	<i>Released</i>	<i>Detained / Never Released</i>
1,251	430 (34.4%)	821 (65.6%)

Presentence Investigations (PSI)

The PSI referrals increased throughout Fiscal Year 2010. The unit, assisted by several officers from the Supervision Division, completed 1,212 investigations, to include 852 presentence investigation reports and 12 modified presentence reports, as reflected in PACTS. The numerous presentence investigations varied from extensive multi-defendant drug conspiracies to weapons/firearms, sex offenders, immigration and fraud cases.

The following reflects the Presentence Investigation Reports over the last three (3) fiscal years:

<i>Presentence Investigation Reports</i>	
Fiscal Year 2008	688
Fiscal Year 2009	699
Fiscal Year 2010	852

During Fiscal Year 2010, each of the full PSI writers was assigned an average of 64.7 presentence investigations. Officers who were mostly performing bail functions averaged 26.5 PSIs. The part-time officer completed 53 PSIs. Compliance with disclosure of PSIs remained over 90%. The disclosure process continued through CM/ECF and parties were notified electronically. Filing of the presentence reports was made directly to the judges and designated staff via electronic mail, supporting the commitment to a paperless process.

The modified/abbreviated guidelines reports afforded additional time to focus on more complex and/or time consuming sections of the report. These reports were mostly prepared in immigration cases, where a less comprehensive investigation suffices. These reports were also prepared if the Court determined that it had the information necessary to impose a sentence, and additional information was not needed to make a Bureau of Prisons designation or programming decision or for post-conviction supervision.

Overall, the officers continued to work as a team within their respective units. They performed their duties in a competent manner and according to statutory mandate. The Court Services Division worked to provide the Court with complete pretrial and presentence investigations which benefitted the Bureau of Prisons and the Supervision Division.

Personnel

The Supervision Division was composed of one Assistant Deputy Chief, four (4) supervisors, 30 regular/specialist officers, and 12 administrative support staff. There was an

11.23% workload increase from FY 2009 to FY 2010, related to the increase in assigned work units (AWUs) from 52.16 to 58.02 AWUs.

During Fiscal Year 2010, both the Probation Officer Assistant (POA) and Probation Technician provided a broad range of administrative support to the Court Services team of Probation Officers. Together with the POA, the Probation Technician completed 74 collateral investigations; the remaining (20) were completed by other officers within the unit. The Probation Technician continued to assist in most of the urine collections during the arrests, at the time of the bail interviews, secured official documents from local courts and law enforcement agencies for investigation purposes, and provided general office support.

A total of 569 defendants and 1,562 offenders were under supervision at the end of Fiscal Year 2010. This reflected a 42% increase in defendants and a 7% increase in offenders over FY 2009. (See *Table 1*). These numbers reflected an average of 71.03 defendants/offenders per officer. FY 2010 saw a continuous growth of compliant or low intensity supervision caseload, reaching the goal of 20% of the post conviction caseload.

Table 1

<i>Persons Under Pretrial Release Supervision</i>	<i>FY 2009</i>	<i>FY 2010</i>	<i>% Increase</i>
Pretrial Services (and Diversion) Supervision	402	569	42%
Post Conviction Supervision	1463	1562	7%

During Fiscal Year 2010, the revocation rate dropped to 15%, (a 1% reduction from FY 2009). As indicated in Table 2, below, the number of revocation for major violations increased in FY2010, while the number of revocations for technical violations decreased.

Table 2

<i>Cases Revoked and Closed</i>		
	<i>FY 2009</i>	<i>FY 2010</i>
Cases Closes Without Revocation	348	371
Cases Closed With Revocation	65	68
Major Violations	11	20
Technical Violations	54	48

Specialized Treatment and Monitoring Services (Law Enforcement Fund)

During Fiscal Year 2010, a total of \$1,192,870.00 was originally assigned to the Law Enforcement Fund. After reprogramming, the amount assigned was \$1,166,367.00.

Treatment Services

The Drug Aftercare Program is divided into two (2) categories: Outpatient and Residential Treatment. During Fiscal Year 2010, an average of eleven (11) pretrial cases and seventy-eight (78) post conviction cases benefitted from drug treatment on a monthly basis. An average of seven (7) male clients and one (1) female client benefitted monthly from residential treatment. An average of two (2) clients benefitted monthly from the Halfway House, the residential re-entry center.

Outpatient Mental Health and Sex Offender Treatment Services

In FY 2010, an average of thirty-six (36) pretrial offenders and eighty-six (86) post-conviction offenders benefitted from mental health treatment on a monthly basis. This year, an average of seven (7) pretrial cases and twenty (20) post-conviction offenders benefitted from the sex offender treatment on a monthly basis.

Finally, a polygraph test was administered to ten (10) sex offenders.

Drug Testing Program

The Drug Testing Program represents one of the most reliable tools for the supervision and monitoring of substance use and abuse by defendants/offenders. The U.S. Probation Officers conduct random testing in the field. However, most collections are conducted in the Office by a technician following a color code random system. This program is governed by a Four Phase Program which requires a minimum of three (3) tests with less than 24 hours notice per month during Phase I, a minimum of two (2) such tests monthly during Phase II, and a minimum of one test monthly during Phase III, per Monograph 109. During Fiscal Year 2010, the Office spent \$42,536.70 in the urinalysis program. An average of 600 samples per month were collected.

Job Placement

In FY 2010, the official unemployment rate in Puerto Rico was 15.9%. Literature reveals there is a correlation between defendants/offenders who are unemployed and recidivism (See 2009 U.S.P.O. Delaware's Workforce Development Program Report). In response, the District of Puerto Rico continued the Development of the Defendant / Offender Workforce Development Program. This team participated in related conferences sponsored by the National Institute of Corrections, Bureau of Prisons and the nationwide U.S. Probation Office initiative. The District

will strive to involve all officers in this Program in the future.

In addition, the District of Puerto Rico continued to develop partnerships with public and private entities, such as the Puerto Rico Department of Labor and a community college with the goal of assisting defendants/offenders in the development of skills to search for and retain a job and/or vocational training.

Location Monitoring Program FY 2010

In FY 2010, the Location Monitoring Program had a daily average of 125 cases, approximately 90% of which were pretrial cases. This caseload was assigned to one unit, comprised of two specialists, and five (5) line officers. In 2010, the caseload was in transition from zone-based supervision assignment, to risk level assignment.

Technology

During this Fiscal Year, both the pretrial and post conviction contracts were converted to a new web-based platform, allowing the supervision of GPS clients. Semiannual training ensued per Monograph 113.

PACTS

The District continued to maximize and enhance PACTS emphasizing the development of customized reports and procedures for quality control. In September 2010, the National PACTS/IT Assist Team visited the Office providing orientation and the tools required for the development of a Data Quality Improvement Team to ensure accurate data entry.

The PACTS Document Imaging Function was fully implemented in the District with the goal of attaining a paperless office and electronic files. The Document Imaging Implementation also assisted the Federal Record Center, and allowed sentencing documents to be directly transferred to the U.S. Sentencing Commission.

Another advancement in PACTS this year was the implementation of OPERA (Offender Payment Enhanced Report Access) which provided Probation Officers with the ability to monitor payments of fines, restitution and assessments made by offenders under supervision.

Pre-implementation planning commenced this year for the Post Conviction Risk Assessment (PRCA) and the Pretrial Risk Assessment (PTRA). These tools will provide a web-based system to calculate and interpret risk scores.

During FY 2010, the District worked jointly with the Systems Department to create new reports for Quality Control/Staffing/Workload/Cost Containment, Management, Clinical Services,

Post Conviction Supervision, Court Services and Bail Supervision.

Firearms Training / Security and Safety

During Fiscal Year 2010, 49 officers in the district were offered thirty-four (34) hours of Defensive Tactics Training, including the sixteen (16) hours required by the Administrative Office. There were eight (8) Hazardous Incident Reports filed.

The Probation Office also conducted two (2) re-qualifications and two (2) initial firearms qualifications. Forty-nine (49) officers were qualified and authorized to carry duty-issued firearms during the fiscal year.

Community Outreach

During this Fiscal Year, the Community Outreach Team, composed of four (4) volunteer officers, conducted five (5) outreach activities. Public and Private Schools, together with other youth organizations, were visited and over 571 youth and 10 teachers were involved. A new educational component, cybernetic crimes, was introduced for prevention of victimization through the use of computers and social network programs. The Office continued to sponsor "El Hogar del Niño," a non-profit organization that provides shelter for young girls by paying tuition and assisting in other financial needs.

Administration

Budget Allotment Profile Fiscal Year 2010 - U.S. Probation and Pretrial Office

The U.S. Probation Office received a total of \$8,483,239.00 — \$6,381,846.00 in salaries, \$437,846.00 in operation expenses, \$1,278,760.00 in law enforcement expenses, and \$311,817.00 in the automation fund. Also, \$72,970.00 was received in the new Second Chance Act Fund.

The Office continued to receive automation support from the Office of the Clerk's Systems Department through the Memorandum of Understanding established between court units. This year, \$148,500.00 was transferred to the Clerk's Office from the Office's salary allotment to cover for this service. Also, \$20,000.00 was transferred for an architect position, \$45,000.00 for various projects and \$22,814.00 for storage equipment and data switch maintenance. Total FY2010 reprogram to Clerk's Office was \$236,314.00. The Office also assigned \$207,342.96 for training.

Human Resources

During FY2010, the Office had two (2) voluntary retirements, one (1) resignation of a U.S. Probation Officer and one (1) termination of a Probation Services Technician. The Office also recruited six (6) U.S. Probation Officers, three (3) Operations Support Technicians, and one (1)

Probation Services Technician. The Office was staffed by a total of 63 officers and 30 support staff, for a total of 93 employees.

Training and Conferences

During Fiscal Year 2010, a total of 35 training sessions were conducted for a total of 4,096 staff hours. All employees participated in at least one (1) training this year. Among the trainings provided were: Defensive Tactics and Safety, Firearms Training, Internet Policy Training, Sexual Harassment, Stress Management, Surveillance Training, Drug Addiction Counseling, Sexual Offender Interventions, In-House New Officer's Orientation, Sentencing Guideline Amendments, Sentencing Guidelines, PACTS, Imaging, First Aid, Leadership Institute, and the DOWD Conference.

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

DISTRICT COURT

During 2010, the United States District Court for the District of Rhode Island hosted a number of ceremonial and educational events, embarked on a number of important initiatives, and began roof replacement projects on the Courthouse and the John O. Pastore Building.

Courthouse Ceremonies

On February 26, 2010, the Court held its annual attorney admissions ceremony for new members of the bar of the Court. Chief Judge Lisi presided over a ceremony in the historic courtroom, and 105 attorneys were sworn in as members of the federal bar.

The Court also issued credentials to the Federal Process Servers on June 29, 2010. Identification cards were issued to twenty-eight federal process servers for the District of Rhode Island in a ceremony in the historic courtroom.

Educational Events

The Board of Bar Admissions for the United States District Court conducted its annual lecture series for prospective federal bar members in January 2010. The lectures, presented by experienced members of the federal bar, covered a wide range of topics: civil procedure, criminal procedure, professional conduct, bankruptcy, evidence, CM/ECF, and courtroom technology. One hundred and five (105) attorneys attended the lecture series in 2010.

The Court also organized, along with a subcommittee of the Federal Bench/Bar Committee of the Rhode Island Bar Association, a “University Symposia” series on legal topics of interest to both attorneys and non-attorneys. The program, held on November 9, 2010, discussed “Judicial Privilege and Free Speech” at Brown University.

On December 21, 2010, the Court held its annual luncheon for Criminal Justice Act Panel attorneys. U.S. Attorney Peter Neronha gave a presentation on “Public Corruption Prosecutions After *Skilling*,” and Attorney Anthony Traini gave a demonstration of the beta version of the Court’s Jury Instructions Index (which went live in 2010). The searchable index contains all of the criminal jury instructions given in the District of Rhode Island since 2005. The 22 attorneys attending the event received 1 CLE.

Staff Notes

The Court held its annual Employee Appreciation Program on September 10, 2011. Lucia Leyva received a five-year service awards; Beth Desmond received a ten-year service award; Jeannine Noel, Claire Parvin, Paula Farrell Pletcher, and Ana-Cecilia Rosado received twenty-year service awards; David DiMarzio and Connie Zinni received thirty-year service awards; and Ron Fortes received a forty-year service award.

Court staff also participated in a number of training activities during 2010: the FCCA Conference in Eugene, Oregon; Court Technology Training in Williamsburg, VA; Budget Training in Dallas, Texas; Criminal Justice Act training in Washington, DC and St. Louis, MO; Interpreter Services Coordinators Training in Washington, DC. Court employees also participated in an in-house writing skills improvement course, along with the Probation Department, called "Writing for Clarity."

Case Management

In an effort to simplify civil procedure before the Court, the following standard pretrial orders were approved by the Court in March 2010: Rule 16(b) Scheduling Conference Notice; Civil Pretrial Order; Trial Notice; Final Pretrial Notice; ADR Referral Order; and Order Setting Bankruptcy Appeal Briefing Schedule,

The Court continued to manage two high profile cases throughout 2010. Over 1,600 civil cases were managed related to *Kugel Mesh* multidistrict litigation, and over 250 cases related to the Station Night Club fire.

The Court adopted amendments to 17 existing rules and created 15 new rules, scheduled to go into effect on January 3, 2011. The centerpiece of the 2010 revision was the incorporation of the Court's CM/ECF Administrative Procedures into the local rules.

The District had 41.1% of its jurors not selected, challenged, or serving on the first day of empanelment. This percentage was in line with both the First Circuit rate (41.9%) and the national rate (38.7%).

Lastly, the Court upgraded to the latest version of CM/ECF. Version 4.1 went live on October 10, 2010.

Human Resources

In September 2010, Court employees participated in a day-long retirement planning seminar, which offered both long-range and short-term retirement advice.

Staff also took part in a day-long training on performance evaluations based on the Performance Management Plan Institute in 2009. In this program, Court employees learned how to make their annual performance evaluation beneficial to both themselves and their supervisor.

Finally, the Human Resources Department moved to an on-line new hire system in 2010. This new system eliminated the need for many paper documents, and makes the process of bringing new employees onboard more efficient.

Information Technology

In 2010, the Court implemented the ENS (Emergency Notification System) to notify employees of work alerts, closings, and delays. Also, all of the District Court courtrooms and the Jury Assembly Room were outfitted with new sound systems and video evidence display systems.

The Court rolled out a new public website on April 30, 2010. The website was redesigned to make it easier to navigate, and to give it an updated look.

The Court also implemented its Situational Remote Access Policy (SRAP) throughout 2010. This policy, which allows Court employees to access their computers remotely, was an important step in implementing the Court's Continuity Of Operations Plan (COOP).

The Court implemented a comprehensive Information Technology Policy in March 2010. This policy laid out the essential requirements for all Courthouse computer users, provided valuable security safeguards, and unveiled a set of guidelines for Court employees as they use social media sites. The latter section, entitled "Social Media Policy," was the first of its kind within the Federal Judiciary, and was adopted by a number of other district courts around the country.

Space & Facilities

In 2010, funds from the American Recovery and Reinvestment Act (ARRA) funded various construction projects at the Courthouse, such as the roof replacement of the Courthouse and Pastore Building. In conjunction with the roof project, flag poles reminiscent of the Courthouse's original design were installed on the roof. This represented the last phase of the historic restoration of the building that began in 1999.

In addition, ARRA funds also supported energy improvement projects in both the Courthouse and Pastore Buildings. Throughout 2010, lighting, HVAC, and control software were updated and upgraded to make both buildings more energy efficient.

The cab covers on all the elevators at the Courthouse were replaced in 2010. The new covers mimic the old design and maintain the historic aesthetic of the building.

Lastly, contiguous chambers space was created for a district judge, along with renovations to existing chambers space and the creation of a galley area. The Clerk's Office embarked on a cyclical maintenance project, replacing carpet and paint, in November 2010.

Statistical Summary

District Court Statistical Caseload Profile Summary of
12-Month Period Ending September 30, 2010

Total Filings (Civil & Criminal, Including Criminal Case Transfers)	1,296*
Civil Filings	1110*
Criminal Cases	169
Terminations	807
Cases Pending	2902**
Trials (criminal/civil)	20 (10 per active Judgeship)
Median Time for Civil Cases (from filing to disposition)	11.8 months
Median Time for Criminal Felony Cases (from filing to disposition)	8.5 months
Civil Cases Three Years or Older	345**

*The total number of civil filings includes *Kugel Mesh* MDL cases.

**The total number of Cases Pending/Cases Three Years or Older includes *Kugel Mesh* MDL cases/Station Night Club Fire cases.

BANKRUPTCY COURT DISTRICT OF RHODE ISLAND

Programs and Accomplishments

Creditor Abuse Resistance Education (CARE)

The U.S. Bankruptcy Court in Rhode Island launched a community outreach financial literacy program in 2010 to bring financial education to local high schools throughout the state. The program, known as CARE, was first developed by Judge Ninfo in New York Western Bankruptcy and has spread to bankruptcy courts nationwide. The program relies on volunteer attorneys and court staff to visit local high schools and educate juniors and seniors about the proper use of credit and the consequences of overspending and abuse of consumer credit. During the 2010/2011 academic year, nine volunteer attorneys and six court staff visited nine area high schools and presented 49 training sessions to more than 1270 junior and senior high school students.

Loss Mitigation Program

Beginning in late 2009, the Court adopted a Loss Mitigation Program to provide a uniform, comprehensive, court-supervised program for facilitating consensual resolutions to individual debtors whose residential real property is at risk of loss to foreclosure. During its first full year in operation, approximately 17% of the filing caseload participated in the program, and more than 187 debtors and their families successfully modified their mortgage, for an overall success rate of 38%.

Electronic Attorney User Manual

The Bankruptcy Court created a new electronic attorney user manual available on its website to assist the bar with e-filing and general practice areas before the court. The manual contains over 60 topics sorted by category, covering filing procedures, links to applicable local rules, forms and filing tips. In addition, each page of the manual contains links to various other resources including national and local forms, the federal bankruptcy code and rules, fee schedules, and related websites.

Electronic Case Management User Manual

In FY 2010, an extensive project was initiated to create an electronic case management user manual serving as an internal one-stop resource for all of the Court's internal procedures, policies, forms and quality control requirements for managing the filing caseload.

CM/ECF Application and Server Upgrade

The Court successfully completed its upgrade to Version 3.3.4 of CM/ECF in July 2010, and also undertook an extensive server migration from the G4 to the G6 server on November 5, 2010. The 3.3.4 upgrade included new pacer fees for the audio on the docket (Court Speak) program.

Electronic Unclaimed Funds Process

An electronic process was developed in 2010 for the search and retrieval of unclaimed funds received by the Court from bankruptcy estates. This will assist creditors with locating funds due them and on deposit with the Court.

Internal Controls Evaluation (ICE) System

Three members of the Clerk's Office traveled to San Antonio, Texas, to train on the judiciary's new Internal Controls Evaluation system. The system was implemented locally and is now operational at the Court. ICE reports are run monthly to ensure proper separation of duties and overall compliance with the judiciary's internal controls policies.

Chambers Automation Program (CHAP)

A new electronic calendaring program, commonly referred to as Chap, was implemented in 2010. Chap is a calendaring and tracking application with a document management system which is fully integrated and has real-time communication with CM/ECF.

Performance Management Plan

In Fiscal Year 2010, the Clerk's Office adopted a local Performance Management Plan in accordance with Judicial Conference policy. This performance plan covers planning, monitoring, developing, appraising, rewarding employee performance, and links individual performance with organizational and role specific competencies.

Local Rules

The Court, working with its Attorney Advisory Committee, published for comment several local rules and form changes. The amendments took effect on August 23 and December 1, 2010, and were published in a new 2010 local rules book.

National Committee Participation Judiciary Inventory Control System (JICS) Board

Clerk of Court Susan Thurston was appointed in 2010 to serve on the JICS Control Board. The Board meets quarterly to review modification requests to the judiciary's national application for inventory control.

Staff Training

Susan Thurston, Clerk of Court, served as faculty on a national training program to update court unit executives and court space and facility specialists on the judiciary's space and security programs, including the new circuit rent budgets, occupancy agreements, asset management plans, space assignment and rent validation, security, property management, tenant alterations, cyclical maintenance, and courtroom technology. Six training sessions were conducted during the 2010 calendar year. Ms. Thurston also served as faculty for the national training program on *Anticipating Next Year's Budget*, held in Dallas, Texas.

Administrative Office Temporary Duty Assignment

Linda Spaight, Administrative Projects Coordinator, was selected to serve a one-year temporary duty assignment in the Administrative Office's Bankruptcy Administration Division from May 1, 2010 through April 30, 2011 to assist with work on the Next Generation CM/ECF Project.

Education Programs

Attorney Education Training

On November 16, 2010, the Court conducted a loss mitigation training program at the Rhode Island Bar Association to assist attorneys representing debtors and creditors. The program included faculty from the Department of Treasury (Home Affordable Modification Program), the U.S. Trustee program, Clerk of Court Susan Thurston, as well as two local attorneys. Additionally, on September 23 and October 6, 2010, the Court sponsored a CLE Food for Thought program with the R.I. Bar Association on the Preparation of the Bankruptcy Petition, Schedules and Means Test documents.

COOP Training: Mach 5

During Fiscal Year 2010, the Bankruptcy Court participated in a series of eleven weekly continuity of operations training sessions called "Mach 5 Minutes to Readiness." The sessions consisted of short five minute scenarios addressing different stages of a specific emergency

situation, and the court staff worked through what action plan they would develop to address the situation.

2010 First Circuit Judicial Conference

Clerk of Court Susan Thurston attended the First Circuit Judicial Conference in Boston, Massachusetts in May 2010.

National Conference of Bankruptcy Clerks

In late June 2010, seven members of the Clerk's Office attended the National Conference of Bankruptcy Clerk's conference in Pittsburgh, Pennsylvania.

Circuit Information Technology Conference

In July 2010, three members of the Clerk's Office automation department participated in this Circuit-wide IT conference in Boston, Massachusetts.

Appropriation Law for Certifying Officer Training

Clerk of Court Susan Thurston and Chief Deputy Gail Kelleher attended the Administrative Office's national appropriation law training in San Diego, California in July 2010.

Bankruptcy Operational Practices Forum

Five Clerk's Office staff attended the annual Bankruptcy Operations Forum in Washington, D.C. in August 2010. The Forum focused on improving electronic filing, quality control, bankruptcy processes, calendaring and the future of CM/ECF.

Six Leadership Actions Training

As part of the Court's Management Excellence Program, on October 4, 2010, the staff participated in the Six Leadership Actions Workshop conducted by Dr. Eric Goldstein and The Paul Hertz Group.

National Conference of Bankruptcy Judges (NCBJ)

In October 2010, Bankruptcy Judge Arthur N. Votolato attended the NCBJ conference in New Orleans, Louisiana.

Strategic Workforce Planning Workshop

On November 29-30, 2010, the Clerk's Office staff participated in the second strategic workforce planning workshop at the Court. The purpose of the workshop, facilitated by the Federal Judicial Center and Bankruptcy Clerk Bill Blevins of the Northern District of Florida, was to determine future work requirements and identify future key positions to ensure the efficiency and success of the Court.

Space Projects

The bankruptcy courtroom ceiling was renovated, including a new, modern ceiling, new pendant and recessed lighting, and new millwork around the interior section of the courtroom.

Awards, Ceremonies, and Events

On September 24, 2010, the Court held its annual employee recognition ceremony. Among other awards, April Elderkin, Financial Administrator, was presented with the 2010 Sustained Superior Performance Award for her 18 years of exceptional performance and service.

Rhode Island Federal Executive Council Employee of the Year

Michelle McCurdy, Linda Spaight and April Elderkin were selected as the 2010 Administrative Employees of the Year (team award) by the R.I. Federal Executive Council for their outstanding work in developing and implementing an on-line attorney registration and training program for the Court's electronic case filing application.

National Conference of Bankruptcy Clerks Silver Award

The Rhode Island Bankruptcy Court was recognized for achieving a 50 - 74% participation level in the NCBC.

Combined Federal Campaign Platinum Award

The Rhode Island Bankruptcy Court was awarded the highest platinum award for attaining a 99% participation rate, as well as an increase in dollar amount raised.

Milestone Anniversaries

Data Quality Administrator Michelle McCurdy and Anne O'Hara, Public Information Specialist, each celebrated their 30th anniversary with the Rhode Island Bankruptcy Court. Clerk of Court Susan Thurston and Courtroom Deputy Holly D'Agostino each completed 20 years of service.

Personnel News

Jennifer Watts returned to the Court as a temporary Public Information Specialist and Stacie McHale and John O'Day were hired as law clerks. Abigail Sneed and Erika Lindberg, both law clerks to Judge Votolato, left the Court for private practice.

Statistics

During calendar year 2010, there were 5,419 total filings (all Chapters); 4,655 Chapter 7 Cases; 25 Chapter 11 Cases; and 737 Chapter 13 Cases. This reflects an increase of 7.5% over 2009. There were 4,966 terminations, and 3,127 cases pending at the end of the year.

PROBATION & PRETRIAL SERVICES DISTRICT OF RHODE ISLAND

Staffing

The District of Rhode Island continued to have a combined office for both probation and pretrial services. During the calendar year of 2010, the eighteen-member staff consisted of the Chief, Deputy Chief, Supervisor, ten probation officers (including the Sentencing Guideline Specialist, Drug & Alcohol Contracting Specialist, and Special Offender Specialist), Management Analyst, Budget Manager, and three support personnel. A shared IT arrangement with the District Court continued to yield significant accomplishments. Of the personnel authorized to the District, 11% were allocated for pretrial services, 33% for post-conviction supervision, 22% for presentence work, and 34% for organizational and automation factors.

Training

Despite a busy workload, extensive training occurred during 2010. Officers and supervisors in the units averaged well in excess of the required 40 hours of training. The District made extensive use of the Judiciary Online University, the PEI program of the Federal Judicial Center, and participated in a variety of local and national training efforts. As a whole, the Office engaged in over 1,000 hours of training.

Space and Equipment

The Probation Office maintains office space within the United States Court House and Post Office building located on the third floor of the John O. Pastore Federal Building, 2 Exchange Terrace, Providence, Rhode Island. There was water damage to the building during the year. A GSA sponsored study revealed no immediate health concerns, and a new roof and significant work on the building envelope has since remedied the problem. The U.S. Marshals Service cellblock,

the magistrate judges' chambers, courtrooms and Clerk's Office staff are conveniently located in the same building on the second floor. The Office was fortunate to be housed in Courthouse space in which Court Security Officers, along with metal detectors, are available. Pretrial Services defendant interviews are conducted in one of three locations - the Probation Office, the cell block interview room, or the local prison facility housing the defendant.

Coordination with Other Court Personnel

The Chief Probation Officer maintains frequent personal contact with the District and magistrate judges. The Chief and Deputy Chief also maintain frequent contact with the two magistrate judges and their staff, as well as with representatives of the U.S. Marshals Service, the U.S. Attorney's Office, the Federal Public Defender's Office and the defense bar in general. The COOP plan, the Emergency Notification System, and the OEP were updated to address serious safety issues as needed.

Treatment Services

A portion of defendants supervised by the Pretrial Services Unit require drug testing, drug treatment, mental health treatment or electronic monitoring. Utilization of these services allowed for appropriate alternatives to detention at a significant cost savings to the taxpayers while these defendants' cases were pending.

A seven-year comparison of expenditures revealed the following:

	2004	2005	2006	2007	2008	2009	2010
Pretrial Services Expenditures	\$15,339	\$30,722	\$22,668	\$24,535	\$47,855	\$80,601	\$96,107

During FY 2010, the District allocated \$21,461 for electronic monitoring expenses, \$207,383 for drug treatment and testing, and \$198,980 for mental health treatment. Almost \$8,000 (\$7,935) was expended for sex offender treatment. The Probation Office purchased substance abuse and mental health treatment services from the following providers: MAP; CODAC; Bridgemark Addiction Recovery Services; Spectrum Health Services, Inc.; Gosnold Treatment Center; Phoenix House of New England; SSTAR; Behavioral Medicine and Health Associates; Fellowship Health Resources, Inc.; Kent Center; Gateway Healthcare, Inc.; Counseling and Psychotherapy Center; and Adcare Hospital. If ordered by the Court, defendants participate in out-patient substance abuse treatment or residential drug treatment. Out-patient mental health treatment is also available to include psychiatric evaluations, medication monitoring, mental health assessments, mental health counseling, and sex offender counseling. Most urinalysis testing occurred via a memorandum of understanding with the Eastern District of Virginia Probation Office. Specimens were sent for testing in their on-site laboratory. The Office also utilized on-site

test cups supplied by a variety of vendors. Confirmation testing was provided by Scientific Testing Laboratories. Further, the District utilized G4S for electronic monitoring contracting and Verizon for officer BlackBerry devices.

Workload Trends

Arrests

During 2010, there were a total of 235 cases activated. Pretrial services reports with recommendations were prepared in 99.5% of the cases processed in this District.

Statistical Summary

A statistical summary of the pretrial services workload for the past year is provided below :

1.	Total Cases Activated	235
2.	Defendants Released on Bond	78
3.	Defendants Under Supervision as of 12/31/10	71
4.	Pretrial Cases Closed	189
5.	Release Rate (Excluding Immigration)	41.3%
6.	Cases with Violations	9.4%

Post Conviction Supervision

During 2010, this unit supervised 299 offenders on probation, parole, and supervised release. Well over half of the offenders had special conditions for substance abuse treatment. Many also had conditions for mental health treatment and conditions for community service.

Of the cases supervised, 43% were for serious drug offenses, 18% were for firearms offenses, 10% for other violent offenses, and 5% for sex offenses. Seventeen (17) cases were revoked from supervision for a revocation rate of 6%. Despite a supervision caseload with one of the highest overall risk scores in the country, one of the lowest revocation rates was maintained through excellent supervision strategies and a concerted effort to help offenders change, reintegrate into the community, and effectively address those risk factors that have been shown to be directly related to recidivism.

Officers traveled over 42,000 miles in their vehicles throughout the year to gather data for pretrial and presentence reports, conduct collateral investigations for other districts across the

country, and supervise pretrial services and post-conviction offenders in the community. The Office worked closely with the Financial Litigation Unit of the U.S. Attorney to collect fines and restitution imposed by the Court.

Presentence Reports

The Probation Office completed 211 guideline presentence reports in FY 2010, resulting in reports that included detailed criminal and social histories, resolved objections, and detailed individualized sentencing recommendations pursuant to case law.

For FY 2010, drug cases represented the most frequent primary offenses, consisting of 41.5% of the Office's workload. Firearms were second (14.5%), immigration third (13.8%), and fraud was fourth (11.3%). Ninety-five percent (95%) of the cases resulted from a plea of guilty, and 5% resulted from trial. Just under half (45.3%) of cases sentenced were within the guidelines range. The mean sentence was 51.7 months. The Probation Office sent 730 documents to the Sentencing Commission, representing a 100% compliance rate with requirements.

Safety

Safety continued to be a top priority for the District. All officers engaged in several forms of safety training, including hands-on defensive tactics. Working with the District of New Hampshire, an active firearms and safety program was maintained. In addition to routine training and qualifications, the firearms training included low light situations, scenario based situations, simulation, and firearms familiarization. All officers who are qualified to carry a firearm undergo frequent supervised training and practice.

Critical Incident Stress Management (CISM)

The District continues to participate on a New England CISM team, contributing two officers and the Chief Probation Officer as members, all certified by the International Critical Incident Stress Foundation. This team continued to train throughout the year and respond to situations as needed.

**NARRATIVE REPORTS
OF THE
FEDERAL PUBLIC DEFENDERS**

**FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF MAINE**

Summary

As the Federal Public Defender's Office for the District of Maine began accepting cases on October 1, 2006, 2010 marked the fourth full year of client representation.

Cases

OFFICE LOCATION	CASES OPENED 2009	CASES PENDING 12/31/09	CASES OPENED 2010	CASES CLOSED 2010	CASES PENDING 12/31/10
Portland	93	49	107	93	63
Bangor	47	30	45	33	42
TOTAL	140	79	152	126	105

Appeals

During 2010, there were nine (9) appeals filed, eight (8) appeals closed, and one Petition for a Writ of Certiorari, which is still pending.

SWiTCH Program

The reentry program for the District (entitled Success with the Court's Help, or SWiTCH) continued to support approximately 12 participants. There were six (6) graduates from this program in 2010. The Federal Defender and Administrative Officer serve on the treatment team and have regular contact with all participants.

Staffing

Staffing changes in 2010 included the December resignation of the legal secretary. The position remains unfilled.

The Office continued to participate in the University of Maine School of Law's extern program, and hosted a third year student in the Office for both the spring and fall terms.

Additionally, two second-year students were hosted for the summer.

CJA and CLE

The Office participated in the First Circuit Appeals CLE presented in San Juan, Boston and Portland. A full-day District of Maine CLE on Sentencing was held on November 3, 2010, including the U.S. Attorney's Office, Probation and the Court. Monthly panel training sessions were sponsored in both the Portland and Bangor offices, and individual attorney support to the panel was provided.

The District's CJA panel completed a renewal process, resulting in a smaller, more experienced panel, while still remaining as diverse as possible. The Office also assisted in the renewal selection process for the First Circuit Court of Appeals CJA panel.

National Work

David Beneman remained the Federal Defender Representative for the First, Second and Third Circuits to the Defender Services Advisory Committee (DSAG).

**FEDERAL PUBLIC DEFENDER
FOR THE DISTRICTS OF
MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND**

During FY 2010, the expansion of the Rhode Island Office space was completed, with the assistance of Shawna Kelliher of the Circuit Executive's Office.

The District Court of Massachusetts staffed a third re-entry court in 2010, aimed at high risk defendants who have returned to the community after imprisonment. This program, called RESTART, began in the Springfield Division in November 2009. Assistant Federal Public Defender M. Page Kelley and Paralegal Ramou Sarr staff this session. The Boston RESTART program had its first graduation ceremony on Monday, November 8, in conjunction with the Boston drug court, known as CARE.

As in the past, the Federal Public Defender's Office (FPD) supported the CJA panels in each of the three districts by: 1) issuing a quarterly newsletter with relevant practice information, case summaries, etc.; 2) sponsoring educational programs for panel lawyers; and 3) assisting panel lawyers who seek advice. The Boston Office maintained two e-mail list-serves, and, along with the CJA Board, continued to host a series of seminars for CJA attorneys on various topics regarding federal criminal defense. The process commenced to update the website to make it more informative and user-friendly.

In addition to supporting the CJA panel, the Office worked with the CJA board to reach out to non-CJA lawyers practicing in federal court or those interested in doing so. A full-day training program was presented covering the basics of federal criminal defense practice in November 2009. A large number of state court defense lawyers who occasionally take cases in federal court attended. The goals were to increase the quality of criminal defense in federal court and the diversity of the CJA panel.

The caseload in 2010, compared to prior years, was as follows for each of the three offices:

Massachusetts

	<u>Cases Opened</u>				<u>Pending</u>
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	
					10/1/05: 206
FY 2006	390	186	42	162	10/1/06: 312
FY 2007	350	131	38	181	10/1/07: 285
FY 2008	417	144	26	247	10/1/08: 317
FY 2009	404	175	36	193	10/1/09: 336
FY 2010	504	226	20	258	10/1/10: 402

New Hampshire

	<u>Cases Opened</u>				<u>Pending</u>
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	
					10/1/05: 127
FY 2006	139	84	7	48	10/1/06: 103
FY 2007	166	119	4	43	10/1/07: 98
FY 2008	221	137	13	71	10/1/08: 119
FY 2009	158	136	3	19	10/1/09: 107
FY 2010	147	94	11	42	10/1/10: 99

Rhode Island

	<u>Cases Opened</u>				<u>Pending</u>
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	
					10/1/05: 76
FY 2006	140	70	29	41	10/1/06: 91
FY 2007	137	71	22	44	10/1/07: 69
FY 2008	182	80	8	94	10/1/08: 91
FY 2009	158	128	6	24	10/1/09: 95
FY 2010	149	124	14	11	10/1/10: 106

These numbers reflect an 11% overall increase in cases opened for all three districts, and a 3% increase in cases closed. This increase is attributed to a 25% increase in opened cases and a 14% increase in closed cases over 2009 in the District of Massachusetts. A new protocol for appointment of counsel in the Boston Division was implemented in FY 2009 where clerks began entering appointments into an automated system and providing an explanation if the FPD's Office

was not appointed. It was understood that the FPD's Office would be appointed in all Boston cases where there was no conflict. As a result, there was a substantial increase in the percentage of cases in which the FPD's attorneys, rather than those on the CJA panel, were appointed. While the Boston Division of the Court historically appointed the FPD's Office in approximately 35 to 40% of the cases in which the defendant receives appointed counsel, this Office was appointed to represent more than 50% of the indigent defendants in 2010. The addition of another Assistant Federal Public Defender position in the Boston Office facilitated the absorption of more cases.

The New Hampshire and Rhode Island Offices experienced a slight decline in cases opened and in cases closed. There was a decline in the total number of cases brought in New Hampshire and an increase in larger, multiple-defendant cases in which there were conflicts of interest. In Rhode Island, the number of cases pending in FY 2010 increased by 11.5% compared to FY 2009, despite the fact that the number of opened and closed cases for FY 2010 was slightly reduced. This increase in the pending caseload followed a steep increase in cases. For example, in January 2010, the Rhode Island Office closed 21 cases, 50% more than those closed in January 2009. In the same month, the number of pending cases was about 53% higher than it had been in January 2009.

**FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF PUERTO RICO**

This report highlights the more salient events in FY 2010 for the Office of the Federal Public Defender for the District of Puerto Rico.

Staffing and Facilities

Fiscal Year 2010 was a year of transition for the Office. Upon the retirement of the Federal Public Defender, Joseph C. Laws, Hector E. Guzman was appointed as the new Federal Public Defender. In addition, two Assistant Federal Public Defenders, Maury DeWaun Gray and Jorge C. Godoy Jr. were hired, and the investigative team retained a new investigator, Lisandra T. Correa. A Temporary Legal Intern, Mayte Bayolo, and a Receptionist, Candy D. Carbaugh, were also hired. Rudy Bladuell, a senior investigator with more than forty years of federal service, retired in FY 2010, as did the Secretary to the Federal Public Defender, Mildred Ward.

Criminal Case Statistics

In FY 2010, it was estimated that approximately 699 cases were opened, and 737 cases were closed.

Immigration, Narcotics, Firearms, Fraud and Appeals

As in past years, illegal immigration, narcotic, illegal firearms, fraud and appellate cases of all sorts continued to be the largest categories of crimes that the Office represented. There were 151 immigration cases opened and 163 closed; 53 controlled substances cases opened and 54 closed; and 38 fraud cases opened and 33 closed. The Office also opened 61 new appeals and closed 77.

Death Penalty Prosecutions

An average of five to six death penalty eligible cases every year have been handled by this Office. These cases require attention from both the Assistant Federal Public Defenders and the investigation team. The Office had five death eligible cases in 2010, one of which was certified and is awaiting trial.

Continued Legal Education

During Fiscal Year 2010, the Office continued presenting a monthly seminar for CJA panel members. The staff of the Office received both in-house and external training.

Conclusion

The Office of the Federal Public Defender for the District of Puerto Rico's legal and support staff now numbers thirty-four. As in the past, the FPD represented defendants in the majority of the federal criminal cases in the District.

**NARRATIVE REPORTS
ON MATTERS OF
JUDICIAL ADMINISTRATION**

**THE JUDICIAL CONFERENCE OF THE UNITED STATES
MARCH AND SEPTEMBER 2010**

The present administrative structure of the federal court system is less than a century old. Originally, the individual judges were the de facto administrators of the court system. In the 1870s, the Office of the Attorney General of the United States was given a large degree of administrative responsibility for running the court system. This designation of authority was the earliest attempt at providing centralized management for the courts. The Office of the Attorney General maintained a centralized bookkeeping system and attempted to ensure that the courts worked expeditiously and efficiently.

In 1922, the Judicial Conference of the United States was formally created. It was intended that the Judicial Conference would assume a major share of administrative responsibility for the running of the federal courts.

The Judicial Conference is statutorily required to:

Make a comprehensive survey of the conditions of business in the courts of the United States; prepare plans for the assignment of judges to or from courts of appeals or district courts, where necessary; submit suggestions to the various courts in the interest of promoting uniformity of management procedures and the expeditious conduct of court business; exercise authority provided in chapter 16 of title 28 United States Code for the review of circuit council conduct and disability orders filed under that chapter; and, carry on a continuous study of the operation and effect of the general rules of practice and procedure in use within the federal courts, as prescribed by the Supreme Court pursuant to law.

28 U.S.C. § 331.

The Judicial Conference meets twice a year, in March and September. The Judicial Conference has as its members the Chief Justice of the United States presiding, the chief judges of each of the circuit courts of appeal, the Chief Judge of the U.S. Court of International Trade, and one elected district judge from each of the 12 regional circuits. The Conference works mostly through its committees and is staffed by employees from the Administrative Office of the United States Courts (AO).

At the March 16, 2010 Judicial Conference, Mr. James C. Duff, Director of the Administrative Office of the United States Courts (AO), reported to the Conference on the judicial business of the courts and on matters relating to the AO. Judge Rothstein spoke to the Conference about Federal Judicial Center (FJC) programs, and Judge Sessions, in his capacity as chair of the United States Sentencing Commission, reported on Sentencing Commission activities. Judge Julia Smith Gibbons, Chair of the Committee on the Budget, presented a report on budget matters. In addition, the Judicial Conference approved revisions to the Model Employment Dispute Resolution (EDR) Plan adopted in 1997.

At the September 14, 2010 Judicial Conference, Mr. Duff reported to the Conference on the judicial business of the courts and on matters relating to the AO. Judge Rothstein spoke to the Conference about Federal Judicial Center (FJC) programs, and Chief Judge Sessions, in his capacity as Chair of the United States Sentencing Commission, reported on Sentencing Commission activities. Judge Gibbons, Chair of the Committee on the Budget, presented a special report on the budget outlook.

The Judicial Conference also approved the proposed Strategic Plan for the Federal Judiciary, as recommended by the Executive Committee. The Strategic Plan is "intended to serve as a broad action agenda addressing judiciary trends, issues, challenges, and opportunities." JCUS - SEP 2010, p. 5.

FIRST CIRCUIT JUDICIAL CONFERENCES

Circuit judicial conferences are periodic circuit-wide meetings convened pursuant to 28 U.S.C. § 333. A modification to this statute, which formerly mandated an annual conference, permits the Judicial Conference to be held in alternate years. A 1996 modification of § 333 made attendance optional; formerly, active circuit and district judges were required to attend unless excused.

In the First Circuit, circuit judicial conferences are generally conducted in two different formats. One type of conference, often called a “mini-conference,” is designed primarily for judicial officers and certain court personnel. In addition to the judges, others who attend include the Circuit Executive, senior court personnel and representatives of the Administrative Office of the U.S. Courts and the Federal Judicial Center. These conferences are organized by a committee of judges, appointed by the Chief Judge, with the assistance of the Circuit Executive and his staff.

The other meeting format is the full-scale conference. Attendees at these conferences include those who attend the mini-conferences and, pursuant to First Circuit Court of Appeals Local Rule 47.1, representatives from the districts such as presidents of the state and commonwealth bar associations, deans of accredited law schools, state court chief justices, the public defenders and the U.S. attorneys. Politicians from the city and state in which the conference is being held are also invited, as are a substantial number of lawyers who are members of the federal bar.

In planning the full-scale conference, the Judicial Council selects the approximate dates for the conference and assigns one of the districts in the Circuit to act as a host district. The Chief Judge of the Circuit appoints a Planning Committee to organize and conduct the conference. This advance work is usually done one-and-a-half to two years prior to the conference.

The selection of the attorney invitees to a full-scale conference is handled in the following manner. After the Planning Committee has selected a site and received the approval of the Chief Judge of the Circuit, the number of invitees that the site can accommodate is determined, and a number of slots is assigned to each district (roughly based on the proportion of the number of judges in a given district to the total number of judges in the First Circuit, plus an allotment for the Court of Appeals). The district court chief judges, in consultation with their respective judges, supply lists of nominees to receive invitations to attend. Based on these lists, invitations are then extended by the Chief Judge of the Circuit.

The Office of the Circuit Executive assists the Planning Committee in all aspects of its work. The Circuit Executive also provides the point of contact for continuity purposes, is the custodian of the Judicial Conference Fund, and serves as the secretary of the conference.

A full-scale conference was held on May 13-14, 2010, at the Intercontinental Hotel, Boston, Massachusetts.

BUSINESS OF THE FIRST CIRCUIT JUDICIAL COUNCIL

Circuit judicial councils were created by Congress in 1939, along with the Administrative Office of the United States Courts and circuit judicial conferences, to assist in the management of the courts. The Chief Judge of the Circuit presides over the Council, and its membership consists (in this Circuit) of all the active judges of the Court of Appeals and one district judge from each of the five Districts in the Circuit. Each Circuit Judicial Council has administrative responsibility for all Courts in its Circuit. It is authorized to "make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit"

28 U.S.C. § 332(d).

Council meetings in the First Circuit are generally held twice a year. In 2010, the spring Council meeting took place at the Intercontinental Hotel, Boston, Massachusetts, during the First Circuit Judicial Conference on May 13; the fall session took place on October 5 at the John Joseph Moakley United States Courthouse. Many matters are decided by mail vote between meetings.

A principle task of the Judicial Council involves the consideration of complaints of judicial disability or misconduct. An explanation of the Council's role in these matters and a summary of final action taken by the Council during 2010 is provided at pages 113 and 114. In addition, at the September 2010 meeting, the Judicial Council voted to post all final orders issued in misconduct complaints on the First Circuit Court of Appeals web site, excluding private reprimands and other discipline that the Council determines to be private.

Another primary task of the Judicial Council is to review statistics of individual courts and judges. The Council undertakes this task, in part, with a view towards providing additional help where assistance is required.

Other Judicial Council action taken during 2010 included: approval of First Circuit Model Employment Dispute Resolution (EDR) Plan; certification of the continuing need for each of the satellite libraries in the Circuit; various cost reduction measures; review of courthouse construction projects and expenditures; review of juror utilization, trials and other court activity statistics; review of court security measures; review of privacy rules, and the approval of bankruptcy judge assignments.

SPACE AND FACILITIES

Introduction

This report covers the activities of the space and facilities group within the Circuit Executive's Office from January to December, 2010.

Court of Appeals

Judge Thompson joined the Court of Appeals as Judge Selya's replacement in 2010. Chambers space was designed and completed at One Financial Plaza in Providence, Rhode Island, and Judge Thompson occupied her new chambers on December 10.

Minor alterations, including alterations to the workroom/galley and replacement of carpet and paint, were completed in Judge Lipez's Portland chambers. The project was completed in December.

The Bankruptcy Appellate Panel space at the J.W. McCormack Post Office and Courthouse was completed and occupancy achieved in October.

The San Juan Settlement Counsel office relocated to 500 Tanca Street. The design and construction were completed and occupancy occurred in October.

Enhancements to the existing public terminal area in the library at the John Joseph Moakley United States Courthouse began in 2010. The creation of a private microfiche area and archive storage space, as well as an area for 13 new computer work stations, are planned. Construction is expected to be completed late summer of 2011.

District of Maine

In November, the District Court at the Gignoux Courthouse obtained results for the (LAN) local area network assessment which identified critical "gaps" in the current infrastructure and condition of existing cabling needed to support converged services and future technology. A project was initiated to design a structured cabling plan including new raceways and conduit. The project is expected to begin in February of 2011.

In December an EFI (extra field investigation) was completed at the Gignoux Courthouse to provide recommendations to repair and restore the granite building exterior, roof systems, below grade water proofing and provide associated interior repairs. The project scope also includes an optional security glazing upgrade for the windows. The project is expected to move forward in the spring of 2011.

The Bangor renovation project continued. In addition to "B" funds for the magistrate judge's chambers and courtroom, this building was also the recipient of ARRA funds. The project includes energy efficient improvements such as geothermal heat, new windows and fire/life safety upgrades. Renovations to the District Court Clerk's Office, district judge chambers and courtroom and the addition of a jury assembly space will also be completed. Project completion is anticipated in spring 2013.

The Bankruptcy Court lease renewal process was completed in Portland. Minor alterations to increase space efficiency are planned and the project is expected to wrap up in the spring of 2011.

Design was completed for a new intake area in the Bankruptcy Court in Bangor, including handicapped accessibility and ballistic glass at the new transaction counter. The project will be completed in January 2011.

District of Massachusetts

Design was completed and construction commenced for the fourth chambers in the Springfield Courthouse. The project is expected to be completed in the spring of 2011.

Design of the fourth courtroom in Springfield commenced in December of 2010. Construction is expected to begin in the winter of 2011/2012.

A small expansion project was initiated for the Bankruptcy Court to be occupied by the systems and financial departments. Design and construction will be completed late in the fall of 2011.

The Plymouth Probation Office was relocated to Taunton in November of 2010.

Actions were initiated to relocate the Probation Office in Worcester to leased space. Occupancy is anticipated for 2012.

District of Puerto Rico

In November, the District of Puerto Rico participated in long range Asset Management Planning sessions.

The Nazario Courthouse & Degetau Federal Building received \$99,374,000 in ARRA funds. The scope of work for this location will include complex wide energy efficiency and HVAC upgrades, advanced metering of all incoming utilities and enhancements to plumbing fixtures. The project was awarded to Fusco Construction and is scheduled to conclude in 2014.

Construction continued on two senior judges' chambers in the Toledo Courthouse, and was completed in December. The space will be used as swing space for the upcoming ARRA project beginning early in 2011.

The Circuit received approval to construct a new district courtroom in the Toledo Courthouse. Design was completed and construction commenced. Occupancy is expected in 2011.

Circulation enhancements of the magistrate judge courtroom floor at the Degetau Federal Building were initiated in 2010. A waiting area will be created allowing for increased security in the elevator lobby. This work will be completed during the ARRA project work on this floor.

Construction concluded and occupancy achieved on the Bankruptcy Court Clerk's Office relocation in the Toledo Courthouse in Old San Juan.

Actions were initiated to relocate the Bankruptcy Court from the Ferre Building in Ponce. A new lease location is expected to be identified in the spring of 2011 and occupancy is expected in late summer 2012.

District of Rhode Island

The ceiling in the Bankruptcy Courtroom in Providence was replaced this year.

As part of the ARRA projects in Providence, work commenced to repair the roofs of the Pastore Building and the Providence Courthouse. These projects are expected to be completed in 2011.

Construction to expand the FPD space in Providence was completed and occupancy was achieved in August.

District of New Hampshire

Design was completed and construction is underway for the expansion of the Probation Office in Manchester. Occupancy is expected early in 2011.

**OFFICE OF THE CIRCUIT EXECUTIVE
INFORMATION TECHNOLOGY DEPARTMENT**

National Projects

Security Pilot Program

The First Circuit participated in the Office of Information Technology's (OIT) IT Security Pilot Program which recognized the challenges associated with developing a balanced approach to IT security practices in the judiciary. The AO sponsored a court based security professional to work with the Circuit Executive's IT staff to understand the Court's culture, the judges' needs for reliable computer services, and to develop meaningful, context appropriate security options. In collaboration with the districts throughout the Circuit, an ipad security configuration to be used nationally was developed. Documentation was developed to enhance use of court-owned applications such as Symantec, Websense, and Zenworks, which created a standard security baseline for the First Circuit and contributed to the development of a national security baseline.

Data Communication Network Next Generation Pilot

The IT staff took part in the national Quality of Service (QoS) pilot, which allowed the First Circuit courts to be among the first to combine quality voice, video and data traffic on the wide area network connecting courthouses within the Circuit. The pilot allowed the District, Bankruptcy and Probation Offices in Massachusetts, Maine, and Puerto Rico to successfully install systems in one building that will support their divisional offices.

Voice over IP Pilot Program

The IT staff participated in the AO's Internet Prototol Telephony (IPT3) Pilot Advisory Group developing design considerations for the national Voice-over IP project. This pilot explored the viability of expanding the successful regional IP phone systems to a national voice-over IP system. The pilot tested a distributed national phone system intended to provide the foundation for unified communication features of voice, video and true integration with national applications, such as Lotus Notes and others.

Circuit Projects

First and Second Circuit IT Conference

The First and Second Circuits co-hosted an IT Conference in Boston in July. IT staff and Court Unit Executives discussed a variety of topics including Web 2.0, Social Networking and the Next Generation Architecture Study. IT Security was emphasized, as both circuits participated in the IT Security Pilot. In addition, a training class on a technical security tool, Network Observer, was attended by the IT staff of nearly all court units within the Circuit.

FTS2000/Networx Transition

The IT staff collaborated with the AO and court units within the Circuit to transition each telephone and Data Communication Network (DCN) line from the Sprint FTS2000 contract to the AT&T Networx contract.

Infrastructure

Each of the court units in the John J. Moakley Courthouse collaborated on infrastructure upgrades to prepare for converged services and voice-over IP. Computer room redundancy and network resilience were also enhanced.

Court of Appeals

In 2010, Heather Restifo was named Assistant Circuit Executive of Information Technologies after Jim Patane's retirement in 2009. In addition, Jim DeHart was appointed Deputy Assistant Circuit Executive of Information Technologies. Garry Frizzell joined the IT Department as the IT Security Expert for the First Circuit. Fred Mielbye was hired as the Circuit Telecommunications Manager and Karl van Biene was hired as a Network Administrator. Frank Brito also announced his retirement.

Pandemic planning was a large focus for the Court of Appeals in 2010. In support of this effort, the IT Department updated the existing disaster recovery plan to accommodate the necessary "Social Distancing." The IT Department enhanced the virtual server environment to be more agile and adjust to the various needs considered within pandemic scenarios. Remotely accessible servers, with office specific mission critical applications, were developed, and laptops were stripped of local applications and turned into terminals, providing more agility and more support to a mobile workforce.

JUDICIAL MISCONDUCT AND DISABILITY

The Judicial Misconduct and Disability Act, codified as 28 U.S.C. § 351 *et. seq.*, authorizes "any person" to file a complaint alleging that a judge has engaged in "conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability" 28 U.S.C. § 351(a). See also Judicial Improvements Act of 2002, P.L. 107-273. After a complaint is received by staff of the Circuit Executive's Office, the Chief Judge reviews the complaint, in accordance with 28 U.S.C. § 352. The Chief Judge may then dismiss the complaint, conclude the proceeding for corrective action taken or intervening events, or, where necessary, appoint a special committee to further investigate the charges of judicial impropriety. See 28 U.S.C. §§ 352-3.

Both the complainant and the subject judge have the right to file a petition for Judicial Council review of an order of dismissal entered by the Chief Judge. See 28 U.S.C. § 352(c). Except where a special committee has been appointed, and in other limited circumstances, see id., at § 354, the orders issued by the Judicial Council are "final and conclusive." 28 U.S.C. § 357(a).

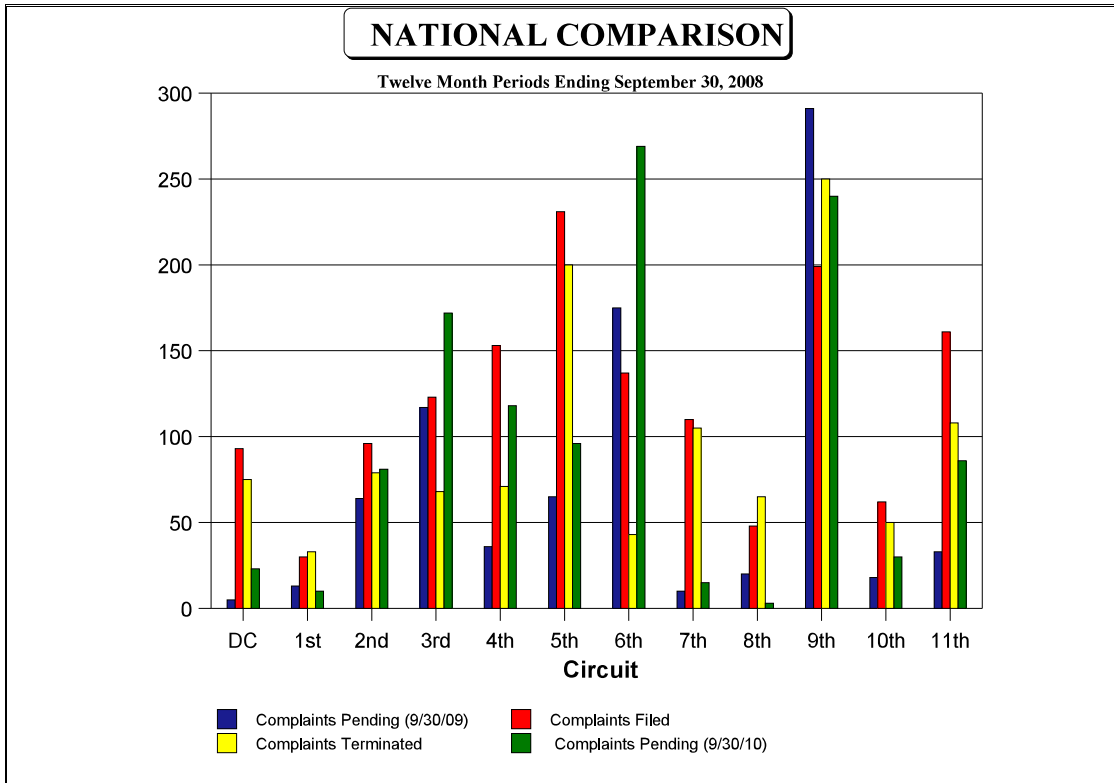
In March 2008, pursuant to 28 U.S.C. §§ 331 and 358, the Judicial Conference of the United States adopted the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct). The adoption of uniform mandatory rules was intended to provide national standards and procedures for handling judicial misconduct and disability proceedings. The new Rules were also intended to effectuate many of the recommendations included in the "Breyer Committee Report", 239 F.R.D. 116 (Sept. 2006), which was issued in 2006 after a study, commissioned by Chief Justice Roberts, on the implementation of the Judicial Conduct and Disability Act of 1980.

Pursuant to 28 U.S.C. § 352(d) and the Rules of Judicial-Conduct, the Chief Judge annually designates two review panels to act for the Judicial Council on petitions for review. This amendment was adopted in response to a provision of the Judicial Improvements Act of 2002 that explicitly authorized the referral of petitions for review to "a panel of no fewer than 5 members of the council, at least 2 of whom shall be district judges." 28 U.S.C. § 352(d). Any member of the review panel may vote to refer the petition to the full Judicial Council. While judicial misconduct proceedings are confidential, final written orders issued by the Chief Judge and Judicial Council are publicly available. See 28 U.S.C. § 360.

Summary, First Circuit Complaints of Judicial Misconduct or Disability, 2010

Complaints Filed in 2010 (calendar year)	30
Orders of Dismissal Issued by Chief Judge (8 of the orders were issued in 2011)	30
Petitions for Review filed with Judicial Council (6 of the petitions were filed in 2011)	12
Orders of Dismissal Affirmed by Judicial Council (10 of the Council orders were issued in 2011; 1 petition for review was withdrawn)	11
Show Cause Orders Issued	2
Preclusion Orders Issued (in 2010)	2
Total No. of Judges Charged in 2010	23

**NATIONAL COMPARISON ACTION TAKEN
UNDER AUTHORITY OF 28 U.S.C. §§ 351-364**



**REPORT OF ACTION TAKEN
UNDER AUTHORITY OF TITLE 28 U.S.C. §§ 351-364
During the Twelve-Month Period Ending September 30, 2010**

Summary of Activity	Circuit											
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Pending (9/30/09)	5	13	64	117	36	65	175	10	20	291	18	33
Complaints Filed	93	30	96	123	153	231	137	110	48	199	62	161
Complaints Terminated	75	33	79	68	71	200	43	105	65	250	50	108
Complaints Pending (9/30/10)	23	10	81	172	118	96	269	15	3	240	30	86

ATTORNEY DISCIPLINE

During 2010, the Court of Appeals for the First Circuit handled 31 attorney disciplinary cases under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement), 17 of which resulted in disbarment and 11 of which resulted in suspensions. One of these proceedings was initiated by the Court of Appeals, and 30 of them arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement.

HISTORY AND NOTABLE EVENTS

2010

On January 14, 2010, Daniel Lynch was appointed Magistrate Judge for the District of New Hampshire; on March 17, Mildred S. Cabán was appointed as Bankruptcy Judge for the District of Puerto Rico; on March 30, Circuit Judge O. Rogeriee Thompson received commission to the Court of Appeals; on April 16, Melvin S. Hoffman was appointed Bankruptcy Judge for the District of Massachusetts; on May 3, Jennifer C. Boal was appointed Magistrate Judge for the District of Massachusetts; on May 31, Landya B. McCafferty was appointed Magistrate Judge for the District of New Hampshire; and, on December 20, Denise J. Casper was appointed District Judge for the District of Massachusetts.

On April 30, 2010, District Judge D. Brock Hornby, District of Maine, assumed senior status.

On December 10, 2010, Bankruptcy Judge Frank J. Bailey became Chief Judge of the Bankruptcy Court for the District of Massachusetts.

On February 1, 2010, District Judge Raymond L. Acosta retired from the District Court, District of Puerto Rico; on April 15, Bankruptcy Judge Joel B. Rosenthal retired from the Bankruptcy Court, District of Massachusetts; on May 30, Magistrate Judge James R. Muirhead retired for the District Court, District of New Hampshire; and, on September 30, Bankruptcy Judge Mark W. Vaughn retired from the Bankruptcy Court, District of New Hampshire.

**UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT
FAIR EMPLOYMENT PRACTICES NARRATIVE REPORT**

FOR THE PERIOD: OCTOBER 1, 2009 - SEPTEMBER 30, 2010

The First Circuit Court of Appeals (the “Court”) initially adopted the Model Affirmative Action Plan (the "Plan") recommended by the Judicial Conference of the United States, with minor modifications, effective March 2, 1981. On March 4, 1987, the Court made further amendments to the Plan in accordance with the revisions adopted by the Judicial Conference at its September 1986 session and in accordance with the revised Model Equal Employment Opportunity Plan supplied by the Administrative Office of the United States Courts (“First Circuit EEO Plan”).

On October 10, 1999, the Court adopted the Employment Dispute Resolution Plan (“EDR Plan”) for the First Circuit Court of Appeals. An amended EDR Plan was approved by the Court in June 2010, and took effect on September 8, 2010. The EDR Plan is intended to provide court employees with the rights and protections of the Model EDR Plan adopted by the Judicial Conference of the United States in March 2010.

This narrative report reflects data collected from: staff of the Senior Circuit Judges and Circuit Judges, the Circuit Executive’s Office, the Bankruptcy Appellate Panel, the Office of the Clerk of the First Circuit Court of Appeals, the Office of the Senior Staff Attorney, the Office of the Circuit Librarian (including satellite branches throughout the Circuit), and the Court of Appeals Civil Appeals Management Program (CAMP). The Offices of the Federal Public Defender for the Districts of Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico have issued separate reports.

PERSONNEL SUMMARY

As of September 30, 2010, there were 137 Court of Appeals employees. Of those employees, 53 (39%) were male and 84 (61%) were female; 117 (85%) were Caucasian and 20 (15%) were minorities. There were five (5) African-American employees, nine (9) Hispanic employees, and six (6) Asian employees.

SIGNIFICANT ACHIEVEMENTS

There were 36 new appointments made during this reporting period. Of those new appointments, 19 were male and 17 were female; 28 were Caucasian, four (4) were Asian, three (3) were Hispanic, and one (1) was African-American.

During the reporting period, 11 employees were promoted. Of those employees, five (5) were male and six (6) were female; eight (8) were Caucasian, one (1) was African-American, and two (2) were Hispanic.

TRAINING

As noted above, on October 10, 1999, the Court adopted the EDR Plan for the First Circuit Court of Appeals. The revised EDR Plan took effect on September 8, 2010.

An Anti-Discrimination and Civility Statement is posted in each Clerk's Office throughout the Circuit. The Circuit Executive's Office also provides materials to judges and court employees describing their rights and responsibilities with respect to workplace and employment issues and provides a list of resources for obtaining additional information. New court employees receive an orientation in which an EDR Plan is distributed and relevant information is provided.

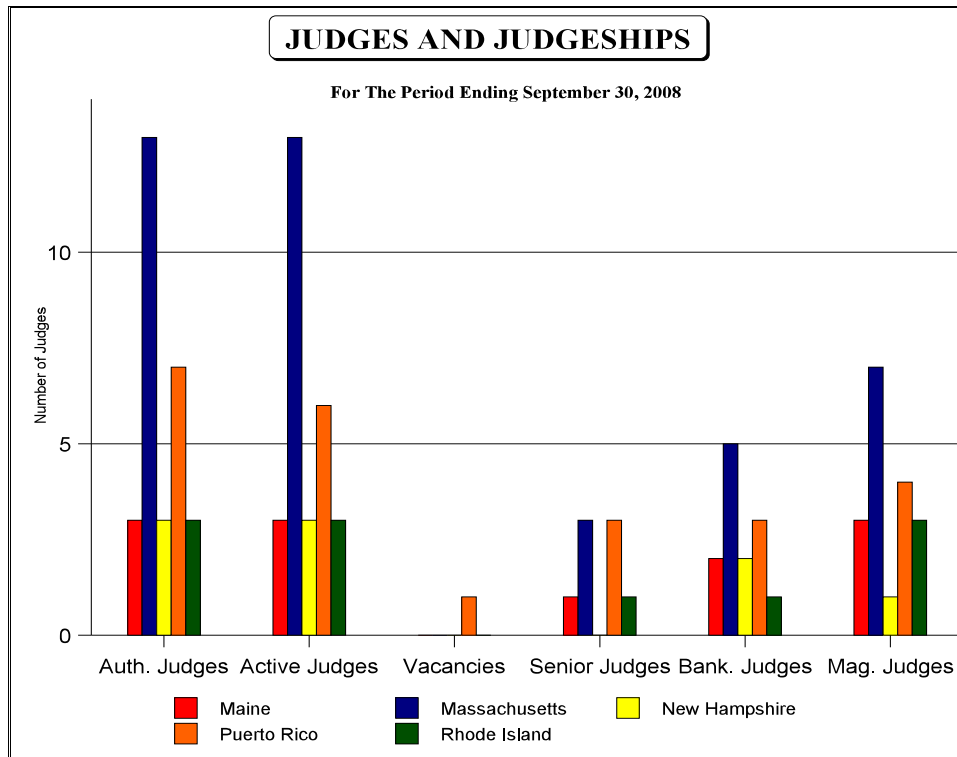
COMPLAINTS PROCESS

There were no complaints filed during this reporting year.

**OTHER MATTERS
OF THE COURT**

JUDGES AND JUDGESHIPS

Judgeship Summary



JUDGES AND JUDGESHIPS						
For the Period Ending September 30, 2010						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank. Judges	Mag. Judges
Maine	3	2	1	2	2	3
Massachusetts	13	12	1	1	5	7
New Hampshire	3	3	0	1	1	2
Puerto Rico	7	7	0	3	4	4
Rhode Island	3	2	1	1	1	4
Total Dist. Ct.	29	26	3	8	13	20
Total Court of Appeals	6	6	0	2	--	--
Total 1st Circuit	35	32	3	10	13	20

**FIRST CIRCUIT JUDGES SERVING ON U.S. JUDICIAL
CONFERENCE COMMITTEES, SPECIAL COURTS AND
THE BOARD OF THE FEDERAL JUDICIAL CENTER**

2010

Edward F. Harrington	SJ	Massachusetts	Committee on the Administration of the Bankruptcy System
Patti B. Saris	DJ	Massachusetts	Committee on the Budget
John A. Woodcock, Jr.	DJ	Maine	
Jay A. Garcia-Gregory	DJ	Puerto Rico	Committee on Codes of Conduct
James B. Haines	BJ	Maine	Committee on Court Administration and Case Management
Aida M. Delgado-Colón	DJ	Puerto Rico	
Paul Barbadoro	DJ	New Hampshire	Committee on Criminal Law
F. Dennis Saylor IV	DJ	Massachusetts	Committee on Defender Services
Bruce M. Selya	CJ	Court of Appeals	Foreign Intelligence Surveillance Court
William E. Smith	DJ	Rhode Island	Committee on Information Technology
Joan N. Feeney	BJ	Massachusetts	Committee on International Judicial Relations
Marianne B. Bowler	BJ	Massachusetts	
D. Brock Hornby (Chair)	DJ	Maine	Committee on the Judicial Branch
Steven J. McAuliffe	DJ	New Hampshire	
Joseph A. DiClerico, Jr.	DJ	New Hampshire	Committee on Judicial Conduct and Disability
George Z. Singal (Chair)	DJ	Maine	Committee on Judicial Resources

CJ: Circuit Judge
DJ: District Judge

MJ: Magistrate Judge
BJ: Bankruptcy Judge

SJ: Senior Judge

**FIRST CIRCUIT JUDGES SERVING ON U.S. JUDICIAL
CONFERENCE COMMITTEES, SPECIAL COURTS AND
THE BOARD OF THE FEDERAL JUDICIAL CENTER**

(continued)

2010

Richard G. Stearns	DJ	Massachusetts	Committee on Judicial Security
Daniel R. Dominguez	DJ	Puerto Rico	Committee on the Administration of the Magistrate Judges System
Michael A. Ponsor (Chair)	DJ	Massachusetts	Committee on Space and Facilities

JUDICIAL COUNCIL OF THE FIRST CIRCUIT

2010
(as of December 31, 2010)

Honorable Sandra L. Lynch, Chief Judge	Court of Appeals
Honorable Juan R. Torruella	Court of Appeals
Honorable Bruce M. Selya	Court of Appeals
Honorable Michael Boudin	Court of Appeals
Honorable Kermit V. Lipez	Court of Appeals
Honorable Jeffrey R. Howard	Court of Appeals
Honorable John A. Woodcock, Jr.	District of Maine
Honorable Patti B Saris	District of Massachusetts
Honorable Joseph N. Laplante	District of New Hampshire
Honorable Gustavo A. Gelpi	District of Puerto Rico
Honorable Mary M. Lisi	District of Rhode Island

Observing Members

Honorable Joan N. Feeney	District of Massachusetts Bankruptcy Judge
Honorable Marianne B. Bowler	District of Massachusetts Magistrate Judge

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

(as of December 31, 2010)

Honorable Sandra L. Lynch, Chief Judge

Honorable Juan R. Torruella
Honorable Bruce M. Selya
Honorable Michael Boudin
Honorable Norman H. Stahl

Honorable Kermit V. Lipez
Honorable Jeffrey R. Howard
Honorable O. Rogerie Thompson

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE**

Honorable John A. Woodcock, Jr., Chief
Honorable George Z. Singal
Honorable D. Brock Hornby
Honorable Gene Carter

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MAINE**

Honorable Louis H. Kornreich, Chief
Honorable James B. Haines, Jr.

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE**

Honorable Margaret Kravchuk
Honorable John H. Rich, III
Honorable David M. Cohen

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

Honorable Mark L. Wolf, Chief	Honorable Richard G. Stearns
Honorable Joseph L. Tauro	Honorable Patti B. Saris
Honorable Rya W. Zobel	Honorable Nancy Gertner
Honorable William G. Young	Honorable Michael A. Ponsor
Honorable Douglas P. Woodlock	Honorable George A. O'Toole
Honorable Edward F. Harrington	Honorable F. Dennis Saylor
Honorable Nathaniel M. Gorton	Honorable Denise J. Casper

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

Honorable Frank J. Bailey, Chief
Honorable Henry J. Boroff
Honorable William C. Hillman
Honorable Joan N. Feeney
Honorable Melvin S. Hoffman

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

Honorable Judith G. Dein, Chief	Honorable Leo T. Sorokin
Honorable Kenneth P. Neiman	Honorable Timothy S. Hillman
Honorable Robert C. Collings	Honorable Jennifer C. Boal
Honorable Marianne B. Bowler	

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

Honorable Steven J. McAuliffe, Chief
Honorable Joseph A. DiClerico
Honorable Paul J. Barbadoro
Honorable Joseph N. Laplante

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

Honorable Michael J. Deasy

**MAGISTRATE JUDGE OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

Honorable Landya B. McCafferty
Honorable Daniel Lynch

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF PUERTO RICO**

Honorable José Antonio Fusté, Chief
Honorable Juan M. Pérez-Giménez
Honorable Carmen Consuelo Cerezo
Honorable Jaime Pieras, Jr.
Honorable Salvador E. Casellas

Honorable Daniel R. Dominguez
Honorable Jay A. Garcia-Gregory
Honorable Aida M. Delgado-Colón
Honorable Gustavo A. Gelpi
Honorable Francisco A. Besosa

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF PUERTO RICO**

Honorable Enrique S. Lamoutte, Chief
Honorable Sara E. De Jesús
Honorable Brian K. Tester
Honorable Mildred Cabán

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF PUERTO RICO**

Honorable Justo Arenas, Chief
Honorable Camille Vélez-Rivé
Honorable Bruce J. McGiverin
Honorable Marcos E. Lopez

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF RHODE ISLAND**

Honorable Mary M. Lisi, Chief
Honorable Ronald R. Lagueux
Honorable Ernest C. Torres
Honorable William E. Smith

**JUDGE OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF RHODE ISLAND**

Honorable Arthur N. Votolato, Chief

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF RHODE ISLAND**

Honorable David L. Martin
Honorable Lincoln D. Almond
Honorable Jacob Hagopian
Honorable Robert W. Lovegreen

COURT UNIT EXECUTIVES

CIRCUIT EXECUTIVE

Gary H. Wente
United States Courts for the First Circuit

FIRST CIRCUIT CLERKS OF COURT

Margaret Carter
Court of Appeals

Christa K. Berry
District of Maine

Sarah Allison Thornton
District of Massachusetts

James R. Starr
District of New Hampshire

Frances Rios de Moran
District of Puerto Rico

David DiMarzio
District of Rhode Island

FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT

Alec Leddy
District of Maine

James Lynch
District of Massachusetts

George A. Vannah
District of New Hampshire

Celestino Matta-Mendez
District of Puerto Rico

Susan M. Thurston
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PROBATION

Karen-Lee Moody
District of Maine

John Bocon
District of Massachusetts

Thomas K. Tarr
District of New Hampshire

Eustaquio Babilonia
District of Puerto Rico

Barry J. Weiner
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES

John R. Riley
District of Massachusetts

Eustaquio Babilonia
District of Puerto Rico

FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS

David Beneman
District of Maine

Miriam Conrad
*Districts of Massachusetts, New Hampshire
and Rhode Island*

Hector E. Guzman-Silva
District of Puerto Rico

STATISTICAL REPORTS

STATISTICS
COURT OF APPEALS

U.S. COURT OF APPEALS NATIONAL COMPARISON
APPEALS COMMENCED, TERMINATED AND PENDING
DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2009 & 2010

CIRCUIT	COMMENCED			TERMINATED			PENDING*		
	2009	2010	Percent Change	2009	2010	Percent Change	2009*	2010	Percent Change
TOTAL	57,740	55,992	-3.0	60,508	59,526	-1.6	49,885	46,351	-7.1
DISTRICT OF COLUMBIA	1,097	1,178	7.4	1,361	1,189	-12.6	1,304	1,293	-0.8
FIRST	1,746	1,530	-12.4	1,750	1,706	-2.5	1,466	1,290	-12.0
SECOND	5,747	5,371	-6.5	6,816	6,300	-7.6	5,149	4,220	-18.0
THIRD	3,750	3,951	5.4	3,997	4,235	6.0	3,401	3,117	-8.4
FOURTH	5,311	4,854	-8.6	5,282	4,951	-6.3	3,328	3,231	-2.9
FIFTH	7,246	7,462	3.0	7,355	7,624	3.7	4,929	4,767	-3.3
SIXTH	4,859	4,954	2.0	4,812	4,440	-7.7	4,595	5,109	11.2
SEVENTH	3,337	3,124	-6.4	3,435	3,398	-1.1	2,159	1,885	-12.7
EIGHTH	3,113	2,878	-7.5	3,140	3,397	8.2	1,935	1,416	-26.8
NINTH	12,211	11,982	-1.9	12,818	13,340	4.1	16,500	15,142	-8.2
TENTH	2,328	2,270	-2.5	2,376	2,448	3.0	1,653	1,475	-10.8
ELEVENTH	6,995	6,438	-8.0	7,366	6,498	-11.8	3,466	3,406	-1.7

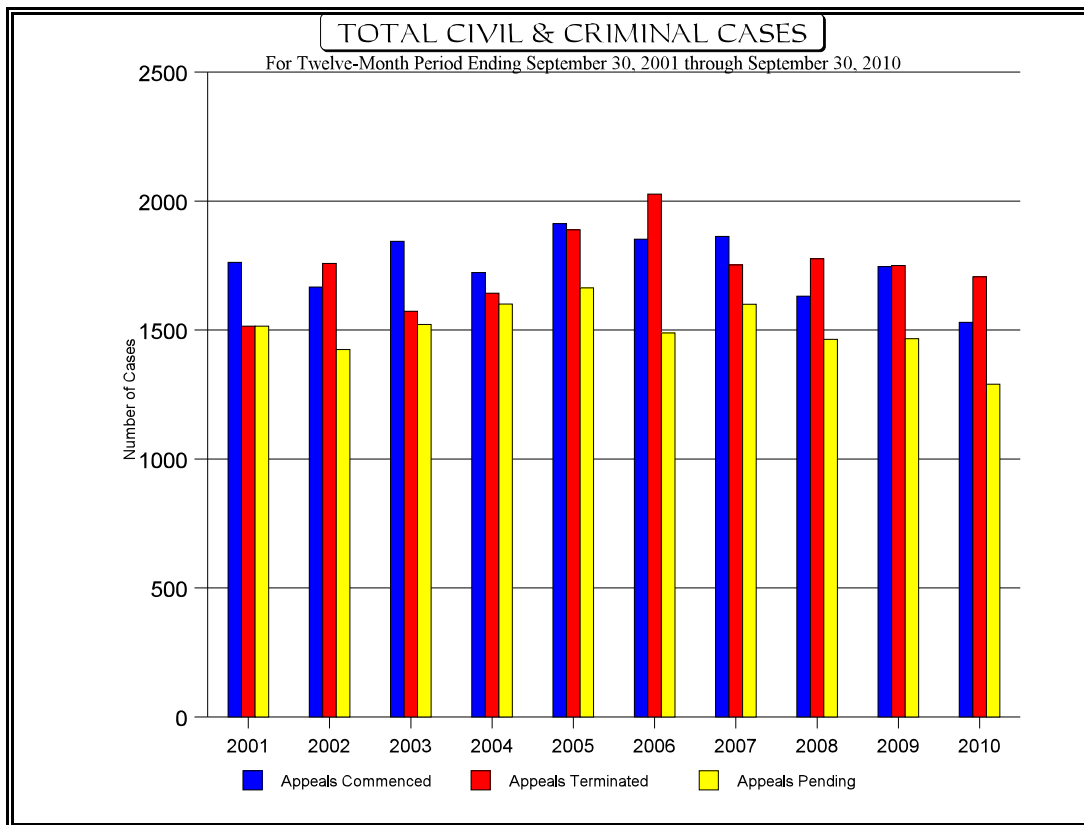
*Pending caseloads for 2009 revised by the Administrative Office of the United States Courts.

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS FOR THE
12-MONTH PERIODS ENDING SEPTEMBER 30, 2003 - 2010

SOURCE	2003	2004	2005	2006	2007	2008	2009	2010
FIRST CIRCUIT TOTALS	1,844	1,723	1,912	1,852	1,863	1,631	1,746	1,530
MAINE	141	143	171	132	120	126	136	97
MASSACHUSETTS	635	578	602	610	621	582	614	509
NEW HAMPSHIRE	117	121	118	98	94	125	104	103
PUERTO RICO	574	510	506	518	563	417	477	497
RHODE ISLAND	122	116	131	139	141	103	104	73
BANKRUPTCY	36	19	31	27	24	31	53	37
U.S. TAX COURT	5	4	5	5	3	3	7	8
NLRB	3	4	11	6	10	4	4	7
ADMINISTRATIVE AGENCIES, TOTAL	153	164	260	239	239	191	190	158
ORIGINAL PROCEEDINGS	66	72	93	89	61	56	68	56

NOTE: Totals include reopened, remanded, and reinstated appeals as well as original appeals.

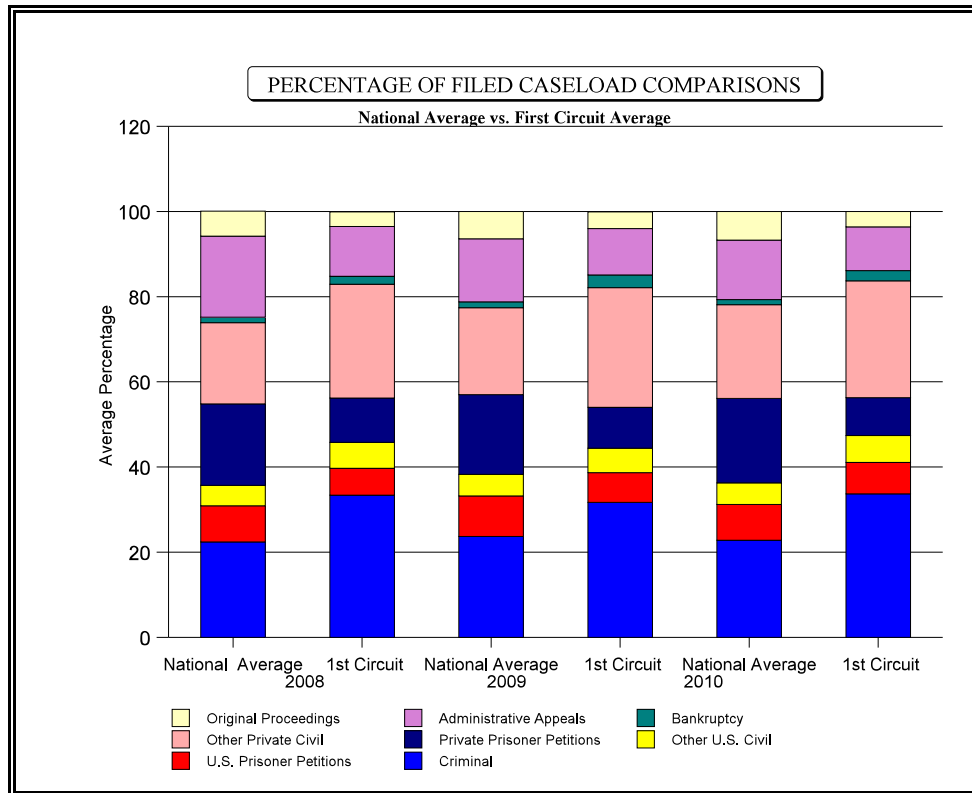
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
APPEALS COMMENCED, TERMINATED AND PENDING
DURING THE 12-MONTH PERIODS ENDING
SEPTEMBER 30, 2001 THROUGH SEPTEMBER 30, 2010



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARISON 2001 - 2010										
	2001	2002	2003	2004	2005	2006	2007	2008	2009*	2010
APPEALS COMMENCED	1,762	1,667	1,844	1,723	1,912	1,852	1,863	1,631	1,746	1,530
APPEALS TERMINATED	1,515	1,758	1,573	1,643	1,888	2,027	1,752	1,776	1,750	1,706
APPEALS PENDING	1,515	1,424	1,522	1,619	1,663	1,489	1,600	1,464	1,466	1,290

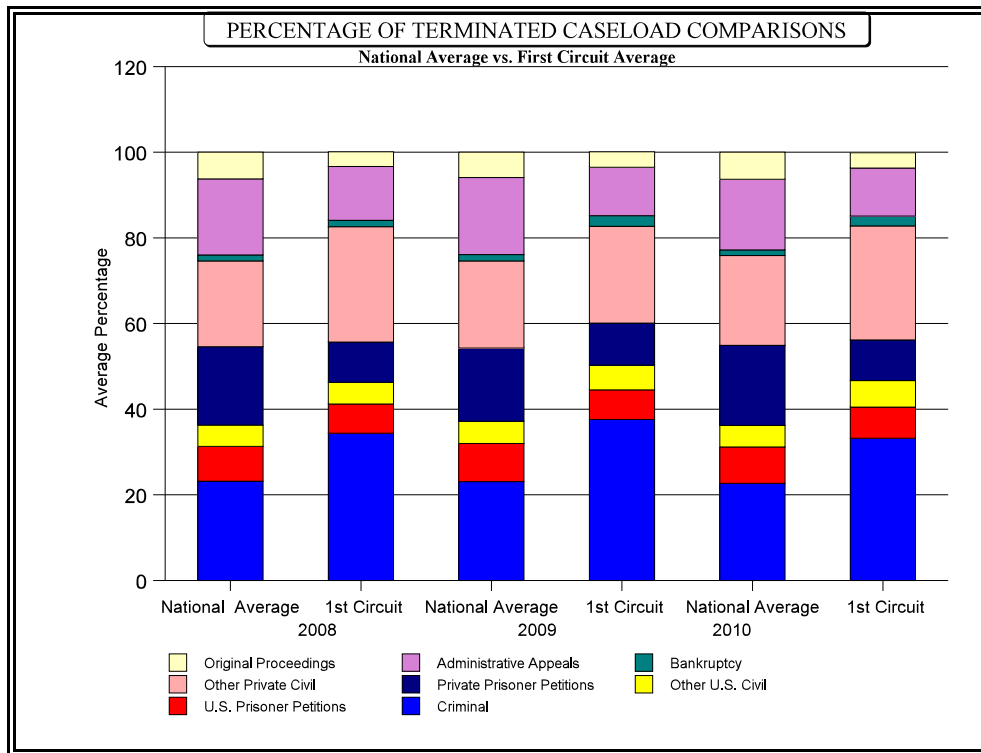
*Appeals pending for 2009 revised by the Administrative Office of the U.S. Courts.

CIRCUIT COMPARISON FOR FILED CASELOAD



FILED CASELOAD COMPARISON						
PERCENT OF TOTAL FROM SEPTEMBER 30, 2008 THROUGH 2010						
	2008		2009		2010	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	22.4	33.4	23.7	31.7	22.8	33.7
U.S. PRISONER PETITIONS	8.5	6.3	9.5	7.0	8.4	7.4
OTHER U.S. CIVIL	4.8	6.1	5.1	5.7	5.1	6.3
PRIVATE PRISONER PETITIONS	19.1	10.4	18.7	9.6	19.8	8.9
OTHER PRIVATE CIVIL	19.1	26.7	20.4	28.1	22.0	27.4
BANKRUPTCY	1.3	1.9	1.4	3.0	1.2	2.4
ADMINISTRATIVE APPEALS	19.0	11.7	14.8	10.9	14	10.3
ORIGINAL PROCEEDINGS	5.9	3.4	6.4	3.9	6.7	3.6

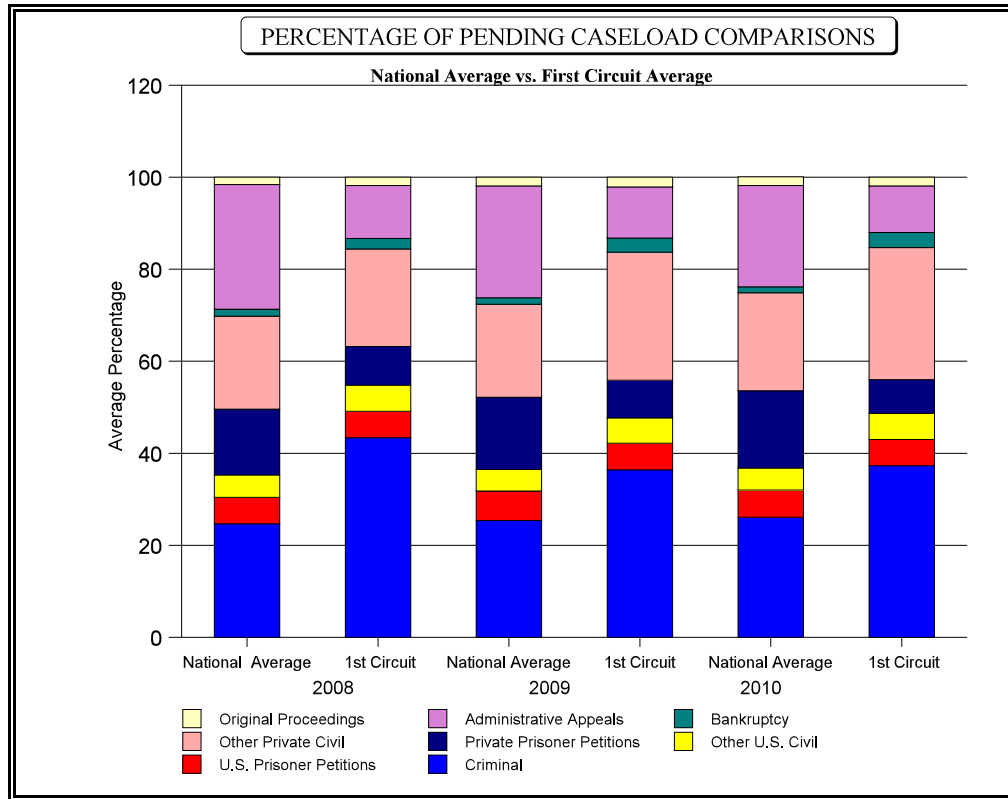
CIRCUIT COMPARISON FOR TERMINATED CASELOAD



TERMINATED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2008 THROUGH 2010

	2008		2009		2010	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	23.2	34.4	23.1	37.6	22.7	33.2
U.S. PRISONER PETITIONS	8.1	6.8	8.9	6.9	8.5	7.3
OTHER U.S. CIVIL	5.0	5.1	5.2	5.8	5.0	6.2
PRIVATE PRISONER PETITIONS	18.3	9.4	17.1	9.8	18.7	9.5
OTHER PRIVATE CIVIL	20.0	26.9	20.3	22.6	21.0	26.6
BANKRUPTCY	1.4	1.5	1.5	2.5	1.3	2.3
ADMINISTRATIVE APPEALS	17.8	12.6	18.0	11.3	16.5	11.2
ORIGINAL PROCEEDINGS	6.2	3.4	5.9	3.6	6.3	3.6

CIRCUIT COMPARISON FOR PENDING CASELOAD



PENDING CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2008 THROUGH 2010						
	2008		2009		2010	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	24.7	43.4	25.4	36.4	26.1	37.3
U.S. PRISONER PETITIONS	5.7	5.7	6.4	5.8	5.9	5.7
OTHER U.S. CIVIL	4.9	5.7	4.7	5.5	4.8	5.7
PRIVATE PRISONER PETITIONS	14.3	8.4	15.7	8.2	16.8	7.3
OTHER PRIVATE CIVIL	20.2	21.2	20.2	27.8	21.3	28.7
BANKRUPTCY	1.5	2.3	1.4	3.1	1.3	3.3
ADMINISTRATIVE APPEALS	27.1	11.5	24.3	11.1	22.0	10.1
ORIGINAL PROCEEDINGS	1.6	1.8	1.9	2.1	1.9	1.9

FIRST CIRCUIT TYPES OF CASES
COMPARED TO NATIONAL AVERAGE

PERCENT OF TOTAL COMMENCED						
	2008		2009		2010	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	22.4	33.4	23.7	31.7	22.9	33.7
U.S. PRISONER PETITIONS	8.5	6.3	9.5	7.0	8.4	7.4
OTHER U.S. CIVIL	4.8	6.1	5.1	5.7	5.1	6.3
PRIVATE PRISONER PETITIONS	19.1	10.4	18.7	9.6	19.8	8.9
OTHER PRIVATE CIVIL	19.1	26.7	20.4	28.1	22.0	27.4
BANKRUPTCY	1.3	1.9	1.4	3.0	1.2	2.4
ADMINISTRATIVE APPEALS	19.0	11.7	14.8	10.9	14	10.3
ORIGINAL PROCEEDINGS	5.9	3.4	6.4	3.9	6.7	3.7

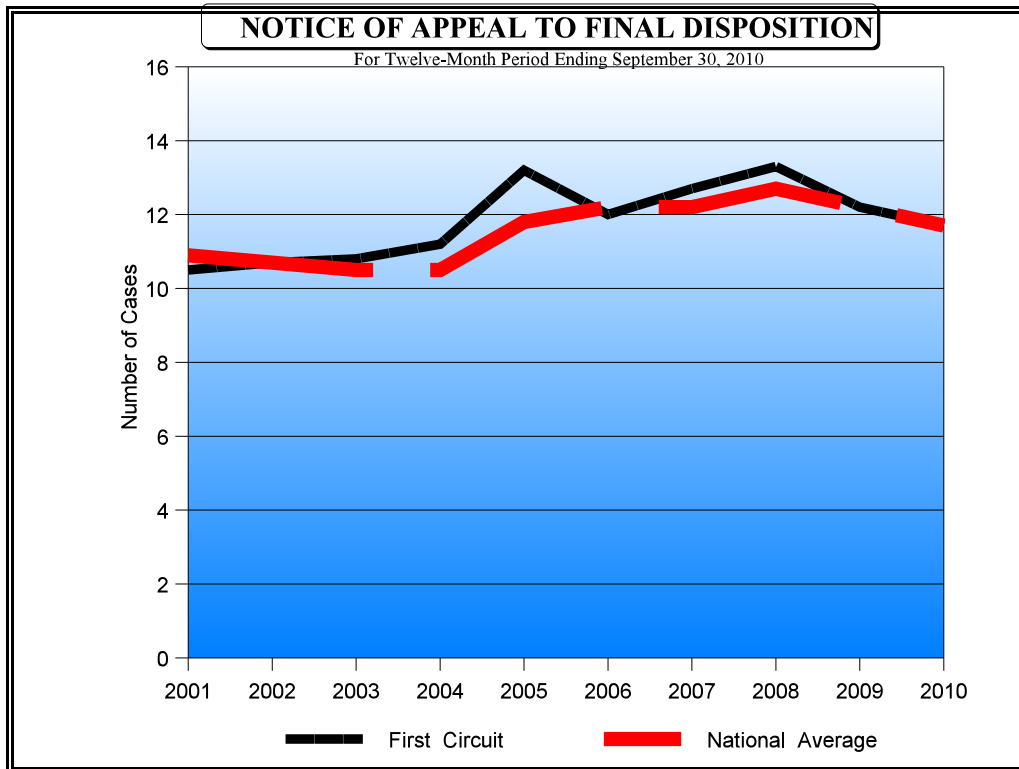
■ NATIONAL AVERAGE

■ FIRST CIRCUIT

UNITED STATES COURT OF APPEALS
 MEDIAN TIME INTERVALS IN MONTHS FOR CASES
 TERMINATED AFTER HEARING OR SUBMISSION,
 BY CIRCUIT DURING THE
 TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2010
 (FROM FILING OF NOTICE OF APPEALS TO FINAL DISPOSITION)

	# OF CASES	INTV
TOTAL	22,743	11.7
DISTRICT OF COLUMBIA	383	11.4
FIRST	779	11.7
SECOND	1,929	13.3
THIRD	1,753	12.1
FOURTH	2,401	9.1
FIFTH	3,171	10.6
SIXTH	1,803	15.5
SEVENTH	1,225	10.5
EIGHTH	1,917	10.0
NINTH	3,661	16.3
TENTH	1,200	9.3
ELEVENTH	2,521	9.1

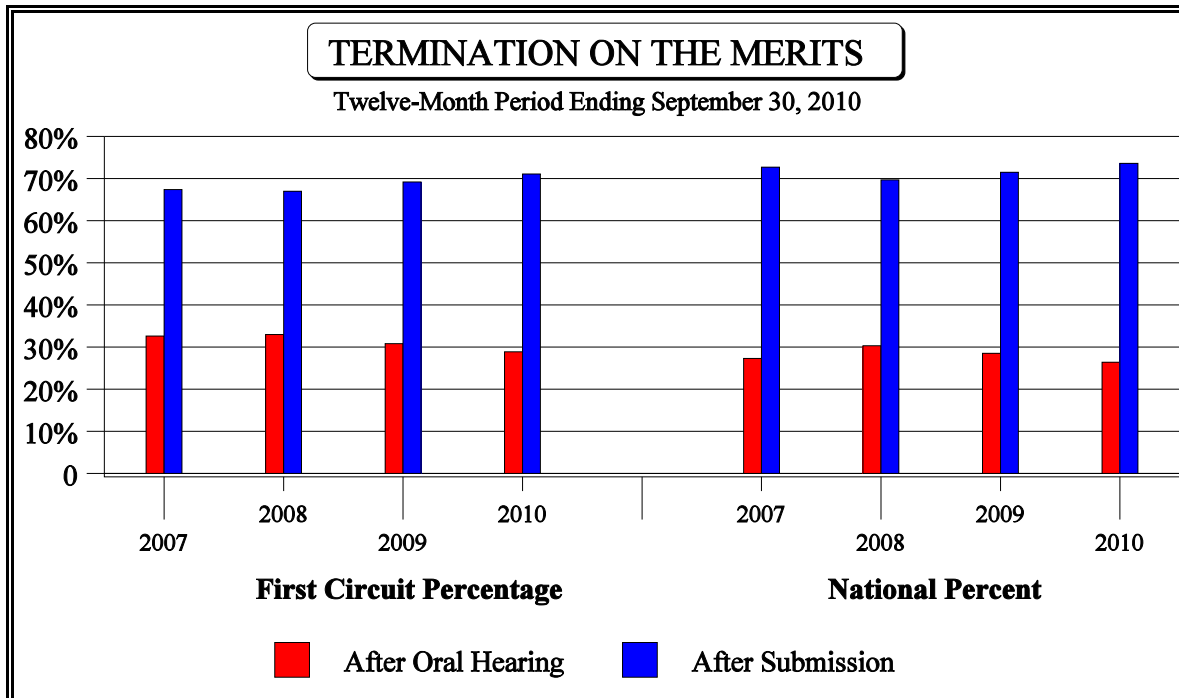
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD DISPOSITION TIME FROM 2001 - 2010



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARISON 2001 - 2010

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
FIRST CIRCUIT	10.5	10.7	10.8	11.2	13.2	12.0	12.7	13.3	12.2	11.7
NATIONAL AVERAGE	10.9	10.7	10.5	10.5	11.8	12.2	12.2	12.7	12.2	11.7

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD
DISPOSITION 2007 THROUGH 2010**



DISPOSITION OF CASELOADS IN PERCENTAGES
FIRST CIRCUIT VS. NATIONAL CASELOAD

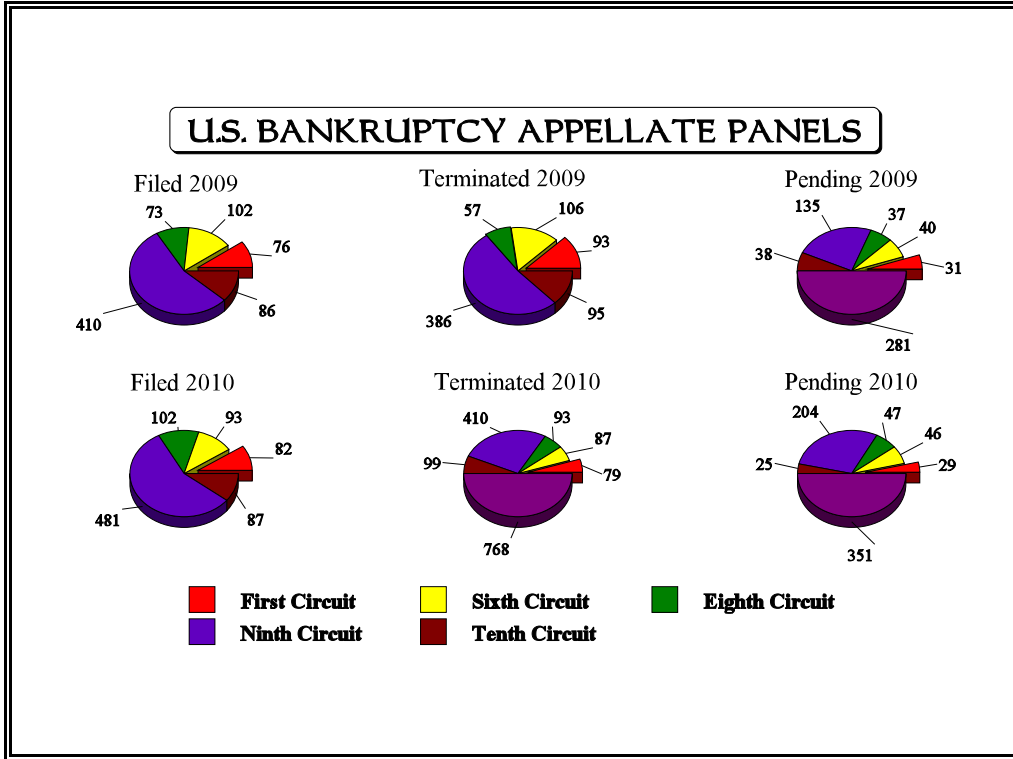
	FIRST CIRCUIT PERCENTAGES				NATIONAL PERCENTAGES TOTALS			
	2007	2008	2009	2010	2007	2008	2009	2010
AFTER ORAL HEARING	32.6%	33.0%	30.8%	28.9%	27.3%	30.3%	28.5%	26.4%
AFTER SUBMISSION	67.4%	67.0%	69.2%	71.1%	72.7%	69.7%	71.5%	73.6%

STATISTICS

U.S. BANKRUPTCY

APPELLATE PANELS

U.S. BANKRUPTCY APPELLATE PANELS
 APPEALS FILED, TERMINATED AND PENDING BY CIRCUIT

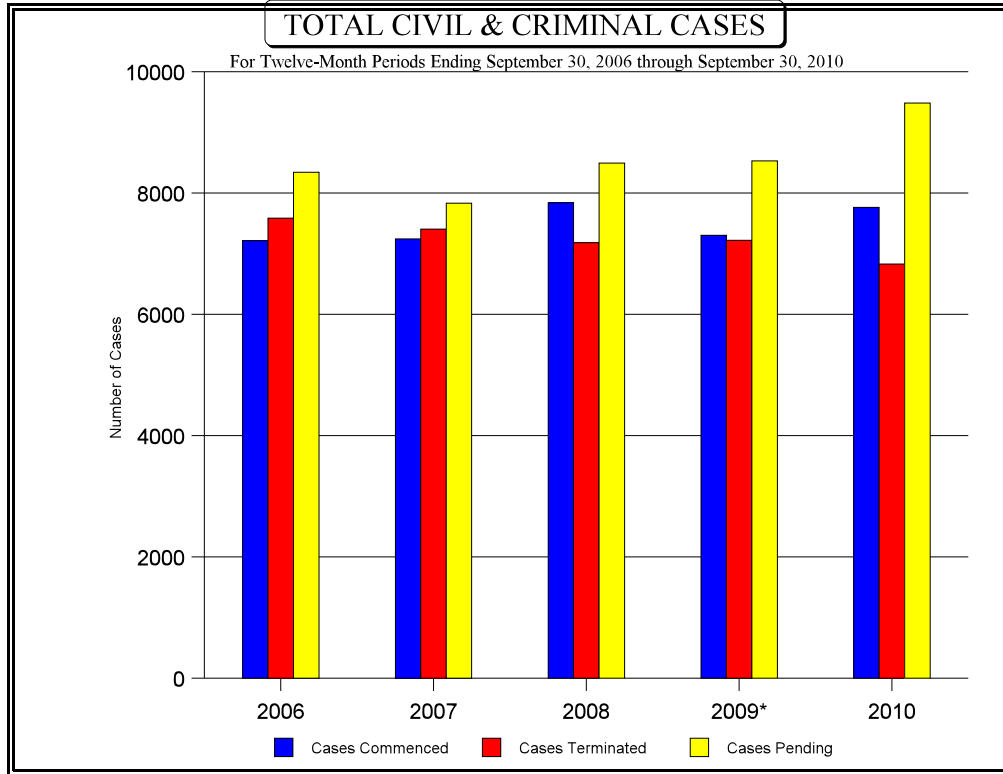


U.S. BANKRUPTCY APPELLATE PANELS DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2009 AND 2010									
	Filed			Terminated			Pending		
	2009	2010	% Change	2009	2010	% Change	2009*	2010	% Change
FIRST CIRCUIT	76	82	7.9	93	79	-15.1	26	29	11.5
SIXTH CIRCUIT	102	93	-8.8	106	87	-17.9	40	46	15
EIGHTH CIRCUIT	73	102	39.7	57	93	63.2	38	47	23.7
NINTH CIRCUIT	410	481	17.3	386	410	6.2	133	204	53.4
TENTH CIRCUIT	86	87	1.2	95	99	4.2	37	25	-32.4
TOTAL	747	845	13.1	737	768	4.2	274	351	28.1

*Pending caseload for 2009 revised by the Administrative Office of the U.S. Courts.

STATISTICS
FIRST CIRCUIT
DISTRICT COURTS

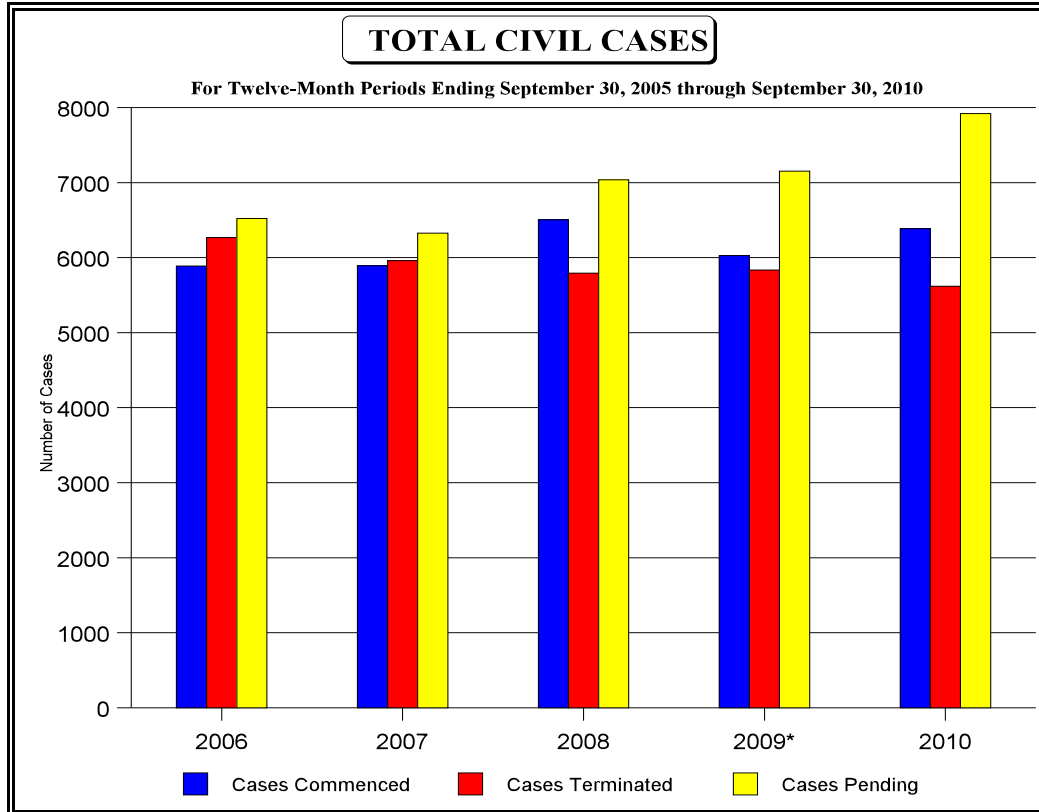
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL & CRIMINAL CASES FROM 2006 THROUGH 2010					
	2006	2007	2008	2009*	2010
CASES COMMENCED	7,214	7,242	7,840	7,301	7,764
CASES TERMINATED	7,584	7,403	7,180	7,222	6,829
CASES PENDING	8,341	7,833	8,493	8,557	9,483

*Pending caseload for 2009 revised by the Administrative Office of the U.S. Courts.

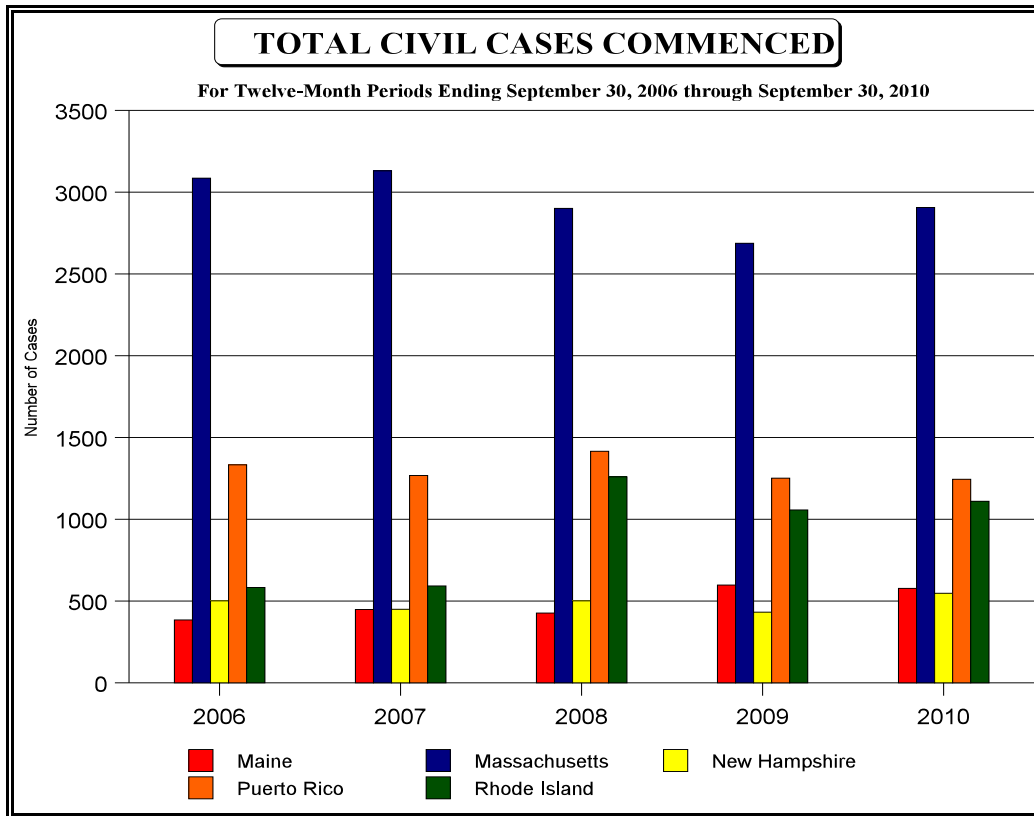
**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



TOTAL CIVIL CASES FROM 2006 THROUGH 2010					
	2006	2007	2008	2009*	2010
CASES COMMENCED	5,887	5,890	6,504	6,027	6,385
CASES TERMINATED	6,267	5,959	5,794	5,835	5,618
CASES PENDING	6,521	6,328	7,038	7,153	7,920

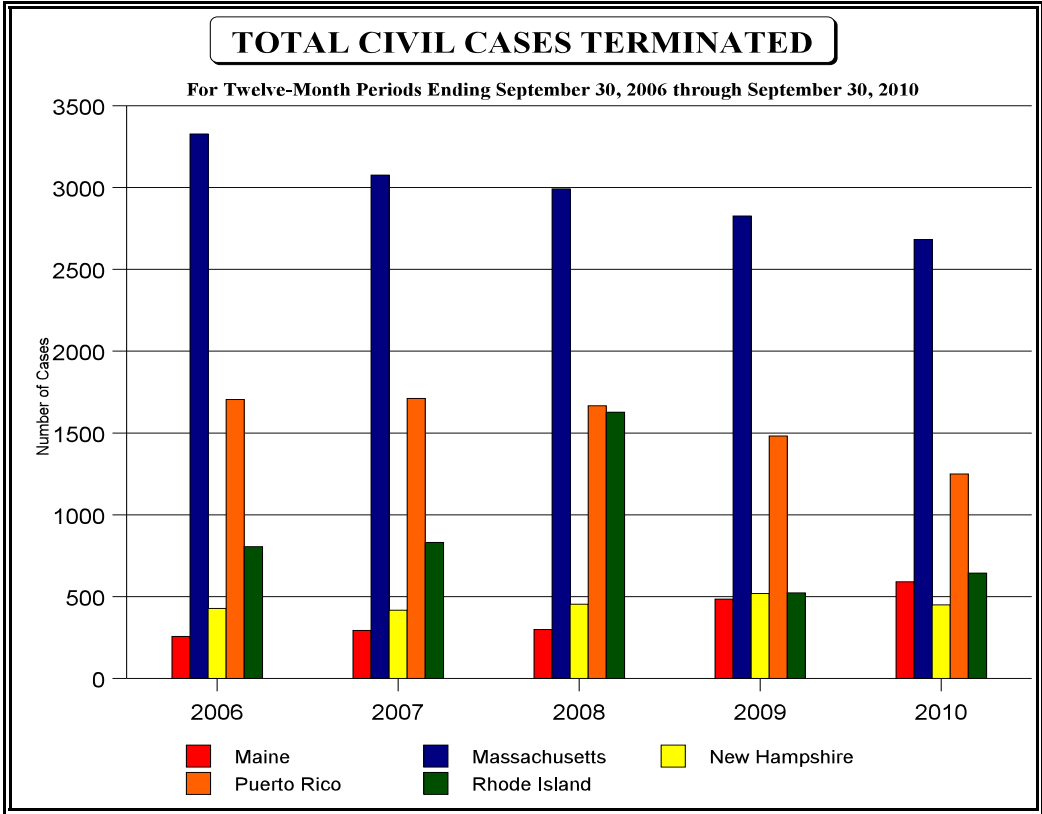
*Pending caseload for 2009 revised by the Administrative Office of the U.S. Courts.

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



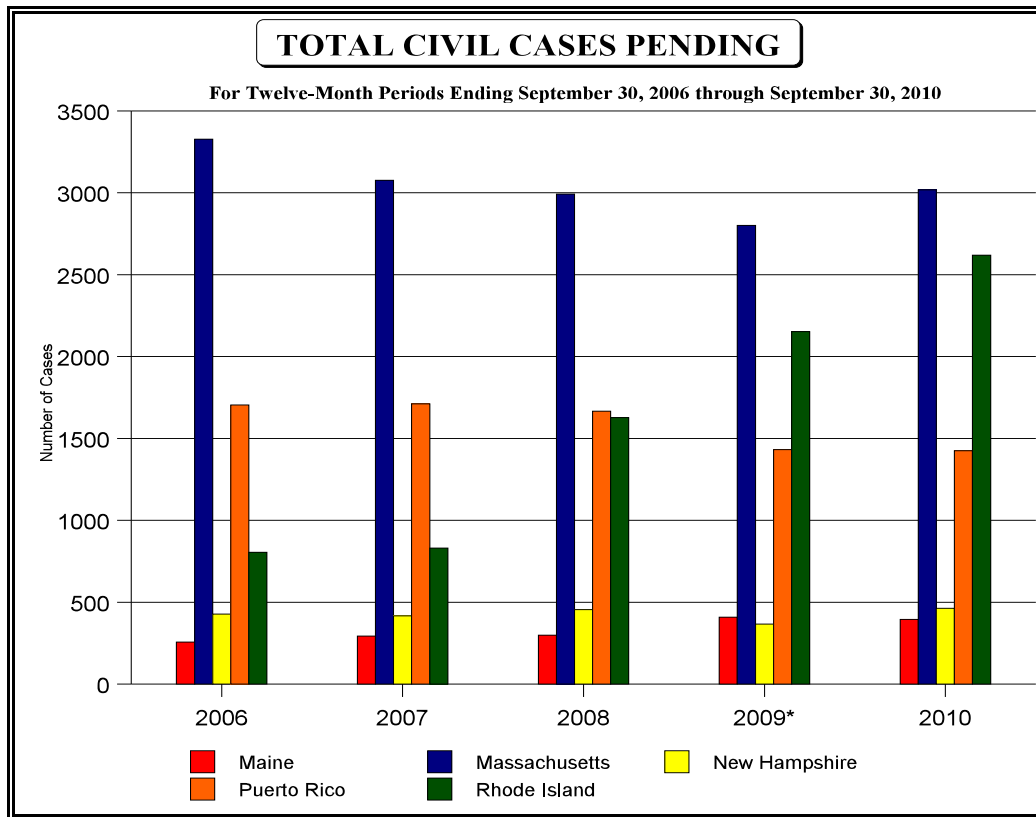
CIVIL CASES COMMENCED FROM 2006 THROUGH 2010					
DISTRICTS	2006	2007	2008	2009	2010
MAINE	385	449	427	598	577
MASSACHUSETTS	3,085	3,131	2,901	2,688	2,906
NEW HAMPSHIRE	501	450	501	432	547
PUERTO RICO	1,333	1,267	1,416	1,252	1,245
RHODE ISLAND	583	593	1,259	1,057	1,110

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



CIVIL CASES TERMINATED FROM 2006 THROUGH 2010					
DISTRICTS	2006	2007	2008	2009	2010
MAINE	430	409	421	485	591
MASSACHUSETTS	3,397	3,266	2,985	2,826	2,683
NEW HAMPSHIRE	495	461	464	519	450
PUERTO RICO	1,400	1,259	1,461	1,482	1,250
RHODE ISLAND	545	564	463	523	644

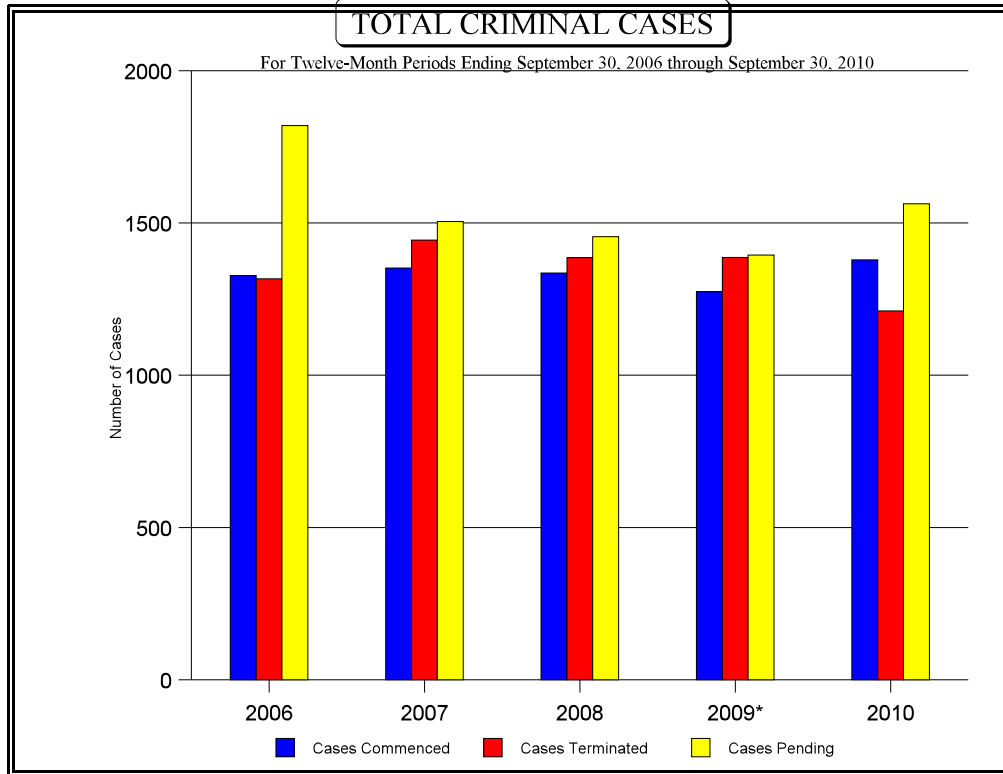
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES PENDING FROM 2006 THROUGH 2010					
DISTRICTS	2006	2007	2008	2009*	2010
MAINE	257	293	299	409	395
MASSACHUSETTS	3,327	3,076	2,992	2,795	3,018
NEW HAMPSHIRE	428	417	454	366	463
PUERTO RICO	1,704	1,711	1,666	1,430	1,425
RHODE ISLAND	805	831	1,627	2,153	2,619

*Total civil cases pending in 2009 revised by the Administrative Office of the United States Courts.

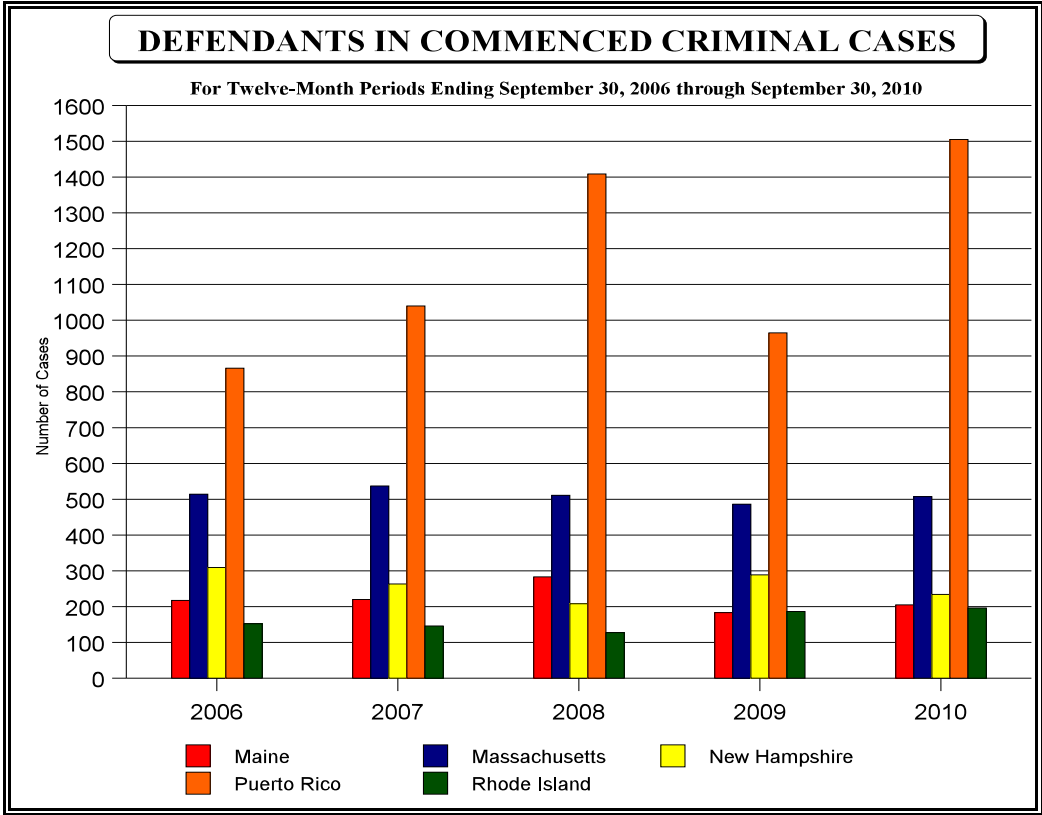
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CRIMINAL CASES FROM 2006 THROUGH 2010					
	2006	2007	2008	2009*	2010
CASES COMMENCED	1,327	1,352	1,336	1,274	1,379
CASES TERMINATED	1,317	1,444	1,386	1,387	1,211
CASES PENDING	1,820	1,505	1,455	1,395	1,563

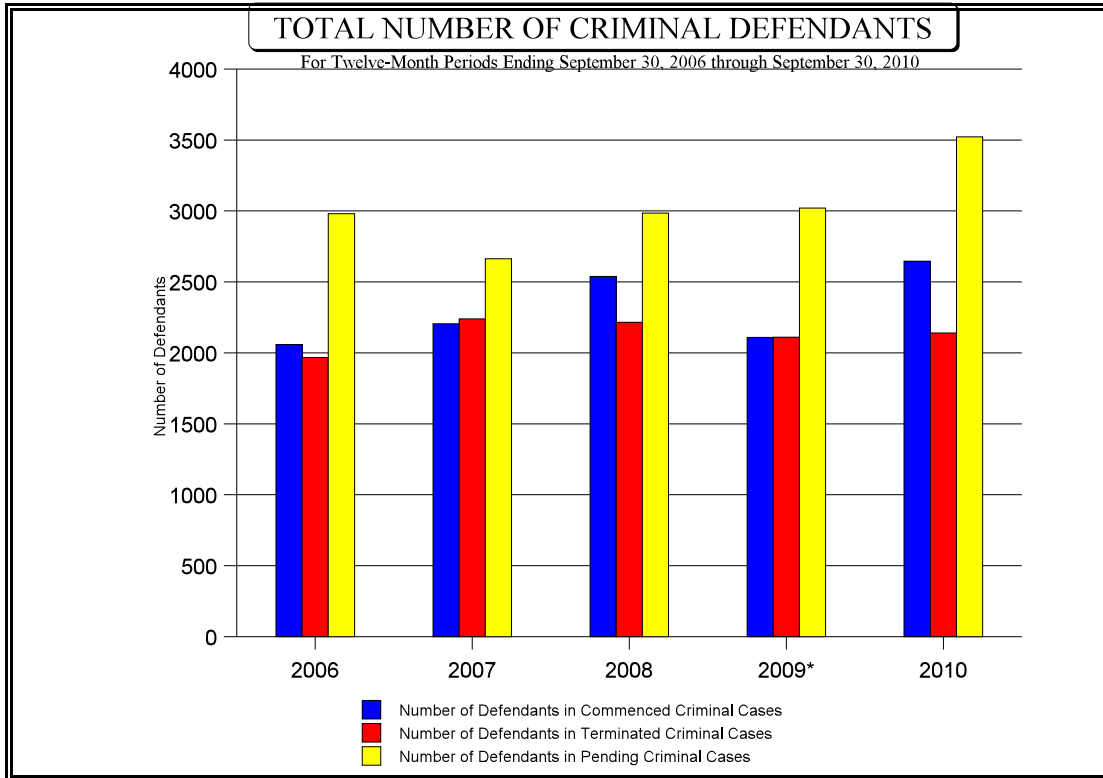
*Total criminal cases pending in 2009 revised by the Administrative Office of the United States Courts.

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN COMMENCED CRIMINAL CASES FROM 2006 THROUGH 2010					
DISTRICTS	2006	2007	2008	2009	2010
MAINE	217	220	283	183	205
MASSACHUSETTS	514	537	511	486	507
NEW HAMPSHIRE	309	263	208	289	234
PUERTO RICO	866	1,040	1,409	965	1,505
RHODE ISLAND	152	146	127	186	196

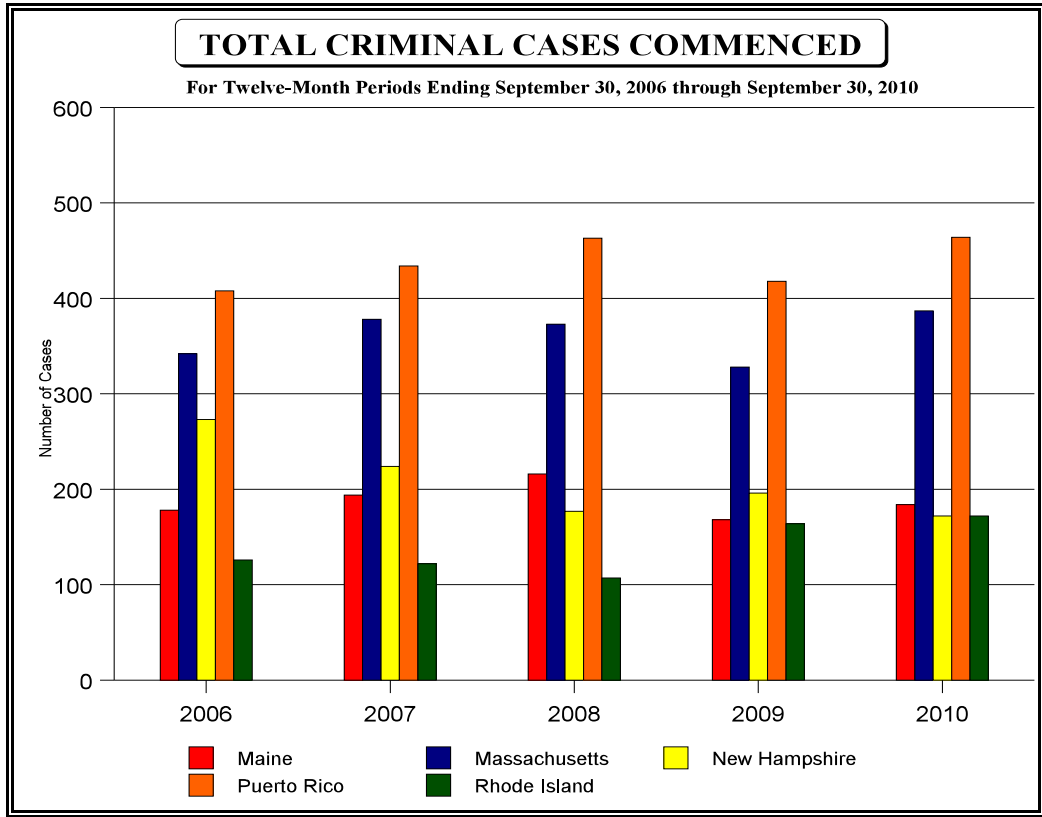
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL NUMBER OF CRIMINAL DEFENDANTS FROM 2006 THROUGH 2010					
	2006	2007	2008	2009*	2010
NUMBER OF DEFENDANTS IN COMMENCED CRIMINAL CASES	2,058	2,206	2,538	2,109	2,647
NUMBER OF DEFENDANTS IN TERMINATED CRIMINAL CASES	1,967	2,239	2,216	2,110	2,141
NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES	2,981	2,663	2,985	3,016	3,522

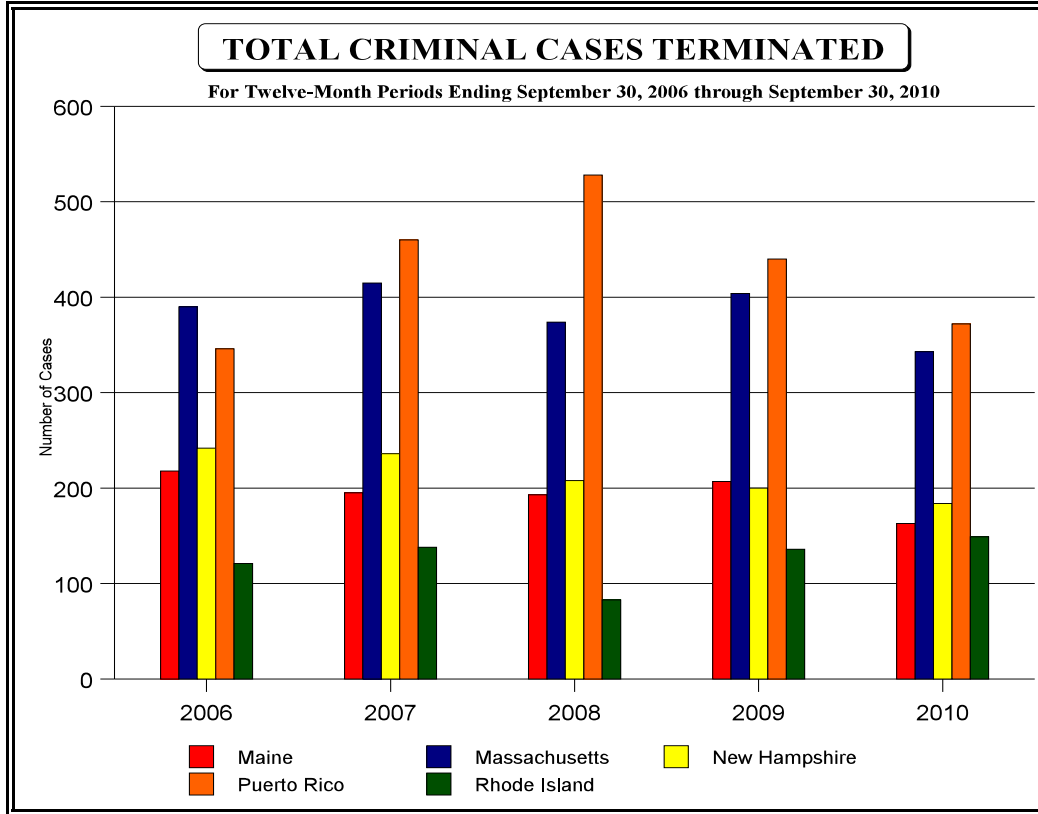
* Total number of defendants in pending criminal cases in 2009 revised by the Administrative office of the United States Courts.

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



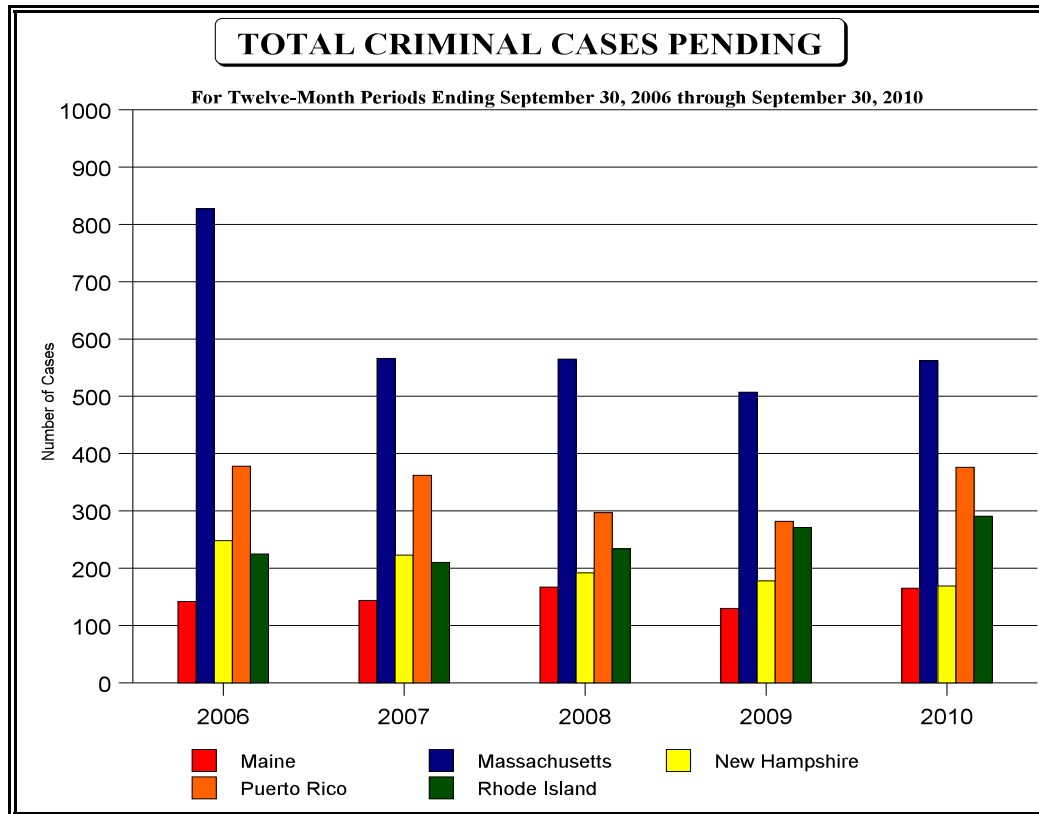
CRIMINAL CASES COMMENCED FROM 2006 THROUGH 2010					
DISTRICTS	2006	2007	2008	2009	2010
MAINE	178	194	216	168	184
MASSACHUSETTS	342	378	373	328	387
NEW HAMPSHIRE	273	224	177	196	172
PUERTO RICO	408	434	463	418	464
RHODE ISLAND	126	122	107	164	172

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



CRIMINAL CASES TERMINATED FROM 2006 THROUGH 2010					
DISTRICTS	2006	2007	2008	2009	2010
MAINE	218	195	193	207	163
MASSACHUSETTS	390	415	374	404	343
NEW HAMPSHIRE	242	236	208	200	184
PUERTO RICO	346	460	528	440	372
RHODE ISLAND	121	138	83	136	149

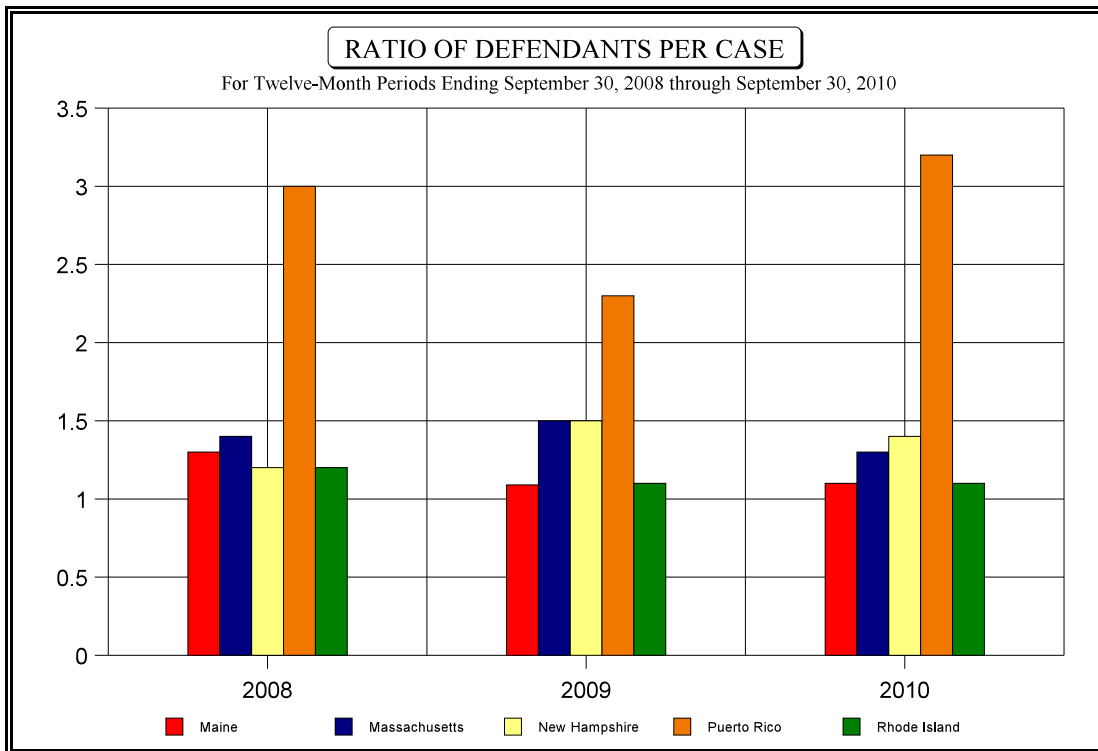
**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



**CRIMINAL CASES PENDING
FROM 2006 THROUGH 2010**

DISTRICTS	2006	2007	2008	2009	2010
MAINE	142	144	167	130	165
MASSACHUSETTS	827	566	565	507	562
NEW HAMPSHIRE	248	223	192	178	169
PUERTO RICO	378	362	297	282	376
RHODE ISLAND	225	210	234	271	291

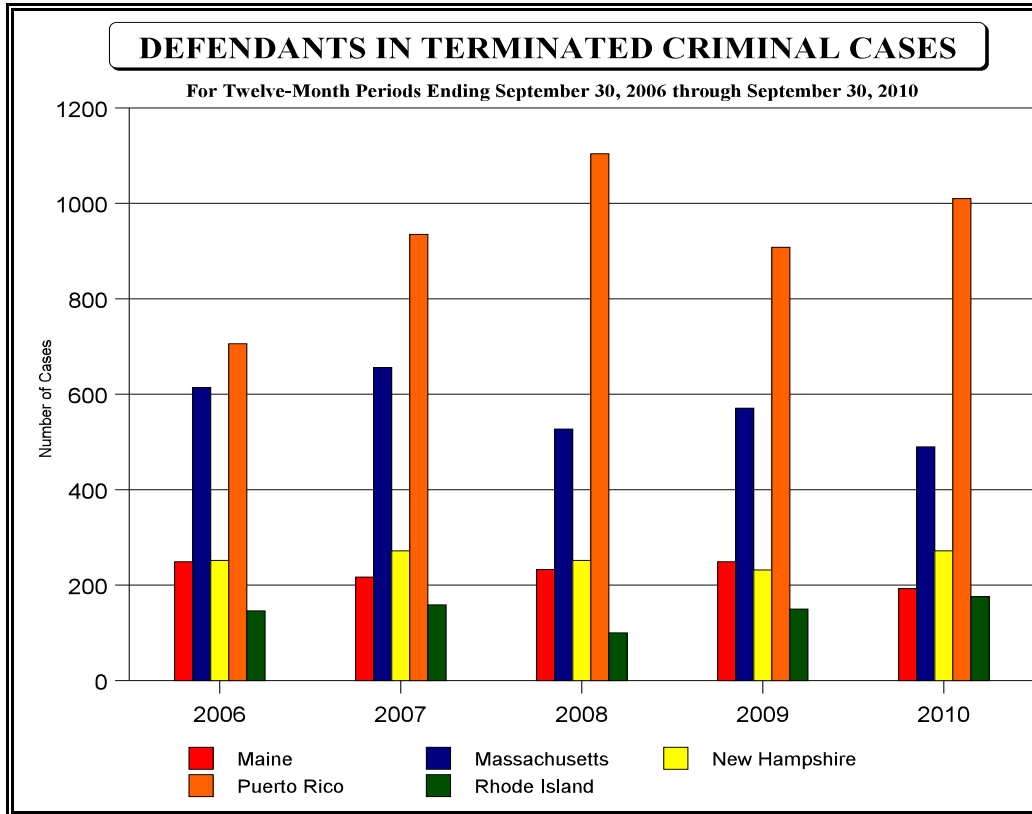
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



**NUMBER OF CRIMINAL CASES FILED AND
RATIO OF DEFENDANTS PER CASE
2008-2010**

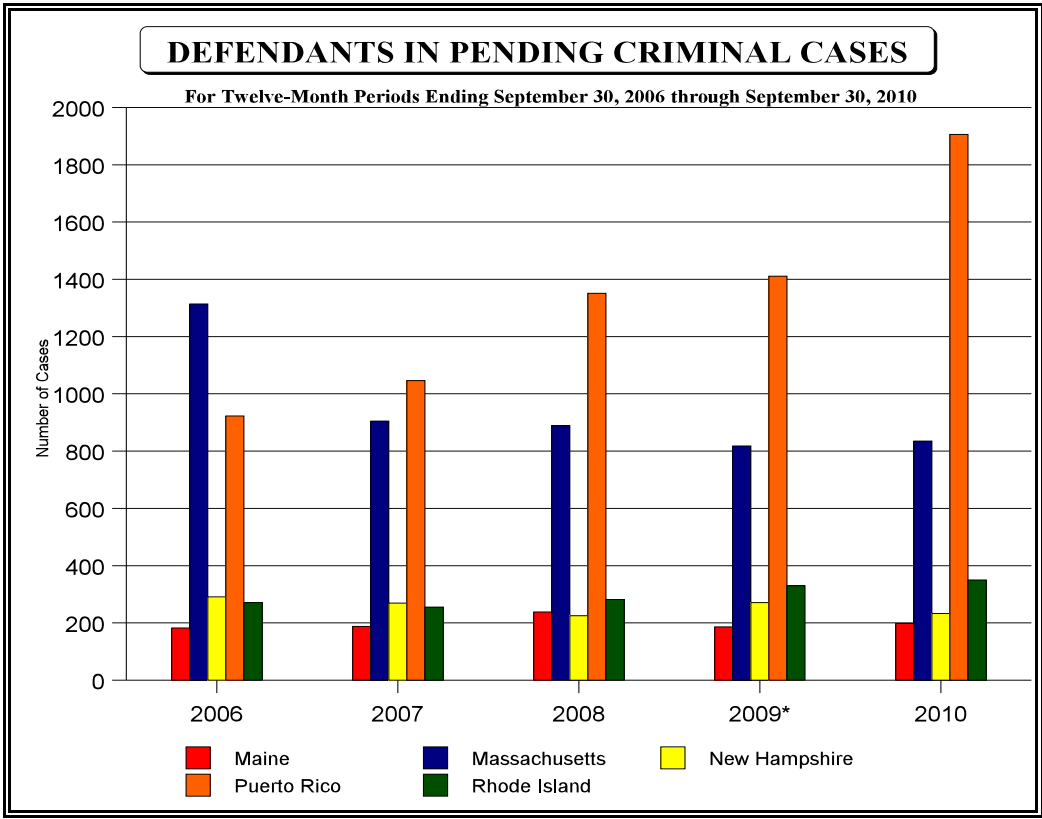
	<u>2008</u>		<u>Average Number of Defs. per case</u>	<u>2009</u>		<u>Average Number of Defs. per case</u>	<u>2010</u>		<u>Average Number of Defs. per case</u>
	<u>Cases</u>	<u>Def.</u>		<u>Cases</u>	<u>Def.</u>		<u>Cases</u>	<u>Def.</u>	
MAINE	216	283	1.3	168	183	1.09	184	205	1.1
MASSACHUSETTS	373	511	1.4	328	486	1.5	387	507	1.3
NEW HAMPSHIRE	177	208	1.2	196	289	1.5	172	234	1.4
PUERTO RICO	463	1,409	3.0	418	965	2.3	464	1,505	3.2
RHODE ISLAND	107	127	1.2	164	186	1.1	172	196	1.1

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN TERMINATED CRIMINAL CASES FROM 2006 THROUGH 2010					
DISTRICTS	2006	2007	2008	2009	2010
MAINE	249	217	233	249	193
MASSACHUSETTS	614	656	527	571	490
NEW HAMPSHIRE	252	272	252	232	272
PUERTO RICO	706	935	1,104	908	1,010
RHODE ISLAND	146	159	100	150	176

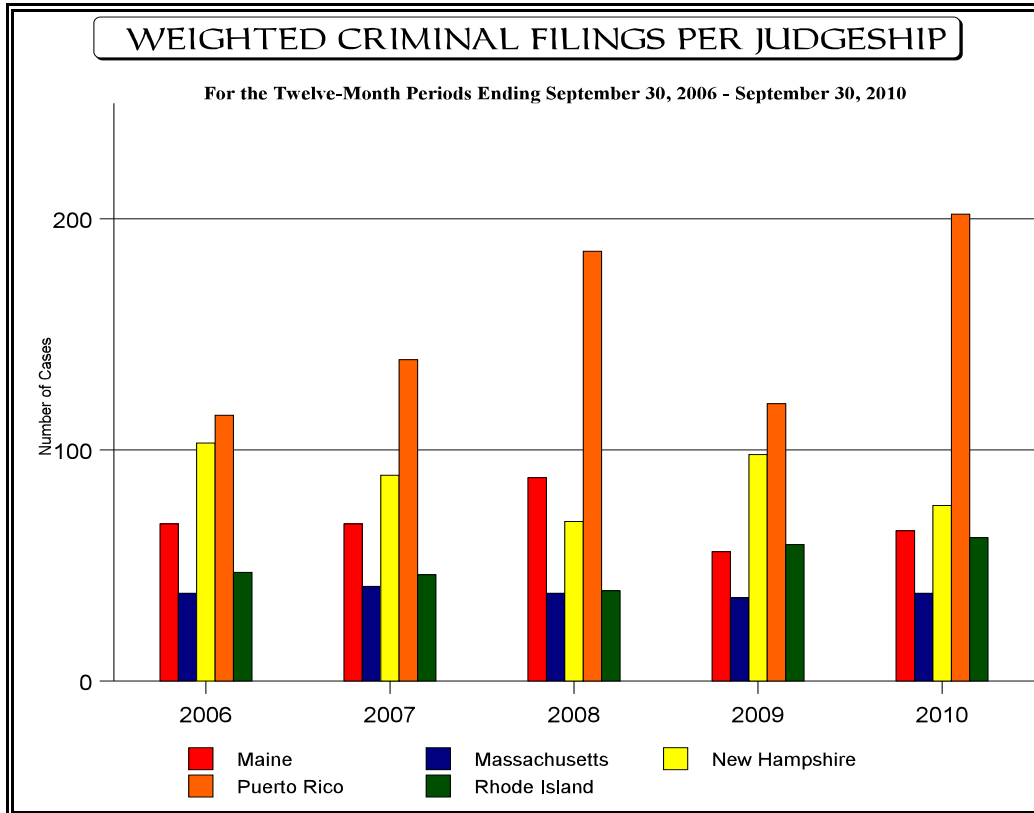
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN PENDING CRIMINAL CASES FROM 2006 THROUGH 2010					
DISTRICTS	2006	2007	2008	2009*	2010
MAINE	182	188	238	186	198
MASSACHUSETTS	1,314	905	889	818	835
NEW HAMPSHIRE	291	269	225	271	233
PUERTO RICO	923	1,046	1,351	1,411	1,906
RHODE ISLAND	271	255	282	330	350

* Total number of defendants in pending criminal cases in 2009 revised by the Administrative Office of the United States Courts.

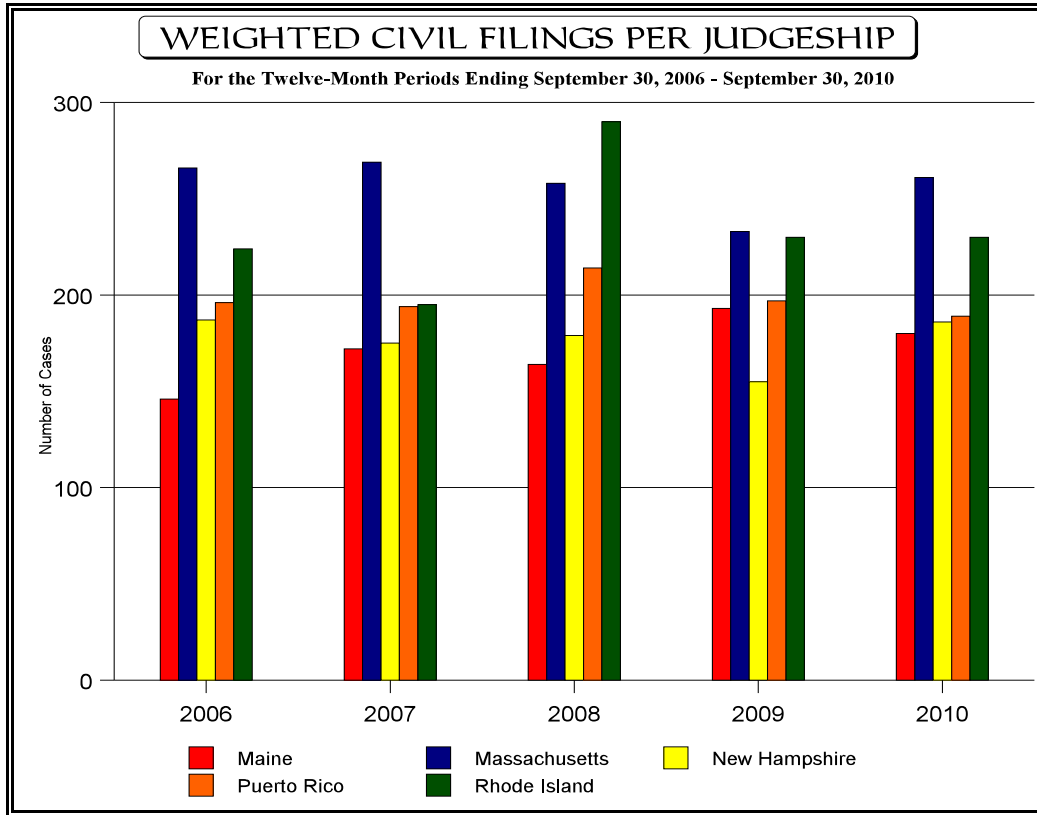
**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



**WEIGHTED CRIMINAL FILINGS PER JUDGESHIP
FROM 2006 THROUGH 2010**

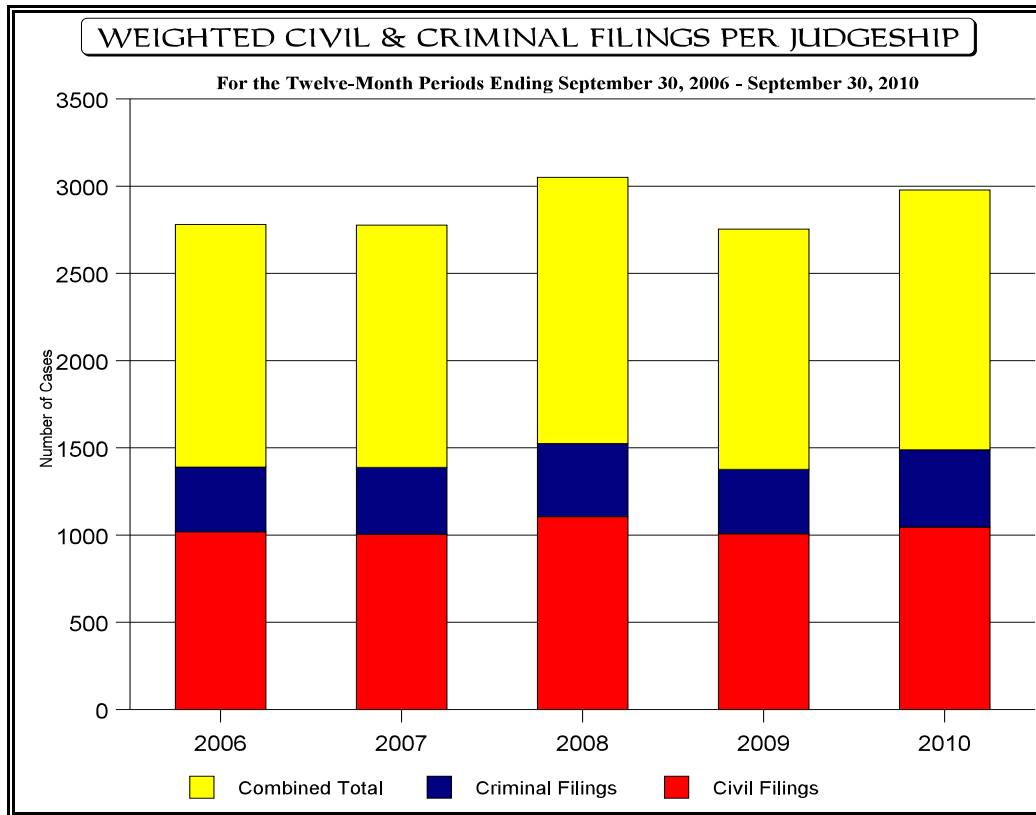
DISTRICTS	JUDGESHIPS	2006	2007	2008	2009	2010
MAINE	3	68	68	88	56	65
MASSACHUSETTS	13	38	41	38	36	38
NEW HAMPSHIRE	3	103	89	69	98	76
PUERTO RICO	7	115	139	186	120	202
RHODE ISLAND	3	47	46	39	59	62

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



WEIGHTED CIVIL FILINGS PER JUDGESHIP FROM 2006 THROUGH 2010						
DISTRICTS	JUDGESHIPS	2006	2007	2008	2009	2010
MAINE	3	146	172	164	193	180
MASSACHUSETTS	13	266	269	258	233	261
NEW HAMPSHIRE	3	187	175	179	155	186
PUERTO RICO	7	196	194	214	197	189
RHODE ISLAND	3	224	195	290	230	230

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



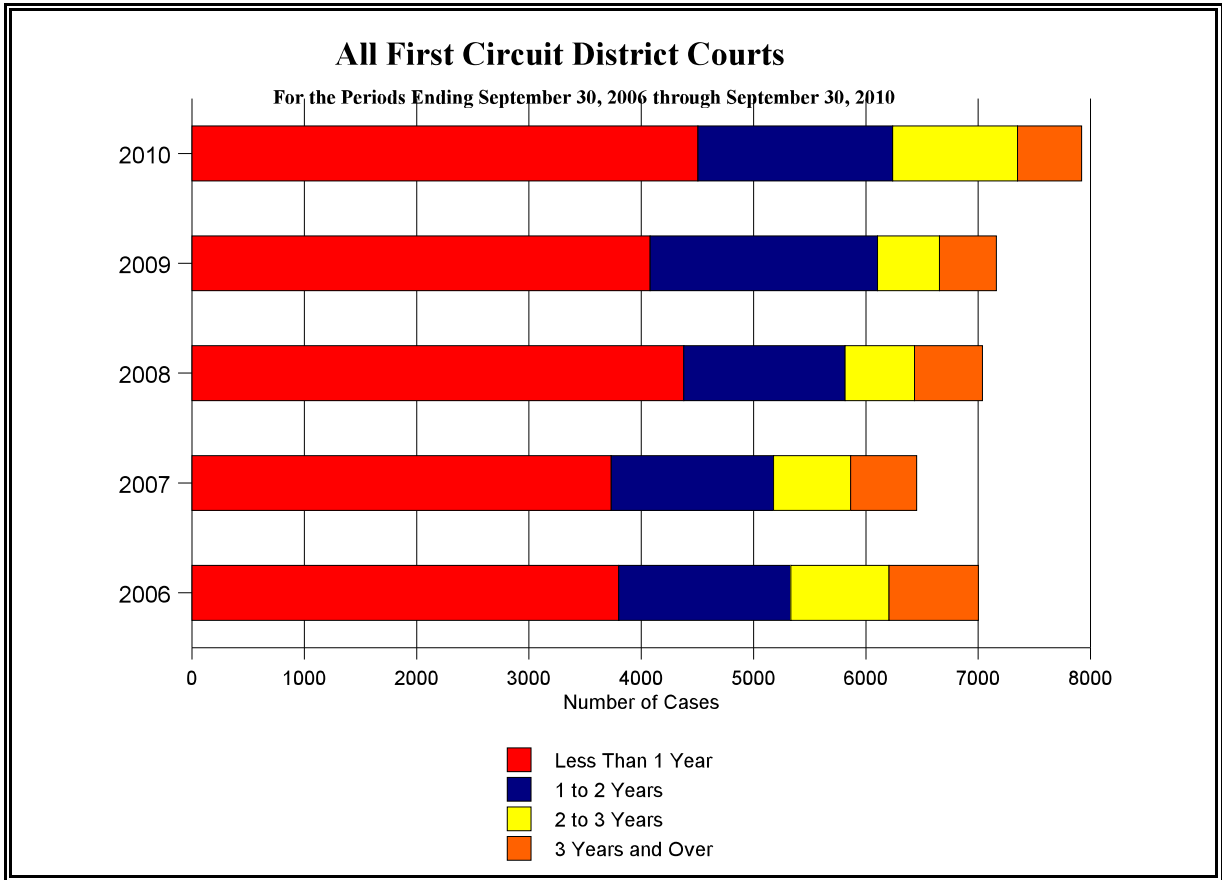
WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP FROM 2006 THROUGH 2010

	2006	2007	2008	2009	2010
CIVIL FILINGS	1,019	1,005	1,105	1,008	1,046
CRIMINAL FILINGS	371	383	420	369	443
COMBINED TOTAL	1,390	1,388	1,525	1,377	1,489

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

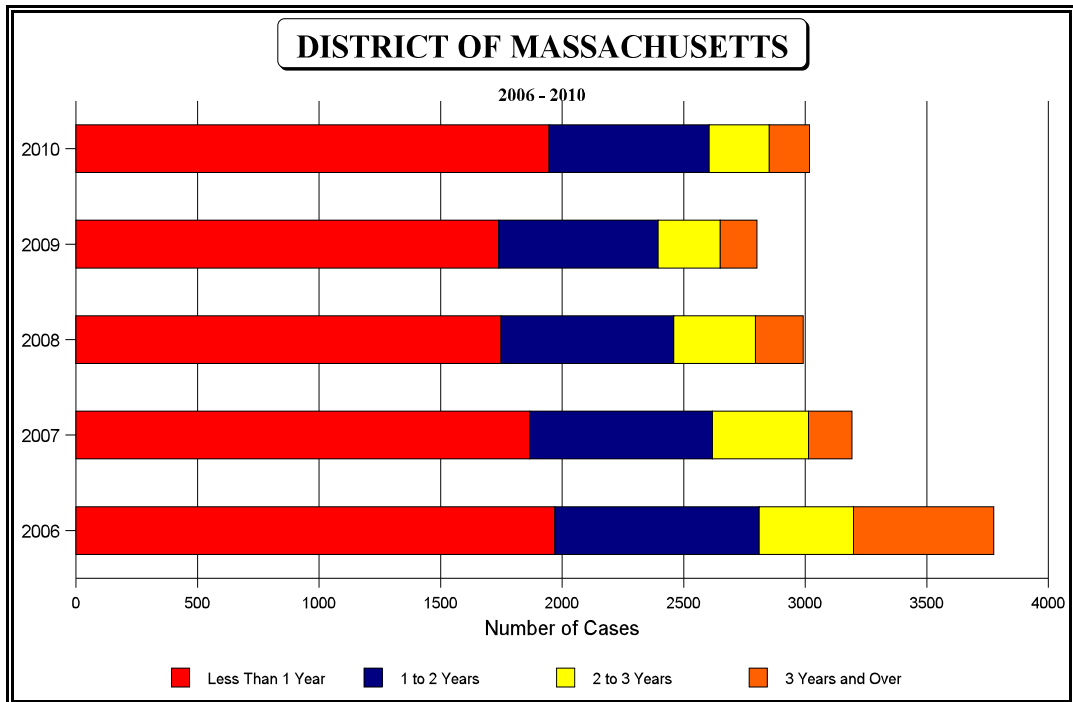
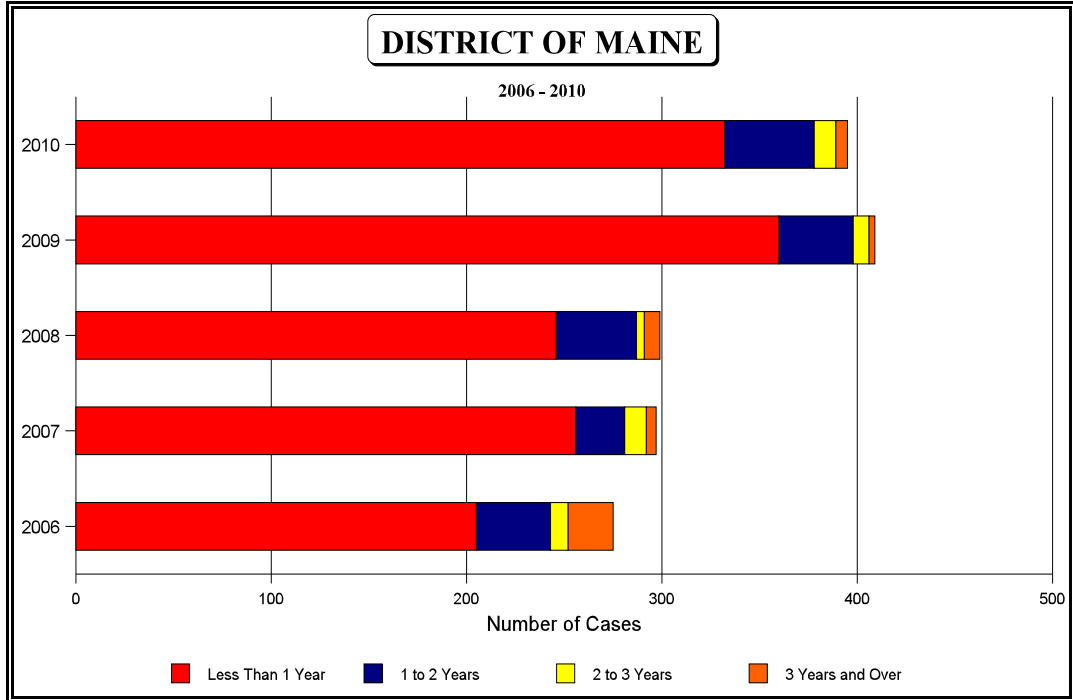
CIVIL CASES PENDING AND LENGTH OF TIME PENDING FOR THE PERIODS ENDING SEPTEMBER 30, 2006 THROUGH SEPTEMBER 30, 2010					
	2006	2007	2008	2009	2010
DISTRICT OF MAINE					
LESS THAN 1 YEAR	205	256	246	360	332
1 TO 2 YEARS	38	25	41	38	46
2 TO 3 YEARS	9	11	4	8	11
3 YEARS AND OVER	23	5	8	3	6
DISTRICT OF MASSACHUSETTS					
LESS THAN 1 YEAR	1,970	1,867	1,749	1,739	1,946
1 TO 2 YEARS	841	751	710	656	659
2 TO 3 YEARS	388	395	336	255	247
3 YEARS AND OVER	577	179	197	151	166
DISTRICT OF NEW HAMPSHIRE					
LESS THAN 1 YEAR	304	286	318	250	360
1 TO 2 YEARS	87	99	100	87	70
2 TO 3 YEARS	26	20	23	18	26
3 YEARS AND OVER	13	12	13	12	7
DISTRICT OF PUERTO RICO					
LESS THAN 1 YEAR	956	925	968	848	902
1 TO 2 YEARS	425	461	389	371	334
2 TO 3 YEARS	178	198	210	155	144
3 YEARS AND OVER	147	128	99	58	45
DISTRICT OF RHODE ISLAND					
LESS THAN 1 YEAR	365	398	1,098	882	964
1 TO 2 YEARS	141	109	197	872	625
2 TO 3 YEARS	274	63	44	117	685
3 YEARS AND OVER	35	264	288	282	345

**COMPARATIVE NUMBER OF CIVIL CASES PENDING
FOR RESPECTIVE LENGTHS OF TIME**

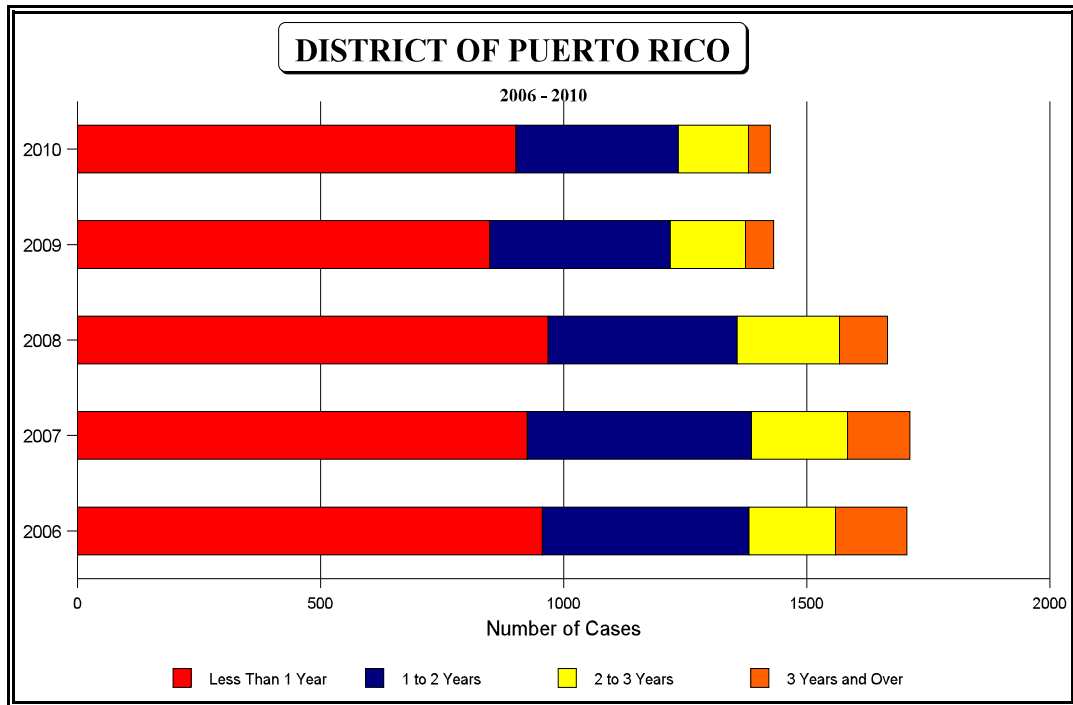
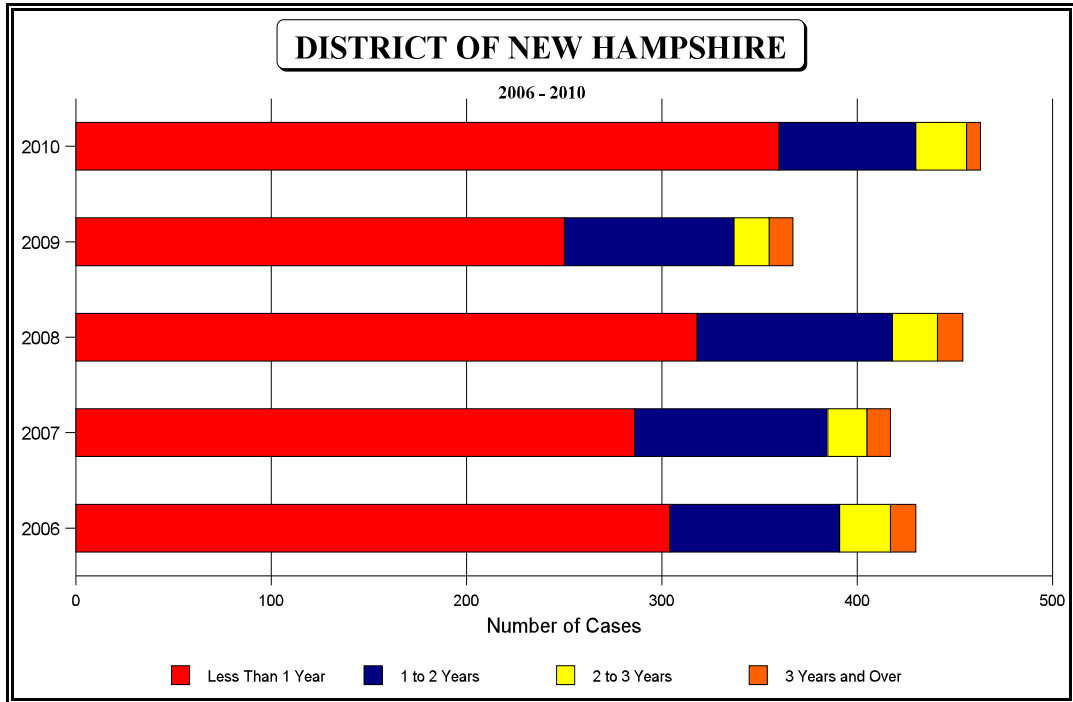


CIVIL CASES PENDING AND LENGTH FROM 2006 THROUGH 2010					
	2006	2007	2008	2009	2010
LESS THAN 1 YEAR	3,800 (54.3%)	3,732 (57.8%)	4,379 (62.2%)	4,079 (57%)	4,504 (56.9%)
1 TO 2 YEARS	1,532 (21.9%)	1,445 (22.4%)	1,437 (20.4%)	2,024 (28.3%)	1,734 (21.9%)
2 TO 3 YEARS	875 (12.5%)	687 (10.7%)	617 (8.8%)	553 (7.7%)	1,113 (14.1%)
3 YEARS AND OVER	795 (11.4%)	588 (9.1%)	605 (8.6%)	506 (7.1%)	569 (7.2%)

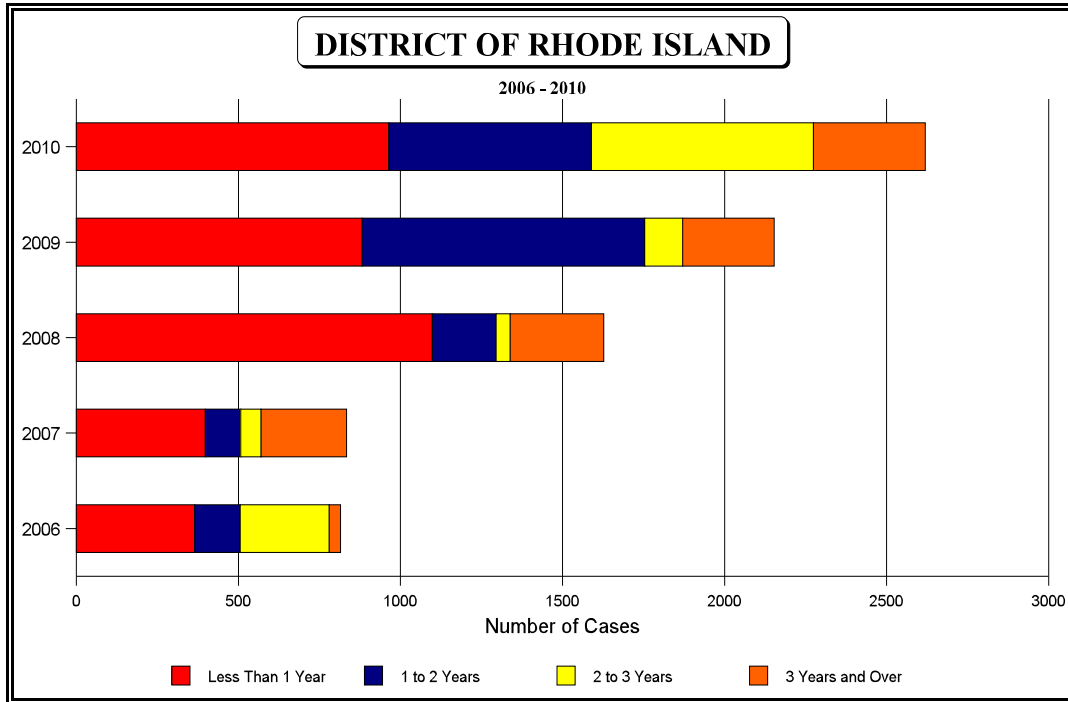
COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

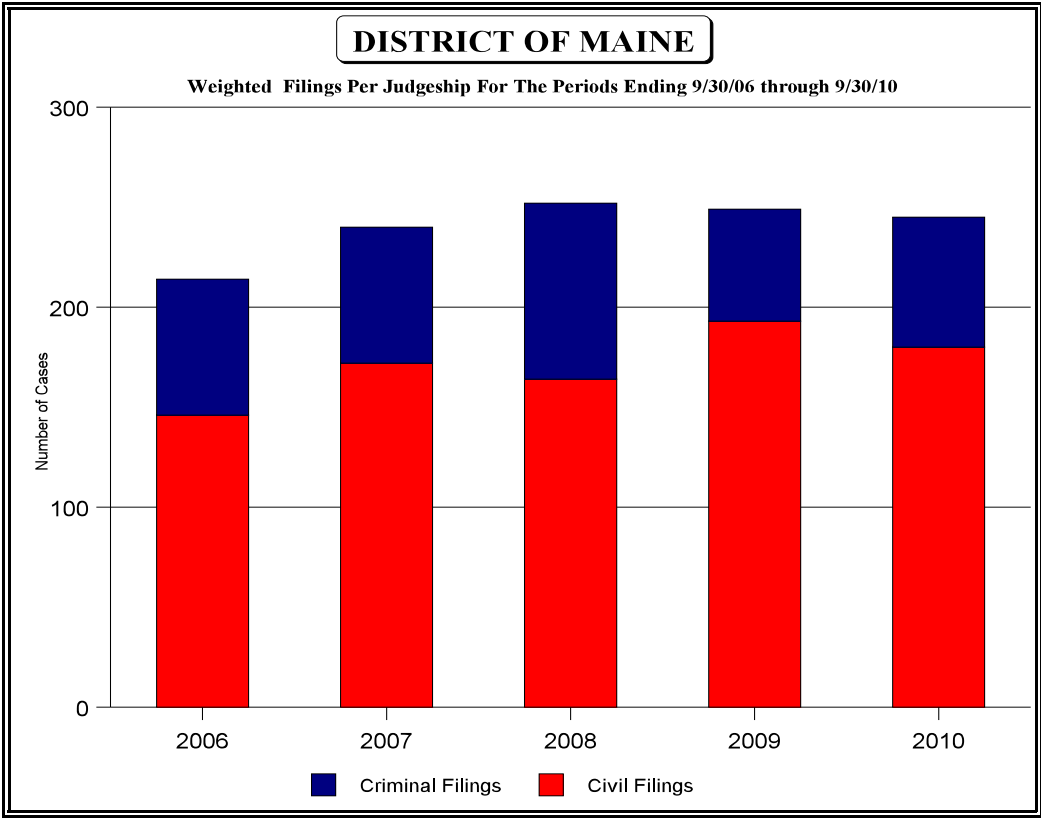


COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



STATISTICS
DISTRICT OF MAINE

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



**United States District Court for the District of Maine
Authorized Judgeships**

1789 • 1

1978 • 2

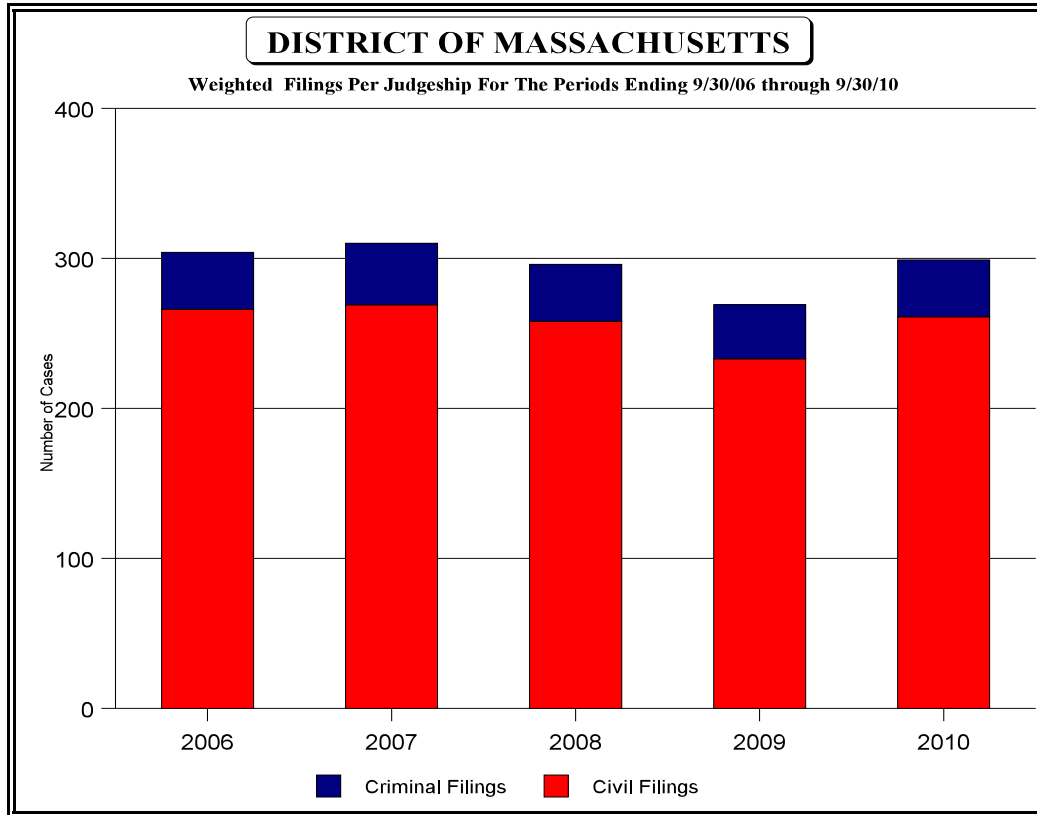
1990 • 3

**DISTRICT OF MAINE
WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING
SEPTEMBER 30, 2006 - 2010**

	2006	2007	2008	2009	2010
CIVIL FILINGS	146	172	164	193	180
CRIMINAL FILINGS	68	68	88	56	65
TOTAL FILINGS	214	240	252	251	245

STATISTICS
DISTRICT OF
MASSACHUSETTS

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of Massachusetts Authorized Judgeships

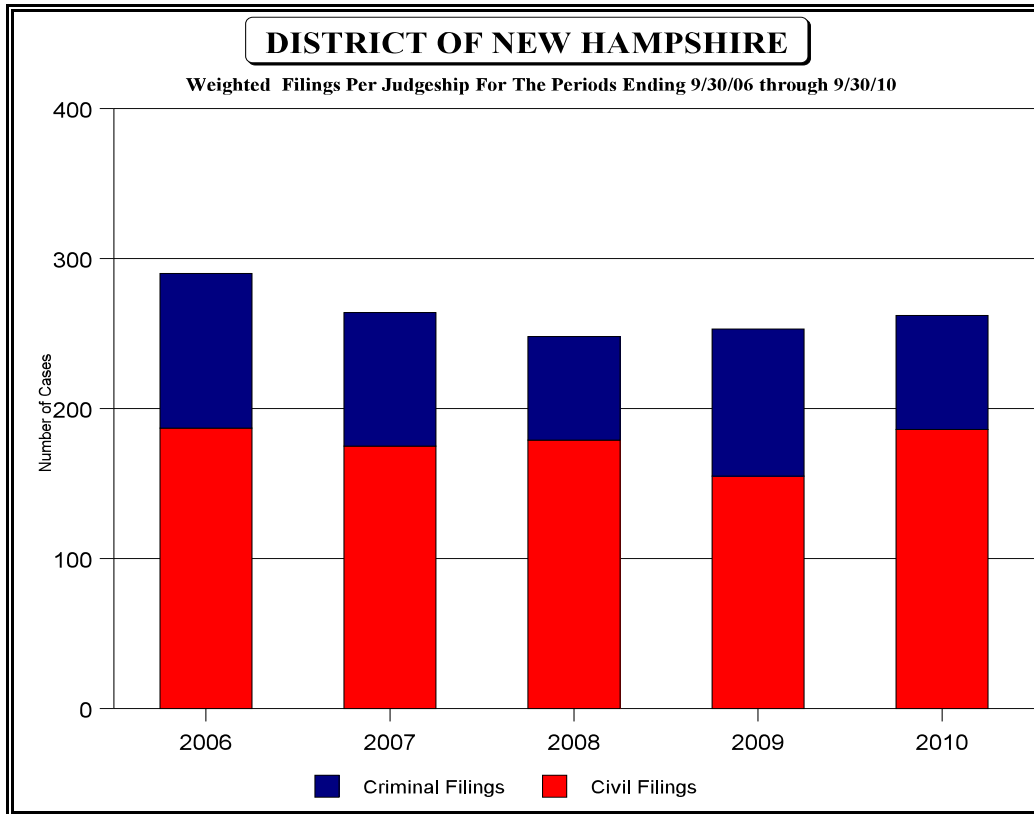
1789 • 1 1922 • 2 1938 • 4 1938 • 4
1961 • 6 1978 • 10 1984 • 12 1990 • 13

DISTRICT OF MASSACHUSETTS WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2006 - 2010

	2006	2007	2008	2009	2010
CIVIL FILINGS	266	269	258	233	261
CRIMINAL FILINGS	38	41	38	36	38
TOTAL FILINGS	304	310	296	272	299

STATISTICS
DISTRICT OF
NEW HAMPSHIRE

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of New Hampshire Authorized Judgeships

1789 • 1

1978 • 2

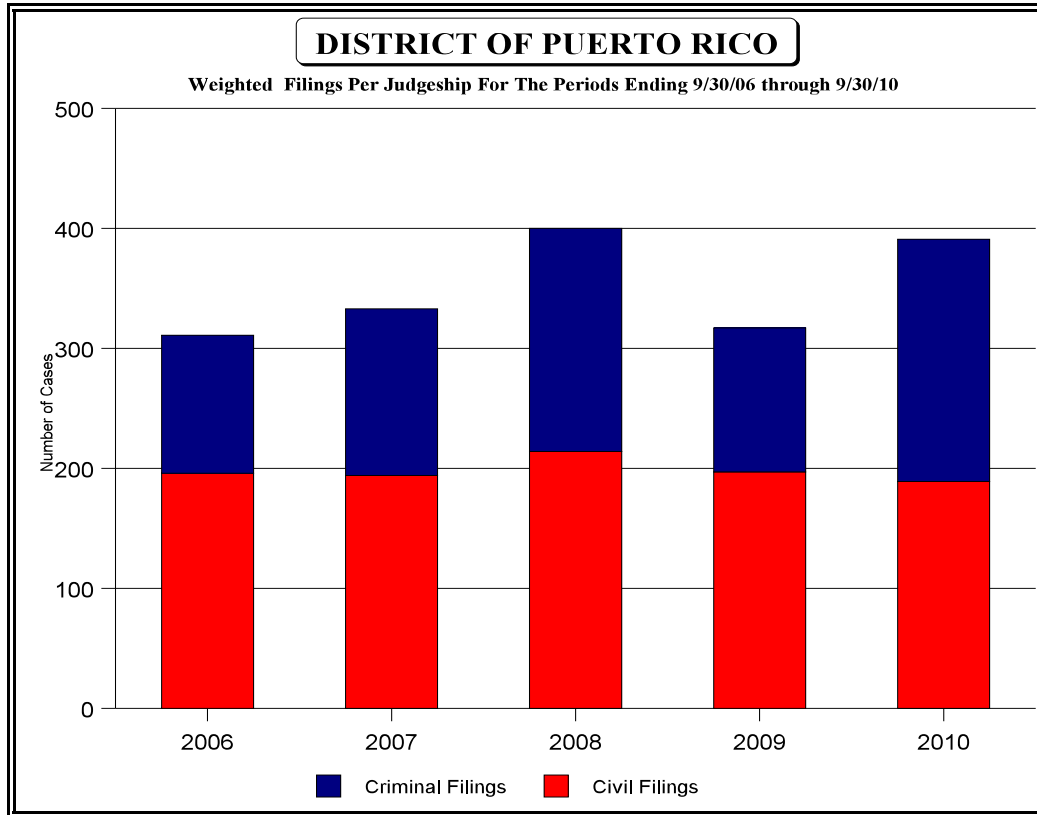
1990 • 3

DISTRICT OF NEW HAMPSHIRE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2006 - 2010

	2006	2007	2008	2009	2010
CIVIL FILINGS	187	175	179	155	186
CRIMINAL FILINGS	103	89	69	98	76
TOTAL FILINGS	290	264	248	253	262

STATISTICS
DISTRICT OF
PUERTO RICO

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



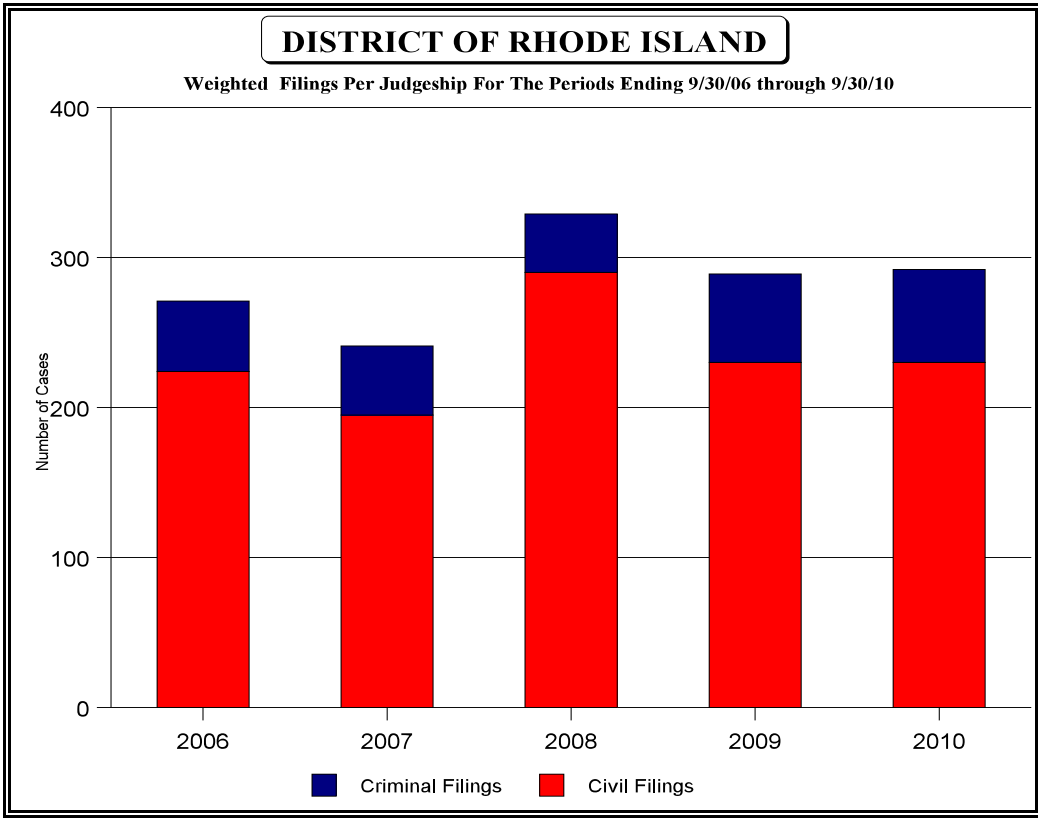
**United States District Court for the District of Puerto Rico
Authorized Judgeships**

1917 • 1 1961 • 2 1970 • 3 1978 • 7

DISTRICT OF PUERTO RICO					
WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING					
SEPTEMBER 30, 2006 - 2010					
	2006	2007	2008	2009	2010
CIVIL FILINGS	196	194	214	197	189
CRIMINAL FILINGS	115	139	186	120	202
TOTAL FILINGS	311	333	400	317	391

STATISTICS
DISTRICT OF
RHODE ISLAND

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



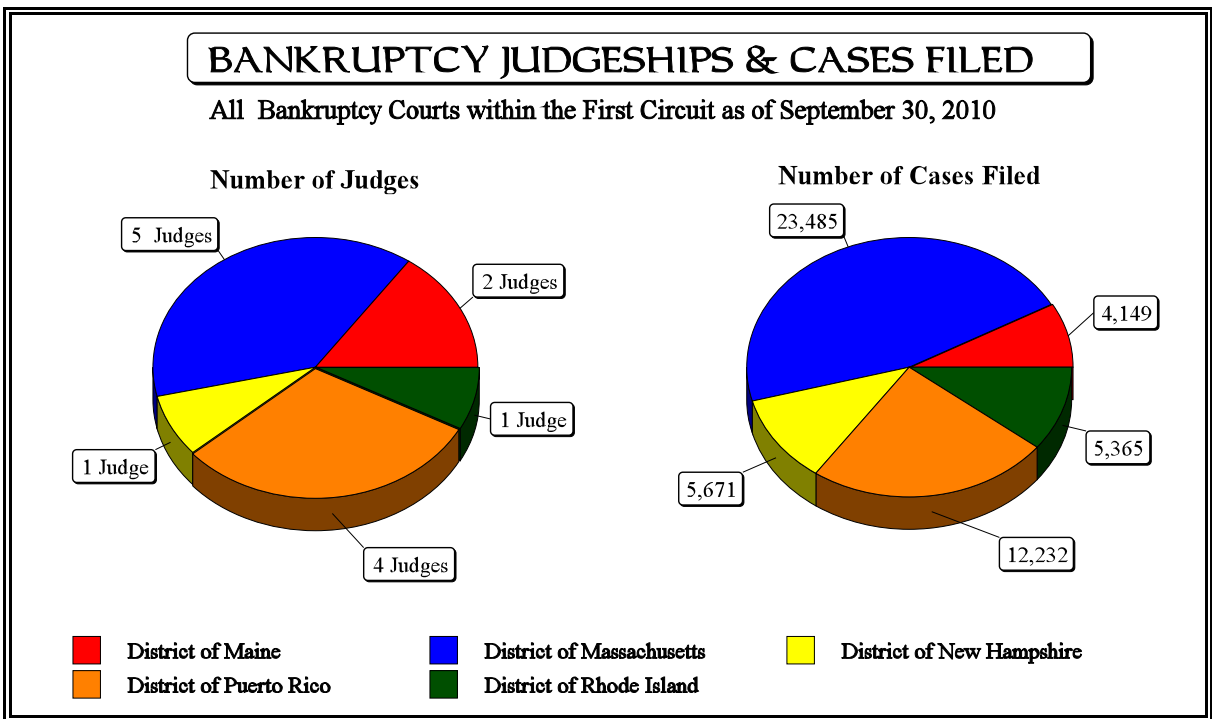
United States District Court for the District of Rhode Island Authorized Judgeships

1790 • 1 1966 • 2 1984 • 3

DISTRICT OF RHODE ISLAND WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2006 - 2010					
	2006	2007	2008	2009	2010
CIVIL FILINGS	224	195	290	230	230
CRIMINAL FILINGS	47	46	39	59	62
TOTAL FILINGS	271	241	329	289	292

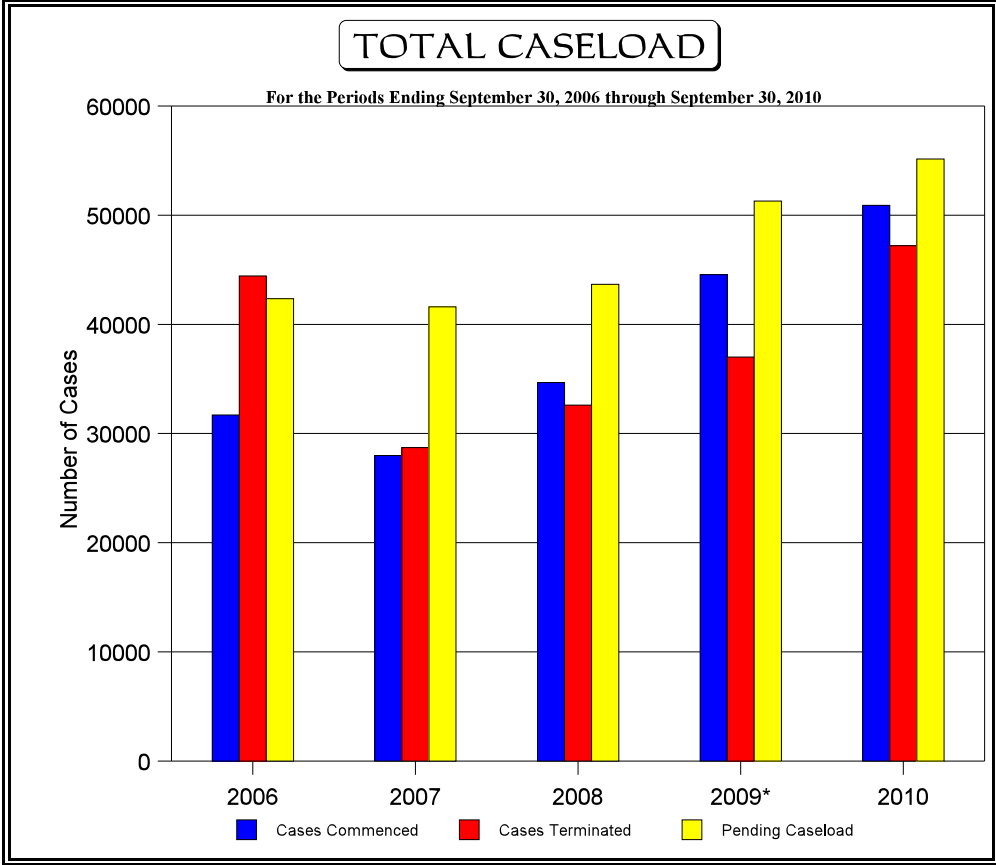
STATISTICS
FIRST CIRCUIT
BANKRUPTCY COURTS

BANKRUPTCY CASELOAD SUMMARY



NUMBER OF BANKRUPTCY JUDGES AND CASES FILED DURING THE TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2010		
	Number of Judges	Cases Filed
DISTRICT OF MAINE	2	4,149
DISTRICT OF MASSACHUSETTS	5	23,485
DISTRICT OF NEW HAMPSHIRE	1	5,671
DISTRICT OF PUERTO RICO	4	12,232
DISTRICT OF RHODE ISLAND	1	5,365
FIRST CIRCUIT TOTALS	13	50,902

BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

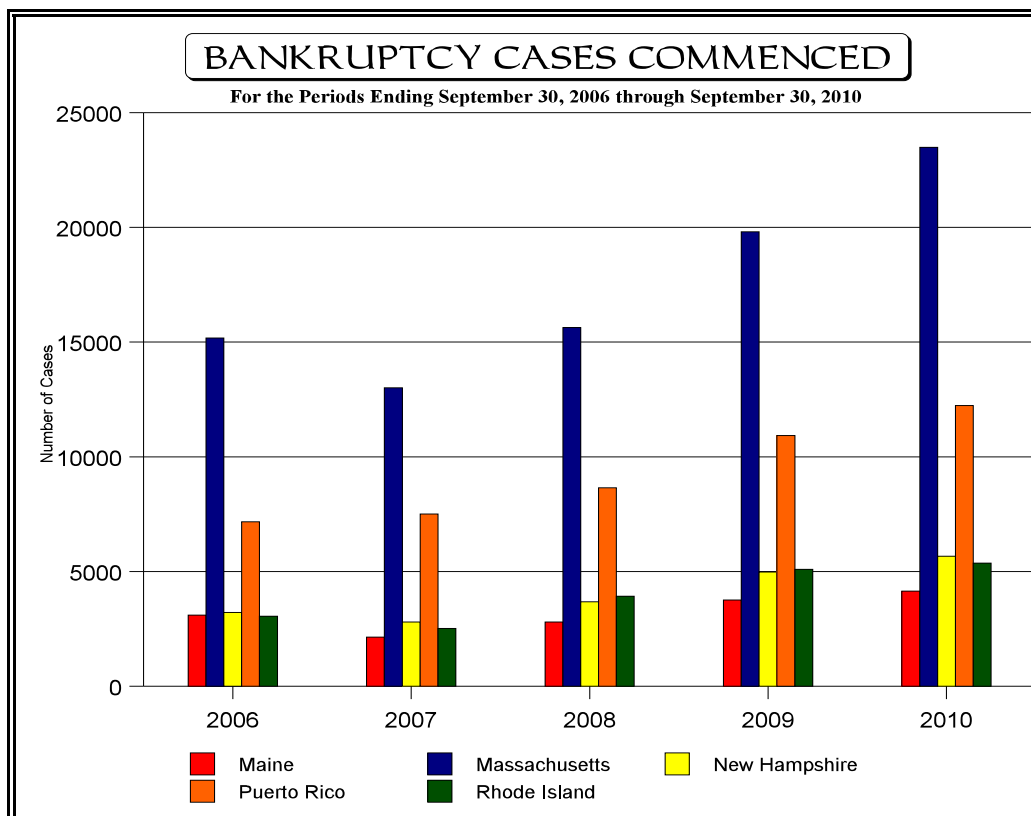


Authorized Judgeships. 13

TOTAL BANKRUPTCY CASES 2006 - 2010					
	2006	2007	2008	2009*	2010
CASES COMMENCED	31,705	27,981	34,676	44,560	50,902
CASES TERMINATED	44,429	28,709	32,597	37,006	47,199
PENDING CASELOAD	42,356	41,599	43,678	51,434	55,139

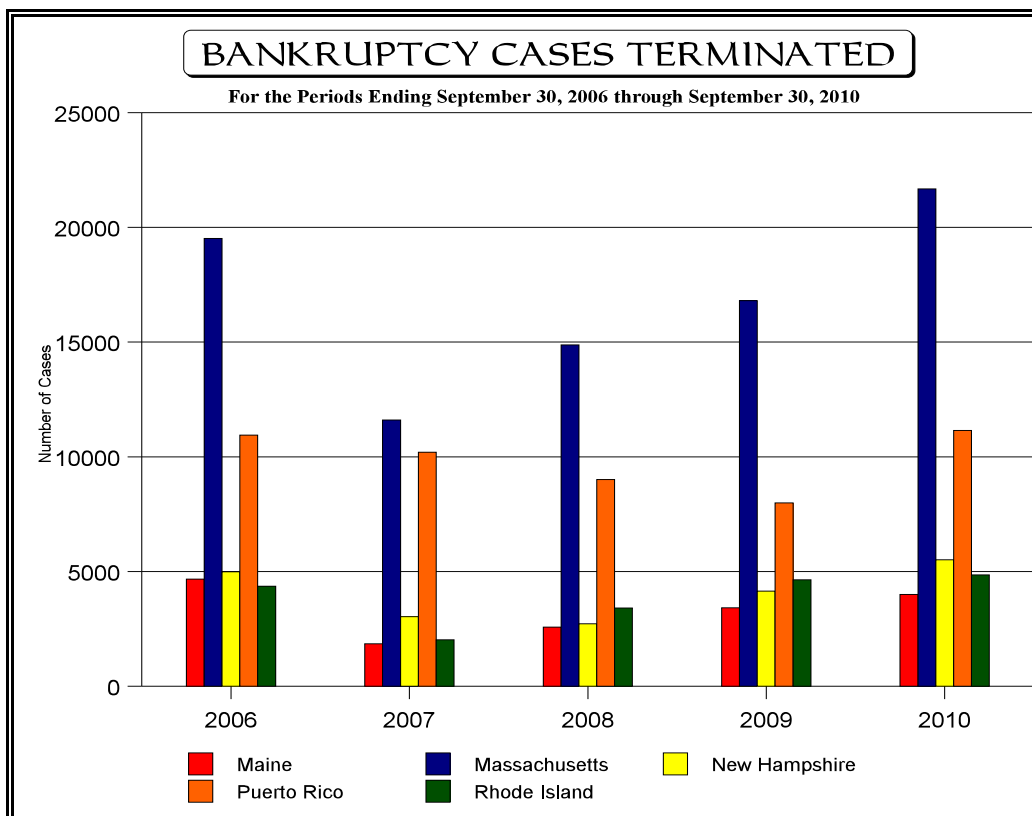
*Pending caseload in 2009 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



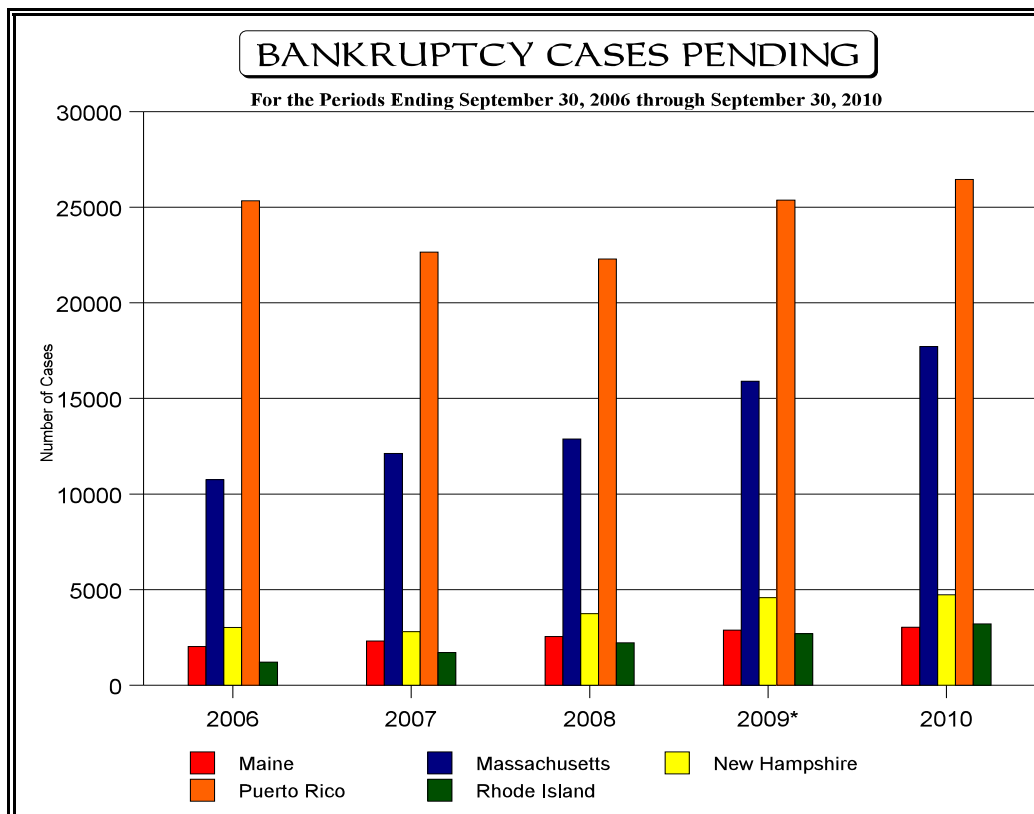
BANKRUPTCY CASES COMMENCED 2006 -2010					
DISTRICTS	2006	2007	2008	2009	2010
MAINE	3,096	2,143	2,800	3,761	4,149 (8.2%)
MASSACHUSETTS	15,181	13,011	15,636	19,805	23,485 (46.1%)
NEW HAMPSHIRE	3,214	2,804	3,676	4,976	5,671 (11.1%)
PUERTO RICO	7,167	7,502	8,645	10,922	12,232 (24%)
RHODE ISLAND	3,047	2,521	3,919	5,096	5,365 (10.5%)

BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES TERMINATED 2006 - 2010					
DISTRICTS	2006	2007	2008	2009	2010
MAINE	4,666	1,848	2,573	3,418	3,999
MASSACHUSETTS	19,518	11,600	14,880	16,809	21,676
NEW HAMPSHIRE	4,986	3,033	2,726	4,150	5,516
PUERTO RICO	10,943	10,204	9,007	7,994	11,153
RHODE ISLAND	4,361	2,024	3,411	4,635	4,855

BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

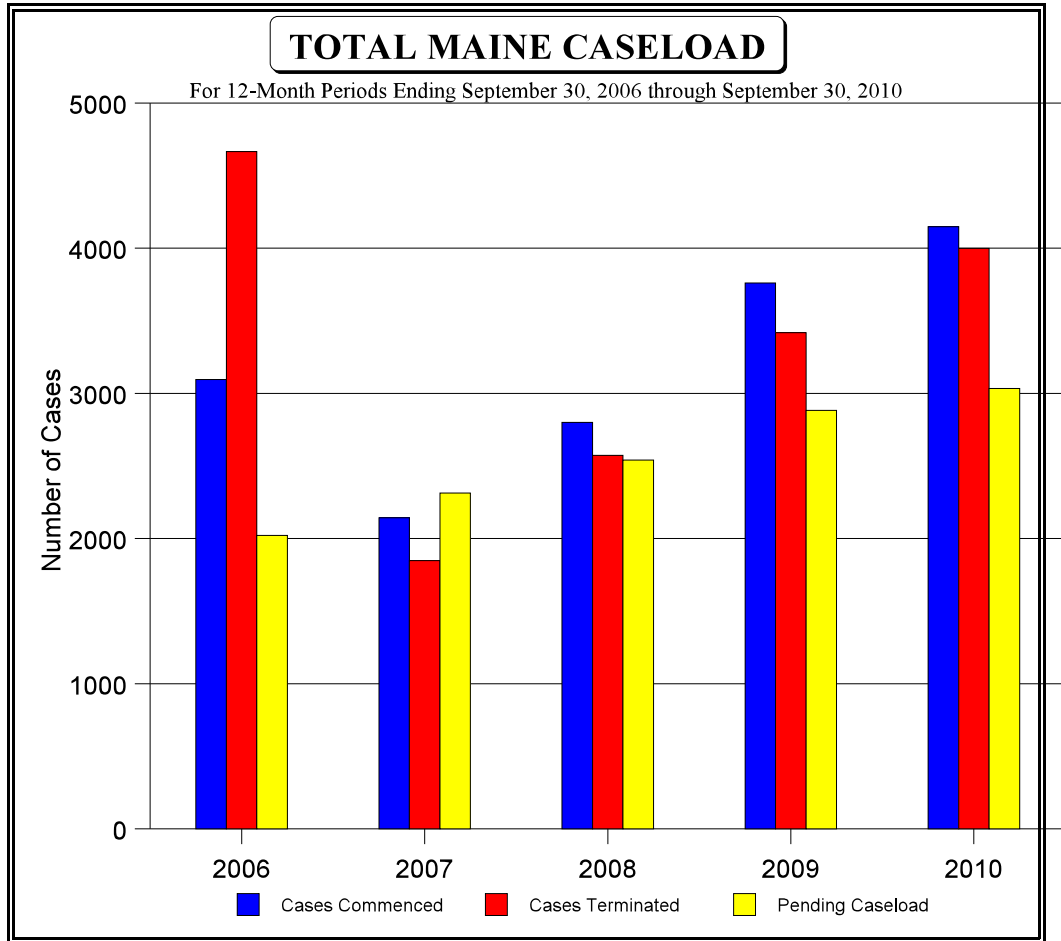


BANKRUPTCY CASES PENDING 2006 -2010					
DISTRICTS	2006	2007	2008	2009*	2010
MAINE	2,021	2,313	2,540	2,883	3,033
MASSACHUSETTS	10,753	12,119	12,875	15,904	17,715
NEW HAMPSHIRE	3,026	2,798	3,748	4,578	4,733
PUERTO RICO	25,343	22,658	22,296	25,374	26,453
RHODE ISLAND	1,213	1,710	2,219	2,695	3,205

*Pending caseload in 2009 revised by the Administrative Office of the United States Courts.

STATISTICS
U.S. BANKRUPTCY COURT
DISTRICT OF MAINE

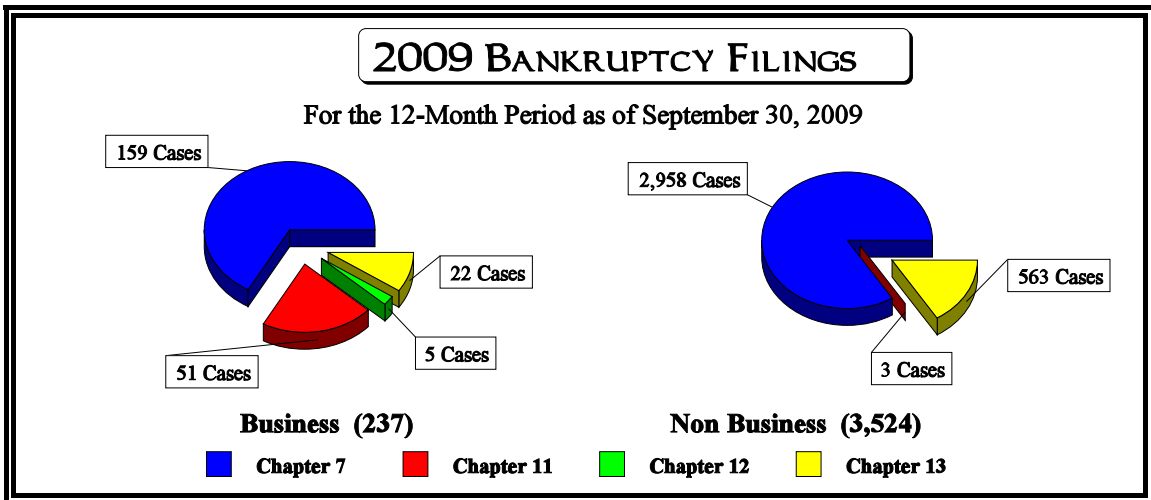
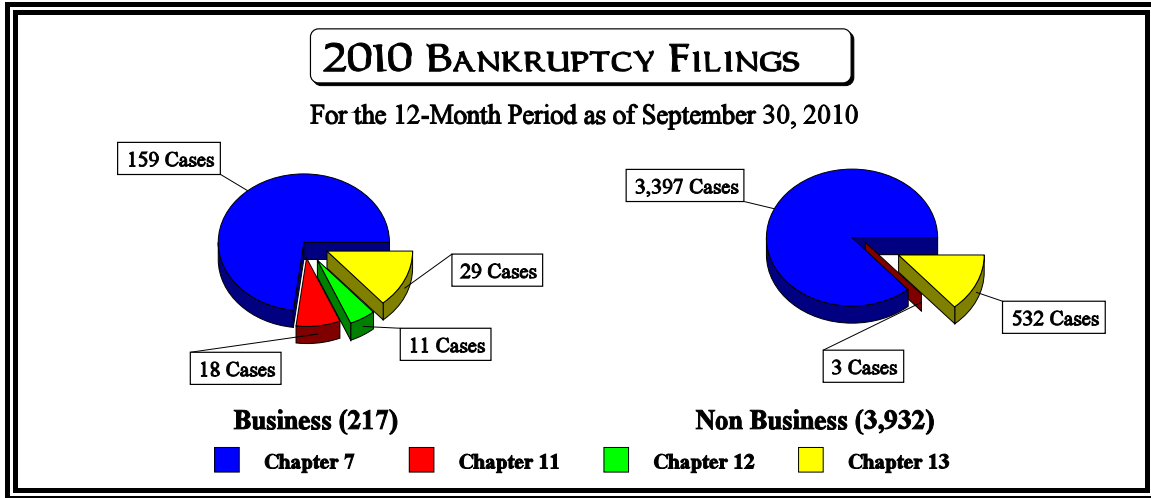
**BANKRUPTCY CASELOAD SUMMARY
DISTRICT OF MAINE**



Authorized Judgeships. 2

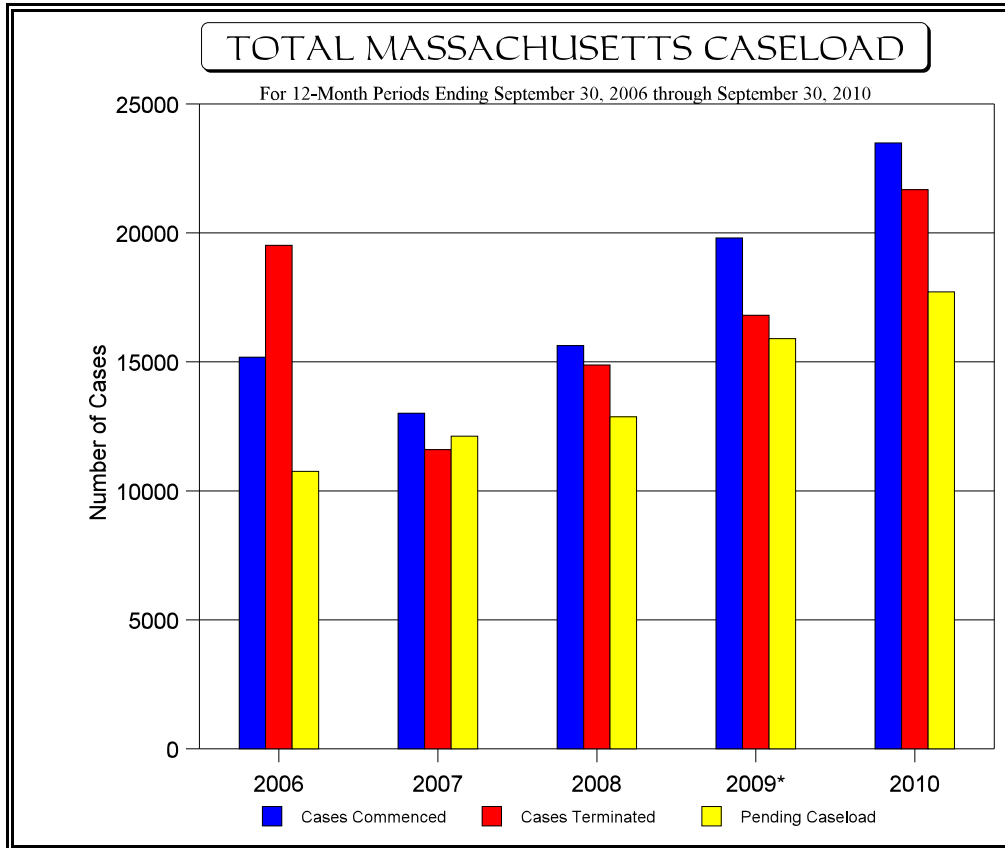
TOTAL BANKRUPTCY CASES 2006 - 2010					
	2006	2007	2008	2009	2010
CASES COMMENCED	3,096	2,143	2,800	3,761	4,149
CASES TERMINATED	4,666	1,848	2,573	3,418	3,999
PENDING CASELOAD	2,021	2,313	2,540	2,883	3,033

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE



STATISTICS
U.S. BANKRUPTCY COURT
DISTRICT OF
MASSACHUSETTS

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MASSACHUSETTS



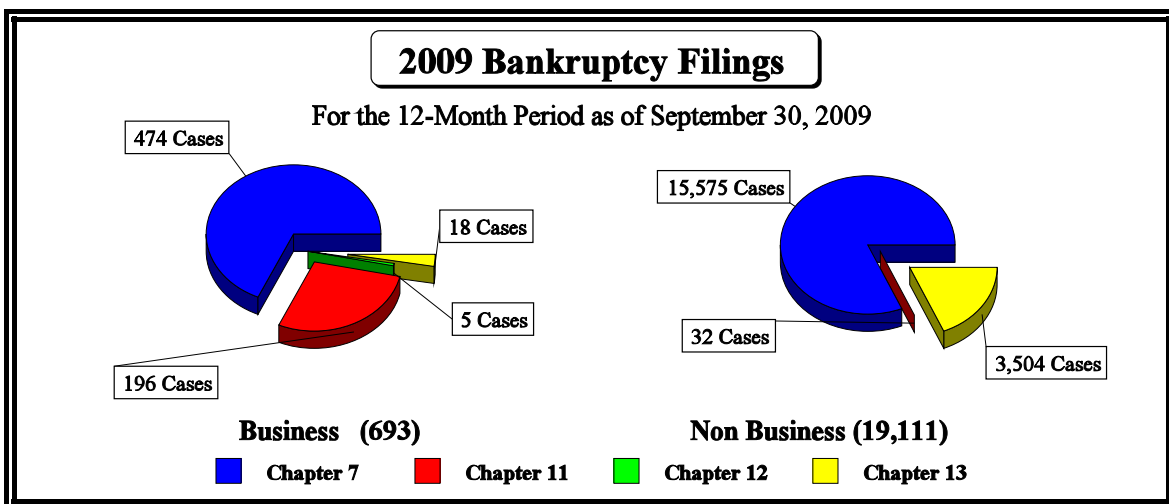
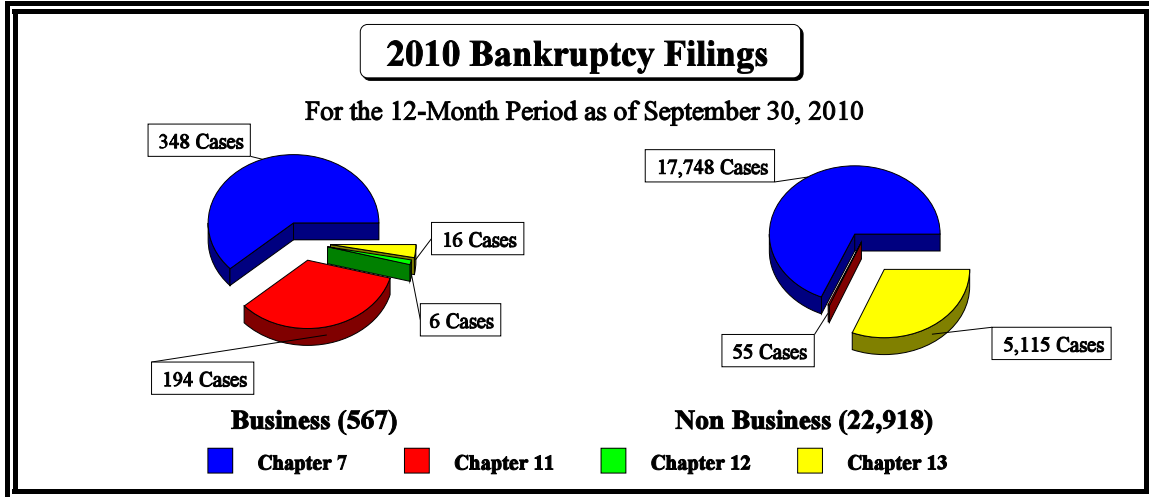
Authorized Judgeships. 5

TOTAL BANKRUPTCY CASES 2006 - 2010					
	2006	2007	2008	2009*	2010
CASES COMMENCED	15,181	13,011	15,636	19,805	23,485
CASES TERMINATED	19,518	11,600	14,880	16,809	21,676
PENDING CASELOAD	10,753	12,119	12,875	15,904	17,715

*Pending caseload in 2009 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF MASSACHUSETTS

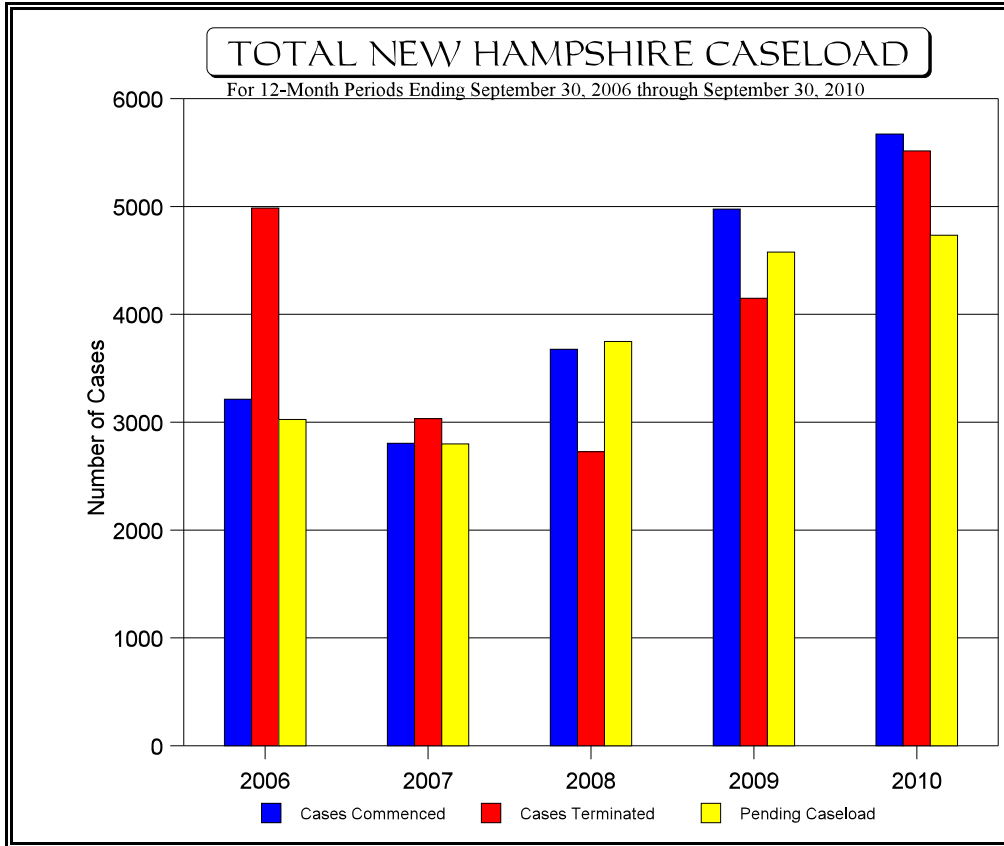


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
NEW HAMPSHIRE

**BANKRUPTCY CASELOAD SUMMARY
DISTRICT OF NEW HAMPSHIRE**

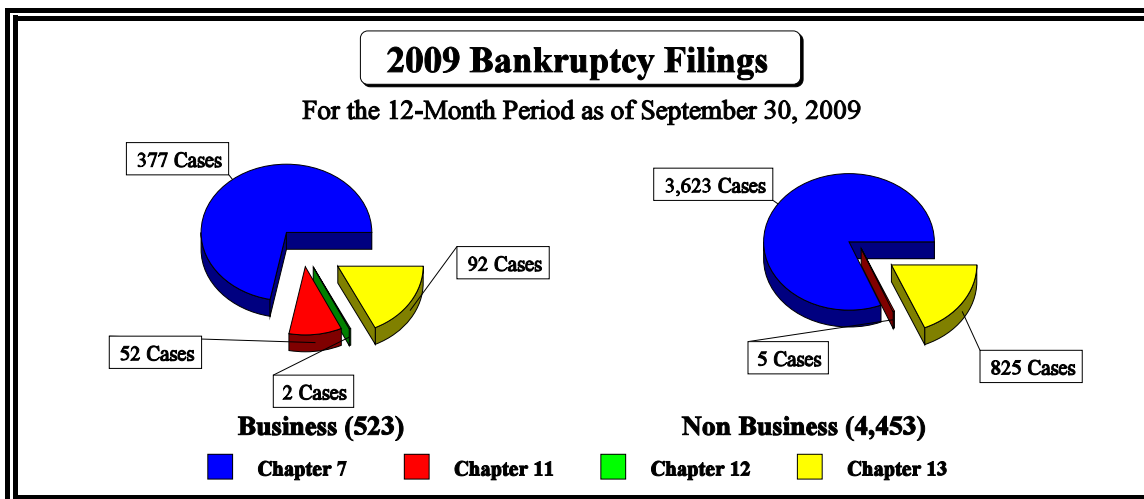
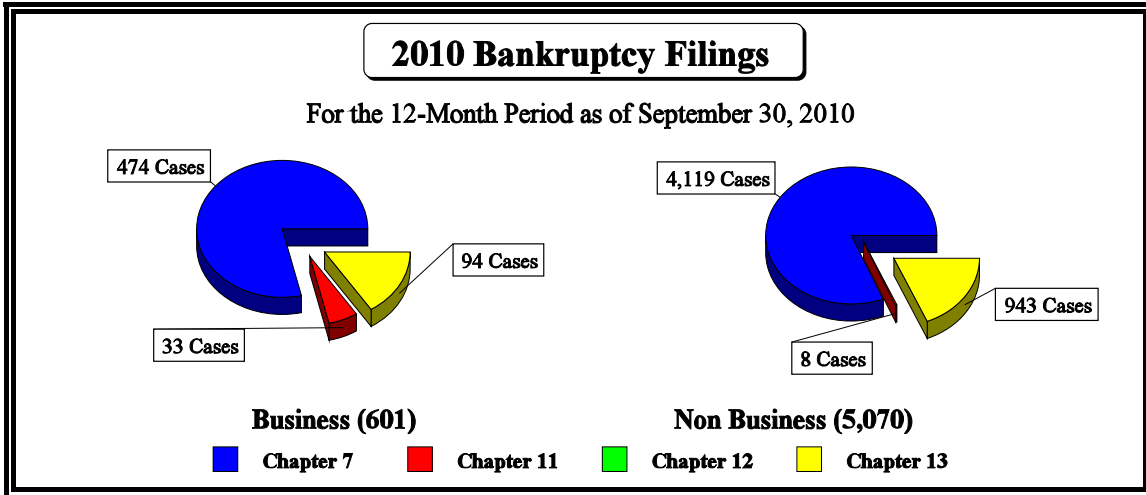


Authorized Judgeships. 1

TOTAL BANKRUPTCY CASES 2006 - 2010					
	2006	2007	2008	2009	2010
CASES COMMENCED	3,214	2,804	3,676	4,976	5,671
CASES TERMINATED	4,986	3,033	2,726	4,150	5,516
PENDING CASELOAD	3,026	2,798	3,748	4,578	4,733

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF NEW HAMPSHIRE

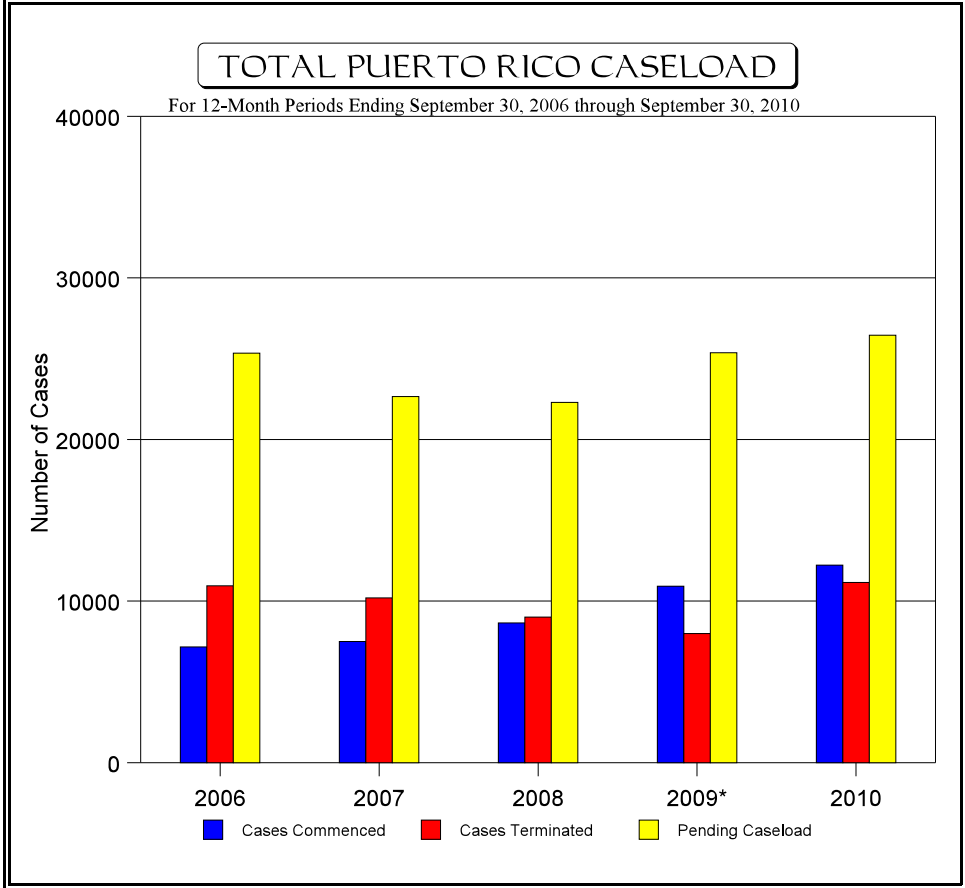


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
PUERTO RICO

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO



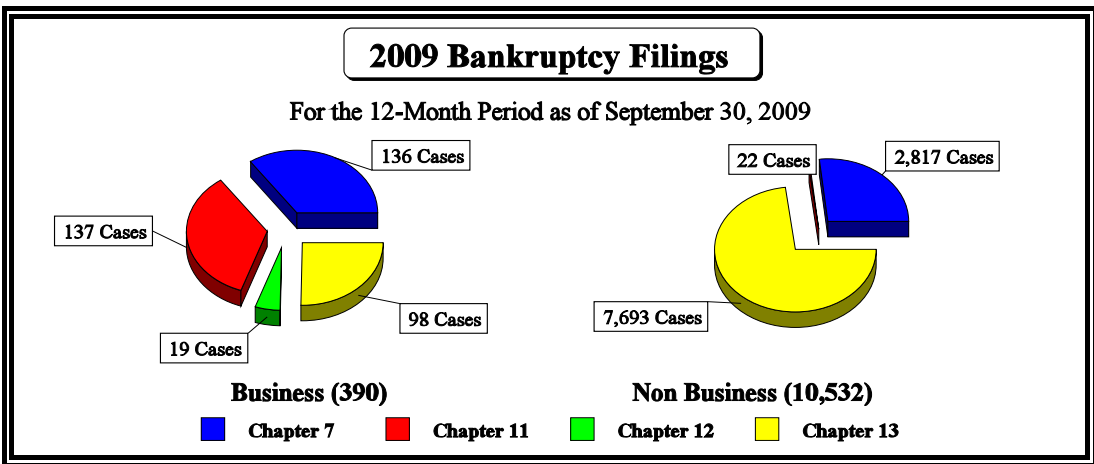
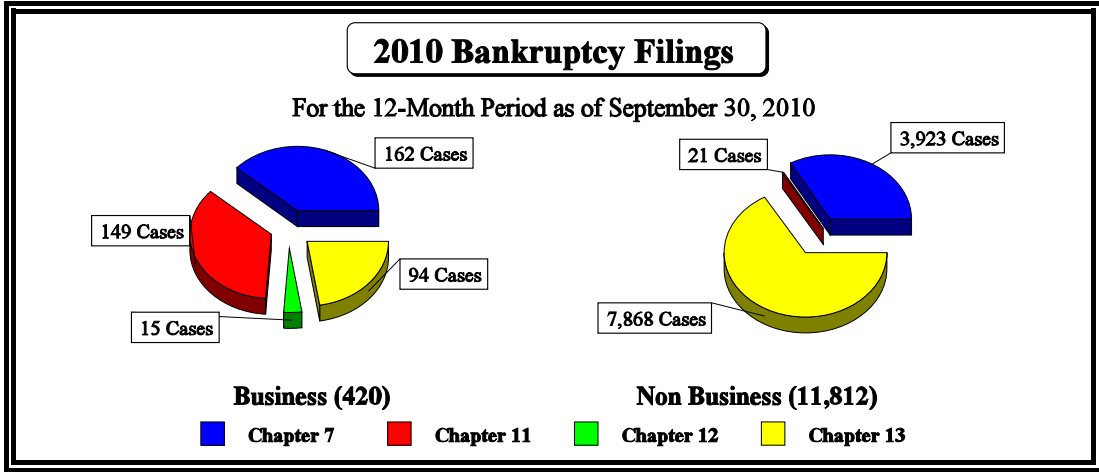
Authorized Judgeships. 4

TOTAL BANKRUPTCY CASES 2006 - 2010

	2006	2007	2008	2009*	2010
CASES COMMENCED	7,167	7,502	8,645	10,922	12,232
CASES TERMINATED	10,943	10,204	9,007	7,994	11,153
PENDING CASELOAD	25,343	22,658	22,296	25,374	26,453

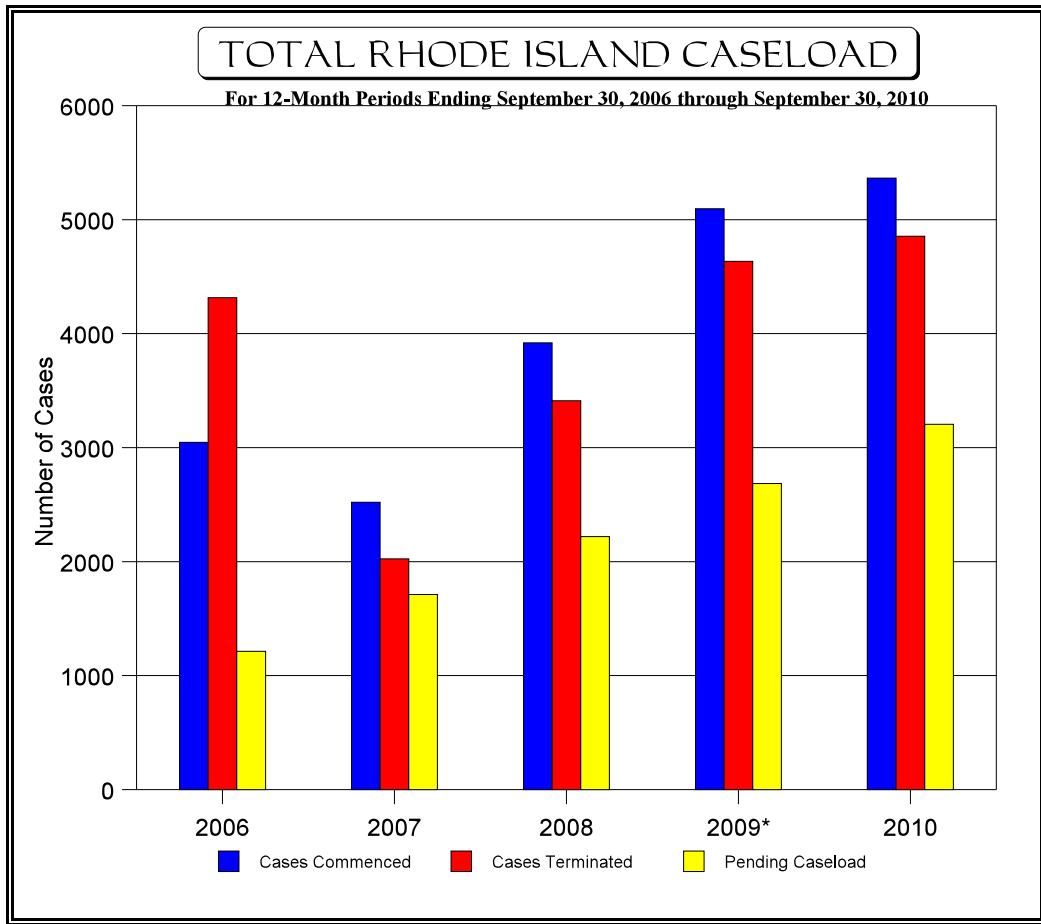
*Pending caseload in 2009 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO



STATISTICS
U.S. BANKRUPTCY COURT
DISTRICT OF
RHODE ISLAND

BANKRUPTCY CASELOAD SUMMARY
DISTRICT OF RHODE ISLAND



Authorized Judgeships. 1

TOTAL BANKRUPTCY CASES					
2006 - 2010					
	2006	2007	2008	2009*	2010
CASES COMMENCED	3,047	2,521	3,919	5,096	5,365
CASES TERMINATED	4,316	2,024	3,411	4,635	4,855
PENDING CASELOAD	1,213	1,711	2,219	2,695	3,205

*Pending caseload in 2009 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF RHODE ISLAND

