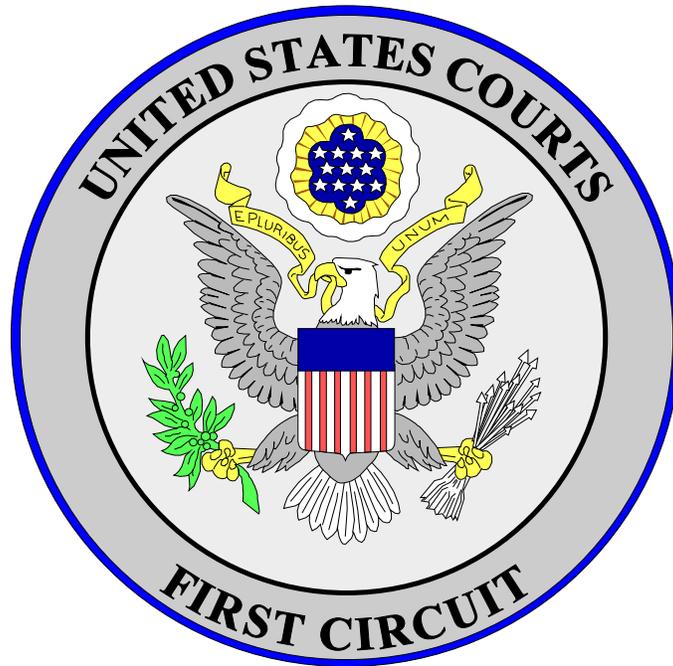


# UNITED STATES COURTS FOR THE FIRST CIRCUIT



**2005**

**ANNUAL REPORT**



**United States Courts for the First Circuit  
2005 Annual Report**



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**FOREWORD**

by

**Gary H. Wentz  
Circuit Executive**

The Annual Report allows the courts of the First Circuit to review the accomplishments achieved in a year. This Report reviews case filing statistics, employment trends, building projects, the continued implementation of a new automated docketing system (CM/ECF) in some of our courts, and numerous other developments. This 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 our chief district judges and unit executives throughout the circuit. Personnel from the Statistics Division of the Administrative Office of the United States Courts provided us with the extensive data necessary to produce this compilation and deserve thanks for their accuracy and efficiency. I would also like to thank Florence Pagano, who compiled and edited the material presented here and Michelle Dumas, who assembled this final 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.







**NARRATIVE REPORTS  
OF THE UNIT EXECUTIVES  
OF THE FIRST CIRCUIT**



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

**CLERK'S OFFICE**

The Clerk's Office inaugurated its electronic opinions program on January 1, 2005. Faced with dwindling resources, the court approved the cost saving measure which eliminated the printing and mailing of opinions. Now opinions are prepared in electronic format and e-mailed to recipients as an attachment which can be read on screen or printed. The court offers a subscription service through its web site for those interested in receiving electronic opinions.

Continuing its tradition of periodic sittings outside of Boston and San Juan, the court heard oral arguments at the Roger Williams Law School in Bristol, Rhode Island on April 6, 2005.

With the Clerk's Office participation, an advanced training program was developed for Criminal Justice Act (CJA) panel members. An all-day program was held in Boston in November 2005, and additional sessions will be offered in Puerto Rico and Maine in 2006.

Various changes were made during 2005 to the court's local rules and internal operating procedures. In April 2005, the court adopted amendments to Local Rule 46(a)(1) and Internal Operating Procedure II(A) to reflect the increase in attorney admission fees to include a \$150 national admission fee. In September 2005, the court amended Internal Operating Procedure VIII(E) to eliminate the inconsistency between the \$20 fee listed for a disk copy of a recording of an oral argument and the \$26 fee prescribed by the Judicial Conference of the United States effective January 1, 2005. In December 2005, the court adopted amendments to Local Rule 47.1 to reflect the fact that circuit conferences are no longer mandatory. Although conferences will continue to be held periodically, their frequency will depend upon available funding. Related to this change, Internal Operating Procedure XII was deleted because the procedures and format are under review.

In fiscal year 2005, the Court of Appeals reported 1,912 filings, compared to 1,723 for fiscal year 2004, an 11 percent increase. The court also reported a 14.9 percent increase in terminations (from 1,643 in fiscal year 2004 to 1,888 in fiscal year 2005), and a 1.5 percent increase in pending cases (from 1,601 in fiscal year 2004 to 1,643 in fiscal year 2005).

For the 12-month period ending September 30, 2005, the District of Massachusetts represented the largest source of appeals to the First Circuit (602). The District of Puerto Rico represented the second largest source (506). Appeals from the districts of Maine, Rhode Island and New Hampshire represented 171, 131 and 118, respectively. During fiscal year 2005, 260 appeals came from Administrative Agencies, with 222 from the Board of Immigration Appeals. The remaining 124 appeals brought before the First Circuit in fiscal year 2005 were from the bankruptcy court (31) and original proceedings (93).

In fiscal year 2005, criminal proceedings continued to represent the largest category of appeals to the First Circuit at 32.4% of total cases commenced. The court's median time from the filing of a notice of appeal to final disposition was 13.2 months in fiscal year 2005, slightly higher than the national median time of 11.8 months.

**OFFICE OF THE STAFF ATTORNEYS**

The Office of the Staff Attorneys does research for the judges of the Court of Appeals. During calendar year 2005, the office consisted of one senior staff attorney, one supervisory staff attorney, 17-19 attorneys (8 part-time, 11 full-time), and two and a half support persons. One staff attorney worked on special projects for the court under Chief Judge Boudin's direction.

For the calendar year 2005, the following numbers of matters were referred by the Clerk's Office to the staff attorneys' office for processing:

January	171	July	160
February	215	August	163
March	194	September	156
April	166	October	165
May	163	November	182
June	173	December	171

Total: 2,079

There were 130 more referrals in calendar year 2005 than in 2004, a 6.7% increase.

In addition, there were 128 pro se or social security submitted cases, a decrease of 10 (7.2%), and 193 or so sua sponte summary dispositions in counseled, briefed cases, an increase of 10 over 2004 (5.5%).

The following types of matters were referred to the staff attorneys' office: the applications for certificates of appealability, motions for summary affirmance, 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 other miscellaneous matters.

## CIVIL APPEALS MANAGEMENT PROGRAM

The First Circuit's Civil Appeals Management Program (hereinafter CAMP) is governed by Local Rule 33. Upon the filing of a Notice of Appeal, the appellant is notified of the program. The appellant is then required to file a Docketing Statement both with the Clerk and Settlement Counsel in the form required by Local Rule 3(a). The Clerk also notifies Settlement Counsel of all civil appeals considered eligible for the program.

The First Circuit mandates mediation of all civil appeals, except habeas corpus, prisoner petitions, *pro se* cases, National Labor Relations Board (NLRB) appeals, enforcement petitions, and original proceedings, such as mandamus. Although Settlement Counsel retains the discretion to decide in which cases the parties are 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 very small percentage of the cases eligible for the program.

When Settlement Counsel has been notified of a pending appeal, a conference is scheduled. The parties are directed to file a confidential memorandum at least one week prior to the scheduled conference containing, inter alia, the following:

An express representation as to whether the party, party representative, and/or counsel will participate in the settlement process in good faith and with the intention of using their best efforts to settle the case (this is not a request to commit to settle the case regardless of the settlement terms or opportunities presented);

An express representation as to whether the party, party representative, counsel and other person assisting such party or counsel will maintain confidentiality with respect to settlement communications made or received during or in connection with the conference;

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 hereby instructed to forthwith 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.

In addition, appellants are required to submit a copy of the orders, memoranda or opinions from which the appeal has been taken. The attorneys are also informed that their clients are required to attend the conference unless excused.

The conferences run generally from one to three hours with the norm being about two hours. 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.

In calendar year 2005, one or more conferences were held in 251 cases, which produced 83 settlements or 31.1 percent of the mediated cases.

## **BANKRUPTCY APPELLATE PANEL**

With the consent of the parties, the Bankruptcy Appellate Panel (BAP) hears appeals from decisions of bankruptcy judges from all districts within the Circuit. Twelve bankruptcy judges served on the Panel in 2005.

Two organizational changes occurred within the BAP this year. Judge Robert Somma of the District of Massachusetts joined the BAP and Jennifer Blanaru became the new part-time case manager.

As BAP filings nationwide declined 7% during Fiscal Year 2005, new appeals to the First Circuit BAP increased by 5% in the period October 1, 2004 to September 30, 2005 from the previous twelve months. In the First Circuit, 67 cases were filed. Reflecting the general decline in bankruptcy appeals in recent years, the court also reported a 21% decrease in terminations to 72 cases, as well as an 18% decrease in pending appeals to 23 cases. Written opinions were issued in 22 cases, down from 31 the previous year. The median time from notice of appeal to final disposition after oral argument improved to 6.4 months, below the national median of 9.4 months. Additionally, the median time from oral argument to final disposition improved to 1.6 months, also below the national median of 1.7 months.

A review of all appeals from bankruptcy courts in the Circuit, both to the BAP and to the District Courts, reveals that, of 142 appeals, 47% were filed with the BAP and 53% were filed in the District Courts. The District of Massachusetts continued to be the largest source of BAP appeals, contributing 52% of new cases.

## **LIBRARIES OF THE FIRST CIRCUIT**

There are four libraries in the First Circuit library system: the headquarters library in Boston, plus branch libraries located in the District Court courthouses in Concord, NH; Hato Rey, PR; and Providence, RI. The Boston library provides primary service to the chambers in Maine and

Massachusetts, and back-up services to the other locations. In addition to chambers, staff attorneys and other court employees, the Boston library is open to members of the practicing bar, *pro se* litigants and the general public. The satellites are closed to non-court patrons, unless special permission is authorized by a judge of the court.

## Personnel

Due to the ongoing work measurement study, authorized work units (AWU) were reduced in the appellate courts to conform with the reductions in the other courts. The library was authorized 11.6 work units, a reduction of almost a full AWU from the previous year. The library began the year with 12 employees: 8 in Boston, 2 in Hato Rey, and 1 each in Concord and Providence, respectively. Two members of the Boston staff were part-time. Due to limits placed by the Continuing Resolution, staffing remained at the current level for 2005.

As a result of these changes, staff members accepted additional responsibilities. During this year, the position description for each staff member was updated to conform with the work and responsibilities of the position.

## Finance

The libraries received \$1,388,077.00 in the “lawbooks” allotment, almost \$70,000 less than the previous year. The 4 libraries canceled \$67,000 in subscriptions, and the chambers voluntarily canceled \$11,000. The Boston library canceled all of its Spanish civil law collection, sending the books to the satellite in Puerto Rico. These materials are very costly, and the Hato Rey library was allowed to retain an extra 2% for this special collection.

Two events had a large impact on the “lawbooks” budget:

\* *The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005* was signed into law on April 20, resulting in purchases for all of the bankruptcy judges in the circuit.

\* The new 18<sup>th</sup> edition of the *Harvard Blue Book* was released, at double the price of the 17<sup>th</sup> edition.

In order to conserve resources, the printing and distribution of slip opinions was eliminated. A computer is now dedicated to the electronic distribution of slip opinions. This computer provides access to the opinions from the U.S. Supreme Court, the 12 Circuit Courts, the Federal Circuit, and the District Courts in each of the circuits. It became operational in the library on March 30, and is available to court personnel at <http://www.ca1.uscourts.gov/opinions/allcircuits.htm>

## Outreach

The library continued to improve services to chambers. Recognizing that the web page needed a fresh look and reorganization beyond the skills of the Web Committee, staff interviewed three outside web designers. A designer from the Social Law Library was selected. Jim DeHart was designated to work as liaison between the web designer and the Court's IT department.

In addition, a new page was added to the library's web page which tracks the nominees to the U.S. Supreme Court and to the federal courts. It has links to current and historical sites.

Kristin Badgio, representing the Marketing Committee, worked with Jim DeHart to develop a logo for the library: a lighthouse that carries the phrase "Navigating the Sea of Information" in its beam. This will eventually be used on all communications from the library, and is already used as the header on the online catalog (WebCat) and on the masthead of the library's newsletter.

Stephanie Mutty, Providence Satellite Librarian, continued as the library's web master, with Juliana Hayden as her primary back-up. She e-mails *Today's News* and the *Federal Sentencing Guide* updates directly to the people on her distribution list. Juliana Hayden, Concord Satellite Librarian, continues to distribute the First Circuit and U.S. Supreme Court opinion summaries from FindLaw, and also tracks key congressional bills connected with the budget.

## Meetings

Karen Moss, the Circuit Librarian, attended a program on the Virtual Libraries presented by the Puerto Rico Law Library Association, the Law Librarians of New England meeting hosted by the Harvard Law School Library on April 1, the Circuit Librarians Advisory Committee meeting in Washington on May 17-19, and the First Circuit's Judicial Conference held in Newport, RI in June.

Kristie Randall, the Deputy Circuit Librarian, attended the Law Librarians of New England meeting hosted by the Harvard Law School Library on April 1, and the Court Unit Executive meeting in Maine on May 17-19.

Susan Lee, the Technical Services Librarian, attended the ILS Meeting in Washington in October 2004, and the Acquisition Librarians meeting in Washington on June 14-15.

Stephanie Mutty and Juliana Hayden attended a *Front Page 2003* training program at the New Horizons Computer Learning Center on June 8.

The First Circuit's Satellite Librarians meeting was held in Boston September 20-21. In conjunction with the Satellite Librarians Meeting, four members of the Boston staff received training in Microjuris. The Library Open House and orientation program for the new law clerks was held on October 6. An ongoing demonstration of the library's web page was held at the front desk, while the LEXIS trainer (A.M.) and Westlaw trainer (P.M.) demonstrated their new features at the OPAC kiosk.

**Hato Rey Satellite Library**

The Hato Rey Satellite Library provides service to 1 Circuit Judge, 7 district judges, 3 senior judges, 3 bankruptcy judges, 4 magistrate judges, 2 Pro se law clerks, Clerk of Court and staff, Public Defender office, U.S. Probation and U.S. Pretrial Office. It also obtains English translations to the opinions from the Supreme Court of Puerto Rico, retaining copies in a file, and distributing a master list several times each year. During this year 69 translations were requested; 17 had not yet been translated into English. It serves as the primary resource for maritime and Spanish Civil Law materials.

**Providence Satellite Library**

The Providence Satellite Library provides service to 1 circuit judge, 4 district judges, 3 magistrate judges, 1 recalled magistrate judge, 1 bankruptcy judge, the clerk and staff, as well as the Public Defender, Probation Office and Pretrial Office. It also serves as the Webmaster for the library's web page, is an active member of the Web Committee, and distributes *Today's News* daily, *Federal Sentencing Guide* weekly, and *Today's Supreme Court* as opinions are released.

**Concord Satellite Library**

The Concord Satellite Library provides service to 1 U.S. Supreme Court Associate Justice, 1 circuit judge, 3 district judges, 1 magistrate judge, 2 bankruptcy judges, the clerk and staff, the Probation Office and Pretrial Office, plus law clerks and staff. It also works with the library's Webmaster in updating the web page, and provides primary back-up for preparation and distribution of *Today's News*. Further, it compiles and distributes the Findlaw First Circuit Opinion summaries, and the U.S. Supreme Court Opinion summaries and tracks legislation, articles and Congressional action on matters pertaining to the judiciary.



**NARRATIVE REPORTS  
OF THE DISTRICT COURTS**



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**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**DISTRICT COURT**

In February, the IT and administrative staff in the Clerk's Office participated in the Court/Information Technology Program Assessment, which is a comprehensive self-assessment tool designed by the Administrative Office to help court managers evaluate the strengths of the court's information technology and other administrative programs, and how well those programs comply with AO standards, policies and regulations. Among the IT areas reviewed were planning, budget, procurement, security, information quality, training, architecture, and customer support. Each assessment was performed by teams comprised of personnel from each of the other court units.

The District of Maine completed its CCAM (Civil-Criminal Accounting Module for FAS4T) implementation in late 2004, with full use of the system realized in 2005, when the Bangor divisional office began use of the automated Cash Register, and the court began using the system to generate restitution payments. Maine was one of seven beta courts for the CCAM project. With our complete conversion to CCAM, the court has been able to eliminate the use of all of the manual financial ledgers that once accounted for criminal restitution and other criminal debts, registry funds, unclaimed funds, and prisoner filing fees. CCAM has provided the finance staff with significant operational efficiencies, including a considerably faster and easier restitution payment procedure, automated posting of Bureau of Prisons collections, and management of joint and several criminal restitution accounts.

The District began transmitting "live" MJStar data electronically to the Administrative Office in May, 2005. We were among the first ten courts to go live with this statistical report. In October, the Clerk's Office was one of the first fifteen offices to successfully transmit electronically "live" the Monthly Trials and Other Court Activity Report, which replaced the JS10 report.

The Clerk's Office has worked closely with the local United States Attorney's Office to develop a procedure to help the Government comply with the provisions of the Justice for All Act of 2004 which requires that every victim receive notification of all the court proceedings in his/her criminal case. Whenever a case is now opened in which there is a victim, the Clerk's Office includes a special notation flag on the ECF docket which then triggers a process in which, when certain events (such as hearings, pleas, sentencings) are docketed, the electronic notice of the hearing will be automatically sent to the Victim Witness Advocate at the U.S. Attorney's Office.

In September, the personnel of the District Court Clerk's Office met with their counterparts from the District of New Hampshire for a very successful two day joint education and training session in Jackson, New Hampshire. Facilitators from the Federal Judicial Center presented informative and very engaging programs on Expert Customer Service, Leadership Lessons from U.S. Presidents, and How to Successfully Predict, Adapt to, and Implement Change.

In October, a professional theater group sponsored by the Discovery Justice Project, an educational outreach program based in the Moakley Federal Courthouse in Boston, performed "The Trial of Anthony Burns" before court staff and high school students at the courthouses in Bangor and Portland. The response to the play and the opportunity for the students to converse with Chief Judge Singal and Judge Woodcock about constitutional history and law was very positive.

In November, several members of the Clerk's Office were interviewed by web designers from the Web Services Branch at the AO who came to Portland to conduct a general assessment of the ease of use of the J-Net, and particularly the search functionality of the J-Net. The District of Maine was one of ten districts where site surveys were held. Members from each of the court units in the District participated in the interviews.

Throughout the year, Clerk's Office staff continued to provide high quality assistance to our ECF customers by means of a toll free number, as well as an e-mail address. As a result, staff continued to receive positive feedback from chambers, counsel, and government agencies regarding the benefits that electronic case filing provides to these stakeholders. Between October 1, 2003 (when electronic filings on ECF were first mandated in the District) through December 31, 2005, 20,192 entries were made on ECF and 1,726 persons registered as users.

United States Magistrate Judge Margaret Kravchuk and State of Maine District Court Judge David Kennedy jointly attended a seminar at the National Judicial College in Reno, Nevada, on concurrent state and federal jurisdiction under the Hague Convention on International Parental Abduction of Children. On December 1, 2005, Judges Kravchuk and Kennedy presented a workshop on the issue in Portland, Maine to the members of both the state and federal judiciary. It was an opportunity for Maine's state and federal bench to come together not only for the purpose of judicial education, but also to visit and discuss other issues of mutual concern.

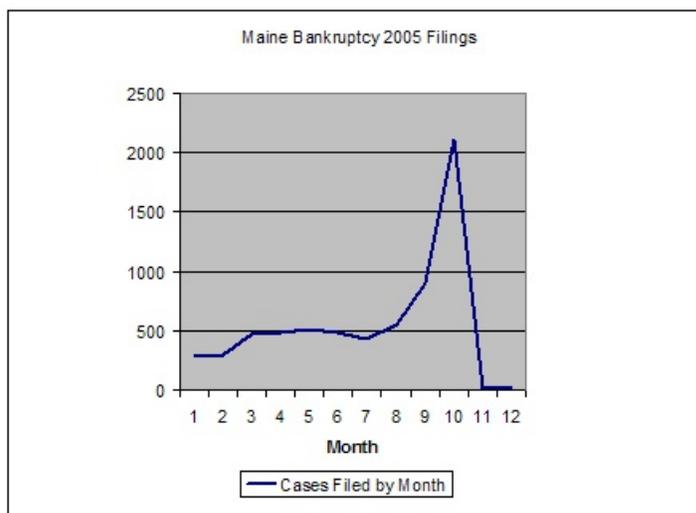
The district judges continued to be active in extra-judicial committee work. Chief Judge Singal, as a member of the Judicial Resources Committee, served as Chair of the Shared Administrative Services, the HR Transformation, and the Ninth Circuit Division Subcommittees. Also in 2005, Judge Hornby was appointed Chair of the Judicial Conference Committee on the Judicial Branch and Judge Woodcock was appointed as a member of the Committee on Defender Services. Judge Hornby has continued to serve on the Judicial Conduct and Disability Act Study Committee.

Caseload filings decreased in 2005. During the year, there were 237 defendants indicted, as compared to 272 defendants in 2004. Similarly, civil filings were down 13.5% - from 508 new cases in 2004 to 440 new cases in 2005.

## **BANKRUPTCY COURT, DISTRICT OF MAINE**

In anticipation of the passage of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) in 2005, the Bankruptcy Court for the District of Maine experienced a sudden and significant increase in filings until October 16, the night before the new law went into effect. A full year's worth of filings were received in our offices in the six weeks prior to October 17.

As a result, 2005 was a record year for filings, essentially in the Chapter 7 cases, which increased 51% over 2004. Chapter 13 filings were relatively unchanged, at 96% of 2004, while Chapter 11 filings dropped by half. Two-thirds of the number of adversary proceedings filed in 2004 were filed in 2005. In total, filings increased 45%, resulting in a 61% increase over 2004 in pending caseload at the end of the year. As indicated on the graph below, as soon as BAPCPA went into effect on October 17, case filings dropped to nearly zero, and barely began to rise before the end of the calendar year.



Also, during 2005, Judge Haines continued his service as Chair of the Federal Judicial Center's Bankruptcy Education Committee and his service on the Court Administration and Case Management Committee of the Judicial Conference. He also continued as liaison from the National Council of Bankruptcy Judges to the National Council of Bankruptcy Clerks.

Staff committee appointments continuing in 2005 include Alec Leddy's membership on the MR subcommittee of the Bankruptcy CM/ECF Working Group, and David LePauloue's membership on the Bankruptcy Noticing Working Group.

### **PROBATION AND PRETRIAL SERVICES OFFICE, DISTRICT OF MAINE**

In 2005, there was a small decrease in the overall workload in Maine. The number of pretrial cases dropped 15% to 241 while the number of pretrial cases received for supervision dropped by 25% to 94. On the probation side, there was a moderate drop of 15% in the number of presentence reports completed (216). However, there was a notable increase in the number of post-conviction supervision cases (371).

In order to conserve resources, the automation staff upgraded all computers to run the Windows XP operating system with the same hardware configuration. Additional laptops were also rolled out with the same configuration in support of mobile officer connectivity, telework and the Continuity of Operations Plan (COOP). Another initiative allowed officers to send petitions, bail reports and presentence reports electronically to judges, AUSA's and outside counsel. Finally, additional modifications enabled staff to scan and store monthly supervision reports and other documents in electronic client directories replacing the hard copies previously retained in client files.

While the supervision of offenders is a well known function of the Probation Office, one aspect of supervision which is often overlooked is the transition from prison to supervision. In the course of a year, the district receives well over 100 new supervision cases, mostly involving individuals who have been released from the local halfway house (Pharos) in Portland. Traditionally, the Probation Office has instructed each new offender individually regarding the conditions applicable to his or her supervision. Given the large number of new cases received annually, this task alone requires a significant time investment by the Probation Office.

In an effort to streamline this process, staff developed an offender orientation program to be presented to offenders in a group format on a monthly basis at Pharos House. The program is presented by one or two probation officers. Each offender also receives a manual that provides general information about supervision, and explains the general and mandatory conditions of supervision. Although offenders still meet with their assigned probation officer soon after the commencement of supervision, the program decreases the time needed for these individual meetings.

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**DISTRICT COURT**

The Clerk's Office for the District of Massachusetts operates with a staff of 78 employees and 15 court reporters. Offices are located at 1 Courthouse Way in Boston, 1550 Main Street in Springfield, and 595 Main Street in Worcester. The Clerk's Office provides record keeping, case management, automation, financial and other services for the District Court. The operating budget for fiscal year 2005 was \$ 7,186,815 for salaries, automation and administrative expenses.

The United States District Court for the District of Massachusetts currently has 13 active Article III judges, three senior judges and seven authorized full-time magistrate judges. The District of Massachusetts welcomed Leo T. Sorokin to the court on April 11, 2005. Magistrate Judge Sorokin replaced Magistrate Judge Lawrence P. Cohen who retired after many years of service on January 31, 2005.

The court was saddened by the death of Senior Judge Walter J. Skinner on May 8, 2005. Judge Skinner was sworn in as a United States District Judge in 1974 and took senior status in 1993.

For the fifth consecutive year, Chief District Judge William G. Young hosted a visiting judge from Japan. Assistant Judge Naoko Sonobe from the Osaka District Court, who was in Boston continuing her studies at Harvard University, periodically observed court sessions in Judge Young's courtroom from January thru April.

Judge Mark L. Wolf served on the Judicial Conference's Code of Conduct Committee and on the Advisory Committee on Criminal Rules. He also Co-Chaired the District Court's Judge David S. Nelson Fellowship Program for Boston High School students. In addition, Judge Wolf continued to serve as the Chairman of the Albert Schweitzer Fellowship and the John William Ward Public Service Fellowship for Boston Latin School students. He also gave a lecture at the Harvard Law School titled "A Judge's Reflections on the Battle Against Terror."

Judge Douglas P. Woodlock received the Boston Bar Association's Citation of Judicial Excellence in 2005 at the BBA's Law Day Dinner on May 24, 2005. He also contributed an elegy to the Ipswich Town Hall and Courthouse for the May/June issue of *abArchitectureBoston*, the magazine of the Boston Society of Architects.

Judge Nathaniel M. Gorton continued his term of service on the Foreign Intelligence Surveillance Court to which he was appointed by Chief Justice Rehnquist in 2001. Judge Gorton is serving a seven-year, non-renewable term as one of eleven district judges who sits in Washington, D.C. five or six times each year to consider petitions relating to the electronic surveillance and/or physical search of foreign agents.

In 2005, Judge Stearns traveled three times to Budapest to lecture and serve as an advisor to the Department of Defense in working sessions on nuclear counter-proliferation and terrorism with delegations from Bosnia, Serbia, and Tajikistan. He served as the judicial representative on the U.S. delegation to the annual meeting of the Southern European Ministries of Defense in Dubrovnik, Croatia. He traveled to Cyprus at the invitation of The Department of State to meet with the Supreme Court and various regional courts. He participated in an ALI-ABA panel on scientific evidence and gave lectures on terrorism and weapons of mass destruction for the U.S. Department of Justice and the Foundation for Research on Economics and the Environment. He also continued to serve as a Trustee and the Chair of the Science and Research Committee at Vincent Memorial Hospital In Boston. (Vincent is the women's hospital at Massachusetts General Hospital).

Judge Reginald C. Lindsay was the keynote speaker at the celebration of Martin Luther King Day at the Colleges of the Fenway (Emmanuel College, Massachusetts College of Art, Massachusetts College of Pharmacy and Health Sciences, Simmons College, Wentworth Institute of Technology and Wheelock College). In April 2005, Judge Lindsay was awarded the N. Neal Pike Prize, given annually by the N. Neal Pike Institute of Boston University School of Law "to an individual who, despite a physical or mental disability, has achieved notable success."

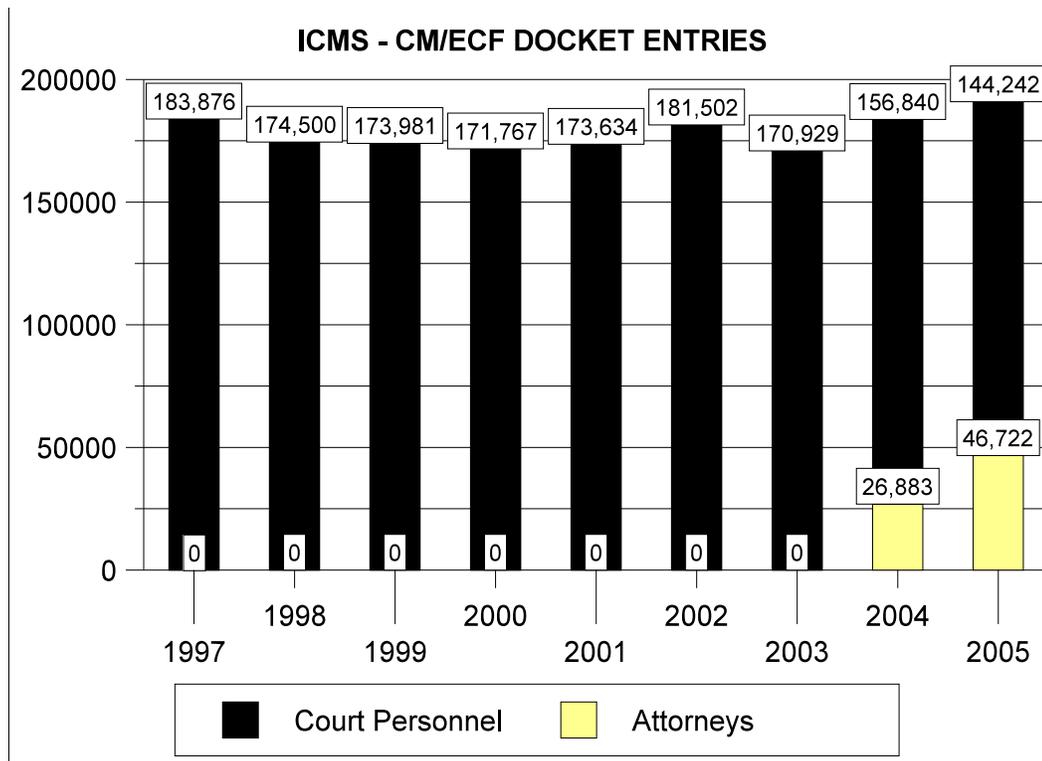
Judge Nancy Gertner received the "Great Friend of Justice Award" given by the Massachusetts Bar Foundation at their annual meeting. Judge Gertner was additionally honored by the Boston Bar Association at its Law Day Dinner, and was given a "Citation of Judicial Excellence." Judge Gertner also concluded the third year of a three-year term on the Information Technology Committee of the Judicial Conference. (The Committee provides general policy recommendations and planning oversight of the judiciary information technology program.) In addition to teaching a course on sentencing at Yale Law School, Judge Gertner helped to establish the Equality Commission, which was formed by the Women's Bar Association of Massachusetts and is working in conjunction with the MIT Workplace Center to gather information on attrition in the legal profession. Together with The Honorable Samuel Anthony Alito, Jr., The Honorable Philip Heymann, The Honorable Edwin Meese III, The Honorable Paul Cassell, and other members of the Sentencing Initiative Committee of the Constitution Project, Judge Gertner is helping to develop improvements in federal sentencing laws, especially in light of state experiences. As part of the "Distinguished Jurist-in-Residence Lecture" series at Maine Law School, Judge Gertner gave a lecture and wrote a law review article entitled, "Sentencing Reform: When Everyone Behaves Badly," 57 Me. L. Rev. 569. Judge Gertner gave the Commencement address and received an honorary degree from the Western New England School of Law in Springfield, Massachusetts. Sponsored by the Documentation Center of Cambodia, in connection with the 2005 DC-Cam Legal Training Project, Judge Gertner traveled to Cambodia to teach lawyers slated to appear before the Khmer Rouge War Crimes Tribunal.

Judge Michael A. Ponsor was appointed to the Budget Committee of the Judicial Conference in 2005. (The Committee assembles and presents to Congress the budget for the judicial branch.) From January to April, Judge Ponsor taught a seminar at Western New England College School of Law entitled "Civil Litigation in the Pre-Trial Phase." He participated in a panel on effective legal writing and presented some remarks on professionalism to the law school's entering first year class. In May, Judge Ponsor gave a series of seminars in Vilnius and Kaunas, Lithuania on the topic of judicial ethics, sponsored by the European Law Students Association. Finally, Judge Ponsor helped organize a local committee to memorialize the hanging of two Irish workingmen, Dominic Daley and

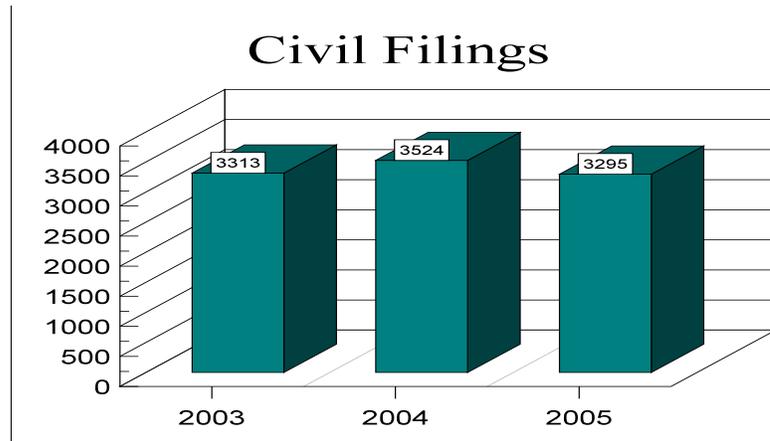
James Halligan, who were hung in Northampton in 1806 for a murder they almost certainly did not commit.

Judge George A. O’Toole continued his term of service as a member of the Committee on Judicial Security and Facilities of the Judicial Conference. The Committee reviews, monitors and proposes to the Judicial Conference policies regarding the security of the courts and the federal judiciary, including court proceedings and court facilities.

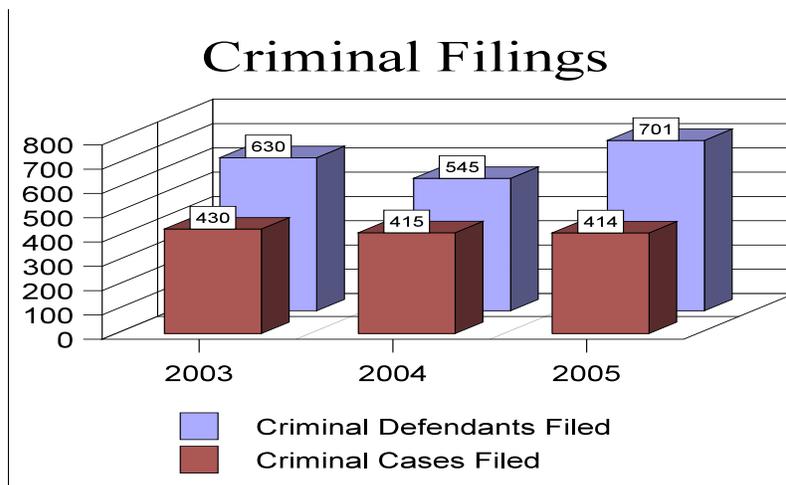
During calendar year 2005, the Court continued to move toward full participation in Case Management/Electronic Case Filing (CM/ECF). By years-end, all but a few district judges required mandatory electronic filing. As a result, 24% of all CM/ECF docket entries made during the year (46,722) were executed by counsel rather than Clerk’s Office personnel (see below).



In 2005, the District Court opened 3,295 civil cases and disposed of 3,546 civil cases. At year-end, 3,415 civil cases were pending. Civil case filings decreased 6 percent from 3524 in 2004 to 3295 in 2005. This decrease, albeit lower, was consistent with the national trend which showed an overall decline of 10 percent. In this district, significant reductions occurred in personal injury/product liability cases, contract cases and civil rights filings.

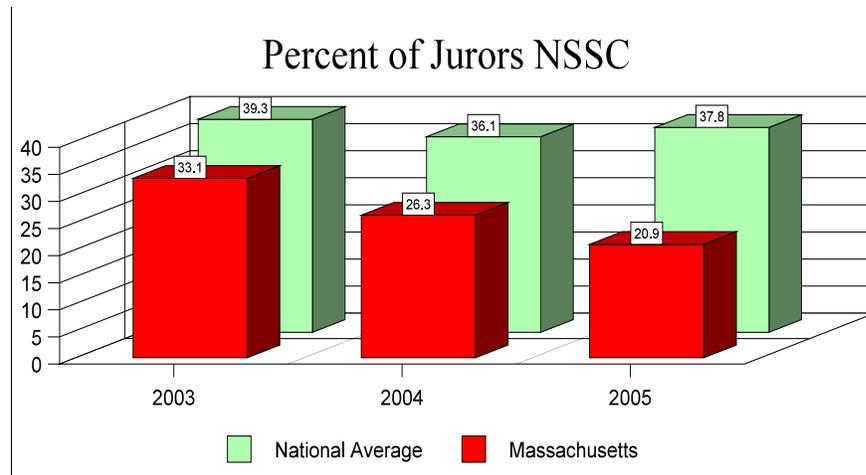


Even with a 18 percent decline in the number of tort filings in 2005, tort cases still represented the most frequently filed type of case in this district. Categories of civil cases that experienced the most growth in 2005 were overpayments (up 286%), property rights (up 18%) and social security cases (up 13%).



The Court opened 414 criminal cases involving a total of 701 defendants in 2005. A total of 462 criminal cases and 636 criminal defendants were closed. At the conclusion of the year, 1,407 defendants had charges pending.

After declining 3 percent in 2004, criminal case filings remained relatively stable in 2005. The slight decrease in 2005 represented the fourth consecutive year that this district experienced a reduction. This decrease was consistent with the national trend which recorded a 2 percent decline in 2005. This drop at the national level was the first since 1996, a period during which criminal case filings grew 45 percent.

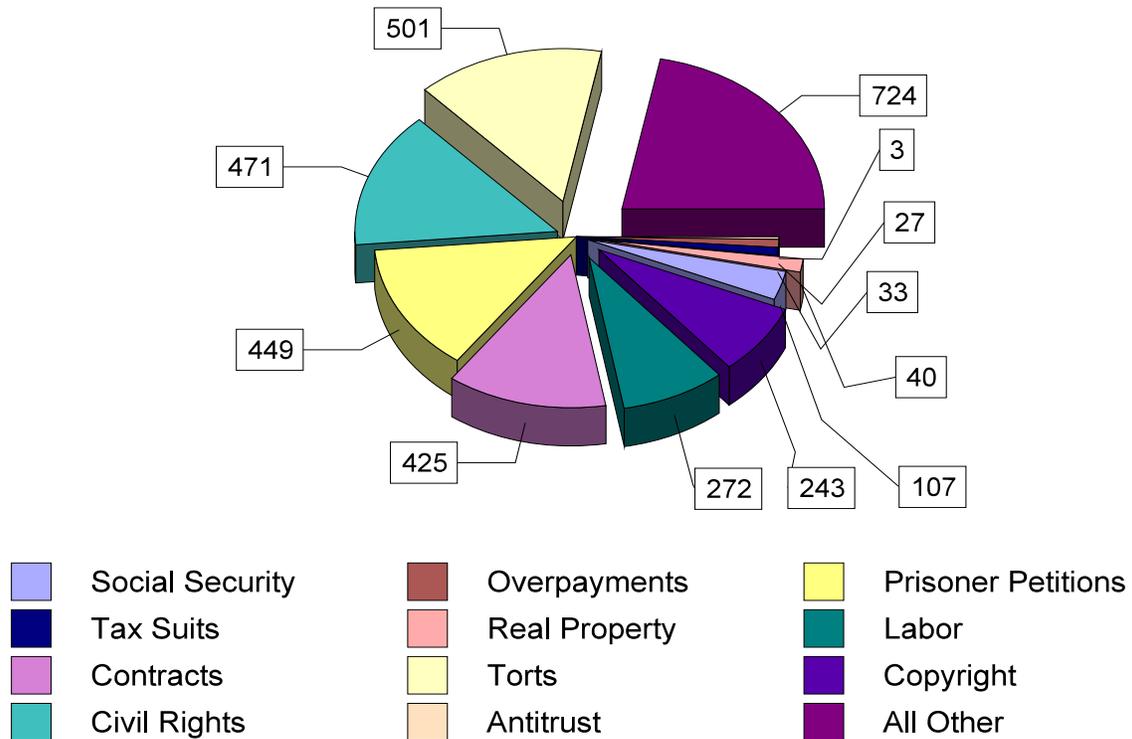


Criminal defendant filings surged almost 29 percent from 545 in 2004 to 701 in 2005. Nationally, criminal defendant filings dipped one percent in 2005 to 92,226.

Drug and fraud cases continued to represent the most significant part of the criminal caseload in this district. Non-marijuana drug cases grew 6 percent in 2005 while fraud cases remained stable. Other categories of criminal cases that experienced increases were immigration filings (up 4%) and firearms and explosives cases (up 28%).

For the twelve month period ending December 31, 2005, 20.9 percent of the jurors reporting for service in the District of Massachusetts were listed as not selected, serving, or challenged (NSSC). This percentage ranked Massachusetts 12<sup>th</sup> out of the 94 district courts nationwide and 1<sup>st</sup> out of the 25 district courts nationally with six or more Article III Judges in one location (Large Courts). The national average of jurors NSSC on the first day of jury service in 2005 was 37.8 percent.

### 2005 Civil Case Filings By Nature of Suit



	2004	2005
<b>Original Transcript Pages Produced</b>	<b>118,034</b>	<b>137,615</b>
<i>Average per reporter</i>	<i>9,079.5</i>	<i>9,174.3</i>
<b>In-Court Hours</b>	<b>6,194</b>	<b>6,618</b>
<i>Average per reporter</i>	<i>476.2</i>	<i>441.2</i>

**CIVIL CASE FILINGS BY NATURE OF SUIT**  
**For the 12 Month Period Ending December 31**

	2003	% Change	2004	% Change	2005
Social Security	84	132%	95	13%	107
Overpayments	10	-30%	7	286%	27
Prisoner Petitions	395	15%	461	-3%	449
Tax Suits	50	17%	42	-21%	33
Real Property	56	-39%	34	18%	40
Labor	274	8%	296	-8%	272
Contracts	540	-1%	536	-21%	425
Torts	476	28%	610	-18%	501
Copyright	243	-8%	223	9%	243
Civil Rights	487	11%	539	-13%	471
Antitrust	34	-82%	6	-50%	3
All Others	664	2%	675	7%	724

Finally, as indicated in the table below, both the total number of original transcript pages produced and the amount of in-court hours increased in 2005. Transcript pages produced grew 17 percent in 2005 and in-court hours increased 7 percent. The impact of the additional in-court hours was cushioned by the addition of one official full-time court reporter to the staff.

	2004	2005
<b>Original Transcript Pages Produced</b>	<b>118,034</b>	<b>137,615</b>
<i>Average per reporter</i>	<i>9,079.5</i>	<i>9,174.3</i>
<b>In-Court Hours</b>	<b>6,194</b>	<b>6,618</b>
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**BANKRUPTCY COURT, DISTRICT OF MASSACHUSETTS**

The year 2005 was one of dramatic change and challenges in the bankruptcy courts. Most notably, the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) created an unprecedented flurry of case filings in the fall. In the week prior to the effective date of the new law, October 17, 2005, the Court received over 7,000 new cases, the equivalent of 4.75 months worth of filings. Thanks to the cooperation of the District Court we were able to announce that bankruptcy filings would be accepted at the drop boxes in the Moakley Courthouse in Boston and the Springfield Federal Building on the weekend of October 15-16. In the end, 2005 was a record year, with new case filings exceeding 25,000.

Electronic Case Filing (ECF) became mandatory for attorneys in the District of Massachusetts as of January 1, 2005 and the reaction has been overwhelmingly positive. The Court continued its training efforts, holding classes in Boston, Worcester and Springfield, and continued to work on enhancing the functionality of ECF for the attorneys and our staff. We continued to refine CHAPS, our local software program that allows for the electronic transfer of documents and information between chambers and the clerks' office, thus enabling judges to become entirely paperless.

The judges participated in seminars, panel discussions and meetings throughout the year, continuing the tradition of serving the bar and the public by participating in numerous and varied educational forums. The new bankruptcy law necessitated numerous meetings and seminars to educate the bar on the myriad of legal and procedural changes. The judges participated in Recent Developments seminars on the new law in Boston, Worcester and Springfield. Several 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. "Nuts and Bolts" programs were conducted in Hyannis and Dartmouth, MA; participants attended these programs for free in exchange for accepting one or two pro bono cases. Judges also conducted legal practice skills and mock trials at several law schools.

Chief Judge Feeney continued her efforts as co-chair of the joint Bankruptcy Court/Boston Bar Association Task Force on Financial Literacy. This program expanded to the Worcester area in 2005 and several high school classes were introduced to basic financial literacy. Judge Feeney also received the Haskell Cohn Award for Distinguished Judicial Service from the Boston Bar Association in May of 2005.

In addition to handling a full caseload, the bankruptcy judges have continued to sit on the Bankruptcy Appellate Panel for the First Circuit. Chief Judge Joan N. Feeney served on the Administrative Office's Bankruptcy Judges Advisory Group and on the board of the National Conference of Bankruptcy Judges. Judge William Hillman continued to serve on the Judicial Conference's Committee on the Administrative Office.

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**PROBATION OFFICE, DISTRICT OF MASSACHUSETTS**

For the past several years, the Probation Department has experienced a continuous downsizing as a result of system-wide cost containment measures. In real numbers, staffing levels dropped from an all time high of 79.1 authorized work units in 2004 to a low of 67.8 in 2005. Staff reduction was accomplished through attrition, voluntary buyouts, officer initiated transfers to other districts, and resignations for personal reasons. As such, there was no need to employ a strategy of furloughs or layoffs.

As a result of these changes, the staff were asked to make various modifications to individual job duties in order to fulfill the mission to “facilitate the fair administration of justice and provide continuity of services throughout the judicial process.” The Probation Department continued to produce high quality presentence reports, provide needed services to offenders under supervision, and work to protect the public by controlling risk through effective community supervision.

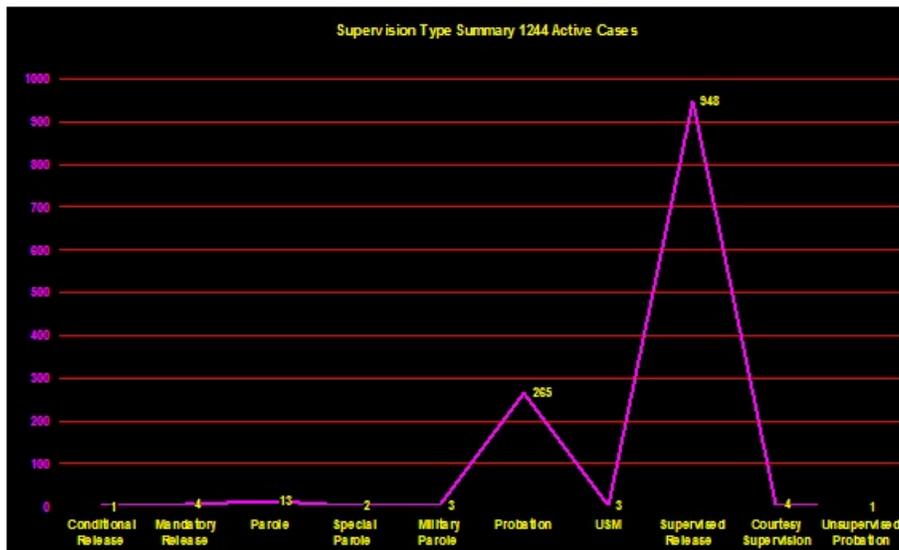
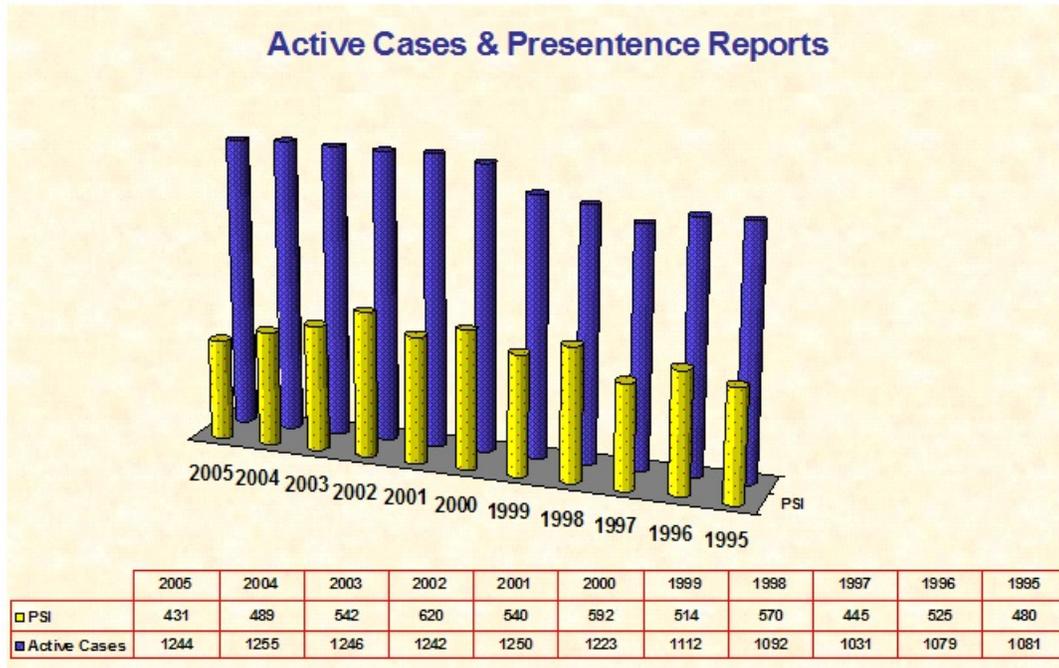
A significant change for the Presentence Unit during the past year was the January 12, 2005 issuance of the Supreme Court’s Booker/Fanfan opinion which rendered the sentencing guidelines as advisory and also changed the standard of review for appeals courts from de novo to reasonableness. This significant decision required the presentence unit to assess its practices and adjust accordingly, resulting in a recommendation that the court adopt a new judgment and commitment format to accurately capture the court’s intent at sentencing. Although requests for presentence reports had been stalled prior to the Booker opinion, in the months following Booker, the unit observed an immediate increase in presentence report assignments and also had to deal with an increase in workload due to resentencings. Nevertheless, the presentence unit adjusted well and continued to improve its efficiency by working on a system to electronically disclose presentence reports.

During 2005, the supervision unit continued its effectiveness in community supervision and worked to improve delivery of services by implementing new policies and initiatives. While caseloads remained stable, an effort was made to more effectively utilize the talents of our probation officer assistants. This initiative allowed for a reduction of probation officer caseload and thus allowed the supervision unit to focus its resources on the high risk offenders. While controlling risk and protecting the community are the primary considerations for a supervision officer, effective supervision must be balanced by providing treatment services. In 2005, the supervision unit established a Treatment Services Unit workgroup to analyze our approach to treatment services and to ensure effective and meaningful delivery of mental health and drug treatment services. This unit invested considerable time developing a new program called the Court Assisted Recovery Effort (CARE) which was modeled after local drug court initiatives and which will be presented for court approval in the upcoming year.

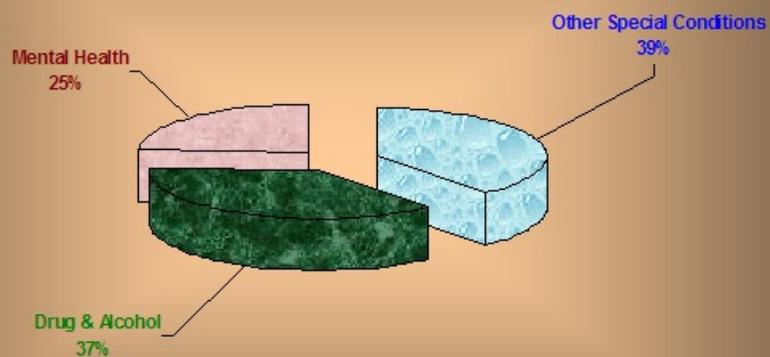
Following a review of administrative procedures, a number of policy changes were implemented during 2005 to ensure continued compliance with national standards. Policy changes were focused in the area of administration of time and attendance, advancement of leave, compensatory time and lunch hour schedules. In March 2005, the district underwent a routine financial audit initiated by the Administrative Office which disclosed that the Probation Department was in excellent standing with respect to adherence to fiscal procedures and standards.

Further, the district began work on an emergency preparedness by developing a Continuing of Operation Plan (COOP) and made progress with respect to developing automated time and attendance tracking systems.

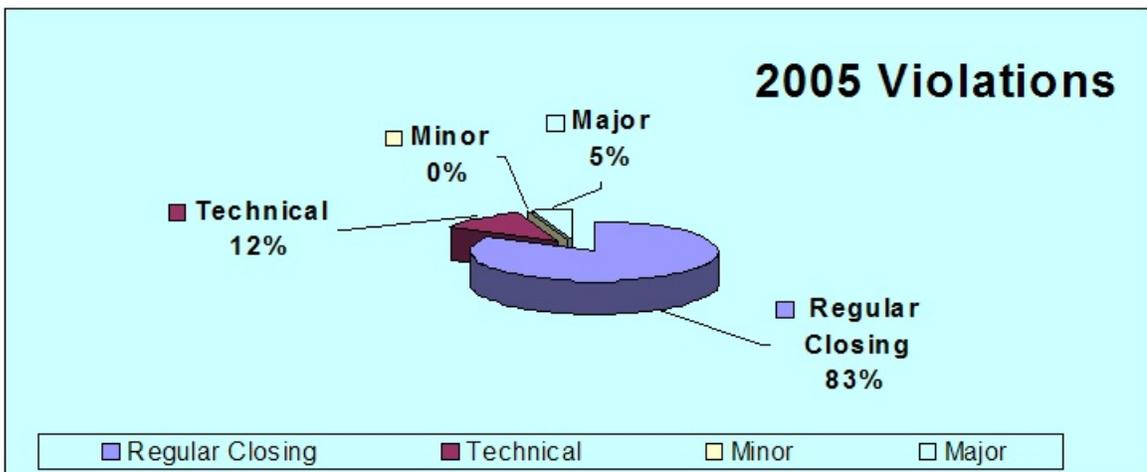
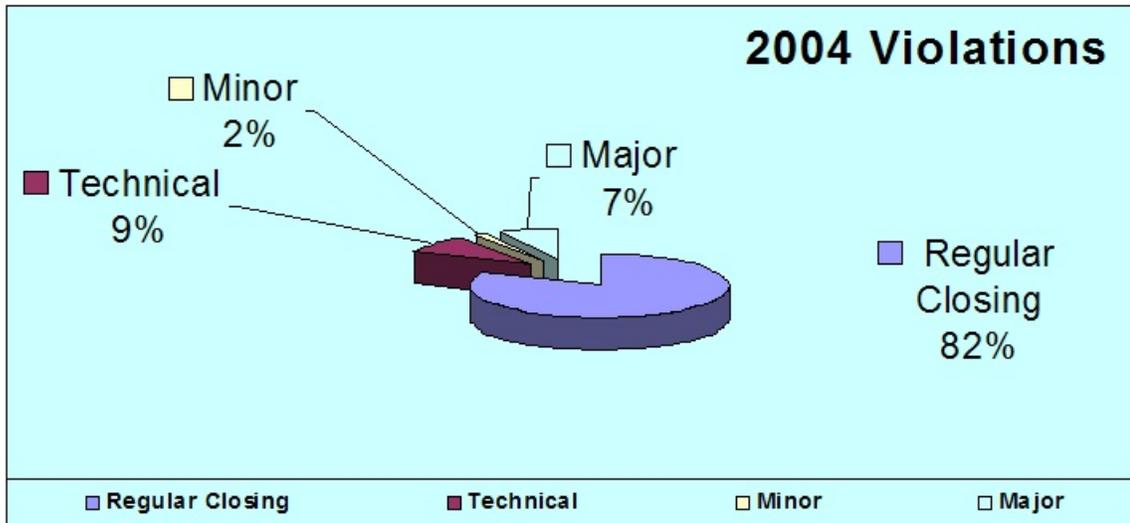
The following graphs provide a statistical overview of the Probation Department's workload.



### Active Cases With Substance Abuse & Mental Health Conditions FY 2005



■ Other Special Conditions ■ Drug & Alcohol ■ Mental Health



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## PRETRIAL SERVICES OFFICE, DISTRICT OF MASSACHUSETTS

### Staffing and Training

During Fiscal Year 2005, U.S. Pretrial Services staffed offices at three sites in the District with a total of 14 employees. Two pretrial services officers were located in the Federal Building and Courthouse in Springfield and one pretrial services officer was located in the Harold D. Donohue Federal Building and Courthouse in Worcester. The main office in the John Joseph Moakley U.S. Courthouse in Boston was staffed by the chief pretrial services officer, one supervisory pretrial services officer, one drug and alcohol treatment specialist, one home confinement/electronic monitoring specialist, and four pretrial services officers. The Boston office also housed the following support personnel: one budget analyst; one PACTS (Probation and Pretrial Services Automated Case Tracking System) support technician; and one pretrial services clerk.

The agency also began a summer intern program in Fiscal Year 2005. Two paid student interns were employed from June to August, one from Salve Regina College and one from the University of Massachusetts in Lowell, Massachusetts. Personnel assistance was received through the Human Resources Division of the District Court Clerk's Office in a continued commitment to the concept of shared administrative services.

The Federal Judicial Center's Television Network (FJTN) continued to provide varied informational programs and training opportunities for staff. All officers participated in ongoing training in the implementation of The Supervision of Federal Defendants: Monograph 111. Training was provided on multiple supervision issues such as substance abusers, sex offenders, and defendants exhibiting mental health issues.

Officers continued to participate in regional officer safety training programs organized by experienced officers as part of this agency's commitment to the Regional Officer Safety Program. Officers received training in both a classroom setting as well as in mock situations replicating actual field supervision, better known as "scenario based training."

Officers participated in a three-day financial investigative techniques seminar sponsored by the District of Maine. The Internal Revenue Service presented a program on financial transactions, record requests, bank records analysis, and accessing public records. Sessions also covered financial profiling and techniques to use when conducting a financial interview.

This office also continued its participation in a regional CISM (Critical Incident Stress Management) Team along with the U.S. Probation Office and the Districts of Maine, New Hampshire, Vermont, and Rhode Island.

### Employee Recognition Awards

Four employees were recognized during fiscal year 2005 for their outstanding achievements and commitment to pretrial services. Each of the four employees received both a plaque or certificate of achievement as well as a cash award. The total outlay for cash awards in fiscal year 2005 was \$7,000.

## **Space and Equipment**

All three locations were operating in adequate space although the situation in Springfield will be much improved in the new courthouse which is scheduled to open in 2007. This agency procured several upgrades in the computer equipment area which increased the ability to stay abreast of technological advances. Pretrial Services also maintains one government vehicle which is assigned to the Electronic Monitoring Specialist. Because of the amount of field work performed by the electronic monitoring specialist, the use of a government vehicle is more cost effective than reimbursement of the officer for monthly travel expenses using a personal vehicle.

## **Policies and Procedures**

As in prior fiscal years, communication between this agency, the U.S. Marshal's Service, the U.S. Attorney's Office, and the staff of the Magistrate Judges as well as the District Judges continued to be excellent. Information on arrests and summonses on criminal complaints and indictments was readily available. In January 2004, an initiative called the Attorney Pilot Project began which required that all defendants, prior to the pretrial services interview, have access to defense counsel. While the initial impact of this project did result in a reduction in the number of interviews performed by pretrial services during the course of fiscal year 2004, that trend was reversed by the end of fiscal year 2005.

During the nine-month period from January 2005 through September 2005, pretrial services officers, with the assistance of defense counsel in every case, interviewed 346 of the 469 defendants presented before this Court. That represents an interview rate of seventy four percent. During that same time period in fiscal year 2004, the interview rate was fifty percent. An analysis of the Attorney Pilot Project from its inception in January 2004 shows a steady increase in the number of defendants interviewed.

In cases where defendants, on advice of counsel, declined to be interviewed, or access to the defendants was delayed pending the authorization to interview, investigative reports were provided which included a prior criminal record and other pertinent information available from collateral sources.

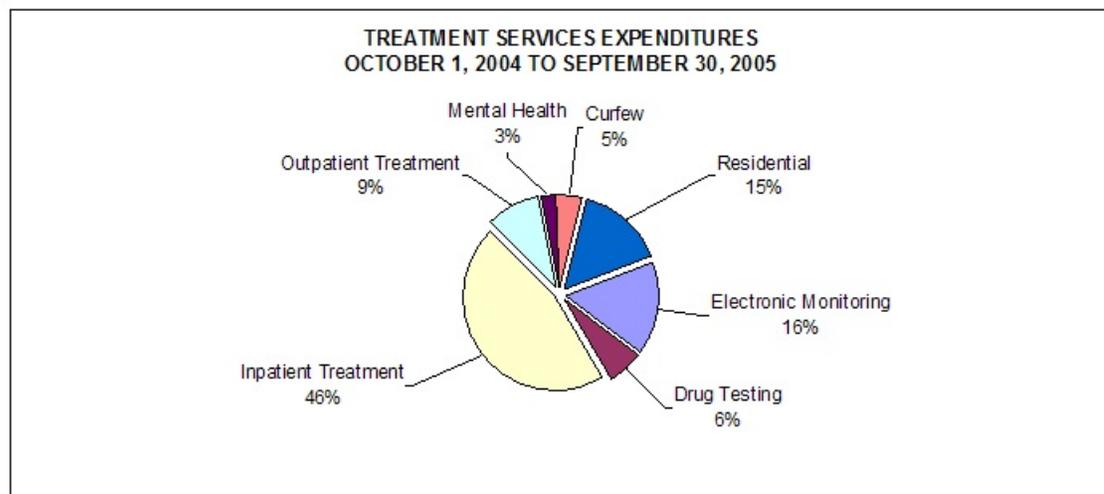
On the other end of the federal criminal justice system, communication and sharing of information with the U.S. Probation Office remained constant. Probation officers preparing Presentence Investigation (PSI) reports continued to have access to the file of each defendant whether convicted or entering a plea of guilty.

Pretrial Services also continued to provide release status letters to the judicial officers, the probation office, the prosecution, and defense counsel at the time of conviction or disposition. Each letter outlined compliance with release conditions over the course of the individual's pretrial release.

### Electronic Monitoring, Testing, Treatment, and other 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 Fiscal Year 2005, 105 defendants were released requiring the use of electronic monitoring, for a total of 18,511 days at a cost of \$61,254 (\$5.85 per day). The cost for the continued detention of these defendants would have exceeded \$1.27 Million (\$68.73 per day). An additional 31 defendants were supervised by a computer based voice recognition system which monitored a court imposed curfew condition. Approximately \$18,000 was spent on the Voice ID system.

Submitting to substance abuse testing is an extremely valuable condition of pretrial release. During the reporting period, approximately 1,750 urine samples were obtained from defendants enrolled in this agency's color code system. Urinalysis was conducted at the three offices (Boston, Worcester, and Springfield), as well as at contracted private facilities (drug treatment programs). This office used both hand held testing instruments and the national urinalysis laboratory. Contracted facilities used the national urinalysis laboratory. This office utilized a sweat patch as a third tool for detecting drug use. In FY 2005, 105 sweat patches were applied. The total cost for substance abuse testing exceeded \$24,000.



Twenty nine defendants were required as a condition of their pretrial release to participate in one of three inpatient substance abuse treatment programs. The total cost of inpatient treatment was \$178,000. The cost of outpatient treatment totaled just over \$36,000 during Fiscal Year 2005. There were 38 defendants who participated in individual and/or group counseling on an outpatient basis. Mental health evaluations/counseling cost approximately \$10,000 during the course of fiscal year 2005.

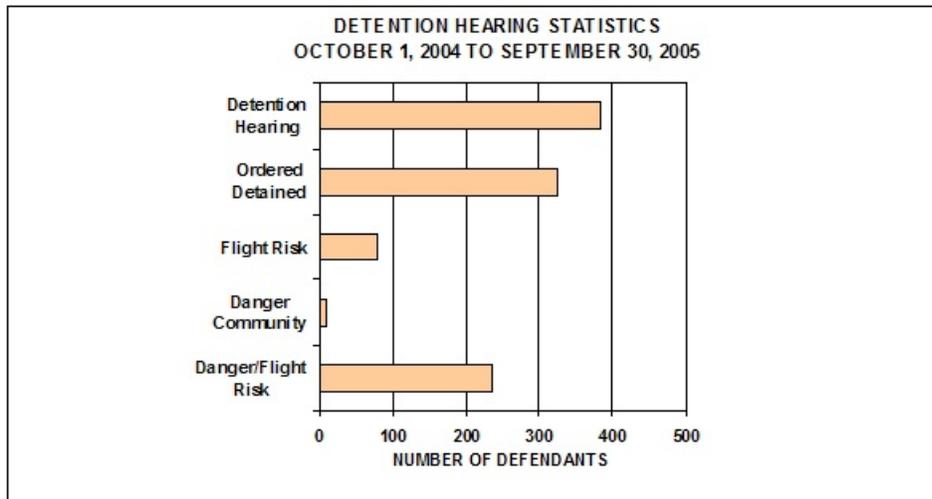
In Fiscal Year 2005, this agency also utilized the services of Coolidge House, the Bureau of Prisons' Halfway House located in Boston. During the fiscal year, six defendants were placed at Coolidge House as a condition of pretrial release for a total cost of \$59,500.

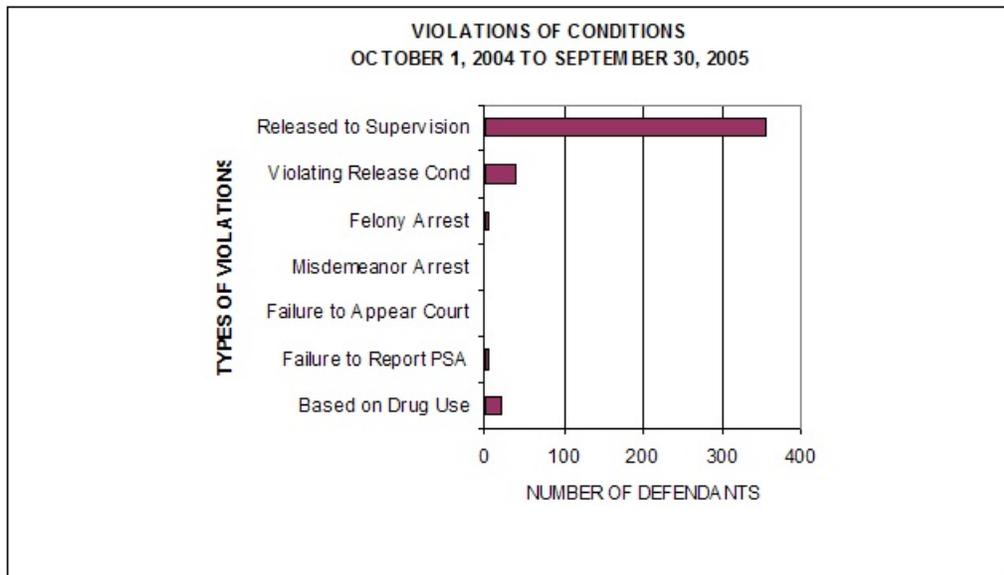
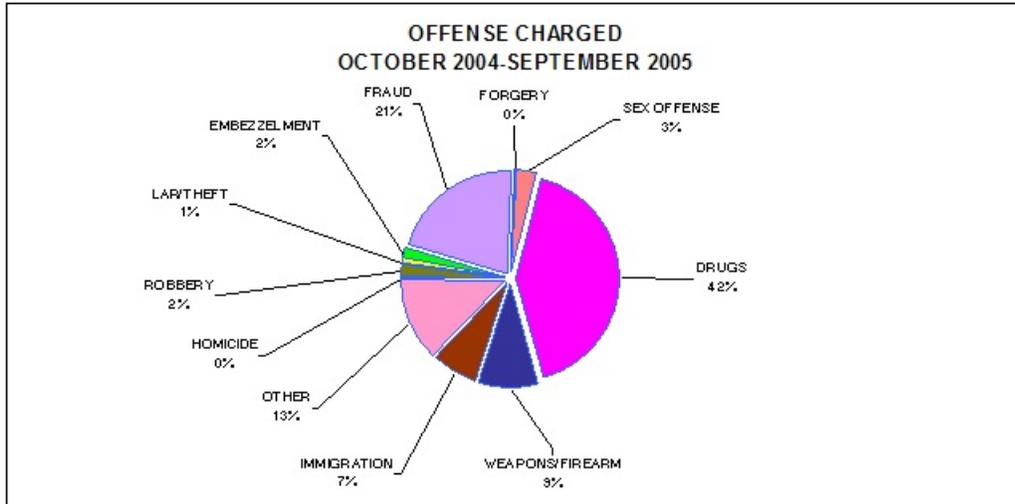
**Detention, Violation of Conditions, Failure to Appear, and Rearrest**

In the District of Massachusetts, of the 680 total cases activated during Fiscal Year 2005, 384 (56%) of defendants were subject to a detention hearing. The national average was 55%. Of the 384 cases subject to a detention hearing, 324 (84%) were detained. The national average was 80%.

Of the 40 defendants who violated pretrial release conditions, 4 (or 10% of those released) were rearrested. Eleven percent of those released incurred a violation.

There were no instances of failure to appear during Fiscal Year 2005.





**CASELOAD DATA**

1.	# of Pretrial Services cases activated	680
	# initiated from other districts	46
	# initiated for other districts	43
2.	# of defendants with report at initial hearing	675
3.	# of post-bail reports	5
4.	Detention hearing statistics	
	# of defendants with hearing held	384
	# of defendants ordered detained	324
	# detained as an appearance risk	79
	# detained as a danger to the community	9
	# detained as a danger/appearance risk	236
5.	# of defendants released to supervision	356
6.	# of defendants with violations reported	40
	# based on felony re-arrest	4
	# based on misdemeanor re-arrest	0
	# based on failure to appear for court	0
	# based on failure to report to Pretrial	4
7.	Failed to comply with electronic monitoring	1
	# based on positive drug test	21
8.	#based on other factors	10
9.	# of Collateral Investigations	444
10.	# of Courtesy Supervision cases	81
11.	# of Pretrial Diversion cases	0

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

**DISTRICT COURT**

The continued implementation of electronic case filing (“ECF”) remained a primary focus in 2005. The district adopted an incremental rollout approach to electronic filing for attorneys. The court made ECF mandatory in civil cases commenced on or after June 1, 2004. It then required electronic filing in criminal cases commenced on or after January 1, 2005. Beginning in February 2005, the court began notifying counsel in cases that pre-existed these effective dates that ECF would be mandatory in all cases effective October 1, 2005. The court successfully undertook an extensive effort to assure that all attorneys in the remaining paper cases were registered for ECF prior to the October 1 deadline. Thus, effective October 1, 2005, ECF was required in all cases.

Although court sponsored ECF training is not required in this district, Dan Lynch and Pat Kelley continued leading the district’s ECF training program in 2005. Participants signed up using the court’s on-line training registration system and obtained 2 hours of CLE credits for this program. From the commencement of ECF through the end of 2005, the court trained (by bar association demonstrations, live user training, video and other off-site seminars) over 1,200 attorneys and their staffers. The court also conducted special offsite ECF training sessions for the New Hampshire Attorney General’s Office and for the New Hampshire Bar’s Federal Practice Section.

Continuing its ongoing efforts to keep the court’s web page up to date, the district completely revised the technology and appearance of its web page. With the help of a knowledgeable working committee and suggestions from website users, the district updated the site to make it more informative and convenient to use while maintaining the feel and ease-of-use to which users had become accustomed. The more noteworthy changes were as follows: (1) a prominent link to the ECF login on the home page; (2) a hot topics section that has direct links to the most used sections; (3) a transition from frames to fly-away menus to promote ease of navigation; (4) three new slide shows of the Rudman Courthouse, the courtrooms, and ADA features; (5) new functionality called "cookie crumbs" at the top of each page (which allows users at a glance to see the path they have taken to reach lower level pages and serves as a convenient navigation tool); (6) improved printing capabilities and functionality; (7) an enhanced search feature to include PDF documents as well as HTML content pages; (8) a listing of each page of the site in the URL to ease marking and saving on a favorites list; and (9) new graphics, new photos, and a more logical arrangement of data on the site. In addition to updating various sections of the site, the district significantly augmented the sections dedicated to bar admissions, mediation and the CJA Panel.

The Information Technology (“IT”) department, serving both the district court and probation/pretrial offices in New Hampshire, was busy upgrading a multitude of systems during 2005. The most notable upgrades were CM/ECF versions 2.2, 2.3, 2.4, 2.5; JMS version 5.3; Elmo version 5.26; Adobe Reader versions 7.0, 7.03, 7.05, 7.07; Adobe Acrobat versions 6.03, 7.0; PACTS<sup>ecm</sup> version 3.3, and both the operating system to XP and the Faxserver software to version 8.1.

Additionally, the IT department coordinated the entire redesign of all courtroom technology in Courtroom 5. This redesign included adding one central control panel to interact with all technology within the courtroom, adding two connections for laptop connectivity into the PDS per each litigant desk, installing a new courtroom audio system, adding a light to notify courtroom attendants when jury monitors are active, and consolidating the powering on and off sequence to the central control panel. Moreover an entirely new digital recording system, Courtflow, was also installed in Courtroom 5.

Other notable accomplishments for the IT department in 2005 included the implementation of an automated drug treatment call-in project allowing for the reduction of a part-time position in probation/pretrial and better utilization of existing personnel. Also, each case manager's workstation in the clerk's office was outfitted with an individual scanner for efficient docketing in CM/ECF.

The IT department also completed several WordPerfect 11 service pack installations for service packs 1, 2, & 3 and upgraded the memory on all Dell GX270 workstations from 512 MB to 1 GB as well as migrated the web server from Windows 2000 operating system to Windows 2003 operating system.

Beyond the projects stated above, 186 additional projects were completed (a project is defined as any task requiring 4 or more person hours) and 1,593 Help Desk issues were resolved during the 2005 calendar year.

In 2005, the court also pursued various initiatives to better serve the public and bar. In 2004, the district partnered with the Federal Judicial Center ("FJC") to examine the court's mediation program. In 2005, the district began implementing many of the recommendations of the FJC team, which consisted of District Judge Nancy F. Atlas (S.D. Tex), Magistrate Judge Robert M. Levy (E.D.N.Y.) and Mary Beth Collins (FJC). The court amended its local rules to permit the parties to select their mediator of choice from the court's Mediation Panel List at their published market rate. The district also modified its webpage to include a listing of all court approved mediators along with their curriculum vitae, practice areas and market rates. The mediation web page also now includes a mediation information page, a mediator resource page, as well as a page explaining how attorneys can join the court's mediation panel.

During 2005, the court also engaged in an initiative to recruit well respected criminal practitioners to join the CJA panel. Chief Judge McAuliffe appointed a committee to develop a strategy to accomplish this recruitment goal. The committee, chaired by Lawrence A. Vogelmann, Esq., recommended targeting various former members of the panel, as well as some talented state court criminal practitioners. As a result of this effort, by year's end the CJA Panel had increased by 20%. The committee also partnered with the clerk's office to simplify and partially automate the CJA Panel application process.

In addition to participating in the process of revising the court's ADR program and local rules, the Federal Court Advisory Committee ("FCAC") continued to act as a sounding board on many issues facing the court and function as a liaison between the bench and bar on issues important to federal practitioners. During 2005, the FCAC assisted and advised on the following initiatives: the website redesign project; the revision of the court's mediation program; the recruitment of new members to the CJA Panel; CM/ECF implementation plans, rules and outreach; and efforts to provide wireless

internet access in the courtrooms and conference rooms at the Rudman Courthouse. The Committee also raised concerns and suggestions on behalf of members of the bar ranging from facilities to court practices and procedures. Three member's terms expired in 2005: Michael J. Connolly, Esq., Michael P. Hall, Esq., and Edward M. Kaplan, Esq. Three new members were added to the committee for a three year term: Doreen F. Connor, Esq., Garry R. Lane, Esq., and Joseph N. Laplante, Esq.

The Federal Practice Section ("FPS") of the New Hampshire Bar Association, which was formed in January of 2000, also continued to provide attorneys with information and resources regarding federal practice issues. The FPS section worked closely with the court and the FCAC in developing the agenda for the next Federal Practice Institute, which will be held in 2007. The next Federal Practice Institute will be an overnight conference for federal practitioners at a seacoast hotel in NH. It will focus on newer practitioners, both civil and criminal, and the initial plan is to invite over 200 attorneys. The topics will vary from an abbreviated NITA program for less experienced practitioners to speakers addressing more general topics of interest to the more experienced members of the bar. In 2005, the FPS also hosted an open seminar presented by Professor James F. Simon, who spoke about the personal life and professional accomplishments of Chief Justice John Marshall. Lauren Simon Irwin served as chairperson for the 2005 term.

The district's CJA Panel continued to accept a large portion of court appointments in 2005, accepting about 50% of all appointments. The Federal Defender presented two CLE seminars for the CJA Panel in 2005. In March, the Federal Defender presented a seminar entitled "Federal Sentencing Seminar on Impact of United States v. Booker," which focused on practice issues resulting from Booker, sentencing developments and advocacy post-Booker, local judicial reaction and expectations post-Booker, and the new standing order on requests to deviate from the Guidelines. This 3.0 hour CLE was presented by Fredilyn Sison, Attorney Advisor, Office of Defender Services, Bjorn Lange, AFD, Jonathan R. Saxe, AFD, Jeffrey S. Levin, AFD, and Cathy Battistelli, U.S. Probation Guidelines Specialist. In December, the Federal Defender arranged to have renowned criminal defense attorney, Joshua Dratel, speak on a topic entitled "Defending the Constitution from the War on Terror." Attorney Dratel, who has served as the President of the New York State Association of Criminal Defense Lawyers and Co-Chair of the Amicus Curiae Committee of the National Association of Criminal Defense Lawyers, discussed several high profile terrorism prosecutions. Attorney Dratel's presentation was followed by a CLE addressing post-Booker sentencing advocacy. This session was presented by Attorney Dratel as well as Bjorn Lange, Jonathan R. Saxe, Jeffrey S. Levin, and Cathy Battistelli. Finally, at the CJA Panel's Annual Business Meeting in December, Richard Foley, Esq., was re-elected to serve a three year term on the Panel Selection Committee.

The court also continued its efforts to update and improve court facilities. Construction on the perimeter security project began in 2005. Bollards, planters, reinforced light posts and park benches were incorporated into a tasteful but secure perimeter barrier that will not only help to protect the building, but will maintain the inviting green space our neighbors have enjoyed. Additionally, the court tinted windows throughout the building to protect against sun damage, especially damage to woodwork in the courtrooms, central library and chambers.

The 2005 staffing formula and budgetary restrictions required that the staffing level be reduced in 2005. As a result, the court had to restrict many of its public outreach and educational initiatives. The court did, however, sponsor the “Open Doors of Justice” program, as well as Juror Appreciation Week in 2005.

For the “Open Doors of Justice” program, which was entitled “The Faces of Justice: Then ... and Now,” the court invited students from Concord and Bow High Schools, as well as from Shaker Road School, to participate in a re-enactment of “The Tryal of William Penn, 1670.” In the historic Penn Tryal, Chief Judge Steven J. McAuliffe led the student ensemble in 1670's costumes, including period wigs. To highlight the evolution of the jury system, students also participated in a teen death penalty case, Roper v. Simmons. Students were paired with personnel from the Clerk’s Office, US Probation Department, US Attorney's Office, US Marshal's Office and local defense attorneys for an unscripted hands-on experience. The day-long initiative concluded with tactical demonstrations by the FPS canine unit and the Bureau of Alcohol Tobacco and Firearms.

In May 2005, the United States District Court recognized past, present and future federal jurors by establishing a Juror Appreciation Week. A welcome banner was placed in the courthouse foyer and jurors were personally thanked by members of the court during jury day receptions. The week-long festivities culminated in a collaborative educational television broadcast, hosted by Chief Judge Steven J. McAuliffe, Chief Justice John T. Broderick, Jr. of the New Hampshire Supreme Court, and Chief Justice Robert J. Lynn of the New Hampshire Superior Court. During the broadcast, the participants educated the community about this vital obligation and thanked New Hampshire citizens for their contributions.

While staff training opportunities were also limited due to funding shortfalls, the court was able to partner with the District of Maine to host its first off-site training seminar for staff. The seminar, which was held over a two-day period in September at the Eagle Mountain Resort in Jackson, New Hampshire, focused on customer service, strategic planning, ethics and leadership lessons learned from former presidents. The sessions were prepared and presented by Federal Judicial Center staff members Jim Buchanan, Judy Roberts, Bob Fagan and Michael Siegel.

There were also a few personnel changes in the district during 2005. In January, Unix Administrator Dionis Espaillat left to take new employment, but later returned to the court in June. In March, Charli Smith was hired to fill the vacant Intake position. Cathy MacEwan, a 14 year employee and the court’s ECF Administrator, left the court in August. Finally, the court celebrated anniversary dates for five employees in 2005: Bonnie Reed (25); Janice Boucher (20); Cathy Dube (15); Sandy Bailey (10); Celeste Quimby (5).

During the 2005 calendar year, civil filings decreased by 9% while criminal cases increased by 9%. The largest jury verdict in 2005 was \$636,000. The court also conducted 11 naturalization ceremonies, naturalizing 965 applicants, in 2005. At each ceremony, a different local elementary school participated by singing patriotic songs. The district also participated in two Red Cross Blood Drives during 2005.

## **BANKRUPTCY COURT, DISTRICT OF NEW HAMPSHIRE**

In 2005, the court continued to experience the benefits of CM/ECF, the program that enables attorneys to file court papers remotely by electronic means, and allows court staff to manage case administration in the same way. Automated systems have continued to be the defining aspect of court administration in many ways. The court utilizes not only CM/ECF for case management, but employs FAS4T as our accounting system. During 2005, our judges continued to hear cases from the District of Puerto Rico, and this activity was simplified and expedited by our ability to establish videoconference hearings between Manchester and San Juan. The court also utilizes the conference call system Court Call and the automated court recording system FTR Gold. The BNC continues to carry out the great bulk of bankruptcy noticing. These features of automated systems have enabled the court staff to furnish seamless service to the bench and bar with fewer staff.

The biggest single occurrence was the adoption of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) effective October 17, 2005. This wide-ranging revision of the Bankruptcy Code led to a highly inflated number of filings in the months leading up to the October effective date followed by an immediate falling off thereafter. The long range effect of BAPCPA is not known, but the short-term effect has been to decrease the work-load of the court substantially. Statistically, this decrease is dramatic. In 2005, the court experienced total bankruptcy filings of 6058 cases, a figure inflated by the pre-BAPCPA rush to avoid the more stringent provisions of the new law. At the time of this writing, September, 2006, filings have fallen from an average of 500+ cases per month to 140 a month, which, if the rate persists to year's end, will constitute a more than 70% decrease in overall filings. The concern of bankruptcy courts throughout the country, shared by our court, is the effect of this decrease in budget and staffing.

The court experienced low staff turnover in 2005, losing one employee to resignation. The resulting vacancy has not, for reasons that are obvious from the foregoing narrative, been filled.

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

### **ADMINISTRATIVE SERVICES**

#### **Personnel Changes and Highlights**

As mentioned in the FY '04 Annual Report, the District had begun planning for a major change in its personnel makeup for FY '05. Upon the passing of the Judiciary's Budget for FY '05, the district moved forward with those promotions that were outlined in FY '04.

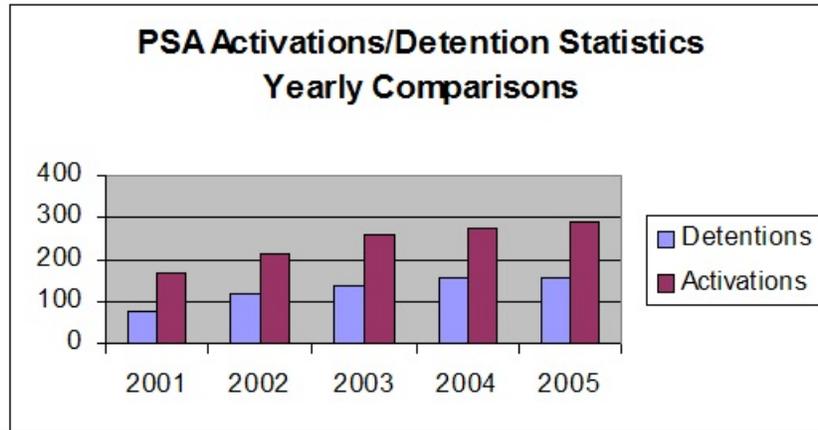
Deputy Chief U.S. Probation Officer Peter P. Russo retired after 26 years of service to the District of New Hampshire on October 31, 2004. Supervising U.S. Probation Officer Clayton J. Foster was officially promoted to Deputy Chief U.S. Probation Officer. Drug and Alcohol Treatment Specialist James P. Bernier was promoted to Supervising U.S. Probation Officer in charge of the Supervision Unit. U.S. Probation Officer Karin K. Kinnan was promoted to the district's Drug and Alcohol Treatment Specialist. Sr. U.S. Probation Officer Cathy Battistelli's position was re-classified to that of Supervising U.S. Probation Officer. Sr. U.S. Probation Officer Daniel Gildea's position was re-classified to that of Supervising U.S. Probation Officer. U.S. Probation Officer Assistant Erica Carpenter was hired and assigned to the Presentence Unit.

Drug Testing Technician Steve Hankard resigned on September 30, 2005 after 8 years of employment with the District.

**PRETRIAL SERVICES**

**Investigation Caseload**

FY '05 ended with a total of 295 case activations, a 4.1% increase over FY '04. The U.S. Attorney's Office has advised this office that they intend to continue to aggressively prosecute criminal cases, and they again have the goal of increasing criminal filings by 10% during FY '06. The following graph, which also includes detentions, depicts pretrial case activations over the last five fiscal years:



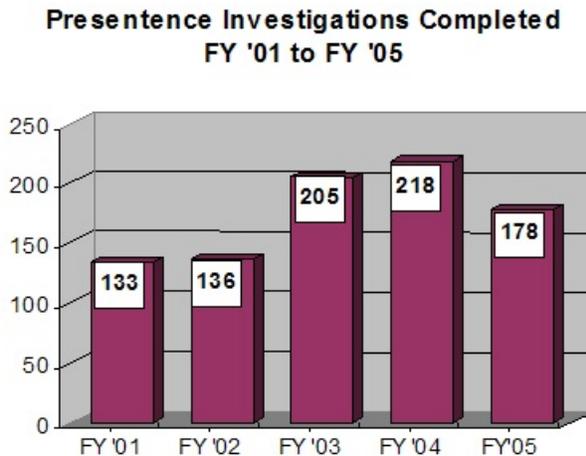
The types of cases charged were as follows:

Controlled Substances	143	Embezzlement	1
Fraud	57	Sex Crimes	8
Robbery/Burglary	15	Auto Theft	0
Firearms	33	Assault	0
Larceny/Theft	5	Forgery	4
Immigration	4	Miscellaneous	12
Counterfeiting	0	Federal Statutes	5

## PRESENTENCE SERVICES

### Investigations and Sentencings

During FY '05, the Presentence Unit completed a total of 178 presentence investigation reports. This represented a decrease of 18.4% over fiscal year 2004. As can be seen in the chart, below, this is the lowest number of completed presentence reports over the last two years:



The Court sentenced 185 defendants during the fiscal year, which represented a 17.8 % decrease over the previous year. However, as opposed to being reflective of a change in the recent years growth patterns, this aberration was seen as the logical outcome of the effects that were being felt nationwide in the federal courts as everyone awaited the Supreme Court's decision on the *Booker/FanFan* cases.

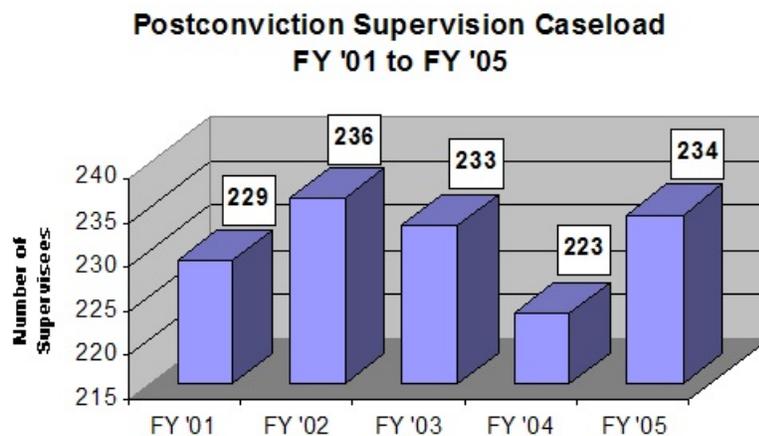
A review of the types of cases sentenced reveals that drug cases, while remaining the highest percentage (38%), experienced a significant drop over previous years. Sentencing of property offenses (including fraud cases) was the second highest category and grew to 23%. This ended the downward trend noted in last year's report. Also showing an increase in prosecution were firearms and explosives cases which accounted for 16%, an increase of 5% over FY '04. This increase is attributed to the continued efforts of the U.S. Attorney's Office's Safe Neighborhood Program. The remainder of the cases sentenced represented the panoply of other federal crimes.

The types of sentences imposed were as follows: 163 (88%) received imprisonment; 22 (12%) received probation.

## POST CONVICTION SUPERVISION SERVICES

### Caseload

At the end of FY '05, the number of offenders under post-conviction supervision increased to 234. This represented an increase of 4.9% from FY 2004.



Seventy-nine percent (79%) of offenders were placed on supervised release, 15% on probation, and 6% on other types of supervision (i.e., magistrate probation, parole, special parole, mandatory release, military parole). While the percentages remained relatively stable, there was a 2% decrease in the actual number of probation cases. The case breakdown shows that those on supervised release continued to grow during the past fiscal year. During FY '05, the district experienced a 16.3% increase in the number of supervised release cases supervised. The number of probation cases showed a decline of 42% (felony probation) while Magistrate probation cases dropped by 80%. Offenders who committed drug offenses represented 38% of the total caseload, while the second most frequent type was fraud offenses, (22%), although the district saw an increase of 34% in this category of offender.

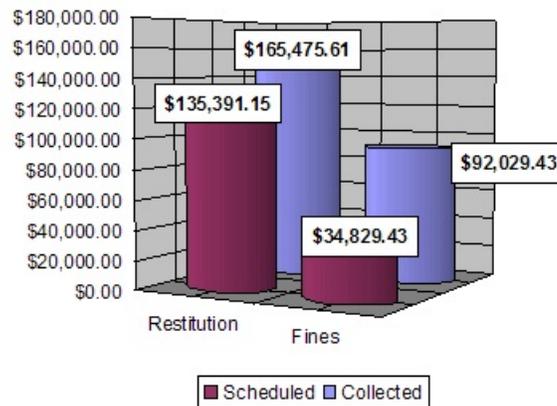
### Fines and Restitution Collection

Supervision Unit officers collected a total of \$165,475.61 in restitution and \$92,029.43 in fines for a total amount of \$257,505.04 during FY '05. While this figure represents a combined collection decrease in actual funds collected from the previous fiscal year, last year's totals were somewhat skewed due to large lump sum payments that the district was able to secure. The largest portion of these collections, as the chart below will show, continue to come from the collection of outstanding restitution. The Supervision Unit's ongoing goal — that a minimum of 90% of those on supervision

with an outstanding financial debt will make a monthly payment towards their outstanding court ordered debt — greatly contributes to the success that the district has had in this area. To assist in the achievement of this goal, offenders are required to have a payment schedule in place that has been approved by the Court. These payment schedules provide the unit officers with an identifiable collection goal. In addition, the officers continuously review these payment schedules to ensure that they are collecting the maximum amount possible. Further, the unit continues to monitor each offender’s financial situation so that any windfall profits may be secured on behalf of the victim, in the case of restitution, or the Court, in the event of a fine. This allowed the unit to collect an unprecedented 122% more than what was scheduled in restitution. Last year, officers collected 99% of the funds that were scheduled to be collected for fines. This was increased to 264% in FY ‘04.

As always, the district will continue working with the Financial Litigation Unit of the U.S. Attorney’s Office to increase collection receipts. Below is a graphic representation of the efforts by the officers in the district regarding collection of court ordered fines and restitution. The following graph shows the amount collected in each category vis-a-vis the amount that was to be collected under the payment schedules:

**Fines and Restitution Collection  
FY '05**



### **Employee Recognition**

During FY '05, and consistent with the recommendations of the year's peer-based Employee Recognition Committee, Chief Thomas K. Tarr cited Kristin M. Cook for her outstanding work. In FY '05, U.S. Probation Officer Cook was recognized by her co-workers for her continued pursuit of excellence and dedication and also assumed the point-of-contact position with Southeastern New Hampshire Services (SENHS) in Dover. This included ensuring that SENHS was properly supplied, conducting referrals and on-site monitoring.

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

**DISTRICT COURT**

Notable events for the court during 2005 included Law Day (Jury Service: A Rite of Passage) which was conducted in May 2005 with the participation of approximately 80 students from private and public schools. The program included a mock trial featuring members of the Bar and the students participated in three jury panels.

A special Naturalization Ceremony took place at the Tapia Theater in Old San Juan on July 7 with over 350 new citizens taking the oath of citizenship. The ceremony featured former Governor Carlos Romero Barcelo as keynote speaker. Further, the District Court conducted twenty one (21) naturalization ceremonies during 2005. A total of 1,396 new citizens were sworn in at such ceremonies. There were three special ceremonies: Flag Day, Independence Day and Citizenship Day.

In addition, Associate Justice Ruth Bader Ginsburg visited the Court from February 7 - 11, 2005, and a delegation of jurists from Central and South America visited the Court to meet with Judges Juan M. Perez-Gimenez and Aida Delgado on February 23, 2005. The Court also hosted a delegation of United States and Uzbekistan jurists for a bilateral exchange that was coordinated by Magistrate Judge Justo Arenas on March 7, 2005, and hosted a delegation of jurists from Paraguay that was coordinated by Judge Aida Delgado on March 9, 2005.

In addition, on July 22, 2005, the Office of the Clerk relocated to new facilities within the same building in an expansion project designed and executed by the Clerk of Court. The Sentencing commission conducted seminars sponsored by the District Court, the Criminal Justice Act Committee and the Federal Public Defender for judicial officers, chambers' staff, probation officers and members of the Bar.

The Court held two bar examinations with 409 applicants taking both examinations in April and October 2005. Passing percentage was 36%. A total of 104 new attorneys were admitted to the Bar of the Court.

On September 9, 2005, the bust of Former Governor Luis A. Ferre was unveiled and the Luis A. Ferre United States Courthouse and Post Office Building was inaugurated. Former Governors Rafael Hernandez Colon and Carlos Romero Barcelo appeared as keynote speakers.

The Clerk's Office sponsored Constitution Day with the participation of students from six (6) public and private schools, and a Litigation Seminar with the National Institute for Trial Advocacy (NITA) for all members of the Bar of the Court. Approximately 232 lawyers participated in this event on September 16, 2005.

The Court held an induction ceremony for the members of the Inter-American University and the University of Puerto Rico student chapters of the Federal Bar Association in Chief Judge Fusté's courtroom on October 11, 2005. Criminology students from the Court of Pontifical Catholic University (Ponce, Puerto Rico) attended a conference at the court by Magistrate Judge Delgado on November 1, 2005.

On November 10, 2005, the Court conducted a forum sponsored by the Inter-American University student chapter of the Federal Bar Association at the Inter-American University of Puerto Rico on the role of the Federal District Court in Puerto Rico. On November 30, 2005, the Supreme Court and jurists of the Dominican Republic visited the court for briefing on the process of case management/electronic file system. The Court sponsored a Sentencing Advocacy (Mitigation) seminar for approximately 250 members of the Bar, featuring Professor Ira Mickenberg, Esq., on December 5, 2005. The District Court again won the outstanding Contribution Award-Gold in the Combined Federal Campaign 2005. This brings the total of gold awards won by the District of Puerto Rico to seven throughout the history of its participation in the program.

From November 12 through 19, 2005, the Clerk of Court and CM/ECF Project Director, Coral Rodriguez, visited Spain by invitation of the Spanish Government and the Embassy of the United States to brief the Spanish judiciary on the Case Management/Electronic Case Filing system. The Clerk of Court engaged in numerous presentations before the Judiciary and Justice Executive representatives for the Government of Spain to showcase the implementation of the electronic filing program in Puerto Rico and demonstrate the value of this tool for the modern judiciaries. The Clerk traveled to Madrid, Seville, and Barcelona the week of November 14-18, 2005 to brief Spanish prosecutors, judges, and attorneys on a system that has revolutionized the administration of justice in the federal district courts, accelerating the resolution of civil cases and promoting the efficient handling of criminal cases.

### **Information Technology**

On January 1, 2005, the new CM/ECF case assignment system was fully implemented. As of December 31, 2005, the number of attorneys registered with the CM/ECF program increased to 2,235.

The IT Department conducted mandatory training sessions for all employees on computer security from February 9 through March 2, 2005, and completed the relocation of systems equipment for the Clerk's Office renovation and expansion project.

During 2005, the new JMS jury wheel was implemented and configured for scanning questionnaires.

The IT Department developed the "Vehicle Reservation System", a locally developed system with the objective to provide Probation and Pre-trial officers a web-based application to reserve official vehicles. This program replaced the existing paper log system.

The IT Department developed the "contract interpreter system," a web-based application program to manage the contract interpreter services, reconcile fees with the monthly invoices, and extract data from the existing court calendar application to generate a weekly assignment plan in a day's assignment chart.

The IT Department also developed and implemented an email system for issuing electronic mail en-masse to the CJA panel attorneys.

Finally, the District Court continued its program donating electronic equipment declared excess property to Puerto Rico public schools. The recipients of the donations during 2005 were the Felix Garay Ortiz School, Bayamon IV School District, Salvador Brau Pre-Vocational School and the Parcelas Aguas Claras School.

### **Statistics**

Total filings for 2005 were 1,986, compared to 1,923 in 2004, a 3.3% increase. Fiscal Year terminations for 2005 were 2,113, compared to 2,015 in Fiscal Year 2004. Finally, for Fiscal Year 2005, 8.2% of cases pending in the District were over 3 years old, compared to 6.8 in Fiscal Year 2004. The District Court processed 629 CJA vouchers by December 31, 2005. Annual events interpreted by staff interpreters during 2004 totaled 2,931.

One of the early initiatives undertaken by Chief Judge Fuste was to improve the District Jury Utilization Statistics. Thus, the District has continued to lower the national statistics of jurors not selected or challenged on the first day of jury service from 63.4 in 2003, to 43.6 in 2004, and 40.5 in 2005.

## **BANKRUPTCY COURT, DISTRICT OF PUERTO RICO**

### **Information Technology**

On February 17, 2005, the court began the conversion of the NIBS system to CM/ECF. After a period of transition, electronic filing became mandatory on July 5, 2005. On the weekend of October 15-16, 2005, the bankruptcy court converted from CM/ECF version 2.5 to CM/ECF version 2.7 (that covers the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005).

## **Case Management**

As part of the CM/ECF implementation, staff reviewed many of the court's case management procedures and modified them to maximize the use of electronic filing in the courtroom, the judges' chambers, and the clerk's office. As a result, fax filing was eliminated, the number of drop box facilities, filing tasks and space needs were reduced, and an electronic inbox for the judges to receive and dispose of motions was created.

## **Educational Training**

Due to the implementation of CM/ECF, extensive training and practice sessions were held for court employees, an attorney training manual was developed, and the court held several training sessions every week for our external customers. Both the attorneys and their staff were trained in the use of CM/ECF. Staff also participated in several seminars held by the Federal and Bankruptcy Bar related to electronic filing.

In addition, this fiscal year brought about the implementation of BAPCPA. To prepare staff for the change, several training sessions were held, and staff participated in the FJCN programs addressing the new law.

A new draft of the local rules, incorporating the changes by CM/ECF and the BAPCPA was completed for comment. The Court also issued several new general orders to immediately implement changes required by the new law that became effective on October 17, 2005.

## **Construction Projects**

The Ponce Courthouse was closed again, after a few hearings were held, for building renovations.

## **Special Conferences Programs**

Hon. Sara de Jesús participated in the 2005 Puerto Rico Bankruptcy Bar Annual Seminar.

Hon. Enrique Lamoutte participated in the Bankruptcy Judges Workshop held in San Francisco, CA and in the BAP Joint Conference held in Albuquerque, NM.

## **Statistics as of 9/30/2005**

There was an overall 4% decrease in case filings from September 2004 to September 2005. As of September 2005, Chapter 7 cases decreased by 14%, Chapter 11 cases decreased by 16%, and Chapter 13 cases decreased by 1%, compared to Fiscal Year 2004.

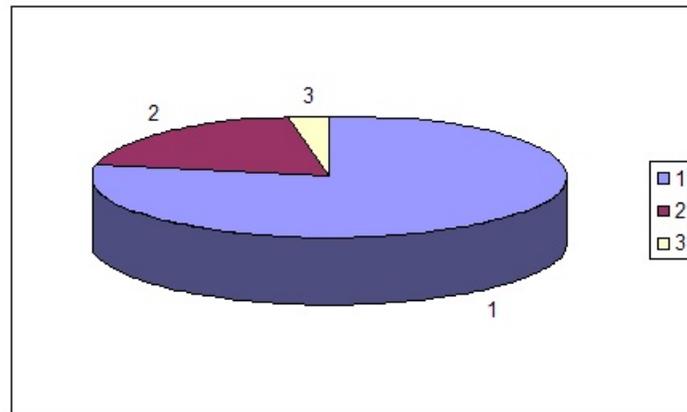
**PROBATION OFFICE, DISTRICT OF PUERTO RICO**

During 2005, new tasks and responsibilities were added requiring new resources and capabilities. There was a reduction in presentence referrals, but a significant increase in the number of offenders under supervision. Additional conditions of release proliferated requiring drug testing, DNA testing, sex offender reporting and domestic violence counseling, among other conditions.

A cost containment phenomenon and a dramatic reduction in the allotment of funds forced the office to make difficult organizational decisions. Nevertheless, there were many organizational achievements for which everyone, especially Deputy Chiefs Edward H. Fankhanel, José Obén and Executive Assistant Maria A. Cruz, deserve thanks.

**Budget Allotment Profile Fiscal Year 2005**

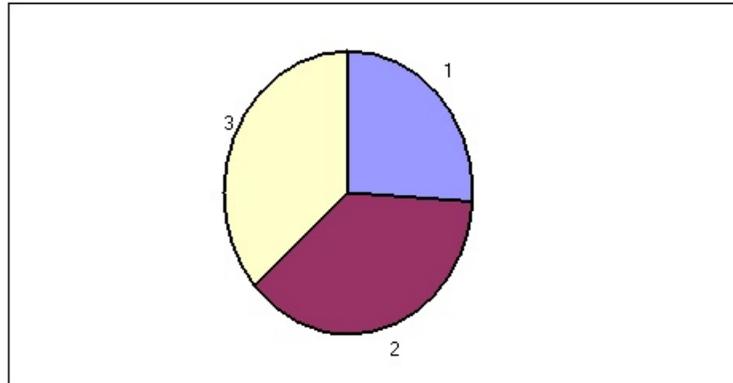
The U. S. Probation Office received a total allotment of \$4,789,473.00, as \$3,753,893.00 in salaries, \$899,518.00, in operation expenses: and \$136,062.00, in the automation fund.



1. Salary Allotment
2. Operation Allotment
3. Automation Allotment

The office continued efforts to provide staff with the best available training. For that purpose \$107,652.00 was reprogrammed for training and travel.

Regarding office equipment and furniture, for both operation and automation, funds were reprogrammed to keep the office updated in this area, at an approximate cost of \$182,000.



1. Automation Equipment
2. Firearms Equipment
3. Regular Equipment/Furniture

The office continued receiving automation support from the Clerk's Systems Department, through the agreement established between court units. During this year, this office transferred \$64,500.00 from our salary allotment for this service. As a continued collaboration and support to the Clerk's Office, this Office transferred \$50,000.00 for the completion of the Clerk's Office Expansion Project and \$5,000.00 for the purchase of supplies for the remainder of the fiscal year.

### **Human Resources**

During this year, three (3) employees retired: the Budget Specialist, a Supervising U. S. Probation Officer, and a Support Specialist. Two employees resigned, but two U.S. Probation Officers and a budget analyst were retained, one of whom transferred from another district. The office was staffed by a total of 41 officers and 21 support staff, for a total of 62 employees.

### **Training and Conferences**

In order to promote quality and professionalism among the staff, training remained a priority through 2005. During Fiscal Year 2005, a total of 47 training sessions were facilitated resulting in a total of 4,576 staff hours. Some 63 employees (100% of staff) benefitted from these sessions, averaging 73 hours per employee. Training was provided in the following areas:

Firearms and Safety  
Internet Policy Training  
Broker & Fan Fan Seminar  
Child Abuse Investigation Process  
Microjuris Training  
Supervisory Leadership  
BOP Visits  
Motivational Interviewing  
Sentencing Guidelines  
Counseling Theories and Techniques for Substance Abuse

### **Automation**

In the area of computer hardware, the office continued its cyclical replacement of PC's in FY05 by purchasing 19 workstations totaling \$29,605.00. In addition, 5 DELL Latitude D410 laptops were acquired to replace existing equipment at a cost of \$9,035.84.

The Systems Department's recommended the purchase of a PowerEdge 2800 Server to replace the existing server at a cost of \$5,964.00. A digital fingerprint system, costing \$8,985.00, was purchased to meet Administrative Office requirements.

### **Furniture & Equipment**

Necessary furniture replacements totalled approximately \$30,000. In addition, during this fiscal year, two photocopy machines were replaced at a cost of \$39,770.00.

### **Security & Safety**

New security cameras and accesses were installed throughout the new 4<sup>th</sup> floor facilities providing adequate protection to staff and stakeholders. A total of 4 incident reports were filed, ranging from threats to crowd intimidation in the field. In order to provide adequate protection and training to officers during Fiscal Year 2005, bulletproof vests replacement cycle was completed. Moreover, the Officer Safety Training Program continued to be in place, as well as the semiannual weapon qualification program. Finally, in order to strengthen the Firearms Program, the office purchased the Milo Firearms Interactive System at a cost of \$49,000.00.

### **Community Outreach**

The office remained committed to reach the community to help prevent drug use and crime, specifically, among youth. As such, the Community Outreach Program, composed of seven (7) volunteer officers, conducted nine (9) outreach activities during Fiscal Year 2005. Public and private schools, together with other youth organizations, were visited and over 1,814 youth and 23 teachers were impacted. Incorporated in the program was a new presentation that offers information regarding cyber crimes.

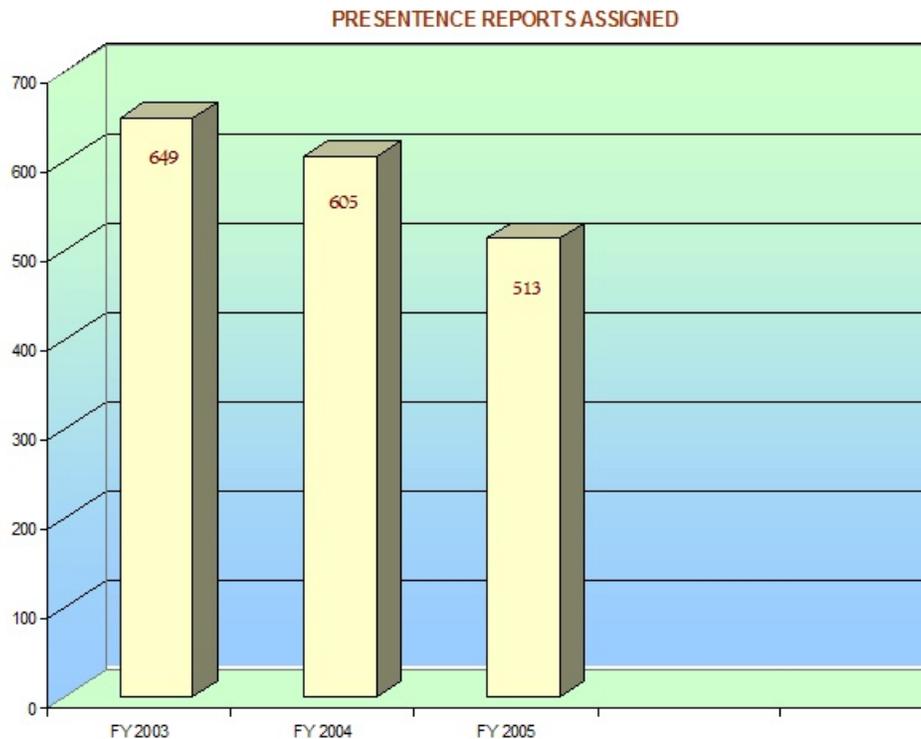
The Student Internship Program once again provided the opportunity for two (2) students majoring in Criminal Justice at the Inter American University to acquire basic knowledge and skills of our role and intervention in serving our community.

The Torch completed its three (3) years and continued to expand as more volunteers continued to provide a diversity of articles. The Torch has become not only an “Intra-Office” communication tool, but has now reached nationwide attention as it is provided to many sister agencies, the Administrative Office and other Probation Office districts. By the end of Fiscal Year 2005, The Torch had published a total of fifteen (15) editions.

## **Presentence Services**

### **Presentence Investigations**

The Court Services Unit in the District of Puerto Rico operated with approximately ten (10) U.S. Probation Officers conducting presentence investigations and preparing presentence investigation reports (PSIs) on a full-time basis in 2005. One officer was reassigned to the Supervision Unit and another resigned from the job. Within the unit, senior probation officers had other duties as trainers and mentors; one of these has ancillary duties as Training Coordinator, another as Sentencing Guidelines Specialist, and yet another officer as Special Offenders Specialist. The latter specialist officers were assigned more of the high profile cases, as well as more complex cases. The unit also had an Assistant Deputy Chief and two Supervising U.S. Probation Officers, who conducted investigations as needed, in addition to their intrinsic administrative duties. Management staff was assigned 23% of the overall investigations in the court unit. As a whole, the unit was assigned 513 PSIs during 2005, a 15% decline from 2004. The following table reflects the presentence assignments over the last three (3) years:



During 2005, the average number of presentence investigations assigned to each officer was approximately 48. Officers complied with the assigned due dates in an average of 88% of their investigations, as compared with 77% in 2004. Officers continued to enhance the quality of the investigations and reports, which remains one of the main goals in the unit. The modified/abbreviated reports continued to afford officers additional time to devote to more complex and/or time consuming sections of the report.

### **Probation Officer Assistant**

During 2004, the Probation Officer Assistant (POA) completed 77 collateral investigations (42%), out of a total of 184. (The remaining were being completed by other officers.) Within these investigations, there were innumerable record checks conducted, including criminal and juvenile records, as well as documents retrieved from local courts.

## Supervision

The Supervision Division of the district was composed of 23 line/specialists officers, within three units. A *cumulative* total of 1,813 cases (see Table 1) were under supervision during FY05, which reflected an average of 78.82 offenders per officer. Of the 1,302 cases under supervision, the majority (1,242) were on supervised release status, 123 were serving a sentence of probation, and parole cases continued to decline with only 33.

Table 1

<b>Post Conviction Supervision</b>	<b>FY 2004</b>	<b>FY 2005</b>
Received for Supervision	471	540
Supervised for Entire Period	859	897
Received Prior to Period and Closed During Period	300	376

The district's supervision caseload is mainly drug related. During Fiscal Year 2005, 1,034 offenders were under supervision for a drug violation offense, while 121 had infringed a fraud law and 34 a weapons statute.

Table 2

<b>General Offenses</b>	<b>FY 2004</b>	<b>FY 2005</b>
Assault	5	85
Auto Theft	10	130
Burglary	1	01
Controlled Substances Marihuana, Narcotics, Other Drug Related Statutes	948	1,034
Embezzlement	10	10
Forgery and Counterfeiting	4	5
Fraud	106	121
Homicide	2	3
Immigration Laws (Other)	83	25
Larceny	17	21
Other	60	68
Robbery	19	17
Weapons and Firearms	38	34
Postal Laws		1

## Law Enforcement Services

### Drug Aftercare

The priority of the U.S. Probation Office continued to be to provide quality services to offenders. A major accomplishment during this fiscal year has been the buprenorphine program. This medication treatment is used with heroin addicts providing the opportunity to have clients complete an

ambulatory detoxification, thereby saving a significant amount of money. The Job Placement Program assisted unemployed offenders to seek employment and vocational training.

The Code-a-Phone automated system has been working very well for clients placed in Phase 1 of the Random Drug Testing Program. These clientele are required to call everyday to an 800 number to find out if they are to report for urine specimen collection.

The total amount of law enforcement funds used were \$417,967.99. This amount was divided among the different law-enforcement programs. The Drug Treatment Programs was divided into three (3) categories: outpatient, in-patient and job placement. The Mental Health Treatment Program increased co-payments, and improved the quality of contractor psychiatric services. A better distribution of mental health cases among officers has proven to be an effective way to manage the supervision of a significantly increasing mental health caseload. Sex offender evaluations were performed using specialized contractors, who were especially useful because of the lack of professionals in this district who specialize in sex offender assessment and/or treatment.

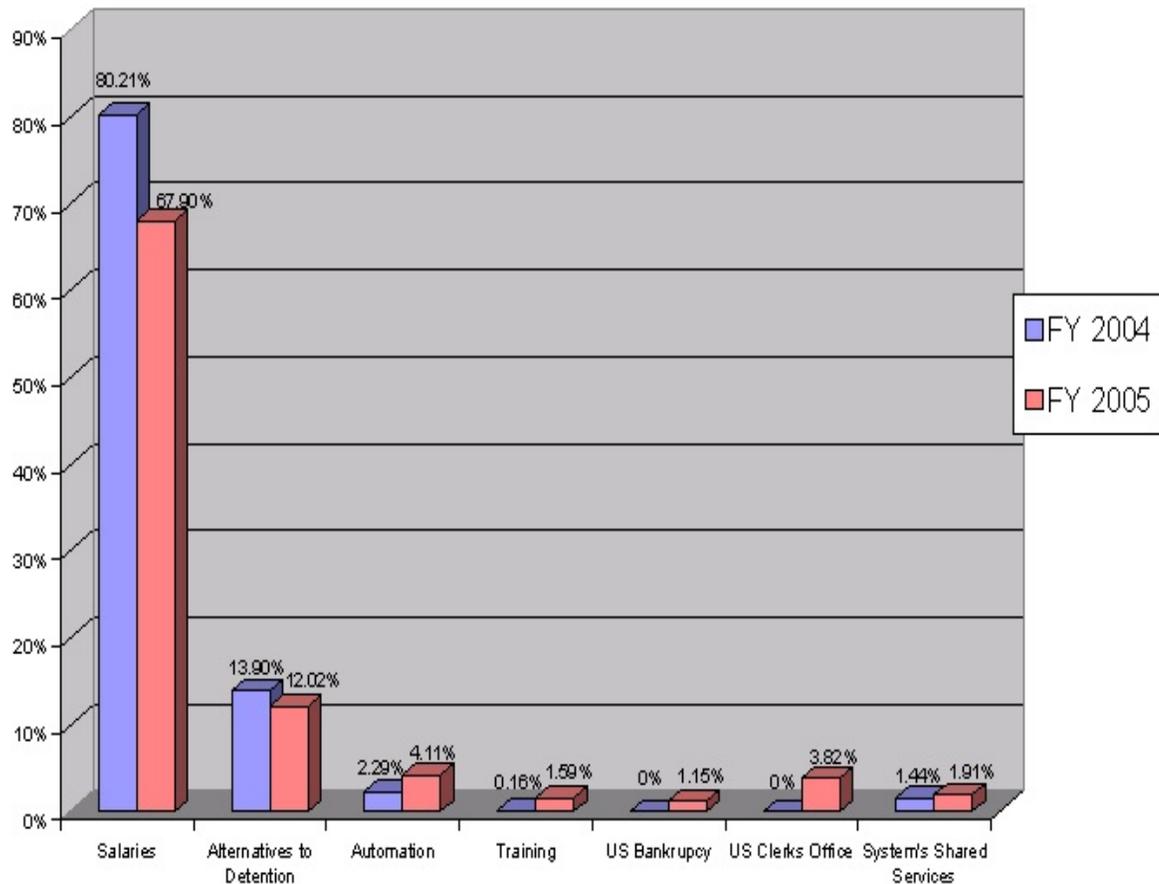
## **PRETRIAL SERVICES OFFICE, DISTRICT OF PUERTO RICO**

### **Budget and Human Resources**

Allotments for FY 2005 amounted to \$1,309,080, representing a 7% increase from the previous fiscal year. Throughout FY 2005, the office reprogramed funds among the necessary BOCs, which resulted in the following expenditures:

- 67.9% of the allotments were expended in personnel salaries;
- Almost 12% of allotments were invested in Alternatives to Detention. This expenditure provides drug/alcohol detection and treatment, mental health counseling, electronic monitoring, and other endeavors geared toward providing our court with options other than incarceration for our clientele;
- During FY 2005, 4.11% of automation funds were spent on the purchase of six Dell OptiPlex GX280 personal computers, under the cyclical replacement plan; two Dell Latitude laptops, two servers, surge protectors and other items;
- Inter- unit re-programming of surplus funds were processed to assist other agencies. U.S. Bankruptcy received an allotment of 1.15% and the U.S. Clerk's Office 3.82%. Also, 1.91% (\$25,000) was distributed to Clerk's Office as part of an agreement for the automation technical support provided by their Systems' Department; and
- 1.59% of the allotments were invested in training and travel, with the remaining 7.5% spent on other operational expenditures.

## FY 2004 &amp; 2005 ALLOTMENTS ALLOCATIONS



The chart comparison for Fiscal Years 2004 and 2005 allocations depicted above indicates that expenditures in salaries and alternatives to detention decreased, whereas the areas of automation and training increased moderately.

## Human Resources

Staff for the period covered by this report was comprised of 17 positions, an increase of one from last fiscal year. This includes two part-time temporary student intern appointments, hired to assist in general office matters and in a supporting role for the officers. One member of the support group, the Document Imaging Clerk, entered active military duty in June 2005. He was replaced by a temporary employee who assumed the role of a newly created position, that of the Pretrial Services Operations Assistant who handles the document imaging project, performs data entry, deals with mail routing, and is available as an overall support at reception.

The office reorganization initiated last fiscal year necessitated the reclassification of two positions. The reclassified positions were those of the Human Resources Coordinator (formerly Supervisory Clerk/Personnel Assistant) and the Pretrial Services Intake Coordinator (formerly Receptionist). The Pretrial Services Clerk that had been handling budget matters since the previous fiscal year was promoted to the position of Budget Assistant.

### **Space and Facilities**

In order to relinquish 600 square feet of space in Room 651, alterations were completed in the main office (Room 691). A storage area was eliminated to expand the former work room, and new storage and filing room areas were created. The new conference room was equipped with audiovisual equipment to enhance staff training, presentations and meeting endeavors.

### **Investigations**

Cases activated (statistically opened), amounted to 819, 57 less than the previous year. The district continues to report the highest activations for the First Circuit, with 44% of the total cases activated. Additionally, 7 Pretrial Diversion cases were activated during this period. Out of the 819 cases activated, 792 (97%) were arrested by law enforcement agencies and the remaining 27 were summoned. Staff interviewed 776 (95%) of the total cases activated, and submitted 803 prebail reports to the Court with the corresponding recommendations to the Judicial Officer.

### **Case Profile**

Narcotics, controlled substances, and marihuana cases remained the most frequent type of offenses in the district, representing 46% of the total. This is a 2% increase from last fiscal year. Weapons and firearms charges amounted to 3.7% (slightly higher than last fiscal year), whereas immigration cases declined from 16% to 11.7%. These cases continued to account for the high percentage of defendants who remain detained without bail. Fraud cases continued to be amongst the most prosecuted, whereas sex offense cases decreased by half for the second year in a row.

### **Collaboration with Other Court Units and Stakeholders**

The collaboration among court units in the district remained a common practice, especially between this office and the U.S. Probation Office. The Court's Systems Department continued to provide automation support, and this office transferred funds to the Systems Department for this purpose. This office joined the Probation Office and the Clerk's Office in purchasing a live scan machine which will be used in the Employment Suitability Program. The officers maintained ongoing communication with Assistant U.S. Attorneys, defense counsel and court personnel in the coordination of activities involving the investigation and supervision of defendants. Supervisory Officers provided orientations about our role and responsibilities to newly appointed Assistant U.S. Attorneys, members of the Criminal Justice Panel, and student interns serving some of the court's judicial officers.

## **Community Outreach**

The outreach program has continued to provide a great opportunity to make the Court's presence known in the community. This year, one public and two private schools were visited by Pretrial staff members with a message of prevention regarding criminal lifestyles, positive values, the handling of peer pressure, and the ill effects of substance abuse. Approximately 345 students were reached with this message.

The outreach extended once again to members of foreign countries' judicial systems. In March 2005, we hosted 14 government personalities from the Republic of Uzbekistan, as part of the United States-Uzbekistan Bilateral Exchange Program, and explained the duties and responsibilities of the pretrial services component of our court. That same month, we received the visit of three prosecutors from Spain, whom we took through an overview of our procedures and programs, particularly drug and mental health treatment.

## **Training and Conferences**

This year, total staff training hours amounted to 922.25, or 30% more than the previous fiscal year. This included the celebration of our seventh in-district conference entitled *Motivación: Renewing our Commitment, Celebrating Our Strengths*, which tackled the topics of cybercrime and crimes against children. As is customary, line officers received the highest number of hours, an average of 75, whereas administration and support staff members received an average of 45. There was a decrease of 5% in training hours for line officers, compared to last fiscal year, and an increase of 60% for managerial and support staff. The Federal Judiciary Training Network (FJTN) was used less this fiscal year.

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

**Educational Series**

A new “Educational Series for Court Employees” (ESCE) was initiated with the following sessions: *Travel of a Civil Case, Travel of a Criminal Case, Cultural Dynamics in Interpreting, The Jury Impanelment Process, and Grand Jury, Behind Closed Doors.*

**Rhode Island Continuing Legal Education**

The months of March, April and May brought the Federal Practice Series (a series of seminars sponsored by the RI Bar Association and the U.S. District Court) to the Courthouse. The series began on March 23 with a seminar on *White Collar Crime and Sentencing Guidelines*. Guest speakers included Chief Judge Ernest C. Torres, AUSA Terrence Donnelly, and C. Leonard O’Brien, Esq. The second seminar was held on April 13 titled, *Federal Arbitration Act and Class Actions*. Guest Speakers included District Judge William E. Smith, Patricia Sullivan, Esq., and George E. Lieberman, Esq. On April 27, a course on Discovery and Motion Practice was held. Guest speakers included Magistrate Judge David L. Martin and AUSA Robin Feder, and Richard Ratcliffe, Esq. The final seminar on May 11 addressed *Filing Documents in Federal Courts*. Guest speakers were David A. DiMarzio, Clerk of Court, and Ginny Hurley, Training & Quality Assurance Manager, U.S. District Court, Massachusetts. Attendees received 1.0 RICLE credit for each series attended.

**Students**

The Rhode Island Legal Educational Partnership Program brought students in to compete in several mock trial competitions throughout the year. On February 7, a class of forty-three students and three teachers from the Moses Brown School visited the courthouse where they attended a Naturalization ceremony. After the ceremony, District Judge William Smith spoke to the students about the experience. Chief Judge Ernest C. Torres provided an opportunity for a Q&A session. David DiMarzio, Clerk of Court, gave a brief introduction to the courthouse, and Jim Webb, Courtroom Technology Specialist, gave a courtroom technology demonstration.

**Teachers Institute**

On April 29, the U.S. District Court hosted its annual Teachers Institute. The Institute was designed specifically for secondary-school-level teachers who are responsible for teaching “civics.” Thirty-five educators from the State of Rhode Island attended the Institute. The teachers heard lectures on the following topics: *The Judicial System and the Judicial Process, The Role of the Judiciary and Judicial Independence, Religion in the Schools, Civil Liberties and the War on Terrorism, The First Amendment and the Media, and The Sentencing and the Sentencing Process.* Each attendee received professional development credit from the Rhode Island Department of Education.

### **Telephone Interpreting Program (TIP)**

The court became an active participant in the national “Telephone Interpreting Program” (TIP) in March 2005. Ana-Cecilia Rosado, Staff Interpreter, now provides remote interpreter services to other districts, and the IT staff established a user link for the court's judges.

### **Attorney Admission Ceremony**

An Attorney Admissions Ceremony was held on May 12, 2005. Sixty-one new attorneys were sworn in as members of the bar of this court. A reception, hosted by the Bar Association was held in the lobby of the courthouse following the ceremony.

### **District Conference Advisory Committee**

An advisory committee of attorneys was created in May 2005, to explore the feasibility of having the court host a “district” conference in the off-years of the circuit conference.

### **Local Rules**

The most comprehensive proposal for revisions to the Local Rules since their inception was published for comment in June 2005. The Local Rules were adopted in December 2005, to be effective January 1, 2006.

### **CM/ECF**

In June 2005, after months of intense planning, training and preparatory work, the court implemented the “Case Management” component of the national CM/ECF system and began making electronic images of filed documents available to the public through the PACER program.

### **Law Clerk Website**

In June 2005, Human Resources and Systems teamed up to develop a web page on the court's internet site intended to simplify the appointment process for law clerks, as well as to cut down on mailing expenses. The page consists of updated appointment forms and instructions, as well as links to benefit brochures and benefit web sites. The page can only be accessed by using a protected username and password.

### **Law Clerk Orientation**

The court held its annual law clerk orientation on September 30. The orientation was designed to guide the new law clerks into a smooth transition with their new positions. The Chief Deputy gave a presentation on practical issues when working with the Clerk's Office. Representatives from the Probation Office and Marshal's Service discussed the role of their agencies. The Librarian reviewed the online and printed legal research resources that are available to them. The pro se staff attorney shared some helpful hints based on his and other past law clerks' experiences. Finally, the law clerks viewed a courtroom technology demonstration.

### **Master Jury Wheel**

A new master jury wheel for the district was created in June 2005. The court's local policy requires that a new master jury wheel be created after every Presidential election.

### **Human Resources**

On June 13, 2005, Lucia Leyva was appointed to the position of Courtroom Clerk for Chief Judge Ernest C. Torres. After nearly 20 years in the judiciary, Francis P. McCabe retired as the Court's Intake Clerk in September 2005. Several employees were honored for their service at an awards ceremony that was held at the District Court. Francis P. McCabe was named Employee of the Year for his consistent dedication to serving the public. Ana-Cecilia Rosado received a Special Service Award for the assistance provided to the court, as well as to other districts with the new Telephone Interpreting Program. Rhonda Price received a Special Service Award and the Employee of the Year Award at the Rhode Island Federal Executive Council's annual award program for the development and implementation of a dental plan for all federal employees in the state of Rhode Island. A Certificate of Appreciation, recognized as a "Compassion Award," was awarded to Rhonda Price for community service work with the homeless veterans community. Citations were given to Shawna Kelliher, for her consistent work and dedication in the area of space and facilities, and to Stephen McWilliams, for his diligent work on CM/ECF. The Clerk verbally thanked Donna Silva, Executive Assistant to Chief Judge Torres, Diane Brown, Secretary to Magistrate Judge Hagopian, and Jennifer Dias, Training Administrator, for the various assistance each brought to the CM/ECF implementation and transition.

### **Acknowledgments of Appreciation**

In March 2005, as part of a new juror appreciation initiative, the court began presenting "flag" lapel pins to all jurors at the completion of their service. Further, the court acknowledged the first celebration of "Constitution Day" by distributing copies of the Constitution to employees.

### **Induction**

In May 2005, the Rhode Island Heritage Hall of Fame posthumously inducted retired District Judge Raymond J. Pettine.

### **Renovation Projects**

The Pastore renovation project was completed in July 2005, with the completion of a new Mail Room and Training Room on the First Floor. Grand Jury facilities and the ADR office were relocated to newly renovated space on the first floor of Pastore in March 2005.

Renovations on the fifth floor of the courthouse were also completed, which provided offices for a visiting judge, a court reporter, an attorney lounge, a circuit library office, a GSA building manger's office, work space for the U.S. Attorney's Office, and new public restrooms.

### **Portrait Hanging**

In recognition of his years as a district judge, in December 2005, the Court held a portrait unveiling ceremony and reception in honor of United States Circuit Judge Bruce M. Selya.

### **Benevolence**

Court employees continued to support charities. At the court's annual barbeque in September, numerous donations of non-perishable foods, clothing, etc., were collected for the victims of hurricane Katrina. The court also supported the family of an employee's son who was sent to Iraq.

**U.S. District Court  
Statistical Caseload Profile Summary  
12-Month Period Ending September 30, 2005**

**Total Filings (civil & criminal, including criminal case transfers): 725**

**Civil Filings: 572**

**Criminal Cases: 133**

**Terminations: 714**

**Cases Pending: 987**

**Trials (criminal/civil): 51**

**Median Time for Civil Cases: 9.2 months**

**Median Time for Criminal Felony Cases: 6.9 months**

**Median Time for Civil Cases Measured from Filing to Trial: 17.0 months**

**Civil Cases Three Years or Older: 36**

**BANKRUPTCY COURT, DISTRICT OF RHODE ISLAND**

While last year was noteworthy for harsh budget cuts, 2005 will be remembered for skyrocketing filings in anticipation of the enactment of the new bankruptcy law. Bankruptcies for calendar year 2005 totaled 5755, with 32% of the entire caseload filed during the first two weeks of October. In preparation for the new law, an internal court committee was formed to dissect the changes and their impact on case management procedures, local rules and chambers. The Automation Department successfully upgraded to CM/ECF Version 2.7 and completed testing of all new dictionary events and modification of existing events required for the new law. Modular training for internal staff as well as a training seminar attended by approximately 150 attorneys was held prior to the enactment date.

In addition to preparing for the new law, the Automation Department installed a new inventory control system software to monitor new purchases, disposal and off-site use of equipment, utilizing a bar-coding scanner. The court's training inventory was updated, with all VCR tapes converted to DVD and housed in a carousel-style storage unit, and the Court also received funding from the Administrative Office for the purchase of a new phone system which will be installed in 2006. Finally, the Court partnered with the U. S. District Court to purchase and implement a videoconferencing system.

While training for the new law was a priority, staff were able to participate in other forms of training. Seven members of the Clerk's Office attended the joint FCCA/NCBC conference in Chicago, and the entire court staff attended team building training in Boston, focusing as well on effective communication, organizational creativity and conflict resolution. Planning for the 2006 NCBC Conference to be held August 28-September 1, 2006 in Newport, RI, which our court is jointly hosting with the District of Maine, got well underway during 2005 with a creative marketing video produced and broadcast in Chicago in July, and internal committees formed to begin the educational and social planning. In September, our court had the pleasure of being filmed for an installment of the FJTN program, *Court to Court* which aired in January 2006. The subject of the program was innovative and creative ideas for motivating staff.

Court staff continued their participation in national committees and training opportunities. Linda Spaight participated as a member of two AO working groups: Bankruptcy Methods Analysis Program and the Bankruptcy Legislative Working Group. Clerk of Court Susan Thurston was a featured panelist in an FJTN broadcast regarding the impending changes in the bankruptcy laws. She also attend COOP training, the Clerk/Chief Deputy Conference in Seattle, WA and the IT/Management Leadership training in Portland, OR with Craig Balme, Systems Manager. Chief Deputy Gail Kelleher attended Process Redesign training, and Case Manager Amy Geraghty and Law Clerk Jon Calianos participated in the CM/ECF Court Operations Exchange conference, both held in Washington, D.C.

The Rhode Island Bankruptcy Court staff also continued to participate in a variety of social causes: American Heart Association Hearts in Bloom, American Cancer Society Daffodil Days, donation of Thanksgiving baskets, participation in Holiday Adopt a Family program, and a Federal Mentoring program for at-risk boys. The office was the recipient of the *Platinum Award* for achieving 90% participation *and increased giving* in the Rhode Island Area Combined Federal Campaign. This year also marked the 11<sup>th</sup> anniversary of our Employee Awards and Recognition Program. Craig Balme, Manager of Information Systems, received the *Sustained Superior Performance* award for his contributions to court technology and management. Clerk of Court Susan Thurston was nominated by Judge Votolato for the Director's Award for Outstanding Leadership.

Bankruptcy filings rose 42% in the District of Rhode Island, with the highest increase noted in Chapter 7 filings. The median disposition time for a Chapter 7 case was three months (99.6 days) and 35.8 months for a Chapter 13 case. The average age of the Court's pending caseload breaks down as follows: 5.2 months for Chapter 7 cases, 21.6 months for Chapter 13 cases, 17.7 months for Chapter 11 cases, and for Adversary Proceedings: 5.8 months for Section 523 Dischargeability Complaints and 20.1 months for complaints other than Dischargeability.

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**PROBATION OFFICE, DISTRICT OF RHODE ISLAND**

Due to broad cutbacks in funding as well as cost containment measures, the office suffered a 25% staffing allocation loss in the past twenty-four months. These monetary reductions occurred despite having the largest number of new case activations in the last ten years. Staff kept up with its workload by developing increasingly efficient internal systems to maximize productivity.

The special condition of mental health treatment was imposed in 23% of this year's cases. Fees to professional providers doubled from the previous year. Further, 45% of the cases on supervision had substance abuse histories and conditions for treatment, a significant increase from prior years. Lastly, 27% of offenders had a community service obligation and 4% of the cases had court imposed electronic monitoring.

The profile of the offenders monitored during the year was also more complex than in past years. The percentage of weapons cases compared to the percentage of the total cases doubled that of the national average, as did the percentage of robbery cases. The district's offenders were 30% more likely to be unemployed at the time of arrest than the national average, had almost double the national average of drug abuse histories and triple the number with identified mental health issues. Finally, 73% of activations had prior arrest histories, compared to a national average of 57%. Despite the difficulties presented by such a troubled caseload, 85% of the offenders supervised completed their term successfully.

Some examples of the many successes during the year include: Jose, age 26, who stumbled through supervision upon release, battling drug addiction, poor domestic relationships and apathy, which ultimately resulted in convictions for new criminal conduct, and ultimate revocation. Upon re-release, Jose immediately tested positive for marihuana during an unannounced community contact. The probation officer counseled Jose in an effort to get him to change his ways. The officer arranged for drug treatment, which was successful, and later assisted Jose to enroll in a GED program. Jose is preparing to graduate, remains drug-free, and has basic skills that will allow him, for the first time in his life, to hold a legitimate job.

Jamal, age 30, was released from prison after having served his sentence for a firearms offense. He began supervision with a substantial criminal history and a long standing history of drug use. Jamal was ordered to perform weekly community service. Upon release, Jamal was angry at the world and non-responsive to any and all supervision efforts. Within months of his release, he resumed using cocaine, failed to report for drug treatment, did not secure employment and did not perform his required community service hours. Within less than a year of his release, it became clear that violation was imminent. His officer once again met with him to address his noncompliance and hold him accountable. In her opinion, he had been offered every opportunity to succeed and had consciously chosen not to and she further offered that he had no one to blame but himself. Jamal indicated that this was the first time in his life he was forced to accept responsibility for his own fate. In time, Jamal

turned his life around and is now a contributing member of society. He has held the same job for over a year and his boss, a former police officer, describes him as his “best worker.” As part of his community service, he has worked with juveniles and spoken to them about the dangers of drugs and drug trafficking. He has also spent numerous hours removing graffiti from the streets of the city. Jamal recently expressed that he feels he is now someone his children can be proud to call their father.

Christine, age 43 was convicted, along with her husband, of a drug offense. Following her husband’s suicide, she struggled to manage three rental properties, raise two young boys, and maintain employment. She was laid-off from her job, and was directed to a community service position by the probation officer while she conducted a job search. The officer counseled her on appropriate behavior and ethics relating to both tasks. After about a month, the community service agency was so impressed by her, they offered her a full-time job with health benefits. As this was the first time she ever had a job that provided benefits, her children are now receiving appropriate medical care.

Joe, age 47, was previously convicted of bank robbery in eleven states. He admitted his severe drug addiction fueled the robberies and he received a twenty year sentence. Upon release, motivated to change his life, he immediately obtained employment and with the help of the probation officer and his drug counselor. He has remained drug-free for over a year. Although struggling to put together the broken pieces of a long-life of addiction and repeated incarcerations, Joe credits the probation office with giving him the motivation and guidance to make significant changes in his life.

Will, age 40, was convicted of attempting to disable an aircraft. Following his arrest, he was evaluated and diagnosed with a major depressive disorder. He was referred by the probation officer to a mental health clinic and prescribed anti-psychotic medication. The probation office coordinated treatment with a mobile treatment team and an outpatient program. Will has continued to improve and during this year all urine screens have proved negative. He now is employed as a carpenter. The probation officer continues to monitor his treatment and medication to reduce the likelihood of additional psychotic episodes and criminal behavior.

Mike, age 35, was released from prison after serving two years. He commenced three years of supervision by providing a urine specimen that tested positive for marihuana. Mike distrusted everything about the government, the court, and his probation officer. Supervision was a disaster. When he appeared for a Violation Hearing, he made threatening remarks while being taken into custody. Shortly thereafter, his wife gave birth to their first child. Upon re-release, and a few long meetings with his probation officer, Mike admitted his “anger at the world” was in large part due to being illiterate, a secret he had kept his entire adult life. The probation officer referred him for an evaluation where it was determined that Mike had a severe learning disability. He was treated and received appropriate help with his disability to the point where he is now able to read simple documents. The probation officer has encouraged and assisted with this skill development, and recently Mike announced that being able to read a book to his baby daughter is one of the greatest accomplishments in his life.

**NARRATIVE REPORTS**

**OF THE**

**FEDERAL PUBLIC DEFENDERS**



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

During FY 2005, the office has been fully engaged in litigation and education efforts engendered by the Supreme Court's watershed decision in United States v. Booker, 543 U.S. 220 (2005). Our lawyers have participated in a number of educational programs – both locally and nationally – addressing issues raised by this case, and have litigated significant cases in both the district courts and the Court of Appeals. Staff have also filed amicus briefs in a number of First Circuit cases.

The caseload in the New Hampshire and Rhode Island offices has continued to climb. The court's authorization of one additional Assistant Federal Public Defender position in each of these two offices has been helpful. The review of applications for the Rhode Island position is underway, and advertising for the New Hampshire position will begin shortly. In Boston, the number of cases opened dropped significantly, for reasons that are discussed below.

One trend in the District of Massachusetts generally has been a marked increase in the number of cases going to trial, apparently as a result of the U.S. Attorney's strict "no plea bargaining" policy. The percentage of criminal defendants who went to trial in the district climbed to more than 10 percent in FY 2005, compared to approximately three percent in 2002, according to information provided in the annual Judicial Business of the United States Courts, Table D-6 (available at <http://jnet.ao.dcn/img/assets/5630/USDistrictCourtsCrimianl.pdf>) (sic). This compares to a national average of approximately 4.5 percent for FY 2005. See id.

In FY 2005, two new Assistant Federal Public Defenders joined the Boston office. Oscar Cruz filled a vacancy created when Leo T. Sorokin became a U.S. Magistrate-Judge, and Stelio Sinnis filled a vacancy created after Owen Walker retired and Miriam Conrad became the Federal Public Defender. Charles McGinty became the First Assistant Federal Public Defender, a new position in the office.

The offices supported the CJA panel by hosting and participating in training programs in all three districts. The office also runs two popular e-mail list-serves for CJA attorneys, one for those lawyers practicing in district court and another primarily focusing on appellate issues. The office distributes its quarterly newsletter electronically to save on mailing costs. In addition, staff are in the process of updating and revamping the website.

Our overall volume of cases for the Fiscal Year, compared to previous years, was as follows:

Massachusetts

	<u>Cases Opened</u>				<u>Pending</u>	
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	Pending 10/1/98:	
FY 1999	205	134	8	63	“	10/1/99: 150
FY 2000	285	213	9	63	“	10/1/00: 225
FY 2001	265	181	23	61	“	10/1/01: 210
FY 2002	266	161	18	87	“	10/1/02: 196
FY 2003	282	157	19	106	“	10/1/03: 200
FY 2004	341	188	36	117	“	10/1/04: 258
FY 2005	200	85	32	83	“	10/1/05: 205

New Hampshire

	<u>Cases Opened</u>				<u>Pending</u>	
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	pending 10/1/98	
FY 1999	114	80	6	28	“	10/1/99 61
FY 2000	79	43	6	30	“	10/1/00 61
FY 2001	123	78	8	37	“	10/1/01 55
FY 2002	131	70	9	52	“	10/1/02 66
FY 2003	161	99	10	52	“	10/1/03 85
FY 2004	149	110	8	31	“	10/1/04 99
FY 2005	186	132	11	43	“	10/1/05 127

Rhode Island

	<u>Cases Opened</u>			<u>Pending</u>			
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	pending	10/1/02	0
FY 2003	103	65	4	34	“	10/1/03	61
FY 2004	139	84	19	36	“	10/1/04	67
FY 2005	142	87	19	36	“	10/1/05:	76

The marked drop in cases opened in the Boston office reflects a number of factors. Caseload history over the past two years has been somewhat erratic. First, there was a sharp increase in FY 2004, after the district court began a new policy which allowed counsel to be assigned before the initial appearance. As a result, attorneys were assigned to cover duty days, instead of duty weeks. Under this new program, the AFPDs were available at the courthouse to take new cases and accept appointments. As a result, the first seven months of calendar year 2004 saw a 47 percent increase over the first seven months of FY 2003.

Unfortunately, toward the end of FY 2004, Owen Walker took a medical leave. His substantial caseload was re-assigned among the Assistant Federal Public Defenders, who already were feeling the strain of the sharp increase in new cases. In August 2004, Charles McGinty became the Acting Federal Public Defender, adding administrative duties to his significant workload. In February 2005, Mr. McGinty was appointed to represent a defendant who was eligible for the death penalty. (Fortunately, the Attorney General decided in January 2006 against seeking the death penalty in that case.) These dual responsibilities significantly reduced Mr. McGinty's ability to handle new cases.

In April 2005, Miriam Conrad became the acting Federal Public Defender. She has taken few new cases since then, and has re-assigned some old cases, in order to focus on the administrative needs of the office. Because Mr. Walker remained out on medical leave for most of the year, until his retirement on August 1, 2005, his position remain unfilled. For a few months during FY 2005, there was a second vacant position after Mr. Sorokin became a magistrate judge in March 2005.

As a result of these staffing problems and the increase in new cases, the office took few new cases during much of FY 2005 and temporarily stopped covering any duty days until the summer of 2005. As of September 6, 2005, staff returned to covering duty days five days a week. The number of new cases opened each month has been climbing steadily since then. The number of cases pending as of 5/1/06, 239, represents a significant increase since 10/1/05, when only 205 cases were pending.

The historically low caseload per attorney in Boston results in part from the complexity of the cases and the expectations of the Massachusetts district court. The lawyers not only engage in extensive motion practice, but write detailed and comprehensive sentencing memoranda in the vast majority of cases. In addition, the U.S. Attorney's Office has an unusually high ratio of Assistant

U.S. Attorneys to cases indicted. According to the US Attorney's Office website, <http://www.usdoj.gov/usao/ma/divisions.html> (sic) there are approximately 83 AUSA's in the criminal division; in FY 2005, they filed only 378 cases, according to the Judicial Business of the United States, 2005, Table D (available at <http://jnet.ao.dcn/img/assets/5630/USDistrictCourtsCrimianl.pdf> (sic)).

Timekeeping reports reflect that our lawyers spend a large number of hours on research and writing. For example, in October, 2005, writing accounted for approximately one-fourth of the hours reported by the AFPDs. While these timekeeping reports include information provided by our two appellate AFPD's, they still reflect an unusually heavy writing load. In an effort to keep pace with the demands for written work, a second Research and Writing Specialist, Martin J. Vogelbaum was hired, in January. The addition of more support, specifically with respect to research and writing, is long overdue and will hopefully enable the office to handle a higher caseload in the near future.

Finally, we continue to work closely with Barbara Manford in the Office of the Circuit Executive in relocating our New Hampshire office and to gain approval to relocate our Boston office. Ms. Manford's – and the Court's – support in these efforts is greatly appreciated.

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

During FY 2005, there was an external financial audit, conducted by Kearney & Company Certified Public Accountants and Consultants. The period covered by the audit was from July 1, 2000 through December 31, 2005. The audit report had no negative findings or comments for all the procedures within the scope of the audit and areas of interest requested by the Administrative Office. The auditors who reviewed a number of the procedures established by the office and others recommended for use by DSD for other Federal Defender Offices, found that, our records are kept in a secure and proper manner and that our procedures and management were without a negative finding.

During Fiscal Year 2005, the office also created an Appeals Division. The division started with one attorney and one secretary and will hopefully include a Research and Writing Specialist by the end of next year. Additionally, by next fiscal year, we expect to recruit an additional attorney for this division.

Statistically, in the area of criminal cases handled (opened and closed), the office continued to see an increase in both categories. The office originally projected for FY 2005 that it would open 640 cases and close 600. The fiscal year ended with 701 opened cases and 618 closed. This represented a difference of +61 and +18, respectively, from our projections. The number of cases opened was the highest in the past nine years, and predicts an increase in the closed cases for the next FY.

Along with the larger caseload, the office continued to see an increase in the hours spent by assistants in court and in trial preparation. This year, the number of "in court" hours was augmented by 156 hours. In addition, the time spent in other pre-trial matters not reported in the official reports, but ascertained in the timekeeper records, also showed a substantial rise. The number of successful trials tried to completion remained about the same, with additional successes in suppression and other dispositive motions. This year, because of increased illegal immigration, there have been a disproportionate number of material witnesses (mostly in criminal immigration prosecutions) that target the smuggler. As in the past, FPD staff has continued to handle the majority of the federal criminal cases in the district with a better rate of success than the average defense counsel.

During FY 2005, the Federal Public Defender co-sponsored with the court several CLE (Continuing Legal Education) programs in the district. Additionally the office continued the series of mini seminars, bringing local lecturers for specific topics, thereby providing additional CLE opportunities for CJA Panel attorneys. These mini-seminar sessions, which usually take place on Friday afternoons, are now institutionalized and very popular among the panel members.



**NARRATIVE REPORTS**  
**ON MATTERS OF**  
**JUDICIAL ADMINISTRATION**



## THE JUDICIAL CONFERENCE OF THE UNITED STATES

### MARCH AND SEPTEMBER 2005

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 statutory responsibilities assigned to the Judicial Conference are to:

*make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges ... [and] ... submit suggestions . . . to the various courts to promote uniformity of management procedures and the expeditious conduct of court business . . . [and to]. . . carry on a continuous study of the operation and effect of the general rules of practice ... as prescribed by the Supreme Court for the other courts of the United States. . .*

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 all 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 15, 2005 Judicial Conference, Mr. Ralph Leonidas Mecham, 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 to the Conference about Federal Judicial Center (FJC) programs, Judge Hinojosa reported on Sentencing Commission activities, and Judge Gibbons reported on judiciary appropriations.

At the September 20, 2005 Judicial Conference, Mr. Ralph Leonidas Mecham, 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 to the Conference about Federal Judicial Center (FJC) programs, Judge Hinojosa reported on Sentencing Commission activities, and Judge Gibbons reported on judiciary appropriations, and Judge Hornby reported on judicial compensation.

## 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 generally are 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 are the circuit executive, senior court personnel and representatives (usually one each) 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, which is conducted every other year. Those who attend these conferences include those listed above in connection with the mini-conferences and, pursuant to Local Rule 47.1, others from the districts such as presidents of the state and commonwealth bar associations, deans of accredited law schools, the public defenders and the U.S. attorneys. In addition, a substantial number of lawyers are invited to attend these full-scale conferences.

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 for the conference. 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 facilities at the site can accommodate is determined, and a specific number of slots for attendees 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. In June 2005, the First Circuit held a full-scale conference in Newport, Rhode Island. This Conference included panel discussion on High Profile Cases and the Integrity of the Judicial Process, Jury Selection/Ethical Considerations, and Court Ordered Limits on the Media.

## **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 2005, the council meetings took place on June 19 and September 13. Many matters are decided by mail vote between meetings.

A principle task of the judicial council involves complaints of judicial disability or misconduct. Since consideration of such complaints is confidential business and generally only the final decision is publicly available (with the disclosure of the judge's name dependent upon the nature of the action taken), detailed discussion is inappropriate. However, an explanation of the council's role in these matters and a summary of final action taken by the council during 2005 is provided at pages 90-92.

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 2005 included: approval of 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 period of mid-2005 to mid-2006, but updates as current as October 2006 are included where relevant.)*

The rental increases over the past 8 years, since the implementation of GSA's "New Pricing," continues to affect every aspect of the space program. When the moratorium on non-Defender space expired in March 2006, the Administrative Office did not return space authority to the judicial councils but instead instituted a complex budget-check process for all proposed projects which required review by the space and facilities division, as well as approval by two Judicial Conference committees and the Conference itself. In addition, the Conference voted in March 2006 to institute a cap on rental increases that would govern all space decisions to be made once the councils were once again in charge of their acquisitions, renovations, and new construction. The circuit executives and, to a lesser extent, the assistant circuit executives for space, have been working with AO staff ever since the cap was approved to develop guidelines for allocating available funds. The budget check process will remain in effect for the duration, most likely until spring of 2007 at the earliest.

As a parallel effort, the AO is undertaking, with the assistance of local court and circuit personnel, a nationwide rent evaluation to determine where rents are being calculated incorrectly and other system abuses may exist. The evaluation sessions in the First Circuit were postponed 3-4 months because of the absence of up-to-date assignment plans, necessary for the verification of GSA's accuracy in square footage calculations, in GSA's Regions 1 and 2. Most sessions have now been rescheduled for February, 2007.

Finally, as the third campaign of the rent containment initiative, the AO has recently hired a firm of appraisers to visit the largest of the courts' facilities to prepare independent appraisals and review GSA's. The Moakley Courthouse is on the list of first courthouses to be visited, perhaps as soon as October 2006.

The Circuit continues to deal with many space issues. Many of the projects currently under consideration revolve around the need to house replacements for the numerous judges eligible to take senior status during the next 10 years. It is estimated that there are 500 such judges nationally. In the First Circuit, there are 27 judges eligible for senior status by 2016, and of these, 20 (5 circuit and 15 district) are eligible by 2011. The rental cap must at a minimum provide accommodations for this population explosion. And the issue of courtroom sharing must simultaneously be addressed.

The Capital Construction Program, in which design and construction experts from the courts, the GSA, and their architects provide guidance to judges and court staff facing the challenge of a new courthouse, has been revived. A session on design was held in Seattle in August, 2006, and a session for construction and occupancy will be held in Washington in spring of 2007.

### **District of Maine**

In September 2006, the Judicial Conference approved the realignment of space as part of the prospectus repair and alteration project for the Margaret Chase Smith Federal Building in Bangor. The court, through the Circuit Executive's Office, had requested that some circulation (and consequent security) issues be addressed as part of this project, as well as the construction of a new magistrate courtroom to replace the existing one, which is less than half the size of Design Guide requirements. GSA (Bryan Hodgkins of the Portfolio Management Division in Boston) was very helpful in providing accurate projections of the rental increase that would occur as a result of this construction.

In the interim, construction will be done in the current magistrate courtroom to remedy long-standing problems with the judge's and deputy's bench; the new millwork is designed to be transferable to the new courtroom to be built under the prospectus, which will probably be occupiable in 2012. The new Federal Public Defender, David Beneman, and his staff are about to take occupancy (November 1, 2006) of their new offices in Portland and Bangor, both in leased space.

### **District of Massachusetts**

The Springfield Courthouse has taken shape. All of the main components of the building architecture are now in place. While additional funding shortfalls still loom, concerted efforts are being made by the Circuit, the AO, and the GSA to identify available funds that will allow the fourth courtroom and chambers to be finished for Judge Ponsor's replacement, due to arrive in slightly more than 3 years after project completion in February, 2008. The architect is Moshe Safdie of Somerville MA.

After four years of work, including a year between bid and award, a construction contract has been awarded to local contractor Suffolk Construction for the complete renovation of the J.W. McCormack Post Office and Courthouse in Boston. Construction is underway as of October 2006 for occupancy in two and a half to three years. It will be a historic event for the bankruptcy court to return to its original home. The prime tenant will be the Environmental Protection Agency, who has included a green roof on the lower part of the building. The final construction award amount was approximately twice the original estimate: a sign not of bad design or poor estimating but of the tremendous escalation in construction costs during the last 2-3 years, a development which affected the fate of the Springfield Courthouse as well. The architects are Goody, Clancy of Boston.

Approval has been received from Defender Services at the AOUSC for the relocation and expansion of the Federal Public Defender's headquarters office in the Williams Federal Building in Boston. The public defender, Miriam Conrad, and her staff will move to leased space to avoid the security barriers and co-tenant law enforcement agencies present at the Williams and other public federal buildings. The search for new space will start in October 2006.

## **District of New Hampshire**

During the past year, there have been many discussions about the future of the bankruptcy court and whether relocation to Concord, to the Rudman Courthouse, is a good option. This office prepared rental projections for three possible scenarios: staying in the current leased space in Manchester at current size, staying in Manchester but releasing the second courtroom and chambers (which most likely will not be needed once Judge Vaughn retires in 2008 and Judge Deasy moves into the one permanent judgeship), or moving to Rudman, which would require the relocation of the probation office to the Cleveland Federal Building next door to accommodate the bankruptcy clerk's office. Because of the cost of renovation, the rental picture for moving did not look substantially better than staying in reduced quarters. At this time, with Council sanction, the plan is to stay and to reduce and consolidate space. However, the issue will certainly continue to be reviewed over time.

Finally, the search for new and larger space for the Federal Defenders' Office in Concord, headed by Bjorn Lange, has produced one candidate. Discussions with GSA are underway over the selection.

## **District of Puerto Rico**

Space activities in this busy district have continued to expand. The renovations to the District Clerk's Office are due to be completed in January, 2007; the work is generally of good quality, and GSA project management has improved considerably under Arturo Figueroa, a recent addition to the Caribbean office staff. He is working closely with Manuel Selles of the Clerk's Office. The final phase of work consists of a jury assembly room; an employee break room which is adjacent to jury assembly and can be combined if necessary with it for larger assemblies; a new grand jury, relocated to provide considerably more security and isolation than the original facility; a training room; and space for staff.

In the Jose V. Toledo Courthouse, a feasibility study is underway by GSA and its consultant architects for the use of the empty half of the first floor of that building to accommodate active and/or senior judges. No other facility in the district has vacant space, and construction of a new building or addition to the Hato Rey facility is probably not feasible for reasons of both time and money.

In the meantime, a temporary chambers is being built in the Degetau Federal Building for one of the two new magistrate judges who have recently been appointed. Magistrate jury boxes are also expanding to increase availability of courtrooms for district judges, of whom there are now 7 active and 5 senior—but only 8 courtrooms between the two facilities in San Juan.

The rehabilitation of the Luis Ferre Post Office and Courthouse in Ponce remains a serious challenge. As soon as we developed contract scopes and schedules with GSA and the US Postal Service, the post office on the ground floor of the building moved out for a hazmat abatement contract. Not only was that contract never completed, but vacating the building left it wide open for vandalism and theft. Now both courts and USPS are in the process of trying to restore conditions so that work can continue on renovations to house the fourth bankruptcy judge.

Finally, a portion of the bankruptcy clerk's office in the Toledo Courthouse is being renovated to accommodate the new CAMP office, which is headed by former Puerto Rican Justice Charles Cordero.

### **District of Rhode Island**

At the Courthouse, the construction contract for the second Prospectus project is nearly complete. This required invasive and intricate reworking of building systems, highly dependent on judges' schedule, that was completed with minimal problems thanks to the extraordinary management by the district's space coordinator, Shawna Kelliher. The project included work items that had been long identified (including major safety concerns such as fire egress) but were not affordable within the original prospectus budget.

The new bollards surrounding the courthouse and the Pastore Federal Building, replacing the jersey barriers, are nearly all installed, to much public acclaim. Anti-fragmentation window film will be installed in the Courthouse in 2006. Window repair at Pastore and re-roofing at the courthouse are also underway via GSA contracts and should be under construction within the next 12-18 months.

### **Court of Appeals**

The training room facility in the William Federal Building was released back to GSA, and a new training room was built on the second floor of the Moakley Courthouse. New offices were built or renovated for the Staff Attorneys' expanding staff.

## **AUTOMATION AND TECHNOLOGY**

### **Introduction**

In 2005, the Information Technology (IT) Department continued to provide support service to the Court of Appeals in its various locations. There were a few major projects that IT completed during this year.

### **Telecommunications:**

In 2005, the IT Department took over primary responsibility for the telephone system in the Moakley Courthouse and a consultant role to the various courts and units within the First Circuit. In this role, the IT Department works with the AO and the others courts and units to provide its expertise in recommending and setting up phone systems, including switches and voice mail systems. One of the first priorities the Department faced was the age and status of the old voice mail system. The system had previously suffered a major failure where the information including voice mails was lost. Due to its age and outdated systems, it was decided to replace the old Siemens PhoneMail system with its new replacement system - Xpressions. In addition, it was decided to move the voice mail system from its basement location (which was plagued with many environmental concerns) to the computer room where it could be better monitored. This project was done in the fall of 2005. After some initial problems, the system became a stable and reliable platform in providing message service to the Courthouse.

### **Voice Broadcasting:**

As part of the COOP program and to provide a better communications in case of building closings, the IT Department implemented a voice broadcasting system. Instead of having people call a "weather" phone to find out if the Courthouse was closed, this system would call court employees and others who want to be notified. One of the main advantages to a voice broadcasting system is that it can be used to notify people about any event. In a weather related closure, people would have some idea that the court might be closed and will call in to check. This system expands beyond weather to address any other possible reason for the building to be closed. The Court sent out a notification of its intent to implement such a system and asked those people who deal with the court, such as attorneys, if they wanted to participate. A database of these people with their contact numbers was set up and will be maintained by the IT Department.

## **Special Projects:**

During 2005, the IT Department was asked to prepare and assist in the following projects:

**McCormack Building Renovation** - With the decision to move ahead with the reconstruction of the Old Courthouse and Post Office in the McCormack Building, the IT Department was asked to meet with the project developers and architects in designing the Bankruptcy portion of the project. During 2005, members of the IT Department met with the architects to go over the design and placement of the cables necessary to provide data and telephone service to the Bankruptcy Court.

**Congressional Hearing** - As part of its investigation into the "Big Dig" project, a sub panel of the House Transportation Committee wanted to meet in Boston to question witnesses. The En Banc Courtroom was designated as the most appropriate area in the Courthouse to provide for this meeting. The IT Department worked with members of the Congressional Staff to provide the necessary support for the sound system and any other A/V assistance was needed.

**Judges' Conference in Newport** - The IT Department assisted at the Judges' Conference held in Newport, Rhode Island, by setting up a network of computers and printers for use by attending judges and Circuit personnel connected to the Court Network in Boston. IT staff also provided phone and A/V support when requested.

## **CM/ECF:**

The IT Department continued its work on CM/ECF that will replace the AIMS docketing system. To assist in this work, a Database Administrator was hired. Tim Wilson, originally a Quality Control Manager with the Court of Appeals Clerk's Office, was hired in this position. In addition to bringing his knowledge of database design, he has had extensive experience with the AIMS system. This experience will prove helpful in the CM/ECF implementation.

A web BLOG was set up by the IT Department to improve the constant flow of information between the CM/ECF programmers and the Clerk's Office staff aiding in this project. The BLOG also helps in contact with the CM/ECF programmers from the AO staff working on the Court of Appeals program.

## 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. . . .

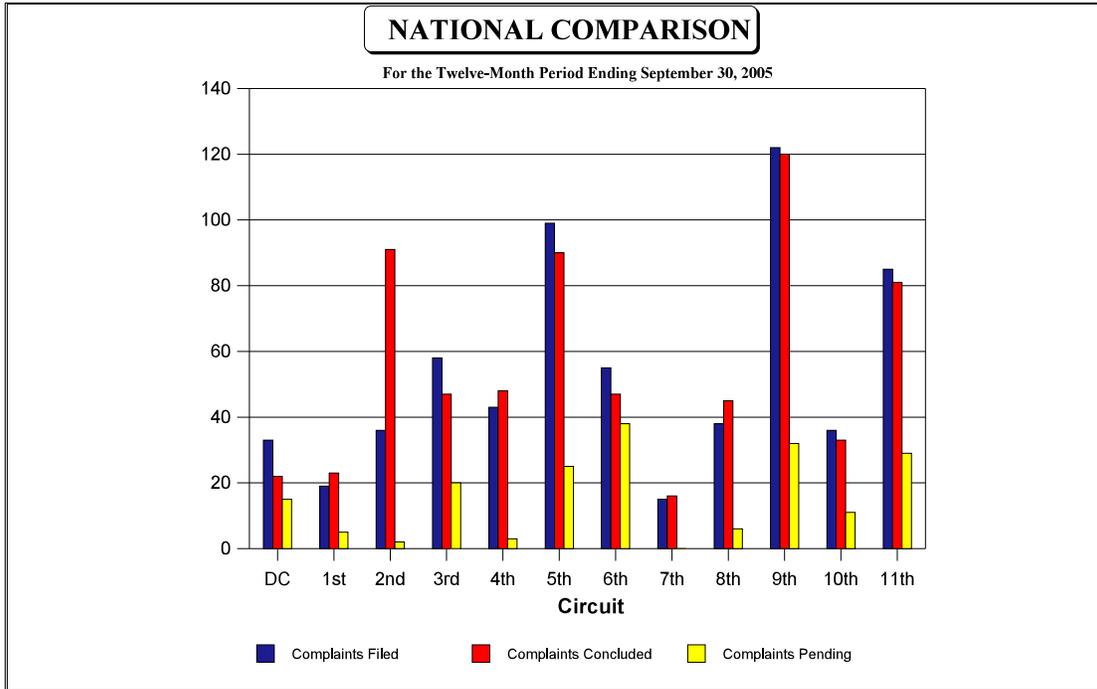
28 U.S.C. § 351(a). See also Judicial Improvements Act of 2002, P.L. 107-273. After initial receipt by staff of the Circuit Executive's Office, the chief judge reviews the complaint, in accordance with 28 U.S.C. § 352. The chief judge may then dismiss the complaint, conclude the proceeding for corrective 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 judge have the right to file a petition for judicial council review of an order of dismissal entered by the chief judge. Id., at § 352(c). Except where a special committee has been appointed, and in other limited circumstances, see 28 U.S.C. § 354, the orders issued by the judicial council are "final and conclusive." 28 U.S.C. § 357(a). Pursuant to 28 U.S.C. § 358, the Judicial Council has prescribed the Rules of the Judicial Council of the First Circuit Governing Complaints of Judicial Misconduct or Disability (Rules of Judicial Misconduct) to govern the judicial misconduct complaint process.

On January 1, 2004, an amendment to the Rules of Judicial Misconduct authorized the chief judge to "annually designate two review panels to act for the Judicial Council on all petitions for review . . . , except for those referred to the full membership . . . ." Rules of Judicial Misconduct, Rule 8(a). This amendment was adopted in response to a provision of the 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). Rule 8(b) provides that any member of the review panel may vote to refer the petition to the full Judicial Council. See Rules of Judicial Misconduct, Rule 8(b). 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, 2005**

Complaints Filed in 2005 (calendar year)	19
Repeat Complainants (filed more than 1 complaint during 2005)	8
Orders of Dismissal Issued by Chief Judge *5 of the Chief Judge's orders were issued in 2006	19*
Petitions for Review filed with Judicial Council *6 of the petitions were filed in 2006	12*
Orders of Dismissal Affirmed by Judicial Council *8 of the Council orders were issued in 2006	12*
Show Cause Orders Issued *1 of the Show Cause Orders were issued in 2006	3*
Preclusion Orders Issued *1 of the Preclusion Orders was issued in 2006	3*
Total Judges Accused of Misconduct in 2005	20

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



**REPORT OF COMPLAINTS FILED, CONCLUDED AND PENDING UNDER AUTHORITY OF TITLE 28 U.S.C. §§ 351-364 For the Twelve-Month Period Ending September 30, 2005**

Summary of Activity	Circuit											
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
<b>Complaints Filed</b>	33	19	36	58	43	99	55	15	38	122	36	85
<b>Complaints Concluded</b>	22	23	91	47	48	90	47	16	45	120	33	81
<b>Complaints Pending</b>	15	5	2	20	3	25	38	0	6	32	11	29

## **ATTORNEY DISCIPLINE**

During 2005, the Court of Appeals for the First Circuit handled three attorney disciplinary proceedings under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement). None of these proceedings was initiated by the Court of Appeals; all of them arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement. Each of these matters resulted in orders of disbarment.

## HISTORY AND NOTABLE EVENTS

On September 3, 2005, William H. Rehnquist, Chief Justice of the United States passed away. Chief Justice Rehnquist served the federal judiciary as an associate justice in 1971 and was promoted to Chief Justice in 1986, succeeding Justice Warren Earl Burger.

On May 7, 2005, Senior United States District Judge Walter Jay Skinner passed away. Judge Skinner had served the federal courts since his appointment in 1973. Judge Skinner took senior status in 1992.

The following judicial officers retired during 2005: Magistrate Judge Lawrence P. Cohen retired from the District of Massachusetts on January 31, 2005.

The following judicial appointments were made during 2005: Magistrate Judge Leo T. Sorokin was appointed to the District of Massachusetts on April 11, 2005; Judge William C. Hillman was reappointed to the U.S. Bankruptcy Court for the District of Massachusetts on August 12, 2005; and Magistrate Judge Robert W. Lovegreen was recalled for one year to serve the U.S. District Court for the District of Rhode Island.

Further, on January 1, 2005 Magistrate Judge Charles B. Swartwood, III, was elevated to chief judge, succeeding Magistrate Judge Marianne B. Bowler; on June 10, 2005, Judge Salvador E. Casellas of the U.S. District Court for the District of Puerto Rico took senior status; and Judge Hector M. Laffitte took senior status on November 15, 2005.

## **2005 FAIR EMPLOYMENT PRACTICES REPORT**

The First Circuit Court of Appeals (the “Court”) initially adopted the Model Affirmative Action Plan recommended by the Judicial Conference of the United States, together 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. 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 1997.

This narrative report reflects data collected from the following offices: staffs 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 Massachusetts and Puerto Rico) have issued separate reports.

### **PERSONNEL SUMMARY**

As of September 30, 2005, there were 123 Court of Appeals employees. Of those employees, 44 (36%) were male and 79 (64%) were female; 107 (87%) were white and 16 (13%) were minorities. There were 2 African-American employees, 6 Hispanic employees, 8 Asian employees, and 0 Native American employees.

### **SIGNIFICANT ACHIEVEMENTS**

There were 38 new appointments made during this reporting period. Of those new appointments, 17 were male and 21 were female; 31 were white and 7 were minorities.

During the reporting period, 24 employees were promoted. Of those employees, 10 were male and 14 were female. Four (4) of the employees promoted were minorities.

## **TRAINING**

As noted above, on October 10, 1999, the Court adopted the EDR Plan for the First Circuit Court of Appeals.

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**

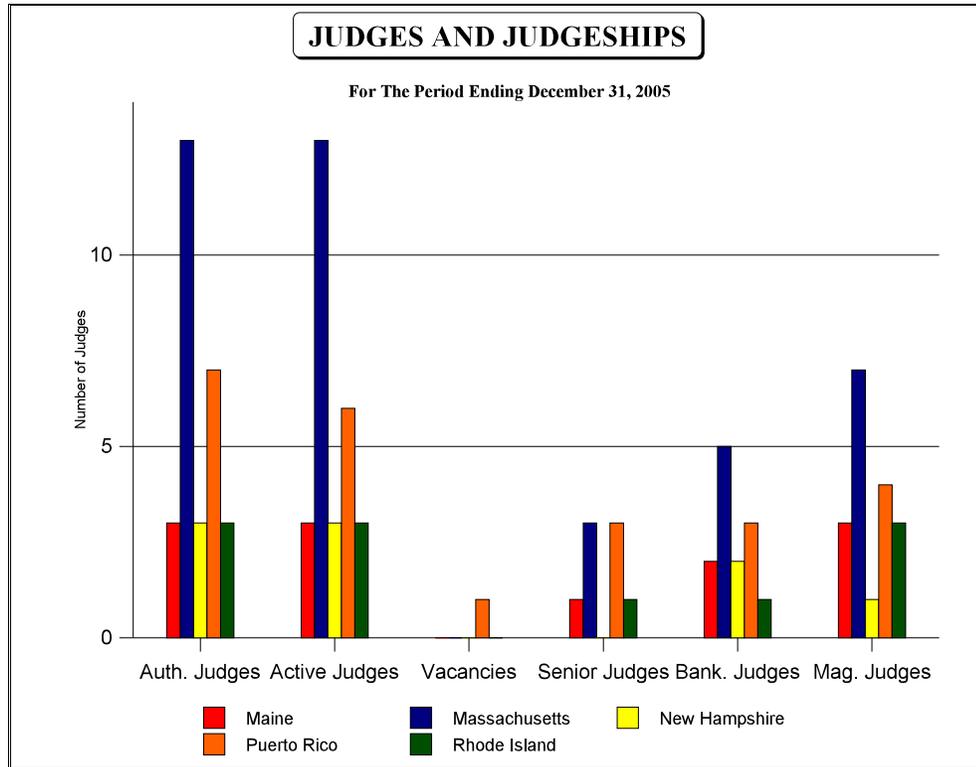
There were no complaints filed during this reporting year.

**JUDGESHIP**  
**SUMMARY**



## JUDGES AND JUDGESHIPS

### Judgeship Summary



<b>JUDGES AND JUDGESHIPS</b>						
<b>For the Period Ending December 31, 2005</b>						
<b>Districts</b>	<b>Auth. Judges</b>	<b>Active Judges</b>	<b>Vacancies</b>	<b>Senior Judges</b>	<b>Bank. Judges</b>	<b>Mag. Judges</b>
<b>Maine</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Massachusetts</b>	<b>13</b>	<b>13</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>7</b>
<b>New Hampshire</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>
<b>Puerto Rico</b>	<b>7</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>4</b>
<b>Rhode Island</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>
<b>Total Dist. Ct.</b>	<b>28</b>	<b>27</b>	<b>2</b>	<b>9</b>	<b>13</b>	<b>18</b>
<b>Total Court of Appeals</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>–</b>	<b>–</b>
<b>Total 1<sup>st</sup> Circuit</b>	<b>34</b>	<b>33</b>	<b>2</b>	<b>13</b>	<b>13</b>	<b>18</b>



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

**2005**

<b>Michael Boudin</b>	<b>CJ</b>	<b>Court of Appeals</b>	<b>Executive Committee</b>
<b>Edward F. Harrington</b>	<b>SJ</b>	<b>Massachusetts</b>	<b>Committee on the Administration of the Bankruptcy System</b>
<b>Nancy Gertner</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on Information and Technology</b>
<b>Nathaniel M. Gorton</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Foreign Intelligence Surveillance Court</b>
<b>James B. Haines</b>	<b>BJ</b>	<b>Massachusetts</b>	<b>Committee on Court Administration and Case Management</b>
<b>William C. Hillman</b>	<b>BJ</b>	<b>Massachusetts</b>	<b>Committee on the Administrative Office</b>
<b>D. Brock Hornby</b>	<b>DJ</b>	<b>Maine</b>	<b>Committee on the Judicial Branch (Chair)</b>
<b>Kermit V. Lipez</b>	<b>CJ</b>	<b>Court of Appeals</b>	<b>Committee on Federal- State Jurisdiction</b>
<b>William E. Smith</b>	<b>DJ</b>	<b>Rhode Island</b>	<b>Committee on Financial Disclosure</b>
<b>Mark L. Wolf</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Advisory Committee on Criminal Rules</b>
<b>Richard G. Stearns</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on Space and Facilities</b>

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

**2005**

<b>José Antonio Fusté</b>	<b>DJ</b>	<b>Puerto Rico</b>	<b>Committee on Criminal Law</b>
<b>George A. O'Toole, Jr.</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on Judicial Security</b>
<b>Juan Perez-Gimenez</b>	<b>DJ</b>	<b>Puerto Rico</b>	<b>Committee on International Judicial Relations</b>
<b>Daniel R. Dominguez</b>	<b>DJ</b>	<b>Puerto Rico</b>	<b>Committee on the Administration of the Magistrate Judges System</b>
<b>John A. Woodcock, Jr.</b>	<b>DJ</b>	<b>Maine</b>	<b>Committee on Defender Services</b>
<b>Bruce M. Selya</b>	<b>CJ</b>	<b>Court of Appeals</b>	<b>Judicial Panel on Multi-District Litigation</b>
<b>Michael A. Ponsor</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on the Budget</b>
<b>Jay A. Garcia-Gregory</b>	<b>DJ</b>	<b>Puerto Rico</b>	<b>Committee on Codes of Conduct</b>
<b>George Z. Singal Resources</b>	<b>DJ</b>	<b>Maine</b>	<b>Committee on Judicial</b>

**CJ: Circuit Judge**

**DJ: District Judge**

**SJ: Senior Judge**

**MJ: Magistrate Judge**

**BJ: Bankruptcy Judge**

# JUDICIAL COUNCIL OF THE FIRST CIRCUIT

**2005**

(as of December 31, 2005)

**Honorable Michael Boudin, Chief Judge, Court of Appeals**

<b>Honorable Juan R. Torruella</b>	<b>Court of Appeals</b>
<b>Honorable Bruce M. Selya</b>	<b>Court of Appeals</b>
<b>Honorable Norman H. Stahl</b>	<b>Court of Appeals</b>
<b>Honorable Sandra L. Lynch</b>	<b>Court of Appeals</b>
<b>Honorable Kermit V. Lipez</b>	<b>Court of Appeals</b>
<b>Honorable Jeffrey R. Howard</b>	<b>Court of Appeals</b>
<b>Honorable George Z. Singal</b>	<b>District of Maine</b>
<b>Honorable Richard G. Stearns</b>	<b>District of Massachusetts</b>
<b>Honorable Paul J. Barbadoro</b>	<b>District of New Hampshire</b>
<b>Honorable Juan M. Pérez-Giménez</b>	<b>District of Puerto Rico</b>
<b>Honorable William E. Smith</b>	<b>District of Rhode Island</b>

**Observing Members**

<b>Honorable Enrique S. Lamoutte</b>	<b>District of Puerto Rico Bankruptcy Judge</b>
<b>Honorable Joyce London Alexander</b>	<b>District of Massachusetts Magistrate Judge</b>

**THE UNITED STATES COURTS FOR THE FIRST CIRCUIT**

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**NEW APPOINTMENTS**

**District of Massachusetts**                      **Magistrate Judge Leo T. Sorokin**

**NEW CHIEF JUDGES**

**REAPPOINTMENTS**

**District of Massachusetts**                      **Bankruptcy Judge William C. Hillman**

**SENIOR STATUS**

**District of Puerto Rico**                      **District Judge Hector M. Laffitte**  
**District of Puerto Rico**                      **District Judge Salvador E. Casellas**

**RETIREMENTS**

**District of Massachusetts**                      **Magistrate Judge Lawrence P. Cohen**

**ELEVATIONS TO CHIEF**

**District of Massachusetts**                      **Magistrate Charles B. Swartwood, III**

**RECALL**

**District of Rhode Island**                      **Magistrate Judge Robert W. Lovegreen**

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

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**Honorable Michael Boudin, Chief Judge**

**Honorable Frank M. Coffin  
Honorable Levin H. Campbell  
Honorable Juan R. Torruella  
Honorable Bruce M. Selya  
Honorable Conrad K. Cyr**

**Honorable Norman H. Stahl  
Honorable Sandra L. Lynch  
Honorable Kermit V. Lipez  
Honorable Jeffrey R. Howard**

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

---

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

---

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

---

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

---

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

---

**Honorable William S. Brownell  
Honorable David M. Cohen  
Honorable Margaret Kravchuk**

---

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

---

**Honorable William G. Young, Chief  
Honorable Morris E. Lasker  
Honorable Joseph L. Tauro  
Honorable Walter J. Skinner  
Honorable Robert E. Keeton  
Honorable Rya W. Zobel  
Honorable Mark L. Wolf  
Honorable Douglas P. Woodlock**

**Honorable Edward F. Harrington  
Honorable Nathaniel M. Gorton  
Honorable Richard G. Stearns  
Honorable Reginald C. Lindsay  
Honorable Patti B. Saris  
Honorable Nancy Gertner  
Honorable Michael A. Ponsor  
Honorable George A. O'Toole  
Honorable F. Dennis Saylor**

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

---

**Honorable Joan N. Feeney, Chief  
Honorable William C. Hillman  
Honorable Henry J. Boroff  
Honorable Joel B. Rosenthal  
Honorable Robert Somma**

---

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

---

**Honorable, Charles B. Swartwood Chief  
Honorable Robert C. Collings  
Honorable Joyce London Alexander  
Honorable Marianne B. Bowler**

**Honorable Kenneth P. Neiman  
Honorable Judith G. Dein  
Honorable Leo T. Sorokin**

---

**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**

---

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

---

**Honorable Mark W. Vaughn, Chief  
Honorable Michael J. Deasy**

---

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

---

**Honorable James R. Muirhead**

---

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

---

**Honorable, Jose Antonio Fusté, Chief  
Honorable Juan M. Pérez-Giménez  
Honorable Carmen Consuelo Cerezo  
Honorable Jaime Pieras, Jr.  
Honorable Raymond L. Acosta**

**Honorable Héctor M. Laffitte  
Honorable Salvador E. Casellas  
Honorable Daniel R. Dominguez  
Honorable Jay A. Garcia-Gregory**

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

---

**Honorable Gerardo A. Carlo-Altieri, Chief  
Honorable Sara E. De Jesús  
Honorable Enrique S. Lamoutte**

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

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**Honorable Justo Arenas  
Honorable Aida M. Delgado-Colón  
Honorable Gustavo A. Gelpi  
Honorable Camillélez-Rivé**

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

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

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

---

**Honorable Arthur N. Votolato, Chief**

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

---

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

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**CIRCUIT EXECUTIVE**

Gary H. Wente  
*United States Courts for the First Circuit*

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**FIRST CIRCUIT CLERKS OF COURT**

Richard Cushing Donovan  
*Court of Appeals*

William S. Brownell  
*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*

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**FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT**

Celia Strickler  
*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*

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**FIRST CIRCUIT CHIEFS OF PROBATION**

Claire Cooper  
*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*

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**FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES**

John R. Riley  
*District of Massachusetts*

Hector R. Torres-Quinones (*retired December 2005*)  
*District of Puerto Rico*

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**FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS**

David Beneman  
*District of Maine*

Miriam Conrad  
*District of Massachusetts*  
*District of New Hampshire*

Joseph C. Laws, Jr.  
*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, 2004 & 2005**

	COMMENCED			TERMINATED			PENDING*		
CIRCUIT	2004	2005	Percent Change	2004	2005	Percent Change	2004*	2005	Percent Change
TOTAL	62,762	68,473	9.1%	56,381	61,975	9.9%	51,226	57,724	12.7%
DISTRICT OF COLUMBIA	1,390	1,379	-0.8%	1,155	1,158	0.3%	1,242	1,463	17.8%
FIRST	1,723	1,912	11%	1,643	1,888	14.9%	1,619	1,643	1.5%
SECOND	7,008	7,035	0.4%	4,611	6,501	41%	9,431	9,965	5.7%
THIRD	3,871	4,498	16.2%	3,787	4,268	12.7%	3,250	3,480	7.1%
FOURTH	4,957	5,307	7.1%	4,713	4,754	0.9%	2,768	3,321	20%
FIFTH	8,509	9,052	6.4%	8,100	7,496	-7.5%	4,850	6,406	32.1%
SIXTH	4,841	5,211	7.6%	4,655	5,232	12.4%	4,540	4,519	-0.5%
SEVENTH	3,377	3,789	12.2%	3,294	3,706	12.5%	2,378	2,461	3.5%
EIGHTH	3,101	3,611	16.4%	2,916	3,287	12.7%	2,004	2,328	16.2%
NINTH	14,274	16,037	12.4%	12,151	13,399	10.3%	13,436	16,074	19.6%
TENTH	2,646	2,911	10%	2,448	2,708	10.6%	2,164	2,367	9.4%
ELEVENTH	7,065	7,731	9.4%	6,908	7,578	9.7%	3,544	3,697	4.3%

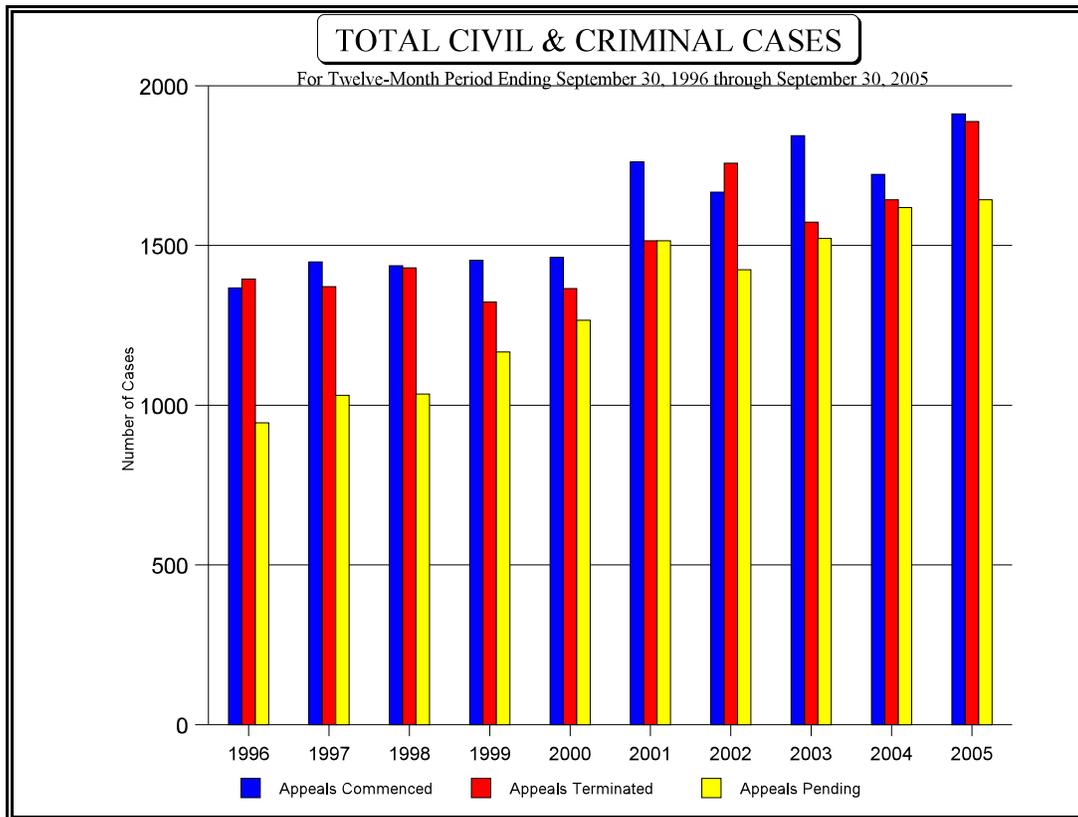
\*PENDING CASELOADS FOR 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT**  
**SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS FOR THE**  
**12-MONTH PERIODS ENDING SEPTEMBER 30, 1998 - 2005**

SOURCE	1998	1999	2000	2001	2002	2003	2004	2005
<b>FIRST CIRCUIT TOTALS</b>	<b>1,437</b>	<b>1,454</b>	<b>1,463</b>	<b>1,762</b>	<b>1,667</b>	<b>1,844</b>	<b>1,723</b>	<b>1,912</b>
MAINE	134	139	128	164	115	141	143	171
MASSACHUSETTS	556	538	537	659	621	635	578	602
NEW HAMPSHIRE	119	126	105	112	96	117	121	118
PUERTO RICO	331	338	358	498	524	574	510	506
RHODE ISLAND	130	134	156	150	134	122	116	131
BANKRUPTCY	34	40	32	24	35	36	19	31
U.S. TAX COURT	10	1	5	3	3	5	4	5
NLRB	11	5	7	5	10	3	4	11
ADMINISTRATIVE AGENCIES	58	67	54	55	69	145	156	244
ORIGINAL PROCEEDINGS	54	66	81	92	60	66	72	93

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, 1996 THROUGH SEPTEMBER 30, 2005**

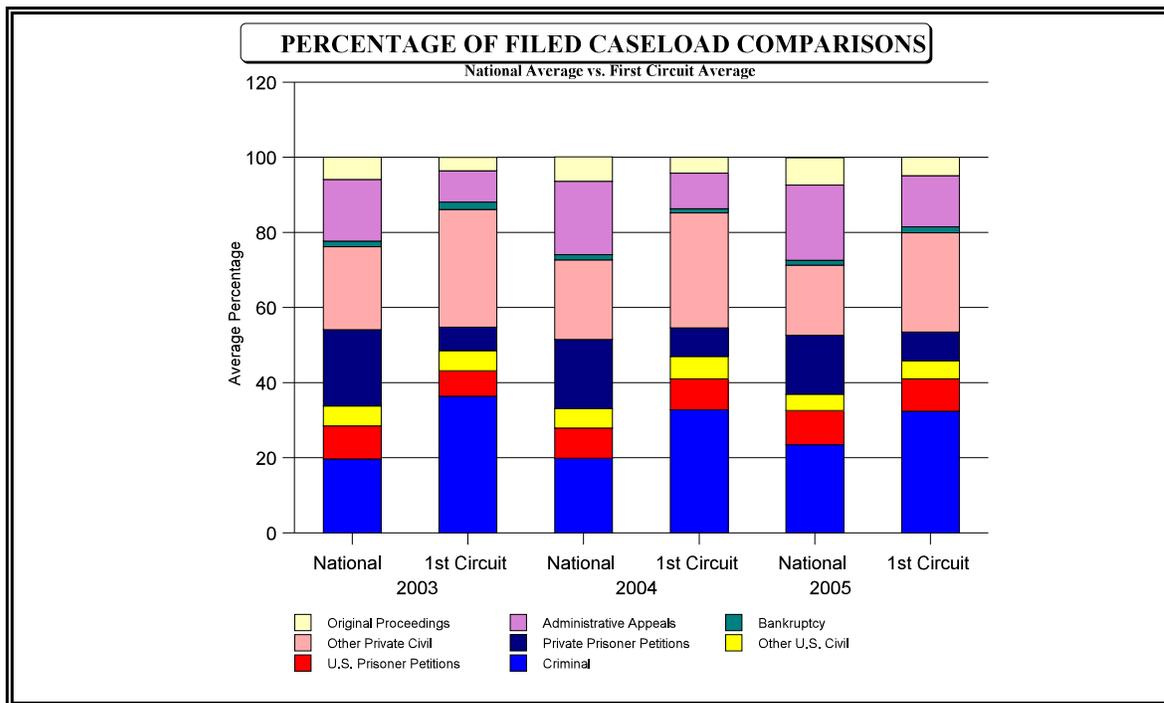


**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT**  
**Comparison 1996 - 2005**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Appeals Commenced</b>	1,367	1,449	1,437	1,454	1,463	1,762	1,667	1,844	1,723	1,912
<b>Appeals Terminated</b>	1,395	1,371	1,430	1,323	1,365	1,515	1,758	1,573	1,643	1,888
<b>Appeals Pending</b>	945	1,031	1,035	1,167	1,266	1,515	1,424	1,522	1,619*	1,643

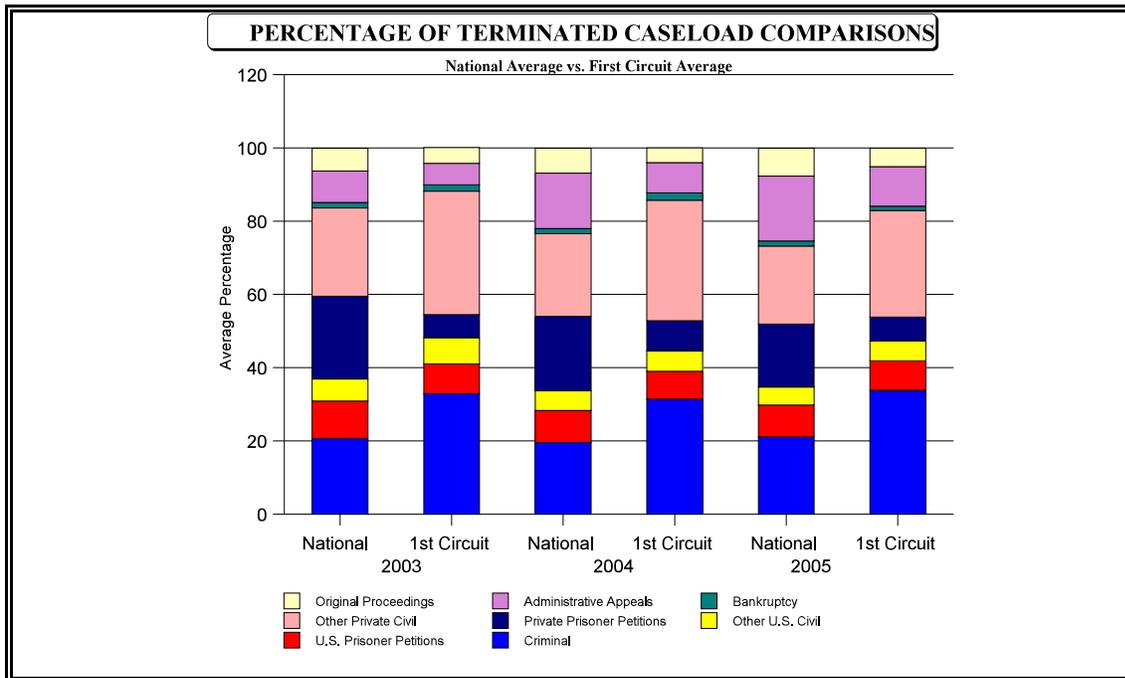
\*Total cases pending revised by the Administrative Office of the U.S. Courts.

## CIRCUIT COMPARISON FOR FILED CASELOAD



FILED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2003 THROUGH 2005						
	2003		2004		2005	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
<b>Criminal</b>	19.7	36.4	19.9	32.8	23.5	32.4
<b>U.S. Prisoner Petitions</b>	8.8	6.8	8.0	8.2	9.1	8.6
<b>Other U.S. Civil</b>	5.3	5.3	5.2	6.0	4.3	4.8
<b>Private Prisoner Petitions</b>	20.3	6.3	18.4	7.6	15.7	7.7
<b>Other Private Civil</b>	22.1	31.3	21.2	30.6	18.7	26.4
<b>Bankruptcy</b>	1.5	2.0	1.4	1.1	1.3	1.6
<b>Administrative Appeals</b>	16.4	8.3	19.5	9.5	20.0	13.6
<b>Original Proceedings</b>	5.9	3.6	6.5	4.2	7.3	4.9

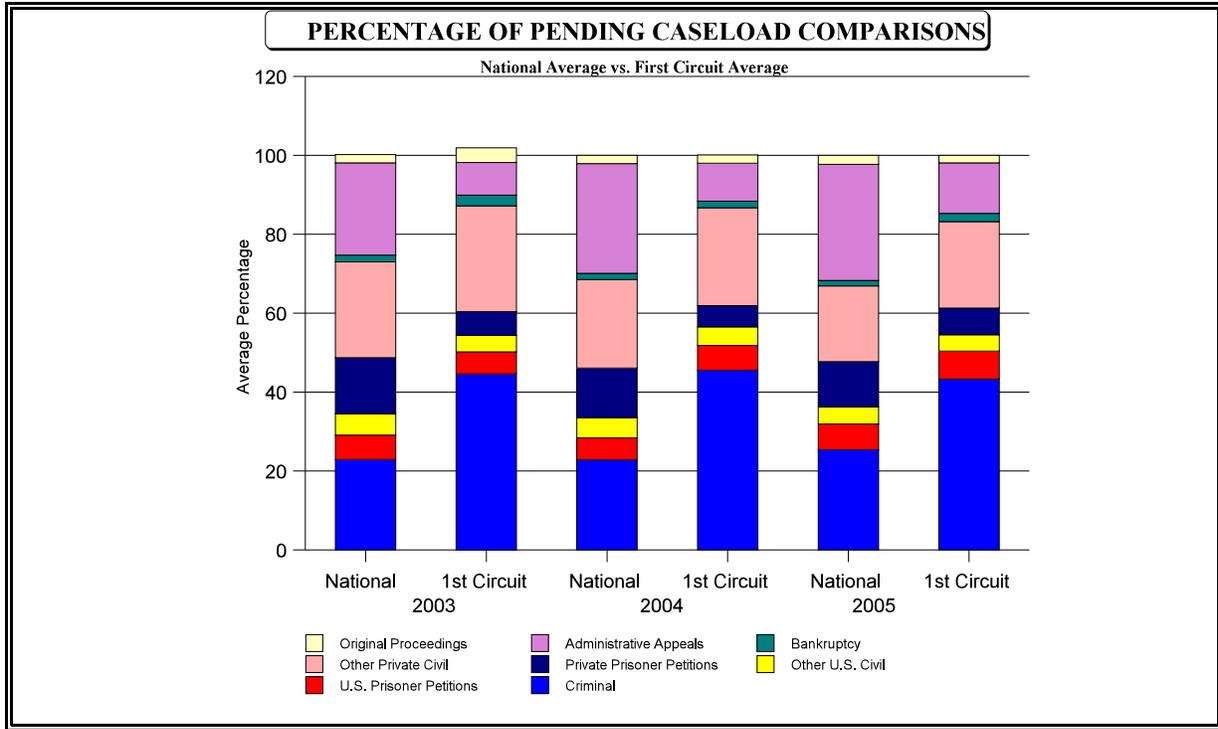
## CIRCUIT COMPARISON FOR TERMINATED CASELOAD



### TERMINATED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2003 THROUGH 2005

	2003		2004		2005	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
<b>Criminal</b>	20.7	32.9	19.6	31.4	21.1	33.8
<b>U.S. Prisoner Petitions</b>	10.2	8.1	8.7	7.6	8.7	8.1
<b>Other U.S. Civil</b>	6.0	7.2	5.4	5.6	4.9	5.4
<b>Private Prisoner Petitions</b>	22.6	6.3	20.3	8.2	17.2	6.5
<b>Other Private Civil</b>	24.1	33.7	22.6	32.9	21.3	29.1
<b>Bankruptcy</b>	1.5	1.7	1.4	2.0	1.4	1.2
<b>Administrative Appeals</b>	8.6	5.9	15.1	8.3	17.7	10.8
<b>Original Proceedings</b>	6.2	4.3	6.8	4.0	7.6	5.0

## CIRCUIT COMPARISON FOR PENDING CASELOAD



TERMINATED CASELOAD COMPARISON						
PERCENT OF TOTAL FROM SEPTEMBER 30, 2003 THROUGH 2005						
	2003		2004		2005	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
<b>Criminal</b>	22.9	44.6	22.8	45.5	25.4	43.3
<b>U.S. Prisoner Petitions</b>	6.2	5.6	5.6	6.3	6.5	7.1
<b>Other U.S. Civil</b>	5.4	4.2	5.1	4.7	4.4	4.1
<b>Private Prisoner Petitions</b>	14.2	6.0	12.6	5.4	11.4	6.8
<b>Other Private Civil</b>	24.3	26.8	22.4	24.8	19.2	21.9
<b>Bankruptcy</b>	1.7	2.7	1.6	1.7	1.4	2.1
<b>Administrative Appeals</b>	23.4	8.3	27.8	9.6	29.4	12.8
<b>Original Proceedings</b>	2.1	3.7	2.1	2.1	2.3	1.9

FIRST CIRCUIT TYPES OF CASES  
COMPARED TO NATIONAL AVERAGE

PERCENT OF TOTAL COMMENCED						
	2003		2004		2005	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	19.7	36.4	19.9	32.8	23.5	32.4
U.S. PRISONER PETITIONS	8.8	6.8	8.0	8.2	9.1	8.6
OTHER U.S. CIVIL	5.3	5.3	5.2	6.0	4.3	4.8
PRIVATE PRISONER PETITIONS	20.3	6.3	18.4	7.6	15.7	7.8
OTHER PRIVATE CIVIL	22.1	31.3	21.2	30.6	18.7	26.4
BANKRUPTCY	1.5	2.0	1.4	1.1	1.3	1.6
ADMINISTRATIVE APPEALS	16.4	8.3	19.5	9.5	20.0	13.6
ORIGINAL PROCEEDINGS	5.9	3.6	6.5	4.2	7.3	4.9

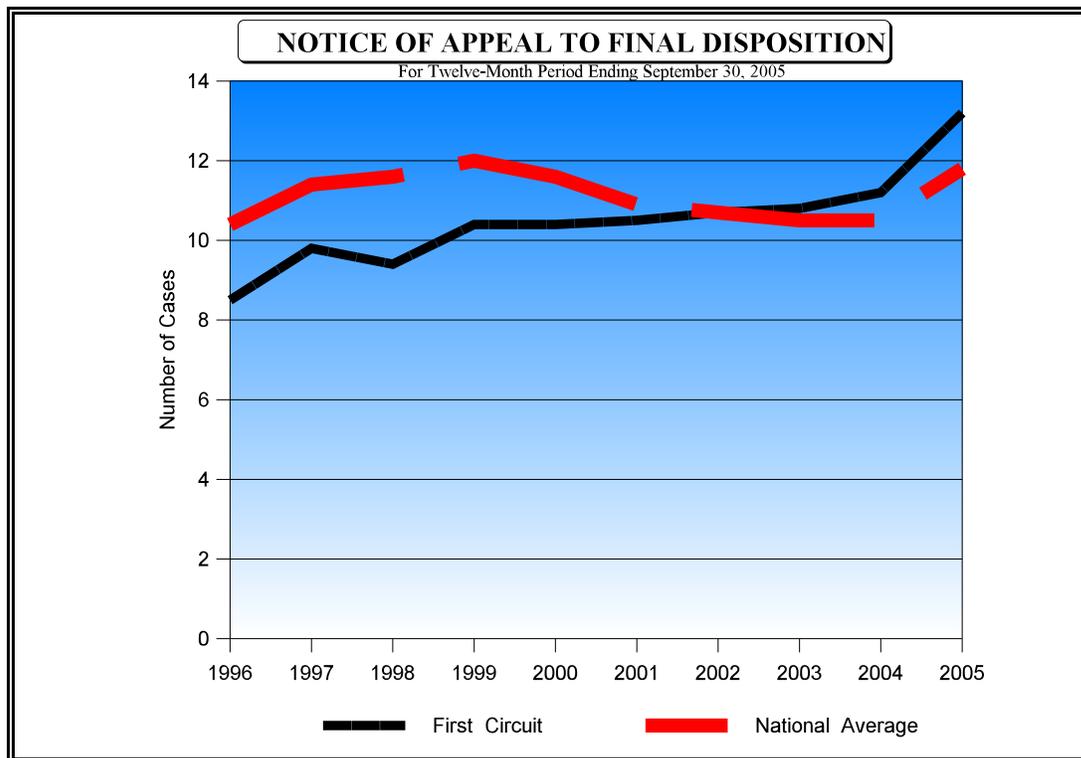
■ NATIONAL AVERAGE

■ 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, 2005

	CASE	INTV
TOTAL	21,702	11.8
DISTRICT OF COLUMBIA	344	11.2
FIRST	782	13.2
SECOND	1,499	13.0
THIRD	1,762	11.7
FOURTH	1,819	8.0
FIFTH	2,997	10.3
SIXTH	2,283	14.5
SEVENTH	1,193	10.6
EIGHTH	1,639	10.7
NINTH	3,332	16.1
TENTH	1,288	12.0
ELEVENTH	2,764	9.5

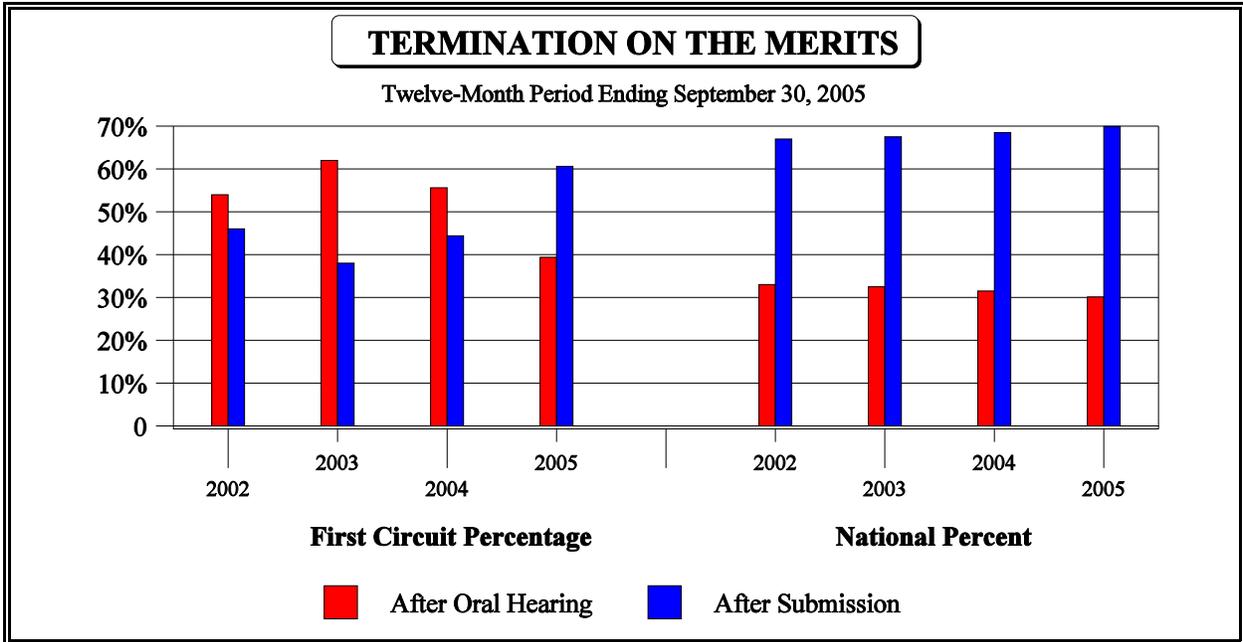
## U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD DISPOSITION TIME FROM 1996 - 2005



## U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARISON 1996 - 2005

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
FIRST CIRCUIT	8.5	9.8	9.4	10.4	10.4	10.5	10.7	10.8	11.2	13.2
NATIONAL AVERAGE	10.4	11.4	11.6	12.0	11.6	10.9	10.7	10.5	10.5	11.8

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD  
DISPOSITION 2002 THROUGH 2005**



DISPOSITION OF CASELOADS IN PERCENTAGES FIRST CIRCUIT VS. NATIONAL CASELOAD								
FIRST CIRCUIT PERCENTAGES					NATIONAL PERCENTAGES TOTALS			
	2002	2003	2004	2005	2002	2003	2004	2005
AFTER ORAL HEARING	54%	62%	55.6%	39.4%	33%	32.5%	31.5%	30.1%
AFTER SUBMISSION	46%	38%	44.4%	60.6%	67%	67.5%	68.5%	69.9%

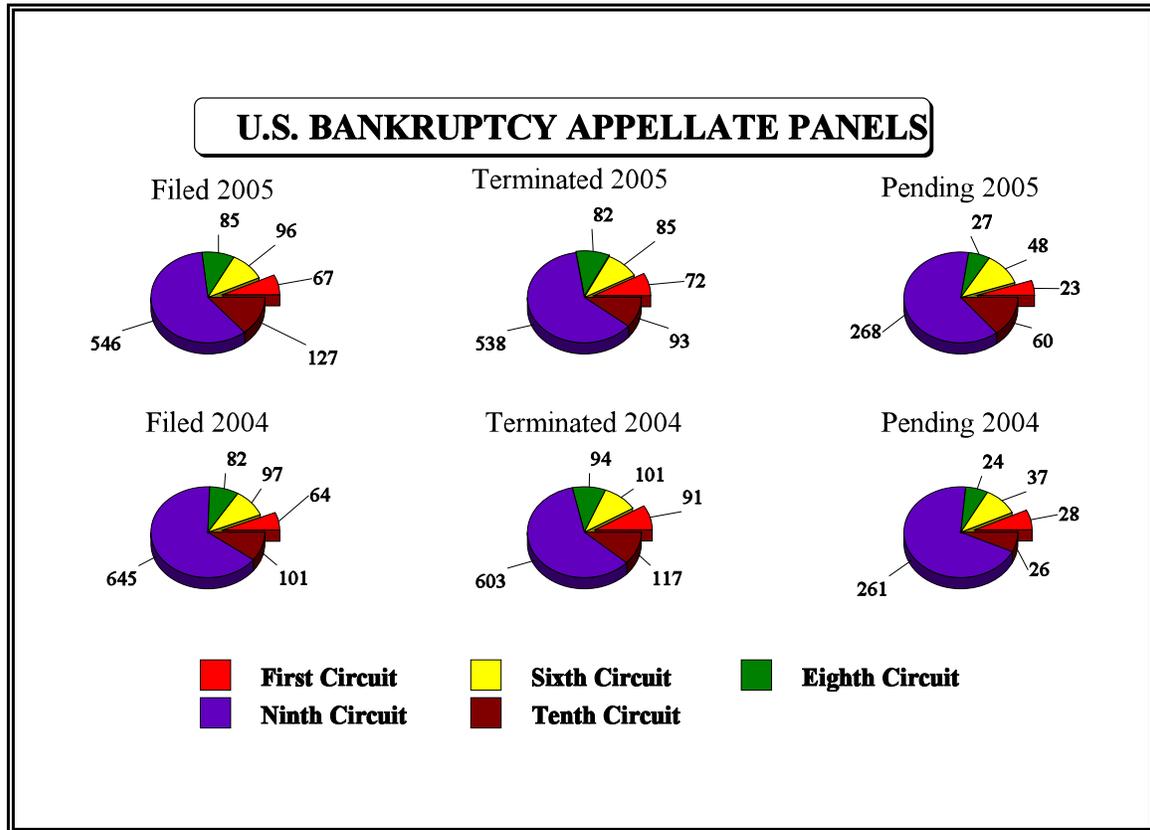
**STATISTICS**

**U.S. BANKRUPTCY**

**APPELLATE PANELS**



**U.S. BANKRUPTCY APPELLATE PANELS**  
 APPEALS FILED, TERMINATED AND PENDING BY CIRCUIT  
 FOR 12-MONTH PERIODS AS OF SEPTEMBER 30, 2004 AND 2005



**U.S. BANKRUPTCY APPELLATE PANELS**  
 DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2003 AND 2004

	Filed			Terminated			Pending		
	2004	2005	% Change	2004	2005	% Change	2004*	2005	% Change
FIRST CIRCUIT	64	67	4.7%	91	72	-20.9%	28	23	-17.9%
SIXTH CIRCUIT	97	96	-1.0%	101	85	-15.8%	37	48	29.7%
EIGHTH CIRCUIT	82	85	3.7%	94	82	-12.8%	24	27	12.5%
NINTH CIRCUIT	645	546	-15.3%	603	538	-10.8%	260	268	3.1%
TENTH CIRCUIT	101	127	25.7%	117	93	-20.5%	26	60	130.8%
TOTAL	989	921	-6.9%	1,006	870	-13.5%	375	426	13.6%

\*TOTAL CASES PENDING IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.



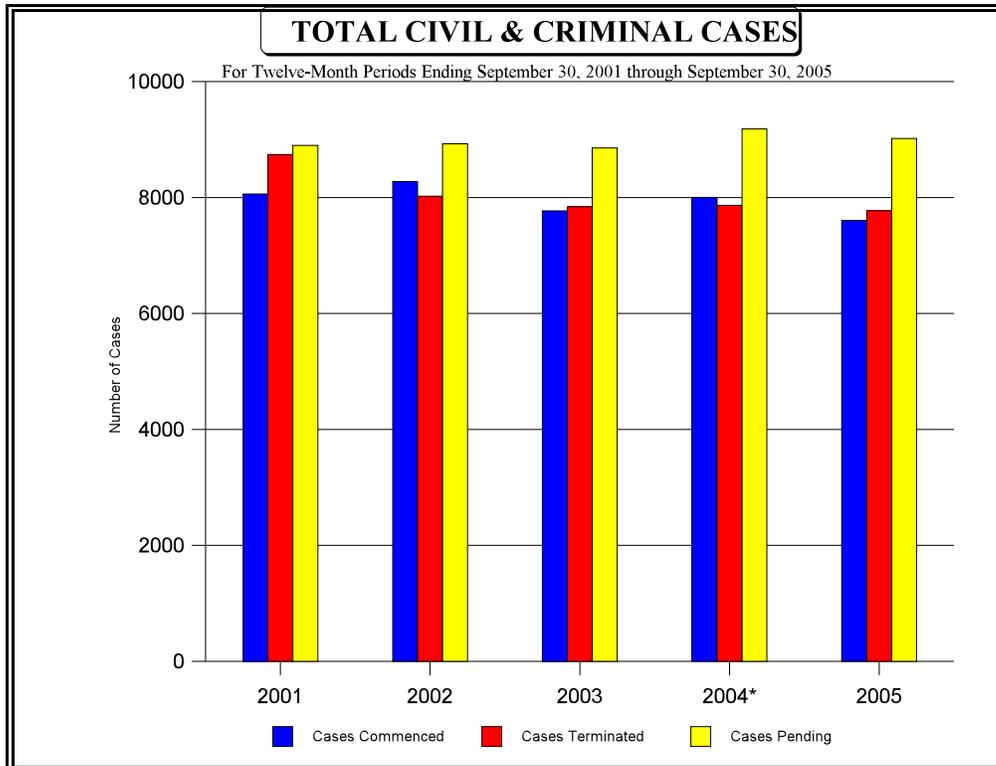
**STATISTICS**

**FIRST CIRCUIT**

**DISTRICT COURTS**



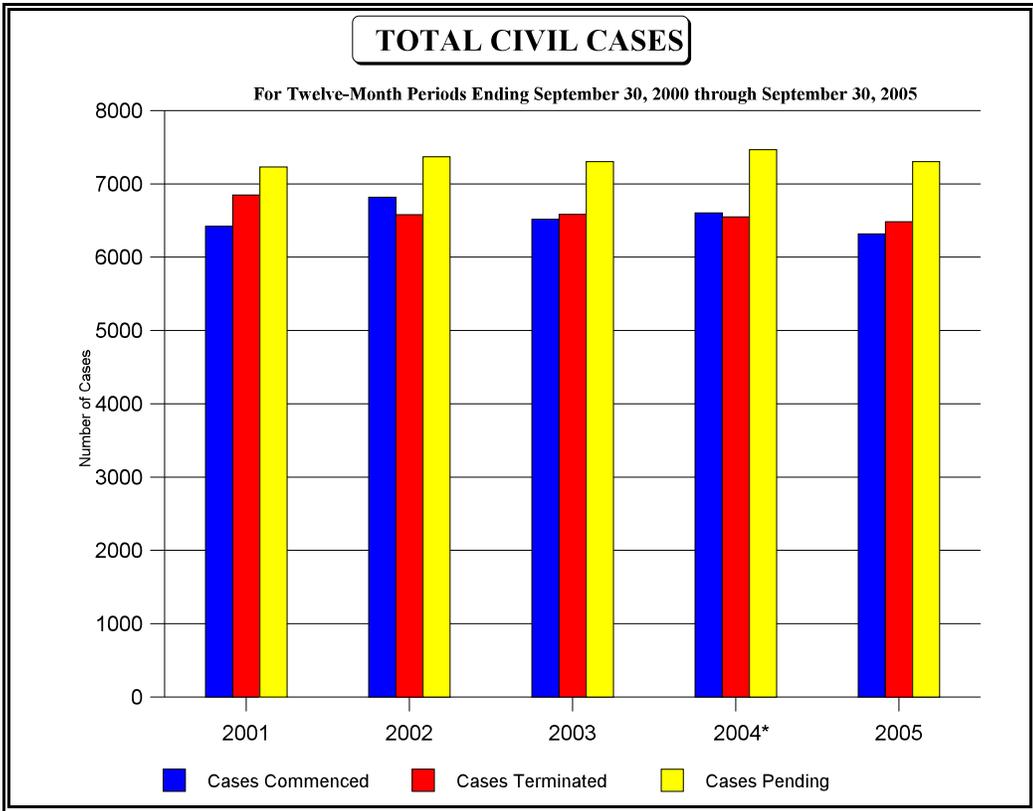
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL & CRIMINAL CASES FROM 2001 THROUGH 2005					
	2001	2002	2003	2004*	2005
CASES COMMENCED	8060	8,277	7,769	8,002	7,605
CASES TERMINATED	8,741	8,023	7,842	7,866	7,773
CASES PENDING	8,899	8,927	8,854	9,184	9,018

\*PENDING CASELOAD FOR 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS.

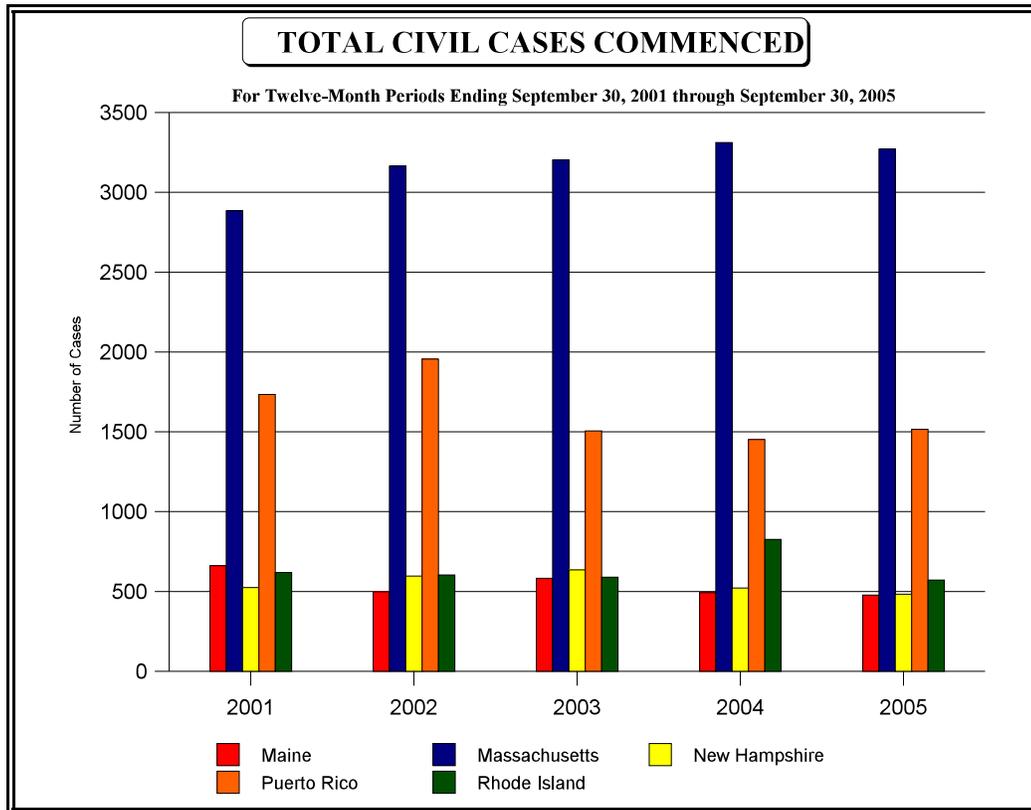
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



<b>TOTAL CIVIL CASES</b>					
<b>FROM 2000 THROUGH 2005</b>					
	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004*</b>	<b>2005</b>
<b>CASES COMMENCED</b>	<b>6,422</b>	<b>6,817</b>	<b>6,516</b>	<b>6,604</b>	<b>6,319</b>
<b>CASES TERMINATED</b>	<b>6,850</b>	<b>6,579</b>	<b>6,583</b>	<b>6,551</b>	<b>6,483</b>
<b>CASES PENDING</b>	<b>7,230</b>	<b>7,371</b>	<b>7,304</b>	<b>7,467</b>	<b>7,303</b>

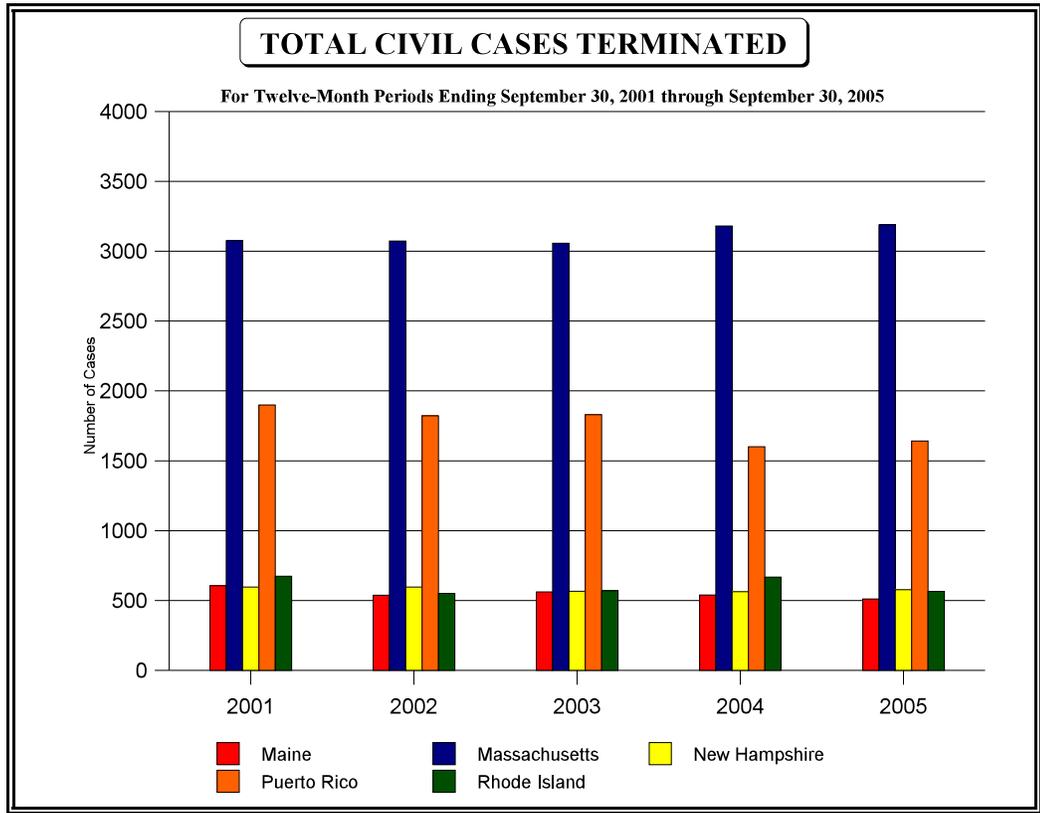
\*PENDING CASELOAD FOR 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS.

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



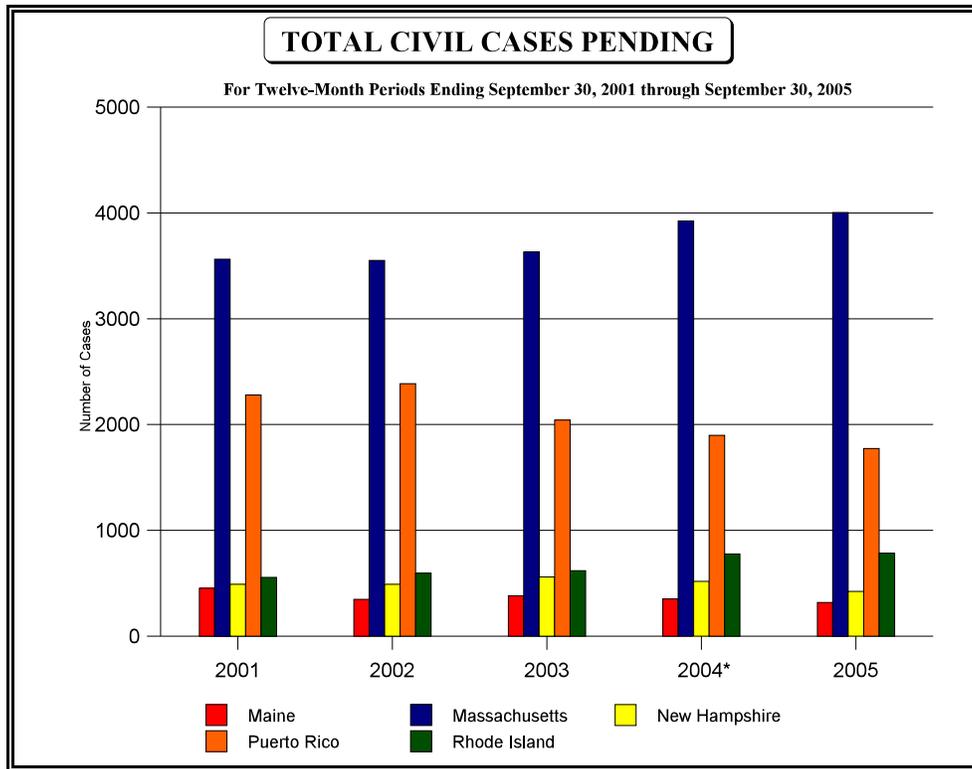
CIVIL CASES COMMENCED FROM 2001 THROUGH 2005					
DISTRICTS	2001	2002	2003	2004	2005
MAINE	661	498	583	492	478
MASSACHUSETTS	2,884	3,164	3,202	3,312	3,270
NEW HAMPSHIRE	525	597	635	522	483
PUERTO RICO	1,734	1,955	1,506	1,452	1,516
RHODE ISLAND	618	603	590	826	572

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES TERMINATED FROM 2001 THROUGH 2005					
DISTRICTS	2001	2002	2003	2004	2005
MAINE	605	537	561	540	511
MASSACHUSETTS	3,074	3,073	3,057	3,180	3,189
NEW HAMPSHIRE	597	597	566	563	577
PUERTO RICO	1,900	1,822	1,830	1,601	1,641
RHODE ISLAND	674	550	569	667	565

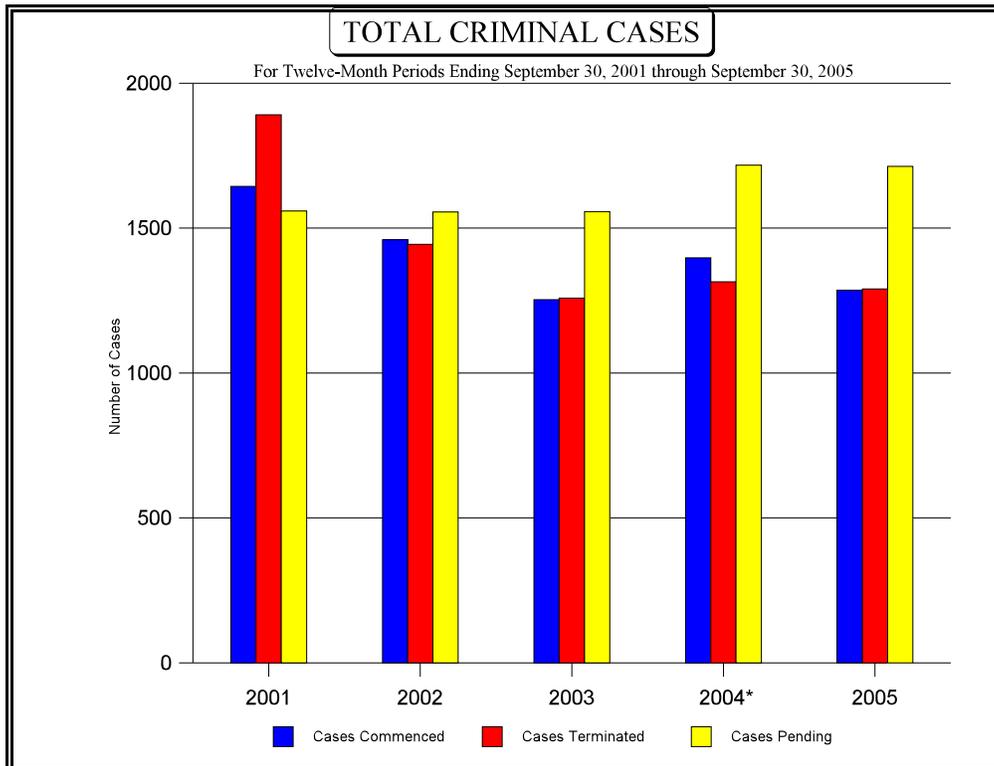
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES PENDING FROM 2001 THROUGH 2005					
DISTRICTS	2001	2002	2003	2004*	2005
MAINE	453	348	381	352	319
MASSACHUSETTS	3,562	3,550	3,629	3,922	4,003
NEW HAMPSHIRE	490	490	559	518	424
PUERTO RICO	2,280	2,387	2,043	1,898	1,773
RHODE ISLAND	555	596	618	777	784

\*TOTAL CIVIL CASES PENDING IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

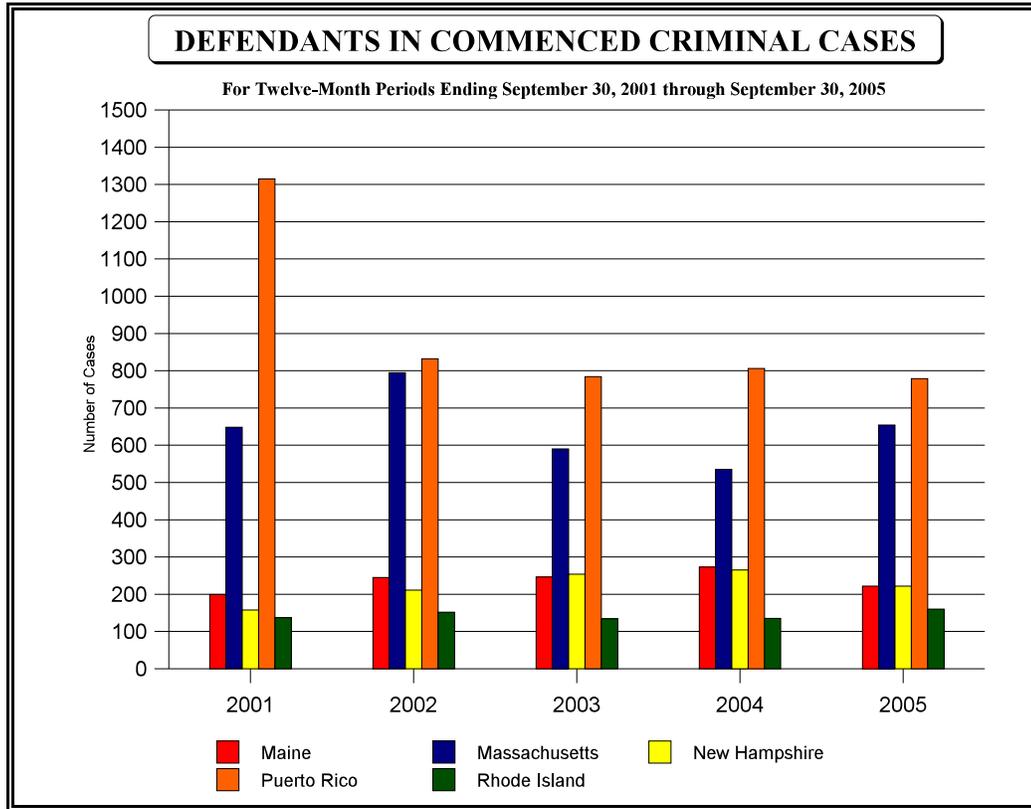
**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



TOTAL CRIMINAL CASES FROM 2001 THROUGH 2005					
	2001	2002	2003	2004*	2005
CASES COMMENCED	1,644	1,460	1,253	1,398	1,286
CASES TERMINATED	1,891	1,444	1,259	1,315	1,290
CASES PENDING	1,559	1,556	1,557	1,717	1,713

\*TOTAL CRIMINAL CASES PENDING IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

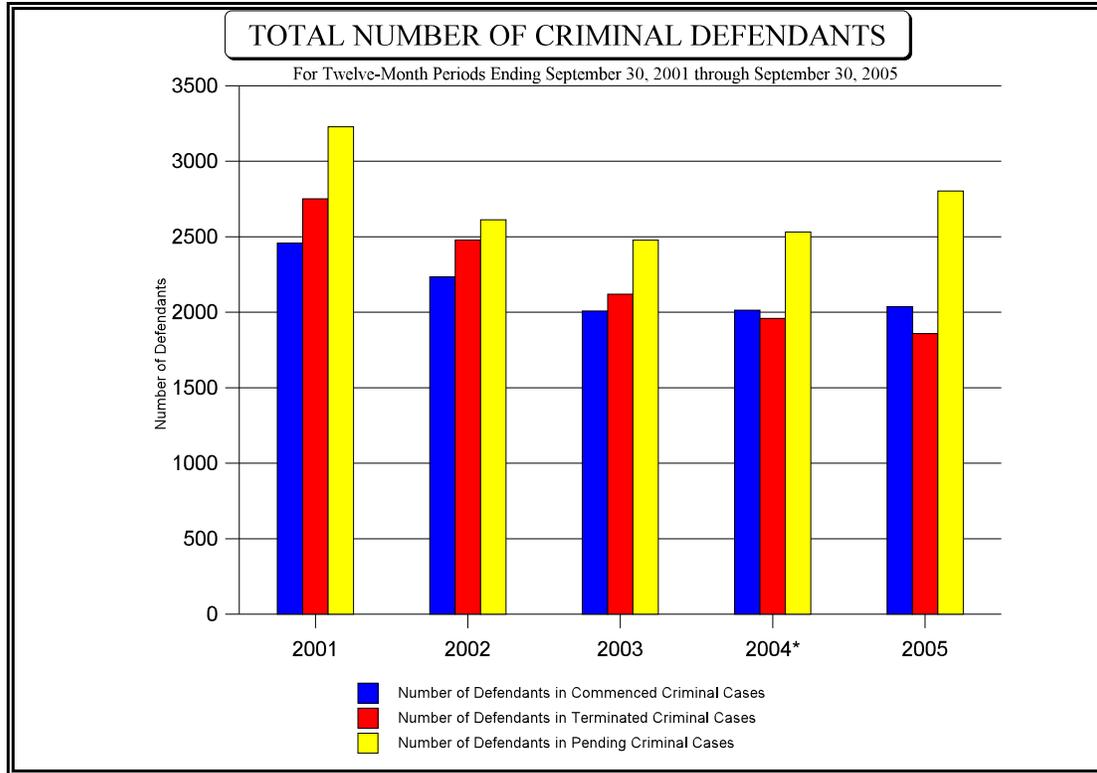
**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



**DEFENDANTS IN COMMENCED CRIMINAL CASES  
FROM 2001 THROUGH 2005**

DISTRICTS	2001	2002	2003	2004	2005
MAINE	199	245	246	273	222
MASSACHUSETTS	648	795	590	535	654
NEW HAMPSHIRE	158	211	254	265	222
PUERTO RICO	1,315	832	784	806	779
RHODE ISLAND	137	152	134	135	160

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS

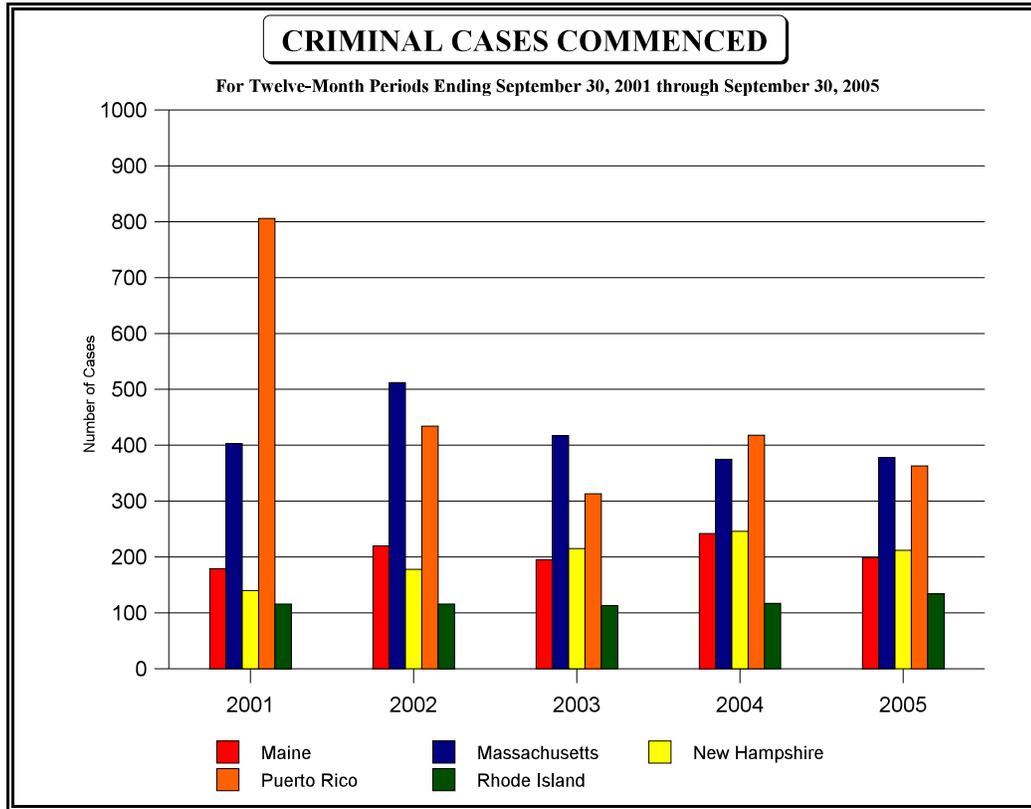


### TOTAL NUMBER OF CRIMINAL DEFENDANTS FROM 2001 THROUGH 2005

	2001	2002	2003	2004*	2005
NUMBER OF DEFENDANTS IN COMMENCED CRIMINAL CASES	<b>2,457</b>	<b>2,235</b>	<b>2,008</b>	<b>2,014</b>	<b>2,037</b>
NUMBER OF DEFENDANTS IN TERMINATED CRIMINAL CASES	<b>2,752</b>	<b>2,477</b>	<b>2,119</b>	<b>1,959</b>	<b>1,859</b>
NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES	<b>3,228</b>	<b>2,612</b>	<b>2,477</b>	<b>2,612</b>	<b>2,803</b>

\*TOTAL NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

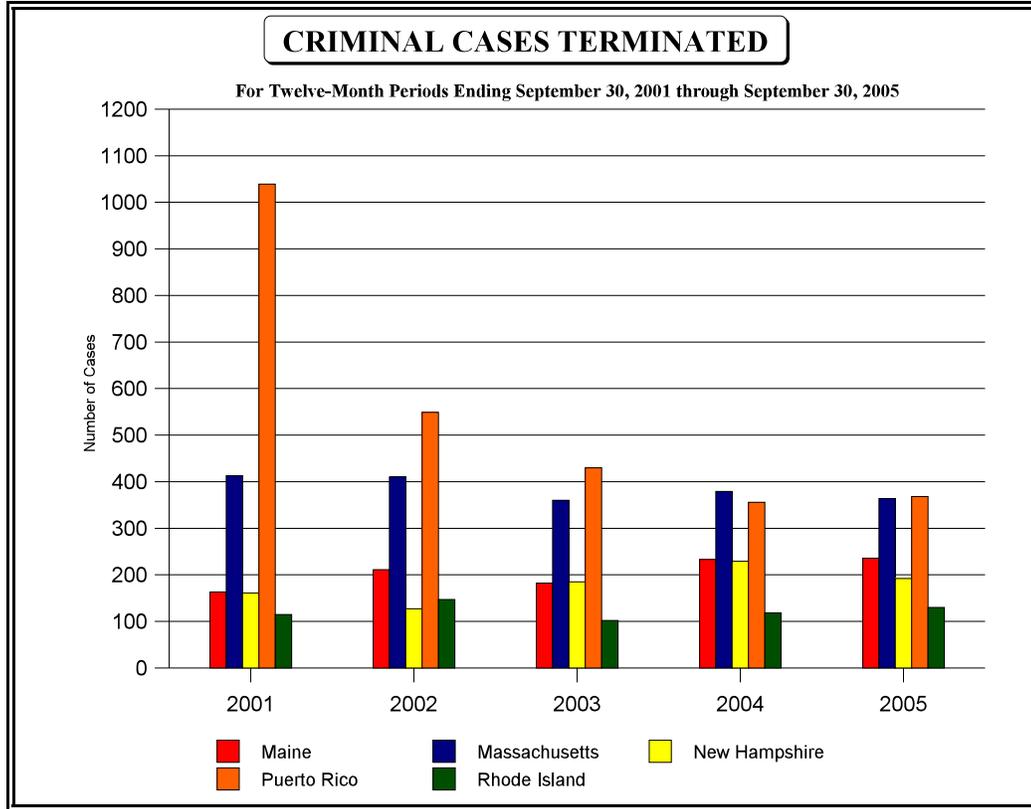
**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



**CRIMINAL CASES COMMENCED  
FROM 2001 THROUGH 2005**

DISTRICTS	2001	2002	2003	2004	2005
MAINE	179	220	195	242	199
MASSACHUSETTS	403	512	417	375	378
NEW HAMPSHIRE	140	178	215	246	212
PUERTO RICO	806	434	313	418	363
RHODE ISLAND	116	116	113	117	134

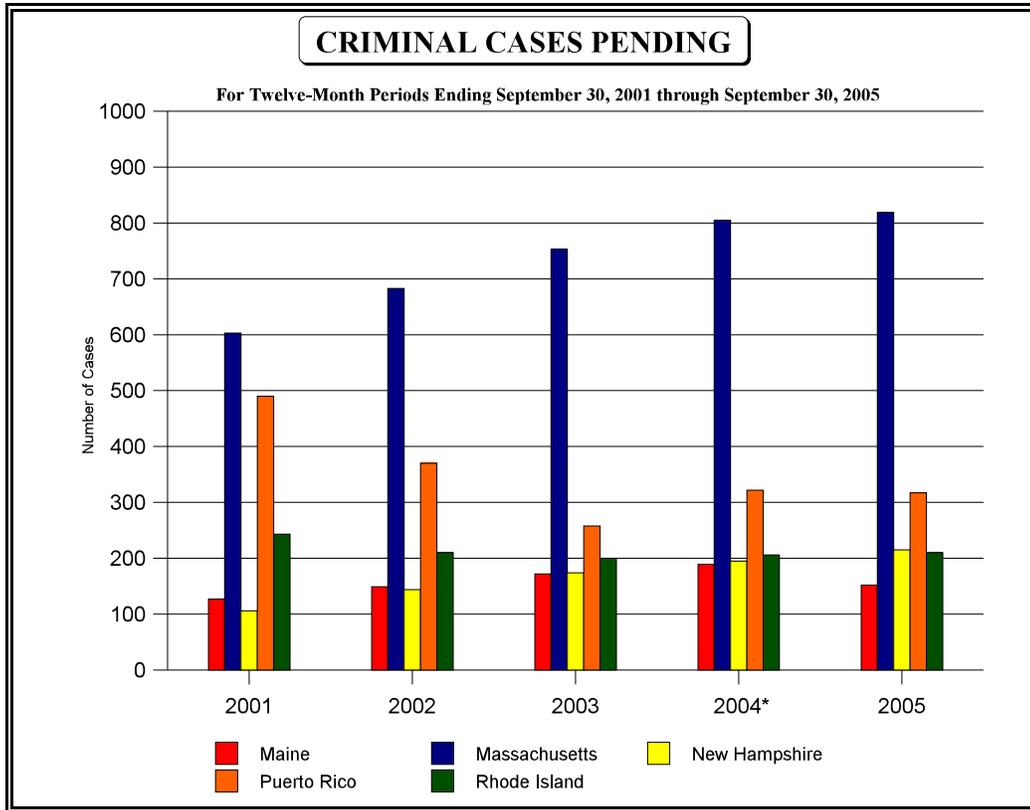
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### CRIMINAL CASES TERMINATED FROM 2001 THROUGH 2005

DISTRICTS	2001	2002	2003	2004	2005
MAINE	163	211	182	233	236
MASSACHUSETTS	413	410	360	379	364
NEW HAMPSHIRE	161	127	185	229	192
PUERTO RICO	1,039	549	430	356	368
RHODE ISLAND	115	147	102	118	130

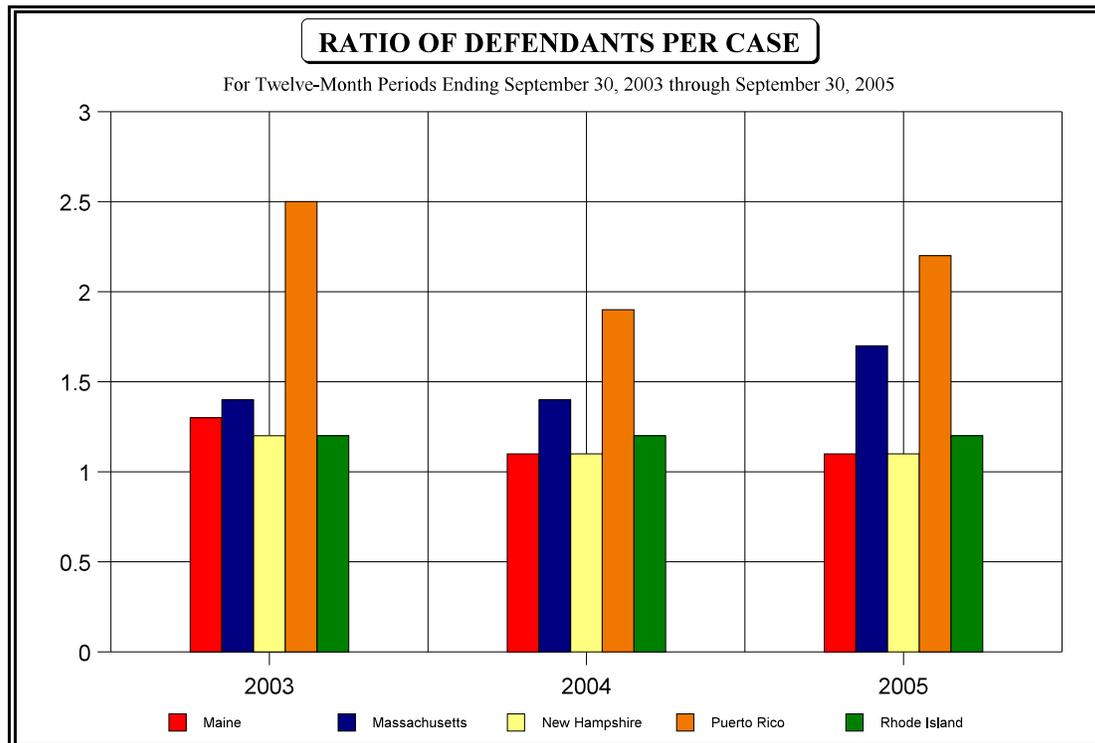
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES PENDING FROM 2001 THROUGH 2005					
DISTRICTS	2001	2002	2003	2004*	2005
MAINE	127	149	172	189	152
MASSACHUSETTS	603	683	753	805	819
NEW HAMPSHIRE	106	144	174	195	215
PUERTO RICO	490	370	258	322	317
RHODE ISLAND	243	210	200	206	210

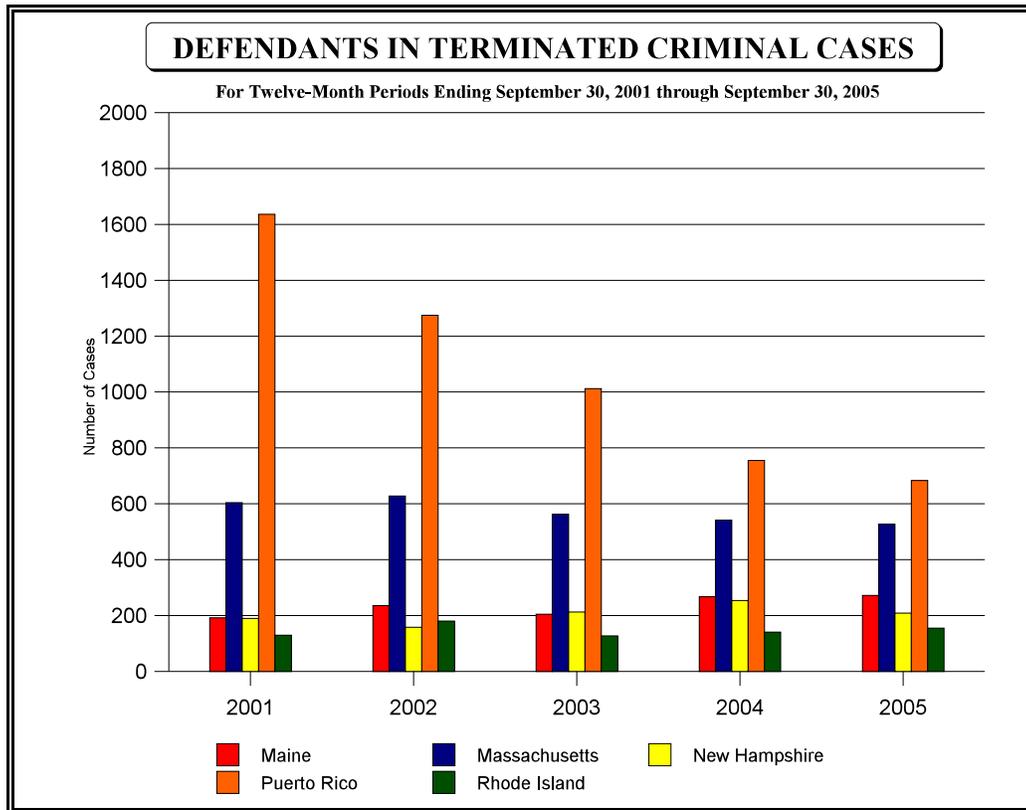
\*CRIMINAL CASES PENDING IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



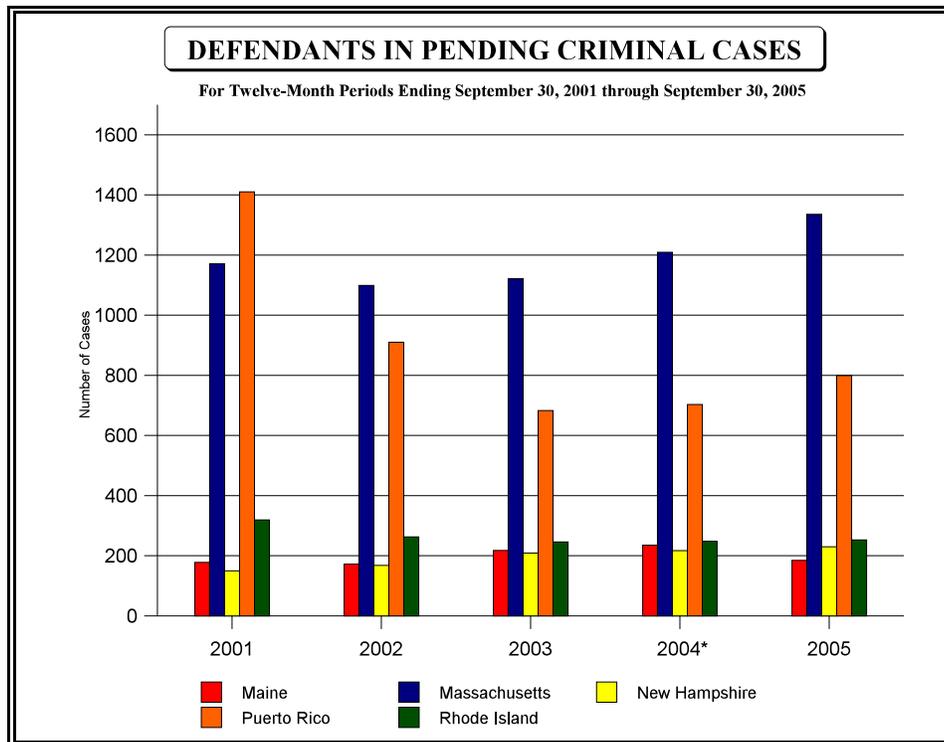
NUMBER OF CRIMINAL CASES FILED AND RATIO OF DEFENDANTS PER CASE 2003-2005									
	2003		Average Number of Defs. per case	2004		Average Number of Defs. per case	2005		Average Number of Defs. per case
	No. of Cases	No. of Def.		No. of Cases	No. of Def.		No. of Cases	No. of Def.	
MAINE	195	246	1.3	242	273	1.1	199	222	1.1
MASSACHUSETTS	417	590	1.4	375	535	1.4	378	654	1.7
NEW HAMPSHIRE	215	254	1.2	246	265	1.1	212	222	1.1
PUERTO RICO	313	784	2.5	418	806	1.9	363	779	2.2
RHODE ISLAND	116	134	1.2	117	135	1.2	134	160	1.2

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN TERMINATED CRIMINAL CASES FROM 2001 THROUGH 2005					
DISTRICTS	2001	2002	2003	2004	2005
MAINE	192	236	205	267	272
MASSACHUSETTS	604	628	562	542	527
NEW HAMPSHIRE	190	158	213	254	209
PUERTO RICO	1,636	1,275	1,012	755	683
RHODE ISLAND	130	180	127	141	155

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS

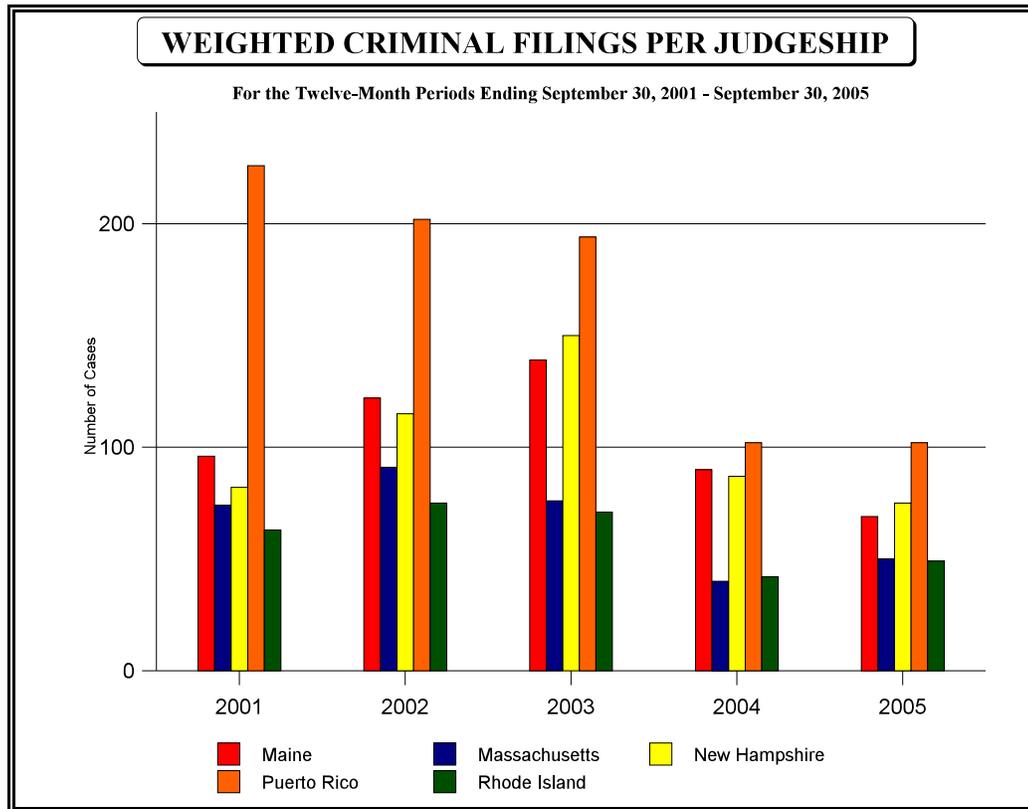


### DEFENDANTS IN PENDING CRIMINAL CASES FROM 2001 THROUGH 2005

DISTRICTS	2001	2002	2003	2004*	2005
MAINE	178	172	218	235	185
MASSACHUSETTS	1,171	1,099	1,121	1,209	1,336
NEW HAMPSHIRE	150	168	209	217	230
PUERTO RICO	1,410	910	683	703	799
RHODE ISLAND	319	263	246	248	253

\*TOTAL NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

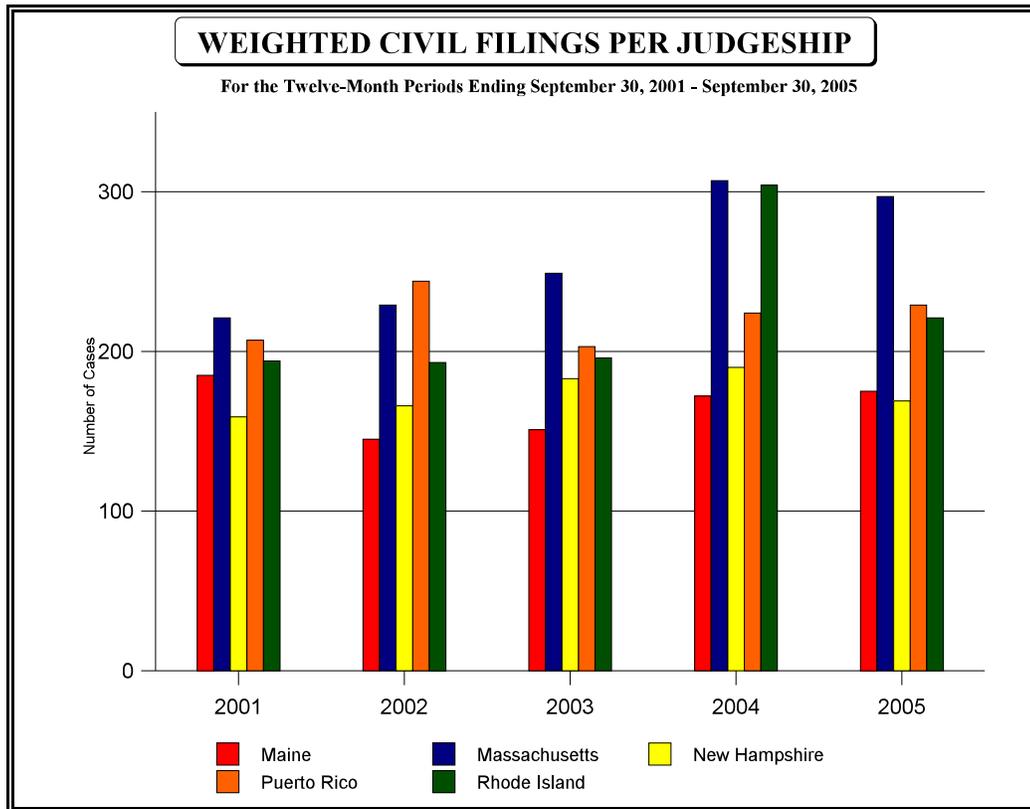
TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS



WEIGHTED CRIMINAL FILINGS PER JUDGESHIP  
FROM 2001 THROUGH 2005

DISTRICTS	JUDGESHIPS	2001	2002	2003	2004	2005
MAINE	3	96	122	139	90	69
MASSACHUSETTS	13	74	91	76	40	50
NEW HAMPSHIRE	3	82	115	150	87	75
PUERTO RICO	7	226	202	194	102	102
RHODE ISLAND	3	63	75	71	42	49

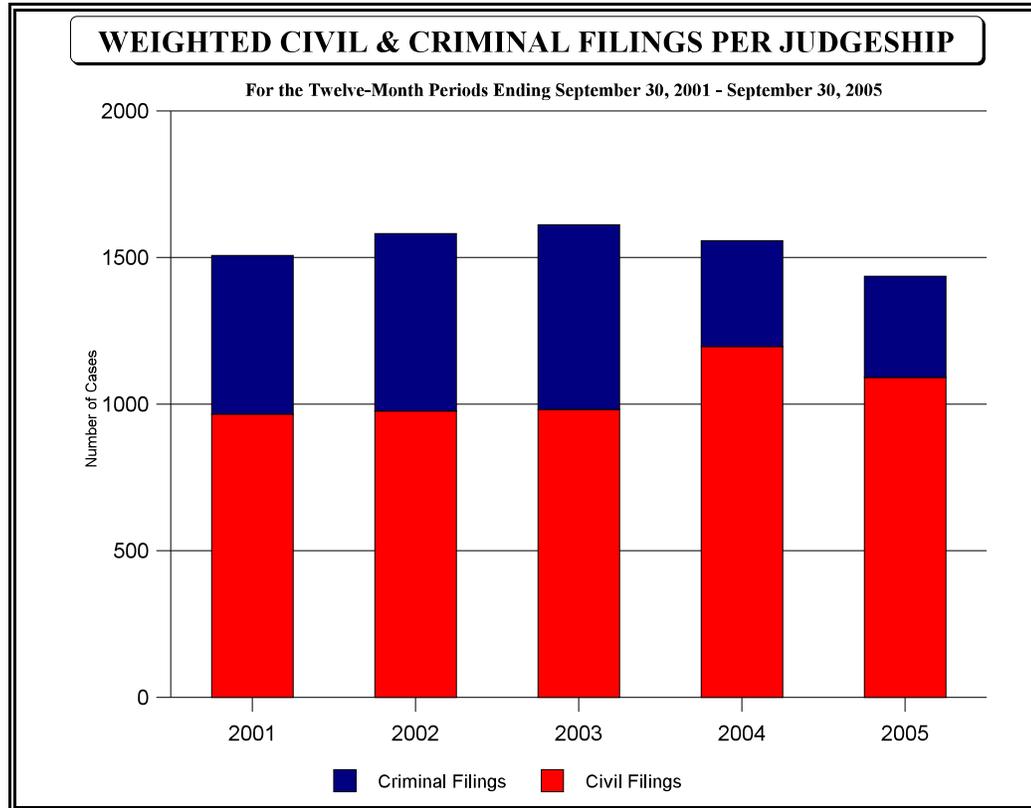
**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



**WEIGHTED CIVIL FILINGS PER JUDGESHIP  
FROM 2001 THROUGH 2005**

DISTRICTS	JUDGESHIPS	2001	2002	2003	2004	2005
MAINE	3	185	145	151	172	175
MASSACHUSETTS	13	221	229	249	307	297
NEW HAMPSHIRE	3	159	166	183	190	169
PUERTO RICO	7	207	244	203	224	229
RHODE ISLAND	3	194	193	196	304	221

**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



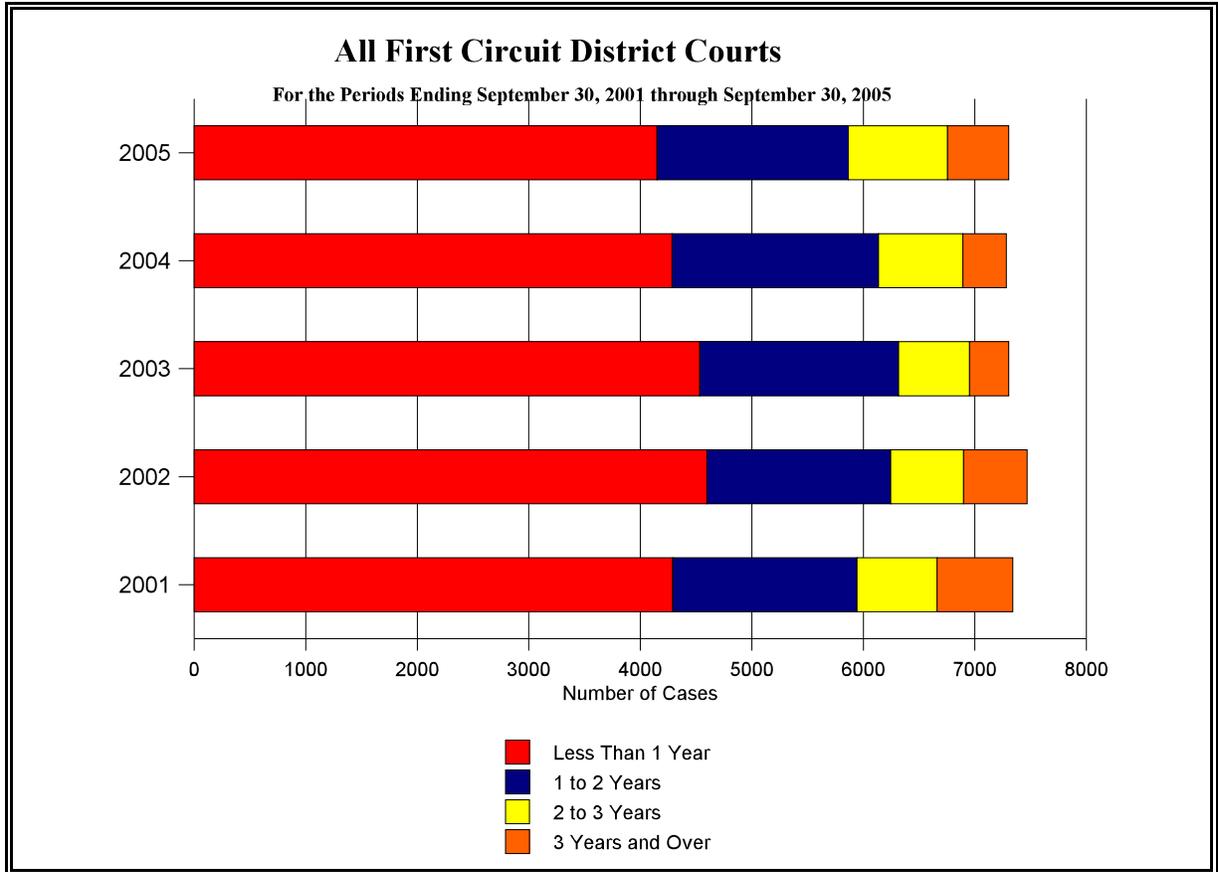
**WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP**  
WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP  
FROM 2001 THROUGH 2005

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
CIVIL FILINGS	<b>966</b>	<b>977</b>	<b>982</b>	<b>1,197</b>	<b>1,091</b>
CRIMINAL FILINGS	<b>541</b>	<b>605</b>	<b>630</b>	<b>361</b>	<b>345</b>
COMBINED TOTAL	<b>1,507</b>	<b>1,582</b>	<b>1,612</b>	<b>1,558</b>	<b>1,436</b>

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

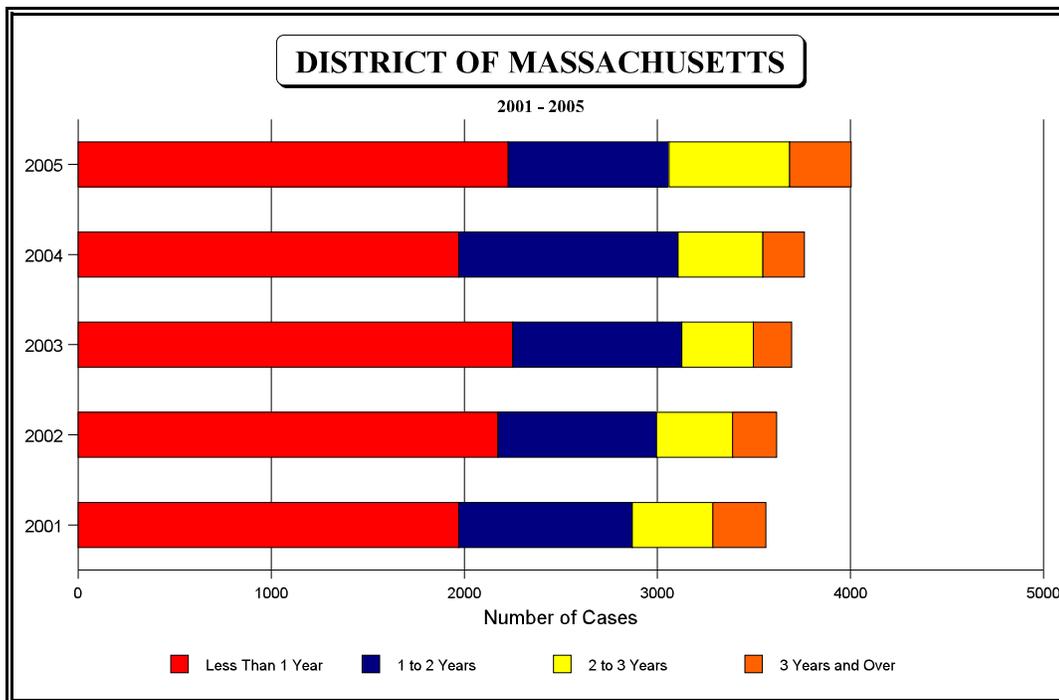
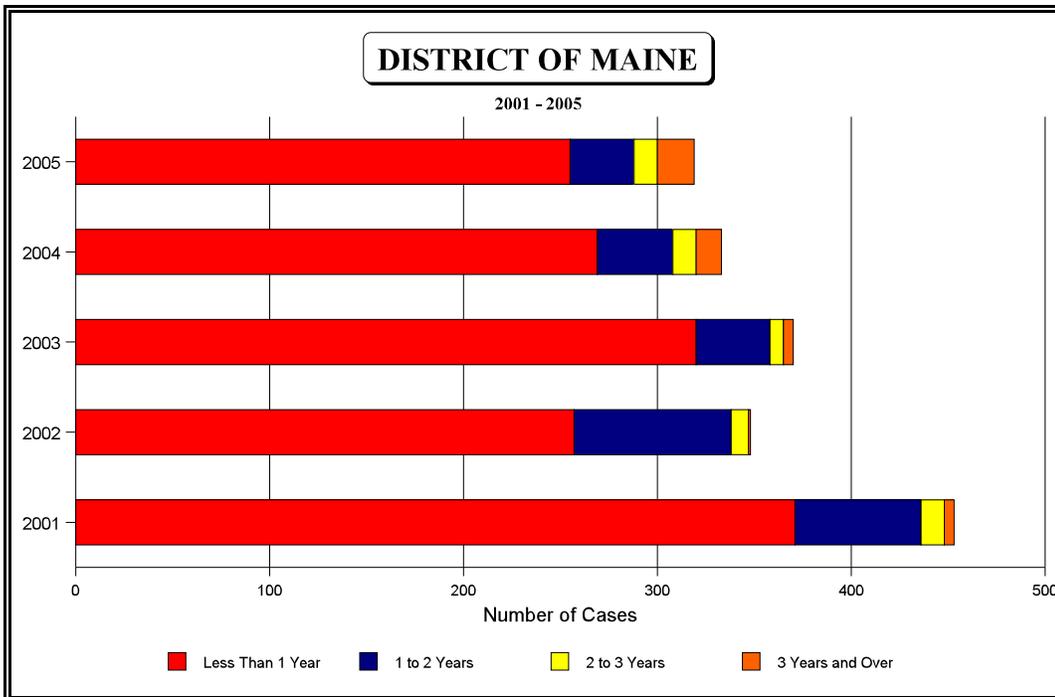
CIVIL CASES PENDING AND LENGTH OF TIME PENDING FOR THE PERIODS ENDING SEPTEMBER 30, 2001 THROUGH SEPTEMBER 30, 2005					
	2001	2002	2003	2004	2005
<b>DISTRICT OF MAINE</b>					
LESS THAN 1 YEAR	371	257	320	269	255
1 TO 2 YEARS	65	81	38	39	33
2 TO 3 YEARS	12	9	7	12	12
3 YEARS AND OVER	5	1	5	13	19
<b>DISTRICT OF MASSACHUSETTS</b>					
LESS THAN 1 YEAR	1,971	2,174	2,251	1,971	2,227
1 TO 2 YEARS	899	822	876	1,136	833
2 TO 3 YEARS	417	393	370	439	625
3 YEARS AND OVER	275	229	198	215	318
<b>DISTRICT OF NEW HAMPSHIRE</b>					
LESS THAN 1 YEAR	313	379	412	338	273
1 TO 2 YEARS	145	80	125	127	83
2 TO 3 YEARS	24	20	13	43	39
3 YEARS AND OVER	8	11	9	10	29
<b>DISTRICT OF PUERTO RICO</b>					
LESS THAN 1 YEAR	1,248	1,381	1,135	1,104	1,009
1 TO 2 YEARS	440	540	609	440	433
2 TO 3 YEARS	230	188	206	221	186
3 YEARS AND OVER	362	302	113	129	145
<b>DISTRICT OF RHODE ISLAND</b>					
LESS THAN 1 YEAR	388	406	415	603	387
1 TO 2 YEARS	103	126	134	109	333
2 TO 3 YEARS	36	42	42	41	28
3 YEARS AND OVER	28	27	26	24	36

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

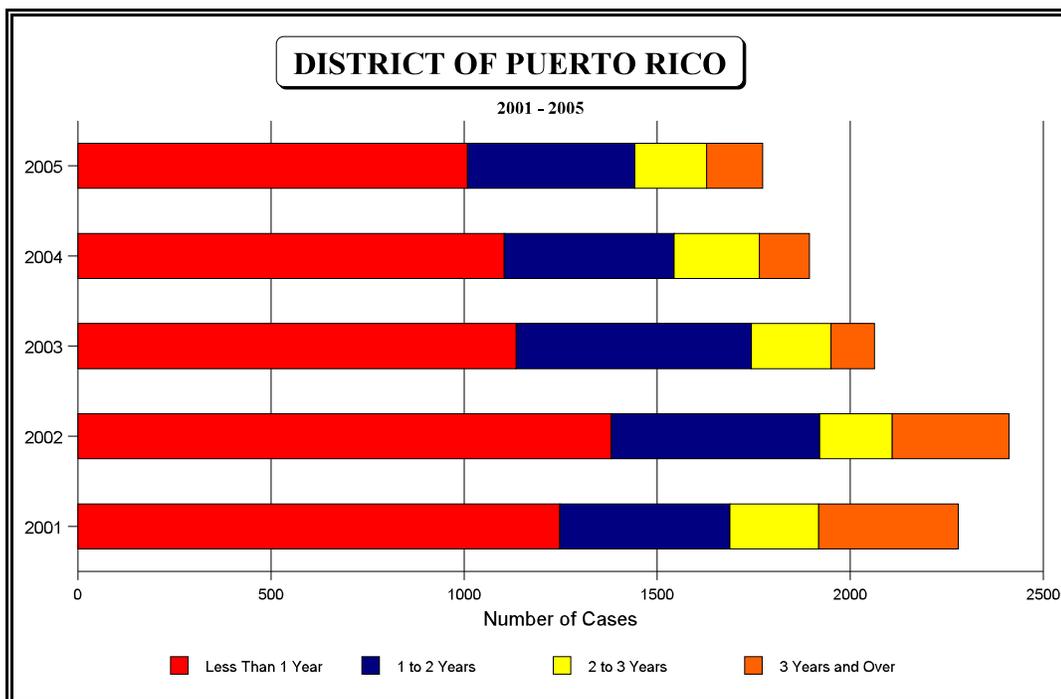
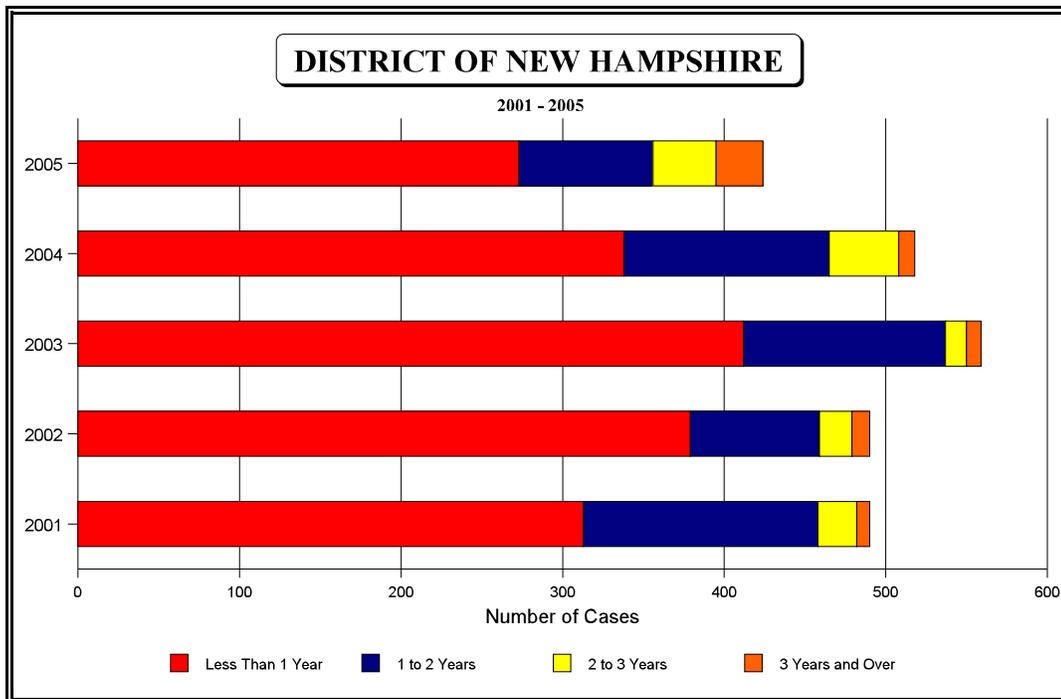


CIVIL CASES PENDING AND LENGTH FROM 2001 THROUGH 2005					
	2001	2002	2003	2004	2005
LESS THAN 1 YEAR	4,291 (58.5%)	4,597 (61.6%)	4,533 (62.1%)	4,285 (58.8%)	4,151 (56.8%)
1 TO 2 YEARS	1,652 (22.5%)	1,649 (22.1%)	1,782 (24.4%)	1,851 (25.4%)	1,715 (23.5%)
2 TO 3 YEARS	719 (9.8%)	652 (8.7%)	638 (8.7%)	756 (10.4%)	890 (12.2%)
3 YEARS AND OVER	678 (9.2%)	570 (7.6%)	351 (4.8%)	391 (5.4%)	547 (7.5%)

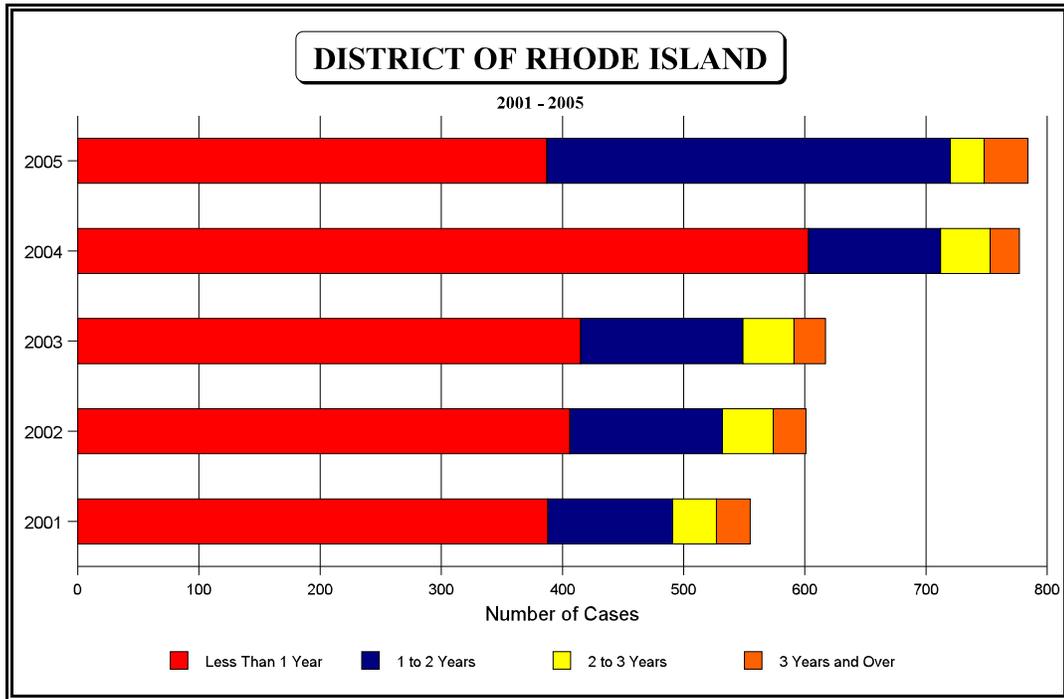
# COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

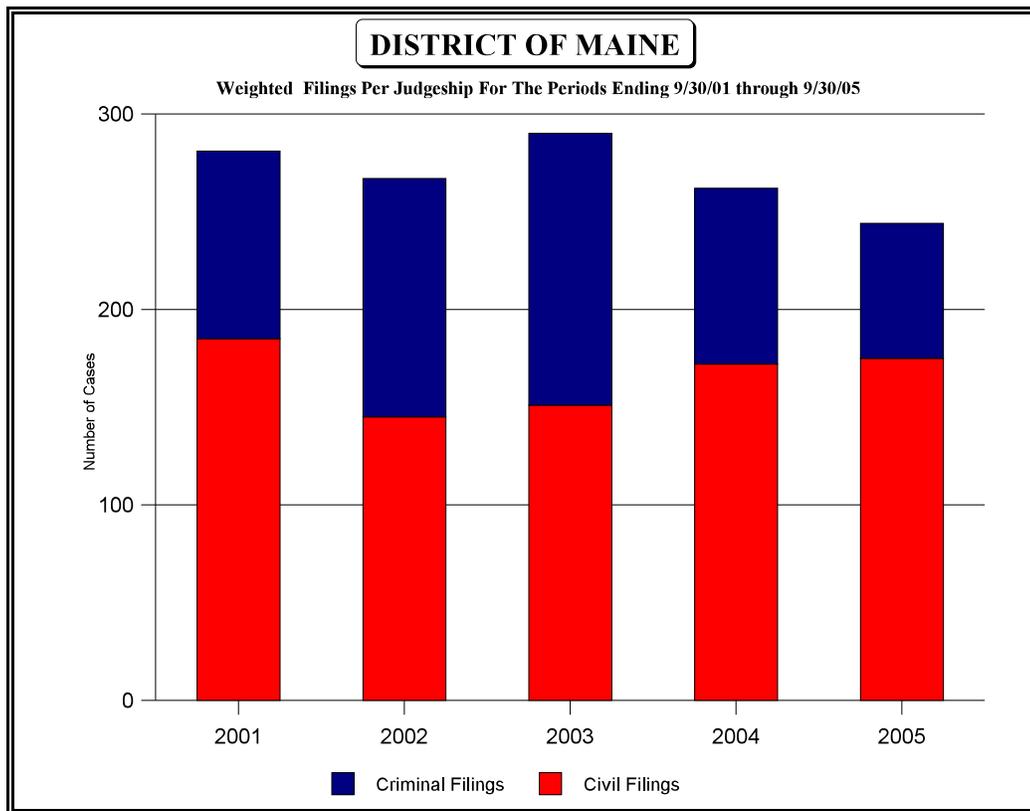


COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



**STATISTICS**  
**DISTRICT OF MAINE**

# TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE  
AUTHORIZED JUDGESHIPS

1789 • 1

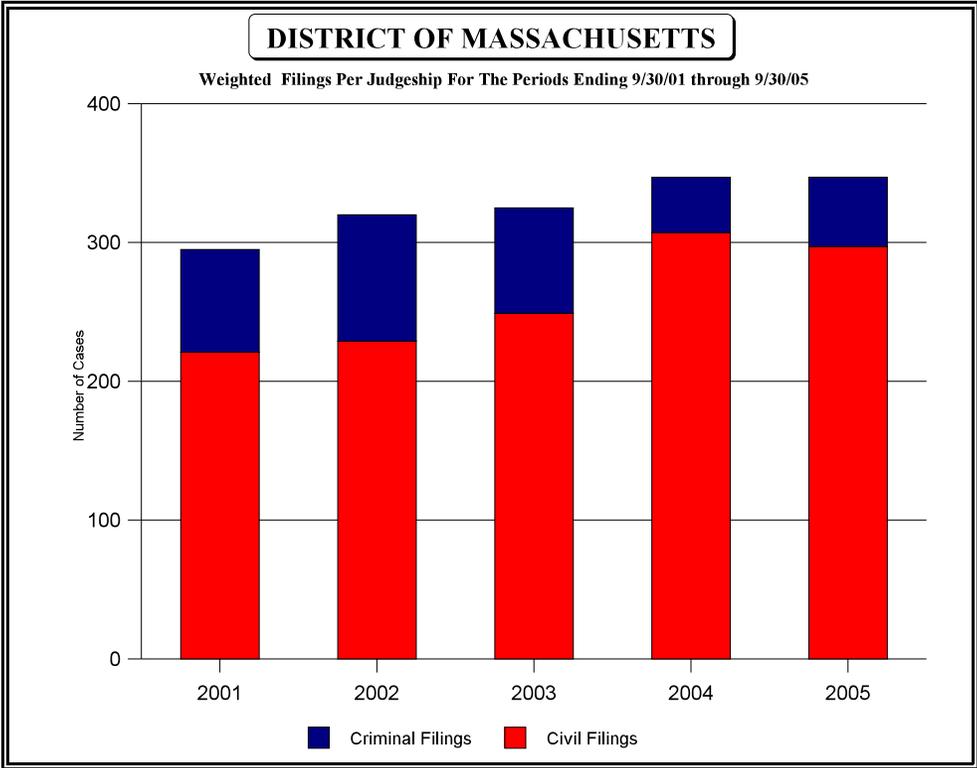
1978 • 2

1990 • 3

DISTRICT OF MAINE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2001 - 2005					
	2001	2002	2003	2004	2005
CIVIL FILINGS	185	145	151	172	175
CRIMINAL FILINGS	96	122	139	90	69
TOTAL FILINGS	281	267	290	262	244

**STATISTICS**  
**DISTRICT OF**  
**MASSACHUSETTS**

# TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### United States District Court for the District of Massachusetts Authorized Judgeships

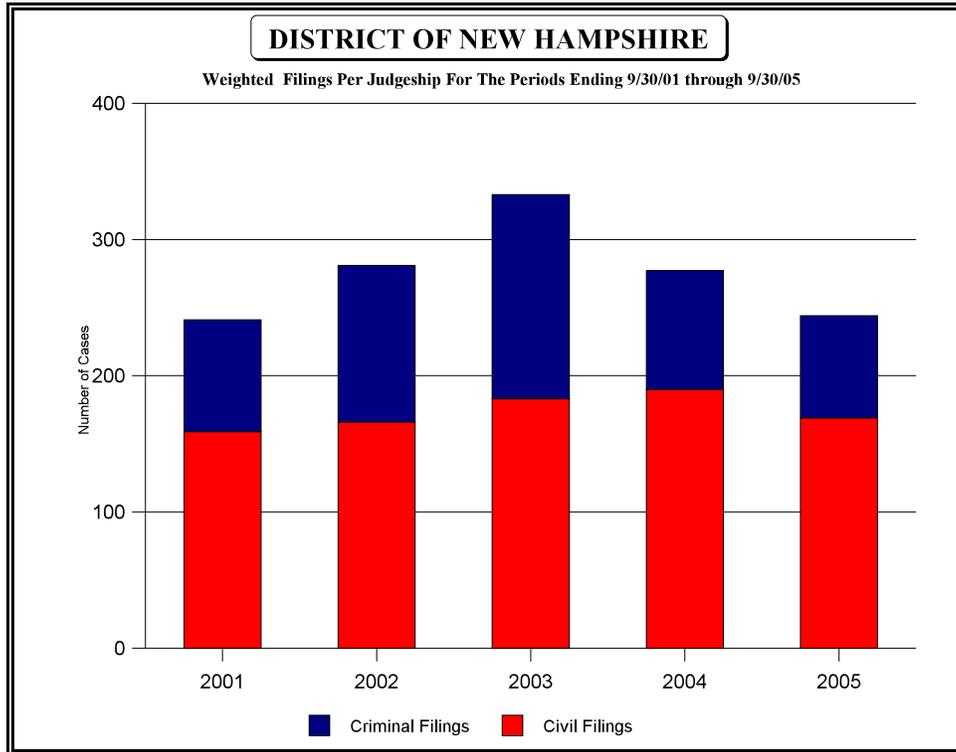
1789 • 1      1922 • 2      1938 • 4      1954 • 5  
1961 • 6      1978 • 10      1984 • 12      1990 • 13

## DISTRICT OF MASSACHUSETTS WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2001 - 2005

	2001	2002	2003	2004	2005
CIVIL FILINGS	221	229	249	307	297
CRIMINAL FILINGS	74	91	76	40	50
TOTAL FILINGS	295	320	325	347	347

**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

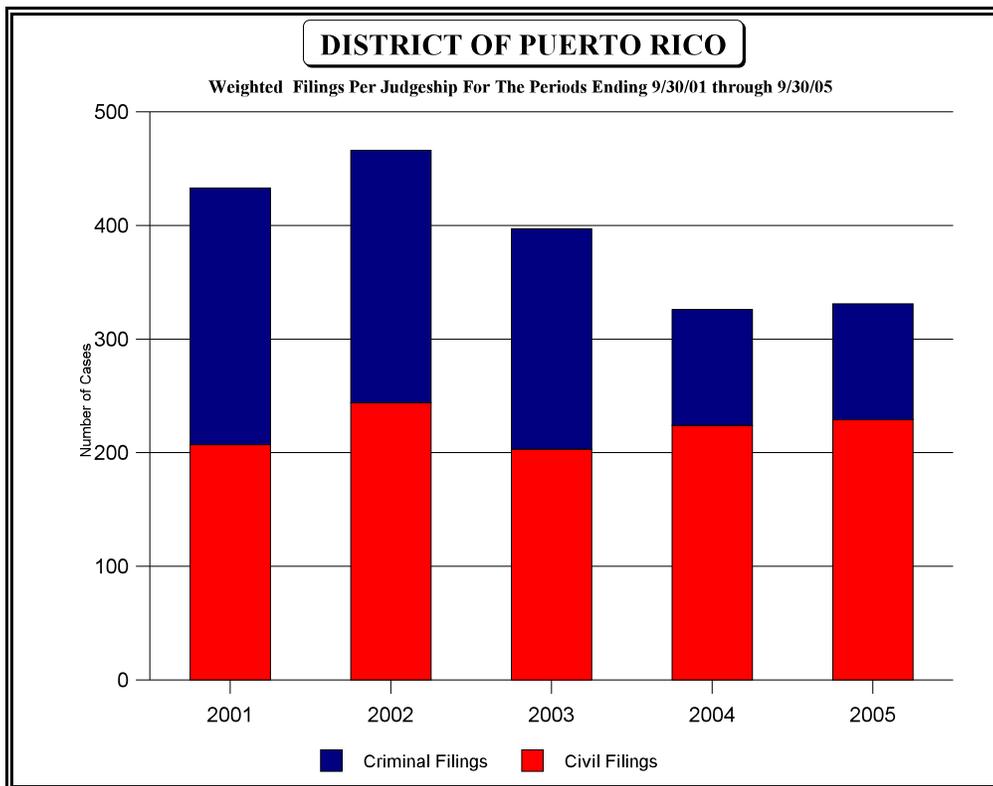
1978 • 2

1990 • 3

<b>DISTRICT OF NEW HAMPSHIRE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2001 - 2005</b>					
	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
<b>Civil Filings</b>	<b>159</b>	<b>166</b>	<b>183</b>	<b>190</b>	<b>169</b>
<b>Criminal Filings</b>	<b>82</b>	<b>115</b>	<b>150</b>	<b>87</b>	<b>75</b>
<b>Total Filings</b>	<b>241</b>	<b>281</b>	<b>333</b>	<b>277</b>	<b>244</b>

**STATISTICS**  
**DISTRICT OF**  
**PUERTO RICO**

**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



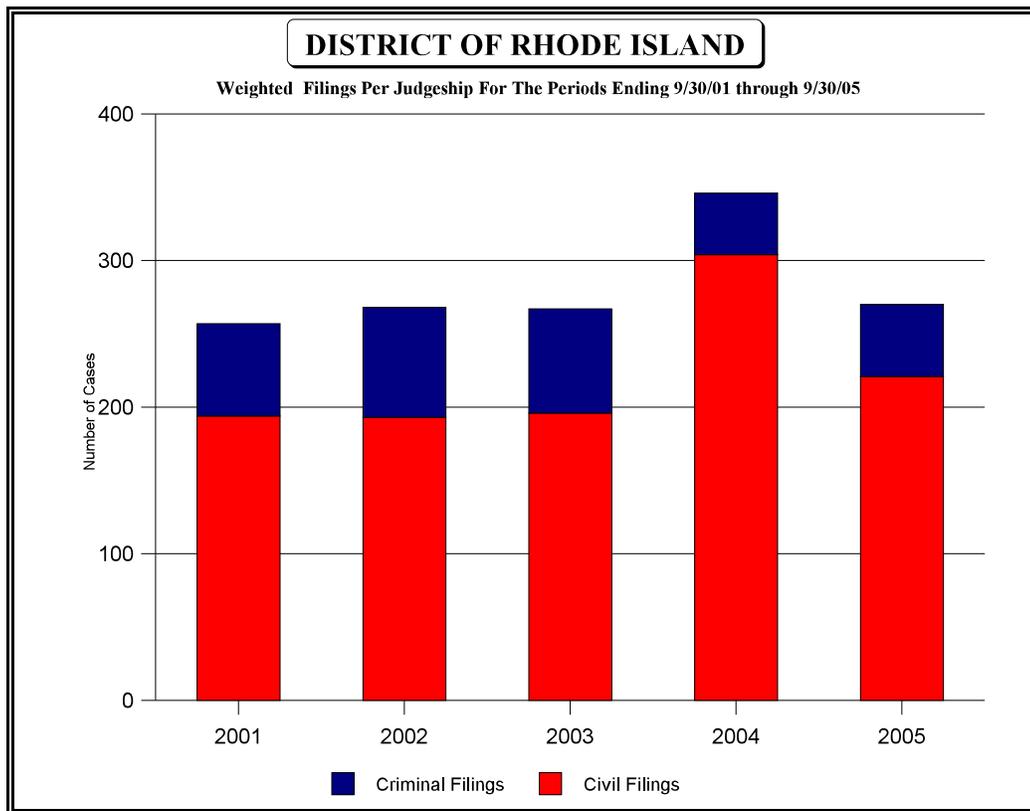
**United States District Court for the District of Puerto Rico  
Authorized Judgeships**

1917 • 1      1961 • 2      1970 • 3      1978 • 7

<b>DISTRICT OF PUERTO RICO</b>					
<b>WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING</b>					
<b>SEPTEMBER 30, 2001 - 2005</b>					
	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
<b>CIVIL FILINGS</b>	<b>207</b>	<b>244</b>	<b>203</b>	<b>224</b>	<b>229</b>
<b>CRIMINAL FILINGS</b>	<b>226</b>	<b>222</b>	<b>194</b>	<b>102</b>	<b>102</b>
<b>TOTAL FILINGS</b>	<b>433</b>	<b>466</b>	<b>397</b>	<b>326</b>	<b>331</b>

**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

<b>DISTRICT OF RHODE ISLAND WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2001 - 2005</b>					
	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
CIVIL FILINGS	<b>194</b>	<b>193</b>	<b>196</b>	<b>304</b>	<b>221</b>
CRIMINAL FILINGS	<b>63</b>	<b>75</b>	<b>71</b>	<b>42</b>	<b>49</b>
TOTAL FILINGS	<b>257</b>	<b>268</b>	<b>267</b>	<b>346</b>	<b>270</b>

**STATISTICS**

**FIRST CIRCUIT**

**BANKRUPTCY COURTS**

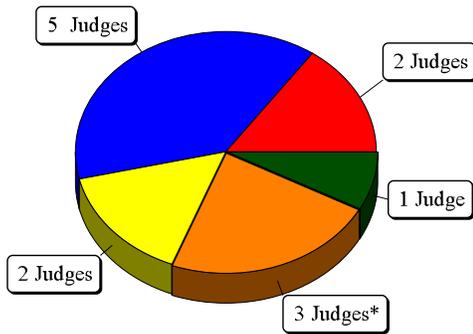


## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

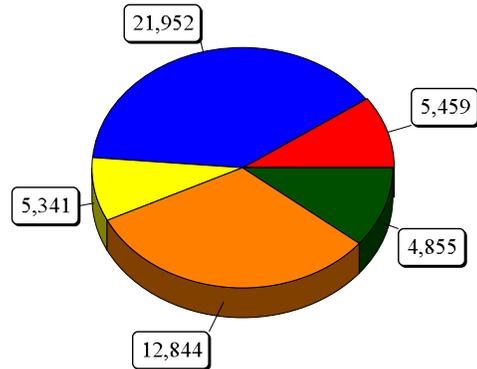
### BANKRUPTCY JUDGESHIPS & CASES FILED

All Bankruptcy Courts within the First Circuit as of September 30, 2005

Number of Judges



Number of Cases Filed



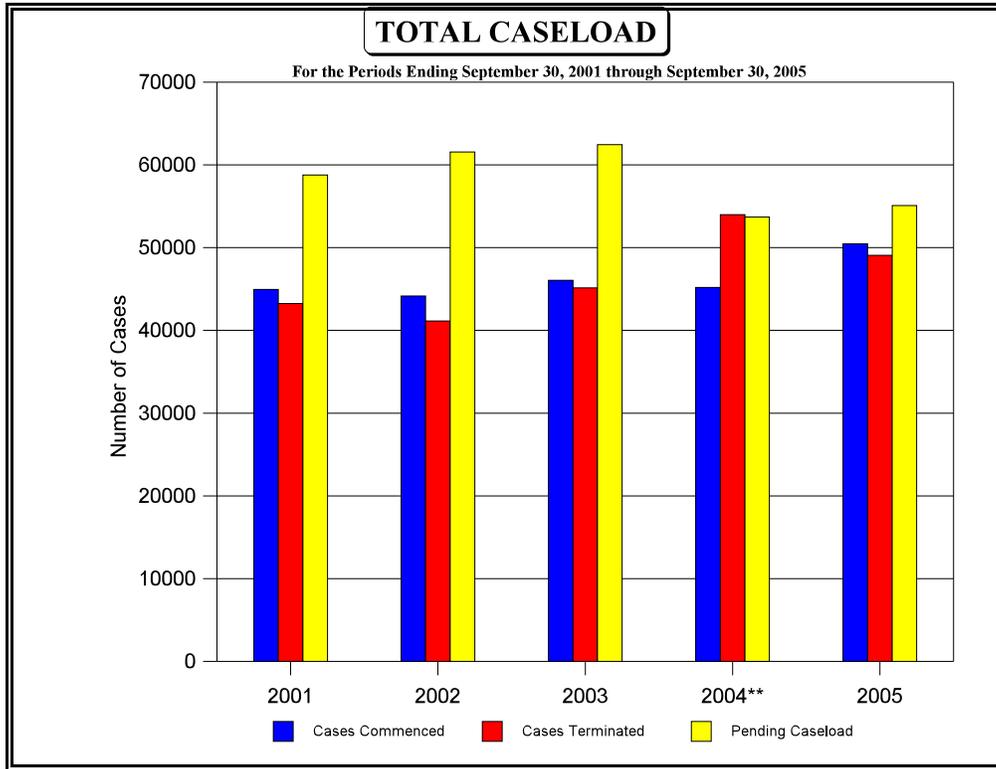
District of Maine	District of Massachusetts	District of New Hampshire
District of Puerto Rico	District of Rhode Island	

### NUMBER OF BANKRUPTCY JUDGES AND CASES FILED DURING THE TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2005

	Number of Judges	Cases Filed
DISTRICT OF MAINE	2	5,459
DISTRICT OF MASSACHUSETTS	5	21,952
DISTRICT OF NEW HAMPSHIRE	2	5,341
DISTRICT OF PUERTO RICO	3*	12,844
DISTRICT OF RHODE ISLAND	1	4,855
<b>FIRST CIRCUIT TOTALS</b>	<b>13</b>	<b>50,451</b>

\*A FOURTH JUDGESHIP HAS BEEN AUTHORIZED IN THE DISTRICT OF PUERTO RICO. THE POSITION HAS NOT YET BEEN FILLED.

# BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



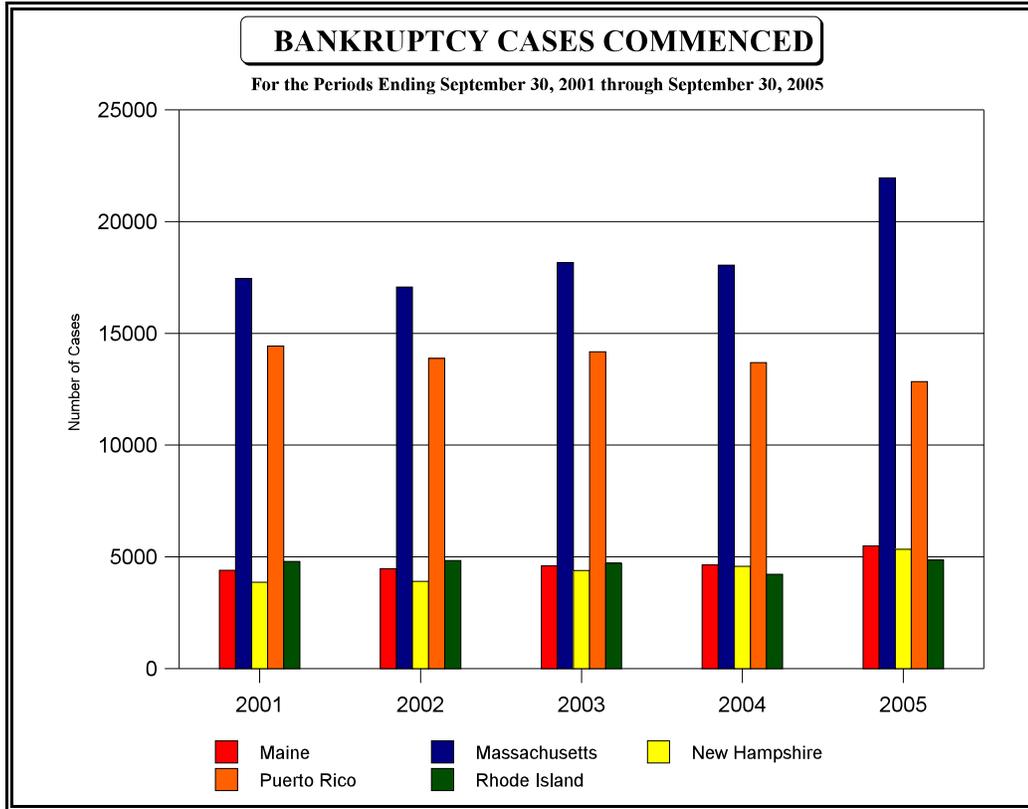
**Authorized Judgeships ..... 4\***

TOTAL BANKRUPTCY CASES 2001 - 2005					
	2001	2002	2003	2004**	2005
CASES COMMENCED	44,949	44,149	46,047	45,181	50,451
CASES TERMINATED	43,245	41,140	45,150	53,980	49,064
PENDING CASELOAD	58,789	61,554	62,451	53,699	55,086

\*A FOURTH JUDGESHIP HAS BEEN AUTHORIZED IN THE DISTRICT OF PUERTO RICO. THE POSITION HAS NOT YET BEEN FILLED.

\*\*PENDING CASELOAD IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

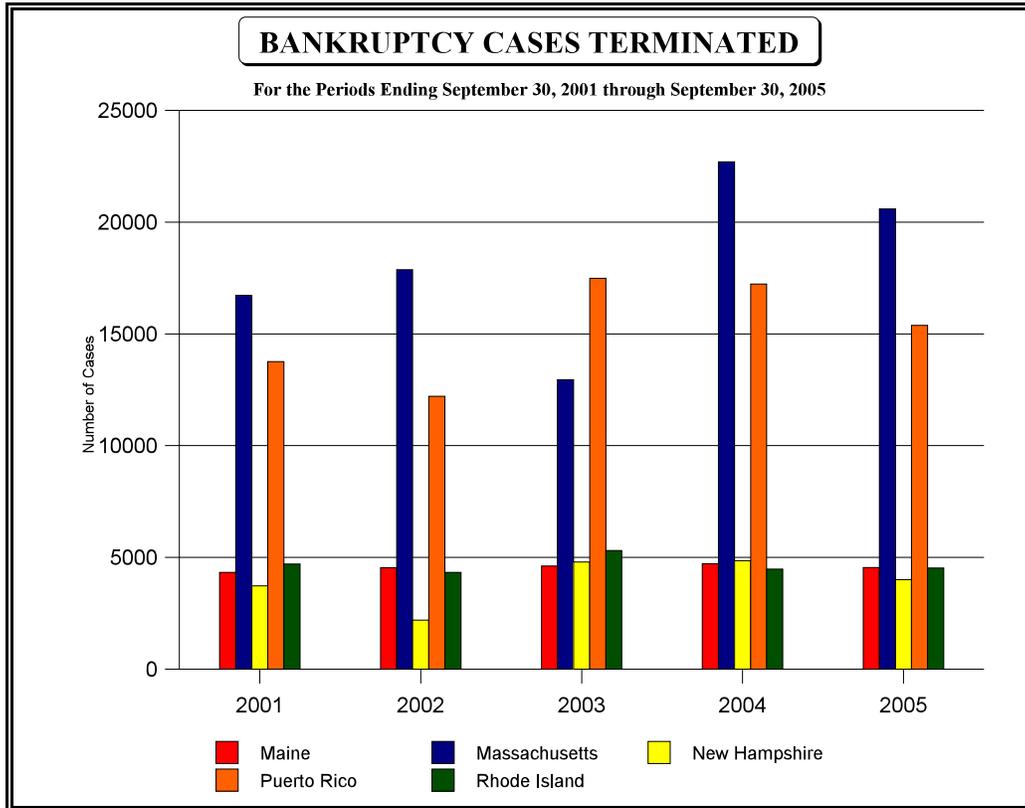
## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



### BANKRUPTCY CASES COMMENCED FROM 2001 THROUGH 2005

DISTRICTS	2001	2002	2003	2004	2005
MAINE	4,400	4,467	4,593	4,637	5,489 (+18.4%)
MASSACHUSETTS	17,455	17,069	18,174	18,054	21,952 (+21.6%)
NEW HAMPSHIRE	3,869	3,903	4,390	4,573	5,341 (+16.8%)
PUERTO RICO	14,435	13,880	14,178	13,695	12,844 (-6.2%)
RHODE ISLAND	4,790	4,830	4,712	4,222	4,855 (+15%)

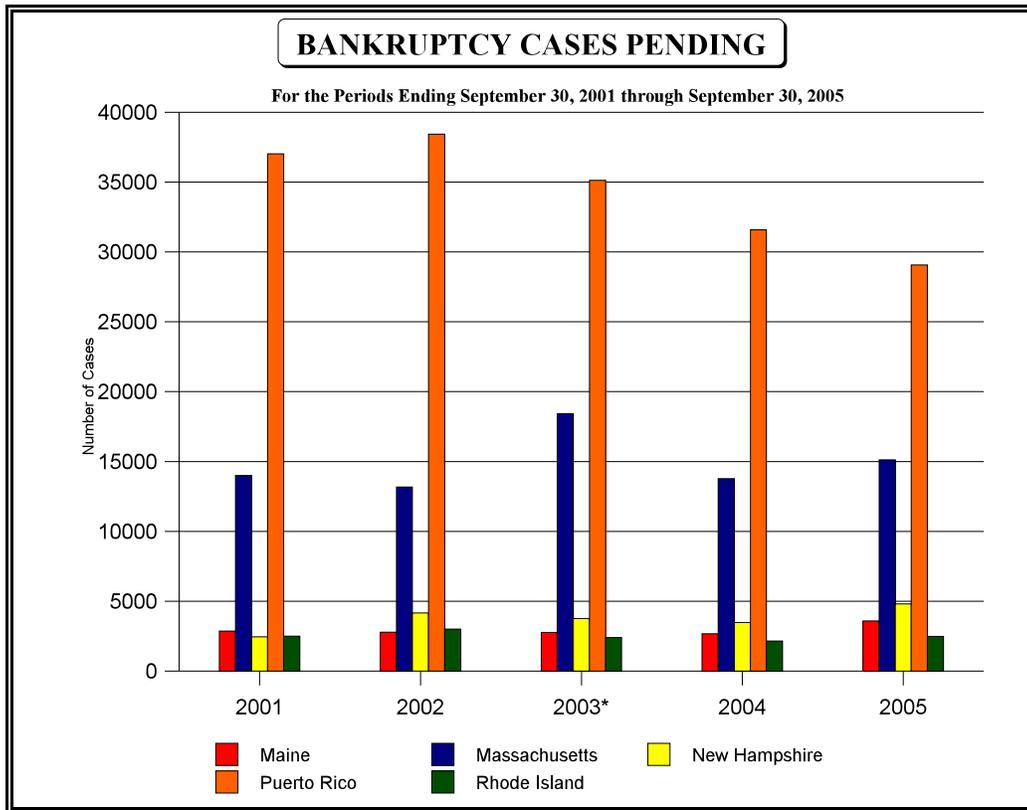
## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



### BANKRUPTCY CASES TERMINATED 2001 - 2005

DISTRICTS	2001	2002	2003	2004	2005
MAINE	4,326	4,538	4,617	4,718	4,548
MASSACHUSETTS	16,726	17,874	12,946	22,694	20,593
NEW HAMPSHIRE	3,728	2,193	4,790	4,857	4,008
PUERTO RICO	13,759	12,210	17,489	17,229	15,384
RHODE ISLAND	4,706	4,325	5,308	4,482	4,531

## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



### BANKRUPTCY CASES PENDING 2001 - 2005

DISTRICTS	2001	2002	2003	2004*	2005
MAINE	2,861	2,784	2,760	2,680	3,591
MASSACHUSETTS	13,998	13,172	18,419	13,768	15,127
NEW HAMPSHIRE	2,446	4,159	3,760	3,479	4,812
PUERTO RICO	37,026	38,436	35,124	31,612	29,072
RHODE ISLAND	2,498	3,003	2,410	2,160	2,484

\*PENDING CASELOAD IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

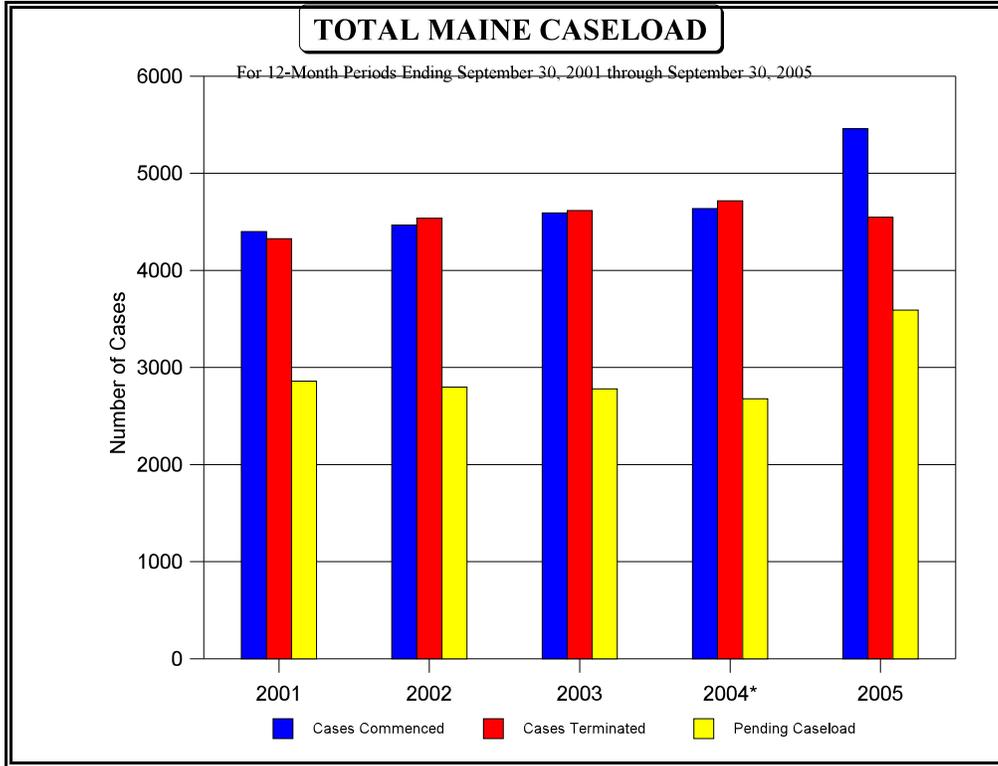


**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF MAINE**

**BANKRUPTCY CASELOAD SUMMARY  
DISTRICT OF MAINE**



**Authorized Judgeships ..... 2**

<b>TOTAL BANKRUPTCY CASES 2001 - 2005</b>					
	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004*</b>	<b>2005</b>
<b>CASES COMMENCED</b>	<b>4,400</b>	<b>4,467</b>	<b>4,593</b>	<b>4,637</b>	<b>5,459</b>
<b>CASES TERMINATED</b>	<b>4,326</b>	<b>4,538</b>	<b>4,617</b>	<b>4,718</b>	<b>4,548</b>
<b>PENDING CASELOAD</b>	<b>2,861</b>	<b>2,798</b>	<b>2,780</b>	<b>2,680</b>	<b>3,591</b>

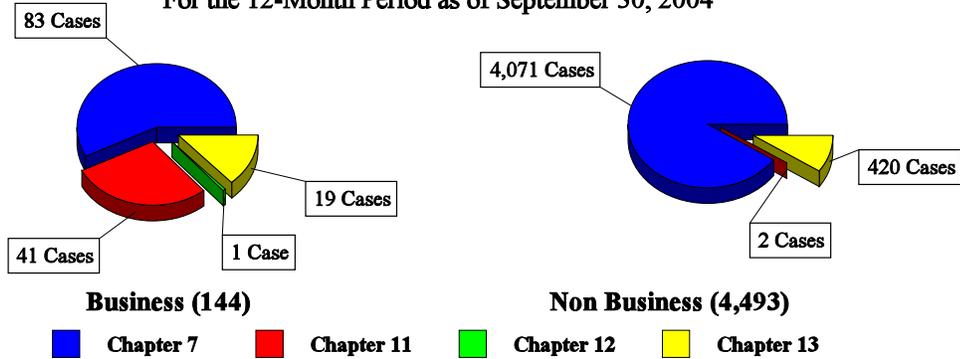
\*PENDING CASELOAD IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF MAINE

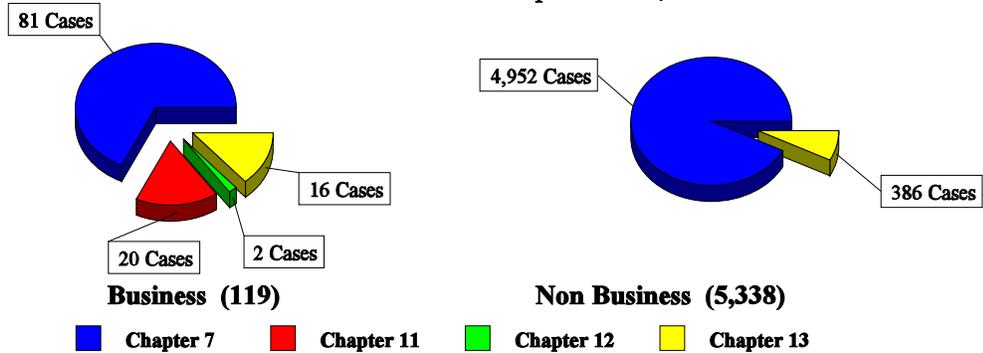
### 2004 Bankruptcy Filings

For the 12-Month Period as of September 30, 2004



### 2005 Bankruptcy Filings

For the 12-Month Period as of September 30, 2005



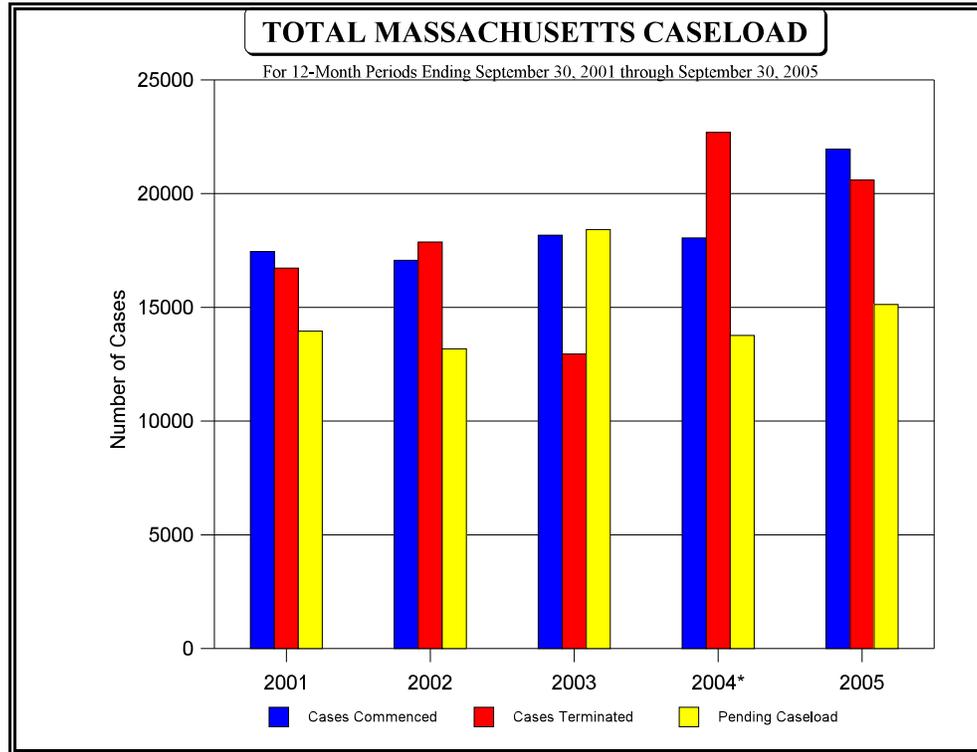


**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF**  
**MASSACHUSETTS**

**BANKRUPTCY CASELOAD SUMMARY**  
**DISTRICT OF MASSACHUSETTS**



**Authorized Judgeships ..... 5**

TOTAL BANKRUPTCY CASES 2001 - 2005					
	2001	2002	2003	2004*	2005
CASES COMMENCED	17,455	17,069	18,174	18,054	21,952
CASES TERMINATED	16,726	17,874	12,946	22,694	20,593
PENDING CASELOAD	13,958	13,172	18,419	13,768	15,127

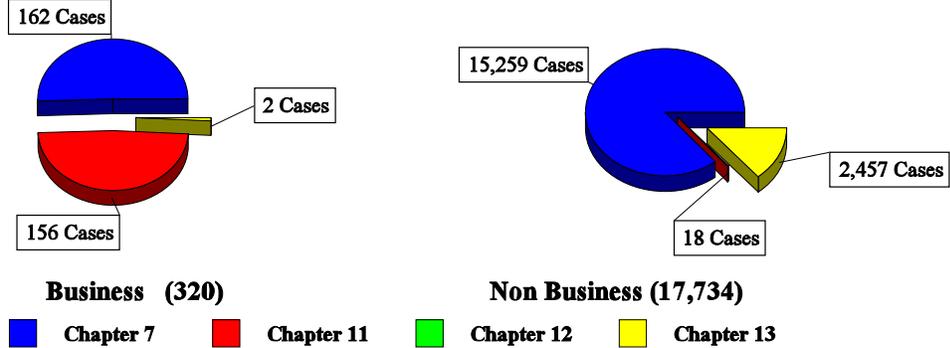
\*PENDING CASELOAD IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF MASSACHUSETTS

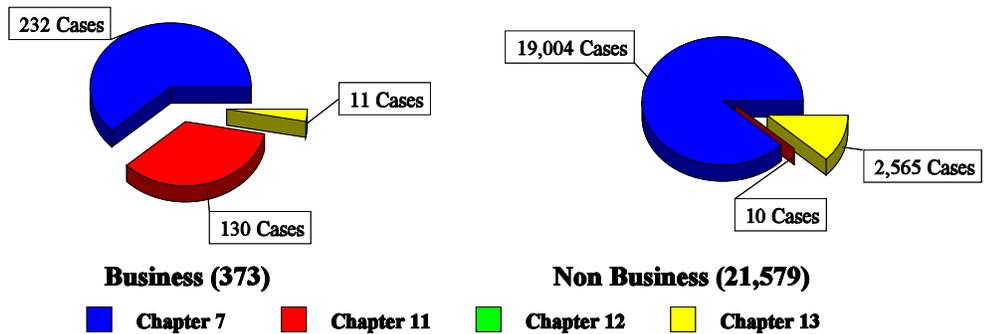
### 2004 Bankruptcy Filings

For the 12-Month Period as of September 30, 2004



### 2005 Bankruptcy Filings

For the 12-Month Period as of September 30, 2005



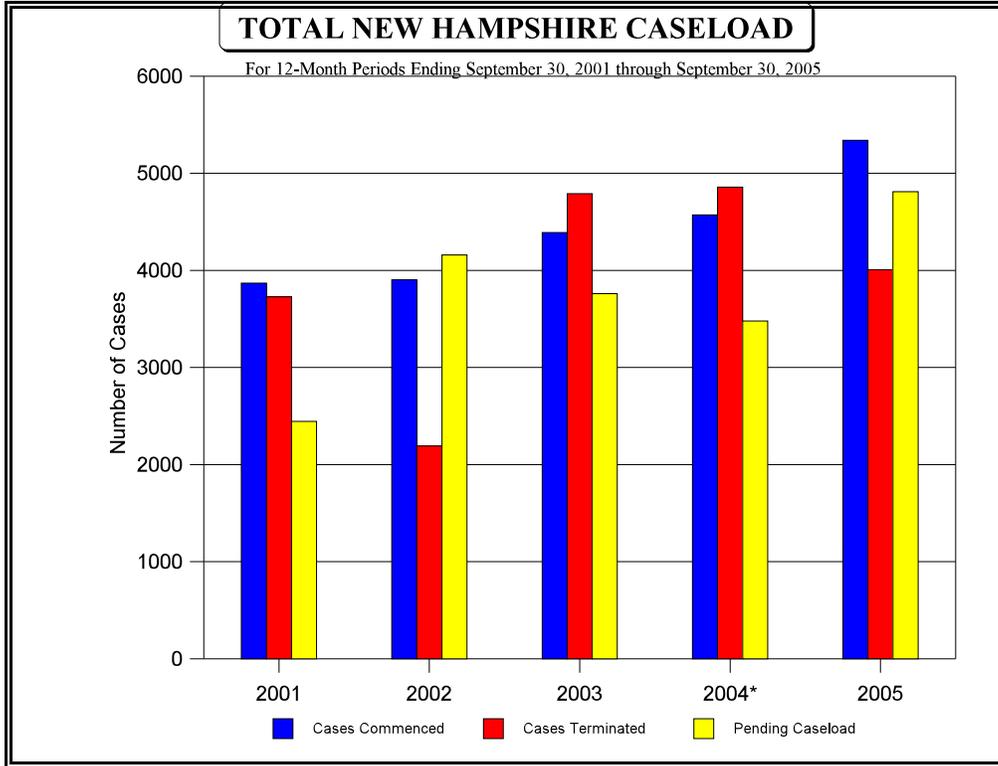


**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF**  
**NEW HAMPSHIRE**

# BANKRUPTCY CASELOAD SUMMARY DISTRICT OF NEW HAMPSHIRE



**Authorized Judgeships ..... 2**

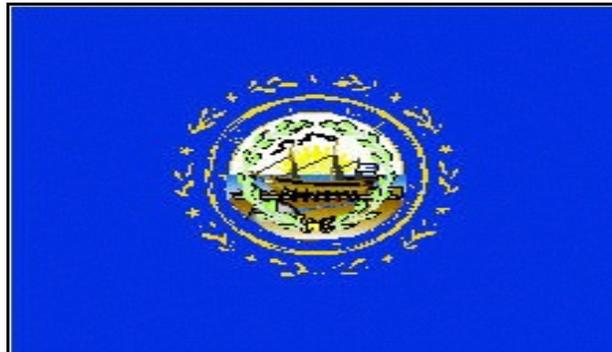
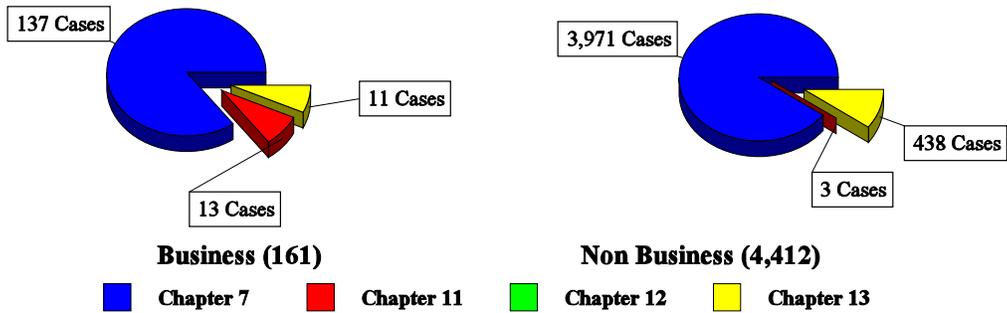
TOTAL BANKRUPTCY CASES 2001 - 2005					
	2001	2002	2003	2004*	2005
CASES COMMENCED	3,869	3,903	4,390	4,573	5,341
CASES TERMINATED	3,728	2,193	4,790	4,857	4,008
PENDING CASELOAD	2,446	4,159	3,760	3,479	4,812

\*PENDING CASELOAD IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF NEW HAMPSHIRE

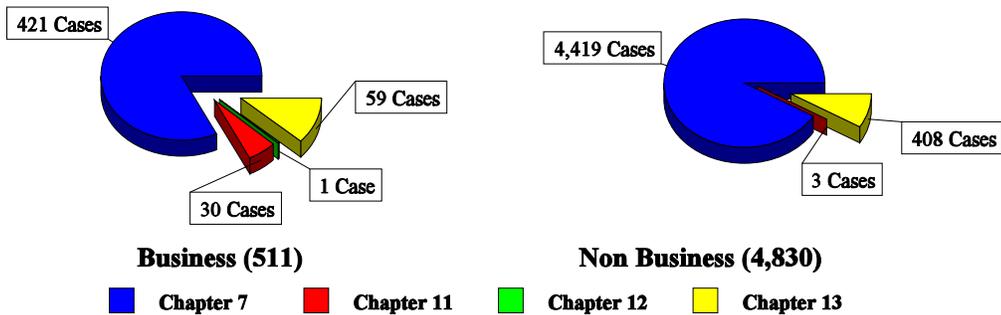
### 2004 Bankruptcy Filings

For the 12-Month Period as of September 30, 2004



### 2005 Bankruptcy Filings

For the 12-Month Period as of September 30, 2005



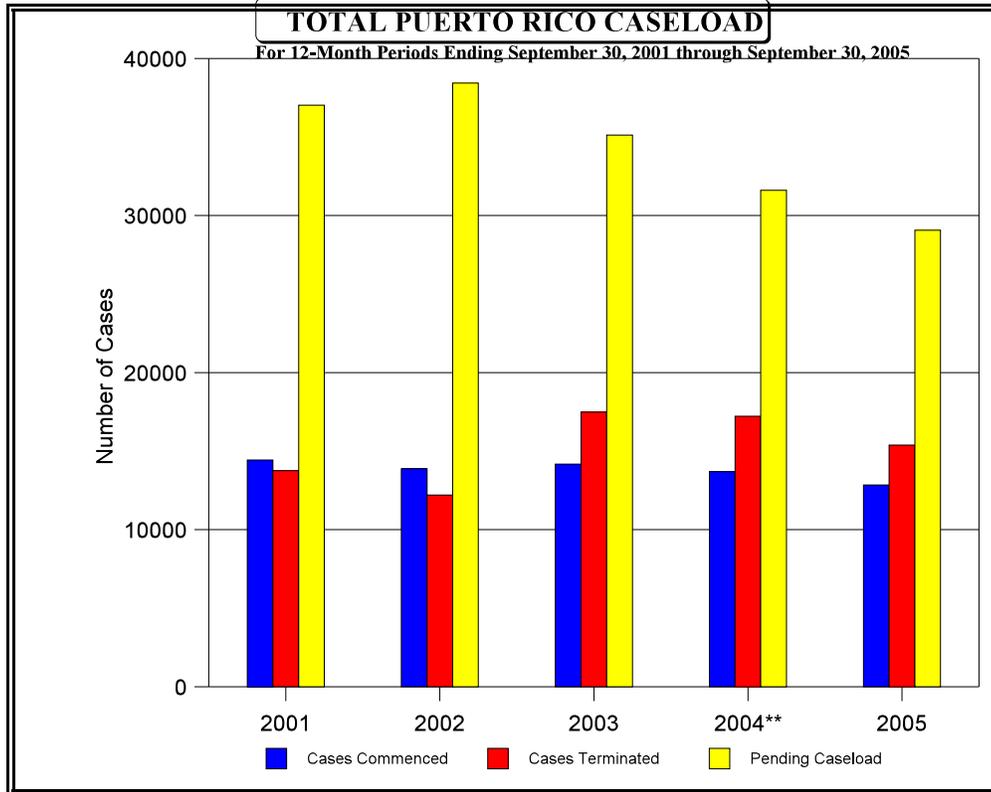


**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF  
PUERTO RICO**

# BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO



**Authorized Judgeships ..... 4\***

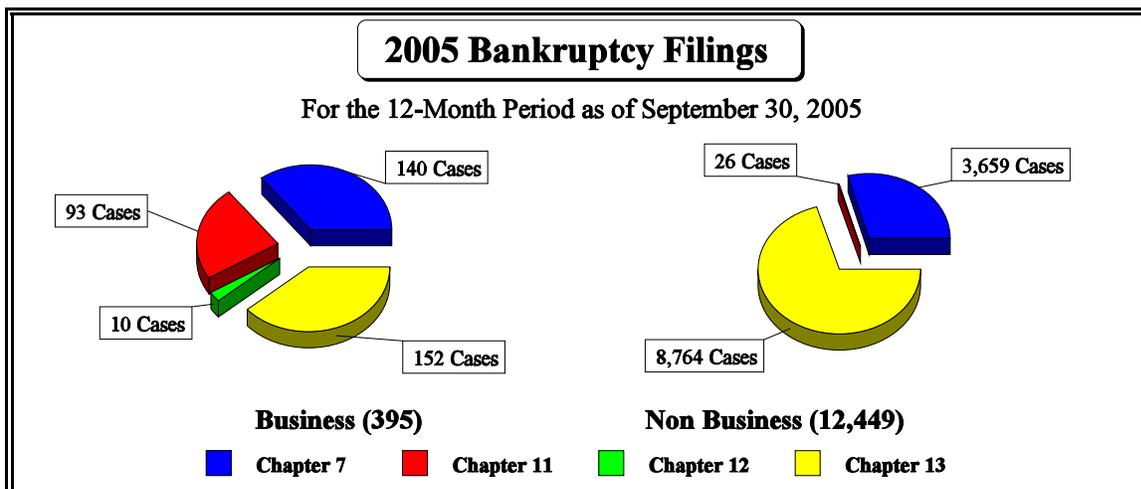
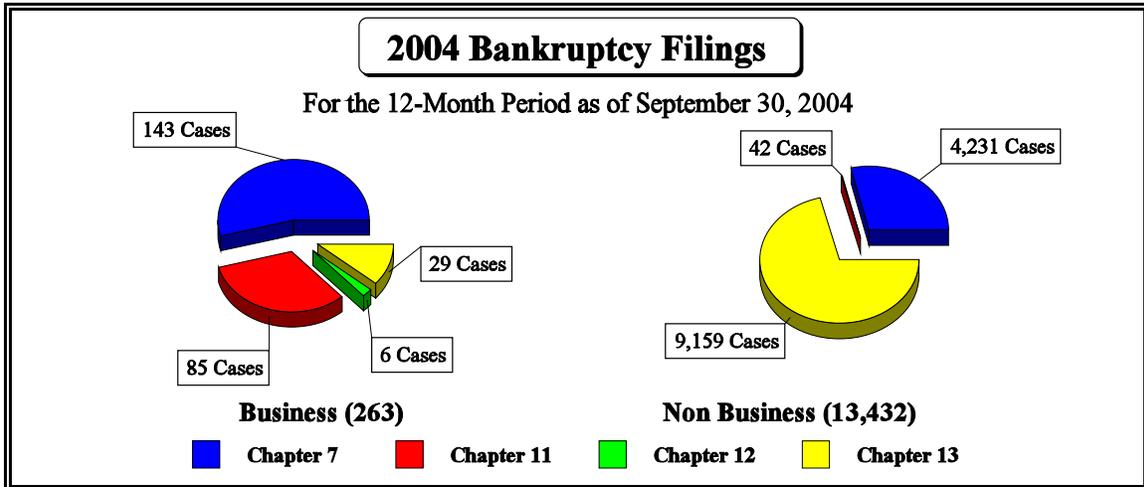
TOTAL BANKRUPTCY CASES 2001 - 2005					
	2001	2002	2003	2004**	2005
CASES COMMENCED	14,435	13,880	14,178	13,695	12,844
CASES TERMINATED	13,759	12,210	17,489	17,229	15,384
PENDING CASELOAD	37,026	38,436	35,124	31,612	29,072

\*A FOURTH JUDGESHIP HAS BEEN AUTHORIZED IN THE DISTRICT OF PUERTO RICO. THE POSITION HAS NOT YET BEEN FILLED.

\*\*PENDING CASELOAD IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF PUERTO RICO



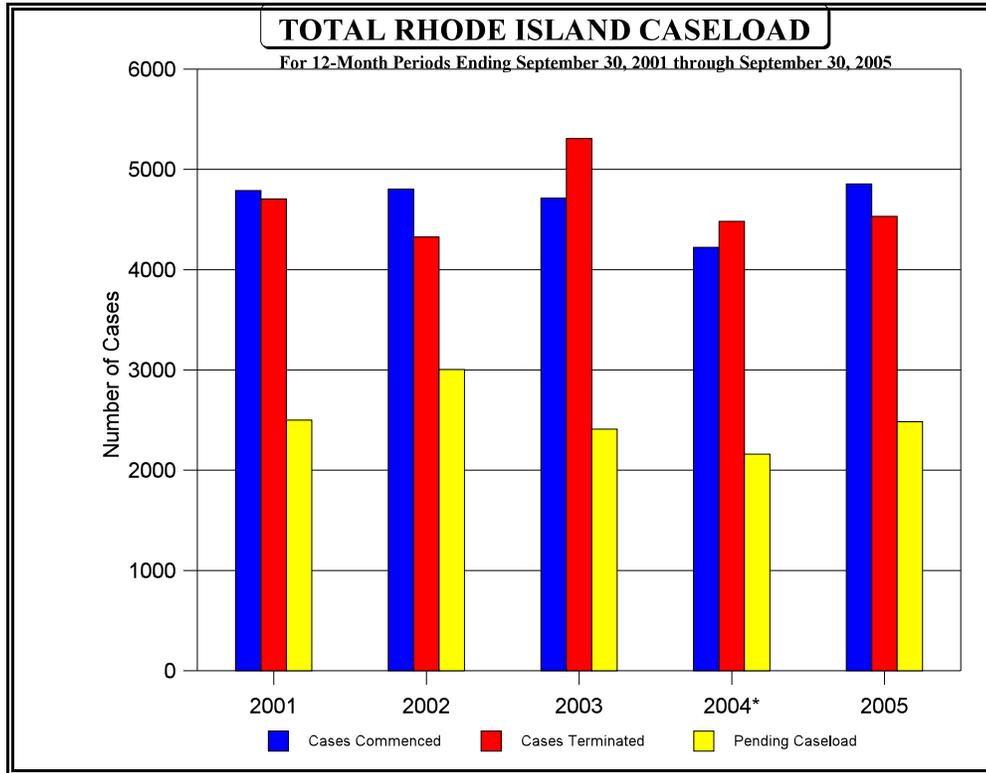


**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF**  
**RHODE ISLAND**

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF RHODE ISLAND



**Authorized Judgeships ..... 1**

TOTAL BANKRUPTCY CASES 2001 - 2005					
	2001	2002	2003	2004*	2005
CASES COMMENCED	4,790	4,803	4,712	4,222	4,855
CASES TERMINATED	4,706	4,325	5,308	4,482	4,531
PENDING CASELOAD	2,499	3,003	2,410	2,160	2,484

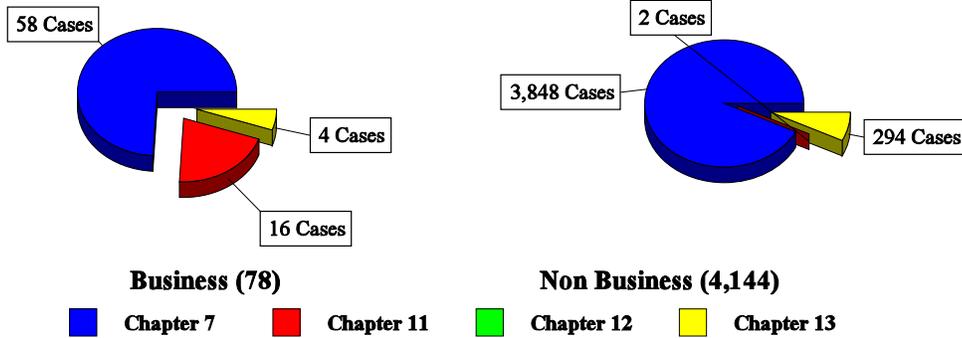
\*PENDING CASELOAD IN 2004 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF RHODE ISLAND

### 2004 Bankruptcy Filings

For the 12-Month Period as of September 30, 2004



### 2005 Bankruptcy Filings

For the 12-Month Period as of September 30, 2005

