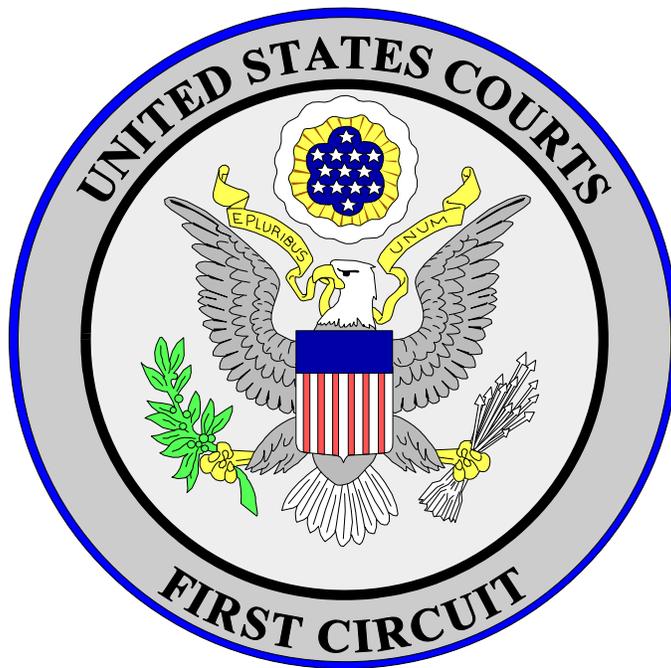


UNITED STATES COURTS FOR THE FIRST CIRCUIT



2006

ANNUAL REPORT

**United States Courts for the First Circuit
2006 Annual Report**

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FOREWORD

by

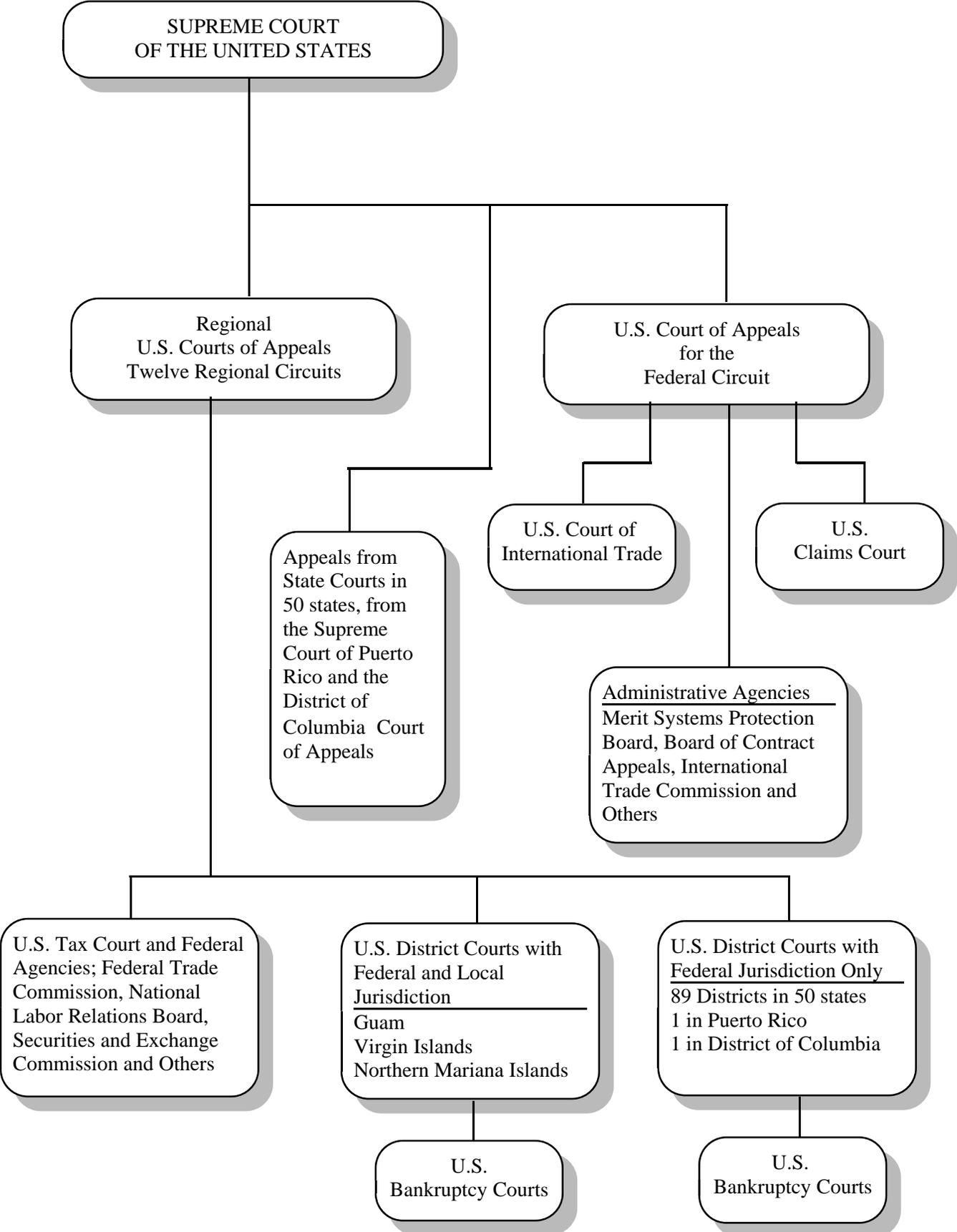
**Gary H. Wentz
Circuit Executive**

The Annual Report allows the courts of the First Circuit to review the accomplishments achieved in a year. The Report reviews case filing statistics, employment trends, building projects, the continued implementation of a new automated docketing system (CM/ECF), and numerous other developments. The Report illustrates the varied nature of the business of the courts and the efficiency with which that business is conducted in the circuit.

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

Structure of the Federal Judiciary



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

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT****CLERK'S OFFICE**

In 2006, the Clerk's Office began laying the groundwork for the implementation of a new electronic case management system which will eventually include electronic filing. Known as Case Management/Electronic Case Files (CM/ECF), the system will provide enhanced data and reporting capabilities, and will allow attorneys to file documents directly with the court over the internet. Ongoing CM/ECF preparations include training and developing procedures, and working closely with the court's Information Technology staff on testing and conversion efforts.

Continuing its tradition of periodic sittings outside of Boston and San Juan, the court heard oral arguments at Harvard Law School in Cambridge, Massachusetts on February 8, 2006, and at the Franklin Pierce Law Center in Concord, New Hampshire on October 6, 2006. In addition, the Clerk's Office participated in an advanced training program for Criminal Justice Act (CJA) panel members in San Juan, Puerto Rico in March 2006 and in Portland, Maine in May 2006. Also, during the fall of 2006, the Clerk's Office began offering an orientation session for new law clerks, providing an overview of records, an inside look at the appellate process and hands-on instruction on accessing the court of appeals docket, as well as district court electronic files.

Various changes were made during 2006 to the court's local rules and internal operating procedures. In March 2006, the court added a new subsection (d) to Local Rule 27 formalizing existing authority delegated to the clerk related to motions pursuant to Fed. R. App. P. 27(b). Associated with this change, the court adopted an amendment to subsection (b) of Internal Operating Procedure V, which clarifies existing court practices in processing motions. Also in March, the court adopted an amendment to Local Rule 32(b) to permit the filing of a Windows-based CD or DVD as an alternative to a 3.5 inch disk. In June 2006, the court amended Local Rule 28 to clarify the court's expectations as to the content of addendum to briefs. Also in June, Internal Operating Procedure III was amended to take account of the increase in the docketing fee to \$450.00. In December 2006, the court adopted amendments to Local Rules 32.3 and 36 related to citing unpublished opinions in light of the new Fed. R. App. P. 21.1 ("Citing Judicial Dispositions"). Also in December, Internal Operating Procedure II(A) was amended to set forth the policy for handling questionable applications for admission to the bar of this court and to clarify that applications submitted in person during court week must be made at least one hour in advance of the session.

In fiscal year 2006, the Court of Appeals reported 1,852 filings, compared to 1,912 for fiscal year 2005, a 3.1 percent decrease. The court also reported a 7.4 percent increase in terminations (from 1,888 in fiscal year 2005 to 2,027 in fiscal year 2006), and a 10.5 percent decrease in pending cases (from 1,663 in fiscal year 2005 to 1,488 in fiscal year 2006).

For the 12-month period ending September 30, 2006, the District of Massachusetts represented the largest source of appeals to the First Circuit (610). The District of Puerto Rico represented the second largest source (518). Appeals from Rhode Island, Maine and New Hampshire represented 139, 132 and 98, respectively. During fiscal year 2006, 239 appeals came from Administrative Agencies. The remaining 116 appeals brought before the First Circuit in fiscal year 2006 were 27 bankruptcy appeals and 89 original proceedings.

In fiscal year 2006, criminal proceedings continued to represent the largest category of appeals to the First Circuit (35.7% of total cases commenced). The court's median time from the filing of a notice of appeal to final disposition was 12 months in fiscal year 2006, slightly lower than the national median time of 12.2 months.

OFFICE OF THE STAFF ATTORNEYS

During calendar year 2006, the Office of the Staff Attorneys consisted of one senior staff attorney, one supervisory staff attorney, 19 attorneys (10 part-time, 9 full-time), and two support persons.

For the calendar year 2006, the following numbers of matters were referred by the Clerk's Office to the staff attorneys' office for processing:

January	172	July	141
February	174	August	166
March	174	September	169
April	141	October	159
May	163	November	118
June	144	December	108

Total: 1,829

There were 250 fewer referrals in calendar year 2006 than in 2005.

In addition, there were 134 pro se or social security cases submitted (an increase of 6 over 2005) and 219 sua sponte summary dispositions in counseled, briefed cases (an increase of 26).

The matters referred to the staff attorneys' office for research included: 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 many other miscellaneous matters. One staff attorney worked on special projects for the court under Chief Judge Boudin's direction.

CIVIL APPEALS MANAGEMENT PROGRAM

The First Circuit's Civil Appeals Management Program (hereinafter CAMP) is governed by Local Rule 33. The process begins with the filing of a Notice of Appeal with the Clerk of the Court of Appeals who notifies the appellant of the program. The appellant is 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's rule 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 the rule grants Settlement Counsel the discretion to decide in which cases the parties will be required to attend a pre-argument conference, it is the practice to require such a conference in all eligible cases unless the information supplied by the parties demonstrates, in the opinion of Settlement Counsel, that there is no reasonable likelihood of settlement. Such cases amount to a 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 in advance.

The conferences run generally from one to three hours. In special circumstances, the conference may be conducted by telephone but in-person conferences are preferred because they 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. At the close of the process, a report is filed with the Clerk's Office indicating only whether the case has been settled.

The Court of Appeals has authorized the employment of a resident of Puerto Rico to act as settlement counsel for the appeals arising in that district. That change permitted more in-person conferences to take place in the district. The Puerto Rico settlement counsel started mediating cases in August 2006.

In calendar year 2006, one or more conferences were held in 252 cases, which produced 88 settlements, 34.9 % 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 2006.

In fiscal year 2006, new appeals to the First Circuit BAP decreased by 3% as bankruptcy appellate panel filings nationwide dropped 7.6%. In the First Circuit, 65 cases were filed in fiscal year 2006 compared to 67 in fiscal year 2005. Terminations in fiscal year 2006 totaled 55, a decrease of 23.6% from the 72 terminations in fiscal year 2005. The pending caseload increased by 43.5%, from 23 in fiscal year 2005 to 33 cases in fiscal year 2006.

In fiscal year 2006, written opinions were issued in 19 cases, down slightly from 22 the previous fiscal year. The median time from notice of appeal to final disposition was 6.8 months, below the national median of 10.1 months. Additionally, the median time from oral argument to final disposition improved to 1.3 months, and was also below the national median of 1.6 months.

In fiscal year 2006, 150 bankruptcy court appeals were filed in the First Circuit. Of this total, 65 appeals (43.3%) were from the bankruptcy courts to the BAP, and 85 appeals (56.7%) were bankruptcy court appeals to the district court. The District of Massachusetts continued to be the largest source of BAP appeals, contributing 31 (47.7%) new cases, followed by Maine (12), Puerto Rico (11), New Hampshire (7) and Rhode Island (4).

LIBRARIES OF THE FIRST CIRCUIT

There are four libraries in the First Circuit library system: the headquarters library in Boston, MA, and satellite libraries in the district courthouses in Concord, N.H.; Providence, RI; and Hato Rey, PR. There is no satellite library in Maine. The Boston library provides services for chambers and court staff in Portland and Bangor, ME. It also provides services to chambers and court staff in Springfield and Worcester, MA. The Boston library is open to members of the practicing bar, *pro se* litigants and the general public. The satellite libraries are closed to non-court patrons, unless special permission is authorized by a judge of the court.

Personnel

Karen Moss, Circuit Librarian since 1979, retired in April 2006. Under her stewardship, library collections, staff and services grew to meet the changing needs of the court community and the changes in the publication and delivery of legal information. She oversaw the establishment and staffing of the satellite libraries and was integral in the planning and design of the new headquarters library in the Moakley Courthouse in Boston, MA. A search was conducted for her replacement and Susan C. Sullivan was selected to succeed Karen Moss as Circuit Librarian. Ms. Sullivan commenced work in late August 2006. Kristie Randall, Deputy Circuit Librarian, was Acting Circuit Librarian in the interim.

Staffing levels in the libraries during FY2006 remained the same as at the end of FY2005. In FY2006 staff totaled 11: 7 in Boston, MA; 2 in Hato Rey, PR; and 1 each in Concord, NH and Providence, RI. Two members of the Boston staff were part time (60 - 64 hours per pay period).

Lawbook Funds

The libraries' lawbook fund allotment decreased for the third straight fiscal year. It was down approximately 2% from FY2005 and approximately 9% from FY2003. Subscription cancellations in the libraries and voluntary cancellations in chambers were once again necessary in order to remain within spending limits. The libraries' Collection Development Committee initiated a long term project to assess the effect of cancellations on the libraries' print collections. The purpose of this project is to make certain the depth and quality of the collections are maintained despite decreased lawbook funds. Increased electronic access to primary and secondary legal materials is a growing factor in making selection decisions. Another factor putting pressure on lawbook funds is the number of new judges joining the court. Funding for new judges' collections are no longer available. Purchases must be made from existing lawbook allotment funds.

Outreach/Training

The libraries continued to provide information and services to chambers in a variety of methods. The Boston library published four issues of *Library Notes*, a periodic newsletter distributed in print. Copies are also available on the libraries' web page at http://www.circ1.dcn/library/news/library_notes.htm.

The Providence Satellite Librarian is the webmaster for the libraries' web page. The page continues to undergo redesign and restructuring to improve its effectiveness as a central portal for information, news and legal research sources. The Providence library continued to publish the daily *Today's News*, the weekly *Federal Sentencing Guide* and as opinions are released, the *Today's Supreme Court*.

The Concord Satellite library continued to compile and distribute the *Findlaw Daily Opinion Summaries for the U.S. 1st Circuit Court of Appeals* and to track legislation, articles and other Congressional or state action on matters pertaining to the judiciary.

The Hato Rey Satellite library provides an invaluable service by obtaining and retaining English translations of opinions from the Puerto Rico Supreme Court and the Puerto Rico Court of Appeals. This past year the Hato Rey Satellite Librarian and the Concord Satellite Librarian worked diligently with West Group to improve the accuracy of the database of Puerto Rican law on Westlaw.

Each library in the circuit provided LexisNexis and Westlaw training sessions to chambers and other court staff at least two or three times over the course of the year. New court staff were provided brochures of library services and encouraged to visit the libraries web page (<http://www.circ1.dcn/library/index.htm>) or call a librarian to arrange a library tour or consultation.

**NARRATIVE REPORTS
OF THE DISTRICT COURTS**

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

DISTRICT COURT

Throughout the year, each of the district judges continued to hold positions on committees of the Judicial Conference. Chief Judge Singal began his second year on the Judicial Resources Committee, Judge Hornby continued to chair the Committee on the Judicial Branch, and Judge Woodcock began his second year as a member of the Committee on Defender Services. In July, Magistrate Judge Kravchuk concluded her term on the Board of Directors of the Federal Magistrate Judge Association.

In January, David Beneman, Esq., an active member of the criminal defense bar and former CJA Resource Counsel, was appointed the first Federal Public Defender in the District of Maine. Staffed offices of the FPD are in both Portland and Bangor. Attorney Bruce Mallonee from Bangor was appointed the CJA Panel Attorney Representative.

In February, Michael J. Hearn, the Electronic Court Recording Supervisor in the U.S. District Court for the Eastern District of Pennsylvania, conducted a full-day training program for the case managers in Portland and Bangor on the FTR electronic recording equipment. The FTR system is often used in all hearings other than trial proceedings.

On March 1, the Clerk's Office began accepting filing fees for civil and criminal cases using the U.S. Treasury Department's pay.gov system, enabling attorneys to use their credit cards for online payments from within the ECF system. Use of pay.gov has steadily increased since its implementation. Not only is the system user-friendly but it has increased the efficiency of the Clerk's Office, as credit card payments no longer have to be processed manually.

Also in March, the Clerk, Chief Deputy Clerk and the Portland IT staff went off-site to conduct a COOP "tabletop" exercise in order to test the planned emergency preparedness procedures. Particularly important was to ensure that the DCN and the national applications connected to the DCN system could be accessed from a location outside the Federal Courthouse in Portland.

An audit of all the financial related activities of the District Court for the 54 month period ending December 31, 2005 was conducted during the last two weeks of March by a team of auditors from Kearney & Company, the CPA firm contracted by the Administrative Office. The purpose of the audit was to determine whether appropriated funds, deposit funds, registry funds, unclaimed funds and non-appropriated funds were accounted for and properly recorded. The audit included an evaluation of the Clerk's Office financial management and internal controls, as well as a review of procurement, time and attendance, voucher processing, record keeping, and other procedures. Two reportable conditions, neither considered material findings, were identified and both have been corrected.

In April, the Clerk's Office undertook an important project to scan the paper dockets from earlier cases. To date, the docket sheets in every civil and criminal Bangor case since 1970 and every Portland cases since 1960 are now readily available on the local network. The Clerk's Office is currently scanning every criminal judgment that has been filed since 1984 and will eventually scan copies of civil judgments that are required by to maintained pursuant to F.R.Civ.P.79(b).

In May, the court unit executives and supervisors from each of the court units met at the

Nonantum Hotel in Kennebunkport for a workshop sponsored by the Federal Judicial Center entitled Performance Management in the Courts. Chief Judge Singal, a member of the Judicial Resources Committee, attended the first day session. The program was designed to help managers assess the effectiveness of their current management system, explore options for enhancing that system, discuss the benefits of proper performance appraisal strategies, and prepare for the implementation of individual development plans for each staff member.

One of the most significant undertakings during the year involved strategic planning. In August, a group of federal prosecutors, defense attorneys and civil litigators were invited to an information gathering session designed to obtain their perspective on the court's functioning. Each group of attorneys met separately with an experienced facilitator, who prepared a report of the discussions that preserved the participant's anonymity. No judges or court staff attended the session. Subsequently, in September, the judicial officers, clerk, and chief deputy clerk met off-site with the facilitator to receive the feedback, consider what issues to address, and develop plans for moving forward. Finally, in November, the original group of attorneys met with Chief Judge Singal, Magistrate Judge Kravchuk and the facilitator to discuss the court's response to the feedback. Chief Judge Singal intends to meet again with those attorneys in July, 2007.

The annual Clerk's Office off-site education and training session was held September 27-29, 2006 at the Colony Hotel in Kennebunkport. All of the judges joined the staff for the first presentation, which was a Federal Judicial Center program entitled "Generations Working Together in the Courts". On the second day, an expert in the field of federal employee benefits conducted a program which included informative presentations on estate and financial planning and the importance that FERS employees invest in the Thrift Savings Plan. Spouses, court reporters and chambers staff were all invited to the financial planning program.

At the request of the Clerk, William Brownell, the District Court Administration Division (DCAD) of the AO conducted an assessment of the Clerk's Office's Information Technology (IT) program during 3 days in September. The five-person review team consisted of the Chief Technology Officer of the Office of Information Technology (OIT), a former IT systems manager who is now the clerk in the Southern District of Alabama, the Chief Deputy for Automated Services for the Eastern District of New York, and two staff members from DCAD. The purpose of the on-site review was to provide the court with an objective evaluation of its IT program in several areas, including: operations, organizational management, planning, emergency preparedness, security, systems architecture, and documentation.

More than 350 judges, attorneys and guests attended the district court's 2006 Judicial Conference which was held November 16-17, 2006 at the Samoset Resort in Rockland. The biennial conference is attended by all the District of Maine judicial officers and by most of the federal practitioners in the district, as well as the court unit executives and other court staff. District conferences have been held since 1994 and the general consensus of the attendees was that the 2006 Conference was among the best. The program included a speech by Matthew P. Ward, a U.S. career diplomat, entitled "Why Do the Wrong People Travel? - Recollections of a Life Abroad;" an engaging presentation by Dr. Michael E. Siegel from the Federal Judicial Center, entitled "Lessons in Leadership from Recent American Presidents," and a provocative address by Circuit Judge Alex Kozinski, United States Court of Appeals for the Ninth Circuit, entitled "Giving Up Privacy." There were also interesting breakout sessions for the bankruptcy, civil and criminal law practitioners, a formal reception, and opportunity for socializing.

The number of new civil and criminal filings continued to decrease in the District of Maine in 2006. During the year 209 defendants were indicted, as compared to 237 defendants in 2005, a decrease of 12%. Similarly, civil filings were down 5% - from 440 new cases in 2005 to 419 new cases in 2006. (The trend of fewer civil filings has been steady since 1998 when 703 new civil cases were filed.)

BANKRUPTCY COURT, DISTRICT OF MAINE

On November 13, 2006, Alec Leddy took the oath of office as Clerk of Court for the U.S. Bankruptcy Court, District of Maine. Mr. Leddy served as career law clerk to Bankruptcy Judge Jim Haines from 2001 until his appointment as Clerk. During that time, he was member of the CM/ECF working group. Prior to his tenure as career law clerk, he had served as a term law clerk to Judge Haines and had worked in private practice law with several Portland law firms. Mr. Leddy succeeded Celia Strickler who had served as clerk for nine years.

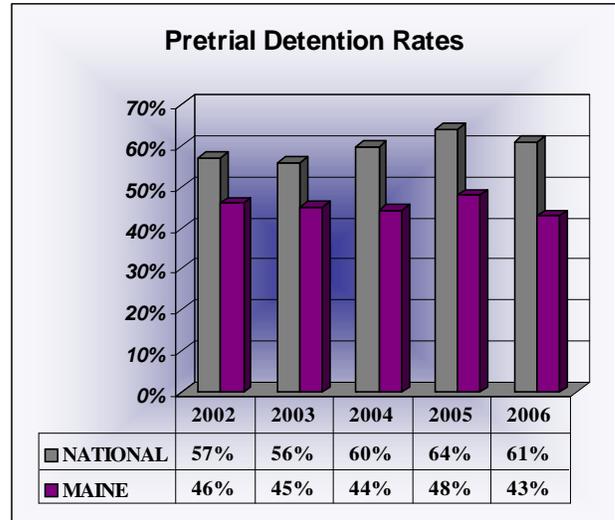
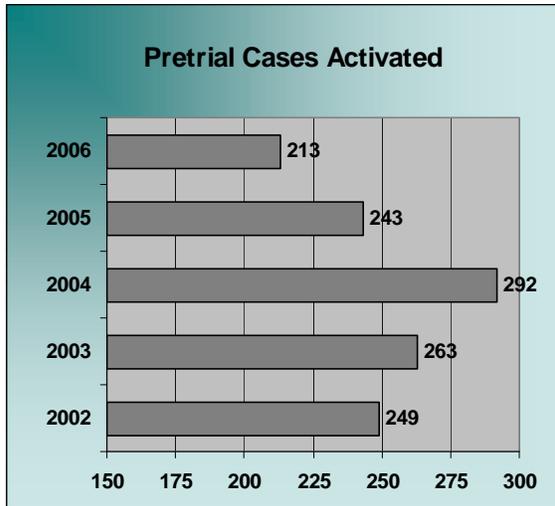
The Maine Bankruptcy Court graduated five staff members from the Federal Court Leadership Program in 2006. The graduates included Nancy Carter, User Support Specialist; Kelli Felkel, User Support Specialist; Alec Leddy, Clerk; Mary-Ellen Paoine, Courtroom Deputy; and Karen White, Financial Administrator.

Several members of the Clerk's Office Staff served on national committees and working groups, or provided support for national programs. Kathleen Reyring, Chief Deputy Clerk, served on the Federal Judicial Center Committee to develop the Professional Educational Initiative (PEI), a comprehensive program intended to identify competencies essential to professional development and to provide a user friendly web site of education and training resources to help court employees prepare for various levels of supervisory, management, and leadership positions in the judiciary. David LePauloue, Systems Manager, was reappointed to a two-year term as a member of the Bankruptcy Noticing Working Group. Mr. LePauloue also served as co-chair of the Federal Court Leadership Mentor Program (FCLP) to evaluate the program, recommend changes, and recruit FCLP graduates to mentor new program participants. Mary-Ellen Paione, Courtroom Deputy to Judge Haines and a 2006 FCLP graduate, began serving as a mentor under the new program.

Philip Normand, Automation Specialist, was selected as the first Maine Bankruptcy Court Operations Manager to oversee case administration and courtroom support services in both the Portland and Bangor offices. This new position was established upon the retirement of Paula Dunn who served as the Deputy-in-Charge in Bangor for the last 14 of her 22 years with the Court.

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

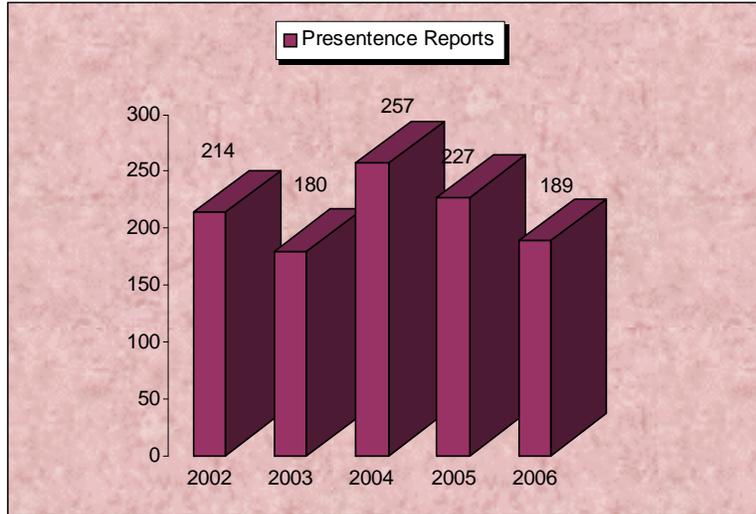
The number of pretrial cases activated continued to decline in FY 2006. The District of Maine's pretrial detention rate remained well below the national average. In 2006, Maine's detention rate was 43%, the lowest in the First Circuit. Only 28 other districts in the nation had a lower detention rate. In FY 2006, the Probation Office hired a Probation Officer Assistant, Tricia Ledoux, whose primary duty is conducting and assisting with pretrial investigations.



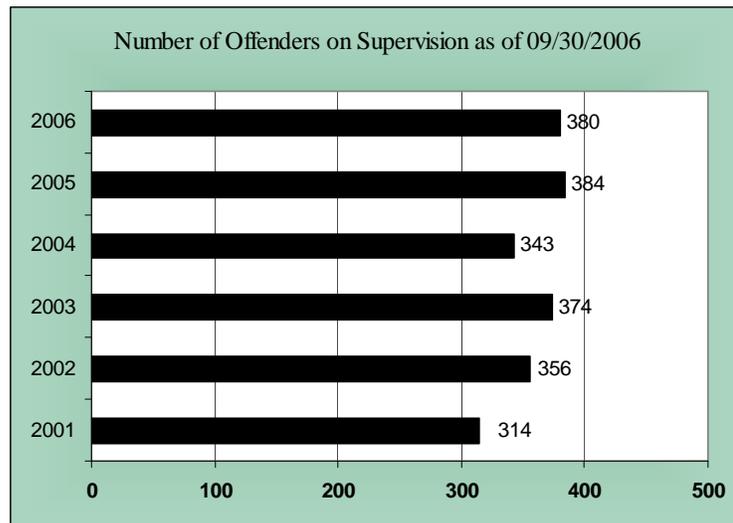
TYPES OF PRETRIAL CASES*	2002	2003	2004	2005	2006
Robbery	13	11	3	7	0
Property (e.g. Larceny, Embezzlement, Fraud)	46	35	47	38	27
Violence	5	0	2	1	9
Weapons/Firearms	52	72	74	64	62
Drugs	90	114	118	66	73
Immigration Laws	19	11	12	28	20
Sex Offenses	5	3	8	13	15
Other	19	14	23	22	7
TOTAL	249	260	287	239	213

*This table does not include cases transferred into the District of Maine.

FY 2006 saw a 17% decrease from the previous year in the number of presentence reports prepared. This was the second consecutive year of decline after the ten-year apogee of 257 reports prepared in 2004. While the bulk of offenses still tended to be drug and firearms, there was a noticeable decline in the prosecution of street-level drug crimes and a noticeable increase in firearms and juvenile cases. Probation staff also began electronic document submission to the Bureau of Prisons' Designations and Sentence Computation Center in Grand Prairie, Texas.



During FY 2006, supervision officers experienced increased challenges because many of the juveniles and adult offenders serviced had multiple needs, including housing and employment issues, as well as substance abuse and mental health disorders. The Probation Office employees understand that supervision of offenders is the most resource-intensive and publically visible service provided by the probation system and takes pride in their ability to provide this service.



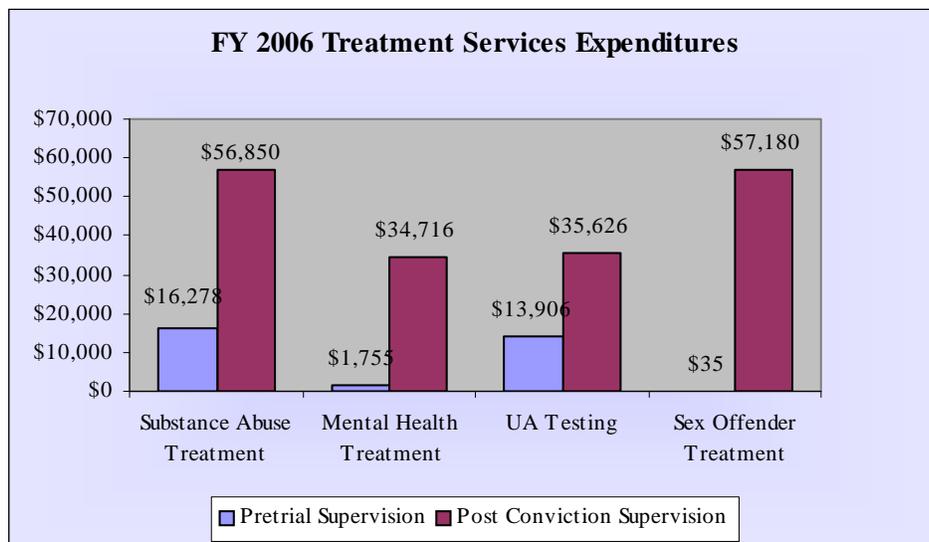
In FY 2006 the Probation Office implemented a low intensity supervision program by developing policies, procedures, and standards for the supervision of qualified offenders/defendants. Low intensity supervision allows supervision officers to focus their time and efforts on offenders/defendants in need of closer supervision, while relieving them of the cases requiring little supervision. Low intensity supervision cases are supervised by the Home Confinement Specialist with assistance from a Probation Support Technician. In FY 2006, 42 offenders/defendants were transferred to the low intensity supervision program. Of those 42, six were granted early termination of their supervision.

Overall, 71 offenders were supervised on home confinement with electronic monitoring during FY 2006. The average period of time an offender was on home confinement with electronic monitoring was 104 days. Out of the 71 offenders who were actively on home confinement with electronic monitoring, five were removed due to violation.

In February 2006, the Probation Office began testing Passive GPS. In May 2006, Passive GPS was used on the first home confinement program participant. In July 2006, testing Active GPS began, which will be utilized in FY 2007. The District of Maine is the first and only district in the First Circuit to use GPS technology. The Home Confinement Specialist for the District of Maine currently represents the First Circuit on the National Home Confinement Working Group, which is revising the national policies for this program.

Under Public Law 108-405, the U.S. Probation Office is responsible for the collection of a DNA sample from all individuals on supervision who were convicted of a federal felony, and were not tested while in BOP custody. During FY 2006, a total of 144 DNA samples were collected in the District of Maine at a cost of \$2,510 to the local budget.

In FY 2006, the Probation Office spent a total of \$166,814 on various types of treatment services (not including urinalysis testing). The highest level of spending occurred in the area of substance abuse treatment, where expenditures totaled \$73,128. For sex offender treatment, spending totaled \$57,215, while \$36,471 was spent on mental health treatment. It should be noted that spending in both these categories increased dramatically compared to FY 2005.



Total expenditures in FY 2006 increased almost 6% over FY 2005. The increase in salary expenditures was primarily responsible for this jump. Expenditures for operations and treatment services decreased slightly; however, automation expenditures increased 63% over FY 2005. Additional funds were allocated toward replacing desktops, memory was upgraded in our servers, and a document storage solution was purchased to support internal documentation such as invoices, purchase orders and payments. This solution allows us to backup and store copies of these documents off-site, as well as to perform on-line document searches and retrievals.

Finally, the Probation Office continued to offer extensive programs, including The Real Deal, a national program offered to high school students at Deering High School in Portland and to teenagers enrolled in the Intensive Outpatient Program at Day One in South Portland; training of both law enforcement and first responders to recognize and appropriately interact with people with autism spectrum disorders; the offender orientation program, which provides soon-to-be-released offenders with information about what they can expect while on supervision; and the program, Truthought, which is designed to teach corrective thinking techniques to the female residents at the Pharos House.

In 2006, many Probation Office staff members continued their active involvement with agencies and communities throughout the state of Maine, including the Mountain View Correctional Center, the Wayside Soup Kitchen, the Ronald McDonald House, the Volunteer Lawyers Project, the Boy Scouts of America, the Maine Department of Health & Human Services, the John F. Murphy Homes, the Animal Welfare Society, and the Youth Sports Programs.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DISTRICT COURT

The Clerk's Office for the District of Massachusetts operates with a staff of 75 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 2006 was \$7,444,689 for salaries, automation and administrative expenses.

The United States District Court for the District of Massachusetts currently has 13 active Article III judges, two senior judges and seven authorized full-time magistrate judges. On September 8, 2006, Senior Judge Robert E. Keeton retired after 27 years on the bench. The District of Massachusetts welcomed Timothy S. Hillman to the court on February 13, 2006. Magistrate Judge Hillman replaced Magistrate Judge Charles B. Swartwood, III, who retired, after 13 years of service, on January 31, 2006.

Chief Judge Mark L. Wolf continued his service on the Judicial Conference's Advisory Committee on Criminal Rules in 2006. He also traveled to five cities in China for the Department of State to speak to judges, prosecutors and law students.

Judge Douglas P. Woodlock contributed to a book published by W.W. Norton & Company. The book, *Celebrating the Courthouse: A Guide for Architects, Their Clients, and The Public*, featured a chapter written by Judge Woodlock entitled "Drawing Meaning from the Heart of the Courthouse."

Judge Nathaniel M. Gorton served 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 sit 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.

Judge Richard G. Stearns continued his term of service on the Committee on Space and Facilities of the Judicial Conference. The Committee reviews, monitors and proposes policies regarding the judiciary's space and facilities requirements.

Judge Patti B. Saris sat with the First Circuit Court of Appeals during the summer and with the Federal Circuit in October. Judge Saris also served as President of the Harvard Board of Overseers.

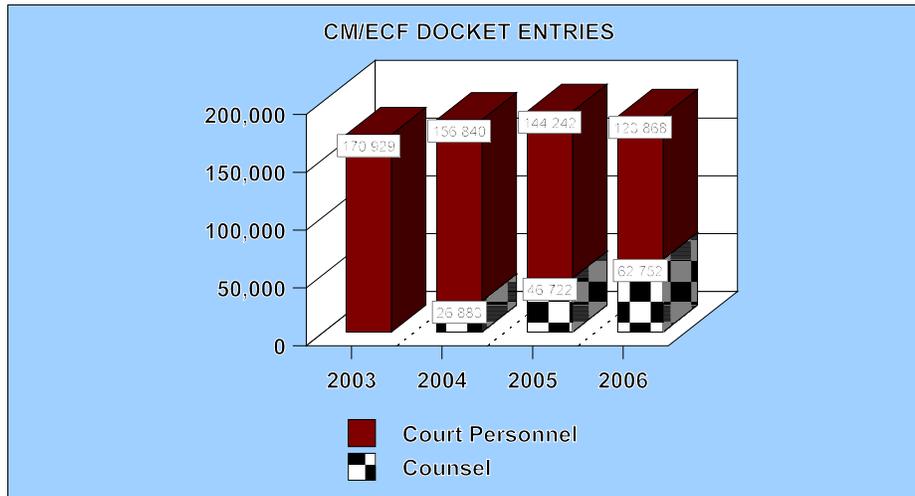
Judge Nancy Gertner authored an article entitled “What Yogi Berra Teaches About Post-Booker Sentencing” that appeared in the July 2006 issue of “The Pocketpart,” an online journal billed as “a companion to the Yale Law Journal.” The July issue focused on, “Appellate Review of Sentencing” after the Booker decision. Judge Gertner continued her service on the Information Technology Committee of the Judicial Conference. In addition, Judge Gertner participated in a panel discussion at the Social Research Conference held at the New School for Social Research in New York City. The topic of the discussion was, “Alternatives to a Carceral State.”

In May of 2006, Judge Michael A. Ponsor visited Vilnius, Lithuania for five days to participate in seminars and panel discussions on the importance of an independent judiciary in the protection of civil rights. This is the third year in a row that Judge Ponsor visited Lithuania to participate in discussions with Lithuanian judges and to make presentations at law schools in Vilnius and in Lithuania's second largest city, Kaunas. The judge also continued his service as a member of the Judicial Conference Committee on the Budget, attending multi-day meetings of this committee in January and July. His membership on the committee's Congressional Outreach Sub-Committee has put him in the center of efforts to insure that senators and representatives are well informed about the judiciary's budgetary needs. Finally, Judge Ponsor continues to chair monthly meetings to address issues relating to the construction of the new Springfield federal courthouse.

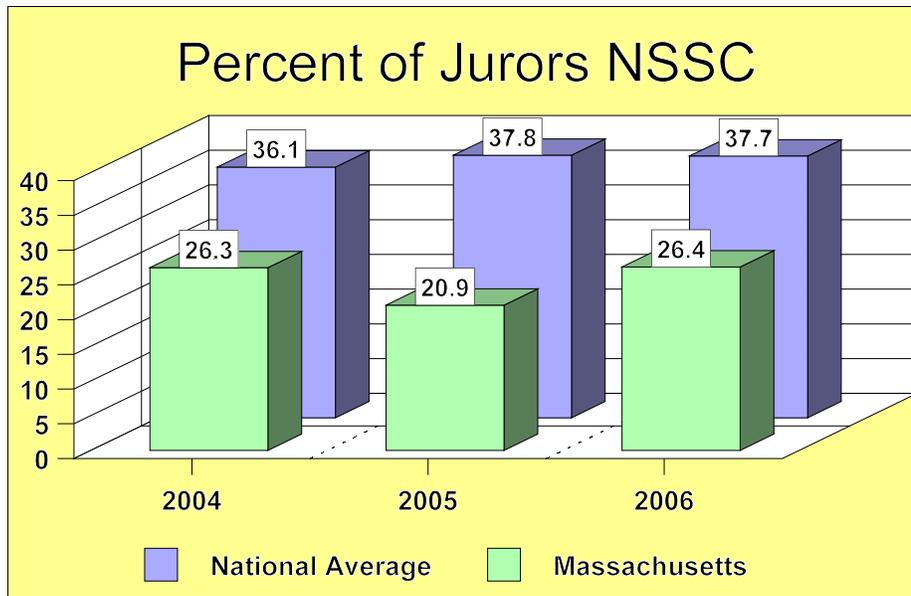
During 2006, Judge George A. O’Toole was reassigned from the former Committee on Security and Facilities to the Committee on Judicial Security of the Judicial Conference. The Committee reviews, monitors and proposes to the Judicial Conference policies regarding the security of the federal judiciary, including protection of court facilities and proceedings, protection for judicial officers, other officers and employees of the judiciary, and any immediate family members of such persons, at federal court facilities and other locations.

Magistrate Judges Judith G. Dein and Leo T. Sorokin taught a three part seminar "Lessons from the Bench" for the Young Lawyers Division of the Federal Bar Association. At the initiation of Magistrate Judge Sorokin and the Probation Office, the District Court approved a one year pilot implementation of a **Court Assisted Recovery Effort**. The CARE program aims to assist participants in establishing a sober, employed, law abiding life in an effort to promote public safety, the effective use of Probation's treatment resources, and rehabilitation. The program is one of the first of its kind in a federal court in the United States. Both the United States Attorneys Office and the Federal Defenders Office supported the pilot program. Lawyers from these offices appear at the CARE sessions that are conducted by Magistrate Judge Sorokin each week.

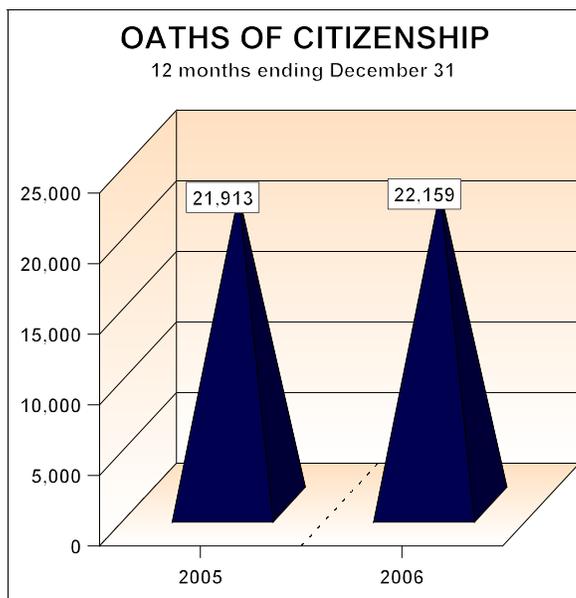
The court began accepting filings electronically through the CM/ECF system on October 1, 2003. Effective **January 1, 2006**, the court mandated electronic filing of documents in all pending civil and criminal cases, except those documents specifically exempted. As a result, 34% of all CM/ECF docket entries made during the year (62,752 of 186,620) were completed electronically by the attorney of record.



For the twelve month period ending December 31, 2006, 26.4% of the jurors reporting for service in the District of Massachusetts were listed as not selected, serving, or challenged (NSSC). This percentage ranked Massachusetts 26th out of the 94 district courts nationwide and 2nd out of the 26 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 2006 was 37.7%.



In 2006, Citizenship and Immigration Services (CIS) worked in conjunction with the District Court to conduct a total of (44) naturalization ceremonies. The oath of citizenship was administered to 22,159 immigrants. This represented a 1% increase over 2005 in which 21,913 new citizens were sworn.



As indicated in the table below, original transcript pages produced fell 5.5% in 2006. Conversely, the in-court hours of court reporters increased 4.1%. Each reporter averaged (8,669) original transcript pages and (459) hours in court.

Court Reporting	2005	2006
Original Transcript Pages Produced	137,615	130,038
In-Court Hours	6,618	6,890

The Court and its Court Reporter Committee revised the Court Reporter Plan that had been in effect since 2001. The Judicial Council for the First Circuit approved the new *Plan for Effective and Fair Management of Court Reporters* on September 12, 2006.

Court interpreters were provided for (498) cases in 2006. Of those, 68% (339) spoke Spanish. The remaining 32% (159) required interpreters for 16 other languages ranging from Arabic to Vietnamese. A total of \$124,206 was spent for interpreting services in 2006, a decline of 3.7% from 2005 (\$129,025).

The table below depicts interpreter usage in the District of Massachusetts during 2006.

Language	In -Court Events	Out of Court Events
Arabic	2	0
Armenian	2	0
Bosnian	1	0
Cantonese	11	0
Creole (Haitian)	6	0
French	5	0
Italian	1	0
Khmer	3	0
Lao	9	0
Mandarin	10	0
Portuguese	63	0
Russian	8	1
Serbo Croatian	18	0
Spanish	339	0
Turkish	1	0
Ukrainian	9	0
Vietnamese	9	0
Totals	497	1

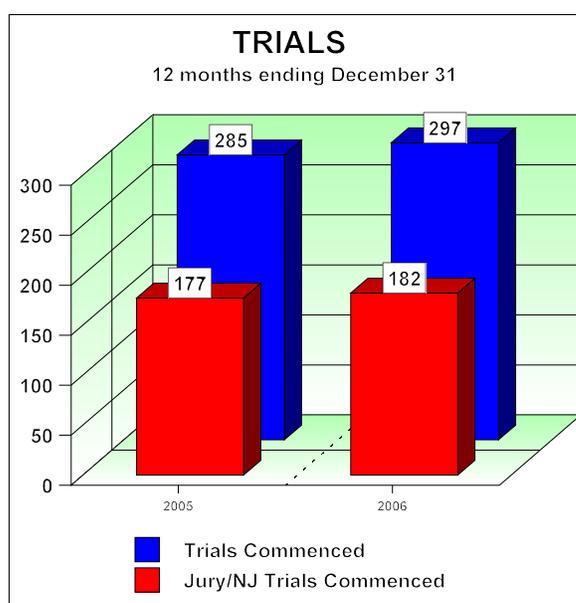
There were 1,231 Criminal Justice Act (CJA) vouchers processed by staff in 2006. This represented an increase of 75 vouchers, 6.4% over 2005. The total dollar amount of CJA payments in 2006 increased by \$89,661. This marked the fifth consecutive year that the cost of CJA payments rose in the District of Massachusetts.

Year	CJA Payments	Number of CJA Vouchers
2000	\$2,743,582	1072
2001	\$2,396,304	979
2002	\$2,803,948	1019
2003	\$4,217,041	995
2004	\$4,619,226	986
2005	\$5,783,294	1156
2006	\$5,872,955	1231

The Alternative Dispute Resolution (ADR) Program continued to play a vital role in pre-trial resolution of a broad range of civil matters during the year of 2006. A total of 335 cases were referred to the ADR Program, of which 250 were mediated. The majority of cases were mediated by seven magistrate judges in Boston, Worcester and Springfield. In addition to the mediations conducted by the magistrate judges, the court's ADR Panel, a group of professional mediators who provide services to the court on a voluntary basis, mediated a total of 38 cases. One magistrate judge traveled to San Juan on two occasions and mediated 12 cases for the District of Puerto Rico. The rate of settlement was about 60% in 2006.

The total number of trials commenced in this district rose 4.2% in 2006, from 285 in 2005 to 297 this past year. The total number of jury and non-jury trials also grew by 2.8% during this time period, from 177 in 2005 to 182 in 2006.

While the total number of both jury and non-jury trials increased, the number of in-court hours fell in 2006. Total in-court hours fell from 11,549 in 2005 to 10,902 in 2006. Days on trial remained stable in 2006 (1,170 days in 2005 to 1,157 days in 2006). Hours on trial decreased 2.1% in 2006, from 4,724 hours in 2005 to 4,626 hours in 2006. The total amount of in-court hours spent on matters other than trials decreased from 6,825 in 2005 to 6,293 in 2006, a drop of 7.8%. Even with a decrease of in-court hours, the District of Massachusetts continued to eclipse the national average of in-court hours reported by active judges in 2006. Active judges in this district averaged 543 in-court hours, compared to 437 nationally. Average trial hours were 305 in this district and 226 nationally.



BANKRUPTCY COURT, DISTRICT OF MASSACHUSETTS

The enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) changed the work in bankruptcy courts. While new case filings declined dramatically immediately after the effective date of October 17, 2005, cases began a steady increase shortly thereafter. In 2006 there were 8,034 cases filed in the district.

Pro se filings have nearly doubled under the new law and now comprise 10% - 12% of all filings. Further, while under the prior law, pro se filers were predominately filing chapter 7 cases; under BAPCPA, the vast majority of pro se filings are under Chapter 13. (Chapter 13 requires the debtor to file all the usual paperwork, as well as to develop a plan that meets the requirements of the law, have the plan confirmed by the court, and then maintain that plan for 3-5 years.) Addressing the increase in pro se activity has been a challenge and has placed a severe strain on the court's resources. To address this challenge, the court has developed a user-friendly guide for the pro se filer and is working with the Chapter 13 trustees to provide more information to those who

file a Chapter 13 without the assistance of counsel.

Since the court made electronic filing mandatory in January 2005, staff have continued the effort to provide ECF training for all interested attorneys and their staffs by holding classes in Boston, Worcester and Springfield. The court is also developing a video program series that will be available to attorneys for initial training, as well as a refresher on specific topics. Staff have continued to work on enhancing the functionality of ECF for the attorneys, as well as refining CHAP, the local software program that allows for the electronic transfer of documents and information between chambers and the clerk's office.

Each of the bankruptcy judges continued the tradition of serving the bar and the public by participating in numerous and varied educational forums. The judges served as panelists on local, regional and national programs presented by the Massachusetts Continuing Legal Education, the Boston Bar Association, the Practising Law Institute, the National Association of Consumer Bankruptcy Attorneys, the American Bankruptcy Institute, and others.

Judge Joan N. Feeney continued to serve on the Administrative Office's Bankruptcy Judges Advisory Group and was appointed to the Judicial Conference's International Judicial Relations Committee. She served on the board of the American Bankruptcy Institute and is the co-author of the West treatise "Bankruptcy Law Manual." Judge Feeney also served as co-chair of the M. Ellen Carpenter Financial Literacy Project, a joint Bankruptcy Court/Boston Bar Association effort to promote financial literacy among high school seniors. In 2006, the program expanded to include classes in schools in Springfield, as well as Boston and Worcester. Chief Judge Henry Boroff and Judge Joel Rosenthal supported the literacy project by conducting courtroom sessions in Springfield and Worcester, respectively.

Judge William Hillman continued to serve on the Judicial Conference's Committee on the Administrative Office and on the National Conference of Commissioners on Uniform State Laws, where he chaired the Committee on the Uniform Debt-Management Services Act. He also served on the Uniform Law Commissioners Study Committee on Bank Deposits. Additionally, Judge Hillman participated in the Russian American Rule of Law Consortium Program, in Tomsk, Siberia in the spring.

Finally, Judge Henry J. Boroff was appointed by the U.S. District Court to a four year term as chief bankruptcy judge on December 10, 2006, succeeding Judge Joan Feeney.

PROBATION OFFICE, DISTRICT OF MASSACHUSETTS

The year 2006 was a challenging year for the probation office, due to a decline in staffing, combined with an unforeseen increase in the presentence work load. The office lost ten staff members (six officers and four clerks) through retirement, voluntary resignations, and in one case, an unexpected fatal illness. Despite fiscal uncertainties, the office reassessed its staffing needs district-wide, reallocated resources, hired two clerks and five probation officers, promoted a probation officer assistant to a probation officer's position, and promoted two officers to fill specialists' positions.

The Presentence Unit experienced the most change during 2006. The number of presentence writers available for assignments dropped to 7.5 officers, compared to the 14.5 officers available during the previous year. The Supervision Unit provided assistance in the preparation of the criminal history section of the presentence report and in conducting home inspections. Several supervision officers also assisted with reports and one supervision officer was temporarily reassigned to the Presentence Unit.

Despite these difficulties, the Presentence Unit handled 80 more presentence assignments in 2006, compared to 2005. The Presentence Unit maintained an average on-time final disclosure rate of 94% for the year. The Presentence Unit also initiated a pilot project for the electronic disclosure of presentence reports, and readily adapted to the addition of a new section to the presentence report (addressing factors that may warrant a sentence outside of the advisory guideline system). Overall, the Presentence Unit met the challenge of a difficult year.

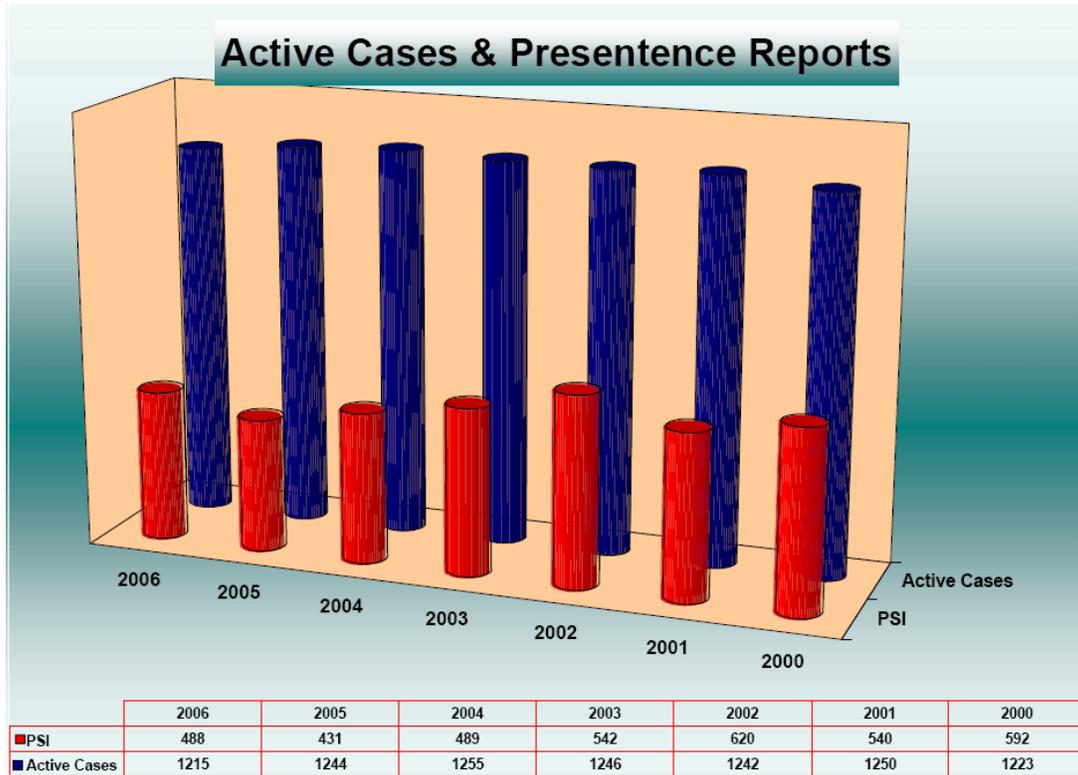
Although the supervision caseload dropped slightly during the past year, the Supervision Unit was well staffed and, as such, continued its good work in enforcing court ordered conditions and controlling risk to the community. The Supervision Unit continued its focus on financial conditions by closely monitoring fine and restitution payment schedules and was highly successful in collecting over \$2.1 million.

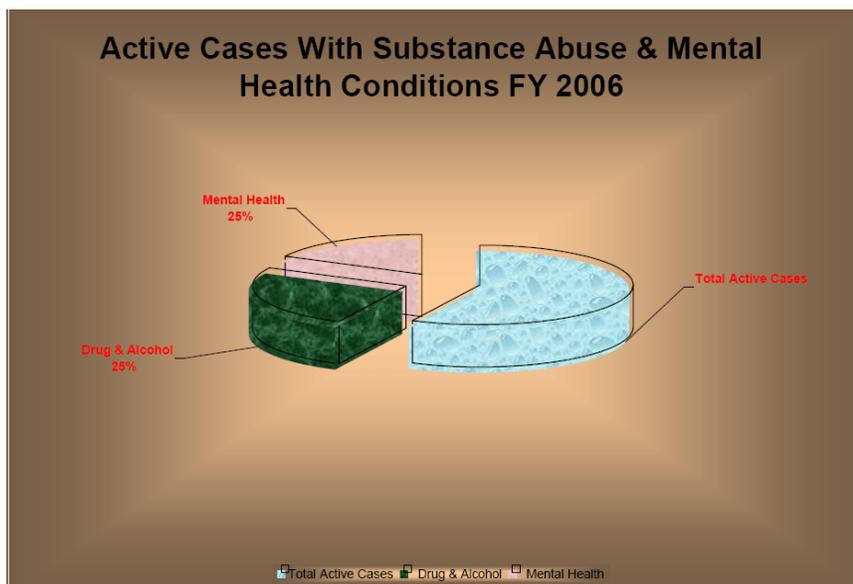
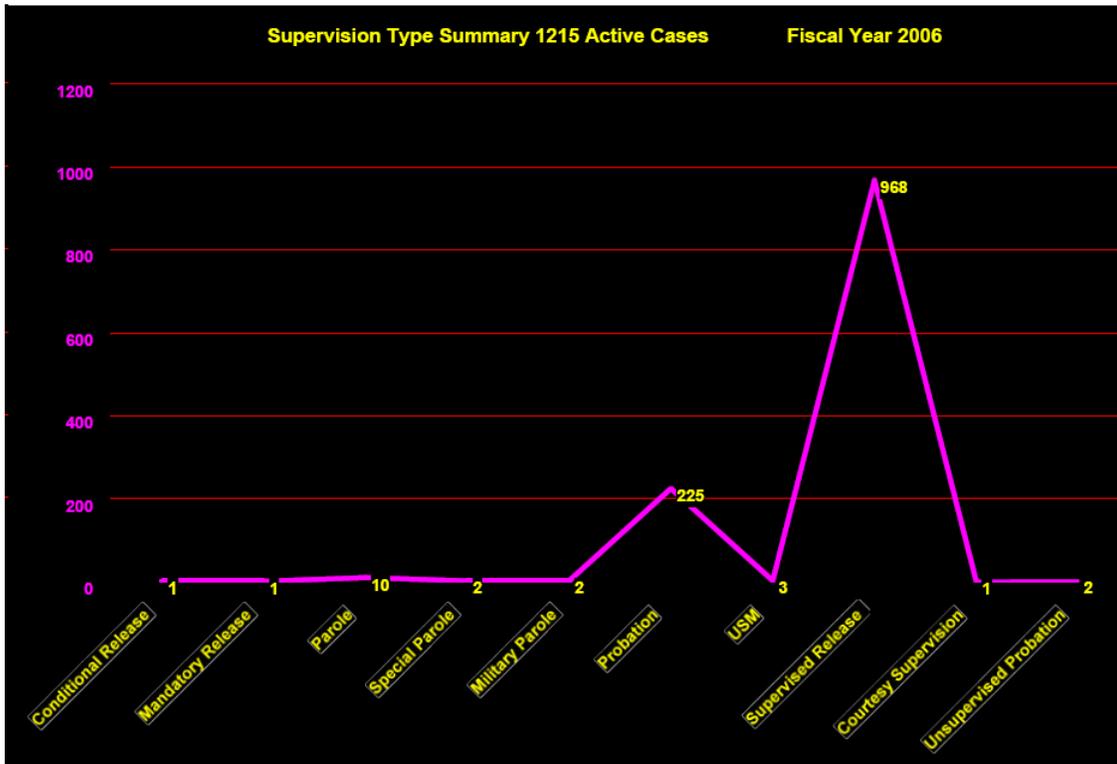
In May 2006, with the unanimous approval of the court, the Treatment Services Unit initiated the CARE program as a one year pilot designed to offer substance abusers a creative blend of treatment and sanction alternatives to effectively address offender behavior and rehabilitation. The Supervision Unit expressed its creativity in yet another area with the implementation of the family reentry program. This program was designed to educate families on the supervision process and elicit their support to promote offenders' successful reentry into the community.

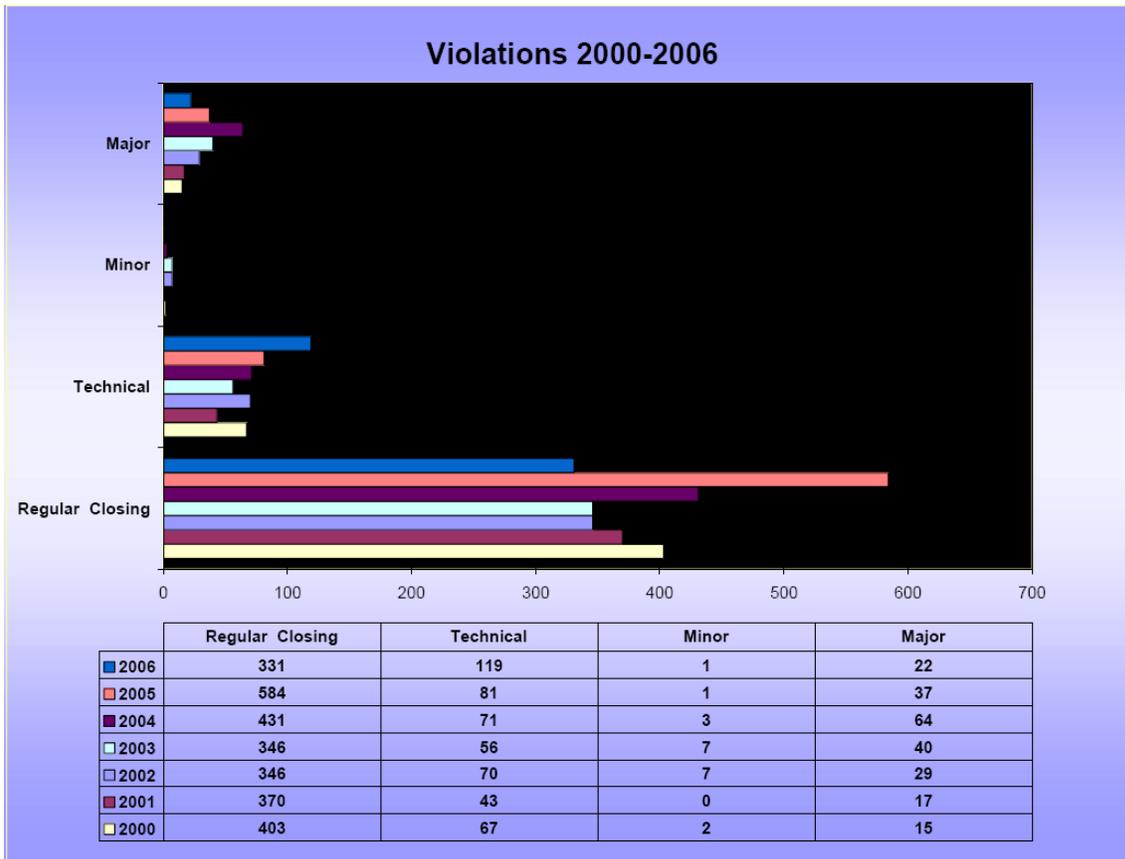
A direct correlation has been shown between an offender's successful adjustment to supervision and the offender's ability to obtain meaningful and sustainable employment. In this regard, the Employment Committee increased its outreach by holding an employer's breakfast and by facilitating several well-attended job fairs. Lastly, the Supervision Unit was instrumental in producing an educational DVD for community outreach presentations addressing the issues of gang violence, gun possession, and their consequences.

On a district-wide level, the office completed its Continuity of Operations Plan which ensures that, as an organization, it would be able to continue to provide services in the event of an emergency. All staff members were provided with the plan and educated as to their responsibilities should the plan be activated. In November, the office became involved with the E-designate program which provides electronic information to the Bureau of Prisons for designations. Although still at the early stages of implementation, in the first few months, the designation times have dropped from an average of 31.5 days to 17 days. This program will allow defendants quicker placement at designated facilities, thereby more efficiently removing them from local institutions and reducing incarceration costs for the U.S. Marshal Service.

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







PRETRIAL SERVICES OFFICE, DISTRICT OF MASSACHUSETTS

Staffing, Training and Employee Recognition

During Fiscal Year 2006, U.S. Pretrial Services staffed offices at three sites in the District of Massachusetts and carried 14 full-time 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 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 employed the following support personnel: one budget analyst; one data quality analyst; and one pretrial services clerk.

The agency also continued the summer intern program initiated in 2005. Two paid student interns were employed in the Boston Courthouse from June to August, one from Boston University and one from the New England School of Law. In addition, a senior student from Weston High School completed a work study program at Pretrial Services. 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.

In Fiscal Year 2006, the agency created a training coordinator position. This position was created to better manage the training needs of all employees and to establish a more efficient accounting system for recording training hours. The Federal Judicial Center's Television Network (FJTN) continued to provide varied informational programs and training opportunities for staff. Programs offered in this format touched on multiple supervision issues such as substance abusers, supervision of sex offenders, alleged gang members, as well as supervising defendants in need of mental health counseling. All officers participated in ongoing training in the implementation of The Supervision of Federal Defendants: Monograph 111 and the Investigation and Report Preparation Monograph 112.

Additional training included a three-day Regional Data Quality Improvement Conference in Philadelphia PA, attended by the Data Quality Analyst; the national conference of the National Association of Pretrial Services Agencies in Nashville, TN; a conference sponsored by the Central District of California on the supervision of defendants identified as a member of a gang; and a national symposium, also sponsored by the U.S. Pretrial Services Office in the Central District of California, which focused on the development of Global Positioning Systems (GPS) as an emerging technology for use as a supervision tool.

Four employees were recognized during fiscal year 2006 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 2006 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 2008. This agency procured several upgrades in the area of computer equipment which increased the ability to stay abreast of technological advances. All officers were provided with laptop computers and wireless cards as part of this agency's nearly completed Continuity of Operations Plan. All officers were also equipped with either a government cell phone or blackberry device.

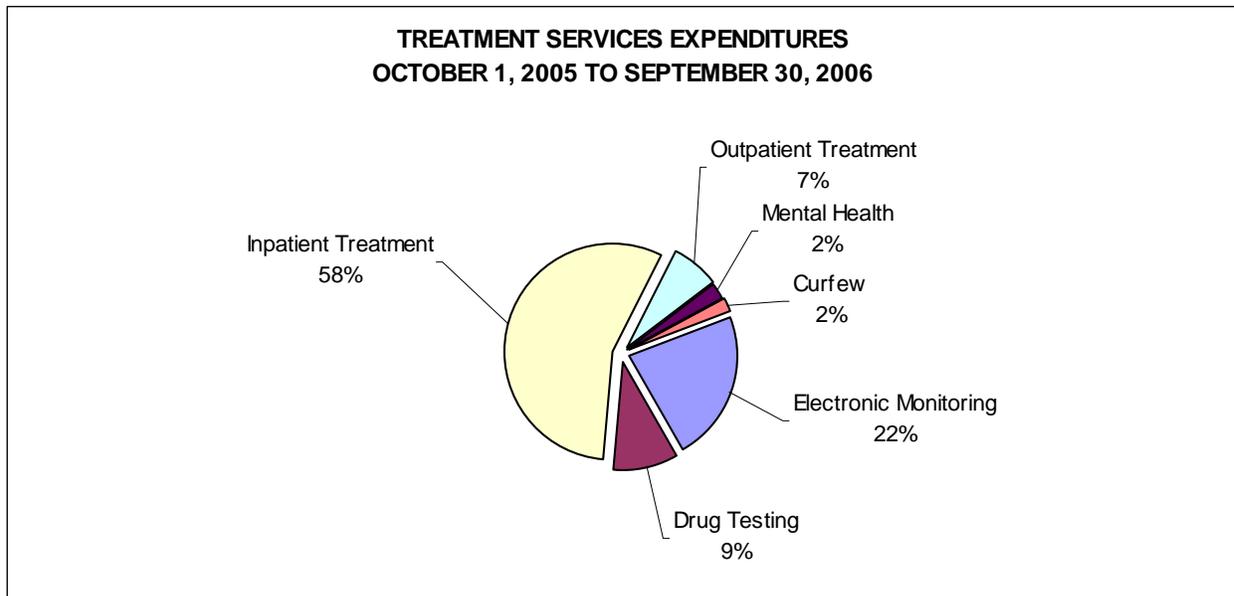
Policies and Procedures

As in prior fiscal years, communication between this agency, the U.S. Marshal's Service, the U.S. Attorney's Office, and the staffs of both the magistrate and district judges continued to be excellent. In January 2004, the Attorney Pilot Project began which required that all defendants, prior to the pretrial services interview, have access to defense counsel. The initial impact of this project was a reduction in the number of interviews performed by pretrial services during the course of Fiscal Year 2004. Fiscal Year 2005 saw a continued improvement in the interview rate and, in Fiscal Year 2006, that interview rate remained relatively consistent at 60%. 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. 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 Fiscal Year 2006, 66 defendants were initially released with a condition requiring the use of electronic monitoring for a total of 8,784 days at a cost of \$28,636 (\$3.26 per day). The cost for their continued detention would have been \$545,399.00 (\$62.09 per day). Overall, in FY 2006, Pretrial Services supervised a total of 125 defendants on electronic monitoring (included is FY 2005 carry overs), for a combined total of 21,875 days and a combined cost of \$71,300. The cost in FY 2006 to detain 125 defendants would have been \$1.35 million. An additional 19 defendants were supervised by using a computer-based voice recognition system which monitored a court imposed curfew condition. Approximately \$8,000 was spent on the Voice ID system.



During Fiscal Year 2006, approximately 2,420 urine samples were obtained from defendants at the three court locations (Boston, Worcester and Springfield), as well as contracted private facilities (drug treatment programs). An additional 324 samples were sent to the national laboratory for analysis. This office also utilized a sweat patch for detecting drug use. In FY 2006, 126 sweatpatches were applied. The total cost for substance abuse testing was \$23,860. This represented a savings over Fiscal Year 2005 expenditures, even though the number of drug tests performed in FY 2006 exceeded those performed in FY 2005. A change in vendor helped reduce the cost without sacrificing quality.

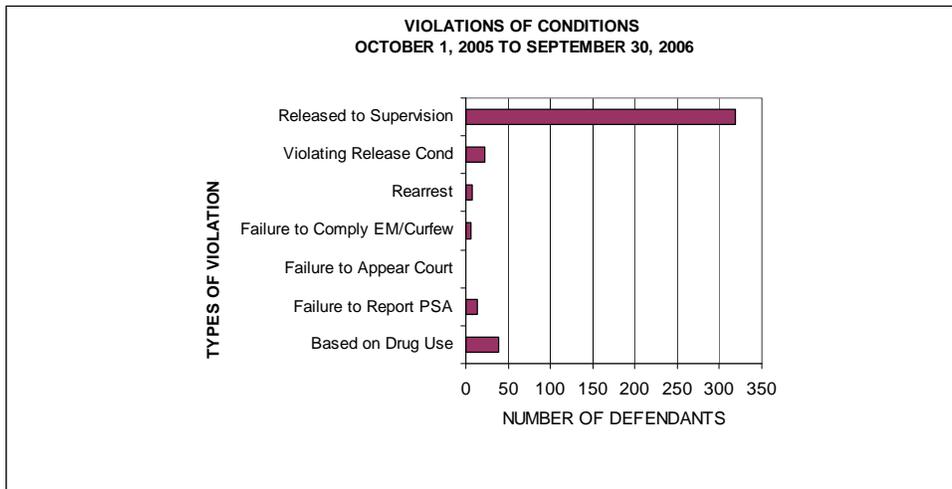
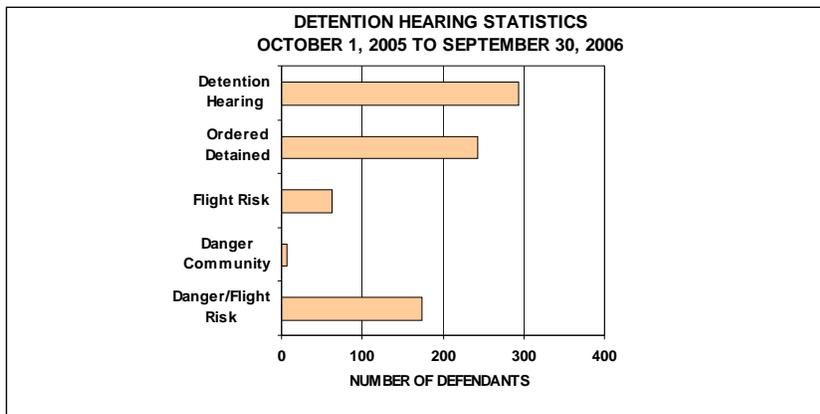
Also in FY 2006, Pretrial Services contracted the services of four inpatient residential programs for various levels of inpatient drug and/or alcohol treatment. In Fiscal Year 2006, 70 defendants participated in contracted inpatient/detoxification alcohol and/or drug treatment. An additional 42 defendants participated in both group and individual outpatient drug, alcohol and mental health counseling (including mental health evaluations) on a contract basis. The total cost of all treatment services exceeded \$220,000 in Fiscal Year 2006.

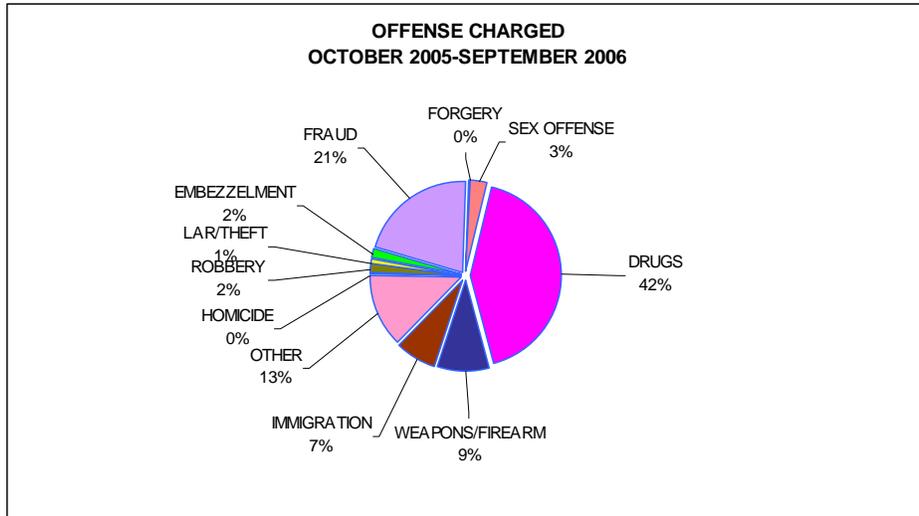
During FY 2006, 16 defendants were placed at Coolidge House, a halfway house, for either short term housing, or as a condition of release. The cost in FY 2006 of contracting services with Coolidge House was just over \$79,000. Because FY 2006 combined expenses for all contract services was \$400,000, and the budget allotment for FY 2006 was \$358,000, a request for supplemental funding through the Office of the Federal Detention Trustee (OFDT) was submitted.

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

In the District of Massachusetts, of the 575 cases activated during FY 2006, 293 (51%) of defendants were subject to a detention hearing. Of the 293 cases subject to a detention hearing, 243 (42%) were detained. Of the 243 cases ordered detained following a detention hearing, 62 (25%) were ordered detained as a risk of flight, 9 (.4%) as a danger to the community, and 174, (72%) as both a risk of flight and as a danger to the community.

Of the 86 defendants who violated pretrial release conditions, 7 (or 8% of those released) were rearrested, 38 (44%) tested positive for illegal drug use, 13 (15%) had failed to report as required, and 28 (32%) were based on other factors. There were no instances of failure to appear during FY 2006.





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

DISTRICT COURT

During 2006, the district court focused on operational improvements, including changes to electronic case filing procedures and the electronic filing system, as well as district and staff reorganization, succession planning and training. The court continued to improve upon its CM/ECF filing system in 2006. Effective October 1, 2006, the district implemented Pay.gov, which allowed attorneys to pay filing fees by credit card during the electronic filing process. Consistent with Judicial Conference policy, the court also implemented additional conflict checking procedures to assure that potential conflicts are expeditiously brought to the attention of the presiding judge. The court also made numerous revisions to the CM/ECF system and to its electronic filing rules to clarify and simplify the electronic filing process for attorneys. Finally, 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 2006. From the commencement of ECF through the end of 2006, the court trained (by bar association demonstrations, live user training, video and other off-site seminars) over 1,500 attorneys and their staff.

In January, all three court units began meeting to discuss the future relocation of the bankruptcy court from Manchester to the Rudman Courthouse in Concord, New Hampshire. Those discussions, which included concepts of shared services, continued throughout the calendar year with the assistance of the First Circuit Executive's Office. At year's end, those discussions were still ongoing.

In November 2006, the court took further steps to assist practitioners adjusting to an electronic filing environment by organizing a CLE program, entitled "Advancing Toward a Paperless Office ... Are You Ready." Although the court had been accepting electronic filings for over two years, many practitioners were still having difficulty maintaining electronic documents. To address this problem, the court hosted a three-hour seminar on the subject. Massachusetts attorney David Zizik, Esq. explained how practitioners could move toward a paperless office, the advantages and disadvantages of electronic documents, and demonstrated a software package that would allow attorneys to store case documents electronically. Maine attorney Elizabeth Stouder, Esq. explained the significant and often unanticipated ethical issues associated with maintaining digital case files. Finally, Chief Deputy Clerk Dan Lynch concluded the seminar with a presentation on electronic filing tips and common errors. Attendees received three CLE credits, with one hour devoted to ethics/professionalism. Over 120 attorneys and support staff attended this training session.

In 2006, the court also continued to take steps to improve its mediation program. In 2004 the district partnered with the Federal Judicial Center ("FJC") to examine the court's mediation program. After implementing numerous substantive revisions to the court's mediation program in 2005, the court put in place the final recommendation of the FJC mediation program review team

and began the first of a biennial training session for its mediation panel. In May, the district hosted a full-day mediation advocacy training at the courthouse featuring renowned mediation authority Professor Harold I. Abramson. At the morning session, which was open to all members of the bar, Professor Abramson explored the mediation process from the vantage point of an advocate. At the afternoon session, which was reserved for members of the court's Mediation Panel, Professor Abramson facilitated a discussion on advanced mediation topics such as how to overcome impasses, stimulate creative ideas, use caucuses optimally, and deal with adversarial tactics. Over 130 attorneys attended this training session, with costs and expenses being paid out of the court's library fund.

In addition to participating in the development of the court's attorney training initiatives, 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 2006, the FCAC assisted and advised on the following initiatives: efforts to provide wireless internet access in the courtrooms and conference rooms at the Rudman Courthouse; the program agenda and speakers for the court-sponsored CLE program, "Advancing Toward the Paperless Office ... Are You Ready," library fund expenditures and website redesign matters; and CM/ECF rules and public outreach. The Committee also raised concerns or made suggestions on behalf of members of the bar ranging from court facilities to court practices and procedures. Although the Committee members' terms expired in 2006, all three agreed to serve another three year term: Debra Weiss Ford, Esq., Cathy Green, Esq., and W. Scott O'Connell, 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 focus on newer practitioners, both civil and criminal, and the initial plan is to invite over 200 attorneys. The planned agenda will include an informal breakfast forum where less experienced practitioners can meet the judges, a federal practice basics session for new attorneys, effective legal writing sessions and more general topics of interest to both new and experienced members of the bar. In 2006, the FPS also hosted separate seminars on electronic discovery and on the revisions to the rules of professional conduct. Debra Weiss Ford served as chairperson for the 2006 term.

The court's CJA Panel continued to accept a large portion (over 55%) of court appointments in 2006. The court continued its initiative to recruit well-respected criminal practitioners to join the CJA panel. To that end, in March 2006, the Federal Defender presented a seven-hour CLE program entitled "Introduction to Federal Criminal Defense for State Court Practitioners." As a result of those efforts, the CJA Panel increased by 18%. In December, the Federal Defenders also presented a three-hour seminar addressing post-Booker sentencing issues, prisoner civil rights litigation and the Adam Walsh Child Protection Act. At the CJA Panel's Annual Business Meeting in December, Larry Vogelmann, Esq., was re-elected to serve a three-year term on the Panel Selection Committee. The court also implemented additional recommendations to make the renewal process for CJA Panel members simpler and more convenient.

The court Information Technology (“IT”) Department continued to serve both the district court and probation/pretrial offices in 2006. The first major event in the IT Department was the transition to a new IT Director, Barbara Bammarito, in August. Under Ms. Bammarito’s leadership, the IT Department had renewed focus and drive in 2006. With help from the Circuit Executive’s Office IT staff, the long contemplated replacement of the network core switch was completed. The IT staff commenced organizing and planning for the new DNS and active directory implementation, with implementation contemplated for early 2007. Other major projects initiated during 2006 included the upgrade of WordPerfect to X3, evaluation of portable devices for probation and pretrial staff, and migration of the primary file server from Novell to Windows 2003 Server. Due to personnel changes during 2006, the IT Department acquired new skills in the areas of Windows 2003 server implementation and management. Although tracked for only a portion of 2006, the IT Department had logged nearly 1,000 help desk tasks.

Additionally, the IT Department coordinated the entire redesign of all courtroom technology in Courtroom 1. 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 1.

The court also continued its long-term efforts to update and improve the perimeter security around the courthouse. After years of discussions, construction on the perimeter security project began in 2005. Throughout 2005-2006, the contractors incorporated bollards, planters, reinforced light posts and park benches 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 come to enjoy and enhance the beauty of our facility. In 2006, the court significantly improved its night vision security cameras around the courthouse and activated the security gates to the secured parking areas both below and outside the building.

Budgetary restrictions again impacted the district court in 2006. The authorized staffing level was reduced. As a result, the court decided to restrict its public access hours in March 2006. Additionally, the court also continued its restriction on many of its public outreach and educational initiatives. The court did, however, sponsor educational initiatives for the Concord School District and school districts throughout the state. Since the court’s outreach effort began in 2001, regular school tours have increased to nearly a monthly basis. Students are exposed to sessions discussing the latest in courtroom technology, videos, and the federal courts and jury duty. The younger students enjoy role-playing as judges, jurors, courtroom deputies and attorneys. Students from Franklin Pierce Law Center also became regular visitors to the court in 2006, as they viewed courtroom practices and attorney techniques.

The court also hosted judicial delegations from various foreign countries in 2006 to discuss case management techniques and courtroom technologies. In May, judicial officers and court personnel met with the Iraqi Judicial System’s Chief Judge. Working with Bjorn Lange from the Federal Defender’s Office, the court also hosted a delegation of Russian judges and court personnel participating in the Russian American Rule of Law Consortium. In conjunction with the Open

World Program at the Library of Congress, future Russian political and civil leaders had an on-site introduction to American political and civic life through round-table discussions with judges and court administrators.

In 2006, the court's management team spent a good deal of time developing and implementing a staff transition plan due to impending retirements and changing work assignments. In July 2006, the district's Director of IT, Donnamarie Duffin, left the court. Barbara Bammarito was named as her successor. As part of its transition plan, the court hired Jo-Ellen Magalnick as a part-time operations deputy in February. In May, Celese Quimby resigned as a court reporter and Susan Bateman was hired to fill that vacant position. In November, the court hired Frank Clough as an Information Technology Specialist and Gail Adams to fill the CM/ECF Administrator position, which had remained vacant since July of 2005. During 2006, Debbie Eastman-Proulx trained Charli Pappas, an intake clerk, to serve as a case manager/courtroom deputy and Janice Boucher trained numerous employees on intake functions. Finally, the court celebrated anniversary dates for two employees in 2006: John Sideris (15) and Donnamarie Duffin (5).

During the 2006 calendar year, for the first time in four years, civil filings increased slightly (2%) and the court experienced a large increase in criminal cases (28%). The court also had a 45% increase in the number of jury trials in 2006, with the largest civil jury verdict being \$150,000. In November, Judge Barbadoro presided over a seventeen day criminal trial involving allegations of securities fraud against various officers and employees of Enterasys Network Systems, Inc. United States v. Gagalis, 04-cr-126-PB. The court also conducted 11 naturalization ceremonies, naturalizing 1,233 applicants, in 2006. In January, the court sponsored a special ceremony at the Capitol Center for the Arts in Concord at which 369 New Hampshire area residents from over 85 counties became United States citizens. The court also participated in Red Cross Blood Drives in March and October of 2006, at which over 60 people donated blood.

BANKRUPTCY COURT, DISTRICT OF NEW HAMPSHIRE

In 2006, the court continued to experience the benefits of CM/ECF, the program that enables attorneys to file court papers electronically, and allows court staff to similarly manage case files. Such automated systems continued to be the defining aspect of court administration. The court utilized not only CM/ECF for case management, but employed FAS4T as the accounting system. During 2006, the judges continued to hear cases from the District of Puerto Rico and this activity was simplified by the ability to establish videoconference hearings between Manchester and San Juan. The court also utilized the conference call system Court Call and the automated court recording system, FTR Gold. The BNC continued to carry out the great bulk of bankruptcy noticing. These features of automated systems enabled the court to continue to furnish seamless service to the bench and bar with fewer staff than allocated.

During the course of 2006, the court continued to experience a decline in case-filings due to the adoption of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA), effective October 17, 2005. Clerk's office staff shared the nation-wide concern that the continued reduction in filings might result in a premature reduction in staff. While it appears that filings are beginning to rebound, the concern persists that reducing staff as the case load begins to increase could have a negative impact on work processes.

In 2006, there were 1,874 filings, down 69% from the total for 2005, (a figure inflated by the pre-BAPCPA rush to avoid the more stringent provisions of the new law). This figure represents the lowest number of case filings in this court since 1988.

The court experienced little staff turnover in 2006. The clerk's office continued to operate on a reduced staff, choosing not to fill several vacant positions.

PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF NEW HAMPSHIRE

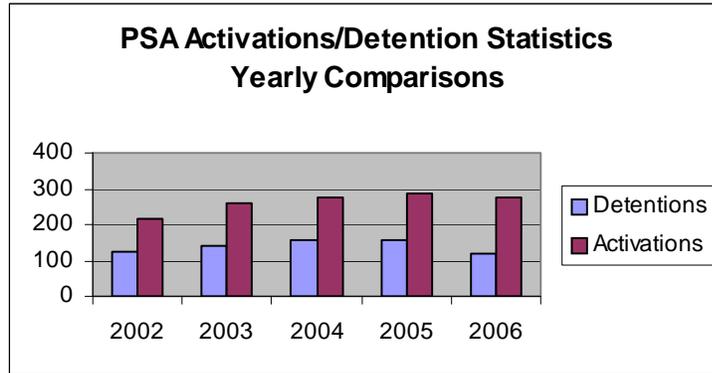
Personnel Changes and Highlights

The following personnel changes occurred during FY '06.

- U.S. Probation Officer Denis F. Linehan retired on April 30, 2006 after 20 years of service to the District of New Hampshire.
- U.S. Probation Officer Assistant Erica Carpenter was promoted to full U.S. Probation Officer status in May 2006 and assigned to the Presentence Unit as a replacement for USPO Linehan.
- Janice Benard, who had been a student contractor while completing work on her Master's Degree, was contracted to assume some of the responsibilities vacated by USPO Carpenter's promotion.

Pretrial Services Caseload

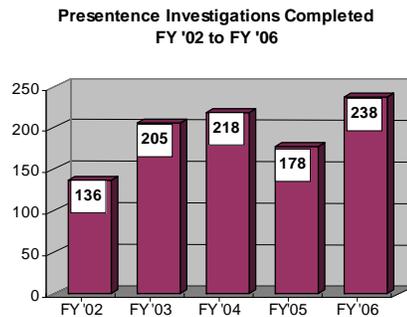
Fiscal year 2006 ended with a total of 276 case activations, a 6% decrease over fiscal year 2005. The following graph, which also includes detentions, depicts pretrial case activations over the last five fiscal years.



Controlled Substances	136	Embezzlement	0
Fraud	59	Sex Crimes	2
Robbery/Other Violent	15	Auto Theft	0
Firearms	34	Assault	0
Larceny/Theft	3	Forgery	4
Immigration	5	General Offenses	7
Counterfeiting	4	Federal Statutes	7

Investigations and Sentencings

With the sentencing issues now settled because of the Supreme Court’s decision in the *Booker/FanFan* cases, the number of cases sentenced again returned to normal. During FY ‘06, the Presentence Unit completed a total of 238 presentence investigation reports. This represented an increase of 33.7% over fiscal year 2005.

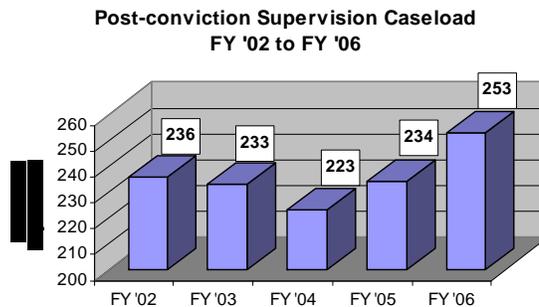


The Court sentenced 219 defendants during the fiscal year, which represented an 18.3 % increase over the previous year. A review of the types of cases sentenced reveals that drug cases remained the highest category (38%). As with previous years, property offenses, which include fraud cases, were the second highest category at 23%. Prosecution for firearm and explosive cases only accounted for 10.5%, which was a decrease of 5.5 % over FY '05. The remainder of the cases sentenced represented the panoply of other federal crimes.

Post Conviction Supervision Services

Caseload

The Supervision Unit caseloads reached a new high in 2006. At the end of FY '06, the number of offenders under post-conviction supervision increased to 253. This represented an increase of 8.1% from the previous year.



Eighty-two percent of offenders were on supervised release, 15% were on probation, and 7% were on other types of supervision (i.e., parole, special parole, mandatory release, military parole, and Bureau of Prisons cases). The percentage of probation cases remained stable with the majority of the increase coming in the form of supervised release cases. Offenders who committed drug offenses represented 46% of the total caseload (up from last year's 38%), while the second highest type was for offenders who committed property offenses¹ represented 24% of the caseload, a slight increase over the 22% reported in FY '05. Following property offenses was firearm offenses at 16%. Sex offenses remained low (.02%). However, with the passage of the Adam Walsh Act this category is expected to increase.

The table below provides the breakdown by types of criminal offenses for the cases on supervision at the end of the fiscal year.

Violence	16	Drugs	116	Immigration	1
Firearms	41	Sex Off	4	Property	61
Public Order	5	Escape/Obstruction	1	Other	8

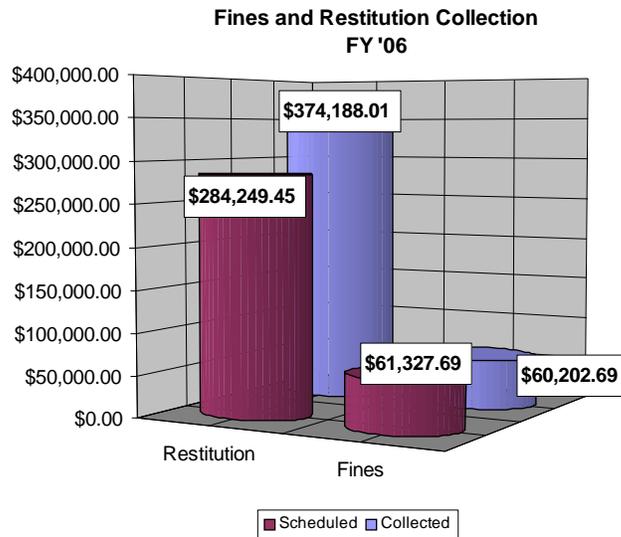
¹Property Offenses include: Burglary, Larceny, Embezzlement, Fraud, Auto Theft, Forgery and Counterfeiting.

With the expected increase in sex offender type cases on the horizon, coupled with the fact that computers have become integral in many crime categories as either the means or target of a crime, the District of New Hampshire has developed a new Computer Monitoring and Search Policy. In addition, training in the use of forensic software has been provided to some officers and this training is expected to increase in the coming year.

Fines and Restitution Collection

Supervision Unit officers collected \$374,188.01 in restitution and \$60,202.69 in fines for a total of \$445,502.16 during FY '06. This figure represents a combined collection increase of 73% over last year. The largest portion of these collections, as the chart below indicates, continue to come from the collection of outstanding restitution. The Supervision Unit's ongoing goal -- that a minimum of 90% of those in debt will make a monthly payment -- greatly contributes to the success the district has had in this area. To assist in the achievement of this goal, offenders are required to have a court-approved payment schedule. In addition, the officers continuously review these payment schedules to insure 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 132% more in FY '06 than what was scheduled in restitution, and 98% of the funds that were scheduled to be collected for fines.

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 in relation to the amount that was to be collected under the payment schedules:



Employee Recognition

Following the recommendations of the year's peer-based Employee Recognition Committee, Chief Thomas K. Tarr cited the following staff members for their outstanding work during FY '06:

Melissa Elworthy - Chief's Award for Sustained Superior Performance

Melissa was recognized by her coworkers for work in the presentence unit. In addition to completing her own work, Melissa took on the added responsibility of mentoring a new officer who had been assigned to that unit. Melissa's contributions extended outside of the presentence unit as well. During a time when officers were out of the office participating in a district sponsored officer safety training, Melissa stepped forward and handled pretrial matters that arose. Melissa was always quick to offer assistance when necessary to insure that the office mission of providing quality service to the Court was accomplished.

District's Firearm Program Team - Chief Award for Quality Improvement

The three individuals who make up the district's Firearm Team, Supervising U.S. Probation Officer James P. Bernier and USPOs Paul Daniel and Chris Pingree, were recognized for their efforts over the last year to improve the current firearm/safety program and to bring new and innovative training to the district. The result has been a more comprehensive program that has added to the skill levels of office staff and has increased overall staff safety and confidence. The Team was also recognized for their work to include our brother agencies (NH Department of Corrections, U.S. Marshals Service, and other U.S. Probation Offices within the First and Second Circuit) in the training offered.

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

DISTRICT COURT

On March 28, 2006 Judge Juan M. Perez-Gimenez took senior status. On April 28, 2006, the Court conducted the investiture ceremony of Judge Aida Delgado-Colón as U.S. District Judge who had been appointed on March 20, 2006. Judge Gustavo A. Gelpi was appointed District Judge on July 20, 2006 and the court conducted his investiture ceremony on August 31, 2006. On October 2, 2006, Francisco A. Besosa was appointed and his investiture ceremony was held on November 17, 2006. Judge Besosa was appointed on October 2, 2006.

Also in 2006, Clerk of Court for the District of Puerto Rico appointed two new interpreters, one intake clerk, one records/reproduction clerk, two court reporters and one courtroom deputy. In addition, the Clerk's Office obtained the Outstanding Participation Awards and the Outstanding Contribution Gold Award during the Puerto Rico Combined Federal Campaign, and the Court issued policies on (1) Receipt of Funds, (2) Guidelines for Securing Criminal Bonds, (3) Criminal Bonds Requirements to Act as Attorney-of-Fact, and (4) Standing Order on Court of Pre-Trial Conduct and Code of Trial Conduct.

Information Technology

The Court's web-site was updated with multiple interactive features intended to help the members of the bar and the public more effectively navigate the court processes. The Court implemented the Lotus Notes Server Replacement/Consolidation Plan. The Finance, Jury, and Systems Staff created procedures and a computer program to enable the correction of juror addresses that created delays in juror payments. The new processes and software will save over 150 staff-hours a year in corrections and delays in juror payments. During the months of May and June 2006, all court users received the IT Security User training.

To promote the compliance with the court's IT policy, the IT staff installed monitoring tools in accordance with National U.S. Courts standards. The Court authorized Public Wireless Internet Service in all courtrooms. The same was installed by Courtroom Connect to service members of the bar as well as to court reporters in their office area. The IT staff installed software intended to monitor the frequency of access to particular sites during regular working hours. A new Web calendar program was developed and a 42" LCD monitor was installed in the courtroom atrium area. A web based kiosk was developed and installed in the courtroom lobby area to compliment the information displayed in the 42" LCD monitor. Lastly, the court developed Adobe document stamps from digital images of court employees signatures in order to electronically sign and certify the necessary documents without having a hard copy of the same on hand.

As part of phase three of the Clerk's Office renovation, the computer room wiring was re-organized. JMS migrated to Linux (consolidated into the CM/ECF Linux server) and JMS clients upgraded to version 6: The JMS System was migrated to the CM/ECF linux server due to the implementation of a more cost effective service delivery model. By residing on the CM/ECF server, JMS inherits replication, which improves JMS' Continuity of Operation Plan (COOP). As part of the COOP, the court purchased three Sprint wireless cards and 9 Dell notebooks to be distributed among the Clerk's Office staff. PACTS was upgraded to version 5 due to the change to Linux Operating System platform.

Education & Training

The District Court developed an ambitious continuing legal education program for its bar. On January 26, 2006, the court co-sponsored with the Puerto Rico Association of Criminal Defense Lawyers Workshop a two hour workshop for CJA Attorneys- "*Getting Your Evidence Admitted & Dealing with Possible Objections.*" On March 31, 2006, the court co-sponsored with the Criminal Justice Act Committee a training session at MDC, Guaynabo which tendered a practical review of the BOP Rules and Regulations and provided the opportunity to meet with the new warden. August 4, 2006, US Sentencing Commission Workshop at Los Chavales Banquet Facilities in Hato Rey, P.R. On September 6, 2006, the court co-sponsored with the PRACDL a two-hour workshop on practical applications of *Daubert*. And on December 1, 2006, the court conducted the *Seminar on Crawford and Brady Issues*, at the Embassy Suites Hotel, Isla Verde with Professor Ira Mickenberg, a public defender training consultant and criminal defense attorney.

The CM/ECF Project Manager, Coral Rodriguez, visited Guatemala to lecture local jurists on the Case Management/Electronic Case Filing program. On March 14 and 15, 2006, the District received a visit from judiciary and government representatives from Spain to acquire information on the Case Management/ Electronic Case Filing program. On January 30, 2006, Senior Judge Juan M. Perez-Gimenez and Judge Aida Delgado-Colón hosted a multi-country delegation. Representatives of different countries were briefed about the structure of the Federal Court system. On December 4-5, 2006, judges from Panama were hosted by Senior Judge Hector Laffitte for lectures and an exchange program.

The Clerk of Court conducted a two-day workshop at El Conquistador Hotel, Fajardo, Puerto Rico entitled, *2006 Operations Forum and Process Redesign Workshop* for all managers and operational area employees. Employees were assigned to several committees to study and analyze all operations processes (petitions, appeals, cashier, file and intake, dockets and quality control, interpreters, courtroom deputies/case-managers) and their interface with other areas of the clerk's office. Employees were exposed to the functions and duties of other areas to identify overlaps. Committees were tasked with developing manuals to improve internal processes, re-focus efforts and identify redundancies. The forum produced a comprehensive report that will be used as a starting point for additional improvements.

Chief Judge Fusté and members of the Clerk's office attended a *Strategic Planning Workshop* sponsored by the Federal Judicial Center at San Francisco, California in February 2006. The Chief Deputy Clerk and other members of the Clerk's office attended the Information Technology Conference sponsored by the Circuit Court in Rhode Island. On October 3 and 4, 2006, the Clerk of Court and the Chief Deputy Clerk participated in the Clerk's Conference in Denver, Colorado. On November 16, 2006, the Office of the Clerk sponsored a conflict screening training for judicial officers and chambers' staff. From August 7 - 11, 2006, the Clerk of Court and Chief Deputy Clerk participated in the Circuit Conference for Court Unit Executives in Mystic, Connecticut. On February 3, 2006, Carol Stefren, from the Chief Judges' Compensation and Retirement Services Office, conducted a seminar on benefits and retirement planning for the district judges. In June 2006, Chief Judge Fuste attended the National Workshop for District Judges II, in San Diego, California, and in July 2006, he attended the National Sentencing Policy Institute training in Washington, DC. The Office of the Clerk staffed, produced and published in the court's web-site a second version of the *CM/ECF Manual of Procedure for Civil and Criminal Cases*. On August 2, 2006, members of the Operations Department of the Clerk's Office participated in the CM/ECF Practices Forum.

During 2006, the District Court conducted 23 naturalization ceremonies, with 1,533 new citizens taking the oath. The most significant ceremonies included: June 14, 2006, Special

Ceremony (Flag Day), presided over by Judge Daniel Domínguez with Major General (Retired) Felix A. Santoni, Civilian Aide to the Secretary of the Army, as keynote speaker; July 3, 2006, Special Ceremony (Independence Day), presided over by Judge Aida M. Delgado-Colón at Fort San Cristobal, San Juan, P.R.; Hon. Luis G. Fortuño, Puerto Rico's Congressman, was the keynote speaker; September 14, 2006, Special Ceremony (Citizenship Day), presided over by Judge Daniel R. Domínguez, José M. Rosado, Brigadier General (Retired), U.S. Army Reserve, served as keynote speaker; and December 7, 2006, Special Ceremony presided over by Judge Francisco A. Besosa, Pearl Harbor Memorial Day, Major General (Retired) Felix A. Santoni, Civilian Aide to the Secretary of the Army for Puerto Rico, served as keynote speaker.

On September 18, 2006, the court organized a Constitution Day program with participation by three Puerto Rico high schools. The students visited Judge Gustavo Gelpi's chambers. On September 22, 2006 the Clerk of Court sponsored a special Constitution Day Forum for court employees. On November 15, 2006, the Clerk of Court and employees participated in the traditional Clerk's office Thanksgiving Lunch.

Also, in 2006, the Office of the Clerk participated in the Leave Donation Program by donating 589 hours of leave. The District Court administered two bar examinations, in April and October, at which 432 applicants took the examination (168 applicants passed).

On February 16, 2006, personnel from the Administrative Branch of the Administration of Puerto Rico General Court of Justice visited the Clerk's Office for an on-site examination of several automation processes. On February 28, 2006, the new directors for the Federal Bar Association were sworn in during a ceremony before Chief Judge Fusté. On December 8, 2006, Judge Cerezo and other judges designated by Chief Judge Fusté conducted an initial meeting with members of the Commonwealth judiciary to develop a plan for exchange with the Puerto Rico Judiciary. On April 21, 2006, the court, in association with the Mirta Vidal Orrantia Interpreting and Translating Institute, sponsored a training for interpreters and translators entitled "*The Language of Forensic Experts.*" On September 30, 2006, Judge Dominguez participated in an orientation for students taking the federal bar examination at the Inter-American University of Puerto Rico, School of Law. On November 9, 2006, the judges of the court participated in a colloquium at the Inter-American University of Puerto Rico, sponsored by the Student Chapter of the Federal Bar Association of the Inter-American University of Puerto Rico. On February 16, the Finance Department gave a presentation to the General Court of Law of the Commonwealth of Puerto Rico on *Deposits of Funds in an Interest-bearing Account* and an *Overview of the Jury Payment System*.

Statistics

In 2006, there were 387 criminal cases filed against a total of 719 defendants, compared to 410 cases filed against 992 defendants in 2005. In 2006, there were 358 criminal cases closed, compared to 369 in 2005. In 2006, 1285 civil cases were filed, whereas in 2005 there were 1348 filed. In 2006, there were 1326 civil cases closed, whereas in 2005 there were 1645. During 2006, the court used 4,412 petit jurors and 1,764 grand jurors. For 2006, the total of jurors not selected, serving or challenged during the first day of jury service was 35.9 percent, an improvement over the 2005 figure of 40.5 percent. The District Court processed 575 CJA vouchers during 2006. Events interpreted by staff and contract interpreters during 2006 totalled 4,907.

BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

Information Technology

In 2006, the Information Technology Division focused intently on CM/ECF. The two most consuming conversions were the move to the new hardware platform Linux and the conversion to the 3.1 to comply with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). Although the CM/ECF tasks demanded about 80 % of the department's resources, the IT Department entered the planning, discovery and funding phase, to renovate and bring up to date the audio/video equipment at each of the court's courtrooms. With the assistance of the Administrative Office's Court Technology Division we established a plan to replace the aging audio/video courtroom equipment. Another major project planned during this period was the replacement of the current network infrastructure. With the advice of the Circuit's IT team, the court acquired the necessary equipment to change the building's network infrastructure (switches and routers) to a Cisco based infrastructure. This project was to be completed in the first quarter of 2007.

The IT Department also continued maintaining the regular operation of the court, providing support to users and other agencies as requested and conducted video conference hearings every month.

Case Management

The major impact this year was the implementation of BAPCPA which produced during the first few months a significant increase in litigation related to the continuation or imposition of the automatic stay. Also detailed quality control was performed on the new cases in order to ensure that debtors and attorneys were complying with the new requirements.

In addition, due to two major conversions to CM/ECF and the recent implementation of electronic filing, significant resources were devoted to providing training for internal and external users, helping attorneys to correctly file in the system, correcting their entries, performing quality control, and developing new procedures. There was a 62% decrease in case filings from September 2005 to September 2006. As of September 2006, Chapter 7 cases decreased by 69%, Chapter 11 cases decreased by 40%, and Chapter 13 cases decreased by 60% compared to FY 2005.

Additional Developments

The Honorable Brian K. Tester was appointed as the court's fourth bankruptcy judge. Revised local rules, incorporating changes necessitated by CM/ECF and the new law, were posted for comment. Also, Interim Local Rules 1007 and 1017 were adopted to correct a deficiency. A plan for renovations in the Ponce Courthouse to incorporate facilities for the clerk's office was developed. Honorable Sara de Jesus participated in the seminars, "Bankruptcy Automatic Stay and its Impact to Local Courts," and "Bankruptcy Impact Over Alimony," sponsored by the Puerto Rico Law School.

PROBATION OFFICE, DISTRICT OF PUERTO RICO

Deputy Chief U.S. Probation Officer, Edward H. Fankhanel and Deputy Chief U.S. Pretrial Services Officer, José Obén, with the assistance of the Probation and Pretrial staff, have gathered the statistics and prepared the 2006 annual report. This year's many achievements are the result of their leadership and commitment to the mission of the Probation and Pretrial Services Office.

On occasion of the retirement of Chief U.S. Pretrial Services Officer, Héctor R. Torres-Quiñones, effective January 2, 2006, the District Court decided to revisit the future organizational arrangement of the Pretrial Services Office, in light of the Judicial Conference's policy adopted at its March 15, 2005, meeting. As a result, the District Court appointed the Chief U.S. Probation Officer as Acting Chief of the U.S. Pretrial Services Office. While under this arrangement, the court enhanced coordination in the following areas: Human Resources, Budget, Procurement and Contracting for treatment services; and joint staff training and cross-training.

In addition, the court consolidated administrative functions, Human Resources, and Budget and Procurement; integrated the Probation/Pretrial database (PACTS); created joint automated Drug Testing Program and back-up teams from the U.S. Probation Office to assist the Pretrial Services Division, Firearms and Safety Programs, the Probation/Pretrial Home Confinement Program, and Treatment Services; and restructured operations.

Staffing

The Pretrial Office continues to provide investigative and supervision services to the Islands of Puerto Rico, Vieques and Culebra. Fourteen judicial officers sit in this district court: seven district court judges, three senior judges, and two magistrate judges. During this fiscal year, two district judges assumed senior status and two magistrate judges were elevated to district judges, leaving two open magistrate judge positions.

Staff comprised 17 positions, additional to the Chief Pretrial Services Officer position which became vacant following Mr. Héctor R. Torres-Quiñones' retirement. The court designated Chief U.S. Probation Officer, Eustaquio Babilonia, as Pretrial Services Acting Chief. One staff member, the Document Imaging Clerk, has been in active military duty since 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. During this year, the Office also hired a temporary employee who became the Pretrial Services Technician.

Budget

The allotment for FY 2006 amounted to \$1,206,823.00, representing an 8% reduction from the previous fiscal year. Under the budget decentralization policy approved by the Judicial Conference in 1991, local court units have increased authority and flexibility to develop, manage, and control their operating budgets. The court unit's operating budgets can be modified through the reprogramming of funds between Budget Object Codes (BOC), between funds, and between units throughout the fiscal year.

In FY 2006, 70% of the allotments were spent on personnel salaries and almost 14% of allotments were spent in Alternatives to Detention. This expenditure provides drug/alcohol detection and treatment, mental health counseling, electronic monitoring, and other endeavors geared toward providing the court with options other than incarceration for its clientele. Additional supplemental funds received from the Office of the Federal Detention Trustee (OFDT) were also used for treatment (\$50,000.00). During FY 2006, 6% of automation funds were spent on the purchase of a digital copier machine, telephone equipment, five Dell OptiPlex personal computers, two Dell Latitude laptops, one web server to host U.S. Pretrial Services and U.S. Probation web pages, a hard drive for the Novell server, surge protectors and other items. Just over 2% of the allotment was distributed to Clerk's Office as part of an agreement for the automation technical support provided by its Systems Department, and 2.28% of the allotment was invested in training and travel, with the remaining 5.4% spent on other operational expenditures.

PRETRIAL OPERATIONS

Automation

Cyclical replacement of computer equipment was undertaken and completed, and the server was replaced pursuant to the advice of the System's Department. Some staff members made frequent use of wireless communication cards, which facilitated tele-working and communicating with the office while on travel.

Training and Conferences

Total staff training hours in 2006 amounted to 806 which averaged 53.8 hours per staff member. This included the celebration of the Joint Probation/Pretrial In-district Conference entitled *Joining Hands, Working Together*, which tackled the topic of collaboration between the U.S. Probation and Pretrial Services Offices. Additionally, sessions that sought to enhance staff members' motivation and commitment to the performance of their duties.

Investigations

Cases activated (statistically opened), amounted to 886, a total of 67 more than the previous year. The district continues to report the highest activations for the First Circuit, with 42% of the total cases activated.

Additionally, 30 Pretrial Diversion cases were activated during this period. Out of the 886 cases activated, 878 (99.1%) were arrested by law enforcement agencies. 847 (95.6%) of the defendants were interviewed and 886 (100%) prebail reports were submitted to the court.

Case Profile

As customary for the district, narcotics, controlled substances and marihuana cases remained the most frequent type of offenses representing 46.7% of the total, and a .7% increase from last fiscal year. Weapons and firearms charges amounted to 9.7% (higher than last fiscal year), whereas immigration cases declined slightly from 11.7% to 11.1% of the total. These cases continued to account for the high percentage of defendants who remain detained without bail. Property related cases continued to be among the most frequently prosecuted with 13.0% of the total, whereas sex offense cases increased from .5% to 1.9%.

TYPES OF OFFENSES CHARGED

Offense Charged	Total	Percentage
Drugs	414	46.7%
Escape/Obstruction	2	0.2%
Firearms/Weapons	86	9.7%
Immigration	98	11.1%
Other	127	14.3%
Property	115	13.0%
Sex Offense	17	1.9%
Violence	27	3.0%

Workload

Pretrial Services made recommendations in 94% of the cases activated. The U.S. Attorney's Office made recommendations in 92% of the cases.

Pretrial Services and U.S. Attorney's Office Recommendations							
Type of PSO Recommendation Made				Type of AUSA Recommendation Made			
Pretrial Recomm.	Detention	Financial	Non-Financial	AUSA Recomm.	Detention	Financial	Non-Financial
830	583 (70%)	222 (27%)	25 (3%)	816	731 (90%)	67 (8%)	18 (2%)

The U.S. Attorney's Office's recommendations for detention surpassed those of Pretrial Services by 17% which recommended detention in 66% of the cases. There were 14.5% more defendants released than in the previous fiscal year.

Pretrial Services Release and Detention		
Cases*	Released	Detained/Never Released
801	212 (26.5%)	589 (73.5%)

* 886 cases activated excluding, dismissals, transfers and conversions.

Supervision

The Office received 293 persons under supervision during this fiscal year, 10 less than the previous year. Pretrial Services supervision is performed pursuant to 18 USC §3154 (3), et. seq. Defendants are received at the office and also visited in the community on a regular basis. Given the improved budget situation, field visits by officers were reinstated to twice monthly per officer. During Fiscal Year 2006, \$223,900.51 (an increase of \$66,594.51, compared to FY 2005) was expended on alternatives to detention. These alternatives included psychological and psychiatric treatment, electronic monitoring, urinalysis testing, and employment counseling and placement. During FY 2006, the office was also afforded \$50,000.00 in supplemental funds from the Office of the Federal Detention Trustee (OFDT).

Types of Release Conditions

Of the 293 persons received under supervision, the following conditions of release were imposed: supervision (251), third party custody (39, a decrease of 85), substance abuse testing (50, an increase of eight), substance abuse testing and treatment (59, a decrease of 14), home confinement (96, an increase of 67), and mental health (71, an increase of 21).

Bail Violations Reported

During FY 2006, 59 violations (eight more than in FY 2005) were reported to the court of which five were felony re-arrests. In four of those cases, the court revoked the defendants' bail; in two, the conditions of release were modified; and in 53 cases, no changes were made to the release conditions and the defendants were continued in supervision.

Specialized Supervision

Officers continued to be focused at managing risk and monitoring defendants' compliance with release conditions. During fiscal year 2006, \$104,852.50 was spent on drug treatment, \$86,654.74 on mental health services, \$45,511.61 on electronic monitoring services, \$240.00 for employment services, and \$2,618.15 in administrative expenses, such as client transportation and local travel. Clients on electronic monitoring made co-payments in the amount of \$12,573.33. Expenditures on these treatment programs represented a 70% increase over the previous fiscal year.

Electronic Monitoring

Electronic Monitoring was imposed as a condition of release more frequently during Fiscal Year 2006 than in the previous fiscal year. An average of 42 defendants monthly had an electronic monitoring condition, 24 more than in last fiscal year. At the beginning of the fiscal year, there were 28 persons under EM and, by the end of the fiscal year, there were 59.

Drug Testing

Arrest samples totaled 696, of which 483 (69%) were negative and 205 (29%) yielded positive results. Eight persons had a stall and none refused to submit to the testing. The samples collected during supervision totaled 350 (80 more than last year), of which 294 (84%) were negative and 56 (16%) positive.

PROBATION

Budget

The U. S. Probation Office received a total of \$4,665,404.00, which was allotted as follows: \$3,850,109.00 to salaries, \$616,597.00 in operation expenses, and \$198,698.00 to the automation fund. Automation support was also provided by the Office of the Clerk System Department through the agreement established between court units. \$108,400.00 was transferred to the Clerk's Office from the salary allotment to cover this service.

Human Resources

During 2006, there were three resignations -- two support staff and one U.S. Probation Officer, who transferred to another agency. Two U.S. Probation Officers were recruited, one of which came in transfer from another agency. The office was staffed by a total of 42 officers and 20 support staff, for a total of 62 employees.

Training and Conferences

In order to promote quality and professionalism among staff, a total of 90 training sessions were facilitated during FY 2006, resulting in a total of 5,578 staff hours. Some 63 employees (100% of staff) benefitted from these sessions, averaging 89 hours per employee.

Automation

In the area of computer hardware, the cyclical replacement of PC's was continued in FY2006 by purchasing 40 workstations totaling \$67,167.00. In addition, 18 DELL Latitude laptops were acquired to replace existing equipment totaling \$30,587.00. A Data Web Service with a one-year subscription was purchased for \$2,500.00. Four Blackberry 8700s were purchased, totaling \$1,400.00, as well as 7 multiline digital telephones, 1 plantronics cordless convertible headset, and a main digital teaset, adding up to \$2,055.00. As per the Systems Department's recommendation, a PowerEdge 2850 Server was purchased for \$6,122.00 to provide additional capacity to the present network.

At the beginning of the First Quarter of FY 2006, the district was integrated as part of the 1st Circuit Users Group DQA Meeting in Portland, Maine. This meeting gave us the opportunity to acquire skills for quality control procedures in order to receive the most credit allowed, within the guidelines set forth by the Administrative Office.

During the Third Quarter of FY 2006, staff attended the Data Quality Analysis Report Training in San Antonio, Texas. As a result, IT developed new forms in PACTS essential for providing supporting tools for supervision purposes, such as time saving elements, cost effectiveness, a user friendly system and a more comprehensive system of compiling data. In September 2006, the district participated in the Data Quality Conference in Philadelphia, PA, where workload, cost containment, data quality issues and future version of PACTS were discussed.

Furniture and Equipment

During this fiscal year, the photocopier used by the Investigation Unit was replaced for \$29,757.00. A portable projector was purchased for presentations that are given by the Community Outreach Program and for local training. A bookcase, two lateral files, and a wood veneer sound lectern were purchased for \$3,369.00.

Security and Safety

During Fiscal Year 2006, the following steps were undertaken to promote security and safety: On October 5, 2005, the support staff was provided with training on how to deal with aggressive behavior. From December 7-8, 2005, a District Officer became part of the National Working Group for the Safety and Integrity Reporting System (SIRS). From April 3-6, 2006, Officer Safety Training was conducted at the PRPD Gurabo Academy. From April 24-27, 2006, two officers participated in the ECOSA Safety Program in North Carolina. From April 5-11, 2006, a Basic Firearms Training and Qualification was provided. From April 15-18, 2006, firearms requalification was conducted. From August 6-10, 2006, a Probation Officer was recertified as a Officer Safety Instructor. An Introductory Firearms Training and Requalification was provided from August 21-25, 2006. On September 28, 2006, monthly defensive tactics and MILO training were made available to all officers. In total, the office produced 11 Incident Reports ranging from intimidation, threats, to dangerous situations.

Search and Seizure

During Fiscal Year 2006, Officers Carlos F. Cancio and Edward H. Fankhanel attended the Search and Seizure Coordinators Training in Las Vegas, Nevada, and were certified as Team Coordinators after completion of the course. Upon his return, Officer Carlos F. Cancio was appointed Search and Seizure Coordinator for the District of Puerto Rico. During the course of the fiscal year, Search and Seizure Team members received training on search policies and applicable case law. Furthermore, team members received defensive tactics, weapons and search and seizure scenario training at the U.S. Probation Office and at the Puerto Rico Police Academy. The office acquired new search and seizure equipment and four official vehicles were fitted with law enforcement lights, sirens and tinted windows. During the course of the fiscal year, the team completed nine (9) successful search and seizure operations, some of which resulted in modification of the supervised release conditions or in the revocation of the supervised release.

Community Outreach

The office remained committed to helping to prevent drug use and crime in the community, specifically, among youth. As such, the Community Outreach Program, composed of seven (7) volunteer officers, conducted five (5) outreach activities during Fiscal Year 2006. Public and private schools, together with other youth organizations, visited over 590 youth and 10 teachers.

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 the Office's role in serving the community.

The Torch, completed its fourth year and continues to expand as more volunteers continue 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 2006, The Torch had published a total of nineteen (19) editions.

Presentence Investigations

At the beginning of 2006, the Court Services Unit in the District of Puerto Rico operated with approximately twelve (12) U.S. Probation Officers conducting presentence investigations and preparing Presentence Investigation Reports (PSIs) on a full-time basis. Office staff anticipated a sharp increase in PSI referrals by mid-2006, given the pretrial numbers for the months of November and December (2005), January and February 2006. To prepare for this increase, management decided to re-assign an officer to the Investigation Unit effective March 1, 2006, increasing the number of probation officers in the unit to eleven (11). As the numbers in the PSI Unit continued to rise, along with the referral of complicated and time consuming investigations (sex offenders, PRASA organization, union members, etc...), the Office was compelled to assign fifteen (15) presentence reports to supervision officers. To further alleviate the crisis in the unit, management requested and received assistance for a temporary duty probation officer from the SD/Florida (4 to 6 weeks). Additionally, the Office had a temporary duty officer from the Pretrial Services Office (P.R.) assigned to the unit, beginning in August. The pretrial arrest numbers indicated that the PSI referrals would level off by the end of the year.

Within the unit, senior probation officers continued to discharge other duties as trainers and mentors; one of these has ancillary duties as Training Coordinator, another as Sentencing Guidelines Specialists, and yet another as Special Offenders Specialist. These specialist officers were assigned more of the high profile and complex cases. An Assistant Deputy Chief and two Supervising U.S. Probation Officers also conducted investigations as needed, in addition to fulfilling their intrinsic administrative duties. Management staff in the unit was assigned 15% of the overall investigations in the court unit. As a whole, the unit was assigned 735 PSIs (to include modified versions) during 2006, a 43.2% increase from 2005.

During 2006, the average number of presentence investigations assigned to each officer was approximately 59. Officers complied with the assigned deadlines an average of 81.2%, as compared with 88% in 2005. The Office continued to have over a 90% compliance with disclosures and filings.

Probation Officer Assistant

During 2006, the Probation Officer Assistant (POA) completed 126 collateral investigations (63.6%), out of a total of 198, the remaining being completed by other officers.

Supervision

The Supervision Division of the district was composed of 23 line/specialist officers within three units. A cumulative total of 1,420 cases (see *Table 1*) were under supervision during Fiscal

Year 2006, which reflected an average of 61.73 offenders per officer. Of the 1,420 cases under supervision, the majority (1,277) were on supervised release status, 114 were serving a sentence of probation, and parole cases continue to decline with only 29.

Table 1

Persons Under Post-Conviction	FY 2004	FY 2005	FY 2006
Term of Supervised Release		1242	1277
Probation		123	114
Parole		33	29
Total	1303	1398	1420

The district's supervision caseload remained mainly drug-related. During Fiscal Year 2006, 1,045 offenders were under supervision for drug law violations, while 169 had infringed a fraud law and 39 a weapons statute (see *Table 2*).

Table 2

General Offenses	FY 2004	FY 2005	FY 2006
Violence (Homicide, Robbery and Assault)	26	28	34
Drugs (Drug laws)	948	1034	1045
Immigration	83	25	27
Firearms (Weapons and Firearms)	38	34	39
Sex Offenses			9
Property (Burglary, Larceny, Embezzlement, Fraud, Auto Theft, Forgery, Counterfeiting and Postal Laws)	148	171	169
Public Order (Traffic, Miscellaneous, Misdemeanor of Felony, Drunken Disorderly and General Offenses)	60	106	96
Escape/Obstruction			1
Other (Nonpayment and Federal Statutes)			

Table 3

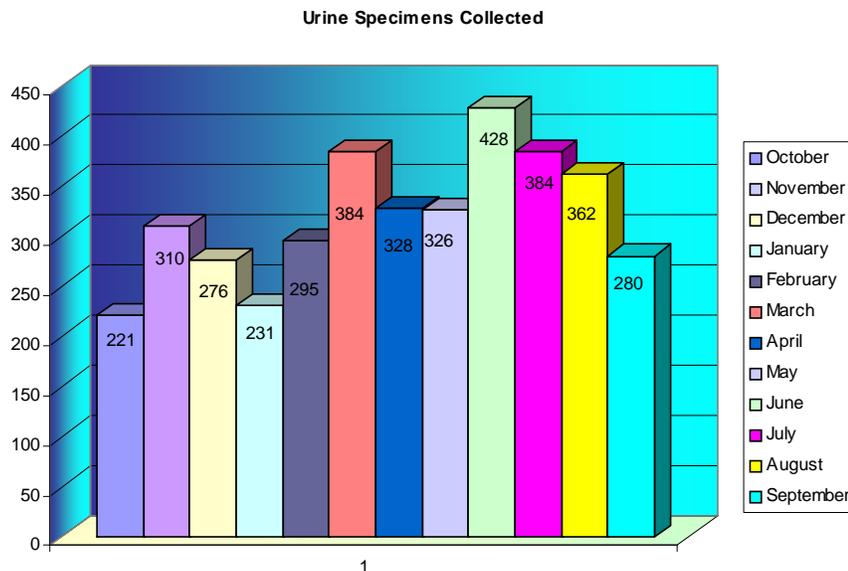
Cases Revoked and Closed	
Probation	5
Term of Supervised Release	76
Parole	1
Total	82

Law Enforcement Services

The U.S. Probation Office continued to seek alternatives to improve the services being provided to its clients. This fiscal year, more than nine (9) officers were certified as Criminal Justice Addiction Certified Professionals. The U.S. Probation Officer, Treatment Unit was certified to offer Moral Reconciliation Therapy, the objective of which is to be able to provide group counseling in the office which will result in a decrease in treatment expenditures.

The ambulatory detoxification program offered by treatment providers enables clients to receive treatment while remaining employed. This service has saved the office a significant amount of money while obtaining better results.

The collection of urine specimens in the office has demonstrated to be effective in detecting substance abuse. It has also proven to be cost effective. The following chart illustrates urine specimens collected.



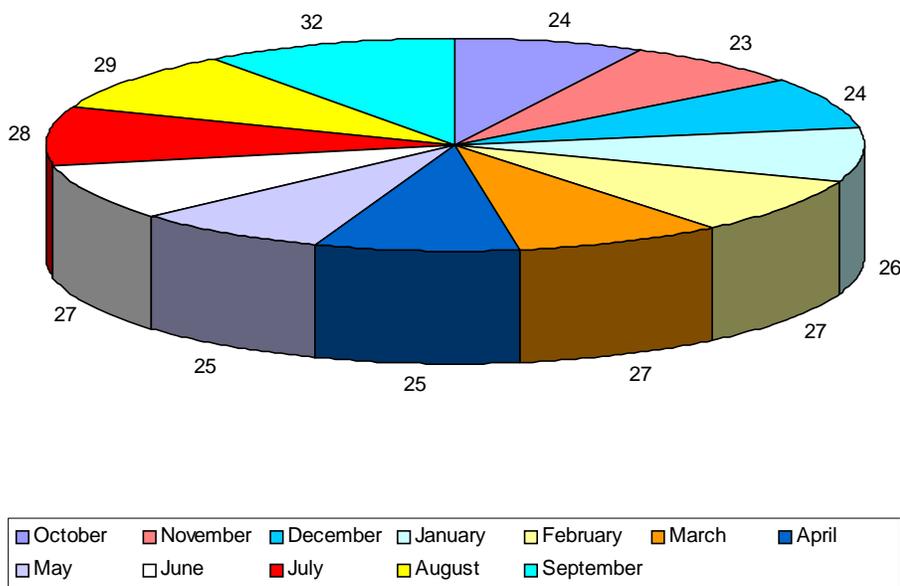
Mental Health Treatment

The Mental Health Treatment Program improved its distribution of cases at the end of FY 06. Mental Health offenders have benefitted from the creation of a specialized unit with expertise in mental health treatment, as well as from the Job Placement Program.

Electronic Monitoring

The following chart illustrates the number of clients served by electronic monitoring during this fiscal year.

Electronic Monitoring



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

The year 2006 was an exciting and dynamic year for the U.S. District Court for the District of Rhode Island. There were numerous educational and training programs from which court employees gained technical, professional, and personal development skills. The year was further marked by historic milestones, such as the hosting of a delegation of visiting Russian judges and the implementation of ECF. The following represents significant initiatives, events, educational/training programs, and personnel changes that the court implemented during the year.

Programs and Accomplishments

After many years of research and planning, the Court issued a completely revised set of Local Rules on January 3, 2006. In July, the Court established a Local Rules Review Committee, which will solicit comments from the bar and the public and perform an annual review of the local rules.

On February 23, 2006, twenty students from the Rhode Island Children's Crusade program visited the Courthouse to view two sentencing hearings. Judge Mary Lisi addressed the students prior to the hearings and held a Q&A session after the sentencings. Later, the students were given a courtroom technology demonstration, and a Deputy U.S. Marshal addressed the students about the Marshal's Service and provided a tour of the cell block. On October 13, and October 20, the E3 Academy School in Providence visited the Courthouse with approximately forty students. These students also viewed sentencing hearings, toured the Courthouse, and were given a courtroom technology demonstration and tour of the U.S. Marshal's cell block. Both Chief Judge Mary Lisi and District Judge William Smith spoke to the students.

The months of March, April and May 2006 brought the Federal Practice Series (a series of seminars sponsored by the RI Bar Association and the U.S. District Court) back to the Courthouse for another year. The series began on March 15 with a seminar entitled, *Filing and Serving the Complaint*. Guest speakers for this seminar included: David DiMarzio, Clerk of Court, Paul Goodale, Pro Se Staff Attorney, Steven Richard, Esq. and Michael Daly, Esq. The second seminar was held on March 29 entitled, *Picking a Jury in Federal Court*. Guest Speakers for this lecture included: Senior Judge Ronald Lagueux, James Murphy, Esq. and Mark Morse, Esq. On April 12, a course on *Courtroom Graphics, PowerPoint and Beyond* was held. Guest speakers included: Judge Mary Lisi and David Wollin, Esq. The final seminar on May 3 addressed *Opening Statements and Closing Arguments*. Guest speakers included: Senior Judge Ernest Torres, Anthony Muri, Esq. and Robert Duffy, Esq. Attendees received 1.0 RI MCLE credit for each series attended.

The Rhode Island Legal Educational Partnership Program brought students into the Courthouse to compete in three mock trial competitions. On March 6, 2006, Magistrate Judge Lincoln Almond presided over East Greenwich High School v. Wheeler School, and on May 15, he presided over Barrington Middle School v. Blessed Sacrament School. On May 23 Magistrate

Judge Robert Lovegreen presided over the mock trial competition with Kickemuit Middle School v. West Bay Christian Academy.

On March 1, 2006, Clerk's Office staff learned more about the naturalization process when Carol Karlowicz, a District Adjudication Officer from the Citizens and Immigration Services, gave a presentation entitled, "Naturalization - What It Takes To Become A U.S. Citizen." Special guest Carmen Pena was also invited to attend the session to share her personal experiences on becoming a U.S. Citizen.

In May 2006, the Court gave a presentation/demonstration of the Electronic Case Filing system (ECF) to 200 attorneys and their legal staff. More than 500 attorneys and staff participated in the formal training sessions, which began on June 1. On August 1, the Court went live with the ECF portion of CM/ECF.

On September 22, 2006, the Court hosted its First Biennial District Conference at the Courthouse. Approximately 150 attorneys attended this historic event. The objective of the Conference was to provide practical information about federal practice in Rhode Island. It began with a plenary session, followed by several breakout sessions. Panel members included members of the bar, professors, and judges from all levels of the First Circuit. At the luncheon held at the Federal Reserve, the participants were addressed by the keynote speaker, Attorney Kenneth Feinberg, Chairman of the 9/11 Commission. Attorneys were given 5.0 RI MCLE credits for attending this conference.

On October 11, 2006, the Court held its annual Law Clerk Orientation Program. The Chief Deputy Clerk gave a presentation on the Clerk's Office and, representatives from the Probation Office and Marshal's Service discussed the role of their respective agencies. The Asst. Circuit Librarian reviewed available online and printed legal research resources. The Pro Se Staff Attorney and career law clerks shared some helpful hints based on their experiences, and the law clerks viewed a courtroom technology demonstration.

On November 3, 2006, the U.S. District Court hosted its fifth annual Teachers Institute. The Institute was designed specifically for Rhode Island secondary school teachers who teach "civics." For the first time since the Institute's inception, the court invited college/university professors, middle school educators and Massachusetts high school and middle school educators. Then Chief Judge Ernest Torres opened the Institute with welcoming remarks, and the 34 educators in attendance heard and participated in sessions held by: Magistrate Judge David Martin on *The Judicial System and the Judicial Process*, specifically, the distinction between the *Federal and State Court Systems, Jurisdiction and Structure*; followed by Magistrate Judge Robert Lovegreen, on *The Travel of a Civil Case from Commencement through Trial and Appeal*; District Judge William Smith on *The Role of the Judiciary and Judicial Independence* (specifically, the *Separation of Power and Judicial Review*); and Magistrate Judge Lincoln Almond spoke on *Religion in the Schools and School/Student Searches and Seizures*. The educators were treated to a video on the case, *Lee v. Weisman*, that was produced by Professor Thomas Metzloff of Duke University School of Law, who was also a guest lecturer at the Institute. Professor Metzloff also spoke on *Religion in the Schools*. U.S. Attorney Robert Corrente spoke on *Civil Liberties and the*

War on Terrorism - A Prosecutor's Perspective (specifically, *Electronic Surveillance and the Patriot Act*). Each attendee received professional development credits from the Rhode Island and Massachusetts Departments of Education.

During the week of November 13, 2006, the Court served as host to a delegation of five visiting Russian judges, their personal chaperone, and two interpreters from Washington, D.C. An extensive agenda of week-long educational activities and programs were planned to provide the judges with a full understanding of the judicial system, both in the federal and state courts. Rhode Island's District, Magistrate, Circuit and Bankruptcy Judges, state court judges, representatives of the state courts, members of the bar, the Director of the Adult Correctional Institution, the U.S. Attorney, the Dean of Roger Williams Law School, Rhode Island college/university professors, and many others participated in the week-long program. Participants also provided tours of their law firms and facilities, gave overview lectures, attended private conferences/meetings and hosted luncheons and dinners in honor of the judges' visit to Rhode Island. The week closed with a farewell ceremony held in the Main Lobby of the Courthouse to which all participants were invited. The program proved to be a worthwhile endeavor, and the Court looks forward to serving as a host court again in the future.

Space & Facilities Projects

The final phase of the Providence Courthouse Renovation Prospectus Project was completed, which included fire, sprinkler and egress upgrades throughout the Courthouse. In addition, security bollards were installed around the Courthouse, and blast mitigation film was applied to all Courthouse windows, thereby protecting occupants of the Courthouse in the event of an external blast. Finally, Court staff assisted with the identification and confirmation of significant rent overcharges involving the Courthouse and Pastore Buildings. The total savings to the Judiciary is approximately \$1.3 million per year for this and future years. Also, the Judiciary's budget should be reimbursed approximately \$2.6 million by GSA for past overcharges.

Ceremonies and Events

In April of 2006, Circuit Judge (and former District Judge) Bruce Selya was inducted into the Rhode Island Heritage Hall of Fame.

An Attorney Admissions Ceremony was held on April 25, 2006. Eighty-four new attorneys were sworn in as members of the bar of this Court. A reception hosted by the Federal Bar Association was held in the Main Lobby of the Courthouse following the ceremony.

On July 3, 2006, the Court held an Independence Day Naturalization Ceremony at Roger Williams National Park in Providence Rhode Island. Magistrate Judge Lincoln Almond presided over the ceremony.

On October 24, 2006, all District Court and Probation employees attended a special program at the Hotel Providence which included a motivational speaker.

Personnel News

On December 1, 2006, District Judge Mary Lisi took Chief Judge status, and District Judge Ernest Torres took Senior Status. Magistrate Judge David Martin was reappointed to another term, and the appointments of Retired/Recalled U.S. Magistrate Judges Jacob Hagopian and Robert Lovegreen were extended for another year. On May 23, the Court appointed Wendy Geile to the position of Automation Support Specialist and, on November 13, Debra Lajoie was appointed to the position of Official Court Reporter.

Sadly, beloved Retired Senior Judge Francis J. Boyle passed away on September 11, 2006.

Statistics

Total Filings (civil & criminal, including criminal case transfers): 727

Civil Filings: 583

Criminal Cases: 123

Terminations: 685

Cases Pending: 1,030

Trials (criminal/civil): 51 (17 per active judgeship)

Median Time for Civil Cases: 8.9 months

Median Time for Criminal Felony Cases: 1 month

Median Time for Civil Cases Measured from Filing to Trial: 19.0 months

Civil Cases Three Years or Older: 35

BANKRUPTCY COURT, DISTRICT OF RHODE ISLAND

It was no surprise to the bankruptcy community that filings would be significantly reduced in the months following BAPCPA. Bankruptcy filings for calendar year 2006 totaled 1556 – a 73% decrease from the previous year. Interestingly, the low number of filings did not indicate decreased workload for the Clerk's Office staff. The procedural changes brought by the new law were reflected in the increased time required to quality control pleadings, issue deficiency notices, administer additional procedural requirements and assist pro se debtors whose numbers increased from an average of less than 2% pre-BAPCPA to a record 8%.

New statistical requirements became effective in October 2006. Committees were formed to prepare internal staff, external filers and chambers for these changes. The Automation Staff installed five new releases of CMECF (2.7, 3.0, 3.1, 3.1.1 and 3.2), as well as three emergency service releases. Additional dictionary events were created, modified and tested so that key statistical data would be transmitted to the Administrative Office by the October 2006 deadline. Training resources were created for internal and external users to guide them through these changes.

In addition to preparing the statistical requirements of BAPCPA, the Court implemented several projects. The Automation Staff completed the conversion from Solaris to Linux. A CMECF interface for Courtflow was implemented in the courtroom to assist the Electronic Court Operators by automating the manual process of inserting case data into the Courtflow system. Biometric Fingerprint Readers were installed at all desktops to enhance computer security, and public area and staff computers were upgraded, including larger second monitors to assist staff in performing their duties. To better assist the public, the Court published a comprehensive Self Help page on it's website. The Self Help page is continually updated as changes occur to keep the public informed and educated regarding procedural matters. Also, in conjunction with the Attorney Advisory Group, development of a Financial Literacy Program began this year. This educational program was designed for high school level students and will focus on money management.

Two notable cost-saving measures implemented in 2006 were the migration to Stamps.com and the purchase of a new phone system. Stamps.com supplanted the rented postage meter system, saving the Court nearly \$1,200 each year. The new phone switch provided a much bigger savings. Monthly phone service costs that previously averaged in excess of \$2,000 per month decreased to less than \$500 per month.

The RI Bankruptcy Court hosted the National Conference of Bankruptcy Clerks in August, 2006. This project was particularly challenging for a small court, but the with the help of our sister court in Maine, a very successful and educational conference was developed. All members of the court participated in one or more of the following committees: Steering, Registration, Social Events/Activities, Hotel Liason, Transportation, and Education. The result was one of the highest attended conferences in NCBC history.

Court staff continued to participate in local and national committees and training opportunities. Locally, the Court conducted quarterly IT Committee meetings and Attorney Advisory Group Meetings. CUE Susan Thurston served on the following national committees: Bankruptcy Clerk Advisory Group, Technology & Facilities Advisory Council (TFAC), Bankruptcy Clerk Editorial Board, Administrative Services Methods Analysis Program Steering

Group (ASMAP), Ad Hoc Staffing Group, and the Judicial Guide Redesign Project. Linda Spaight joined Susan as a member of the Bankruptcy Clerk Editorial Board, and was also a member of the Bankruptcy Methods Analysis Program, and was elected to the NCBC Board of Governors in August, 2006. Additionally, the court was asked to participate in the Work Measurement program. Staff prepared and documented information in advance of the Work Measurement Team's arrival to ensure that the most accurate information was provided. Finally, the Court was again able to send three staff members to attend the Court Operations Exchange in Florida: Cindy Cory, Carolyn Sweeney, and Jennifer Davis. The Operations Exchange provides a great way to network with bankruptcy colleagues and always provides a wealth of information for consideration.

The RI Bankruptcy Court Staff continued to participate in a variety of social causes: American Heart Association Hearts in Bloom, American Cancer Society Daffodil Days, donation of Thanksgiving baskets, Holiday Adopt a Family program, and a Federal Mentoring program for at-risk boys. The office was again the recipient of the *Platinum Award* in the Rhode Island Area Combined Federal Campaign. This year also marked the 12th anniversary of the Employee Awards and Recognition Program. Jody Venuti, Quality Assurance Specialist, received the *Sustained Superior Performance Award* for her technical skills and contributions to the court. Jody was also the 2006 nominee for *Technical Employee of the Year* at the annual Federal Executive Council Awards Program. Finally, Jennifer Watts joined the court in July 2006. She graduated from Laselle College with a major in legal studies and was hired to assist the Clerk with administrative, operations, and courtroom duties.

Statistics

Bankruptcy filings declined 73% from the previous calendar year, although the workload per case increased substantially under BAPCPA. The most recently published program indicators (September 30, 2006) suggest that the median disposition time for a Chapter 7 case was 100.2 days (first in circuit) and 38.4 months for a Chapter 13 case. The average age of the Court's pending caseload breaks down as follows: 10.2 months for Chapter 7 cases, 20.6 months for Chapter 13 cases, and 24.1 months for Chapter 11 cases.

PROBATION OFFICE, DISTRICT OF RHODE ISLAND

During 2006, staff of the Probation Office for the U.S. District Court for the District of Rhode Island monitored the sobriety of pretrial defendants by performing 397 drug tests in the community during unannounced contacts and in the office as part of their random testing program. Staff also completed 149 initial pretrial services interviews and reports, supervised 71 defendants on pretrial services supervision, completed 124 comprehensive guideline presentence reports, and supervised 343 offenders on probation, parole and supervised release of which 51% had substance abuse special conditions, the highest percentage of abusers recorded in the district. Nevertheless, 78% of the offenders scheduled for expiration did so successfully.

In addition, Probation Office staff oversaw approximately 1,000 hours of individual substance abuse treatment, group counseling, mental health counseling, and sex offender therapy, and the IT Department equipped supervision officers with lap-top computers, enabling them to run

criminal history checks, license plate checks, as well as other automated databases from their vehicles, arranged and monitored offenders performing hundreds of hours of community service.

During 2006, the Office was also able to establish a low-intensity supervision caseload to allow officers to spend greater amounts of time with higher-risk offenders.

Officers traveled 38,477 miles in their vehicles throughout the year to gather data for pretrial and presentence reports, to conduct collateral investigations for other districts across the country, and to supervise pretrial services defendants and post-conviction offenders in the community.

Officers also obtained DNA blood samples from 52 offenders which were placed into a nationwide FBI database.

Despite a heavy workload, staff participated in a total of 772 hours of training. Highlights included: a gang symposium; sex offender program in Fort Devens; and programs on treating compulsive sexual behaviors, cyber security, office safety, firearms, search team coordinators, critical incident stress management, GPS electronic monitoring, appropriations law, Westlaw, and sentencing guidelines.

**NARRATIVE REPORTS
OF THE
FEDERAL PUBLIC DEFENDERS**

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

The biggest development in the office in 2006 was the influx of petitions resulting from the Adam Walsh Act, which provides for commitments of persons deemed to be sexually dangerous. See 18 U.S.C. § 4248. A large number of these petitions were in the District of Massachusetts because many of them originated from FMC Devens in Ayer, MA. This prison is home to the Bureau of Prisons (“BOP”) Sex Offender Management Program and is about to become the home of the Bureau’s Sex Offender Treatment Program, currently located at FMC Butner in North Carolina. BOP reportedly is conducting evaluations at Devens of all inmates identified as sex offenders – based on any history of sex offenses – for possible commitments. As a result, the District of Massachusetts is likely to receive more of these petitions than other districts. The Office currently represents nine such individuals and recently filed a comprehensive constitutional challenge to the statute.

The Boston office also was fully involved in the May 2006 launch of the district court’s Court Assisted Recovery Effort, which provides intensive, post-conviction supervision of defendants who are trying to overcome substance abuse problems. An Assistant Federal Public Defender (“AFPD”) staffs each of the program’s weekly sessions with the assistance of a paralegal.

The appellate division, led by Judith Mizner, filed amicus briefs in a number of First Circuit cases, including United States v. Jiminez-Beltre, No. 05-1268, Muniz v. Sabol, No. 06-2692, Gonzalez v. Sabol, No. 06-2693, United States v. Thurston, No. 05-2271, and United States v. Malouf, No. 05-2245.

The Office also supports the CJA panel by hosting and participating in training programs in all three districts. Several AFPDs served as faculty for national training programs. In Massachusetts, staff has worked with the Criminal Justice Act Board to present a series of seminars covering pretrial detention, the Bureau of Prisons, mental health issues, discovery, and sentencing issues related to career offender and recidivist statutes. 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 a quarterly newsletter, electronically, and recently revamped its website, www.bostondefender.org.

In September 2006, the Office was visited by an assessment team from the Office of Defender Services. This team, led by Joan Countryman, submitted a comprehensive report regarding both the operations of the offices and the CJA panels in each district. The findings of the team and the suggestions made in the reports have proved to be extremely helpful.

With the able assistance of Barbara Manford, the Office has been addressing space issues in New Hampshire and Boston. In Concord, the Office is being relocated from the first floor of the Ralph Pill Building to the third floor. In Massachusetts, the Office is seeking suitable space to replace the increasingly uncomfortable quarters in the Williams Coast Guard building.

In Massachusetts, the number of cases opened increased by 94.5 %. At the end of the fiscal year, there were 310 pending cases in the Boston office, up more than 50 % from the previous year. A number of factors appear to have contributed to this increase. First, as noted in last year's report, staffing shortages in FY2005 led the Office to stop taking new cases for much of the fiscal year. A number of support positions, including a second paralegal and a second research and writing attorney, have enabled the lawyers in the office to handle additional cases, while continuing to provide quality representation.

The percentage of defendants going to trial in Massachusetts has remained high. In FY 2006, 70 of 608 (11.5%) of the defendants whose cases were resolved went to trial, up slightly from FY 2005, when slightly more than 10% went to trial. Nationally, an average of 4.1% of defendants went to trial in FY 2006. See Judicial Business of the United States, Table D-6. The notably higher percentage of trials in Massachusetts appears to continue to reflect the U.S. Attorney's strict policy of seeking enhanced mandatory minimum sentences and resisting plea negotiations that might ameliorate the impact of harsh sentencing laws.

The hiring freeze that was in effect throughout much of FY 2006 caused the Office to have to ask the district court to rely more heavily on CJA lawyers. Funding has been sought for two additional AFPD positions in Boston.

In New Hampshire, the caseload dipped slightly, probably due to the fact that one of the AFPDs took a well-deserved three-month leave of absence. The arrival last week of a fourth lawyer, Jessica Brown, is likely to improve the Office's ability to accept more appointments.

While the number of cases opened in Rhode Island was down slightly, the total number of pending cases was up about 20% in FY 2006 over FY 2005. Since the arrival of a third AFPD, Mary McElroy, in September 2006, the number of Rhode Island cases has continued to rise.

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	10/1/00	225
FY 2001	266	182	23	61	“	10/1/01	212
FY 2002	266	161	18	87	“	10/1/02	196
FY 2003	282	157	19	106	“	10/1/03	200
FY 2004	339	186	36	117	“	10/1/04	257
FY 2005	200	85	32	83	“	10/1/05	205
FY 2006	389	185	42	162	“	10/1/06	310

New Hampshire

	<u>Cases Opened</u>				<u>Pending</u>		
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	pending	10/1/00	61
FY 2001	123	78	8	37	“	10/1/01	55
FY 2002	131	70	9	52	“	10/1/02	67
FY 2003	161	99	10	52	“	10/1/03	86
FY 2004	149	109	9	31	“	10/1/04	100
FY 2005	185	131	11	43	“	10/1/05	125
FY 2006	139	84	7	48	“	10/1/06	102

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	86	19	34	“	10/1/04	67
FY 2005	142	89	19	34	“	10/1/05	76
FY 2006	140	71	29	40	“	10/1/06	91

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

Staffing

Fiscal Year 2006 brought the office an increase in personnel. The Office began the year by hiring a Research and Writing Specialist, Ms. Vivianne M. Marrero, who replaced Mr. Hector Ramos. Mr. Ramos had been promoted to the position of Assistant Federal Public Defender, completing the staffing of the Appeals Division that was started in Fiscal Year 2005. A new receptionist, Ms. Ana A. Lopez, was also hired to replace Mrs. Jackeline Robles who was reclassified to a Legal Secretary position. Mr. Jose Cordero, who transferred to the office from the Bureau of Prisons, was also hired as an experienced paralegal. Toward the end of the Fiscal Year, Mrs. Yasmin Irizarry was hired as an Assistant Federal Public Defender.

Criminal Case Statistics

In 2006, there was a marked increase in both “opened” and “closed” cases. This increase has occurred despite the prosecution of large groups of defendants in narcotics cases, a procedure which produces a deceptively low caseload because the office is limited to representing one defendant among dozens in each case because of the ethical problems raised by potential conflict of interests. Still, narcotics, immigration and weapon cases constituted the bulk of the trial caseload.

At the close of FY 2006, 827 cases had been opened and 841 cases were closed. This is the largest number of cases handled by the Office of the Federal Defender since its creation. The projections were exceeded for each category by a difference of +127 and +61 cases respectively, and an increase in the total numbers of closed cases is projected for the next fiscal year.

Immigration

This year, because of the increase in illegal immigration, there was a disproportionate number of material witness cases. The witnesses who are mostly indigent aliens, are brought into the country by alien smugglers. Many of their clients remain for the most part detained in federal custody awaiting to be later presented for criminal immigration prosecutions which target the presumptive smuggler.

Death Penalty Prosecutions

Puerto Rico finds itself tied with Maryland as the fourth jurisdiction in the prosecution of federal death penalty eligible cases in the nation. The Office handles an average of two to three new death penalty eligible cases every year. It is important to note that to this date no jury has returned a verdict of death in any of the cases indicted in this District.

Continued Legal Education

During FY2006, the Federal Public Defender maintained its role in the education of members of the CJA Panel of Attorneys, either by responding to their particular needs while

handling individual cases, or by sponsoring Continuing Legal Education (CLE) programs. The Office has opened a working area, accessible to Panel Lawyers in need of research facilities, like the ones offered at the Attorneys Lounge within the District Court facilities. The FPD Office has also co-sponsored with the court several seminars for panel members on topics such as Ethics, BOP Rules and Regulations, Rules of Evidence and Criminal Procedure, Handling of CJA Vouchers, Probation and Sentencing Guideline. These mini-seminar sessions, which usually take place in the afternoons, have become very popular among the panel members. The Clerk of the Court has been an invaluable ally in the effort to provide this service.

Despite its relatively small size (with 29 employees), the Federal Public Defender for the District of Puerto Rico handles more cases than any other Federal Public Defender Office in the Circuit. There has been a two-fold increase in the number of staff since the appointment of the incumbent FPD, and, as in the past, the FPD represents a defendant in the majority of the federal criminal cases in the district.

**NARRATIVE REPORTS
ON MATTERS OF
JUDICIAL ADMINISTRATION**

THE JUDICIAL CONFERENCE OF THE UNITED STATES

MARCH AND SEPTEMBER 2006

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 each of the circuit courts of appeal, the chief judge of the U.S. Court of International Trade, and one elected district judge from each of the 12 regional circuits. The Conference works mostly through its committees and is staffed by employees from the Administrative Office of the United States Courts (AO).

At the March 14, 2006 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 about Federal Judicial Center (FJC) programs, and Judge Hinojosa reported on Sentencing Commission activities. In addition, Judge Hornby reported on judicial compensation and the judiciary's relationship with Congress, Judge Sentelle reported on judicial security, and Judge Cassell provided an update on sentencing guidelines. Finally, the members of the Judicial Conference Committees expressed their sincere appreciation to Ralph Leonidas Mecham, Director of the Administrative Office, for his strong, inspired support and devoted to the judiciary from 1985 to 2006.

At the September 19, 2006 Judicial Conference, Mr. James C. Duff, Director of the Administrative Office of the United States Courts (AO), reported to the Conference on the judicial business of the courts and on matters relating to the AO. Judge Rothstein spoke to the Conference about Federal Judicial Center (FJC) programs, and Judge Hinojosa reported on Sentencing Commission activities. Judge Hornby, Chair of the Committee on the Judicial Branch, reported on judicial compensation and Judge Gibbons, Chair of the Committee on the Budget, reported on judiciary appropriations.

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. There were no judicial conferences held during the year 2006.

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 2006, the council meetings took place on April 14 and September 12. Many matters are decided by mail vote between meetings.

A principle task of the judicial council involves the consideration of complaints of judicial disability or misconduct. An explanation of the council's role in these matters and a summary of final action taken by the council during 2006 is provided at pages 93 - 95.

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 2006 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 space and facilities activities in the First Circuit from the date of the last annual report until June 2007. Space and Facilities staff in this Circuit have continued to develop and to implement a methodology for controlling annual increases in rental costs. In July 2007, Shawna Kelliher will be joining Barbara Manford and David Drew as an assistant circuit executive for administration, and one of her roles will be to administer rent-related activities. The SF staff will assemble information on all current occupancy agreements and leases and, once the rental budget is officially released, will manage the expenditure of discretionary rental funds.

In other related activities, the AOUSC continues work with Circuit and District staff to evaluate rents nationwide. The J.J. Moakley Courthouse, the largest circuit facility, is now scheduled for a July 2007 review.

In June 2007, Shawna Kelliher and Barbara Manford will be reviewing the new proposed occupancy agreements for both the Providence courthouse and the Pastore Federal Building to see how tenant improvements have been amortized and to see if the rental versus usable square footage assessment has been done correctly.

The *Capital Construction* seminar program has continued, in a slightly different format, and Ms. Manford continues to be involved. Because far fewer projects are going into design and construction, these educational seminars for judges and court staff will now be held with individual courts in an informal setting. Ms. Manford will be a faculty member at an upcoming seminar for the Buffalo courthouse project team.

Several of the major projects that are currently in planning are required for the accommodation of either *senior judges* or their replacements. The AO has agreed to fund all rental costs incurred, provided the approach taken is an economically sensible one.

Circuit Executive office staff will be meeting with GSA in June 2007, to discuss the funding and scheduling for many of the projects listed below, specifically in the Moakley Courthouse, in New Hampshire, and in the Springfield Courthouse. Ms. Manford and Ms. Kelliher hope to institute a series of quarterly meetings with top GSA staff in both Regions 1 and 2 to discuss progress on all Circuit projects.

District of Maine

The GSA project for repair and alteration to the *Margaret Chase Smith Federal Building* in Bangor is in design. The architectural and engineering team selected for this work has recently completed its first phase of design, called "Extra Field Investigation" (called "extra" because it is a product not covered by the base design fee of 6%). This report is in review by court staff. The main thrust of the work in court space will be the realignment of certain functions of the district court to improve both security and circulation, and the construction of a workable magistrate courtroom.

District of Massachusetts

The new *Springfield Courthouse* will be substantially complete in December 2007, and occupied soon thereafter. Adequate funding was obtained from GSA to complete the project as designed. Space and facilities staff, led by Shawna Kelliher in the Circuit Executive's Office will be working with court unit procurement officers in the summer of 2007 to purchase the furniture for the new courthouse. David Drew in that office will oversee the move and installation of the new furniture.

Planning continues for the accommodation of senior judges or their replacements in the *Moakley Courthouse* in Boston. All but two of the current district judges will be or are eligible for senior status by 2012, a date which does not provide much time for major design and construction. In the *Springfield Courthouse*, where Judge Ponsor will be most likely assuming senior status in 2011, planning is underway to retrofit the shelled space of the fourth courtroom and chambers after building occupancy.

Renovations to the *J. W. McCormack Post Office and Courthouse* in Boston, where the bankruptcy court has plans to relocate, are moving very quickly. GSA has yet to guarantee that the move from the O'Neill Federal Building will be rent neutral. GSA has promised to resolve this issue by July 2007.

Three excellent Class A buildings are about to be solicited for proposals for the rehousing of the *Federal Public Defender's Office* which is moving out of the Williams Federal Building in Boston primarily because of the growing presence of law enforcement agencies in that facility. The move should occur within a year of this report.

District of New Hampshire

Planning has begun for the move of the *bankruptcy court* from leased space in Manchester to the *Rudman Courthouse* in Concord. Some court functions may need to relocate to the adjacent (and connected) Cleveland Federal Building where vacant space is available.

Construction is underway on the new space, both larger and of higher quality than the existing, for the *Federal Public Defender's Office* in the Pill Marketplace in Concord. Occupancy is planned for late July or early August 2007.

District of Puerto Rico

The renovation of the first floor of the *J. V. Toledo Post Office and Courthouse* in *Old San Juan* to accommodate senior district judges is officially underway. GSA's project team and Barbara Manford visited the site in May 2007, and interviewed representatives from all affected court units for their program needs. Preliminary designs will be ready later in the year.

Contractors are completing the punchlist for the very successful renovation project in the district court clerk's office in the *Federico Degetau Federal Building in Hato Rey*. The redesign of this space included a jury assembly facility, a more secure grand jury, and improvements to both the operational and administrative branches of this office.

In the *Luis Ferre Post Office and Courthouse in Ponce*, the courts still await GSA action on contracting for the renovations necessary to house the newest and fourth bankruptcy judge.

District of Rhode Island

After a very busy decade of construction, work is winding down in Rhode Island. As was noted in the previous annual report, the extremely complicated second Prospectus project was completed very successfully earlier this year, thanks largely to the enormous coordination efforts of Shawna Kelliher. Construction will begin in July or August 2007 on the fencing and gates for the parking lot in the rear of the *Pastore Federal Building*. The repair and replacement of the windows in the *Pastore* continues as of June 2007 with an expected completion in October.

AUTOMATION AND TECHNOLOGY

Introduction

In 2006, the IT Department continued its research, implementation, and support of the computer systems in the various chambers and units throughout the First Circuit. In addition to its general support role, the IT Department was also involved in numerous projects throughout the year.

Moussaoui Trial

The trial of the so-called “last 9/11 terrorist” was held in the Eastern District of Virginia. In order to accommodate the relatives of the victims of 9/11, the AO, through the Department of Defense, arranged for video broadcast at various court sites. Since Boston had a large number of victims' relatives, the Court of Appeals used the En Banc Courtroom as a video center. The IT Department was responsible for assisting in setting up the confidential video feed and making sure that the system was working properly on a daily basis.

Training Center

Prior to this year, the training room for the Moakley Courthouse was located in the Williams Building. As this was inconvenient, an excess room was converted on the second floor of the Moakley Courthouse into a training room to be used by the various court units. The IT Department, along with Space and Facilities, designed a new training room and set up and installed computers and a network. Many new audio visual components were also incorporated.

Puerto Rico CAMP Office

A new office to manage civil appeals was established in the San Juan Courthouse. Judge Charles Cordero came to the courts as the new mediator for this office. The IT Department, along with the Space and Facilities Department and the IT Staff of the Bankruptcy Court of Puerto Rico, created new office space, set up the necessary computer and phone connections, and created accounts for that office to access the court network. IT also helped to train Judge Cordero and his assistant in the use of the court system and software.

WestCite Link

In association with the Court of Appeals Library, the IT Department installed WestCite Link on the computers in the chambers that requested it. This software is web-based and assists the writer in validating the authority of cases being cited in the document. It has been installed and is available as part of WordPerfect on each computer.

Computer Security

With many users connecting to the Court network through court supplied laptops, etc., the IT Department is concerned with protecting the integrity and security of the network. Towards this end, IT has implemented local computer firewalls and anti-virus software on the court equipment and made it available to other users who also connect at times to the court network from their home computers. Symantec Security Control, along with SAV 10, was installed as part of a maintenance round on these computers because it provided better network security than the previous versions. It also allowed IT to add an anti spyware and an anti pop-ups component. IT recommends that everyone have software on their computers to minimize the risks which have become so common on the internet.

COOP

The Continuity of Operations Plan (COOP) is a document meant to be used in the case of disruption in the court's functions — whether that interruption be a major weather event, terrorist incident, or failure of a major computer or telecom service. It is meant to assist with the relocation of court operations. This planning is part of an on-going process intended to address any new threats as they arise.

CM/ECF

The IT Department continues its work on the electronic document system to be used by the Court and persons having business before the Court. During 2006, portions of the program were installed on test computers in the Court of Appeals Clerk's Office to provide real life testing of the various components. Both members of the IT Department and the Clerk's Office who are involved in this project meet regularly to discuss the progress and to make suggestions to better use the program.

Systems Upgrades

As part of the on-going operations of the IT Department, significant portions of the Computer Center are replaced as they no longer provide the usefulness they once did. Some of these computers are reused as test computers for new operating systems or procedures. When something new has to be introduced into the system, it is first tested to be sure that it will not negatively impact the whole system. During 2006, IT compiled a list of computers that needed upgrades. It was determined that almost all of the computers need replacement. IT then researched the hardware and software available to provide a faster and more secure operation. At the same time, IT began planning for the placement of dual monitors at the desks of users who will be using CM/ECF on an on-going basis.

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. . . .

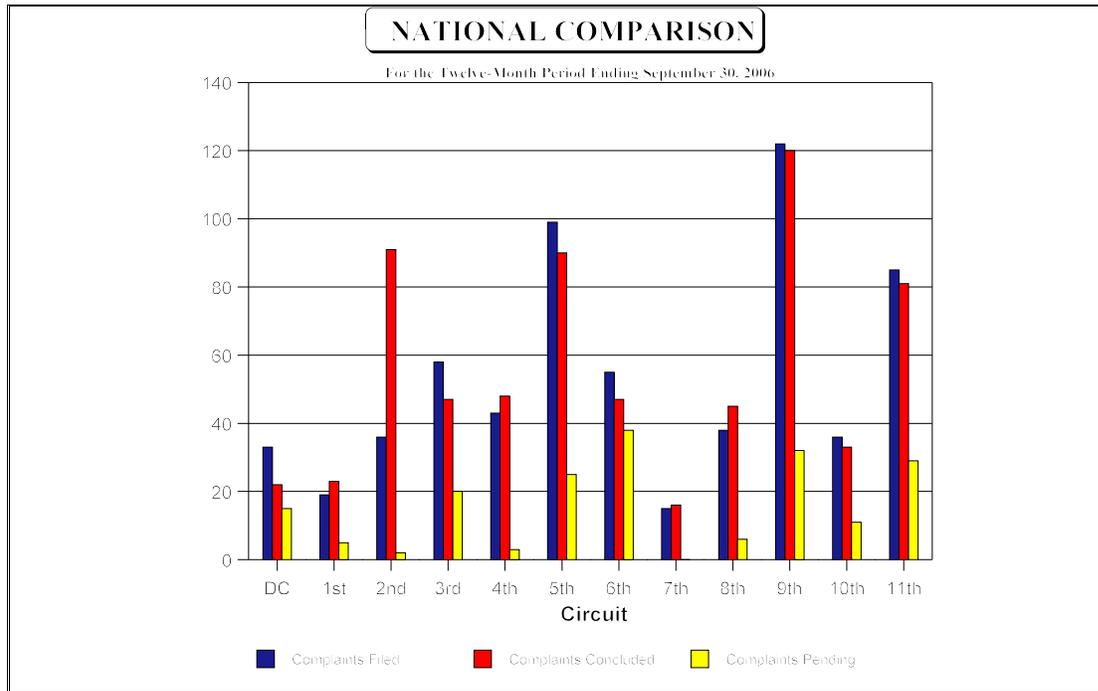
28 U.S.C. § 351(a). See also Judicial Improvements Act of 2002, P.L. 107-273. After initial receipt by staff of the Circuit Executive's Office, the chief judge reviews the complaint, in accordance with 28 U.S.C. § 352. The chief judge may then dismiss the complaint, conclude the proceeding for corrective 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. See 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, 2006

Complaints Filed in 2006 (calendar year)	24
Repeat Complainants (filed more than 1 complaint during 2006)	1
Orders of Dismissal Issued by Chief Judge *3 of the Chief Judge's orders were issued in 2007	24
Petitions for Review filed with Judicial Council *4 of the petitions were filed in 2007	15
Orders of Dismissal Affirmed by Judicial Council *7 of the Council orders were issued in 2007	15
Show Cause Orders Issued	4
Preclusion Orders Issued	3
Total Judges Accused of Misconduct in 2006	24

**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, 2006**

Summary of Activity	Circuit											
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Filed	16	31	14	43	47	76	72	35	44	133	49	79
Complaints Concluded	13	26	45	46	69	74	58	38	35	102	37	81
Complaints Pending	6	10	0	17	0	23	56	0	15	60	14	33

ATTORNEY DISCIPLINE

During 2006, the Court of Appeals for the First Circuit handled 32 attorney disciplinary proceedings under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement), 14 of which resulted in disbarment and 18 of which resulted in suspensions. 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.

HISTORY AND NOTABLE EVENTS

On September 11, 2006, the Honorable Frances J. Boyle, District Judge from the District of Rhode Island, passed away. Judge Boyle had served the courts since his appointment in 1977. He became chief judge in 1982 until he assumed senior status in December 1992.

The following judicial officers retired during 2006: Circuit Judge Frank M. Coffin, Portland, Maine, retired from the Court of Appeals on September 30; and Magistrate Judge Charles B. Swartwood, III, District of Massachusetts, retired on January 31.

The following judicial appointments were made during 2006: Magistrate Judge Timothy S. Hillman was appointed to the District of Massachusetts on February 13; District Judge Francisco A. Besosa was appointed to the District of Puerto Rico on October 2; Bankruptcy Judge Brian K. Tester was appointed to the Bankruptcy Court in the District of Puerto Rico on November 13; and Bankruptcy Judge Joan N. Feeney, District of Massachusetts, was reappointed on April 4.

The following judicial officers were elevated to chief judge during 2006: District Judge Mark L. Wolf, District of Massachusetts, on January 2; Magistrate Judge Kenneth P. Neiman, District of Massachusetts, on February 1; District Judge Mary M. Lisi, District of Rhode Island, on December 1; and Bankruptcy Judge Henry J. Boroff, District of Massachusetts, on December 10.

Also during 2006, Judge Aida M. Delgado-Colon, District of Puerto Rico, was elevated to district judge on March 20; and Judge Gustavo A. Gelpi, District of Puerto Rico, was elevated to district judge on August 2; District Judge Juan Perez-Gimenez, District of Puerto Rico, took senior status March 28; District Judge Ernest C. Torres, District of Rhode Island, took senior status on December 1; and Circuit Judge Bruce M. Selya, Providence, Rhode Island, took senior status on December 31.

2006 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 Maine, Massachusetts and Puerto Rico) have issued separate reports.

PERSONNEL SUMMARY

As of September 30, 2006, there were 121 Court of Appeals employees. Of those employees, 42 (35%) were male and 79 (65%) were female; 106 (88%) were white and 14 (12%) were minorities. There were 2 African-American employees, 7 Hispanic employees, 5 Asian employees, and 1 Not Reported.

SIGNIFICANT ACHIEVEMENTS

There were 30 new appointments made during this reporting period. Of those new appointments, 14 were male and 16 were female; 26 were white and 4 were minorities.

During the reporting period, 15 employees were promoted. Of those employees, 6 were male and 9 were female; 12 were white and 3 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.

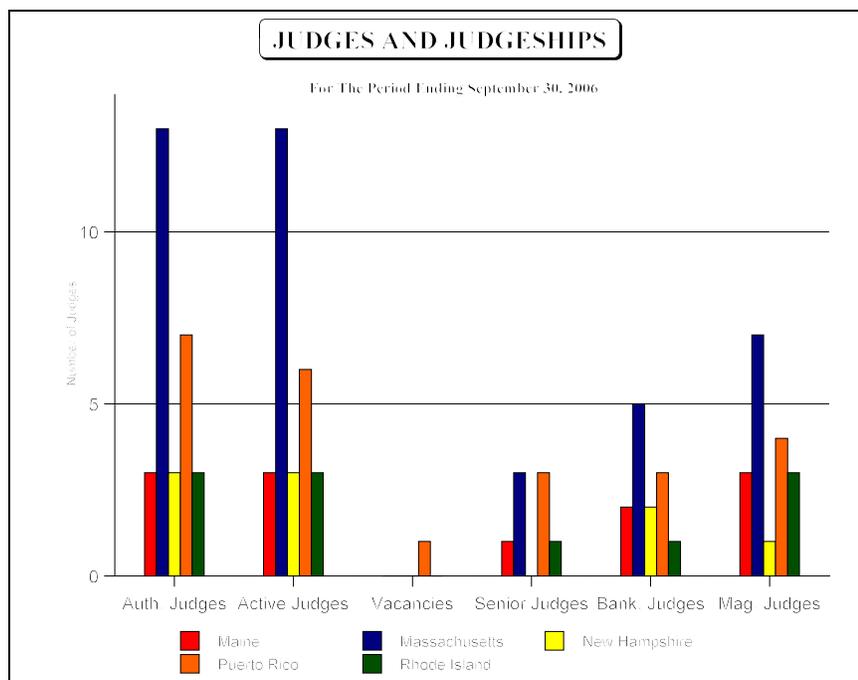
COMPLAINTS PROCESS

There were no complaints filed during this reporting year.

**OTHER MATTERS
OF THE COURT**

JUDGES AND JUDGESHIPS

Judgeship Summary



JUDGES AND JUDGESHIPS For the Period Ending September 30, 2006						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank Judges	Mag. Judges
Maine	3	3	0	1	2	3
Massachusetts	13	13	0	3	5	7
New Hampshire	3	3	0	0	2	1
Puerto Rico	7	6	1	3	3	4
Rhode Island	3	3	0	1	1	3
Total Dist. Ct.	28	28	0	8	13	18
Total Court of Appeals	6	6	0	4	-	-
Total 1st Circuit	35	34	1	12	13	18

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

2006

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

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

2006

Juan Perez-Gimenez	DJ	Puerto Rico	Committee on International Judicial Relations
Daniel R. Dominguez	DJ	Puerto Rico	Committee on the
Joan N. Feeney	BJ	Massachusetts	Administration of the Magistrate Judges System
John A. Woodcock, Jr.	DJ	Maine	Committee on Defender Services
Michael A. Ponsor	DJ	Massachusetts	Committee on the Budget
Jay A. Garcia-Gregory	DJ	Puerto Rico	Committee on Codes of Conduct
George Z. Singal	DJ	Maine	Committee on Judicial Resources
Joseph A. DiClerico	DJ	New Hampshire	Committee on Judicial Conduct and Disability

CJ: Circuit Judge
DJ: District Judge
SJ: Senior Judge
MJ: Magistrate Judge
BJ: Bankruptcy Judge

JUDICIAL COUNCIL OF THE FIRST CIRCUIT

2006

(as of December 31, 2006)

Honorable Michael Boudin, Chief Judge, Court of Appeals

Honorable Juan R. Torruella	Court of Appeals
Honorable Bruce M. Selya	Court of Appeals
Honorable Norman H. Stahl	Court of Appeals
Honorable Sandra L. Lynch	Court of Appeals
Honorable Kermit V. Lipez	Court of Appeals
Honorable Jeffrey R. Howard	Court of Appeals
Honorable John A. Woodcock, Jr.	District of Maine
Honorable Richard G. Stearns	District of Massachusetts
Honorable Paul J. Barbadoro	District of New Hampshire
Honorable Juan M. Pérez-Giménez	District of Puerto Rico
Honorable William E. Smith	District of Rhode Island

Observing Members

Honorable Justo Arenas	District of Puerto Rico Magistrate Judge
Honorable James B. Haines, Jr.	District of Maine Bankruptcy Judge

THE UNITED STATES COURTS FOR THE FIRST CIRCUIT

NEW APPOINTMENTS

District of Massachusetts	Magistrate Judge Timothy S. Hillman
District of Puerto Rico	District Judge Francisco A. Besosa
District of Puerto Rico	Bankruptcy Judge Brian K. Tester

NEW CHIEF JUDGES

District of Massachusetts	District Judge Mark L. Wolf
District of Massachusetts	Magistrate Judge Kenneth P. Neiman
District of Massachusetts	Bankruptcy Judge Henry J. Boroff
District of Rhode Island	District Judge Mary M. Lisi

REAPPOINTMENTS

District of Massachusetts	Bankruptcy Judge Joan N. Feeney
---------------------------	---------------------------------

SENIOR STATUS

Court of Appeals	Circuit Judge Bruce M. Selya
District of Puerto Rico	District Judge Juan Pérez-Giménez
District of Rhode Island	District Judge Ernest C. Torres

RETIREMENTS

Court of Appeals	Circuit Judge Frank M. Coffin
District of Massachusetts	Magistrate Judge Charles B. Swartwood

ELEVATIONS

District of Puerto Rico	District Judge Aida M. Delgado-Colón
District of Puerto Rico	District Judge Gustavo A. Gelpi

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

(as of December 31, 2006)

Honorable Michael Boudin, Chief Judge

**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**

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

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

**Honorable David M. Cohen
Honorable Margaret Kravchuk**

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

**Honorable Mark L. Wolf, Chief
Honorable Morris E. Lasker
Honorable Joseph L. Tauro
Honorable Robert E. Keeton
Honorable Rya W. Zobel
Honorable William G. Young
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**

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

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

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

**Honorable Kenneth P. Neiman, Chief
Honorable Robert C. Collings
Honorable Joyce London Alexander
Honorable Marianne B. Bowler**

**Honorable Judith G. Dein
Honorable Leo T. Sorokin
Honorable Timothy S. Hillman**

**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
Honorable Aida M. Delgado-Colón
Honorable Gustavo A. Gelpi
Honorable Francisco A. Besosa**

**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
Honorable Brian K. Tester**

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

**Honorable Justo Arenas
Honorable Camille Vélez-Rivé**

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

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

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

Honorable Arthur N. Votolato, Chief

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

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

CIRCUIT EXECUTIVE

Gary H. Wente
United States Courts for the First Circuit

FIRST CIRCUIT CLERKS OF COURT

Richard Cushing Donovan
Court of Appeals

Linda L. Jacobson
District of Maine

Sarah Allison Thornton
District of Massachusetts

James R. Starr
District of New Hampshire

Frances Rios de Moran
District of Puerto Rico

David DiMarzio
District of Rhode Island

FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT

Alec Leddy
District of Maine

James Lynch
District of Massachusetts

George A. Vannah
District of New Hampshire

Celestino Matta-Mendez
District of Puerto Rico

Susan M. Thurston
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PROBATION

Karen-Lee Moody
District of Maine

John Bocon
District of Massachusetts

Thomas K. Tarr
District of New Hampshire

Eustaquio Babilonia
District of Puerto Rico

Barry J. Weiner
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES

John R. Riley
District of Massachusetts

Eustaquio Babilonia
District of Puerto Rico

FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS

David Beneman
District of Maine

Miriam Conrad
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, 2005 & 2006

CIRCUIT	COMMENCED			TERMINATED			PENDING*		
	2005	2006	Percent Change	2005	2006	Percent Change	2005*	2006	Percent Change
TOTAL	68,473	66,618	-2.7	61,975	67,582	9.0	57,450	56,486	-1.7
DISTRICT OF COLUMBIA	1,379	1,218	-7.1	1,158	1,195	3.2	1,463	1,549	5.9
FIRST	1,912	1,852	-3.1	1,888	2,027	7.4	1,663	1,488	-10.5
SECOND	7,035	7,029	-0.1	6,501	8,969	38.0	9,614	7,674	-20.2
THIRD	4,498	4,503	0.1	4,268	4,157	-2.6	3,491	3,837	9.9
FOURTH	5,307	5,460	2.9	4,754	5,628	18.4	3,320	3,152	-5.1
FIFTH	9,052	9,479	4.7	7,496	8,881	18.5	6,401	6,999	9.3
SIXTH	5,211	5,151	-1.2	5,232	5,172	-1.1	4,533	4,512	-0.5
SEVENTH	3,789	3,634	-4.1	3,706	3,803	2.6	2,468	2,299	-6.8
EIGHTH	3,611	3,312	-8.3	3,287	3,618	10.1	2,325	2,019	-13.2
NINTH	16,037	14,636	-8.7	13,399	13,424	0.2	16,087	17,299	7.5
TENTH	2,911	2,742	-5.8	2,708	3,018	11.4	2,385	2,109	-11.6
ELEVENTH	7,731	7,539	-2.5	7,578	7,690	1.5	3,700	3,549	-4.1

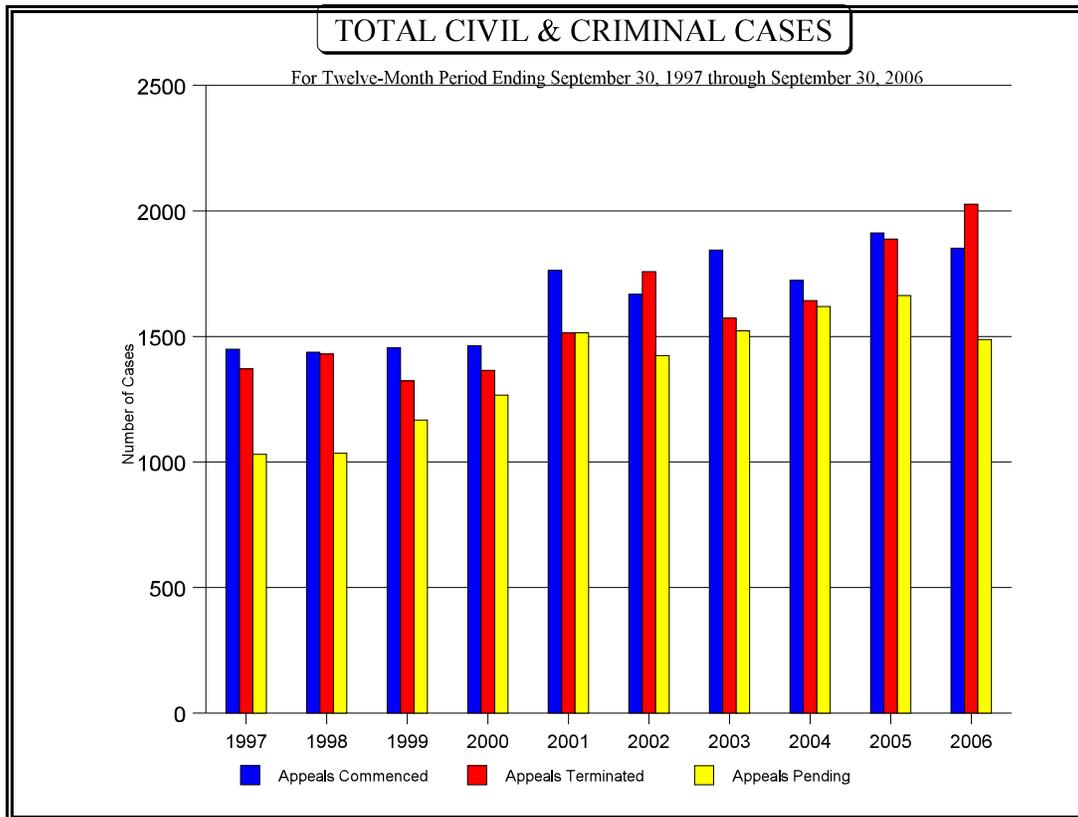
*Pending caseloads for 2005 revised by the Administrative Office of the United States Courts.

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS FOR THE
12-MONTH PERIODS ENDING SEPTEMBER 30, 1999 - 2006

SOURCE	1999	2000	2001	2002	2003	2004	2005	2006
FIRST CIRCUIT TOTALS	1,454	1,463	1,762	1,667	1,844	1,723	1,912	1,852
MAINE	139	128	164	115	141	143	171	132
MASSACHUSETTS	538	537	659	621	635	578	602	610
NEW HAMPSHIRE	126	105	112	96	117	121	118	98
PUERTO RICO	338	358	498	524	574	510	506	518
RHODE ISLAND	134	156	150	134	122	116	131	139
BANKRUPTCY	40	32	24	35	36	19	31	27
U.S. TAX COURT	1	5	3	3	5	4	5	5
NLRB	5	7	5	10	3	4	11	6
ADMINISTRATIVE AGENCIES, TOTAL	67	54	55	82	153	164	260	239
ORIGINAL PROCEEDINGS	66	81	92	60	66	72	93	89

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

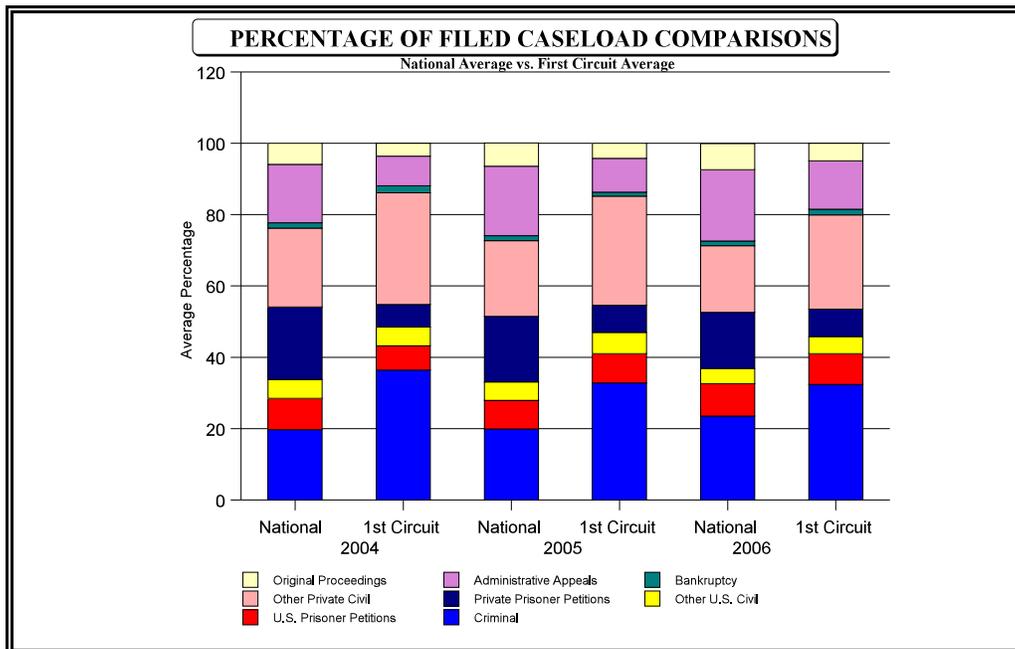
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
APPEALS COMMENCED, TERMINATED AND PENDING
DURING THE 12-MONTH PERIODS ENDING
SEPTEMBER 30, 1997 THROUGH SEPTEMBER 30, 2006



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
COMPARISON 1997 - 2006

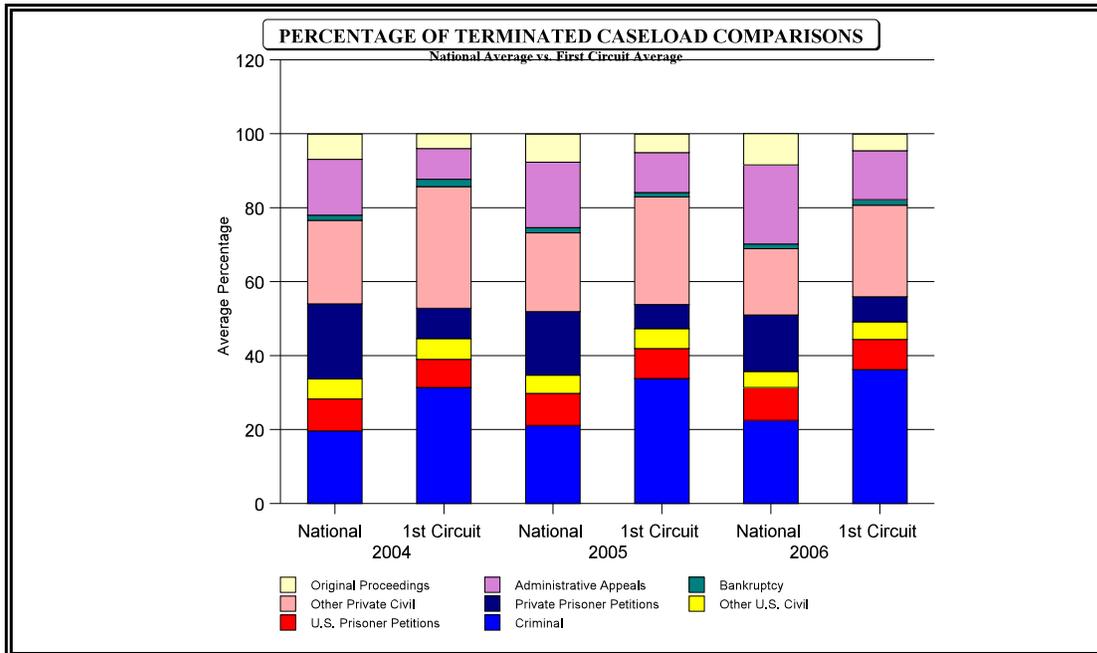
	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
APPEALS COMMENCED	1,449	1,437	1,454	1,463	1,762	1,667	1,844	1,723	1,912	1,852
APPEALS TERMINATED	1,371	1,430	1,323	1,365	1,515	1,758	1,573	1,643	1,888	2,027
APPEALS PENDING	1,031	1,035	1,167	1,266	1,515	1,424	1,522	1,619	1,663	1,488

CIRCUIT COMPARISON FOR FILED CASELOAD



FILED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2004 THROUGH 2006						
	2004		2005		2006	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
Criminal	19.9	32.8	23.5	32.4	22.9	35.7
U.S. Prisoner Petitions	8.0	8.2	9.1	8.6	8.5	7.0
Other U.S. Civil	5.2	6.0	4.3	4.8	4.3	4.5
Private Prisoner Petitions	18.4	7.6	15.7	7.7	16.7	6.7
Other Private Civil	21.2	30.6	18.7	26.4	18.5	26.9
Bankruptcy	1.4	1.1	1.3	1.6	1.2	1.5
Administrative Appeals	19.5	9.5	20.0	13.6	19.7	12.9
Original Proceedings	6.5	4.2	7.3	4.9	8.2	4.8

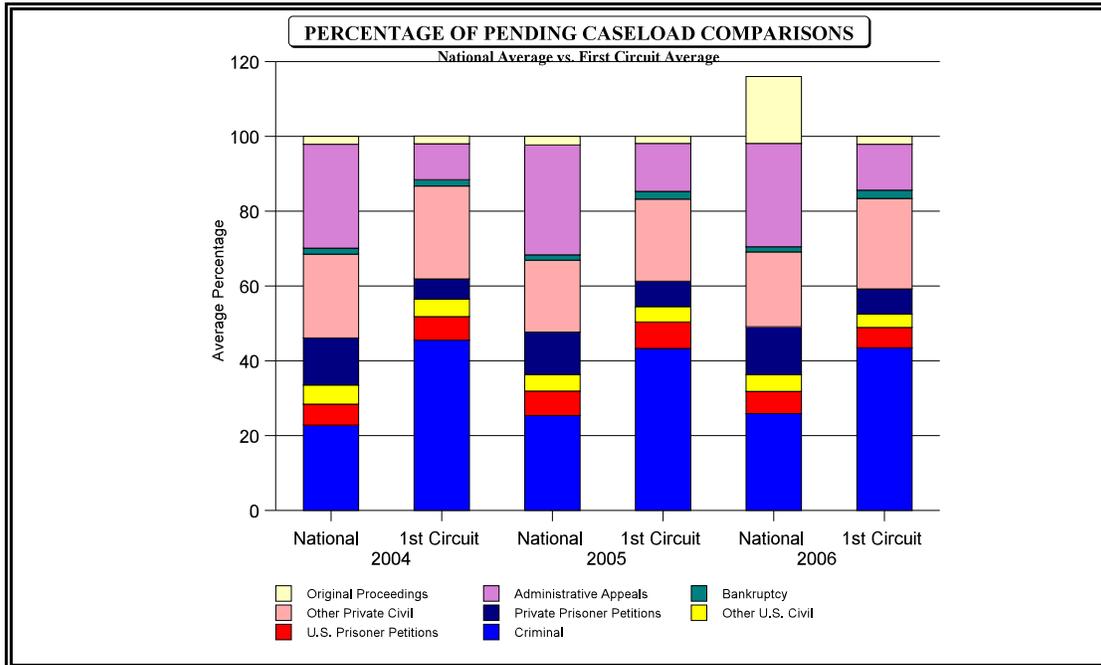
CIRCUIT COMPARISON FOR TERMINATED CASELOAD



TERMINATED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2004 THROUGH 2006

	2004		2005		2006	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	19.6	31.4	21.1	33.8	22.5	36.2
U.S. PRISONER PETITIONS	8.7	7.6	8.7	8.1	8.9	8.2
OTHER U.S. CIVIL	5.4	5.6	4.9	5.4	4.3	4.7
PRIVATE PRISONER PETITIONS	20.3	8.2	17.2	6.5	15.3	6.8
OTHER PRIVATE CIVIL	22.6	32.9	21.3	29.1	17.9	24.8
BANKRUPTCY	1.4	2.0	1.4	1.2	1.3	1.5
ADMINISTRATIVE APPEALS	15.1	8.3	17.7	10.8	21.4	13.2
ORIGINAL PROCEEDINGS	6.8	4.0	7.6	5.0	8.4	4.5

CIRCUIT COMPARISON FOR PENDING CASELOAD



PENDING CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2004 THROUGH 2006

	2004		2005		2006	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	22.8	45.5	25.4	43.3	25.9	43.5
U.S. PRISONER PETITIONS	5.6	6.3	6.5	7.1	5.9	5.4
OTHER U.S. CIVIL	5.1	4.7	4.4	4.1	4.5	3.6
PRIVATE PRISONER PETITIONS	12.6	5.4	11.4	6.8	12.8	6.7
OTHER PRIVATE CIVIL	22.4	24.8	19.2	21.9	20.0	24.2
BANKRUPTCY	1.6	1.7	1.4	2.1	1.4	2.2
ADMINISTRATIVE APPEALS	27.8	9.6	29.4	12.8	27.6	12.3
ORIGINAL PROCEEDINGS	2.1	2.1	2.3	1.9	17.9	2.1

FIRST CIRCUIT TYPES OF CASES
COMPARED TO NATIONAL AVERAGE

PERCENT OF TOTAL COMMENCED						
	2004		2005		2006	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	19.9	32.8	23.5	32.4	22.9	35.7
U.S. PRISONER PETITIONS	8.0	8.2	9.1	8.6	8.5	7.0
OTHER U.S. CIVIL	5.2	6.0	4.3	4.8	4.3	4.5
PRIVATE PRISONER PETITIONS	18.4	7.6	15.7	7.8	16.7	6.7
OTHER PRIVATE CIVIL	21.2	30.6	18.7	26.4	18.5	26.9
BANKRUPTCY	1.4	1.1	1.3	1.6	1.2	1.5
ADMINISTRATIVE APPEALS	19.5	9.5	20.0	13.6	19.7	12.9
ORIGINAL PROCEEDINGS	6.5	4.2	7.3	4.9	8.2	4.8

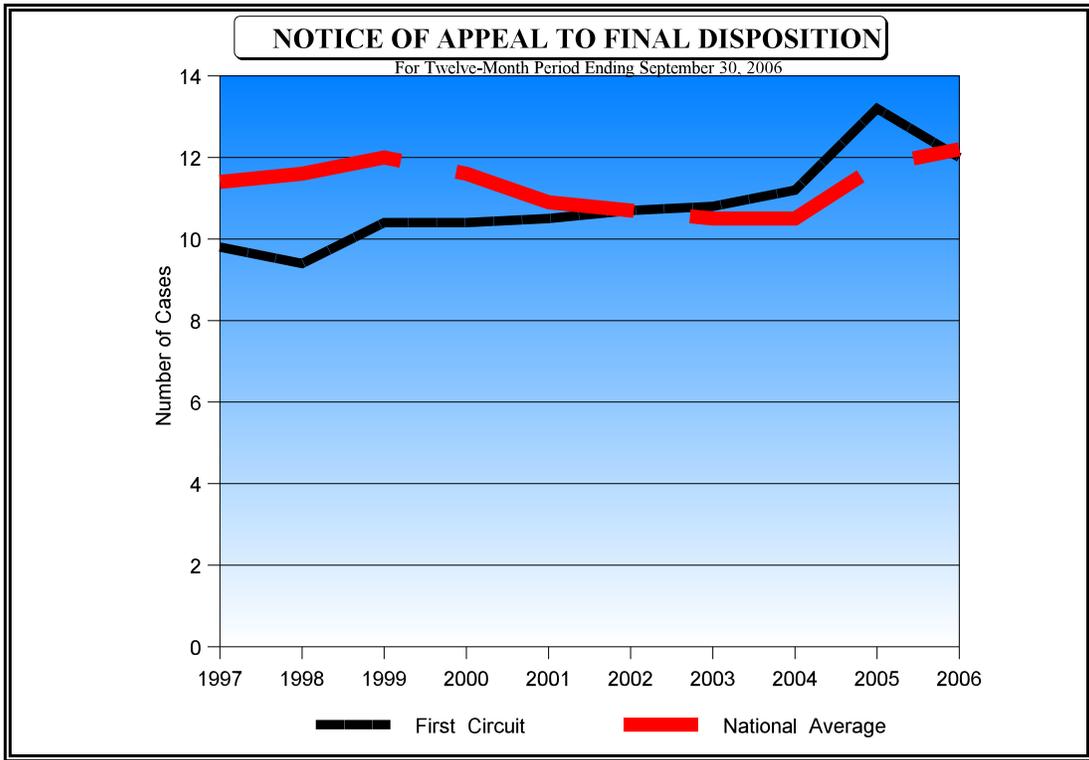
■ NATIONAL AVERAGE

■ 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, 2006

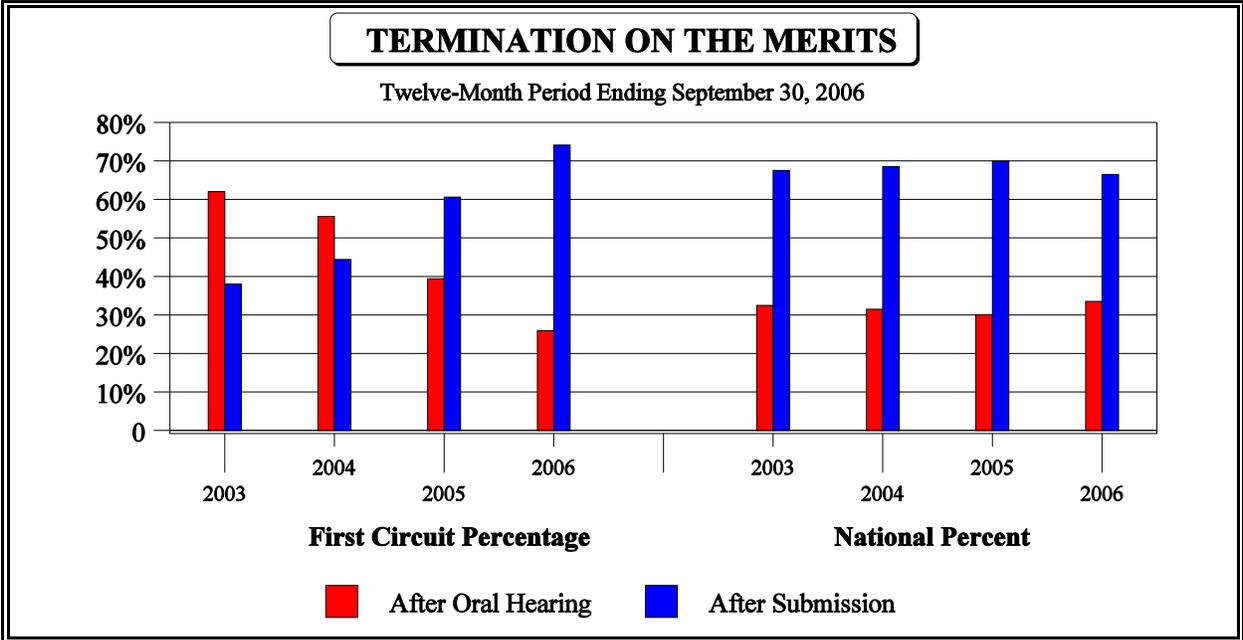
	# OF CASES	INTV
TOTAL	23,361	12.2
DISTRICT OF COLUMBIA	391	11.3
FIRST	890	12.0
SECOND	1,529	11.7
THIRD	1,588	12.9
FOURTH	2,292	9.5
FIFTH	3,772	12.8
SIXTH	2,127	13.4
SEVENTH	1,260	11.2
EIGHTH	1,808	11.0
NINTH	3,636	15.9
TENTH	1,448	12.0
ELEVENTH	2,620	9.5

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD
DISPOSITION TIME FROM 1997 - 2006**



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARISON 1997 - 2006										
	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
FIRST CIRCUIT	9.8	9.4	10.4	10.4	10.5	10.7	10.8	11.2	13.2	12.0
NATIONAL AVERAGE	11.4	11.6	12.0	11.6	10.9	10.7	10.5	10.5	11.8	12.2

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD
DISPOSITION 2003 THROUGH 2006**



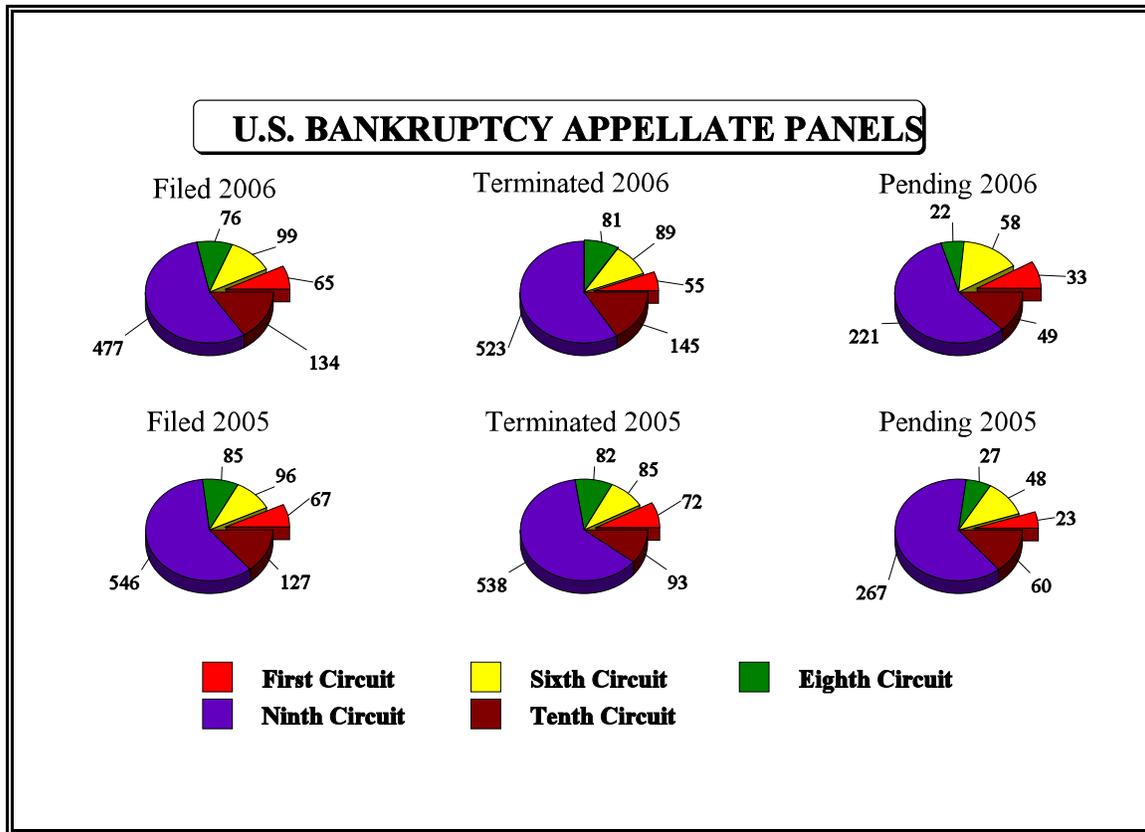
DISPOSITION OF CASELOADS IN PERCENTAGES FIRST CIRCUIT VS. NATIONAL CASELOAD								
FIRST CIRCUIT PERCENTAGES					NATIONAL PERCENTAGES TOTALS			
	2003	2004	2005	2006	2003	2004	2005	2006
AFTER ORAL HEARING	62%	55.6%	39.4%	25.9%	32.5%	31.5%	30.1%	33.5%
AFTER SUBMISSION	38%	44.4%	60.6%	74.1%	67.5%	68.5%	69.9%	66.5%

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, 2005 AND 2006



U.S. BANKRUPTCY APPELLATE PANELS									
DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2005 AND 2006									
	Filed			Terminated			Pending		
	2005	2006	% Change	2005	2006	% Change	2005*	2006	% Change
FIRST CIRCUIT	67	65	-3.0	72	55	-23.6	23	33	43.5
SIXTH CIRCUIT	96	99	3.1	85	89	4.7	48	58	20.8
EIGHTH CIRCUIT	85	76	-10.6	82	81	-1.2	27	22	-18.5
NINTH CIRCUIT	546	477	-12.6	538	523	-2.8	268	221	-17.2
TENTH CIRCUIT	127	134	5.5	93	145	55.9	60	49	-18.3
TOTAL	921	851	-7.6	870	893	2.6	426	383	-10.1

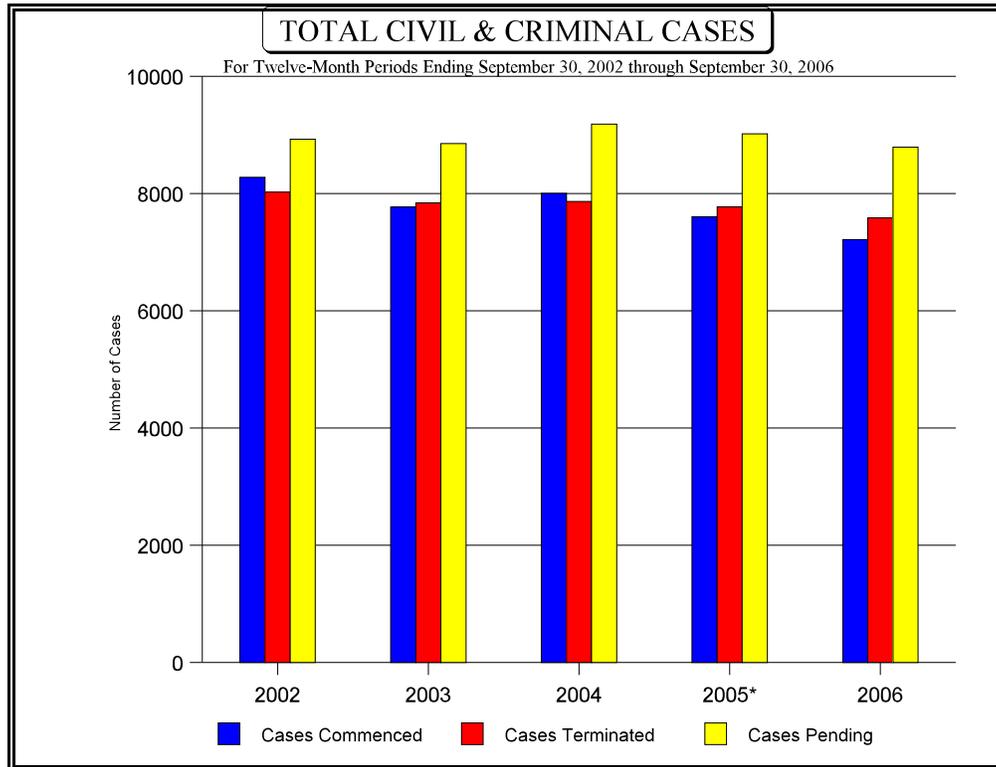
*Total cases pending in 2005 revised by the Administrative Office of the United States Courts.

STATISTICS

FIRST CIRCUIT

DISTRICT COURTS

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS

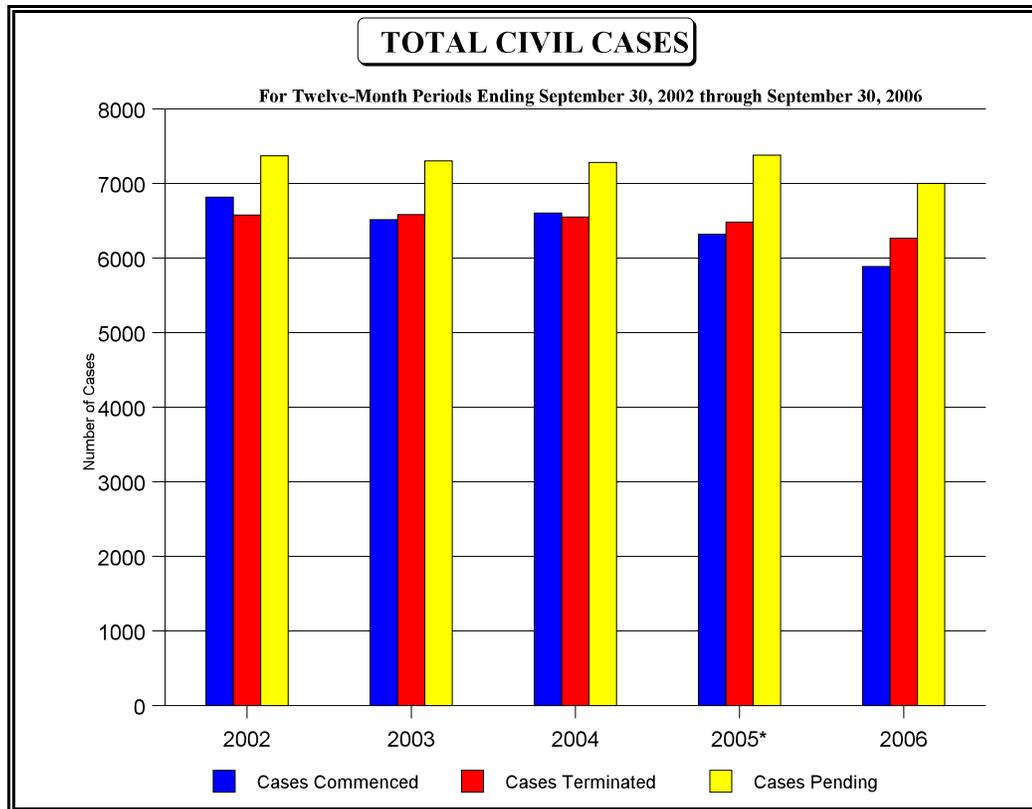


TOTAL CIVIL & CRIMINAL CASES FROM 2002 THROUGH 2006

	2002	2003	2004	2005*	2006
CASES COMMENCED	8,277	7,769	8,002	7,605	7,214
CASES TERMINATED	8,023	7,842	7,866	7,773	7,584
CASES PENDING	8,927	8,854	9,184	9,018	8,793

*Pending caseload for 2005 revised by the Administrative Office of the U.S. Courts.

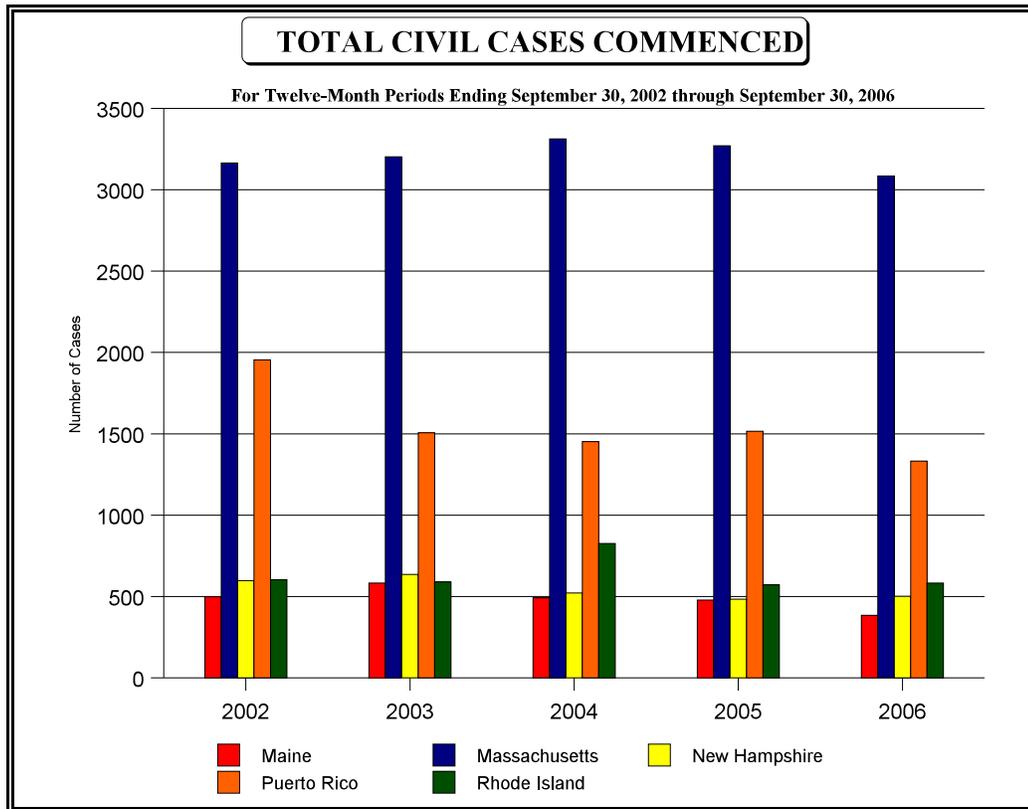
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL CASES FROM 2002 THROUGH 2006					
	2002	2003	2004	2005*	2006
CASES COMMENCED	6,817	6,516	6,604	6,319	5,887
CASES TERMINATED	6,579	6,583	6,551	6,483	6,267
CASES PENDING	7,371	7,304	7,467	7,382	7,002

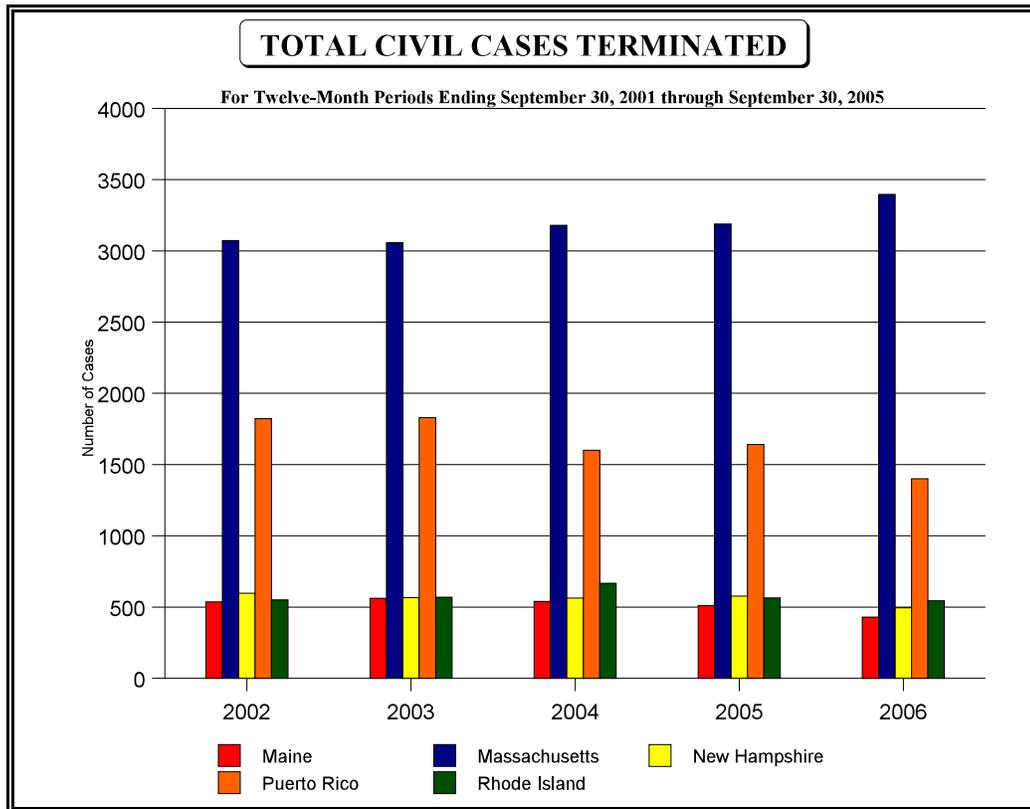
*Pending caseload for 2005 revised by the Administrative Office of the U.S. Courts.

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



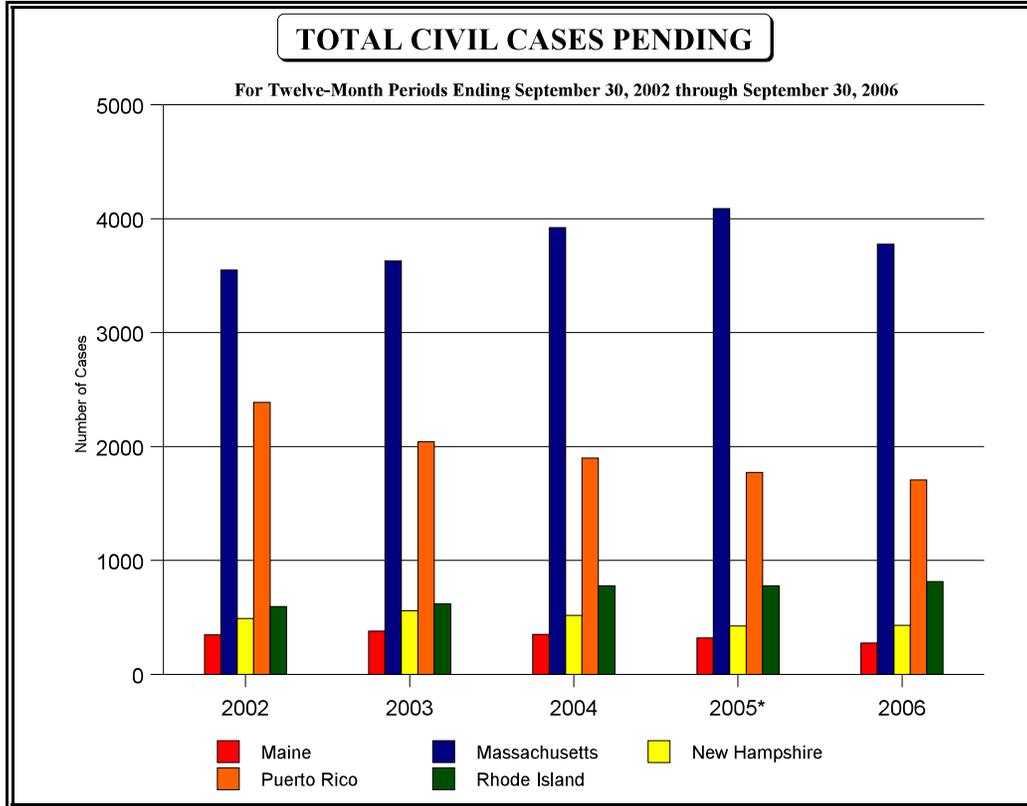
CIVIL CASES COMMENCED FROM 2002 THROUGH 2006					
DISTRICTS	2002	2003	2004	2005	2006
MAINE	498	583	492	478	385
MASSACHUSETTS	3,164	3,202	3,312	3,270	3,085
NEW HAMPSHIRE	597	635	522	483	501
PUERTO RICO	1,955	1,506	1,452	1,516	1,333
RHODE ISLAND	603	590	826	572	583

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



CIVIL CASES TERMINATED FROM 2002 THROUGH 2006					
DISTRICTS	2002	2003	2004	2005	2006
MAINE	537	561	540	511	430
MASSACHUSETTS	3,073	3,057	3,180	3,189	3,397
NEW HAMPSHIRE	597	566	563	577	495
PUERTO RICO	1,822	1,830	1,601	1,641	1,400
RHODE ISLAND	550	569	667	565	545

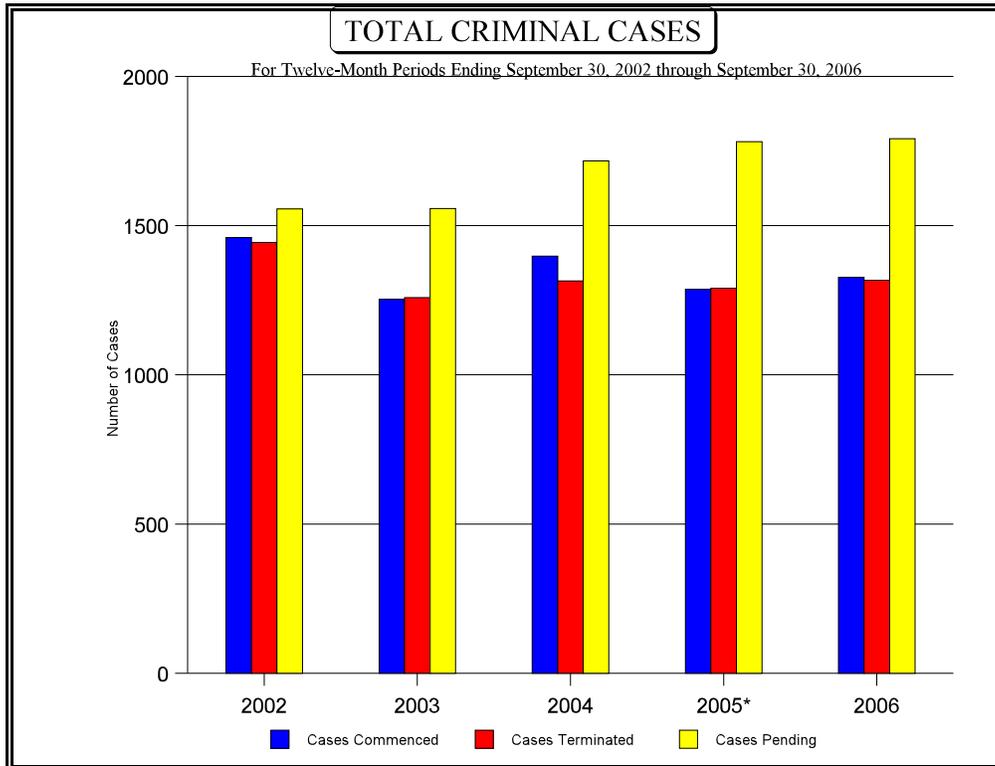
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES PENDING FROM 2002 THROUGH 2006					
DISTRICTS	2002	2003	2004	2005*	2006
MAINE	348	381	352	320	275
MASSACHUSETTS	3,550	3,629	3,922	4,088	3,776
NEW HAMPSHIRE	490	559	518	424	430
PUERTO RICO	2,387	2,043	1,898	1,773	1,706
RHODE ISLAND	596	618	777	777	815

*Total civil cases pending in 2005 revised by the Administrative Office of the United States Courts.

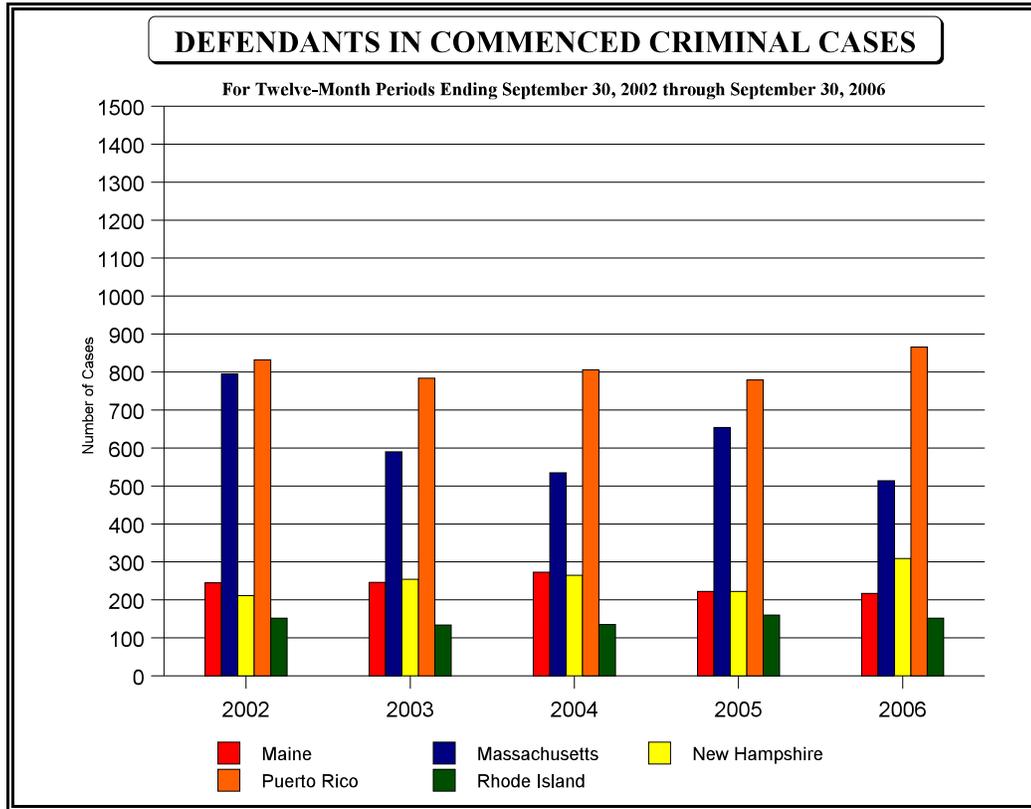
**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



TOTAL CRIMINAL CASES FROM 2002 THROUGH 2006					
	2002	2003	2004	2005*	2006
CASES COMMENCED	1,460	1,253	1,398	1,286	1,327
CASES TERMINATED	1,444	1,259	1,315	1,290	1,317
CASES PENDING	1,556	1,557	1,717	1,781	1,791

*Total criminal cases pending in 2005 revised by the Administrative Office of the United States Courts.

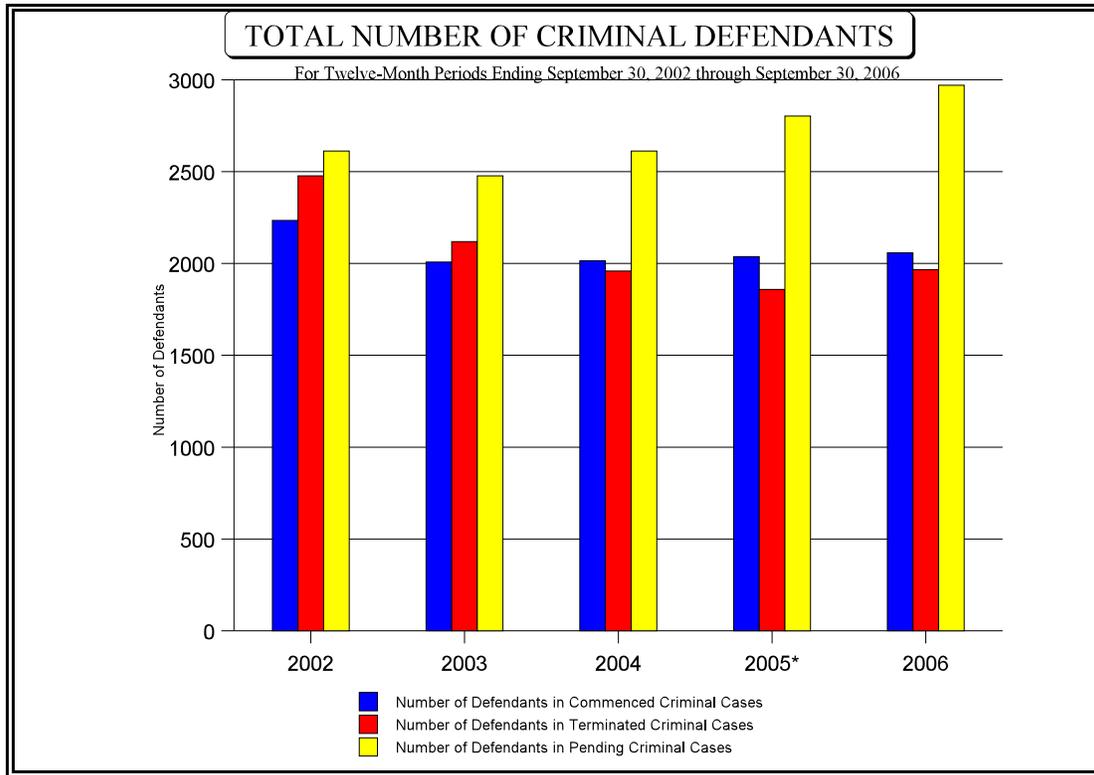
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN COMMENCED CRIMINAL CASES FROM 2002 THROUGH 2006

DISTRICTS	2002	2003	2004	2005	2006
MAINE	245	246	273	222	217
MASSACHUSETTS	795	590	535	654	514
NEW HAMPSHIRE	211	254	265	222	309
PUERTO RICO	832	784	806	779	866
RHODE ISLAND	152	134	135	160	152

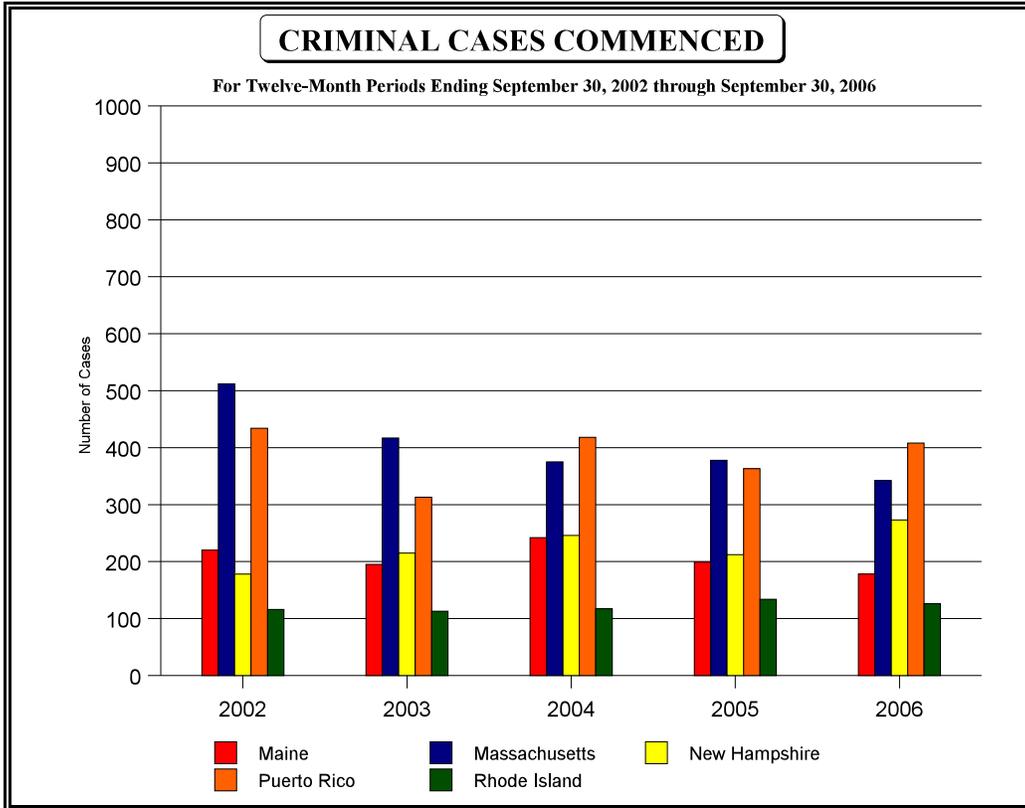
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL NUMBER OF CRIMINAL DEFENDANTS FROM 2002 THROUGH 2006					
	2002	2003	2004	2005*	2006
NUMBER OF DEFENDANTS IN COMMENCED CRIMINAL CASES	2,235	2,008	2,014	2,037	2,058
NUMBER OF DEFENDANTS IN TERMINATED CRIMINAL CASES	2,477	2,119	1,959	1,859	1,967
NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES	2,612	2,477	2,612	2,803	2,971

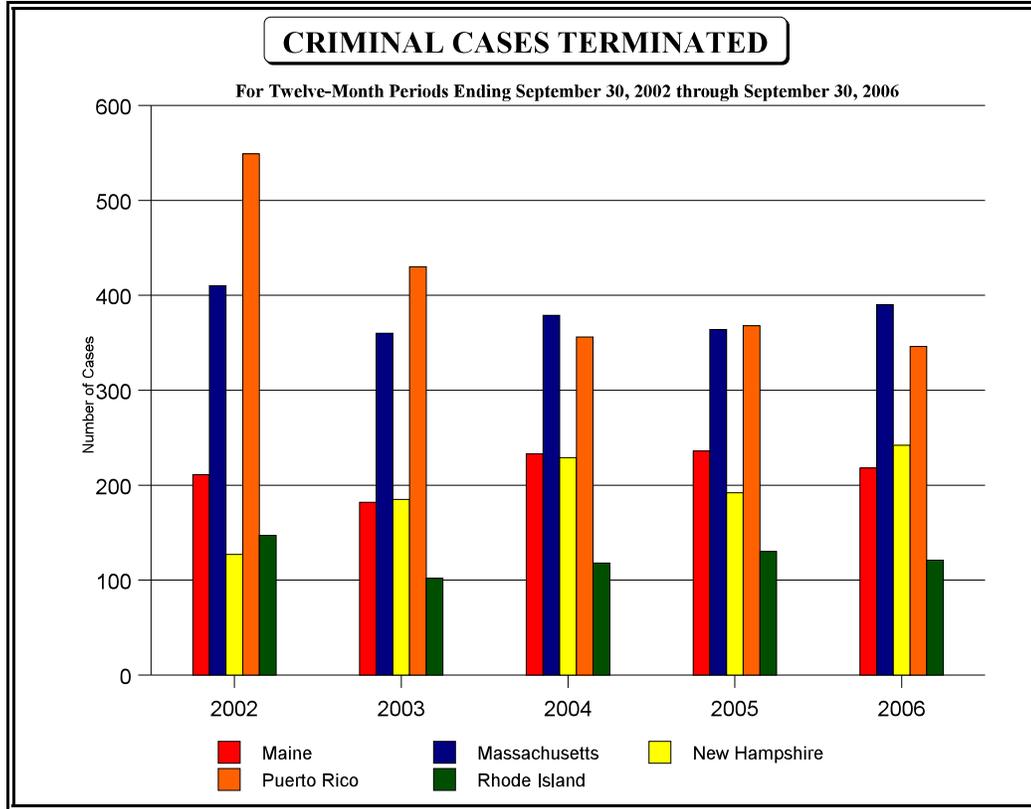
*Total number of defendants in pending criminal cases in 2005 revised by the Administrative Office of the United States Courts.

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



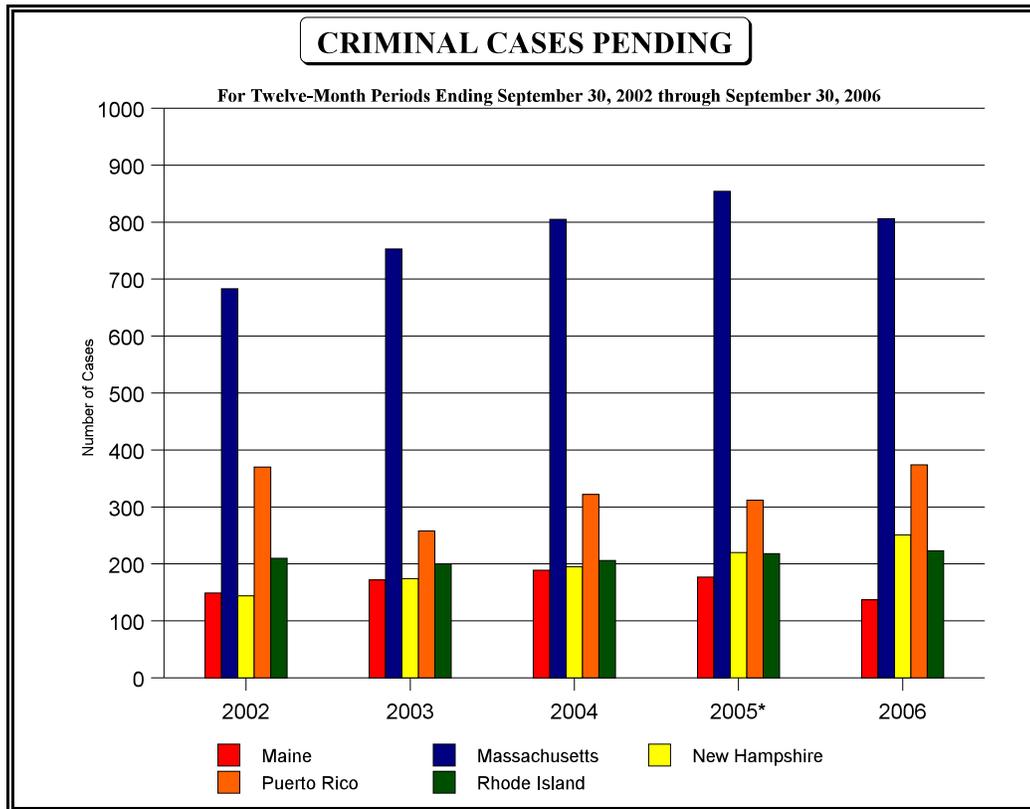
CRIMINAL CASES COMMENCED FROM 2002 THROUGH 2006					
DISTRICTS	2002	2003	2004	2005	2006
MAINE	220	195	242	199	178
MASSACHUSETTS	512	417	375	378	342
NEW HAMPSHIRE	178	215	246	212	273
PUERTO RICO	434	313	418	363	408
RHODE ISLAND	116	113	117	134	126

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES TERMINATED FROM 2002 THROUGH 2006					
DISTRICTS	2002	2003	2004	2005	2006
MAINE	211	182	233	236	218
MASSACHUSETTS	410	360	379	364	390
NEW HAMPSHIRE	127	185	229	192	242
PUERTO RICO	549	430	356	368	346
RHODE ISLAND	147	102	118	130	121

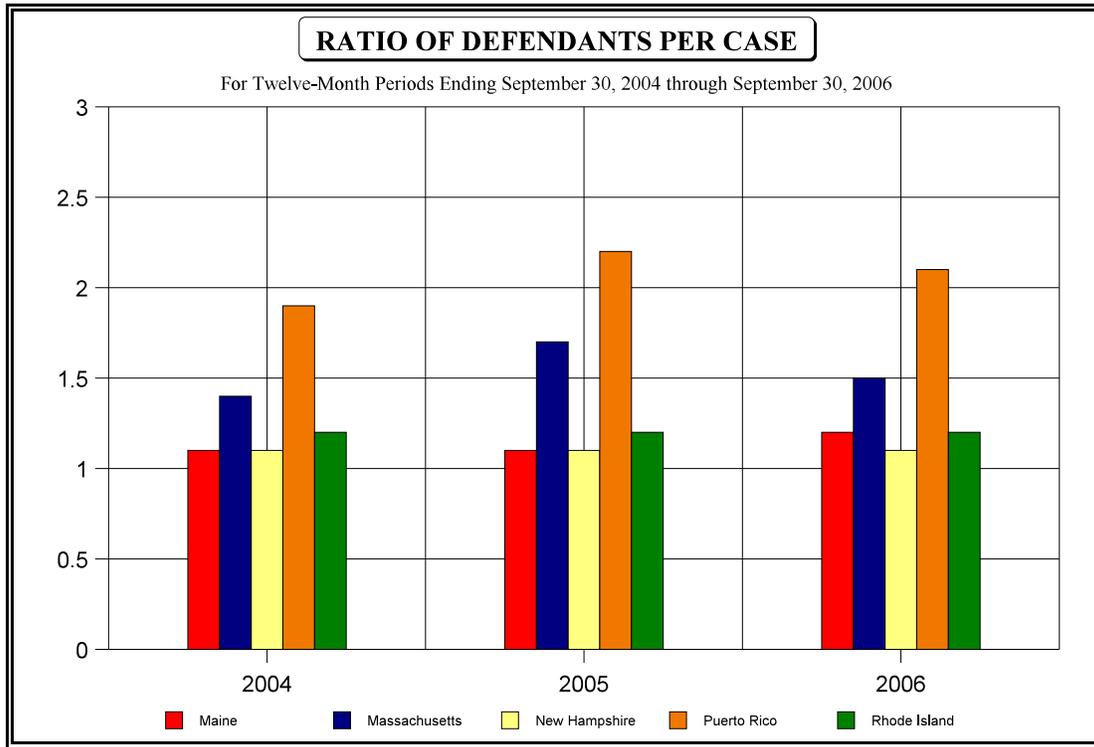
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES PENDING FROM 2002 THROUGH 2006					
DISTRICTS	2002	2003	2004	2005*	2006
MAINE	149	172	189	177	137
MASSACHUSETTS	683	753	805	854	806
NEW HAMPSHIRE	144	174	195	220	251
PUERTO RICO	370	258	322	312	374
RHODE ISLAND	210	200	206	218	223

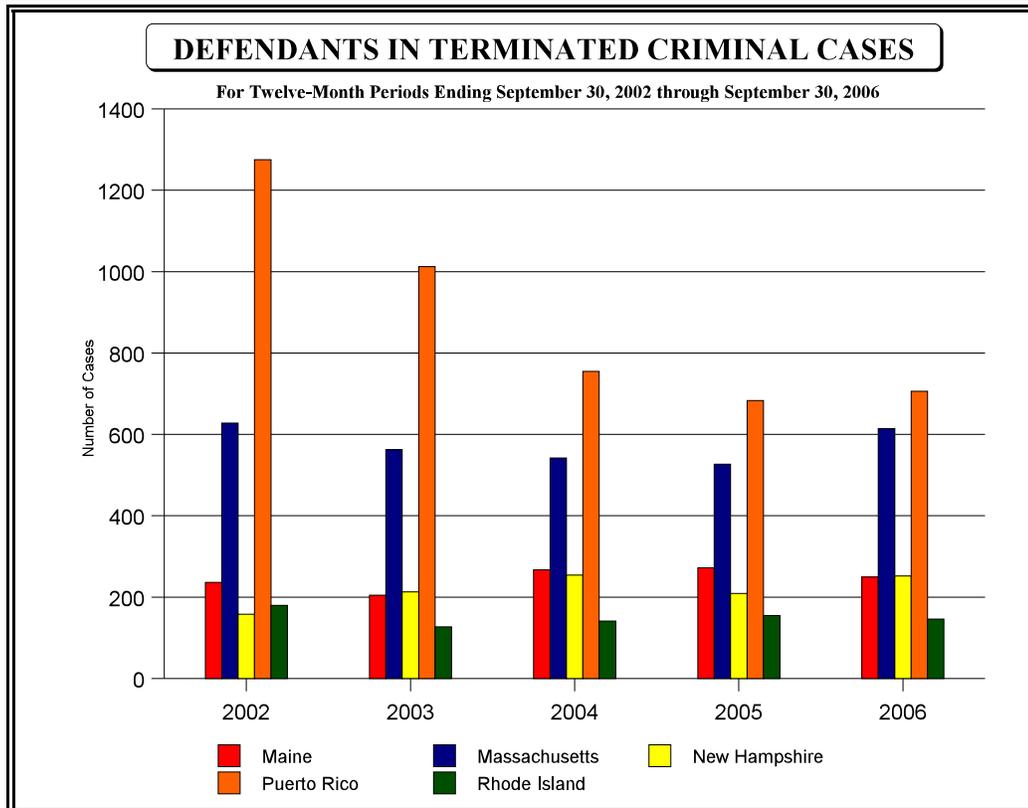
***Criminal cases pending in 2005 revised by the Administrative Office of the United States Courts.**

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



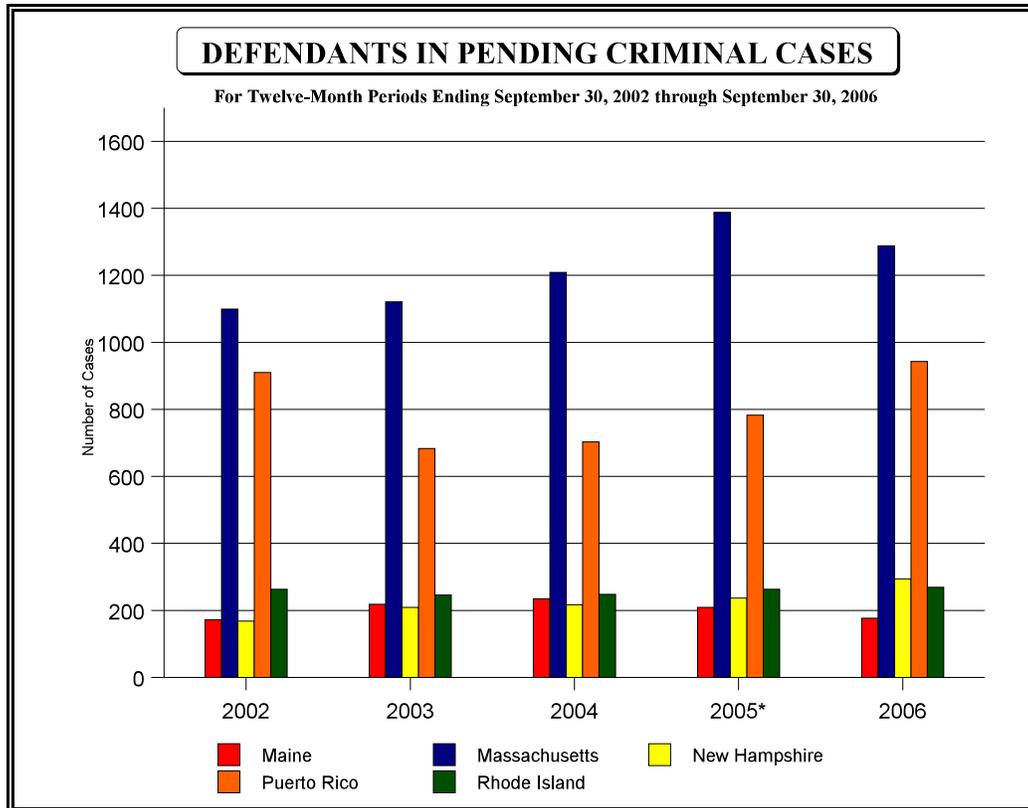
NUMBER OF CRIMINAL CASES FILED AND RATIO OF DEFENDANTS PER CASE 2004-2006									
	2004		Average Number of Defs. per case	2005		Average Number of Defs. per case	2006		Average Number of Defs. per case
	No. of Cases	No. of Def.		No. of Cases	No. of Def.		No. of Cases	No. of Def.	
MAINE	242	273	1.1	199	222	1.1	178	217	1.2
MASSACHUSETTS	375	535	1.4	378	654	1.7	342	514	1.5
NEW HAMPSHIRE	246	265	1.1	212	222	1.1	273	309	1.1
PUERTO RICO	418	806	1.9	363	779	2.2	408	866	2.1
RHODE ISLAND	117	135	1.2	134	160	1.2	126	152	1.2

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN TERMINATED CRIMINAL CASES FROM 2002 THROUGH 2006					
DISTRICTS	2002	2003	2004	2005	2006
MAINE	236	205	267	272	249
MASSACHUSETTS	628	562	542	527	614
NEW HAMPSHIRE	158	213	254	209	252
PUERTO RICO	1,275	1,012	755	683	706
RHODE ISLAND	180	127	141	155	146

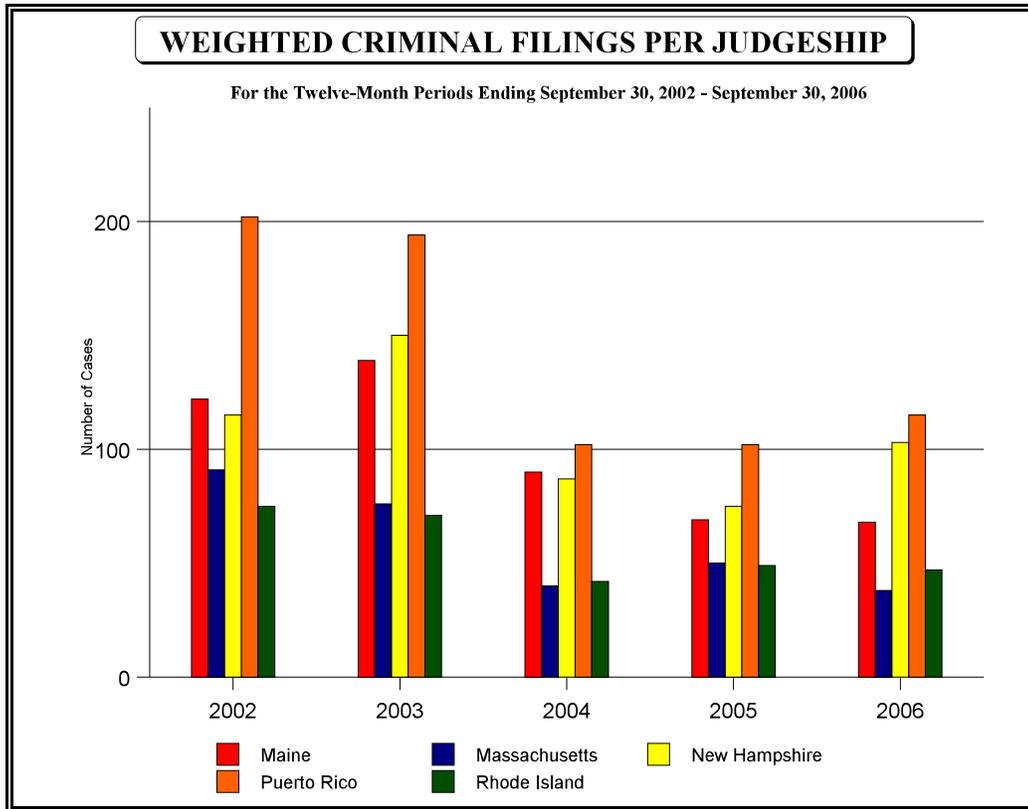
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN PENDING CRIMINAL CASES FROM 2002 THROUGH 2006					
DISTRICTS	2002	2003	2004	2005*	2006
MAINE	172	218	235	209	177
MASSACHUSETTS	1,099	1,121	1,209	1,388	1,288
NEW HAMPSHIRE	168	209	217	237	294
PUERTO RICO	910	683	703	783	943
RHODE ISLAND	263	246	248	263	269

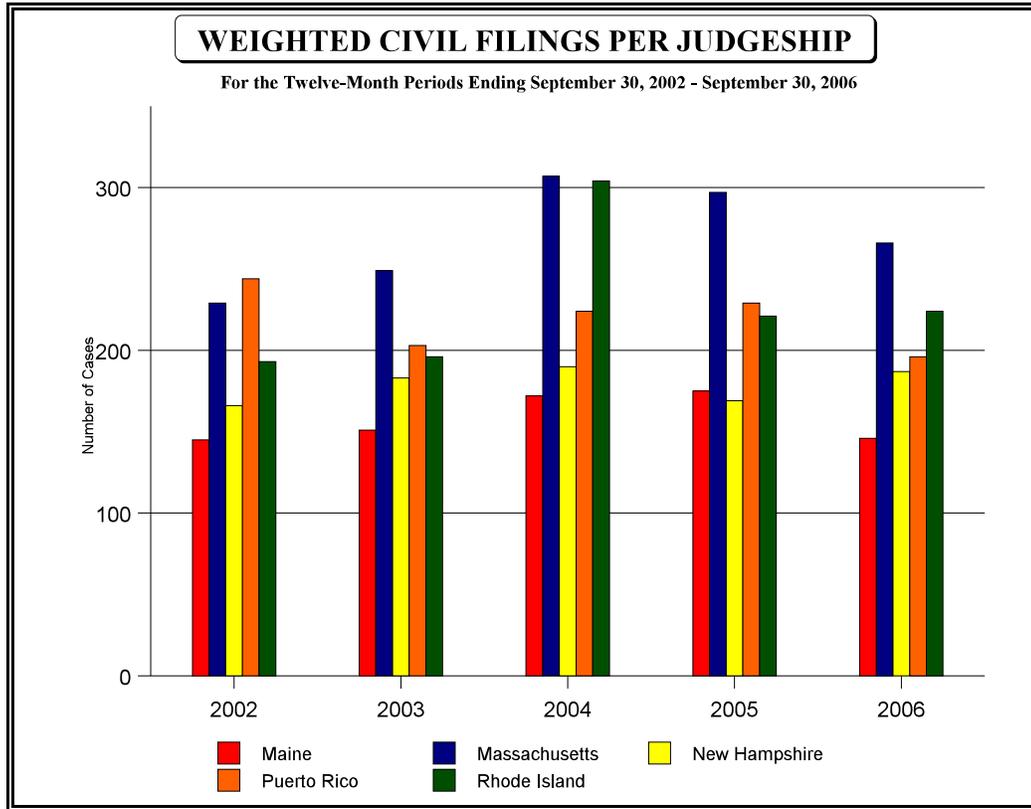
***Total number of defendants in pending criminal cases in 2005 revised by the Administrative Office of the United States Courts.**

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



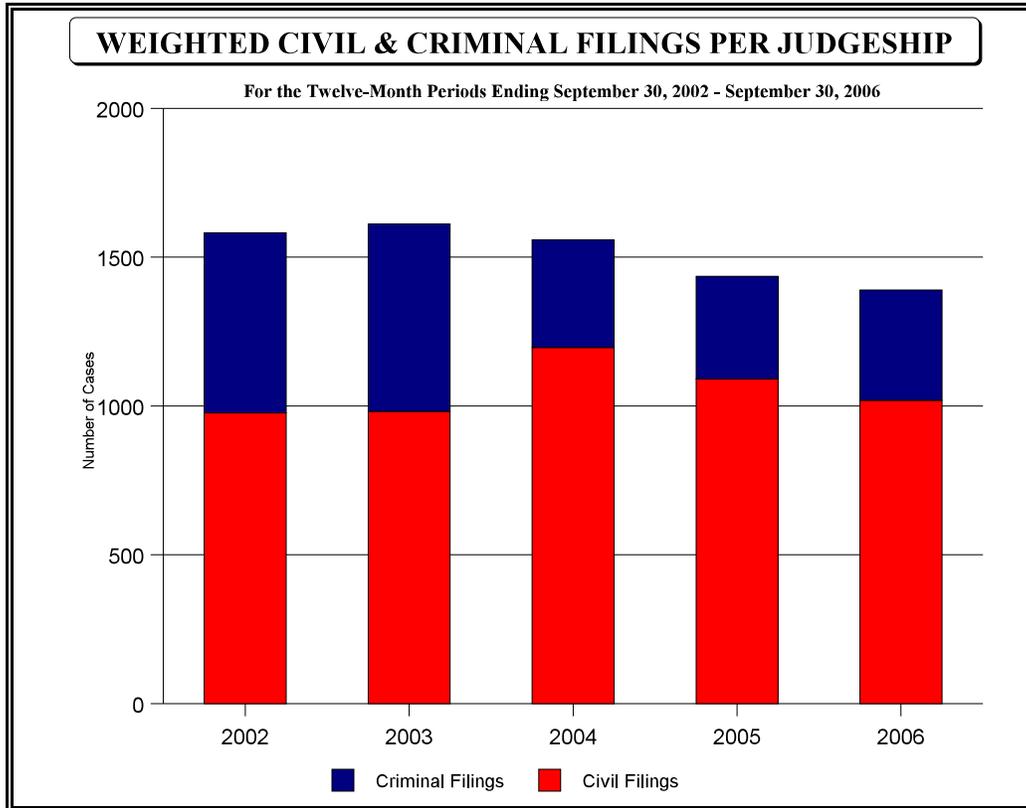
WEIGHTED CRIMINAL FILINGS PER JUDGESHIP FROM 2002 THROUGH 2006						
DISTRICTS	JUDGESHIPS	2002	2003	2004	2005	2006
MAINE	3	122	139	90	69	68
MASSACHUSETTS	13	91	76	40	50	38
NEW HAMPSHIRE	3	115	150	87	75	103
PUERTO RICO	7	202	194	102	102	115
RHODE ISLAND	3	75	71	42	49	47

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



WEIGHTED CIVIL FILINGS PER JUDGESHIP FROM 2002 THROUGH 2006						
DISTRICTS	JUDGESHIPS	2002	2003	2004	2005	2006
MAINE	3	145	151	172	175	146
MASSACHUSETTS	13	229	249	307	297	266
NEW HAMPSHIRE	3	166	183	190	169	187
PUERTO RICO	7	244	203	224	229	196
RHODE ISLAND	3	193	196	304	221	224

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



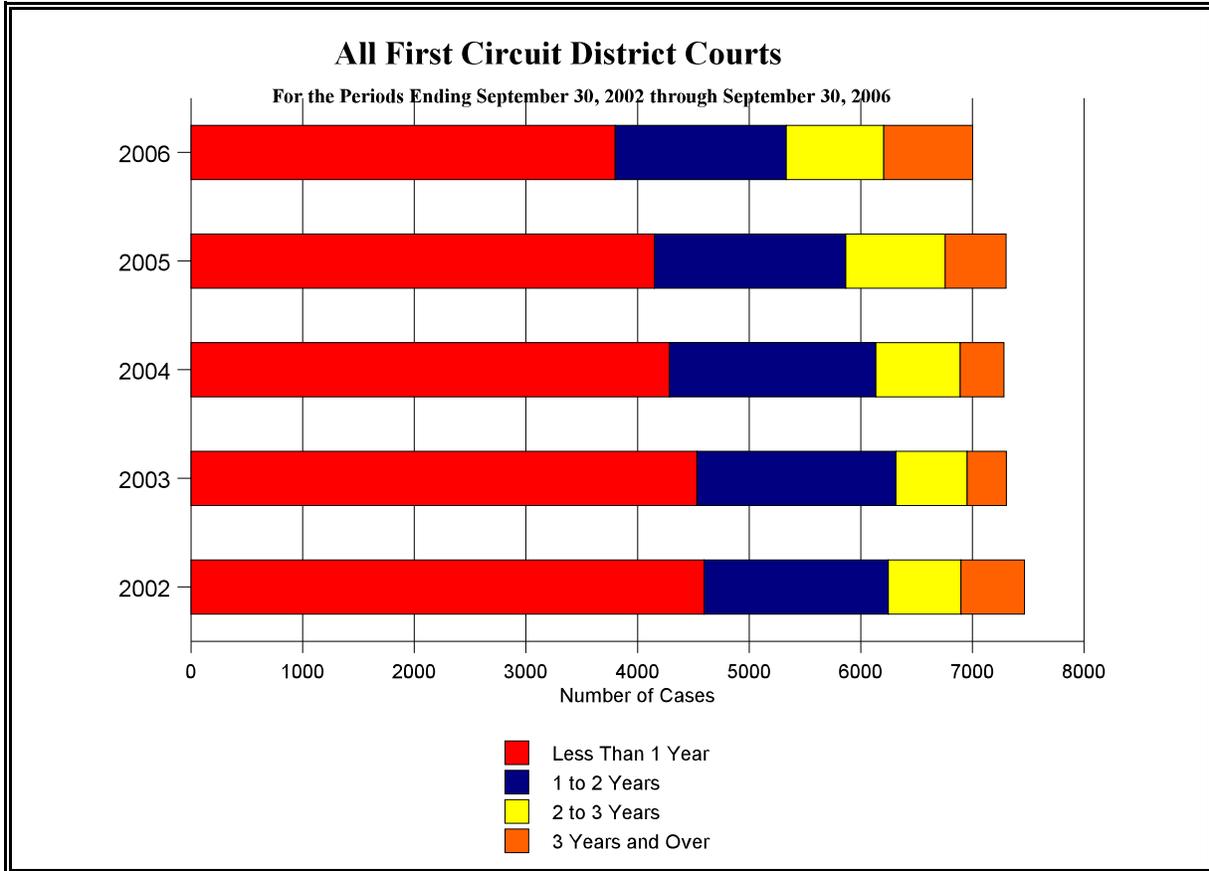
WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP
WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP
FROM 2002 THROUGH 2006

	2002	2003	2004	2005	2006
CIVIL FILINGS	977	982	1,197	1,091	1,019
CRIMINAL FILINGS	605	630	361	345	371
COMBINED TOTAL	1,582	1,612	1,558	1,436	1,390

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

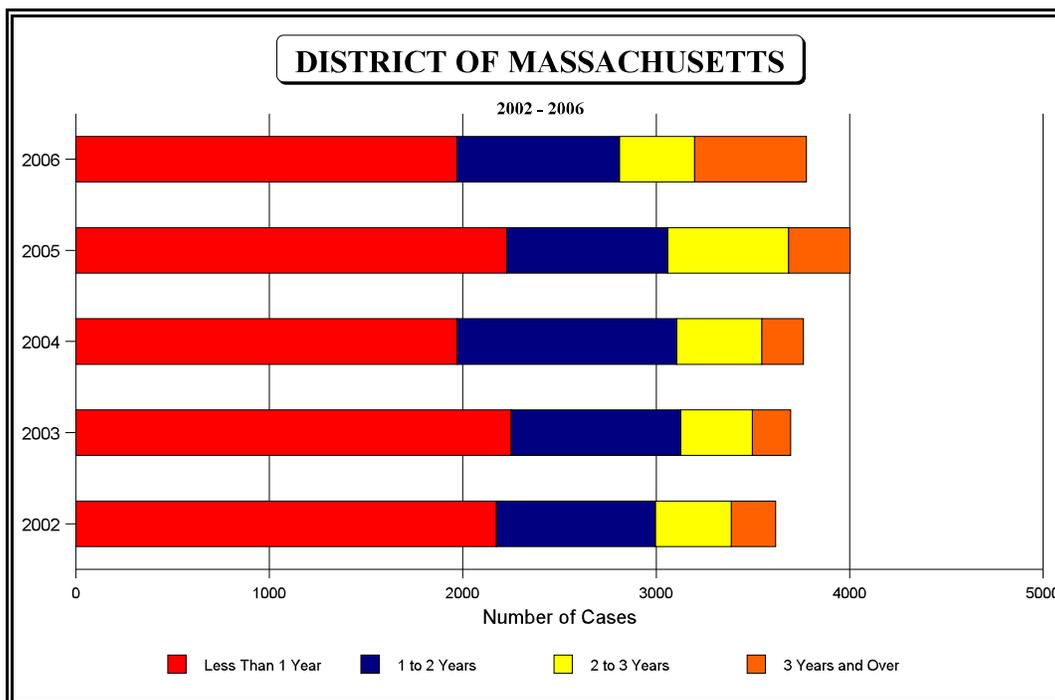
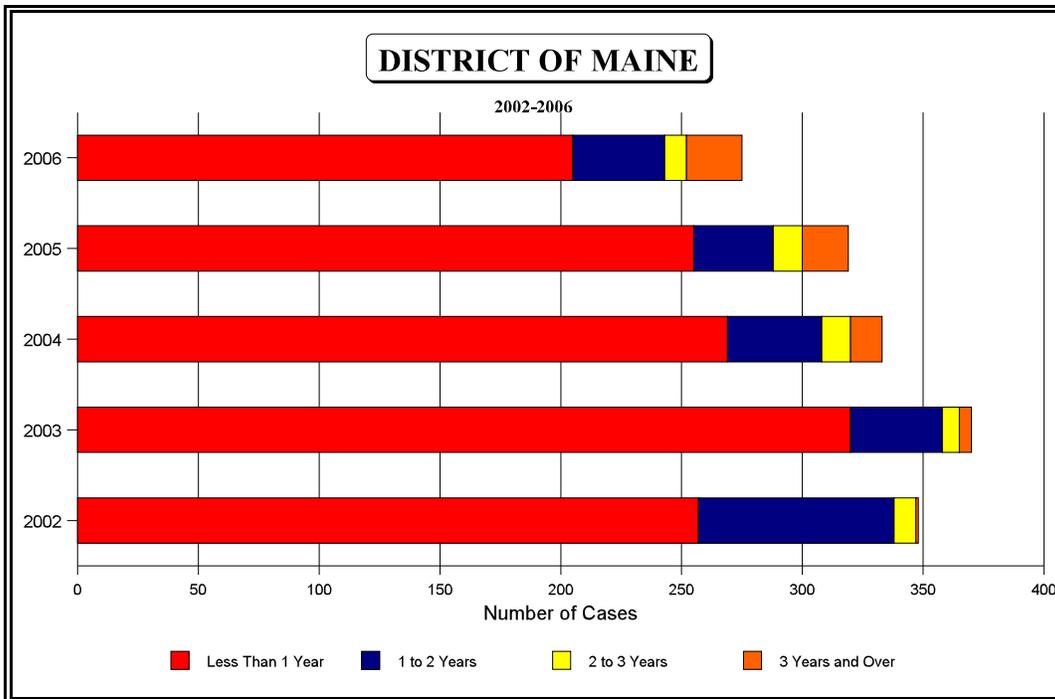
CIVIL CASES PENDING AND LENGTH OF TIME PENDING FOR THE PERIODS ENDING SEPTEMBER 30, 2002 THROUGH SEPTEMBER 30, 2006					
	2002	2003	2004	2005	2006
DISTRICT OF MAINE					
LESS THAN 1 YEAR	257	320	269	255	205
1 TO 2 YEARS	81	38	39	33	38
2 TO 3 YEARS	9	7	12	12	9
3 YEARS AND OVER	1	5	13	19	23
DISTRICT OF MASSACHUSETTS					
LESS THAN 1 YEAR	2,174	2,251	1,971	2,227	1,970
1 TO 2 YEARS	822	876	1,136	833	841
2 TO 3 YEARS	393	370	439	625	388
3 YEARS AND OVER	229	198	215	318	577
DISTRICT OF NEW HAMPSHIRE					
LESS THAN 1 YEAR	379	412	338	273	304
1 TO 2 YEARS	80	125	127	83	87
2 TO 3 YEARS	20	13	43	39	26
3 YEARS AND OVER	11	9	10	29	13
DISTRICT OF PUERTO RICO					
LESS THAN 1 YEAR	1,381	1,135	1,104	1,009	956
1 TO 2 YEARS	540	609	440	433	425
2 TO 3 YEARS	188	206	221	186	178
3 YEARS AND OVER	302	113	129	145	147
DISTRICT OF RHODE ISLAND					
LESS THAN 1 YEAR	406	415	603	387	365
1 TO 2 YEARS	126	134	109	333	141
2 TO 3 YEARS	42	42	41	28	274
3 YEARS AND OVER	27	26	24	36	35

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

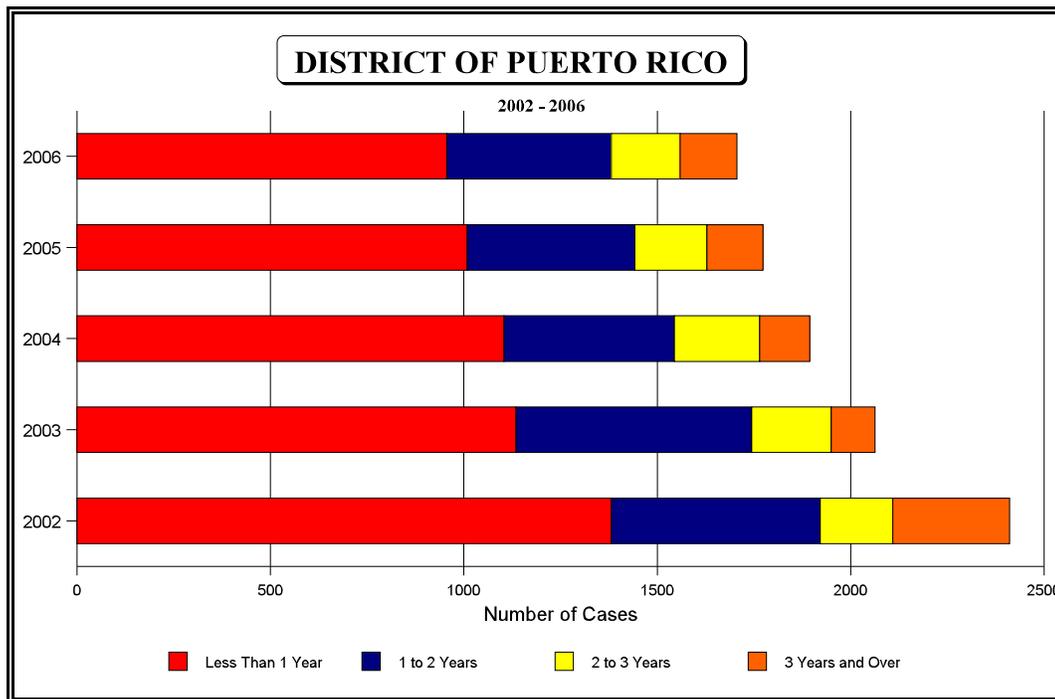
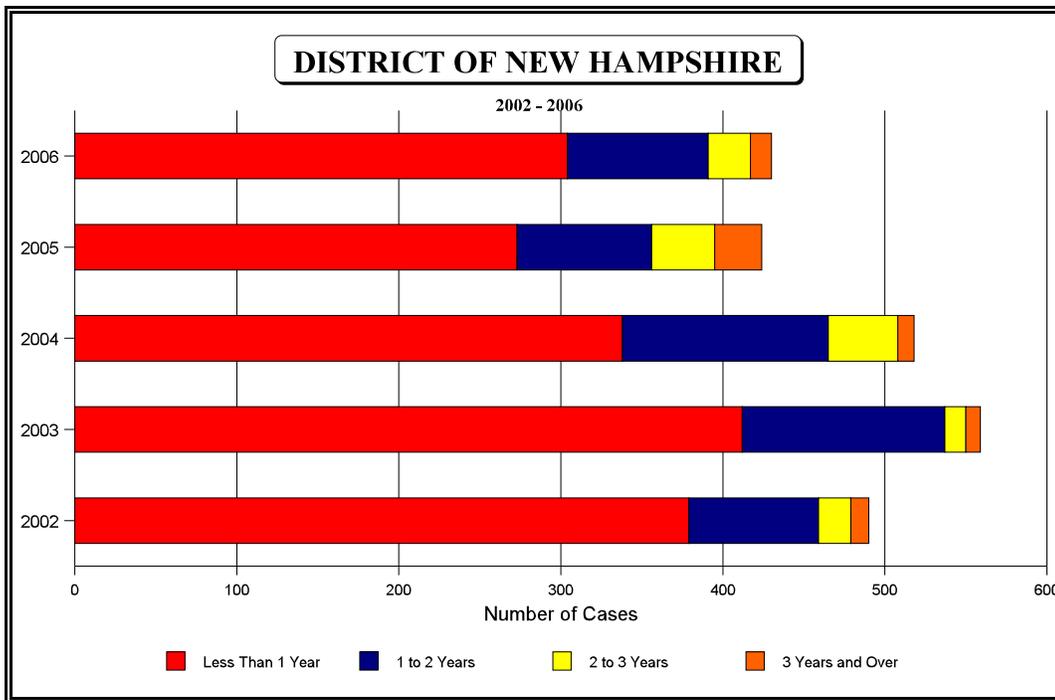


CIVIL CASES PENDING AND LENGTH FROM 2002 THROUGH 2006					
	2002	2003	2004	2005	2006
LESS THAN 1 YEAR	4,597 (61.6%)	4,533 (62.1%)	4,285 (58.8%)	4,151 (56.8%)	3,800 (54.3%)
1 TO 2 YEARS	1,649 (22.1%)	1,782 (24.4%)	1,851 (25.4%)	1,715 (23.5%)	1,532 (21.9%)
2 TO 3 YEARS	652 (8.7%)	638 (8.7%)	756 (10.4%)	890 (12.2%)	875 (12.5%)
3 YEARS AND OVER	570 (7.6%)	351 (4.8%)	391 (5.4%)	547 (7.5%)	795 (11.4%)

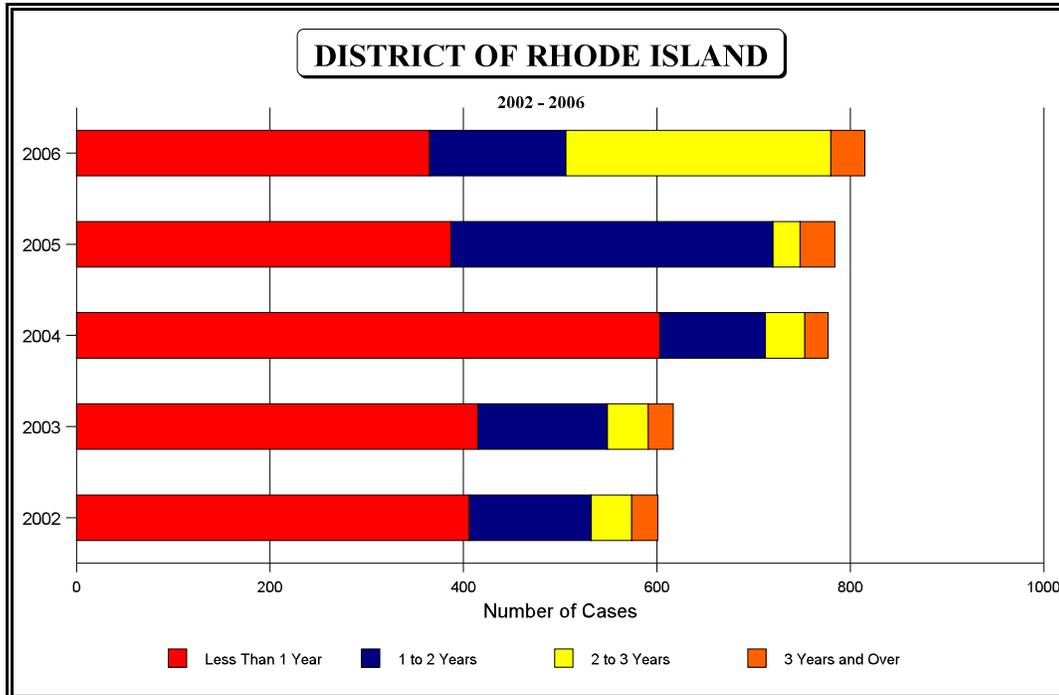
COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

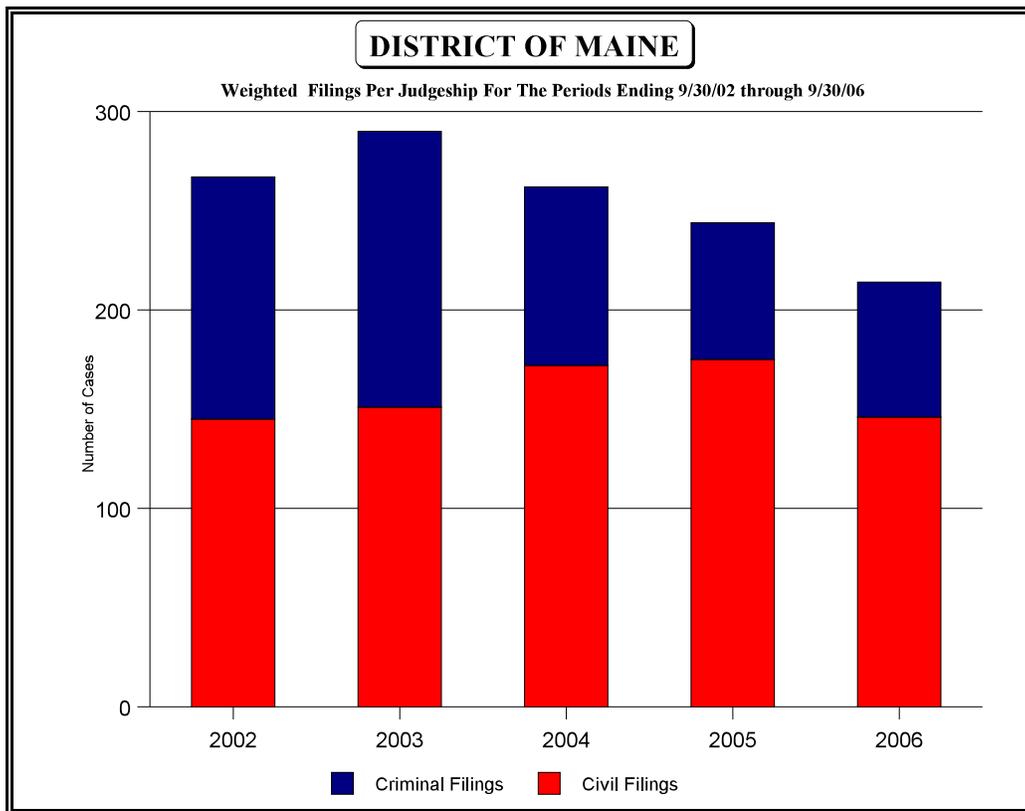


COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



STATISTICS
DISTRICT OF MAINE

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



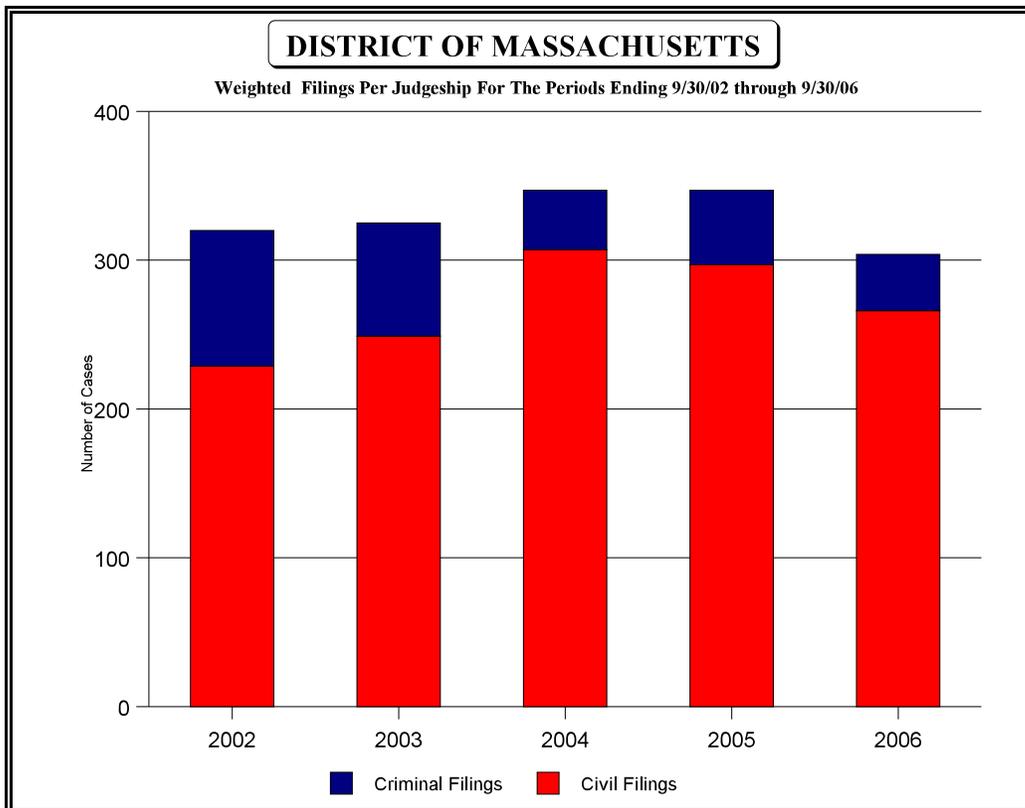
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE
AUTHORIZED JUDGESHIPS

1789 • 1 1978 • 2 1990 • 3

DISTRICT OF MAINE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2002 - 2006					
	2002	2003	2004	2005	2006
CIVIL FILINGS	145	151	172	175	146
CRIMINAL FILINGS	122	139	90	69	68
TOTAL FILINGS	267	290	262	244	214

STATISTICS
DISTRICT OF
MASSACHUSETTS

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



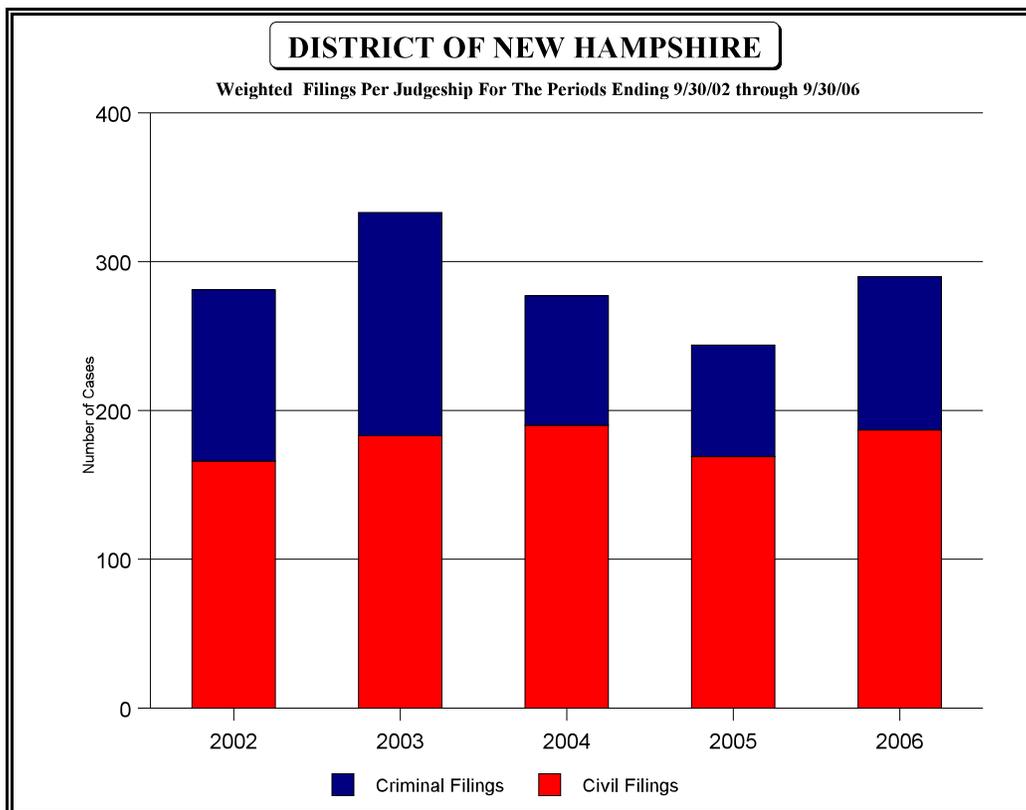
**United States District Court for the District of Massachusetts
Authorized Judgeships**

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, 2002 - 2006					
	2002	2003	2004	2005	2006
CIVIL FILINGS	229	249	307	297	266
CRIMINAL FILINGS	91	76	40	50	38
TOTAL FILINGS	320	325	347	347	304

STATISTICS
DISTRICT OF
NEW HAMPSHIRE

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



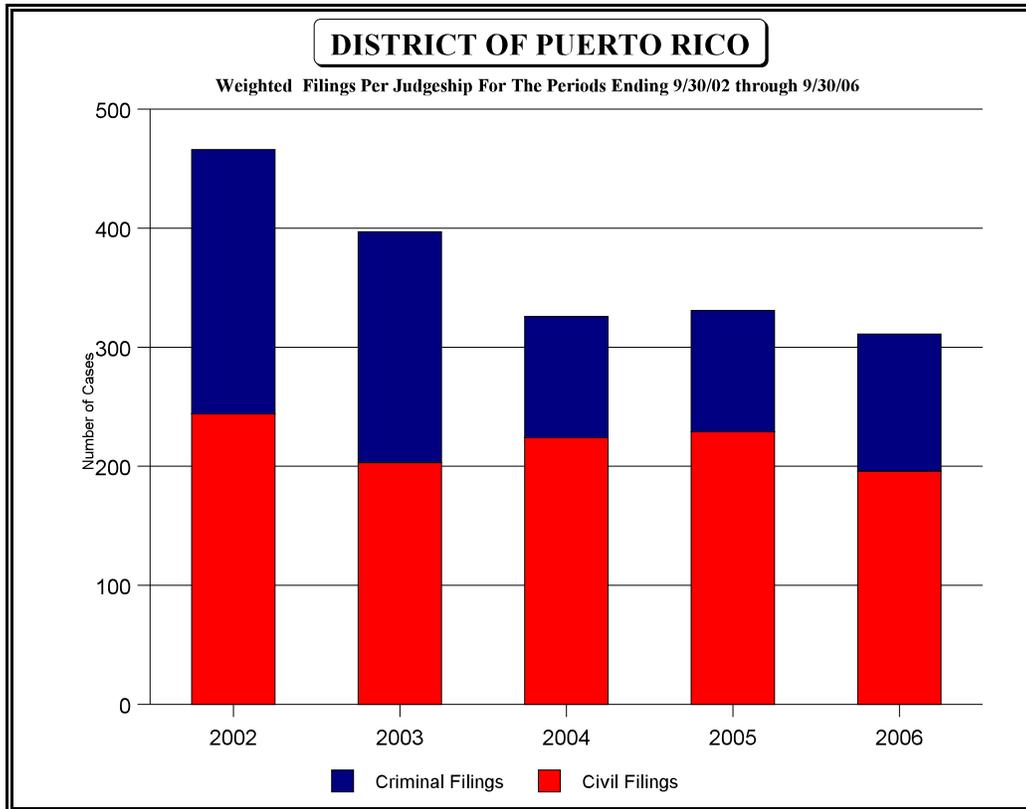
United States District Court for the District of New Hampshire Authorized Judgeships

1789 • 1 1978 • 2 1990 • 3

DISTRICT OF NEW HAMPSHIRE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2002 - 2006					
	2002	2003	2004	2005	2006
Civil Filings	166	183	190	169	187
Criminal Filings	115	150	87	75	103
Total Filings	281	333	277	244	290

STATISTICS
DISTRICT OF
PUERTO RICO

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



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

1917 • 1

1961 • 2

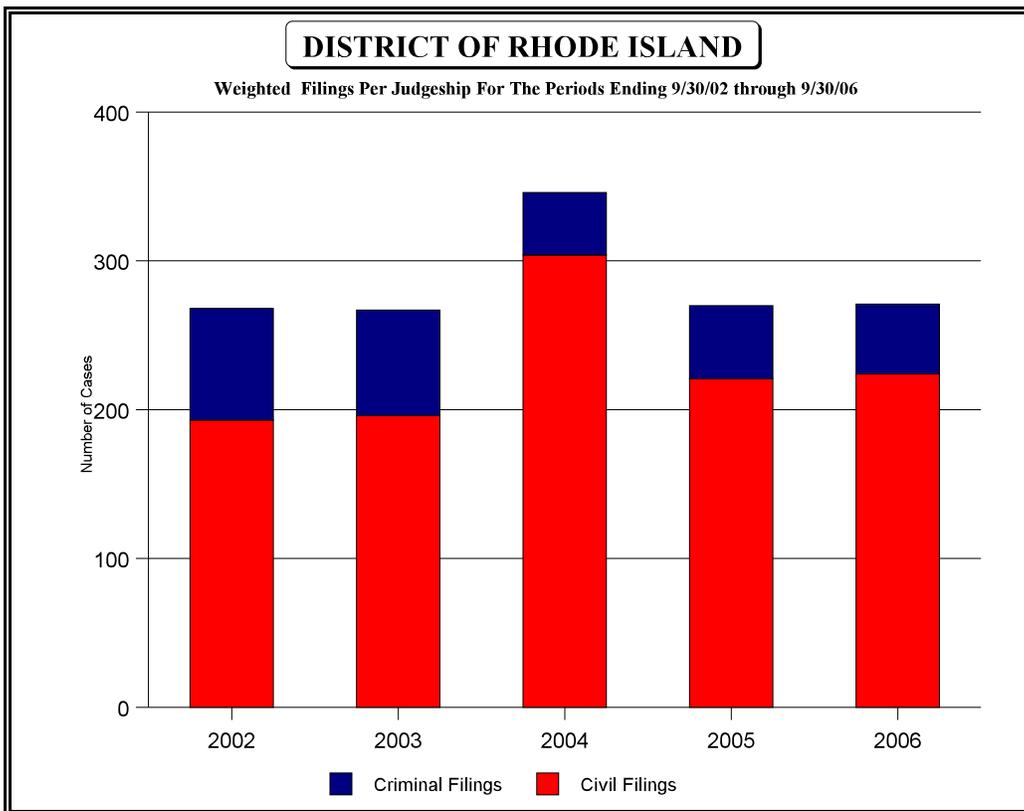
1970 • 3

1978 • 7

DISTRICT OF PUERTO RICO WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2002 - 2006					
	2002	2003	2004	2005	2006
CIVIL FILINGS	244	203	224	229	196
CRIMINAL FILINGS	222	194	102	102	115
TOTAL FILINGS	466	397	326	331	311

STATISTICS
DISTRICT OF
RHODE ISLAND

**TOTAL CASELOAD COMPARISON
FIRST CIRCUIT DISTRICT COURTS**



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

1790 • 1 1966 • 2 1984 • 3

DISTRICT OF RHODE ISLAND					
WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING					
SEPTEMBER 30, 2002 - 2006					
	2002	2003	2004	2005	2006
CIVIL FILINGS	193	196	304	221	224
CRIMINAL FILINGS	75	71	42	49	47
TOTAL FILINGS	268	267	346	270	271

STATISTICS

FIRST CIRCUIT

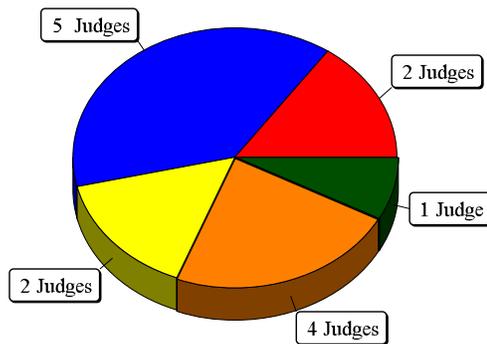
BANKRUPTCY COURTS

BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

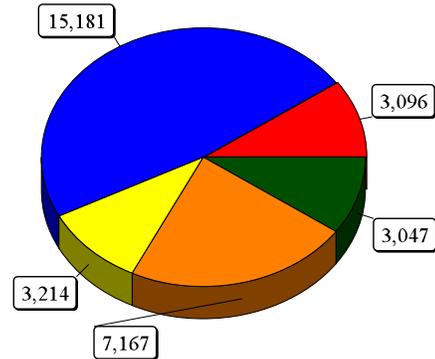
BANKRUPTCY JUDGESHIPS & CASES FILED

All Bankruptcy Courts within the First Circuit as of September 30, 2006

Number of Judges



Number of Cases Filed

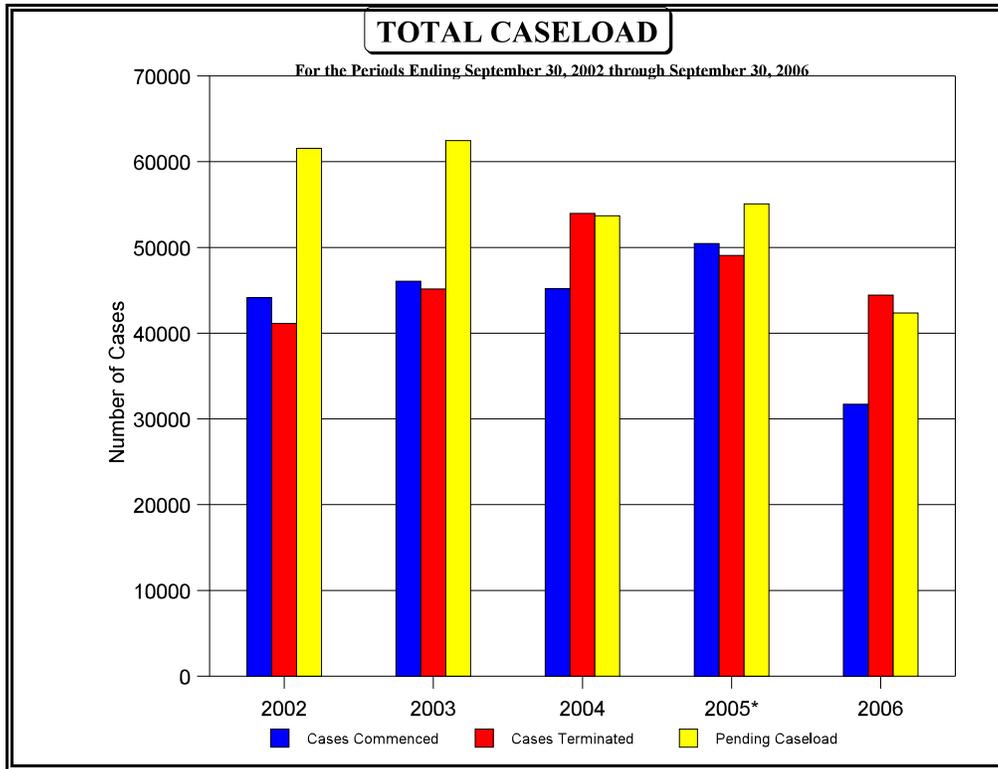


District of Maine	District of Massachusetts	District of New Hampshire
District of Puerto Rico	District of Rhode Island	

NUMBER OF BANKRUPTCY JUDGES AND CASES FILED DURING THE TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2006

	Number of Judges	Cases Filed
DISTRICT OF MAINE	2	3,096
DISTRICT OF MASSACHUSETTS	5	15,181
DISTRICT OF NEW HAMPSHIRE	2	3,214
DISTRICT OF PUERTO RICO	4	7,167
DISTRICT OF RHODE ISLAND	1	3,047
FIRST CIRCUIT TOTALS	14	31,705

BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

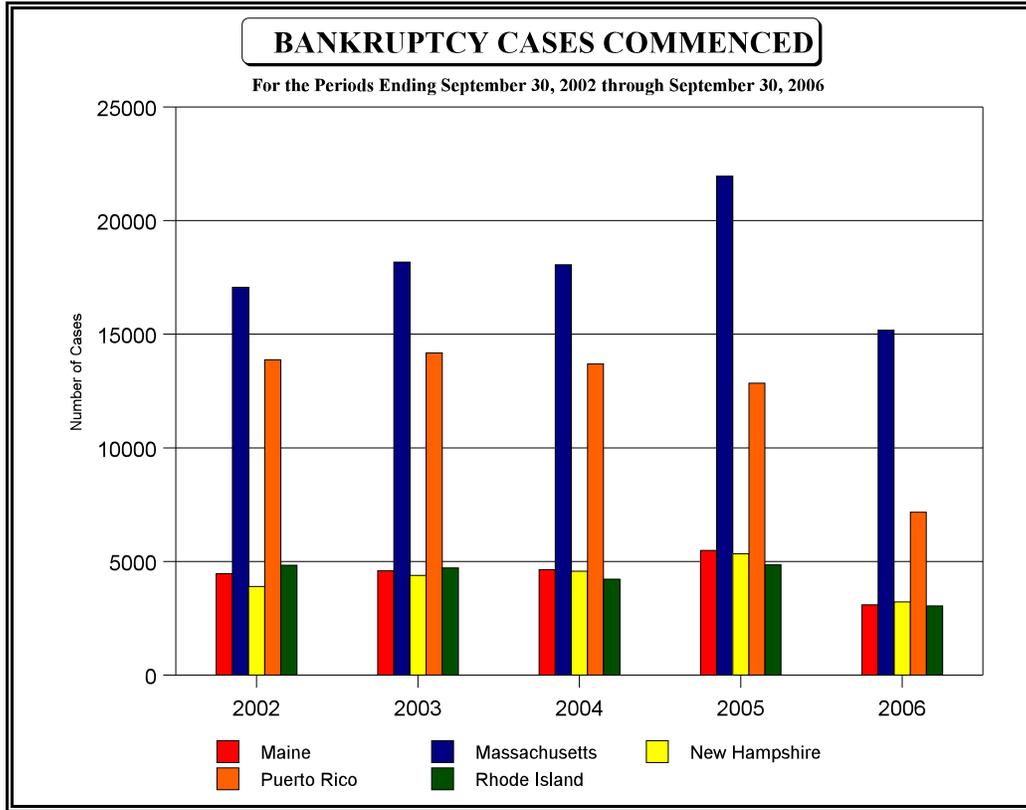


Authorized Judgeships 14

TOTAL BANKRUPTCY CASES 2002 - 2006					
	2002	2003	2004	2005*	2006
CASES COMMENCED	44,149	46,047	45,181	50,451	31,705
CASES TERMINATED	41,140	45,150	53,980	49,064	44,429
PENDING CASELOAD	61,554	62,451	53,699	55,070	42,346

*Pending caseload in 2005 revised by the Administrative Office of the United States Courts.

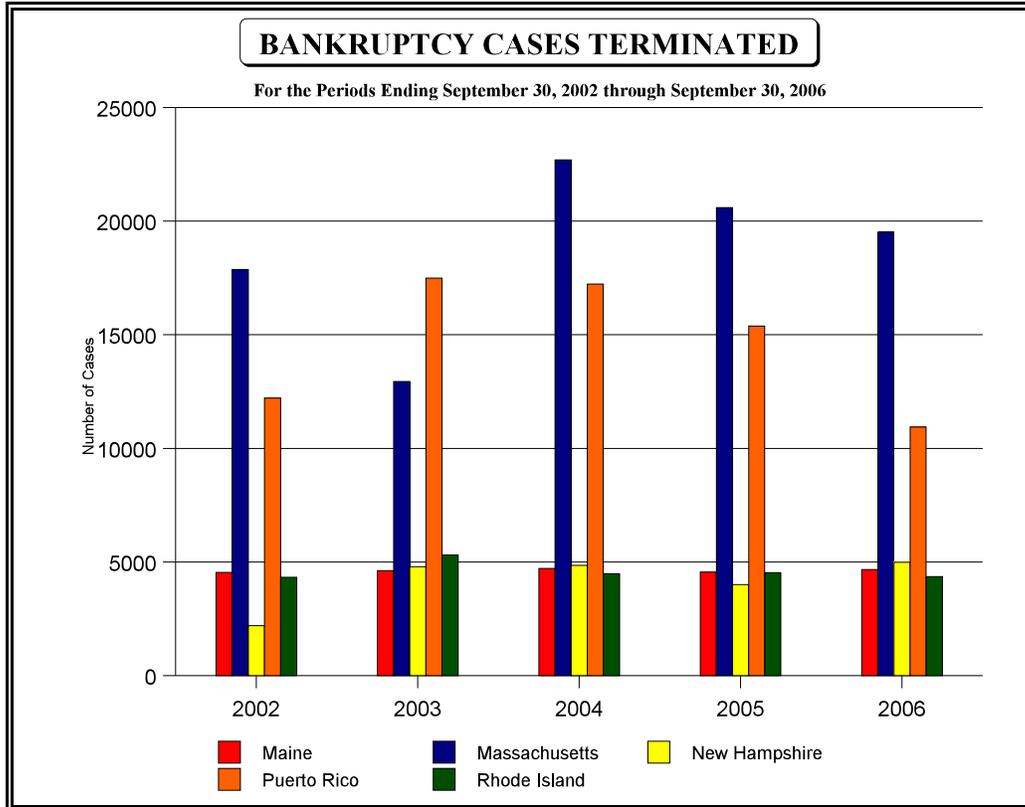
BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES COMMENCED FROM 2002 THROUGH 2006

DISTRICTS	2002	2003	2004	2005	2006
MAINE	4,467	4,593	4,637	5,489	3,096 (-43.6%)
MASSACHUSETTS	17,069	18,174	18,054	21,952	15,181 (-30.8%)
NEW HAMPSHIRE	3,903	4,390	4,573	5,341	3,214 (-39.8%)
PUERTO RICO	13,880	14,178	13,695	12,844	7,167 (-44.2%)
RHODE ISLAND	4,830	4,712	4,222	4,855	3,047 (-37.2%)

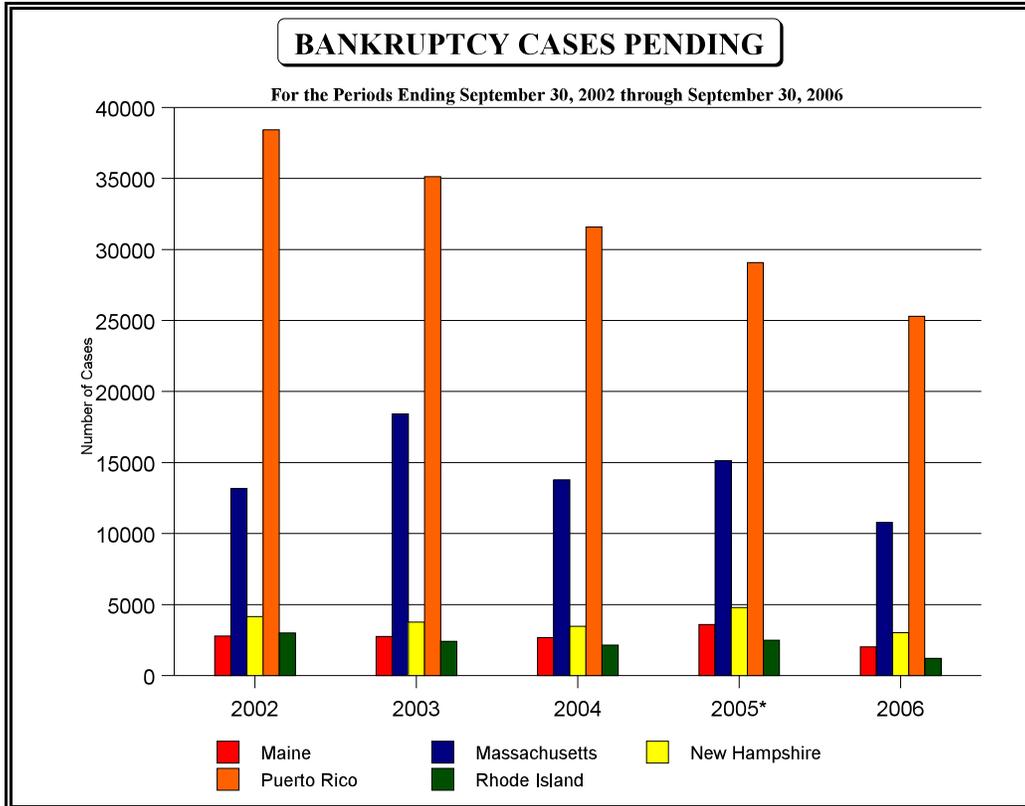
BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES TERMINATED 2002 - 2006

DISTRICTS	2002	2003	2004	2005	2006
MAINE	4,538	4,617	4,718	4,548	4,666
MASSACHUSETTS	17,874	12,946	22,694	20,593	19,518
NEW HAMPSHIRE	2,193	4,790	4,857	4,008	4,986
PUERTO RICO	12,210	17,489	17,229	15,384	10,943
RHODE ISLAND	4,325	5,308	4,482	4,531	4,361

BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



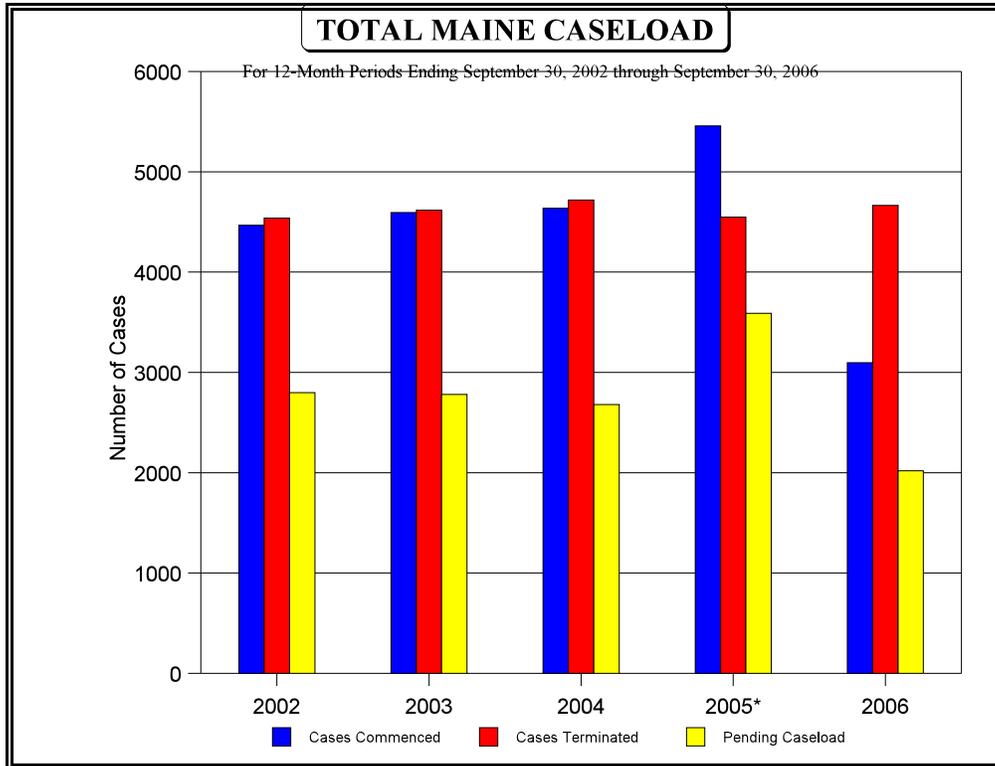
BANKRUPTCY CASES PENDING 2002 - 2006

DISTRICTS	2002	2003	2004	2005*	2006
MAINE	2,784	2,760	2,679	3,590	2,020
MASSACHUSETTS	13,172	18,419	13,779	15,126	10,789
NEW HAMPSHIRE	4,159	3,760	3,476	4,797	3,025
PUERTO RICO	38,436	35,124	31,590	29,075	25,299
RHODE ISLAND	3,003	2,410	2,150	2,482	1,213

*Pending caseload in 2005 revised by the Administrative Office of the United States Courts.

STATISTICS
U.S. BANKRUPTCY COURT
DISTRICT OF MAINE

**BANKRUPTCY CASELOAD SUMMARY
DISTRICT OF MAINE**



Authorized Judgeships 2

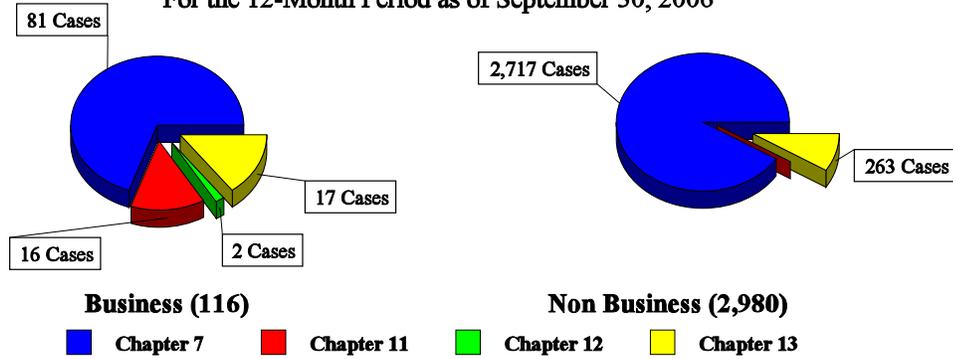
TOTAL BANKRUPTCY CASES 2002 - 2006					
	2002	2003	2004	2005*	2006
CASES COMMENCED	4,467	4,593	4,637	5,459	3,096
CASES TERMINATED	4,538	4,617	4,718	4,548	4,666
PENDING CASELOAD	2,798	2,780	2,679	3,590	2,020

***Pending caseload in 2005 revised by the Administrative Office of the United States Courts.**

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE

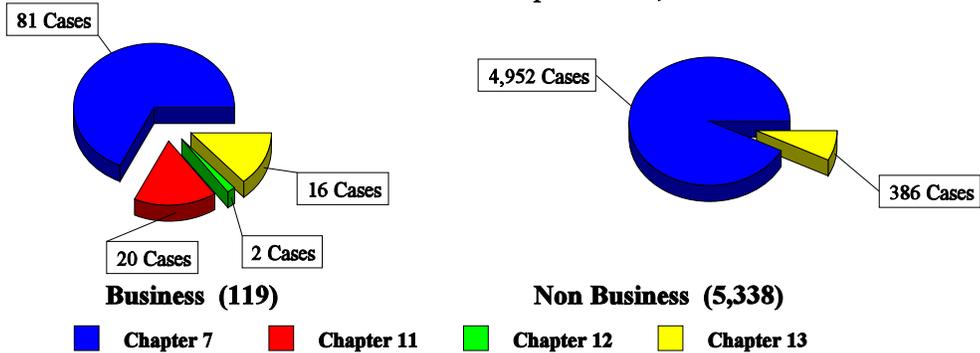
2006 Bankruptcy Filings

For the 12-Month Period as of September 30, 2006



2005 Bankruptcy Filings

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

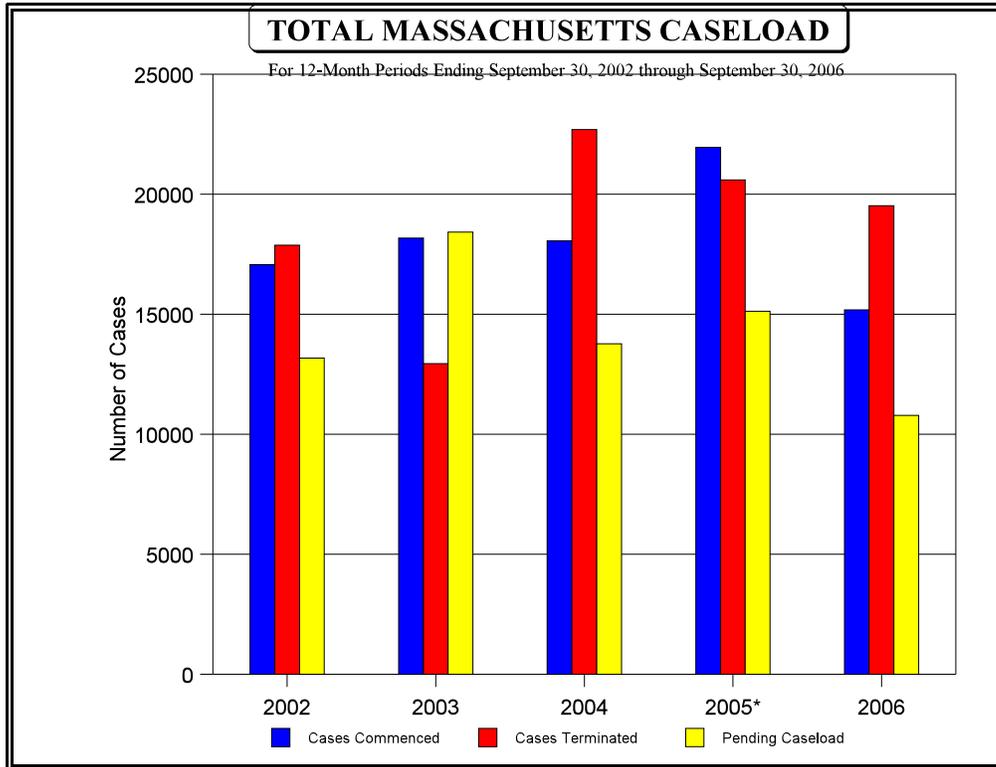


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
MASSACHUSETTS

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MASSACHUSETTS



Authorized Judgeships 5

TOTAL BANKRUPTCY CASES 2002 - 2006

	2002	2003	2004	2005*	2006
CASES COMMENCED	17,069	18,174	18,054	21,952	15,181
CASES TERMINATED	17,874	12,946	22,694	20,593	19,518
PENDING CASELOAD	13,172	18,419	13,768	15,126	10,789

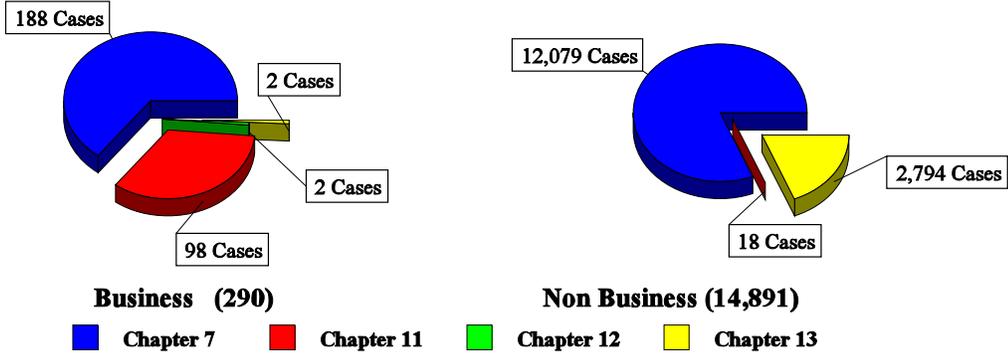
*Pending caseload in 2005 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF MASSACHUSETTS

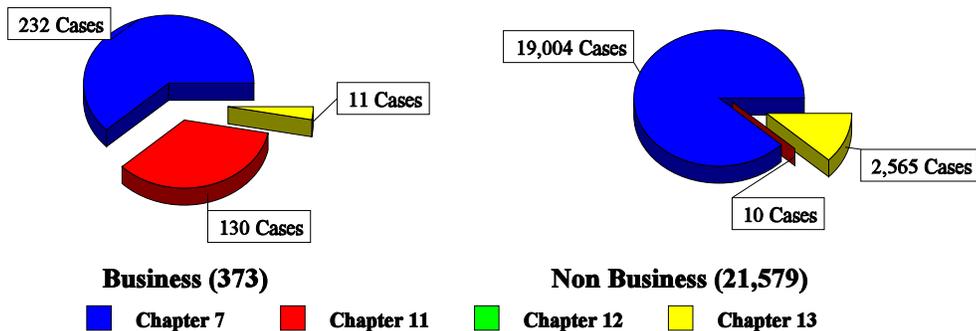
2006 Bankruptcy Filings

For the 12-Month Period as of September 30, 2006



2005 Bankruptcy Filings

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

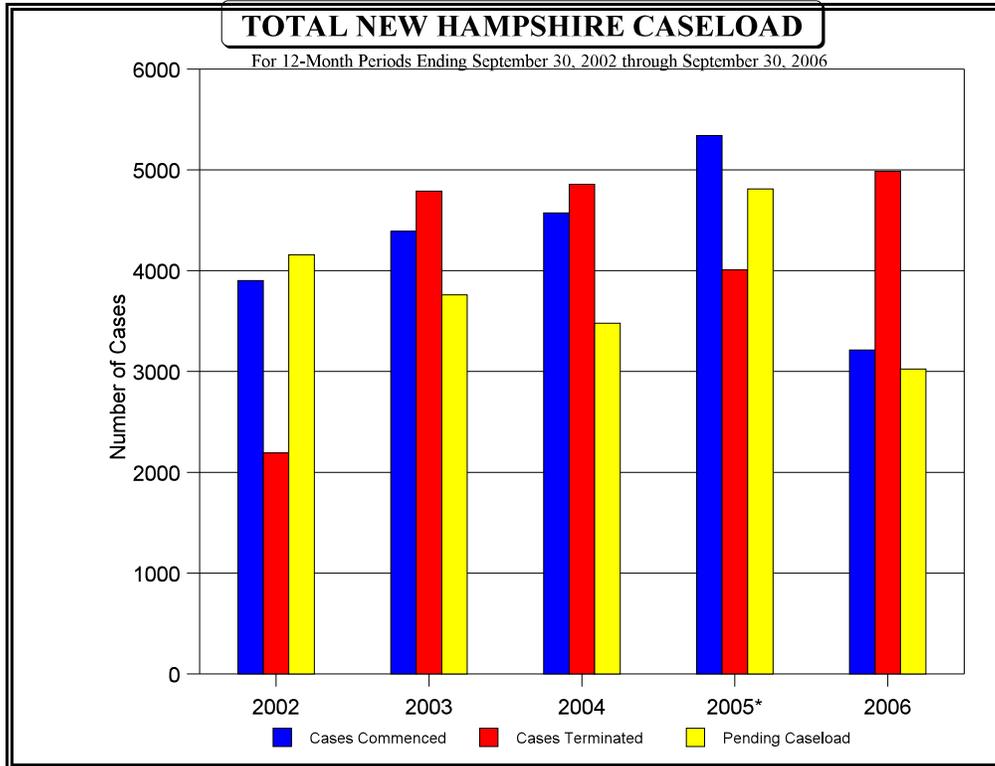


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
NEW HAMPSHIRE

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF NEW HAMPSHIRE



Authorized Judgeships 2

TOTAL BANKRUPTCY CASES 2002 - 2006

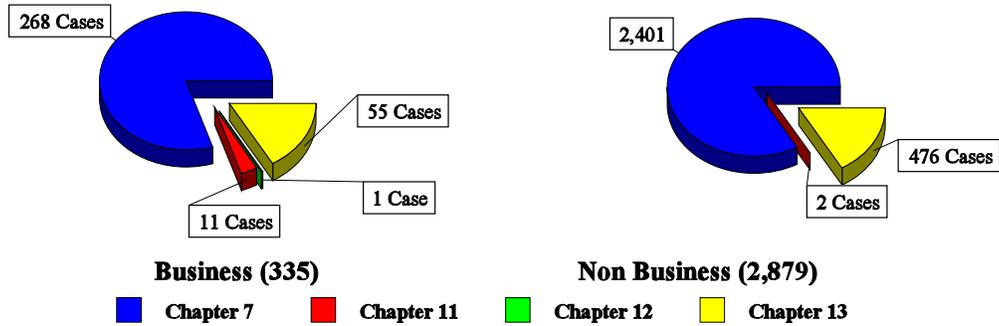
	2002	2003	2004	2005*	2006
CASES COMMENCED	3,903	4,390	4,573	5,341	3,214
CASES TERMINATED	2,193	4,790	4,857	4,008	4,986
PENDING CASELOAD	4,159	3,760	3,479	4,797	3,025

***Pending caseload in 2005 revised by the Administrative Office of the United States Courts.**

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF NEW HAMPSHIRE

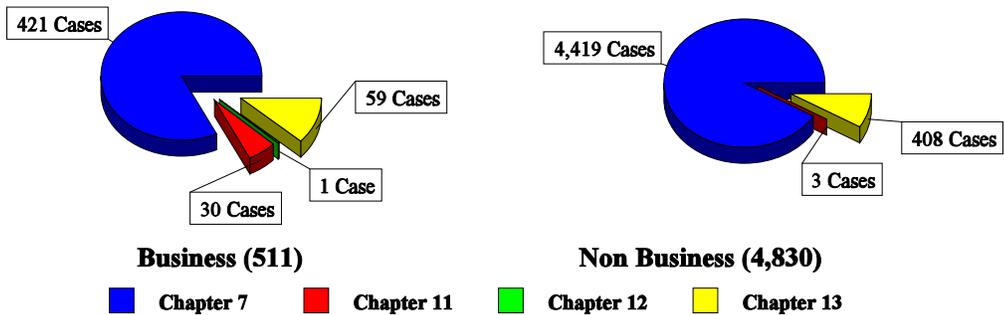
2006 Bankruptcy Filings

For the 12-Month Period as of September 30, 2006



2005 Bankruptcy Filings

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

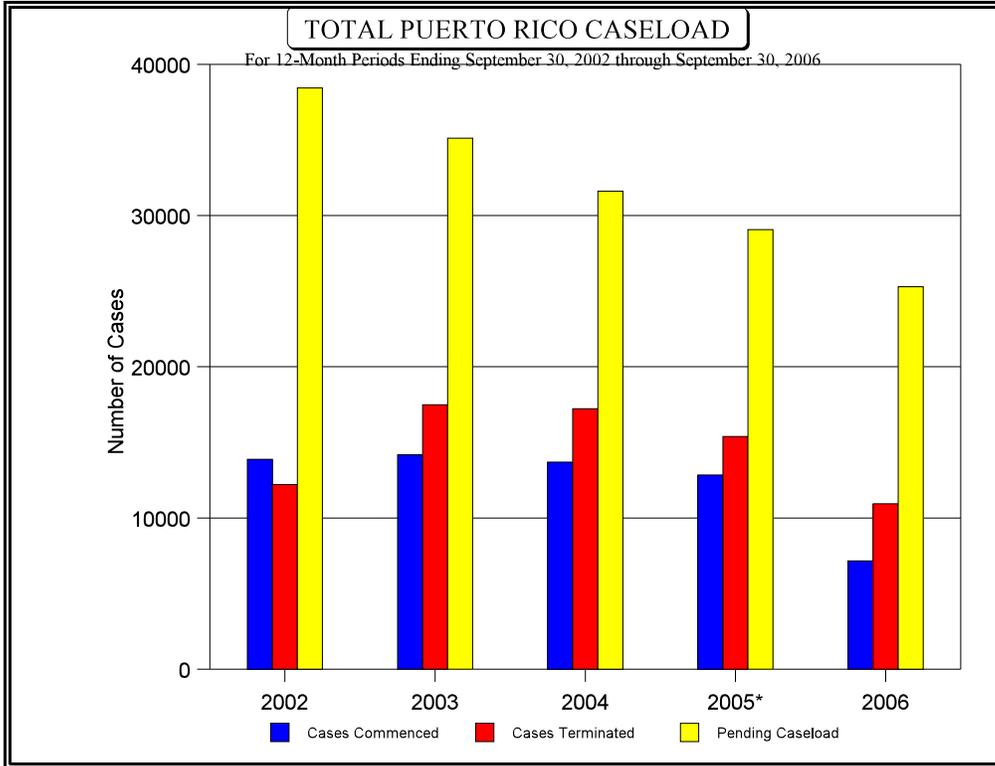


STATISTICS

U.S. BANKRUPTCY COURT

**DISTRICT OF
PUERTO RICO**

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO



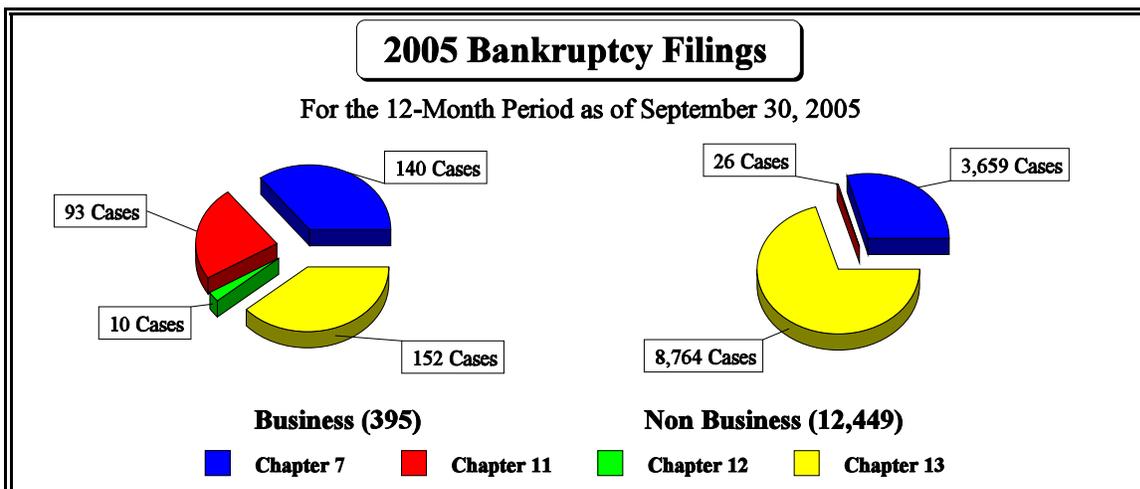
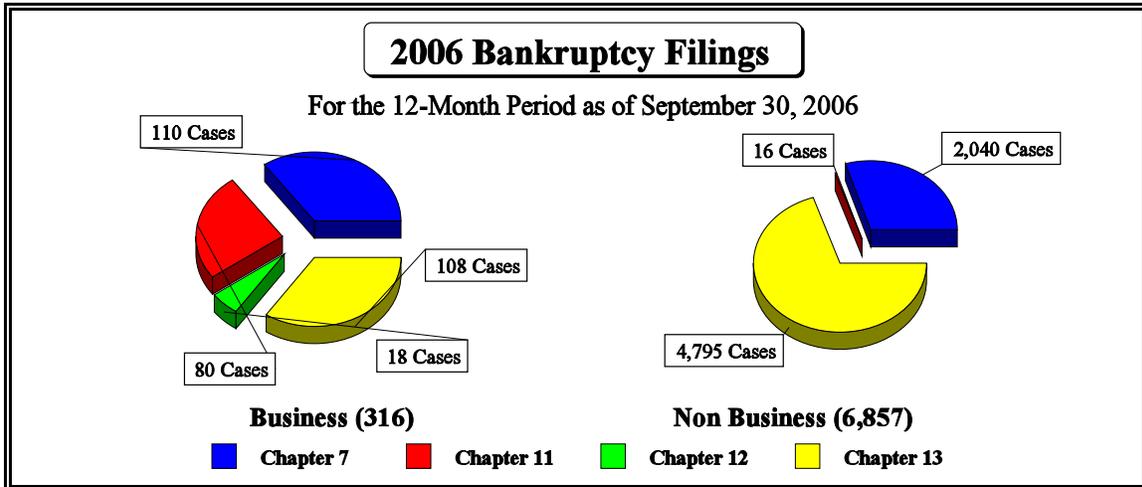
Authorized Judgeships 4

TOTAL BANKRUPTCY CASES 2002 - 2006					
	2002	2003	2004	2005*	2006
CASES COMMENCED	13,880	14,178	13,695	12,844	7,167
CASES TERMINATED	12,210	17,489	17,229	15,384	10,943
PENDING CASELOAD	38,436	35,124	31,612	29,075	25,299

* Pending caseload in 2005 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF PUERTO RICO

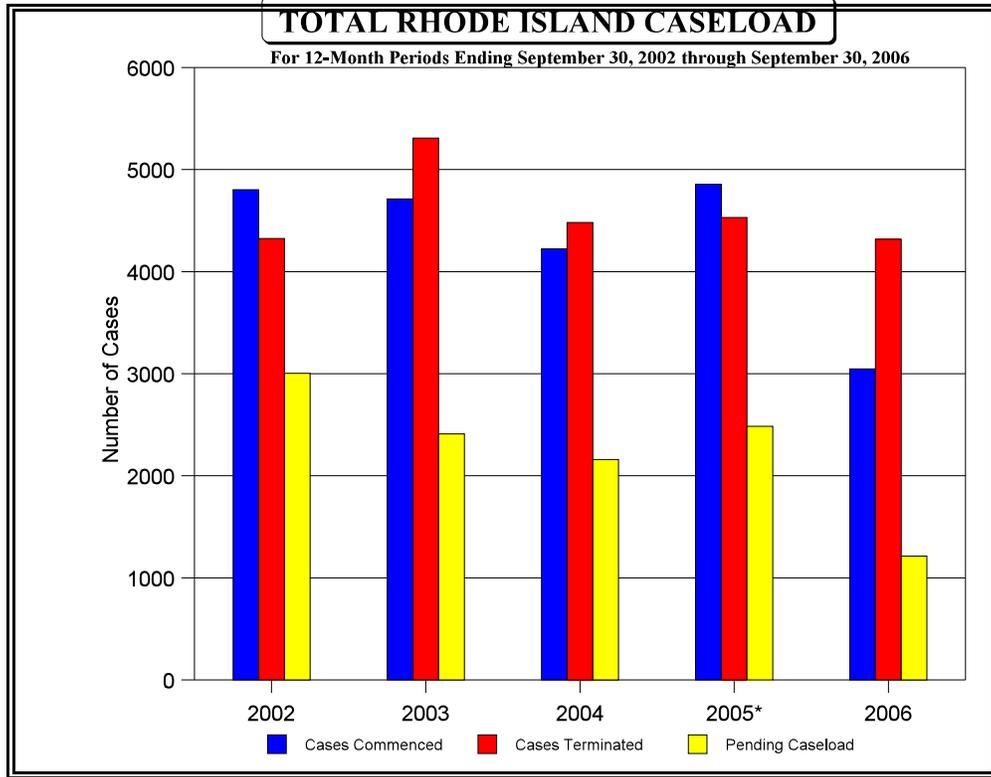


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
RHODE ISLAND

**BANKRUPTCY CASELOAD SUMMARY
DISTRICT OF RHODE ISLAND**



Authorized Judgeships 1

TOTAL BANKRUPTCY CASES 2002 - 2006					
	2002	2003	2004	2005*	2006
CASES COMMENCED	4,803	4,712	4,222	4,855	3,047
CASES TERMINATED	4,325	5,308	4,482	4,531	4,316
PENDING CASELOAD	3,003	2,410	2,160	2,482	1,213

***Pending caseload in 2005 revised by the Administrative Office of the United States Courts.**

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF RHODE ISLAND

