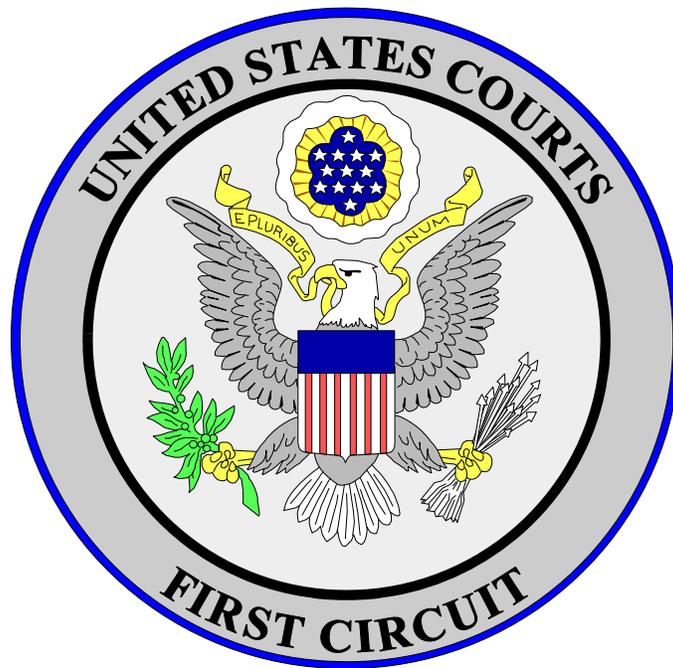


# UNITED STATES COURTS FOR THE FIRST CIRCUIT



**2007**

**ANNUAL REPORT**



**United States Courts for the  
First Circuit**

**2007 Annual Report**



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## **FOREWORD**

**by**

**Gary H. Wente  
Circuit Executive**

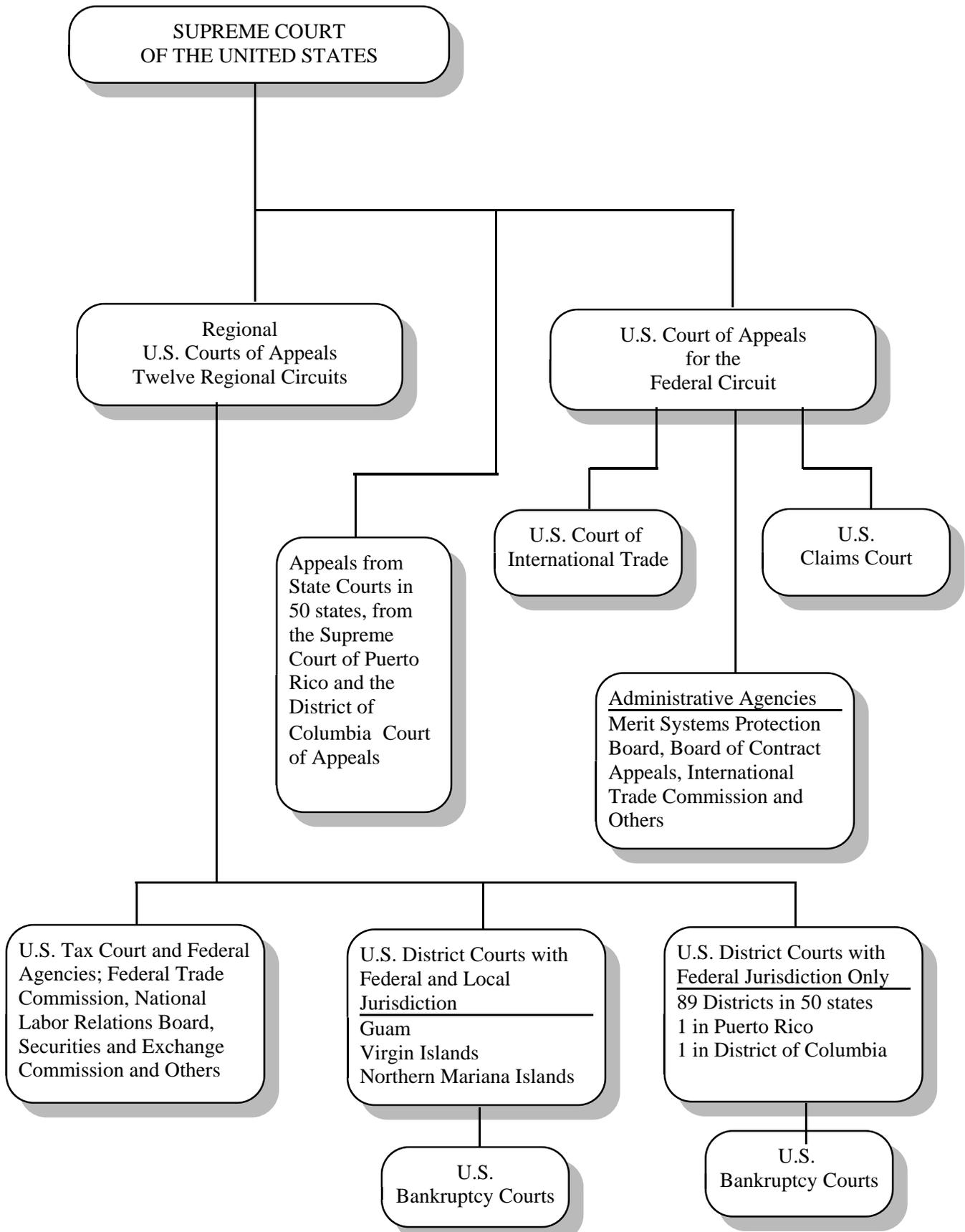
The Annual Report allows the courts of the First Circuit to review the accomplishments achieved in a year. The Report reviews case filing statistics, employment trends, building projects, the continued implementation of a new automated docketing system (CM/ECF), and numerous other developments. The Report 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, Dianne Crowell, Michelle Dumas, Kammy McMahon and Leslee Nelson, who compiled and edited the material presented in the report.

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



**Structure of the Federal Judiciary**





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



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

**CLERK'S OFFICE**

The main focus of the Clerk's Office during 2007 was on final preparations for implementation of the new electronic case management system (CM). The majority of activities involved reviewing and developing procedures and training and working with the court's Information Technology staff to prepare the database of the existing case management system (AIMS) for the conversion and testing of the new system. The overall goal is to fully implement the new Case Management/Electronic Case Files (CM/ECF) system which will provide electronic filing capability.

In July 2007, the Clerk's Office hosted visitors from the Second Circuit for an on-site look at the court's CM/ECF implementation process. In October 2007, numerous court staff visited the Eighth Circuit – the first appellate court to go live on CM/ECF – to participate in workshops related to CM/ECF. Topics included case opening, docketing, calendaring/paneling, records management, conflict checking, forms definition, staffing responsibilities and technical support.

In March 2007, the Clerk's Office participated in an advanced training program for Criminal Justice Act (CJA) panel members in San Juan, Puerto Rico. The program focused on effective writing and editing for lawyers, updates from the Clerk's Office and major developments in the law.

The Clerk's Office completed an orientation session for new law clerks during the fall of 2007. The program includes 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.

Three changes were made during 2007 to the court's local rules. In February 2007, Local Rule 28.0 was simplified and existing court practice was clarified. The amendment retained the requirement that appealed orders be included in an addendum, but made the inclusion of other items discretionary. In April 2007, Local Rule 39.0 was added to codify current court practice related to taxation of reproduction costs. Previously this information was notified to the parties in an instruction sheet. In October 2007, the court adopted an amendment to Local Rule 33.0 that added to the non-compliance sanctions. The amendment warns counsel that the court may impose sanctions upon failure of a party or attorney to comply with the provisions of the Civil Appeals Management Plan, Local Rule 33.0.

In fiscal year 2007, the Court of Appeals reported 1,863 filings, compared to 1,852 for fiscal year 2006, a 0.6 percent increase. The court also reported a 13.6 percent decrease in terminations from 2,027 in fiscal year 2006 to 1,752 in fiscal year 2007, and a 7.5 percent increase in pending cases from 1,489 in fiscal year 2006 to 1,600 in fiscal year 2007.

For the 12-month period ending September 30, 2007, the District of Massachusetts

represented the largest source of appeals to the First Circuit (621). The District of Puerto Rico represented the second largest source (563). Appeals from Rhode Island, Maine and New Hampshire represented 141, 120 and 94, respectively. During fiscal year 2007, 239 appeals came from Administrative Agencies. The remaining 85 appeals brought before the First Circuit in fiscal year 2007 were from bankruptcy (24) and original proceedings (61).

In fiscal year 2007, criminal proceedings continued to represent the largest category of appeals to the First Circuit at 39.1% of total cases commenced. The court's median time from the filing of a notice of appeal to final disposition was 12.7 months in fiscal year 2007, slightly higher than the national median time of 12.2 months.

**OFFICE OF THE STAFF ATTORNEYS**

The Office of the Staff Attorneys does research for the judges of the Court of Appeals. During calendar year 2007, the office consisted of one senior staff attorney, one supervisory staff attorney, 17-19 attorneys (11 part-time, 8 full-time), and two support persons.

For the calendar year 2007, the following numbers of matters were referred by the Clerk's Office to the Staff Attorneys' Office for processing:

January	144	July	149
February	140	August	172
March	140	September	152
April	169	October	185
May	152	November	169
June	150	December	135

Total: 1857

This is 28 more referrals than in 2006.

In addition, there were 134 pro se or social security submitted cases (the same number of submitted cases as in 2006) and approximately 201 sua sponte summary dispositions in counseled, briefed cases (a decrease of 18 from 2006).

Included in the 1857 matters were: applications for certificate 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 directions.

## 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 which cases the parties are required to attend a pre-argument conference, the practice is to require such a conference in all eligible cases unless the information supplied by the parties demonstrates, in the opinion of Settlement Counsel, that there is no reasonable likelihood of settlement. Such cases amount to a very small percentage of the cases eligible for the program.

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

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

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

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

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

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

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

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

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

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

The court 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. The Puerto Rico settlement counsel started mediating cases in August 2006.

In calendar year 2007, one or more conferences were held in 282 cases, which produced 93 settlements, approximately 33 percent of the mediated cases.

## **BANKRUPTCY APPELLATE PANEL**

The United States Bankruptcy Appellate Panel for the First Circuit (the "BAP") was established on July 1, 1996. An appeal from a bankruptcy court within the First Circuit will be heard by the BAP unless one or both of the parties elects to have a district court consider the appeal. In 2007, all fourteen bankruptcy judges from the circuit served on the BAP.

In the First Circuit, 69 cases were filed during the 12-month period ending December 2007, a 2.8% decrease. During that time period, terminations totaled 74, a 15.6% increase, and pending cases totaled 28, a 15.2% decrease. The total number of cases nationwide for BAPs decreased 5.8%.

For the 12-month period ending December 2007, written opinions were issued in 23 cases, up from 19 the year before. The median time from notice of appeal to final disposition was 8.7 months, slightly below the national median of 8.8 months.

During this same period, there were 91 bankruptcy court appeals to the district court. There were 25 appeals from the district court to the First Circuit. There were 69 appeals to the BAP and two appeals from the BAP to the First Circuit. The Districts of Massachusetts and Puerto Rico provided the largest source of appeals, representing 69 and 61, respectively, of the 160 cases filed.

During the First Circuit Judicial Conference in October 2007, the BAP held a meeting with all of the BAP judges and BAP staff. The BAP has retained two staff attorneys and in November 2007, it hired a new part-time case manager, who was previously a case manager for the bankruptcy court in New Hampshire. During 2007, the BAP was consolidated for a short-time with the United States Court of Appeals for the First Circuit and the courts shared a clerk of court. By the end of 2007, the decision was made to deconsolidate the BAP and the Circuit Executive commenced the search for a clerk.

## **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, New Hampshire.; Providence, Rhode Island; and Hato Rey, Puerto Rico. There is no satellite library in Maine. The Boston library provides services for chambers and court staff in Portland and Bangor, Maine. It also provides services to chambers and court staff in Springfield and Worcester, Massachusetts. The Boston library is open to court staff, 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**

Staffing levels in the libraries remained the same in FY2007 as at the end of FY2006. Continued budget constraints prevented the hiring for two positions lost in prior fiscal years. Staff were distributed amongst the libraries as follows: seven (7) in Boston; two (2) in Hato Rey; and one (1) each in Concord and Providence. All staff worked full time (40 hours per week) with the exception of one staff member in the Boston library, who worked 30 hours per week.

The Deputy Circuit Librarian coordinated the gathering, collating and reporting of all work measurement statistics required for the revision of the Circuit Library's work measurement formula used by the Administrative Office of the Courts in determining staffing allotments. The library staff also used this project as a means to assess and revise work tasks in light of the need to transition from a primarily print-driven environment to one in which information and services are provided primarily through electronic means.

### **Lawbook Funds**

The lawbook allotment increased for the first time in three fiscal years. Although the allotment was approximately 2% higher than in FY2006 it did not cover the overall increase in subscription costs. Subscription cancellations in the libraries and voluntary cancellations in chambers were once again necessary in order to remain within spending limits. A variety of means were used to provide lawbooks to three new judges' chambers. Those means included finding law book sets through the Judicial Libraries Excess Book List, expenditure of appropriated funds, and transfer of materials and subscriptions from retiring judges' chambers.

### **Outreach/Training**

The libraries continued to provide information and services to chambers in a variety of methods including "in library" visits, interlibrary loan, telephone reference, and daily distribution of opinions and legal news through email.

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



**NARRATIVE REPORTS  
OF THE DISTRICTS**



## DISTRICT OF MAINE

### DISTRICT COURT

For the District of Maine, 2007 was a year of change and transition. The clerk of twenty-seven years retired; the chief deputy clerk was promoted to clerk; and the operations supervisor was promoted to chief deputy clerk. From January through September, seven new employees were hired. The District began sharing one IT position with the Bangor office and put a plan in place for additional shared positions between the district court, bankruptcy court and probation office for 2008. Travel increased significantly as a concerted effort was made to bridge the gap between Bangor and Portland and create more opportunities for staff to share work experiences and participate in face-to-face meetings and training sessions. An IT Director was hired.

In June, Charles Six of the Magistrate Judge's Division of the Administrative Office of the U. S. Courts came to Maine to conduct a routine survey of magistrate judge needs. Coincidentally, in July, the full-time magistrate judge in Portland announced his retirement. A merit selection panel was appointed. By mid-December, the chief judge announced the nominee and set an April 2008 investiture date.

Chief Judge Singal continues his work as chair of the Judicial Conference Committee on Judicial Resources; Judge Hornby chairs the Committee on the Judicial Branch; and Judge Woodcock is a member of the Committee on Defender Services.

### Training

In June, the Clerk's Office, in collaboration with chambers staff and members of the U.S. Bankruptcy Court and U.S. Probation, developed a Strategic Plan for Training. The Strategic Plan for Training identifies more than a dozen training topics, which will be delivered throughout 2008 and into 2009. The mission of the Training Plan is to support, promote and encourage personal and professional growth and development on a continuous basis to achieve organizational excellence.

The annual U.S. District Court offsite education and training seminar was held at York Harbor Inn in York, Maine on September 12-14, 2007. In November, staff attended Continuity of Operations/Disaster Preparedness training in Houston, Texas.

### Finance/Budget

In conformity with the national movement by the Administration Office to consolidate servers, the District of Maine migrated its financial system (FAS<sub>4</sub>T) from a local server to the Phoenix Data Center (PDC). During this national migration, it was noted that the District of Maine's locally-developed reports for criminal debt receipting were being utilized widely in the districts that are using CCAM (FAS<sub>4</sub>T's civil-criminal accounting module). "The Maine Query," one of those reports, is now part of the standard package of reports that is supported by the Administrative Office.

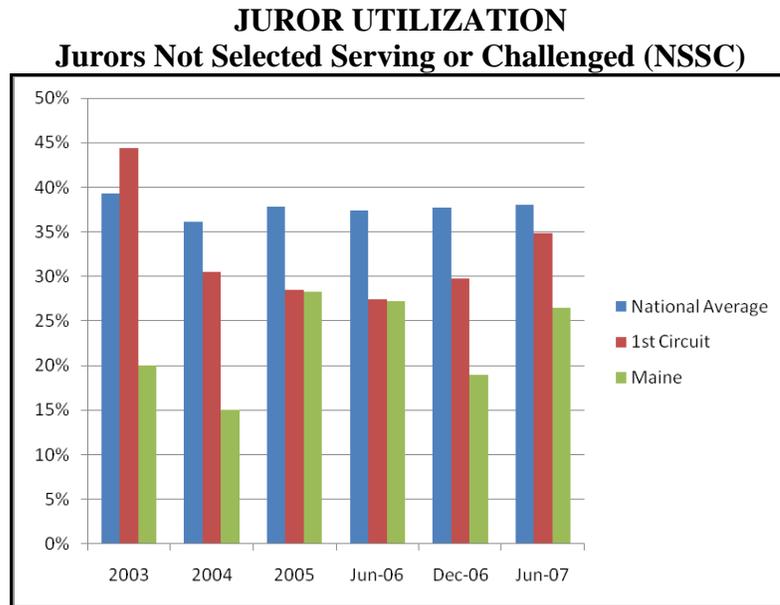
In April of 2007, the AO's Office of Audit performed a "Change of Clerk Audit." No major findings were reported.

**Jury Administration**

For the 12 months ending June 30, 2007, the percentage of jurors not selected, serving or challenged (NSSC) in the District of Maine was 26.5%. Maine consistently remains well below the national average and within the Judicial Conference’s approved utilization goal of 30% or less NSSC.

The national average of jurors not selected, serving or challenged (NSSC) on the first day of jury service for the 12 months ending June 30, 2007 was 38%, which is 8% higher than the Judicial Conference’s goal.

With the decline in jury trials, it is a challenge to keep the court's juror utilization below the approved goal, as the availability of multiple voir dire to reuse jurors from one jury selection to the next has been reduced.



**Records Management/Historic Preservation**

A decade of “pre-CM/ECF” dockets and judgments were scanned and the protocol for their storage and retrieval developed. In the past, once documents were archived, the public or court would have to retrieve the record from the Federal Records Center (FRC), a cumbersome and costly process. By scanning these core documents, electronic access to these documents are now free and convenient.

**Court Reporters**

During 2007, the court reporters continued to provide realtime services to both judges and law clerks for all jury and jury-waived trials. For the first time, realtime and daily rough draft transcripts were also provided to trial attorneys. The reporters furnish post-proceeding rough draft or certified transcripts for non-trial matters for reference by the judges and law clerks

and transcribe FTR proceedings as requested by the clerk's office. The court reporters also cover any requested proceedings in Magistrate Court.

CRAG (Court Reporter's Advisory Group) met in Washington DC on March 5 and 6, 2007. There were many topics discussed, including a page rate increase, revisions to the Court Reporters Manual, and the availability of transcripts and redaction policy through the PACER system.

### **CM/ECF (Case Management/Electronic Case Filing)**

The District of Maine upgraded from Version 2.5 to Versions 3.0 and 3.1 over the course of the year. With these upgrades, came many enhancements for the judges, clerk's office staff and the bar, including case assignment and auto numbering features which provide for the automatic random assignment of judges and case numbers. The Probation Office was trained and began electronically filing documents with the court. The bar began electronically filing sealed documents in civil cases. In July of 2007, the court became fully electronic, meaning that all filings were required to be filed electronically, regardless of the case filing date.

To comply with a directive of the Administrative Office, the document size limit in CM/ECF was increased from 4 to 5 megabytes, and the Social Security Administration began receiving notice of all filings in Social Security Appeal cases.

In December of 2007, Privacy Policy Rules were changed. One of the main changes allowed PACER users remote access to judgments, opinions, and orders marked as written opinions in compliance with the E-Government Act in social security appeal cases.

Some significant changes were made to the CM/ECF software to assist judges and chambers staff specifically. These changes include icons that appear on the Docket and Motions reports to indicate pending motions, that allow judges and court staff to directly rule on a motion by clicking the icon. All documents associated with a single docket entry can be viewed, printed or saved at once. Documents associated with multiple docket entries and multiple docket sheets can be viewed at once. Abridged docket reports can be created and printed. A new feature to create an entire record on appeal is now available which will assist the Clerk's Office greatly in the ability to provide full records to the U.S. Court of Appeals.

Some user interface enhancements were implemented with an upgrade on December 1, 2007. Counsel were notified with copies of a newsletter created and distributed by the Clerk's Office. Some of these features include cascading menus on the blue toolbar in CM/ECF, a search function on the blue toolbar to search for event and menu items, an enhancement to the criminal cases report that provides the ability to search criminal cases by citation, and the ability to view multiple documents and docket entries at once.

In total, there were 8503 electronic entries made by attorney filers in the year 2007.

### **Human Resources**

After being appointed Clerk of Court, Linda Jacobson stepped down from her position as

the First Circuit Representative on the Human Resources Specialists Advisory Group (HRSAG), which is involved in developing HR systems and upgrades. Diane Aube commenced representing the First Circuit on HRSAG.

### **Appeal Pilot Project**

The District of Maine and the Court of Appeals began a pilot project to create a system to efficiently process appeals in the District Court and transmit the record to the Court of Appeals. The project involves initially sending an abbreviated record to the USCA.

### **Community Outreach**

The District of Maine judges and staff participated in several community outreach programs, including strategic planning with the bar; teaching events with local high schools and law schools; new citizen ceremonies; attorney admission ceremonies; visiting court administrators; and cancer research fundraisers.

### **Automation**

In June the structure of the IT organization was changed to include a manager and Elissa Marchetti was hired as IT Director.

### **Judicial Caseload**

The District of Maine's caseload held relatively steady in 2007. The number of civil cases commenced was down by 4% over 2006. However, the number of criminal defendants prosecuted rose by 15% for a total of 247 defendants.

The following table represents some interesting facts about Maine's caseload for the 12-month period ending September 30, 2007:

**U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE**

		12-MONTH PERIOD ENDING SEPTEMBER 30					Numerical Standing			
<b>MAINE</b>		2007	2006	2005	2004	2003	2002	U.S.	Circuit	
OVERALL CASELOAD STATISTICS	Filings*	720	623	736	822	839	741			
	Terminations	680	704	808	859	801	771			
	Pending	436	411	468	512	529	478			
% Change in Total Filings	Over Last Year	15.6						8	1	
	Over Earlier Years			-2.2	12.4	14.2	-2.8	43	3	
Number of Judgeships		3	3	3	3	3	3			
Vacant Judgeship Months**		.0	.0	.0	.0	3.9	.0			
ACTIONS PER JUDGESHIP	FILINGS	Total	240	207	245	274	280	247	85	4
		Civil	150	128	159	164	194	166	86	4
		Criminal Felony	62	58	64	79	62	66	56	2
		Supervised Release Hearings**	28	21	22	31	24	15	31	1
	Pending Cases	145	137	156	171	176	159	93	5	
	Weighted Filings**	245	217	248	267	269	253	86	4	
	Terminations	227	235	269	286	267	257	87	5	
Trials Completed		20	20	20	18	19	10	47	1	
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	7.2	8.0	7.5	7.0	6.9	5.6	29	2
		Civil**	6.5	7.7	7.5	8.6	7.9	6.6	9	1
	From Filing to Trial** (Civil Only)		-	17.0	-	13.0	14.7	11.0	-	-
OTHER	Civil Cases Over 3 Years Old**	Number	5	23	19	13	5	1		
		Percentage	1.7	8.4	6.0	3.9	1.4	.3	11	1
	Average Number of Felony Defendants Filed Per Case		1.1	1.2	1.1	1.1	1.3	1.1		
	Jurors	Avg. Present for Jury Selection	31.5	15.5	32.7	24.5	20.5	25.6		
		Percent Not Selected or Challenged	28.2	25.1	22.0	19.0	15.8	13.7		

\* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

\*\* See "Explanation of Selected Terms."

**BANKRUPTCY COURT  
DISTRICT OF MAINE**

The year 2007 was marked by management change at the bankruptcy court in Maine. In January 2007, Paula Dunn, the court's deputy-in-charge in the Bangor divisional office, retired. Rather than fill her position, the court created the new position of Operations Manager, with residence in the Bangor office. The Operations Manager position was filled by Phil Normand. Shortly after Phil began his new duties, the court's Chief Deputy, Kathy Reyering, announced

her retirement. After a national search, the court hired David LePauloue, the court's Systems Manager, as her replacement. Jason Scher was then hired as the new Systems Manager in November 2007.

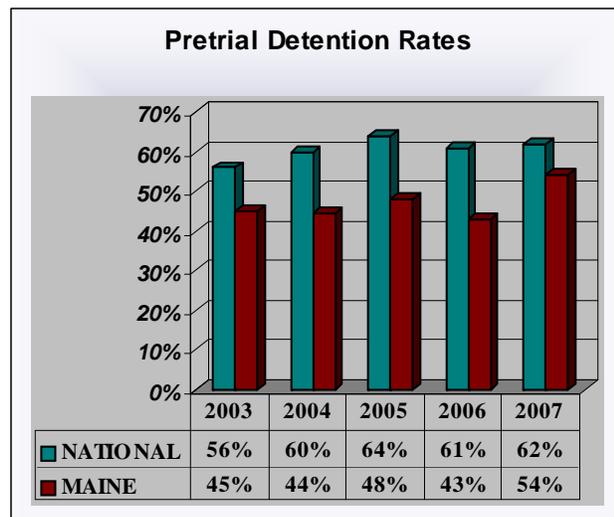
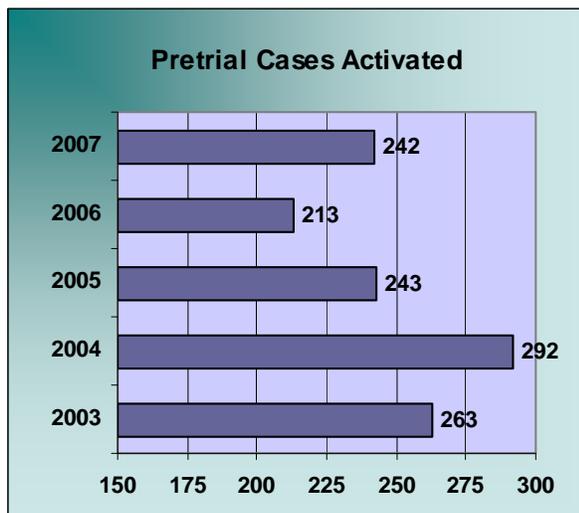
The Maine bankruptcy court became one of two bankruptcy courts nationally to join a digital audio pilot program endorsed by the Judicial Conference in March 2007. The pilot also includes three district courts, and is being managed by the Administrative Office's Electronic Public Access Office. The purpose of the pilot is to study the efficacy of making recordings of court hearings available to the bench and bar directly from the court's electronic docket.

The bankruptcy court in Maine attended an annual bankruptcy forum on Long Island with the Second Circuit bankruptcy courts.

The Maine court, like bankruptcy courts nationally, continued to see increased filings over 2006. In a calendar year comparison with 2006, 2007 chapter 7 filings were 74% higher, chapter 13 filings were 75% higher, and chapter 11 filings were 15% higher.

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

Karen-Lee Moody was appointed the new Chief of Probation and Pretrial Services. Due to increased workload, two new positions were added: a probation officer assistant in Bangor and a supervision officer in Portland. The office held its First Annual Employee Recognition Awards celebration which highlighted the achievements of staff members and retired officers.



## Pretrial Services

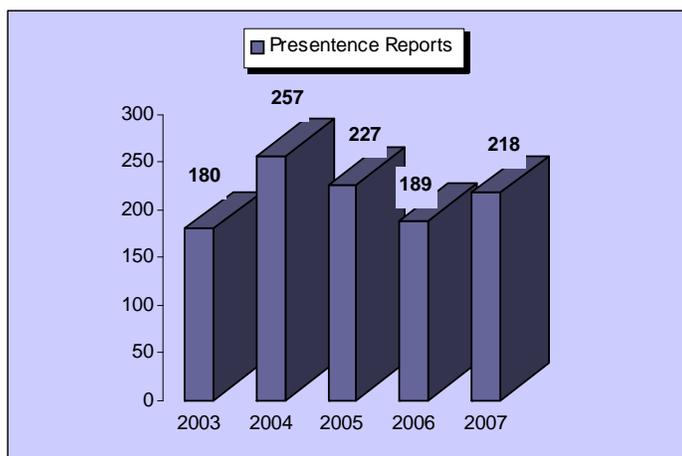
Pretrial cases activated rose to 242 cases. With this increase, pretrial activations were nearly back to where they were two years ago. More importantly, the District of Maine's pretrial detention rate continued to be well below the national average. Anecdotally, the increase of Maine's detention rate to 54% is thought to be due to a higher percentage of mandatory minimum drug cases, writ cases and defendant-aliens who are subject to BICE detainers. Mirroring the decision last year to dedicate a Probation Officer Assistant in Portland to pretrial investigative work, Amie Blanchette was hired as a USPOA in the Bangor office to continue efforts to ensure that alternatives to detention are being sought in every case. In September 2007, USPOA Stacey Graf attended the United States Pretrial Services Conference in Cleveland, Ohio, which recognized the 25th Anniversary of the Pretrial Services Act of 1982.

TYPES OF PRETRIAL CASES*	2003	2004	2005	2006	2007
Robbery	11	3	7	0	0
Property (e.g. Larceny, Embezzlement, Fraud)	35	47	38	27	47
Violence	0	2	1	9	3
Weapons/Firearms	72	74	64	62	55
Drugs	114	118	66	73	46
Immigration Laws	11	12	28	20	18
Sex Offenses	3	8	13	15	8
Other	14	23	22	7	17
<b>TOTAL</b>	<b>260</b>	<b>287</b>	<b>239</b>	<b>213</b>	<b>194</b>

\*This table does not include cases transferred in to the District of Maine.

## Presentence Investigations

After two years of decline, FY 2007 required the Probation Office to prepare 15% more presentence reports than the year before. Sentencing law has been in flux in recent years (*Blakely*, *Booker*, *Gall-Kimbrough*, and soon the Crack Amendment), but the Probation Office has adapted to meet the challenge. Preliminary figures from the Sentencing Commission indicate that the court



entertained *Booker* variances in about seven or eight percent of cases in Maine. More than ever, the court has required high quality presentence investigations to give it both the legal fact-finding and human impact information it needs to make these decisions. Similarly, the Probation Office has adapted to the court's need for more modified presentence investigations to address time-

served immigration or other specialized cases. In late FY 2007, the court provided probation officers with access to sealed ECF filings and this has greatly aided in the investigation of cases that may have sensitive materials. One challenge that seemed magnified this year was the U.S. Marshals Service use of disparate jails in order to house defendants. As a result, in some multi-defendant cases, probation officers have had to travel across the state, or to Dover, New Hampshire, to conduct presentence interviews. Despite this challenge, presentence reports have consistently been submitted on time. In May 2007, Darlene Emerson and Eric Storms attended the National Guidelines Seminar in Salt Lake City, where there was a great deal of discussion on the upcoming Crack Amendment, its proposed retroactivity, and changes to some guideline provisions in USSG Chapter Four.

### **Post-conviction Supervision**

There are currently five officers in Portland and three in Bangor dedicated to the supervision of post-conviction offenders. In addition, these officers share responsibility for the supervision of pretrial defendants residing in their area of coverage.

Supervision numbers in 2007 were slightly lower than in 2006. Approximately one-third of the supervision cases were firearms offenses, a significantly higher percentage than any in the Circuit. An additional one-third were drug-related offenses, and the remaining third was split between sex offenses, property/fraud crimes, and other offenses. While the number of cases slightly declined, the number of revocations increased from 14% of active cases in 2006 to approximately 20% of active cases in 2007.

These statistics demonstrate the increasingly challenging nature of the cases and offenders under supervision. More offenders are suffering from either drug addiction or mental health issues, and an increasing number are suffering from both. Supervision of sex offenders is a very time-intensive process because of the need to monitor their activities and computer usage, in addition to their significant treatment needs. Additionally, locating housing for these offenders has become a very challenging task. The supervision officers have met these challenges by dedicating significant hours to field work, establishing collaborative relationships with other law enforcement agencies, and providing services to offenders through treatment programs. The office has enhanced officer safety by regular scenario-based and defensive tactics training. In addition, police radios were installed in the government vehicles to enable communication with other agencies in the event of a high-risk situation.

### **Low Intensity Supervision Program**

Fiscal Year 2007 was the first full year of the low intensity supervision program. Low intensity supervision allows supervision officers to focus their time and efforts on offenders/defendants in need of closer supervision, while relieving them of offenders/defendants requiring little supervision. Low intensity supervision cases are supervised by the Probation Officer Assistant in Portland. In FY 2007, 73 offenders/defendants were supervised in the low intensity supervision program. Of those, 23 offenders/defendants completed supervision successfully, seven of whom were granted early termination of their supervision. In total, compared to FY 2006, an additional 31 cases were supervised in the low intensity program in FY 2007, which represents a 71% increase in its use.

## Home Confinement and Electronic Monitoring

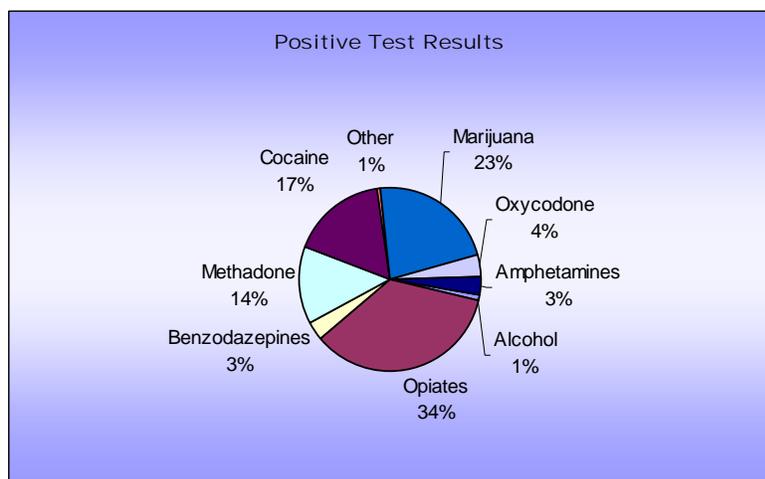
Fiscal Year 2007 was a year of ongoing testing of products intended to more fully meet the needs of the district. Overall, 81 offenders were supervised on home confinement with electronic monitoring. Of those, 21 were pretrial cases, 50 were post conviction, and 10 were Bureau of Prison pre-release offenders. Of the 81 offenders who were actively on home confinement with electronic monitoring, 15 were removed due to violation.

Through extensive testing, the Probation Office was able to use passive and active GPS during FY 2007. In total, seven offenders were placed on active GPS, while four offenders were placed on passive GPS. The Probation Office continued to test one-piece active GPS products through numerous vendors. It is hoped that through these tests, the office will be able to implement the use of more products in FY 2008, which in turn offers the court greater options. The Home Confinement Specialist continued to represent the First Circuit on the National Home Confinement Working Group, which is revising the national policies for this program.

In FY 2007, 53.1% (\$13,309.07) of the total expenditures (\$25,061.11) were collected for electronic monitoring through offender/defendant co-payment. The Probation Office set an internal goal to collect 40% through offender/defendant co-payment in FY 2007. This figure exceeded the office's goal (of 40%) and more than doubled co-payments from FY 2006, which totaled \$5,676.38. The savings were then available to be used for substance abuse and mental health treatment services.

## Urinalysis Testing

A significant change to the urinalysis drug testing program in 2007 was the addition of the Bigmouth urinalysis call-in program. With the Bigmouth system, offenders are assigned a four digit number. Once that number is keyed into the phone, they are given individual urinalysis instructions for the following day. The Bigmouth system allows Probation staff to monitor offenders who do not call in for testing instructions. A computer generated e-mail is sent directly to the offender's Probation Officer if they fail to call in during the required times. The new system allows Probation Officers to respond quickly to anyone who might attempt to avoid



testing. It also allows Probation staff to schedule individual testing for an offender or schedule an offender for back-to-back testing if recent drug use is suspected.

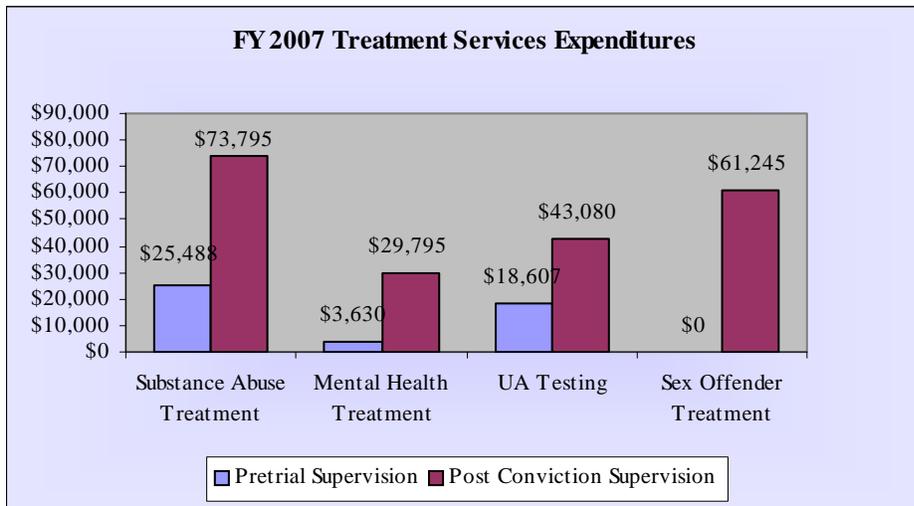
During FY 2007, two new urinalysis testing vendors were brought on board in areas of the district that were under served. Also, all urinalysis processing district-wide was centralized. All vendor scheduling, supplies, processing of results and

notifications are now handled in the Portland office by the Probation Support Technician.

The Rapid Drug Screen, a hand held testing device, is used as the main testing instrument in both the Portland and Bangor offices. This testing device is also used by officers when conducting tests while in the field. This type of instrument allows testing for single or multiple drugs of abuse and provides results within minutes of testing. Kroll Laboratories continues to conduct confirmation of presumptive hand held tests and all tests conducted at vendor sites.

**Treatment Services**

In FY 2007, the Probation Office spent a total of \$193,953 on various types of treatment services (not including urinalysis testing or electronic monitoring). This represents approximately a 16% increase from FY 2006. The highest level of spending occurred in the area of substance abuse treatment. These expenditures totaled \$99,283. Inpatient treatment for offenders with substance abuse issues accounted for \$41,445 or 42% of that total. Sex offender treatment expenditures followed with a total outlay of \$61,245, and the Probation Office spent \$33,425 on mental health treatment, including psychological evaluations. One of the ways that the Probation Office attempted to control the costs of treatment services is through the use of co-pays. Co-pays are collected from the offenders referred to treatment by the treatment providers.



The Probation Office adopted the philosophical approach that shared financial responsibility by offenders serves a significant function - that is, individuals become more vested in their treatment with the introduction of an independent financial stake. In FY 2007, vendors collected total co-pays in the amount of \$20,210. Of this

amount, the sex offender population paid \$9,660, followed by the substance abuse population - \$8,395. The remitted co-pays represent approximately ten percent of the treatment services cost in 2007, and was a 40% increase of co-pay collection from FY 2006.

The treatment services expenditures for FY 2008 are expected to change dramatically. The Probation Office recently contracted for dual diagnosis treatment as well as intensive outpatient treatment services. These changes will hopefully reduce the need for inpatient referrals (the most expensive form of treatment) in the future, while keeping individuals engaged in treatment locally.

## Budget

Total expenditures in FY 2007 increased only two percent over FY 2006. Salary and equipment and furniture expenditures decreased, while treatment services, operations, telecommunications expenditures increased. In addition, the purchase of video conference equipment resulted in an increase in the office's automation expenditures.

<b>FY 2007 TOTAL EXPENDITURES</b>	
<b>Salaries</b>	\$1,875,111.84
<b>Treatment Services (including electronic monitoring &amp; UA Testing)</b>	\$268,017.05
<b>Operations</b>	\$143,302.79
<b>Equipment &amp; Furniture</b>	\$13,051.94
<b>Telecommunications</b>	\$43,769.63
<b>Automation</b>	\$38,929.14
<b>Video Conference Equipment</b>	\$84,687.42
<b>TOTAL</b>	<b>\$2,466,869.81</b>

## Automation

In Fiscal Year 2007, automation tackled a variety of projects critical to the day-to-day work of the Probation Office. The office implemented Internet monitoring through a product that tracks only U.S. Probation desktops in both the Portland and Bangor locations. This system allows the office to oversee proper internet usage on an as-needed basis.

The office also implemented a document storage solution for financial and HR documents. This solution provides backup protection of these documents by storing them electronically and the backups are then taken to off-site storage. With this solution, the office can provide documents to auditors effectively and efficiently.

The urinalysis call-in system, referred to as Bigmouth, was implemented this year and required a large IT involvement. The application was originally designed in New York and made its way to various offices across the country. Many on-line reports are available to the officers to further assist them with client reporting issues.

The Probation Office performed two critical COOP tests this year. Officers were selected to work for a few hours in a scenario where they could not work at the office. One scenario involved a utility type failure that prevented anyone from accessing the building and the other

involved a water pipe break that took out critical services. A great deal was learned from each test and adjustments were made to accommodate the results.

Finally, all officers, managers and IT personnel now carry a Blackberry or Smartphone device, which provide access to critical information such as contact lists, email, COOP resources and, in some cases, PACTS.

### **PACTS (Probation Automated Case Tracking System)**

PACTS-ECM is a multifaceted tool. Its statistical and data entry input supports the office's ever-changing and expanding pretrial and post conviction supervision caseload. This informational database provides officers and staff with invaluable information while also tracking the office's workload.

Fiscal Year 2007 brought many great changes to PACTS-ECM. In March, the consolidation of individual servers in all 94 districts went to a single server in Chantilly, Virginia, with backup in Forth Worth, Texas. PACTS v5.0 was released introducing many new functions and enhancements. This upgrade included the Document Imaging Module, which allows the office to convert paper documents into electronic images, upload them into PACTS, and associate the documents to client records. This feature allows remote access to documents from locations outside the office. The upgrade also provided the new and improved Chrono Module, which allows officers to add a chronological entry to multiple clients. Also introduced in this version, was the Pretrial Services Case Plan Module. This module assists officers in managing their pretrial cases.

In September, 2007, an IT/PACTS Assist Team arrived in the District to share their PACTS-ECM knowledge and experience. They demonstrated features and operating techniques that have since become instrumental to the officers' daily duties and responsibilities.

### **Community Outreach and Volunteer Service**

In 2007 the Probation and Pretrial Services Staff participated in numerous outreach and volunteer activities with agencies, schools, and communities throughout the State of Maine.

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## DISTRICT OF MASSACHUSETTS

### DISTRICT COURT

The Clerk's Office for the District of Massachusetts operates with a staff of (77) 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 2007 was \$ 8,337,370 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.

The court was saddened by the death of Senior Judge Robert E. Keeton on July 1, 2007. Judge Keeton was appointed to the United States District Court for the District of Massachusetts by President Jimmy Carter in 1979 and retired in 2006.

Chief Judge Mark L. Wolf continued his service on the Judicial Conference's Advisory Committee on Criminal Rules in 2007. In October 2007, Chief Judge Wolf also traveled to China for the Department of State.

Judge Douglas P. Woodlock, together with Supreme Court Justice Stephen Breyer, received a Special Recognition Award from the National Administrator of the General Services Administration on June 1, 2007 during a full-day symposium entitled, "Function, Form and Meaning: Design Excellence in Federal Courthouses," in Washington, D.C.

Judge Nathaniel M. Gorton continued his term of service on the Foreign Intelligence Surveillance Act (FISA) Court in 2007. Judge Gorton is serving a seven-year term as one of eleven district judges. The FISA Court considers petitions relating to the electronic surveillance and/or physical search of foreign agents.

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

Judge Patti B. Saris is currently serving as Vice President of the Federal Judges' Association. She is on the Federal Circuit *ad hoc* Committee on Model Jury Instructions and also serves on the Board of Directors of the *Bottom Line*, an organization that provides college counseling to underprivileged Boston children, including the David S. Nelson Fellows. A member of the Visiting Committee to Harvard Law School, Judge Saris recently served as the featured speaker at the New England Chapter meeting of the American Immigration Lawyers Association. Judge Saris is a member of the Court's Budget Committee.

Judge Nancy Gertner authored an article entitled, "The Revolution of Falling Expectations," for the September 17, 2007 edition of *Massachusetts Lawyers' Weekly*. Judge Gertner continued her term of service on the Committee on Information Technology. The group provides general policy recommendations and planning oversight of the judiciary information technology program. She traveled to China in January 2007 on a trip sponsored by the Ford

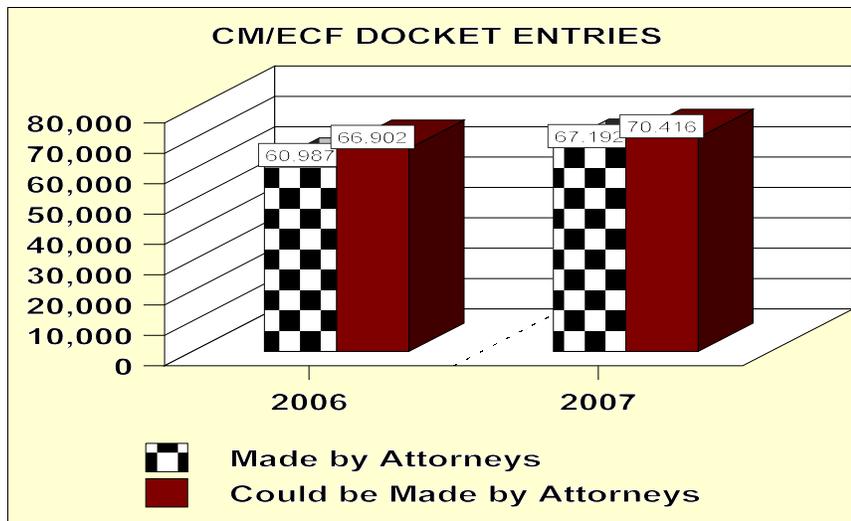
Foundation to teach women's rights issues. Between July 14 and 21, 2007, Judge Gertner participated in the Suffolk International LLM program in Budapest, Hungary. On October 12, in connection with the Kennedy School's Women and Power Executive Program and the Women and Public Policy Program, she traveled to Monrovia, Liberia with a delegation led by former Ambassador Swanee Hunt. Judge Gertner hosted a delegation of Judges from Liberia in November and received the Kindregan Award from Suffolk University Law School. The award is designed to honor those who have given exceptional service to Suffolk's Advanced Legal Studies program.

Judge Michael A. Ponsor reports that the new Springfield courthouse continued to make substantial progress towards completion in 2007. The projected move-in date is August 2008, and the formal opening is tentatively scheduled for fall 2008. In November 2007, Judge Ponsor spent a week in Baku, Azerbaijan, participating as a faculty member in the training of (51) new Azeri judges. The seminar, sponsored by the U.S. Department of Justice, included topics on the American legal system, and the crucial role of an independent judiciary in a democratic society. It is one of several trips that Judge Ponsor has made, including three to Vilnius, Lithuania.

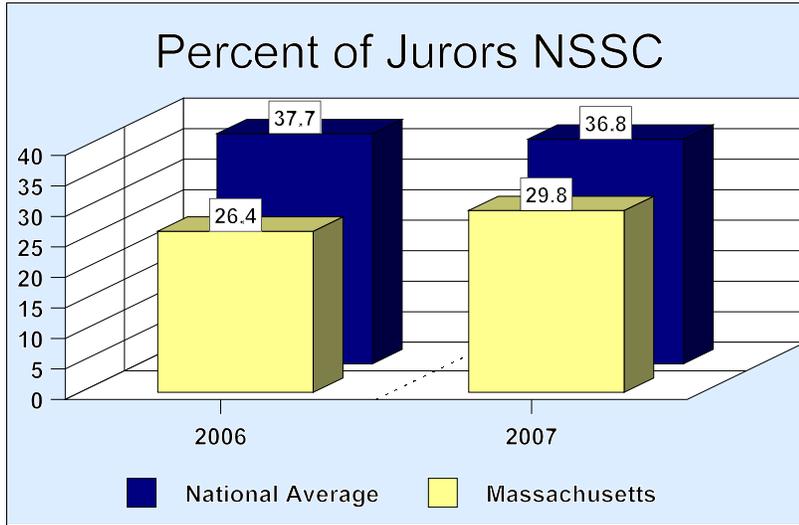
During 2007, Judge George A. O'Toole, Jr., finished his term of service on the Judicial Conference Committee on Judicial Security. The Committee reviews, monitors and proposes protection for judicial officers, other officers and employees of the judiciary, and security of court facilities and proceedings.

Chief Magistrate Judge Kenneth P. Neiman presided at a July 4<sup>th</sup> naturalization ceremony on the Boston Esplanade.

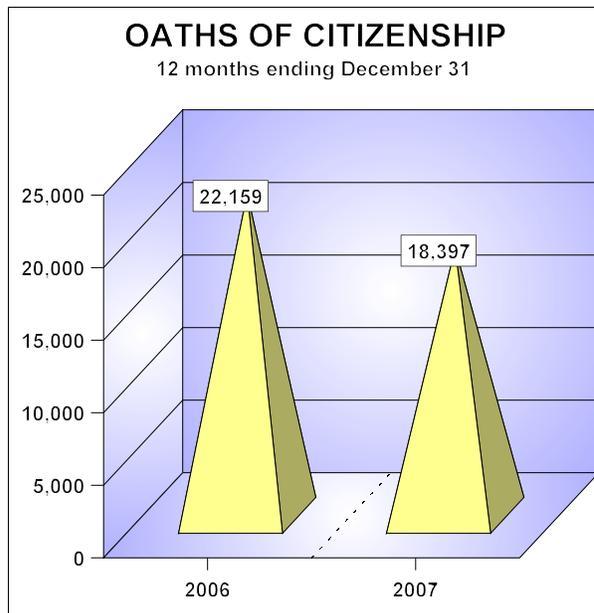
Effective January 1, 2006, the Court ordered that all documents submitted for filing in all pending civil and criminal cases, except those documents specifically exempted, must be filed electronically. As a result, there has been a significant increase each year in the amount of CM/ECF docket entries made by attorneys. During 2006, (60,987 of 66,902) 91.2 percent of all electronic entries that could be made by attorneys were. In 2007, that number increased to 95.4 percent (67,192 of 70,416).



For the twelve month period ending December 31, 2007, 29.8 percent of the jurors reporting for service in the District of Massachusetts were listed as not selected, serving, or challenged (NSSC). This was an increase from the 26.4 percent reported in 2006, but is well below the national average for 2007 of 36.8 percent. The Judicial Conference has set an approved utilization goal of 30 percent or less.



In 2007, Citizenship and Immigration Services (CIS) worked in conjunction with the District Court to conduct a total of 62 naturalization ceremonies. The oath of citizenship was administered to 18,397 immigrants. This represented a 16.9 percent decrease from 2006 when 22,159 new citizens were sworn.



As indicated in the table below, original transcript pages produced fell 11.8 percent in 2007. Not surprisingly, the in-court hours of court reporters also decreased 6.5 percent. Each reporter averaged 7,643 original transcript pages and 429 hours in court.

<b>Court Reporting</b>	<b>2006</b>	<b>2007</b>
<b>Original Transcript Pages Produced</b>	<b>130,038</b>	<b>114,644</b>
<b>In-Court Hours</b>	<b>6,890</b>	<b>6,438</b>

Court interpreters were provided for 510 cases in 2007. Of those, 78 percent (396) used Spanish. The remaining 22 percent (114) required interpreters for 10 other languages ranging from Cantonese to Vietnamese. A total of \$113,565 was spent for interpreting services in 2007, a decline of 8.5 percent from the 2006 total of \$124,206.

The table below depicts interpreter usage in the District of Massachusetts during 2007.

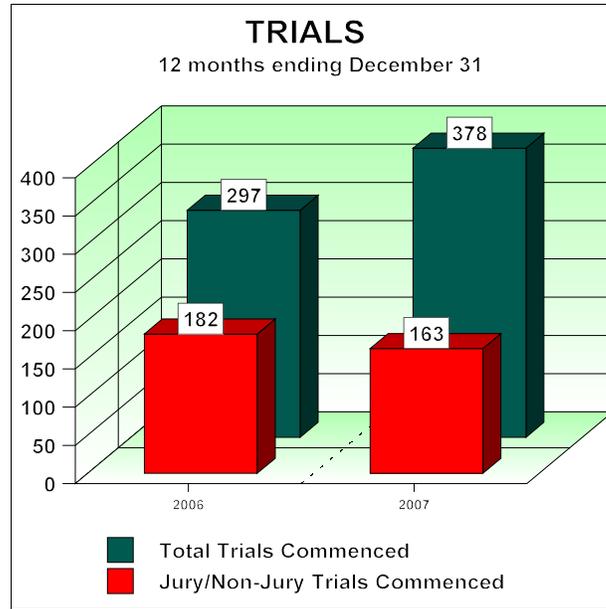
<b>Language</b>	<b>In-Court Events</b>	<b>Out-of-Court Events</b>
<b>Cantonese</b>	<b>2</b>	<b>0</b>
<b>Creole (Haitian)</b>	<b>2</b>	<b>0</b>
<b>French</b>	<b>1</b>	<b>0</b>
<b>Khmer</b>	<b>5</b>	<b>0</b>
<b>Lao</b>	<b>12</b>	<b>0</b>
<b>Mandarin</b>	<b>3</b>	<b>0</b>
<b>Portuguese</b>	<b>65</b>	<b>0</b>
<b>Russian</b>	<b>3</b>	<b>0</b>
<b>Somali</b>	<b>1</b>	<b>0</b>
<b>Spanish</b>	<b>396</b>	<b>0</b>
<b>Vietnamese</b>	<b>20</b>	<b>0</b>
<b>Totals</b>	<b>510</b>	<b>0</b>

The staff processed 1,005 Criminal Justice Act (CJA) vouchers in 2007. This represented a decrease of 226 vouchers or 18.3 percent from 2006. The total dollar amount of CJA payments in 2007 decreased by \$1,210,693. This marked the first time in six years that the cost of CJA payments declined in the District of Massachusetts.

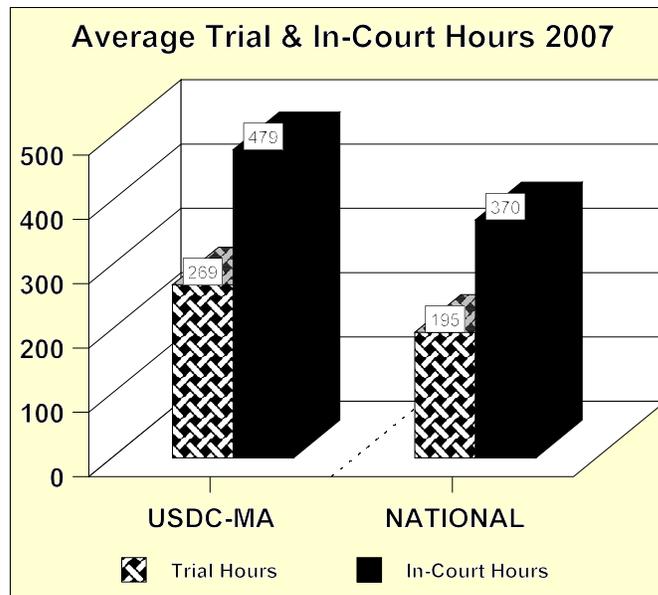
Year	CJA Payments	Number of CJA Vouchers Processed
2000	\$2,743,582	1072
2001	\$2,396,304	979
2002	\$2,803,948	1019
2003	\$4,217,041	995
2004	\$4,619,226	986
2005	\$5,783,294	1156
2006	\$5,872,955	1231
2007	\$4,662,262	1005

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 2007. A total of 240 cases were referred to the ADR Program, and 221 cases were mediated in the same year. The majority of cases were mediated by seven magistrate judges in Boston, Worcester and Springfield (192 cases total). In addition, the court ADR Program was enhanced by the presence of Senior Judge Morris E. Lasker as mediator during the last quarter of 2007 (16 cases total, from September to December). Finally, in addition to the mediations conducted by 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 13 cases. The rate of settlement was about 55 percent in 2007.

The total number of trials commenced in this district rose 27.2 percent in 2007, from 297 in 2006 to 378 this past year. Conversely, the total number of jury and non-jury trials started during this period dropped 10.4 percent from 182 in 2006 to 163 in 2007.



Total in-court hours fell from 10,902 in 2006 to 9,606 in 2007. Days on trial dropped slightly from 1,157 days in 2006 to 1,108 days in 2007. Hours on trial decreased 13.4 percent in 2007 (4,626 hours in 2006 versus 4,002 hours in 2007). The total amount of in-court hours spent on matters other than trials decreased from 6,293 in 2006 to 5,605 in 2007, a drop of 10.9 percent. 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 2007. Active judges in this district averaged 479 in-court hours, compared to 370 nationally. Average trial hours were 269 in this district and 195 nationally.



**BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

The impact of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) changed the work in bankruptcy courts and initially reduced the number of case filings. But as practitioners and the public adjust to the changes in the law and the vagaries of the current economy, the number of bankruptcy filings continues to increase. In 2006 there were 8,034 cases filed in the district while in 2007 there were 13,255 new cases filed. At the current rate of filing, the court will exceed 15,500 new cases in calendar 2007.

Filings by pro se, or unrepresented debtors, nearly doubled under the new law and now comprise 10% - 12% of all filings. Formerly, pro se filers were predominately filing Chapter 7 cases. Under BAPCPA the vast majority of pro se filings are now under the more complex Chapter 13. To address the increase in pro se activity, a pro se law clerk was hired in January 2007 to assist these debtors and to work with the various bar groups in the district to develop volunteer panels whose sole purpose would be to assist pro se debtors.

The office continues to provide ECF training for all interested attorneys and their staffs, holding classes in Boston, Worcester and Springfield. The office is also working on enhancing the functionality of ECF for the attorneys and staff, as well as developing a new version of CHAP, local software program that allows for the electronic transfer of documents and information between chambers and the clerk's office. CHAP was originally developed in Utah and later enhanced by court personnel in Massachusetts. The new web-based version will be called BCAP and will be written entirely by this court's systems personnel.

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

Judge Joan N. Feeney serves on the Judicial Conference's International Judicial Relations Committee. She also serves on the board of the American Bankruptcy Institute and is the co-author of the West treatise, "Bankruptcy Law Manual." Since its inception several years ago, Judge Feeney has 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. The program conducts classes in schools in Boston, Worcester and Springfield. The program has five one-hour modules, the last of which is a visit to the bankruptcy court for a mock Meeting of Creditors and a hearing on a Motion for Relief from the Stay to repossess an automobile. Chief Judge Henry Boroff and Judge Joel Rosenthal support the literacy project by conducting these courtroom sessions in Springfield and Worcester, respectively.

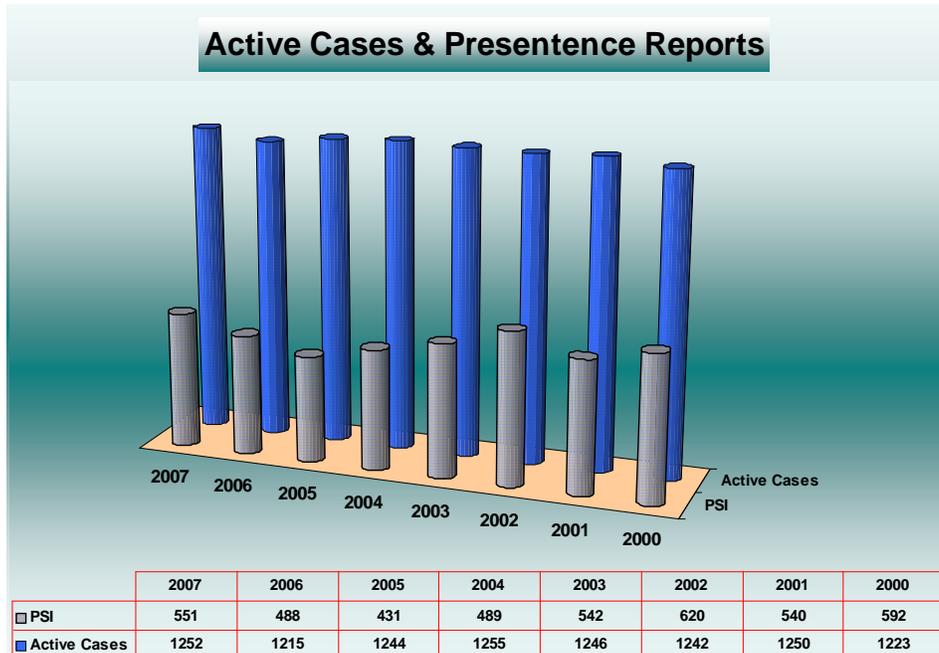
Judge William Hillman continues to serve on the Judicial Conference's Committee on the Administrative Office and serves on the National Conference of Commissioners on Uniform State Laws where he chairs the Committee on the Uniform Debt-Management Services Act. He also serves on the Uniform Law Commissioners Study Committee on Bank Deposits.

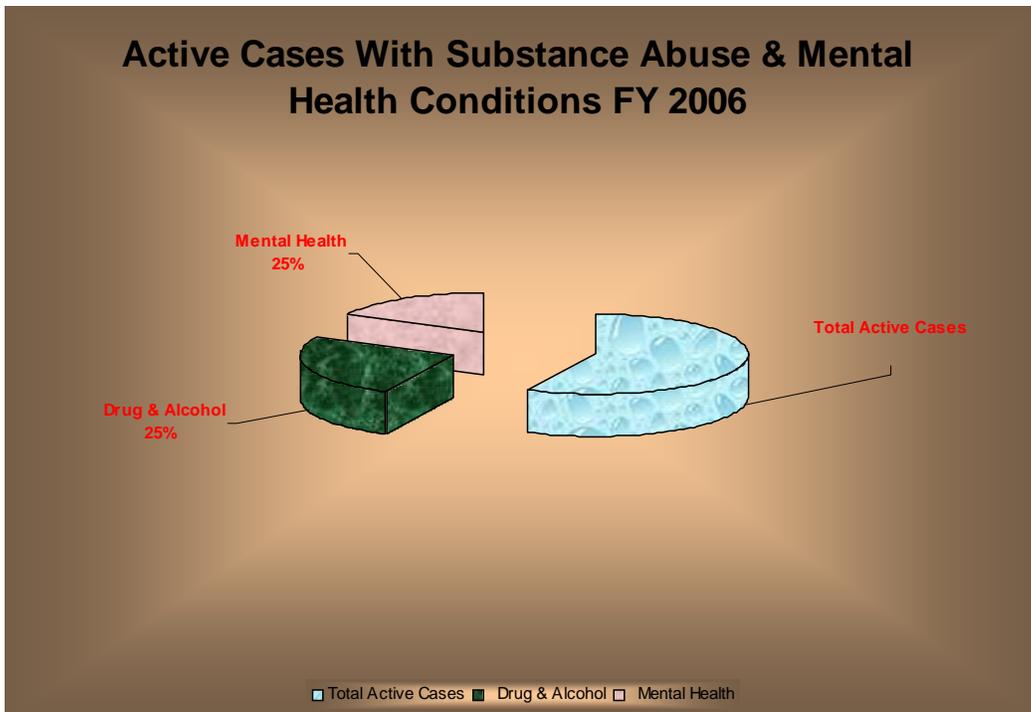
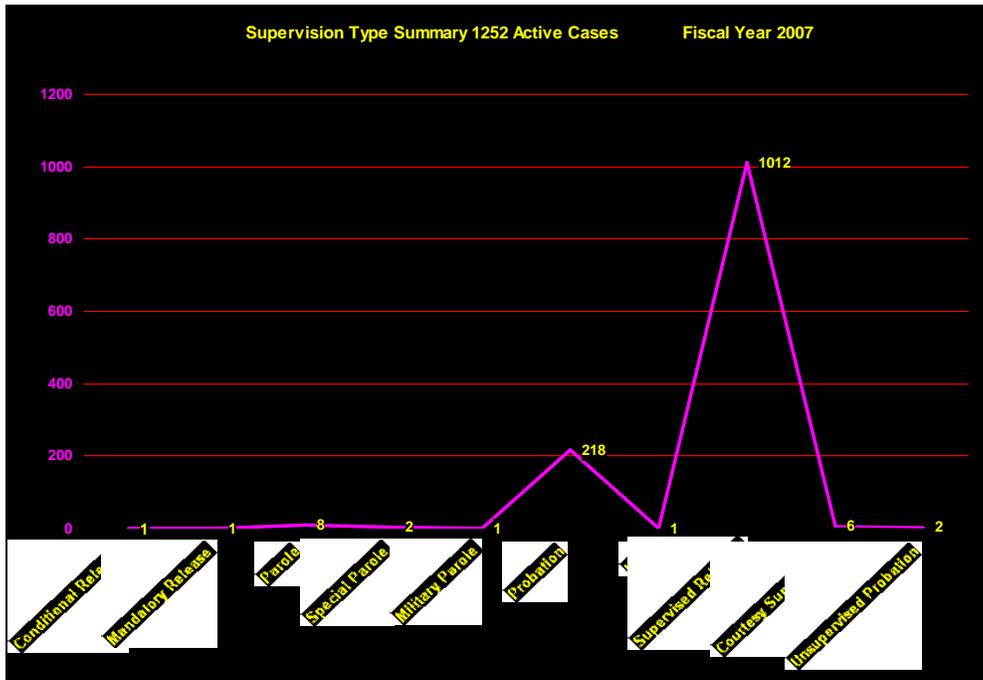
**PROBATION OFFICE  
DISTRICT OF MASSACHUSETTS**

In 2007, the Probation Office focused its energies on hiring to full potential. In addition to hiring two new probation officers and two new clerks, the Office addressed its first transition with the unexpected early retirement of Deputy Chief John Perry. Following a rigorous process, Allyson Lorimer Crews was selected as the Type II Deputy Chief, with administrative responsibilities and oversight of the Presentence and Information Technology (IT) units. Jonathan Hurtig was selected as the Type I Deputy Chief with the primary responsibility of managing the Supervision Unit. Supervisor Joseph LaFratta relocated to the Williams building and John Marshall was selected to be supervisor of the Lawrence office. In a continuous effort to effectively utilize resources, the office reached a decision to create a new supervisor's position for the Springfield office, ensuring a daily management presence in all offices within the district. Lastly, the year ended with three new officer candidates accepting employment.

A significant office transition was the formulation of an IT Advancement Committee and PACTS Business Management Team. While the District of Massachusetts has always been at the forefront in terms of its use of technology, the District now systematically challenges staff to embrace a fundamental change in the way they view technology by fully reviewing all practices and planning for future IT needs. By embracing this change, IT will work more efficiently and effectively. It appears that the most significant changes within the criminal justice field over the next five years will be in the area of IT advancement as the office seeks to optimize ever changing technology and work within an increasingly paperless environment.

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







**PRETRIAL SERVICES OFFICE  
DISTRICT OF MASSACHUSETTS**

**Staffing and Training**

In FY 2007, U.S. Pretrial Services staffed offices at three sites in the District and carried a compliment of fifteen full time employees. The office in the Federal Building and Courthouse in Springfield, MA, was staffed by one pretrial services officer, and the office in the Harold D. Donohue Federal Building and the Courthouse in Worcester was staffed by one pretrial services officer. The office in the John Joseph Moakley U.S. Courthouse in Boston was comprised of the chief pretrial services officer, one supervisory pretrial services officer, one drug and alcohol treatment specialist, one home confinement/monitoring specialist, four pretrial services officers, one pretrial services officer assistant, one budget analyst, one data quality analyst, and one pretrial services clerk.

Pretrial Services created the position of U.S. Pretrial Services Human Resource Technician. In a continuing commitment to the concept of shared administrative services, the position is funded by pretrial services, and the duties and responsibilities of this position are shared with the Clerk’s Office and the U.S. Probation Office.

This agency’s student internship program, which began in 2005, benefitted greatly from the participation of four students from area colleges from May through August.

The office continued to emphasize the importance of career development and training in FY 2007. Officers participated in both in-district safety training programs, as well as safety training events with the surrounding districts of Maine, New Hampshire, Connecticut, and Rhode Island. Officers completed training in databases used in the office’s investigation and report writing phases, such as Lexis/Nexus and PACTS. Officers also attended training events geared to help understand and supervise the needs of clients in the areas of substance treatment,

employment and education assistance, and dealing with clients suffering from co-occurring mental health disorders. In FY 2007, the agency began utilization of an alcohol breathalyzer unit, the Intoximeter, which required web-based training and certification. Training and certification was also completed in the use of Global Positioning Systems (GPS).

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

### **Budget and Facilities**

The U.S. Pretrial Services for the District of Massachusetts received a total of \$1,873,330 in funding for FY 2007. This represented an increase of 11% from the funding received in FY 2006.

The increase in funds allowed staff to travel to conferences outside the district, as well as allow this district to co-host with the U.S. Probation Office an administrative meeting of Chief and Deputy Chief Probation and Pretrial Services Officers from around the country in August 2007.

The amount designated for personnel compensation in fiscal year 2007, \$1,284,337, represented nearly an 8% increase over the amount funded for personnel in fiscal year 2006 and accounted for 46% of total expenditures.

Alternatives to Detention funding accounted for 34% of expenditures in fiscal year 2007. These funds were obligated for drug, alcohol, and mental health contract services, electronic monitoring, drug and alcohol testing supplies, and travel in support of field supervision.

The remaining 20% of the total allotment in fiscal 2007 funded automation expenses, general office supplies, equipment, shared expenses, and general maintenance costs.

All three locations were operating in adequate space in fiscal year 2007. The situation in Springfield will be much improved with a new courthouse, which is scheduled to open in August 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 Continuity of Operations Plan. All officers are 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 staff of the Magistrate Judges, as well as the District Judges, continued to be excellent. Information on arrests and summonses on criminal complaints and indictments was readily available. The Attorney Pilot Project, which was initiated in January 2004 and requires that all defendants, prior to the pretrial services interview, have access to defense counsel, continued to be practiced in fiscal year 2007. The initial impact of this project did result in a significant reduction in the number of interviews performed by pretrial services during the course of fiscal year 2004. Fiscal year 2005 saw an improvement in the interview rate, and fiscal year 2006 remained consistent with a sixty percent interview rate. In fiscal year 2007, the office experienced a 5% decline in the interview rate.

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

On the other end of the federal criminal justice system, communication and sharing of information with the U.S. Probation Office remained constant. Probation officers preparing Presentence Investigation (PSI) reports had access to the file of each defendant at the guilty plea stage and throughout the period of time that the defendant's case was pending disposition.

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

### **Electronic Monitoring, Testing, Treatment, and other Services**

Electronic monitoring continued to play an important role in the release of defendants viewed as posing substantial non-appearance and/or safety risks. During the course of FY 2007, 74 defendants were initially released with a condition requiring the use of electronic monitoring. The average length of time a defendant spent on electronic monitoring was 254 days, which translates into combined total of 18,784 days for new releases in FY 2007. At a daily cost of \$3.26, Pretrial Services expended \$61,750.00 in electronic monitoring costs. If detained, the cost to the federal government would have been \$1,178,000 (\$62.73 per day in pretrial detention). Overall, Pretrial Services supervised a total of 123 defendants (49 defendants carried over from FY 2005 and FY 2006). Including the carried-over cases, Pretrial Services supervised a total of 123 defendants released on electronic monitoring in FY 2007 for a total of 31,242 days at a total cost of \$101,800. If detained, the cost to the federal government would have been \$1,960,000. An additional 33 defendants were supervised by use of a computer-based voice recognition system which monitored a court imposed curfew condition. Approximately \$8,500 was spent on the Voice ID system.

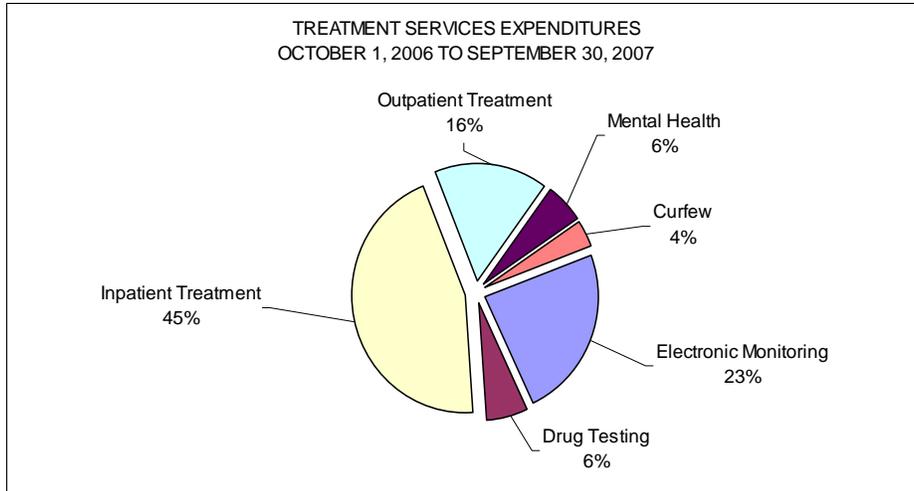
Submitting to substance abuse testing is an extremely valuable condition of pretrial release. Urinalysis was conducted at the three court locations (Boston, Worcester and Springfield), as well as contracted private facilities (drug treatment programs). During Fiscal Year 2007, 1,817 urine samples were obtained from defendants by use of a Non Instrumented Drug Testing Device (hand held units). An additional 387 samples were sent to the national laboratory, Kroll/STL, for analysis. This office utilized a third tool for detecting drug use, a sweat patch. In FY 2007, 148 sweat patches were applied. The total cost for substance abuse testing exceeded \$18,500.

Pretrial Services contracted the services of five inpatient residential programs in FY 2007 for various levels of inpatient drug and/or alcohol treatment. Fifty-three defendants participated in contracted inpatient/detoxification alcohol and/or drug treatment residential facilities. An additional thirty-three 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 in FY 2007 was \$157,390.

In FY 2007, Pretrial Services' combined expenses for all contract services totaled \$221,827. This amount represented roughly half of the FY 2006 expenditure (\$400,000).

**Cases Activated, Interviews Conducted, Violation of Conditions, Failure to Appear, and Rearrest**

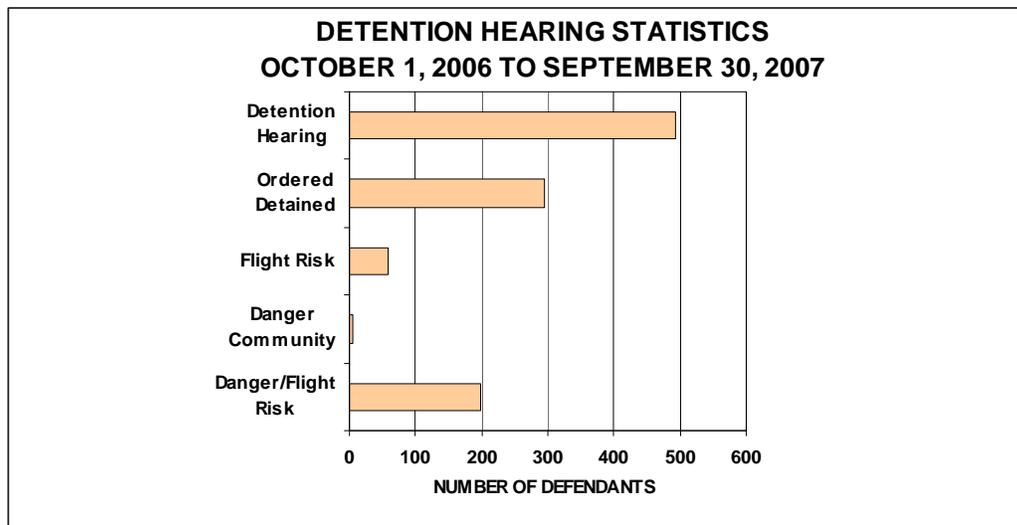
In the District of Massachusetts, a total of 549 cases were activated during FY 2007. After adjusting for cases dismissed or defendants returned to state custody (no release/detention issue) immigration cases and cases transferred out of the District (removed), 494 cases were subject to a release/detention hearing. 294 defendants were ordered detained (59%) and 200 defendants released (41%). When immigration cases are excluded from this calculation, the detention rate in FY 2007 was 58% and the release rate 42%.

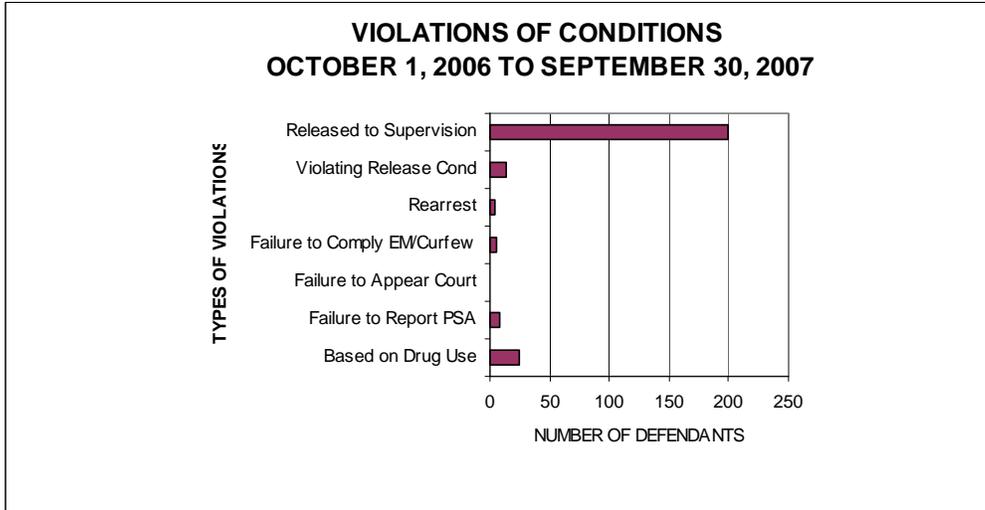


During FY 2007, a total of 921 cases were in release status and under the supervision of this office. This figure includes cases carried over from prior fiscal years.

Of the 66 defendants who were reported as being in violation of conditions of release, 4 (6% of those released) were rearrested, 8 (12%) failed to report as required, 14 (21%) were found to be in violation of electronic monitoring/curfew, 24 (36%) tested positive for an illegal substance, and 16 (24%) were based on other factors.

There was one instance where a defendant failed to appear for trial.

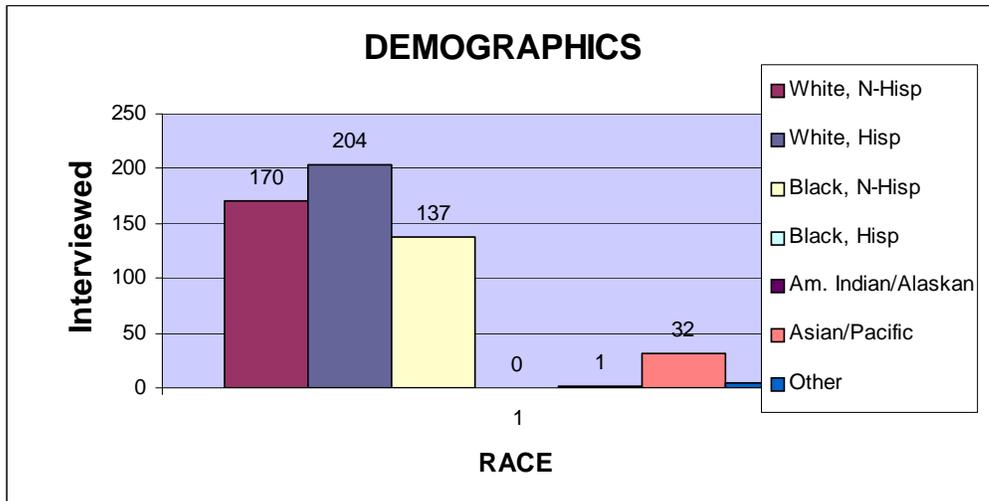




**Demographics**

The following data is based on information obtained by a pretrial services officer during an initial interview.

RACE	TOTAL	PCT.
1. White, Non-Hispanic	170	31%
2. White, Hispanic	204	37%
3. Black	137	25%
4. American Indian/Alaskan Native	1	0%
5. Asian/Pacific	32	6%
6. Other	5	1%
<b>Total</b>	<b>549</b>	



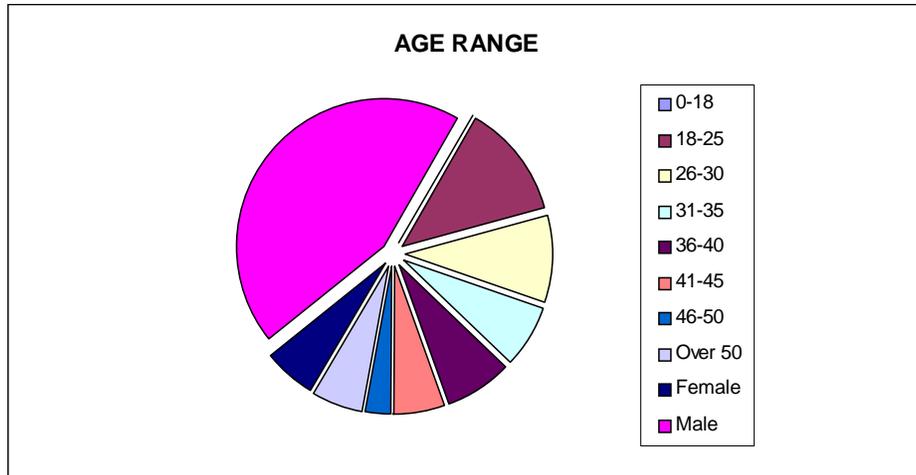
<b>AGE</b>		<b>TOTAL</b>	<b>PCT.</b>
1.	0-18	0	0%
2.	18-25	136	25%
3.	26-30	104	19%
4.	31-35	78	14%
5.	36-40	78	14%
6.	41-45	61	11%
7.	46-50	32	6%
8.	Over 50	60	11%

**Total** 549

<b>GENDER</b>	<b>AGE</b>	<b>TOTAL</b>	<b>PCT.</b>
<b>Female</b>			
1.	0-18	0	0%
2.	18-25	13	2%
3.	26-30	9	2%
4.	31-35	6	2%
5.	36-40	12	2%
6.	41-45	12	2%
7.	46-50	5	1%
8.	Over 50	7	1%
<b>Total FEMALE</b>		64	12%

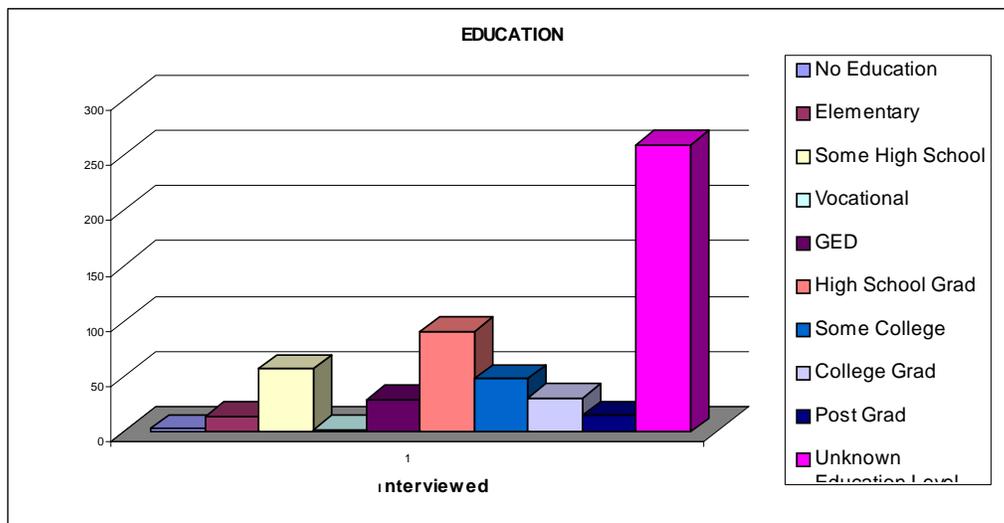
<b>Male</b>		<b>TOTAL</b>	<b>PCT.</b>
1.	0-18	0	0%
2.	18-25	123	22%
3.	26-30	95	17%
4.	31-35	72	13%
5.	36-40	66	14%
6.	41-45	49	9%
7.	46-50	27	5%
8.	Over 50	53	10%
<b>Total MALE</b>		485	88%

**TOTAL** 549



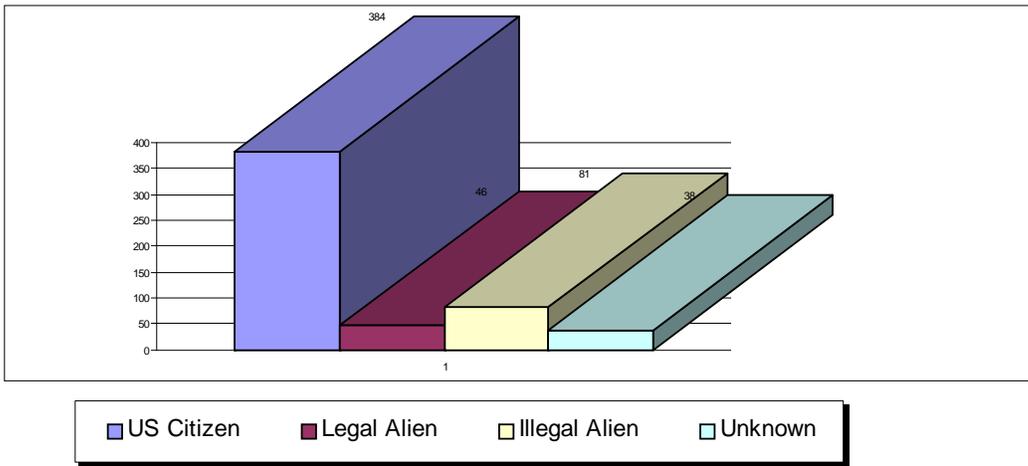
EDUCATION		TOTAL	PCT.
1.	No Education	3	0%
2.	Elementary	14	3%
3.	Some High School	57	10%
4.	Vocational	2	0%
5.	G.E.D.	29	5%
6.	High School Grad	91	17%
7.	Some College	48	9%
8.	College Grad	31	6%
9.	Post Grad	15	3%
10.	Unknown Education Level*	259	47%
<b>Total</b>		<b>549</b>	

\*The number of unknown can be attributed to no interviews conducted, or information not made available or unable to determine at the time of the interview.



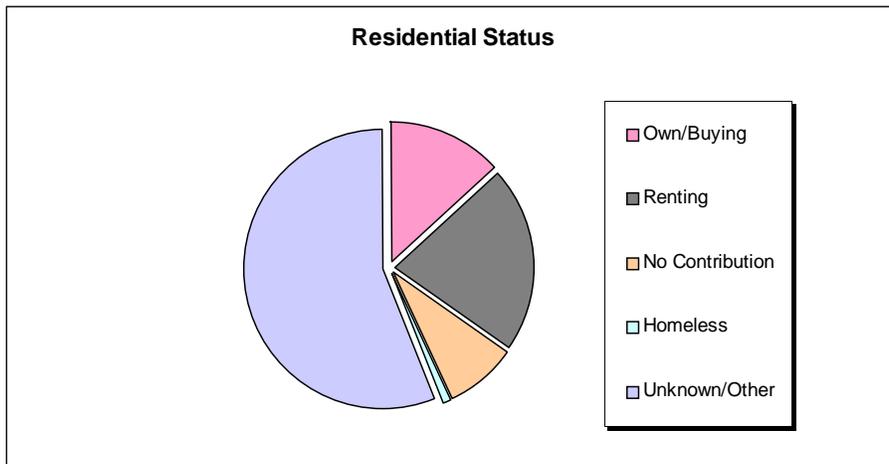
<b>CITIZENSHIP</b>		<b>TOTAL</b>	<b>PCT.</b>
I.	United States Citizen (birth and naturalized)	384	70%
II.	Legal Alien	46	8%
III.	Illegal Alien	81	15%
IV.	Unknown	38	7%
<b>Total</b>		<b>549</b>	

**Citizenship**

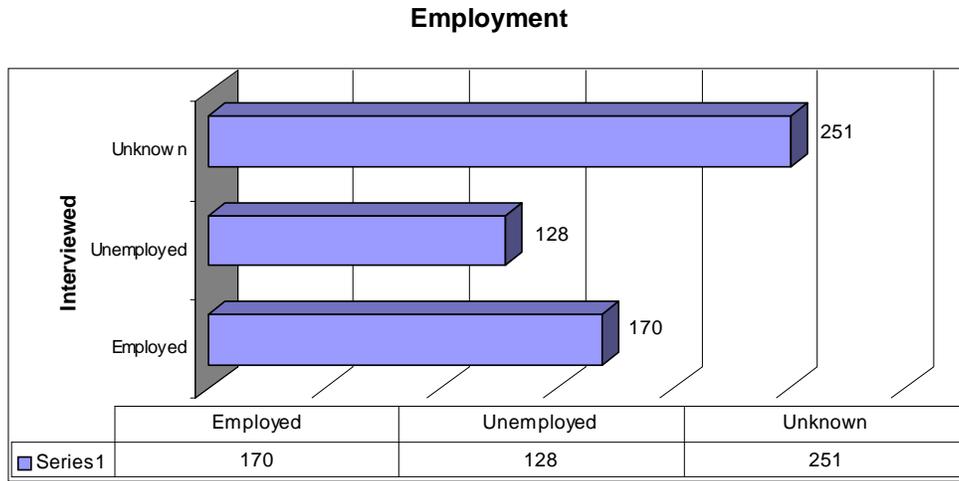


<b>RESIDENTIAL STATUS</b>		<b>TOTAL</b>	<b>PCT.</b>
1.	Own/Buying	73	13%
2.	Renting	118	22%
3.	No Contribution	46	8%
4.	Homeless	4	1%
5.	Unknown/Other*	308	56%
<b>Total</b>		<b>549</b>	

**Residential Status**

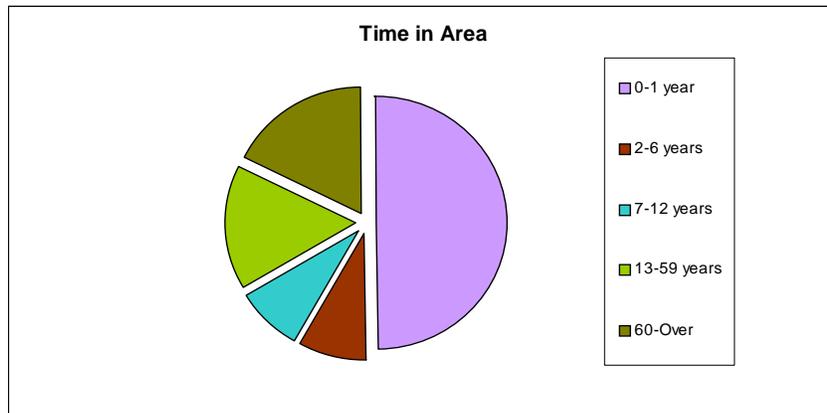


<b>EMPLOYMENT</b>	<b>TOTAL</b>	<b>PCT.</b>
1. Employed	170	31%
2. Unemployed	128	23%
3. Unknown*	251	46%
<b>Total</b>	<b>549</b>	



\*Number of unknown/other can be attributed to no interviews conducted or information not made available or unable to determine at the time of the interview

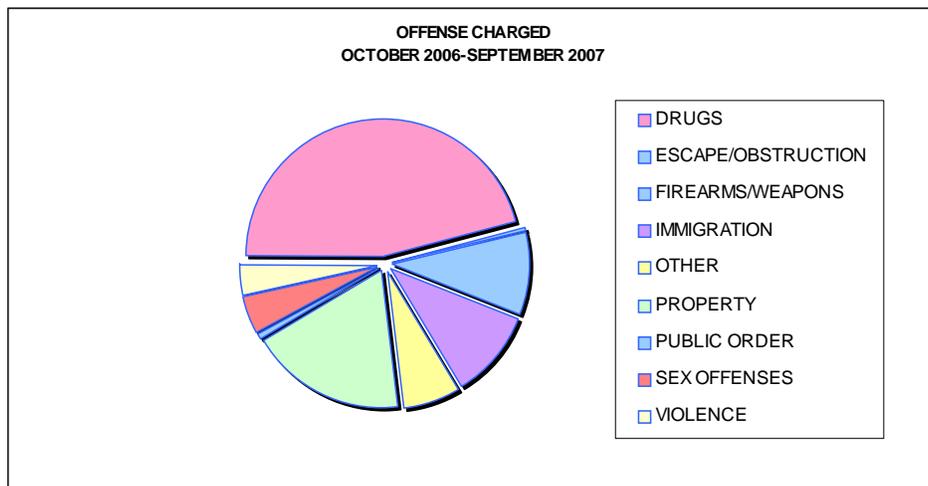
<b>TIME IN AREA</b>	<b>TOTAL</b>	<b>PCT.</b>
1. 0-1 Year	273	50%
2. 2-6 Years	45	8%
3. 7-12 Years	47	8%
4. 13-59 Years	86	16%
5. 60-Over	98	18%
<b>Total</b>	<b>549</b>	



**CRIMINAL HISTORY CHARACTERISTICS**

<b>OFFENSE CHARGED</b>	<b>TOTAL</b>	<b>PCT.</b>
1. Drugs	253	46%
2. Firearms/Weapons	54	10%
3. Immigration	56	10%
4. Property	100	18%
5. Sex Offenses	24	4%
6. Other	62	12%
<b>Total</b>	<b>549</b>	

<b>Drug/Alcohol History Reported at Initial Interview</b>	<b>TOTAL</b>	<b>PCT.</b>
1. Drug Use	105	19%
2. Alcohol Use	17	3%
3. No Use	158	29%
4. Unknown	269	49%
<b>Total</b>	<b>549</b>	



<b>CASELOAD DATA</b>	<b>TOTAL</b>	<b>PCT.</b>
1. Number of Pretrial Services cases activated	549	
2. Number of Defendants Interviewed	299	55%
Number of Defendants Not Interviewed	250	45%
Number of defendants with a report at initial hearing	547	
3. Number of post-bail reports	2	
4. Detention hearing statistics:		
Number of Cases Detained and Never Released*	294	58%
Number of Cases Released	200	42%

<b>CASELOAD DATA (continued)</b>		<b>TOTAL</b>	<b>PCT.</b>
5.	Diversion Cases	5	
	Number of Cases detained as Flight Risk	58	20%
6.	Number of Cases Detained Based on Danger	4	1%
7.	Number of Cases detained as Both Flight and Danger Risk	199	67%
8.	Number of Defendants with Violations Reported	66	33%
9.	Violation Reports Based Re-Arrest	4	6%
10.	Violation Reports Based on Failure to Report	8	12%
11.	Violation Reports Based on Failure to Comply with	14	21%
12.	Electronic Monitoring/Curfew		
13.	Violation Report Based on Positive Drug Test	24	36%
14.	Violation Report Based on Other Factors	16	24%

\*Excludes Immigration cases and cases which were dismissed.

- Based on Tables H1 - H13  
Statistics Division  
Administrative Office of the United States Courts  
Probation/Pretrial Services Automated Case Tracking System (PACTS)

## **DISTRICT OF NEW HAMPSHIRE**

### **DISTRICT COURT**

Calendar year 2007 marked the beginning of significant personnel changes in the district court. In March, the Honorable Joseph A. DiClerico, Jr. was designated as a senior judge. The Honorable Joseph N. Laplante was appointed to succeed Judge DiClerico and was sworn into office on December 28. In addition to these changes, an improved staffing formula and budget appropriation from Congress allowed the court to begin the process of rehiring positions lost over the past four years. The clerk's office hired Kathy DuPont as a full-time case manager to Magistrate Judge Muirhead in June. Jim Chiavaras joined the clerk's office in October after 15 years with the New Hampshire Bankruptcy Court. In August, Debby Brooks retired as Magistrate Judge Muirhead's judicial assistant and Stephanie Smith was hired to perform that role. In October normal public access hours, which had been restricted since March of 2006 due to staffing shortages, were restored.

As a result of this staff transition, the clerk's office spent hundreds of hours training new employees as well as preparing existing staff to assume new roles in the office. The staff also attended numerous off-site training sessions.

In September, Kearney & Company conducted an external audit of the district's financial statements for the 48 month period ending June 30, 2007. The audit was conducted over a two week period. Although the district court had three minor findings, the auditors concluded that the district's financial statements were presented fairly, in all material respects, and in conformity with the relevant provisions of the Guide to Judiciary Policies and Procedures.

Clerk's office personnel revised and reorganized numerous operations training manuals and made them available using an electronic hyperlinked index. Clerk's office staff also completed a major revision of the district's Internal Control Manual. In conjunction with the revisions to the court's Internal Control Manual, the court updated and revised nearly all of its personnel, security and financial policies in 2007.

The court and the Federal Practice Section ("FPS") of the New Hampshire Bar Association co-sponsored the Fifth Annual Federal Practices Institute event on September 27, 2007 at the Wayfarer Convention Center in Bedford, New Hampshire. Attorney Debra Weiss Ford was the chairperson for the Institute. The agenda for this Institute was specially tailored to train and equip new attorneys and practitioners having minimal federal practice experience

The court's Information Technology ("IT") department continued to serve both the district court and probation/pretrial offices with a fresh implementation of Windows 2003 server software followed by the migration to the DCN domain for Active Directory and Domain Name System (AD and DNS). Further efforts to improve network performance included an upgrade to the network backbone switch.

IT addressed the increasing demand for remote access to the court's network with Windows Terminal Server. Remote Desktop Protocol (RDP) was also implemented as a solution for users who access the VPN from computers other than their primary office-based computer.

In compliance with AO initiatives to consolidate servers and to move some applications to AO-managed data centers, JMS was migrated to the CM/ECF server with both remaining hosted at the court. PACTS, the Cizer Report Server (PACTS report server), FAS4T, and the Notes fail over server were all consolidated to central data centers in 2007.

Other IT achievements included application upgrades, hardware cyclical replacement, courtroom technology upgrades, and training and system preparation for the first phase of the CCAM implementation.

There were also two major initiatives related to wireless technologies in 2007. First, a public wireless network was implemented for attorneys and litigants to use while located inside the courthouse. The second wireless initiative was the evaluation and purchase of handheld devices for probation that support access to the PACTS database plus voice and email.

The court continued to improve upon its CM/ECF filing system in 2007. The court went live on V 3.0 in June of 2007. In August the court implemented a local modification that allows the court to send a mass email to all primary and secondary users in the district's CM/ECF system. From the commencement of ECF through the end of 2007, the court has trained over 1,600 attorneys and their staffers.

Court staff also participated in various public outreach projects in 2007. Janice Boucher, a court staff member for over 22 years, was the recipient of an award from the Federal Court Clerk's Association. Janice was awarded the Dwight D. Opperman Public Service Award for her outstanding public service.

During 2007, civil filings decreased by 11% while criminal filings increased by 8%. The district judges presided over 15 jury trials, with the largest civil jury verdict being \$32,000.

The court conducted 11 naturalization ceremonies in 2007, including a special session on National Flag Day in June. A total of 1,006 applicants were naturalized at those ceremonies. The Bureau of Immigration and Citizenship also conducted two non-judicial ceremonies at the courthouse on August 17, 2007.

The district conducted two bar admissions ceremonies in May and October, at which 132 lawyers were admitted to membership in the district's bar.

In addition to participating in the development of the Federal Practice Institute and other attorney training initiatives sponsored by the court, 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. Although the following three members' terms expired in 2007, all three agreed to serve another three year term: Peter S. Cowan, Esq., Wilbur A. Glahn, Esq., and Lawrence A. Vogelman, Esq.

The district's CJA Panel continued to accept a large portion of court appointments in 2007. Due to an on-going initiative to recruit well-respected criminal practitioners to join the CJA panel, panel membership is at its highest point in years with 54 members. At the annual business meeting in December, David H. Bownes, Esq., stepped down as the CJA District Representative after serving in that capacity for six years and Attorney Bownes was then elected to serve a three-year term on the Panel Selection Committee. Lawrence A. Vogelman, Esq., was elected to serve a three-year term as the District's CJA Representative.

The Federal Defender's Office added Jessica C. Brown, Esq., to its attorney staff in 2007. In June and December, the Federal Defenders Office conducted three hour training sessions. Attendees received CLE credits from the New Hampshire Bar Association for these programs.

Working with Bjorn Lange from the Federal Defender's Office, in July the court hosted a delegation from the Vologoda region in Russia. The delegation was headed by that region's chief prosecutor. This group was part of a delegation of lawyers and judges involved with the Open World Program at the Library of Congress.

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

In 2007, the court continued to experience the benefits of CM/ECF. Automated systems continue to be the defining aspect of court administration in many ways. The court utilizes CM/ECF for case management, and employs the FAS4T accounting system. The court also utilizes the conference call system, Court Call, and the automated court recording system, FTR Gold. The BNC continues to carry out the great bulk of bankruptcy noticing.

In 2007 the court experienced total bankruptcy filings of 2928 cases, up 56% from the total for 2006. This increase nearly offsets the decline in 2006 due to the adoption of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) effective October 17, 2005.

Given the growth in business, and the need to replace key positions in the IT area the court filled four spots in 2007. While this represented a net gain of only one position, it had significant effect on the way the court's business was handled.

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

### **Personnel Changes and Highlights**

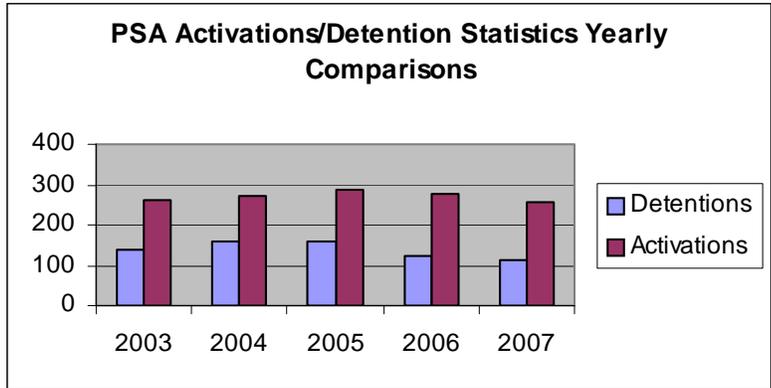
The following personnel changes occurred during FY 2007.

- U.S. Probation Officer Assistant, Bryce Turgeon was promoted to U.S. Probation Officer on October 30, 2006.
- The former student contractor, Janice Benard, was hired as a U.S. Probation Officer Assistant on February 5, 2007.
- As a result of a federal grant, Matt DiCarlo was hired as a part-time Community Resource Specialist on April 30, 2007.
- Karin Hess Venturini was hired as a U.S. Probation Officer Assistant on May 28, 2007.

**PRETRIAL SERVICES**

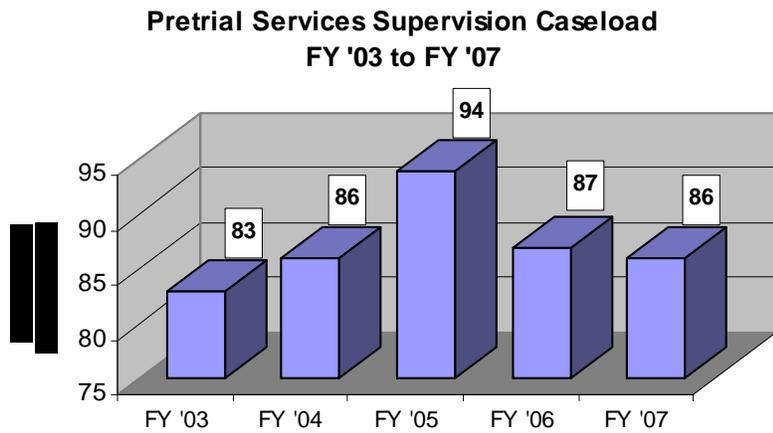
**Investigation Caseload**

FY 2007 ended with a total of 254 case activations, a 9% decrease over FY 2006. However, the U.S. Attorney's office has advised this office that they intend to aggressively prosecute criminal cases and have the goal of increasing criminal filings by 10% during fiscal year 2008. The following graph, which also includes detentions, depicts pretrial case activations over the last five fiscal years.



**Supervision Caseload**

A total of 82 cases were released to pretrial supervision during FY 2007 and by September 30, 2007, 86 offenders were on pretrial supervision, as opposed to 87 offenders on September 30, 2006. As indicated in the prior annual reports, this caseload size appears to be the result of prosecution initiatives of the United States Attorney's Office.



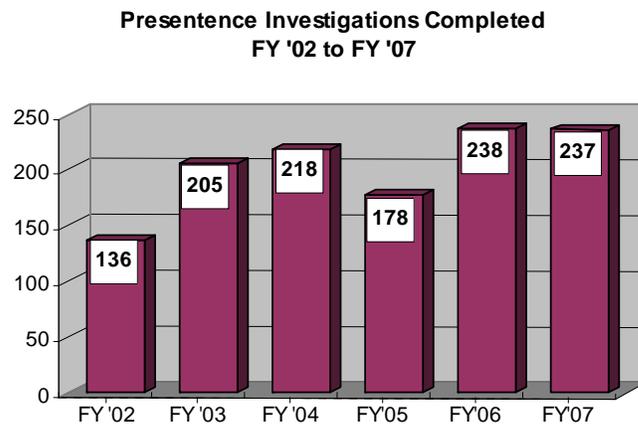
## PRESENTENCE SERVICES

### Investigations and Sentencings

During FY 2007, the Presentence Unit initiated a new electronic disclosure process of the presentence report. Initially, it was a pilot project with the Federal Defender Office and select AUSAs. The project has expanded to include all attorneys who practice in the District of New Hampshire on a regular basis. By disclosing all presentence reports electronically, the office hopes it will save a significant amount of clerical time, expedite the disclosure process, and save volumes of paper and mailing costs.

The Presentence Unit also evaluated the use of video conferencing technology during the presentence interview process. Officers identified which facilities house federal pretrial defendants and have the capability of videoconferencing. Initially, many defense attorneys were resistant to this process, but as they became familiar with the technology and observed that it was not detrimental to their clients, they recognized the value of this procedure. By September 2007, officers had successfully utilized this process with the NH State Prison in Berlin, NH, the Strafford County House of Correction in Dover, NH, and the Essex County Correctional Facility in Middleton, MA.

A total of 237 presentence investigation reports were completed during FY 2007, only one report less than that in FY 2006. As shown in the following chart<sup>1</sup>, the number of investigations has risen steadily, with the exception of FY 2005.

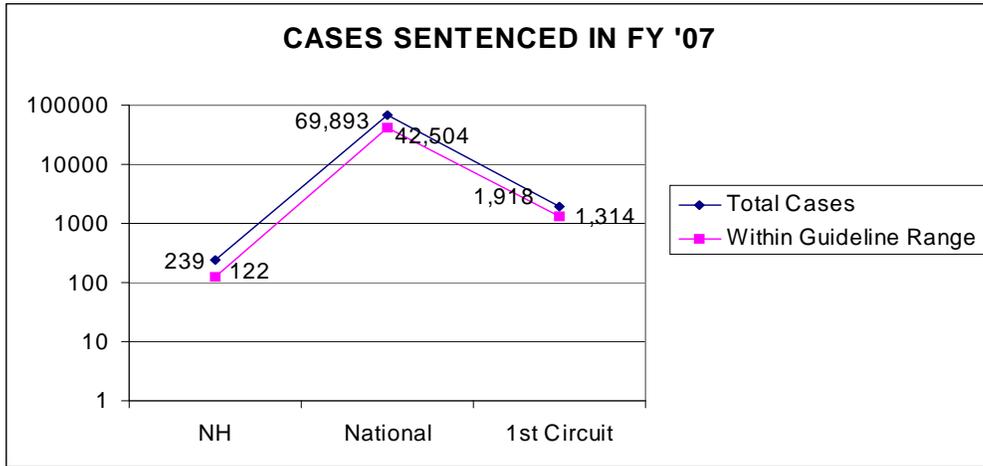


The Court sentenced 239 defendants during the fiscal year as opposed to the 219 defendants sentenced in FY 2006. A review of the sentences imposed reflects that 206 defendants were sentenced to prison; 34 of those individuals were sentenced to up to 12 months imprisonment; 35 defendants were ordered to serve between 13 and 24 months imprisonment; 19 defendants were ordered to serve between 25 and 36 months imprisonment; 47 defendants were ordered to serve between 37 and 60 months; and 65 defendants were ordered to serve more than 60 months imprisonment. Only thirty-one defendants received a probationary sentence. Of that

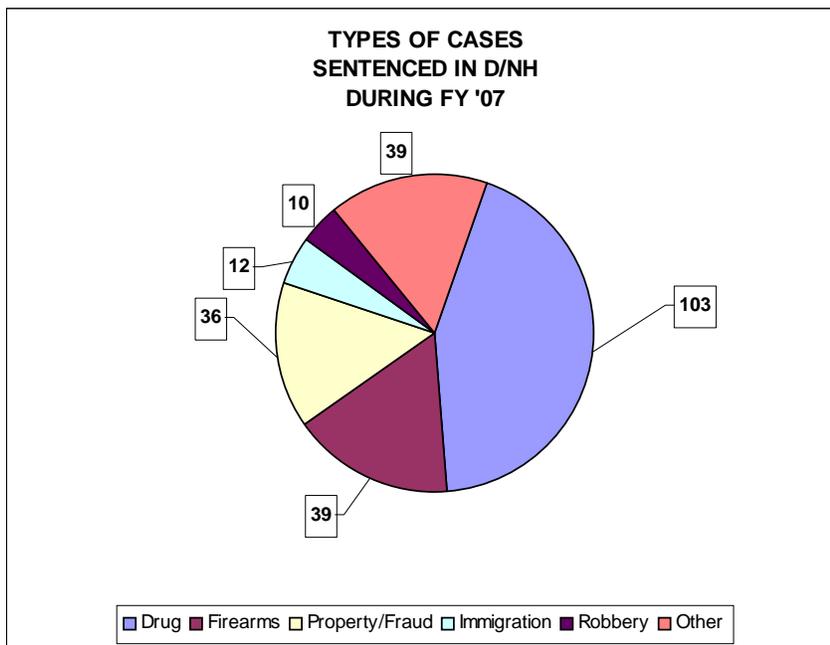
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<sup>1</sup>The source for this chart and all subsequent charts in this report was obtained from the 2007 Sourcebook of Federal Sentencing Statistics.

number, eighteen individuals received a probation only sentence, while thirteen defendants received a sentence of probation with some time of confinement.



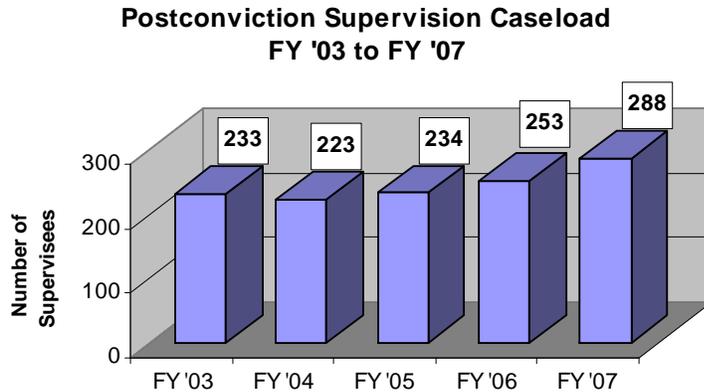
The vast majority of cases sentenced in this district remain drug cases at 43%. Unlike previous years, firearm offenses were the second highest category at 16%. Fraud offenses accounted for 15% of the cases; immigration cases were 5%; and robbery cases were 4%.



**POST-CONVICTION SUPERVISION SERVICES**

**Caseload**

During FY 2007, the post-conviction caseload climbed to an all-time high of 288 which represents an increase of approximately 14% over last year. Supervision officers met this challenge through aggressive management of caseloads and strict adherence to the issue-driven supervision model set forth in *Monograph 109*. These efforts are discussed in more detail below.



In terms of the types of post conviction supervision cases, the percentage of offenders on supervised release was 82%, probation 17%, and other types of supervision (i.e., parole, special parole, mandatory release, military parole, and Bureau of Prisons cases) 1%. The percentage of probation cases remained stable with the majority of the increase being supervised release cases. The current increase is consistent with last year's trend. Drug offenses represented 47% of the total caseload, which was up slightly from 46%, followed by property offenses<sup>2</sup> at 26% , up from 24% during FY 2006. Firearm offenses were next at 14%, which is down from 16% the previous year. Sex offenses increased to 3% and this trend is expected to continue with the passage of the Adam Walsh Act.

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	136	Immigration	0
Firearms	41	Sex Off	9	Property	74
Public Order	5	Escape/Obstruction	0	Other	7

With the anticipated 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.

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<sup>2</sup>Property Offenses include: Burglary, Larceny, Embezzlement, Fraud, Auto Theft, Forgery and Counterfeiting.

## Supervision Outcomes

Reliable national and district data are now available for determining post-conviction supervision outcomes. A “successful completion” outcome is currently defined as those cases whose original term of supervision expired on their full term date, were terminated via an early termination or completed their term after an extension. Correspondingly, an “unsuccessful” completion was a case whose term of supervision was closed due to revocation.<sup>3</sup> The information detailed below is for the District of New Hampshire, the First Circuit, and the National figures in this category. On the National level, violations are classified as either technical, minor or major in nature.<sup>4</sup> In the District of New Hampshire, 104 cases were closed during FY 2007. In the First Circuit, 1,306 cases were removed from supervision. Nationally, 49,120 offenders were removed from supervision during the same time frame. Of the total number of cases that were closed, the number of cases closed due to revocation were 29 (NH), 347 (First Circuit) and 13,717 (National). Accordingly, the District of New Hampshire experienced a successful termination rate of 72%. Correspondingly, the success rates for the First Circuit and National system were 73% and 72%, respectively. Violations are categorized pursuant to the rules found in the U.S. Sentencing Guideline Manual at U.S.S.G. § 7B1.1.

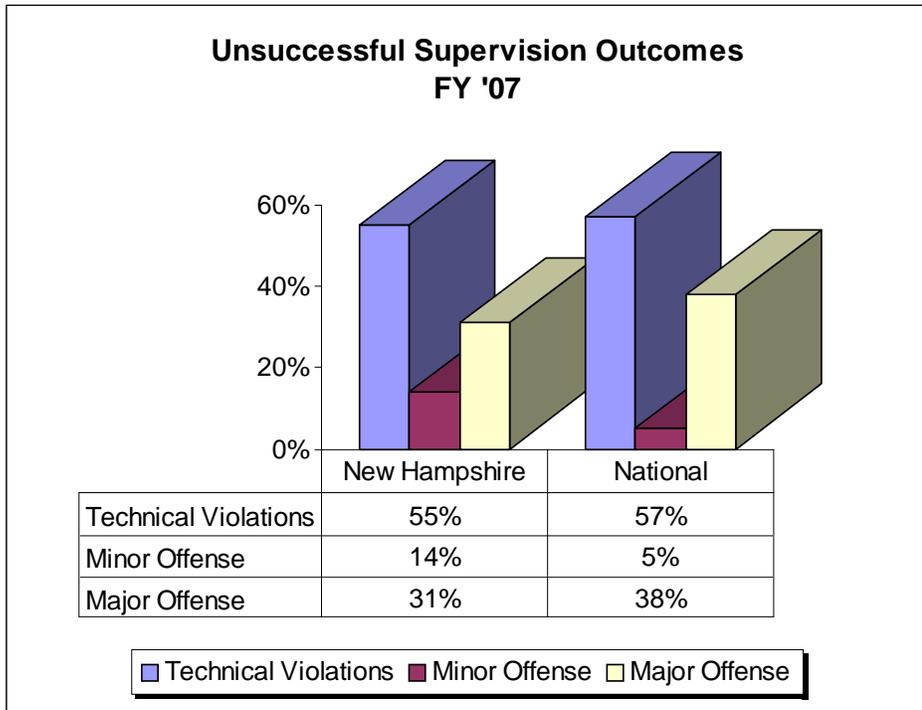
The following breakdown is based on the most serious violation grade alleged. Seldom, a revocation was the result of only one alleged violation of a particular category. While the District of New Hampshire treats positive urine samples either as a Grade B (in most cases), or as a new crime violation, many districts are still listing these as technical in nature. Therefore, if the positive urine test was the sole reason for revocation, or was the most serious grade alleged, they have been calculated below as additional technical violations.

That being said, it is noted that there was a decrease in the number of revocations in the district during FY 2007 (29 as opposed to 35 during FY 2006), while this office experienced a 14% increase to the post-conviction caseload. Of those 29 revocations, 16 were technical in nature (55%), while 9 were considered “major violations” (31%) and 4 minor violations (14%). This office is encouraged by the fact that revocation numbers declined at a time of record high caseloads and that the percentage of “major violations” resulting in revocation declined from 54% during FY 2006 to 31% during FY 2007.

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<sup>3</sup>Cases who were closed due to transfer out of district, became deceased, or whose closing code was “other” were not used in the calculation.

<sup>4</sup>“Minor offenses” represent convictions for offenses for which the sentence is 90 days or less imprisonment, one year or less probation, or a fine. “Major offenses” are violations that include involvement in or conviction of serious offenses (including absconding from custody), arrest on another charge, or convicted and sentenced to more than 90 days imprisonment or more than one year probation.



18 U.S.C. §§ 3564(c) and 3583(e)(1) permit the court to terminate terms of probation in misdemeanor cases at any time, and terms of supervised release or probation in felony cases at the expiration of one year of supervision, if such action is warranted by the conduct of an offender and is in the interest of justice. Officers are encouraged to consider the suitability of early termination as soon as the offender is statutorily eligible and has achieved the goals of supervision. The probation officers for the District of New Hampshire, at the time of case plan development, continue to assess whether an offender meets the qualifications for such consideration consistent with the philosophies of the 109. In FY 2007, seven offenders received an early termination of supervision, approximately 7% of the total cases closed for the year.

**Treatment Cases**

The high percentage of cases requiring substance abuse aftercare and/or mental health treatment continues to pose the greatest challenge for supervision officers. As of September 30, 2007, 47% of the post-conviction caseload (up slightly from 46% the previous year) was the result of arrest for drug offenses. This high percentage accounted for the number of treatment cases that had to be handled by each officer. In fact, the percentage of cases on post-conviction supervision for drug related offenses is also relevant for another reason. Cases that are brought into this court on other federal crimes charges often bring with them substance abuse issues that must be dealt with by the supervision officer.

The issues of budget shortfalls and cost containment continued to be major concerns, and officers in the supervision unit continued in their efforts to obtain copayments from offenders based on ability to pay. The added benefit to this process is that it encourages investment by offenders in their own recovery process. This is viewed as clinically beneficial to the offender and financially advantageous to this office.

Figures received from OPPS indicate that the district spent \$186,704 for substance abuse treatment during the FY 2007. Offenders contributed \$17,560 or 9.4% towards their treatment expenses. For offenders with mental health treatment, the expenditures were \$30,571 with a co-pay amount of \$14,541 or 47.6%.

**Fines and Restitution Collection**

The district handled 106 restitution cases during the year and, of the \$161,323 ordered, \$143,236 was collected, or 89%. Fine payments totaled \$31,541 of the \$32,551 ordered, or 97%. Collection of the special assessment proved challenging with deportations, revocations, and out-of-district supervision impacting the district's efforts. The Court imposed \$22,643 in special assessments and \$9,250 was collected, or 41%. Overall, the Court imposed \$216,517 in financial obligations and \$184,027 was collected, or 85%. 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 on supervision with an outstanding financial debt will make a monthly payment towards their outstanding court ordered debt greatly contributed to the success the district has had in this area. To assist in the achievement of this goal, offenders are required to have a payment schedule in place that has been approved by the Court. These payment schedules provide the unit officers with an identifiable collection goal. In addition, the officers continuously review these payment schedules to 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.

The agency will continue to work with the Financial Litigation Unit of the U.S. Attorney's Office to increase collection of court-ordered financial obligations. Below is a summary of the district officer's efforts regarding collection of court ordered fines and restitution.

	S/A	FINE	REST	TOTALS
<b>Scheduled</b>	\$22,643	\$32,551	\$161,323	\$216,517
<b>Collected</b>	\$9,250	\$31,541	\$143,236	\$184,027
<b>Difference</b>	<\$13,393>	<\$1,010>	<\$18,087>	<\$32,490>
<b>% Collected</b>	41%	97%	89%	85%

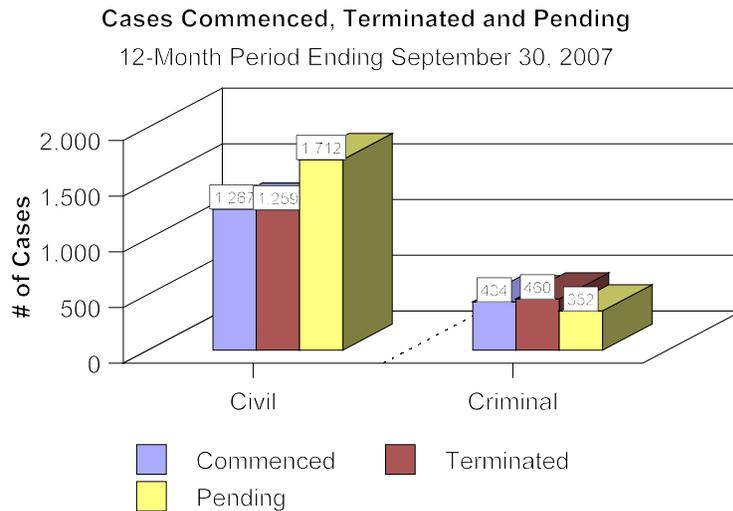
**Employee Recognition**

Consistent with the recommendations of the peer-based 2007 Employee Recognition Committee, Chief Thomas K. Tarr awarded the District Award - Special Service/Exceeding Expectations to USPO Kevin Lavigne, and the Chief's Award - Quality Improvement to John Sideris.

**DISTRICT OF PUERTO RICO**

**DISTRICT COURT**

The Clerk’s Office for the District of Puerto Rico operates with a staff of 62 employees and 8 court reporters, as of December 31, 2007. Its main office is located at the Federico Degetau Federal Building at 150 Chardón Street in San Juan, with a satellite office located at the José V. Toledo United States Courthouse in Old San Juan. The Luis A. Ferré United States Courthouse, inaugurated in 2005, is located in the southern Municipality of Ponce. Seven active Article III judges, four senior judges, and four magistrate judges manage the Court’s caseload.



**Source:** Judicial Business of the United States Courts 2007, Table C (Civil Cases Commenced, Terminated, and Pending During the 12-Month Period Ending September 30, 2007), and Table D (Criminal Cases Commenced, Terminated and Pending During the 12-Month Period Ending September 30, 2007).

**Personnel**

On February 16, 2007, the Court bid farewell to Senior Judge Héctor M. Laffitte, who retired after more than 23 years of service to the bench. Judge Laffitte had taken senior status in November 16, 2006. On March 9, 2007, the Court welcomed Bruce J. McGiverin and Marcos E. López, who filled the magistrate judge vacancies left by Aida M. Delgado-Colón and Gustavo A. Gelpí, who now serve the district as Article III judges.

On August 17, 2007, the entire district participated in a District Conference held at the El Conquistador Resort located in the eastern Municipality of Fajardo.

**Combined Federal Campaign**

The Court received two 2007-08 Combined Federal Campaign (CFC) Gold Awards for Outstanding Contribution and for Outstanding Participation.

## **Educational Outreach**

The year 2007 signaled the 220th anniversary of the signing of the United States Constitution, which the Court marked with an educational program for a group of high school students. The students were briefed on the origins and workings of the grand jury prior to being impaneled and sworn in as grand jurors. The Court sponsored a Moot Court Competition held on October 2007 at the José V. Toledo United States Courthouse in Old San Juan. The Court also hosted induction ceremonies for the Federal Bar Association's student chapters of the Pontifical Catholic University School of Law and the Interamerican University School of Law.

## **Legal Education Programs**

Under the direction of the Honorable Carmen C. Cerezo, who presides over the district's Committee of Educational Programs, the Court sponsored the following courses: Insolvency Seminar (with the co-sponsorship of the Federal Bar Association and the American Bankruptcy Institute); FBA's Labor and Employment Law Annual Seminar (co-sponsored with the Federal Bar Association); First Amendment and Evidence Law Seminar, featuring guest lecturers Martin H. Redish and Martin A. Sonenshein; Sentencing Guidelines Training by the United States Sentencing Commission (co-sponsored by the Criminal Justice Act Committee, presided by the Hon. Aida M. Delgado Colón, and the Office of the Federal Public Defender); Death Penalty Law Seminar (co-sponsored by the Office of the Federal Public Defender); and a Capital Punishment (Current Issues in Death Penalty Law) Seminar, featuring guest lecturers Carol L. Steiker and Jordan M. Steiker.

## **District Bar Examination**

The Court offered two district bar examinations, on April and October 2007, to a grand total of 444 examinees, of which 145 passed. The passing rates for April and October were 28 and 39 percent, respectively. A total of 212 attorneys were admitted to practice in the district during calendar year 2007 (this figure includes attorneys who passed the test in previous years, as well as other admissions).

## **Naturalization Ceremonies**

Throughout calendar year 2007, the Court held 23 naturalization ceremonies during which 1,746 persons were sworn in as new United States citizens. Chief Judge José A. Fusté presided over a special Independence Day Naturalization Ceremony held on July 3, 2007, at historic Fort San Cristóbal in Old San Juan. Senior Judge Raymond L. Acosta presided over a special Citizenship Day Naturalization Ceremony held on September 13, 2007, at the Clemente Ruiz Nazario United States Courthouse in San Juan.

## **Information Technology**

During calendar year 2007, a new Continuity of Operations Plan (COOP) was approved by the Chief Judge and Heads of Court Units. As part of the COOP, a new Digital Subscriber Line (DSL) was added to the Data Communications Network (DCN). This enables the Court to maintain limited data communication in case of major disruption to normal operations. Key COOP personnel also received portable computers as well as Window Mobile Smartphones and Blackberry devices. Two new satellite phones were also tested for COOP capability.

The Case Management/Electronic Case Filing (CM/ECF) application was upgraded to version 3.1 in December 2007. Jury Management System (JMS) Release 6.0 was installed and the JMS database was migrated to the CM/ECF inside server. The CM/ECF Restricted Filing and Viewing Levels Module, a customized version of the CM/ECF Sealed Module, was also implemented and went LIVE. Training opportunities were also offered to members of the bar and the CM/ECF mass attorney mailing was improved.

A Web Information Kiosk for the general public was configured and placed at the Clemente Ruiz Nazario United States Courthouse, where the cabling network infrastructure was upgraded to Cat 6. All computers for Clerk's Office and chambers staff were equipped with dual monitors and a new LOTUS Notes Domino server was installed and loaded with a newer Domino server version. The Websense server, controlling users' access to the Internet, was also upgraded. Selected workstations were improved with different software such as Microsoft Visio, MS Office 2007 and Adobe Acrobat 8.

### **Space and Facilities**

In 2007, the chambers of newly appointed Judge Francisco A. Besosa and newly appointed Magistrate Judges Bruce J. McGiverin and Marcos E. López were completely furnished. A carpet replacement project for the chambers of Senior Judges at the José V. Toledo United States Courthouse in Old San Juan was also awarded.

The project for refurbishing of all seven jury rooms at the Clemente Ruiz Nazario United States Courthouse was awarded to the General Services Administration. This is a major project, which will include significant improvements to jury room facilities such as new kitchenettes, painting, ceiling re-tiling, and new light fixtures.

### **Court Technology**

A task order was issued to a technology consultant for a needs analysis and development of specifications for the upgrade of the Evidence Presentation Systems in all courtrooms at the Clemente Ruiz Nazario United States Courthouse.

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

### **Information Technology**

Two major projects were completed: an upgrade to the existing network switches and replacement of the existing audio/recording/sound system in all courtrooms.

### **Case Management**

The major focus was on establishing new internal procedures to effectively handle the changes of the new law and subsequent modifications to CM/ECF. An additional case management team was integrated into the organizational structure.

## **Educational Training**

Training continued on the new bankruptcy law (BAPCPA); new local and national rules; and CM/ECF. The attorney manual was updated to incorporate changes in new versions.

## **Development of new local rules and internal operating procedures**

New local rules were adopted and became effective on October 1, 2007.

## **Construction Projects**

A project plan for renovations in the Ponce Courthouse to incorporate facilities for the clerk's office was finalized and submitted to GSA for contracting.

## **Bench/Bar Programs**

Judges Enrique S. Lamoutte, Brian K. Tester, and Gerardo Carlo were panelists on the ABI Northeast Bankruptcy Conference, held in Newport, RI on July 2007. Judge Brian K. Tester participated as a speaker in the Bankruptcy Judges Judicial Assistants Conference held in Austin, TX on September 2007.

## **Special Conferences Programs**

Judge Enrique S. Lamoutte attended to the FJC Workshop for Bankruptcy Judges, in Baltimore, MD; the Bankruptcy Operations Forum, in Orlando, FL; and the BAP Workshop in San Diego, CA.

## **Statistics as of 9/30/2007**

There was an overall 67% increase in filing from September 2006 to September 2007. As of September 2007, Chapter 7 cases increased by 49%; Chapter 11 increased by 38%; as well as Chapter 13, which increased by 58%.

## **PROBATION OFFICE DISTRICT OF PUERTO RICO**

### **Human Resources**

During FY 2007, the Probation Office experienced three resignations: two support staff and one U.S. Probation Officer. However, the Office recruited three U.S. Probation Officers, one Support Specialist, one Procurement Clerk and one Lab/Clerk Technician. The Office was staffed by a total of 54 officers and 28 support staff, for a total of 82 employees.

### **Training and Conferences**

In FY 2007 a total of 79 training sessions were facilitated resulting in a total of 6,435 staff hours. Training hours averaged 83 per employee.

## Automation

For FY 2007, the Office purchased nine computer workstations to meet with the cyclical replacement, which totaled \$12,395.00. Also, 22 DELL Latitude laptops were acquired to replace existing equipment totaling \$39,333.00. The Office purchased a Data Web Service with a one-year subscription for the total amount of \$2,500.00. To meet working demands and technology, eleven 8525 smartphones were bought and its corresponding software license totaling \$3,278.00. As part of a process to inform clients in the reception area, the agency has developed a project to inform and update all clients about local programs. In order to carry out this project, the Office purchased a camcorder camera, workstation with a special configuration, and a LCD television at a cost of \$4,748.00.

## PACTS

Since the onset of FY 2007, this district continues to maximize the PACTS Systems, working jointly with the Systems Department to create new customized reports, forms and letters. Data entry policies and procedures were established to ensure accurate data and uniformity in data entry.

During FY 2007, the DQA continued working with the Data Quality Improvement Website, Quick Place, where national data quality reports are listed by districts.

## Search and Seizure

During FY 2007 Search and Seizure Team members continued to receive training in defensive tactics and use of firearms. A new evidence and property policy was drafted and submitted to the Chief Probation Officer for approval.

## Community Outreach

The Community Outreach Program, composed of seven volunteer officers, conducted three outreach activities during Fiscal Year 2007. Public and private schools, together with other youth organizations, were visited and over 410 youth and 15 teachers were impacted.

The Student Internship Program once again provided the opportunity for four students, majoring in Sociology from Brown, Yale, Carlos Albizu and Interamerican Universities, to acquire basic knowledge and skills of this agency's role and intervention in serving the community.

*The Torch*, the Office's bi-monthly newsletter, completed its fifth year and continues to expand as more volunteers continue to provide a diversity of articles. *The Torch* has now reached nationwide attention and is being provided to many sister agencies; the Administrative Office and other Probation Office districts. By the end of FY 2007, *The Torch* had published a total of twenty-two editions.



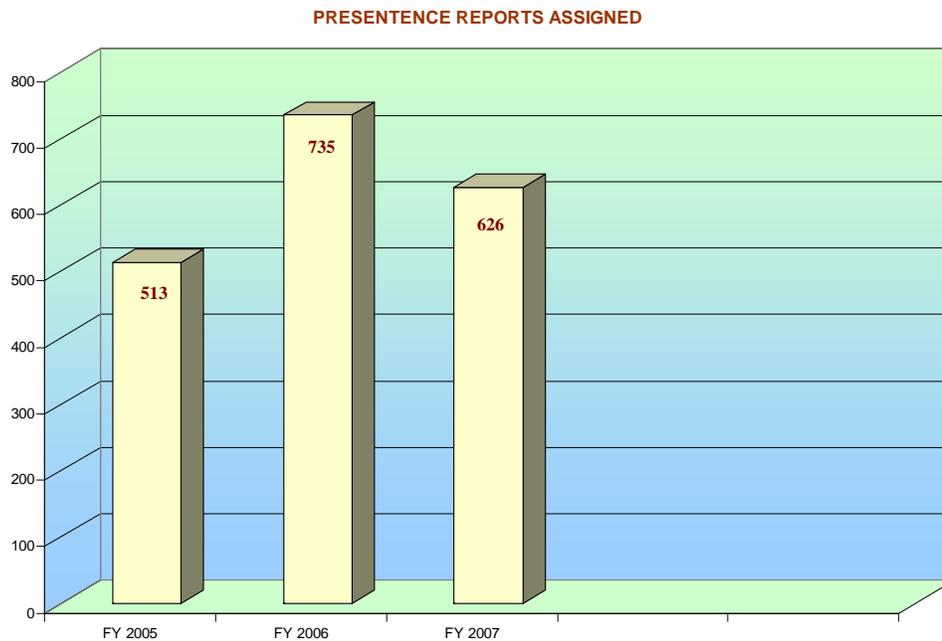
**PRESENTENCE SERVICES**

**Presentence Investigations**

During FY 2007, the Court Services Unit in the District of Puerto Rico operated with eleven U.S. Probation Officers who conducted presentence investigations and prepared presentence investigation reports (PSIs) on a full-time basis. In addition, during this fiscal year, the unit benefitted from the appointment of a part-time officer. As anticipated by the pretrial arrest numbers, the PSI referrals leveled-off by the end of FY 2006.

Within the unit, senior probation officers continued to discharge their ancillary duties as trainers and mentors. Two senior offices continued as specialists and another was appointed Training Specialist in April 2007. In addition to their intrinsic administrative duties, the unit has an Assistant Deputy Chief and two Supervising U.S. Probation Officers, who also conducted investigations as needed. Management staff in the unit was assigned 19.7% of the overall investigations in the court unit. As a whole, during FY 2007, the unit was assigned 626 PSIs (to include modified presentence investigation versions), a 15% decrease from FY 2006.

The following chart reflects the presentence assignments when viewed over the last three years:



During FY 2007, the average number of presentence investigations assigned to each officer was approximately 52.4. Officers have complied with the assigned due dates with an average of 75%, as compared with 81.2% in 2006. There was a 95% compliance with disclosures and a 100% compliance with filings.

The modified/abbreviated reports continue to be a source of workload relief, allowing officers additional time to devote to more complex and/or time consuming sections of the report.

The investigation unit strives to provide the Court with complete investigations, which eventually benefit the Bureau of Prisons and the Supervision Unit.

**Probation Officer Assistant**

During FY 2007, the Probation Officer Assistant (POA) completed 81 collateral investigations (53%), out of a total of 154. The remaining investigations were completed by other officers within the unit.

**Supervision**

The Supervision Division of this district was composed of 23 line/specialist officers within three units. A cumulative total of 1,408 cases were under supervision during FY 2007, which reflected an average of 61.21 offenders per officer. Of the 1,408 cases under supervision, the majority (1,252) were on supervised release status; 132 were serving a sentence of probation; and parole cases continued to decline with only 24 cases.

This district’s supervision caseload is mainly drug-related. During FY 2007, 1,017 offenders were under supervision for drug laws; 175 had infringed a fraud law and 61 a weapons statute (see Table 1).

*Table 1*

<b>General Offenses</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Violence (Homicide, Robbery and Assault)	26	28	34	29
Drugs (Drug laws)	948	1,034	1,045	1,017
Immigration	83	25	27	24
Firearms (Weapons and Firearms)	38	34	39	61
Sex Offenses			9	17
Property (Burglary, Larceny, Embezzlement, Fraud, Auto Theft, Forgery, Counterfeiting and Postal Laws)	148	171	169	175
Public Order (Traffic, Miscellaneous, Misprison of Felony, Drunken Disorderly and General Offenses)	60	106	96	3
Escape/Obstruction			1	1
Other (Nonpayment and Federal Statutes)				81

During FY 2007, a total of 85 cases out of 1,408 (6.03%) were revoked (see Table 2).

Table 2

<b>Cases Revoked and Closed</b>		
	<b>FY 2006</b>	<b>FY 2007</b>
Probation	5	2
Term of Supervised Release	76	80
Parole	1	3
Total	82	85

## **LAW ENFORCEMENT SERVICES**

### **Drug Aftercare**

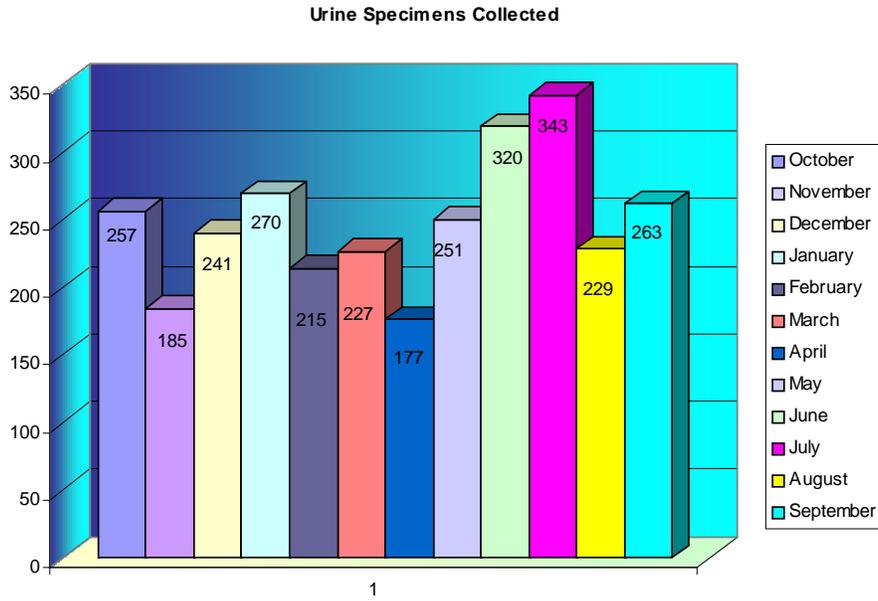
The creation of the specialized unit on October 1, 2006 has proven to be effective and an increase in referrals to treatment has been noted. During FY 2007, a new cycle of contracts with providers across the island was established.

The ambulatory detoxification program offered by the agency's treatment providers continues to be very effective. Clients are able to receive treatment without having to be away from their family and while being employed.

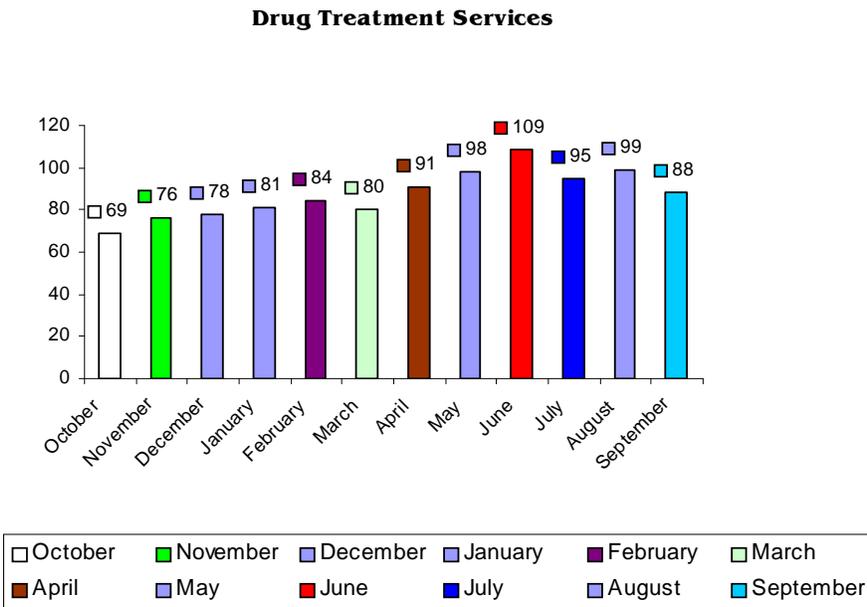
The Code-a-Phone automated system has been working very well. Furthermore, an agreement was made with the Pretrial Services Office for both Laboratory Technicians to assist each other in the collection of urine samples. The clerk's systems department created an automated system in which clients are assigned to a specific phase. Officers are able to manage the assignment of clients to phases from their computer.

### **Urine Specimens Collected**

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

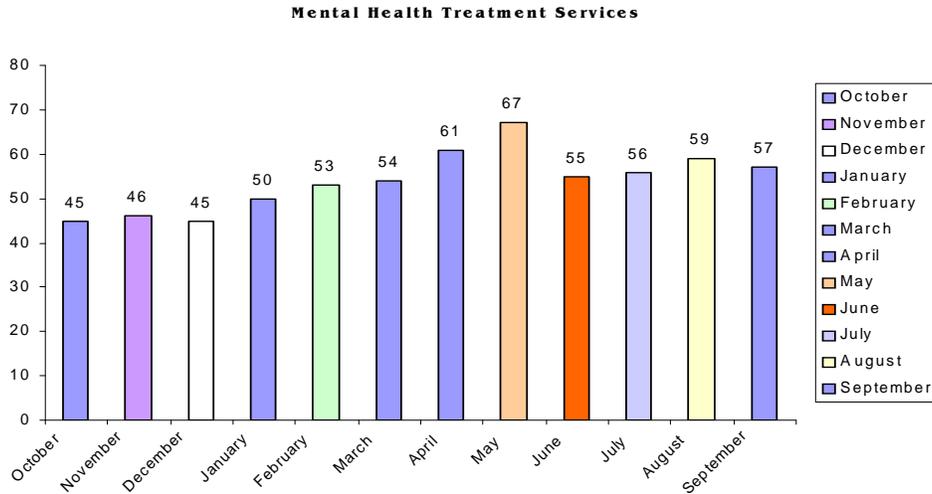


The Drug Treatment Program is divided into three different categories: outpatient, detoxification, and inpatient. The following chart illustrates the amount of clients the Program served each month in the three categories:



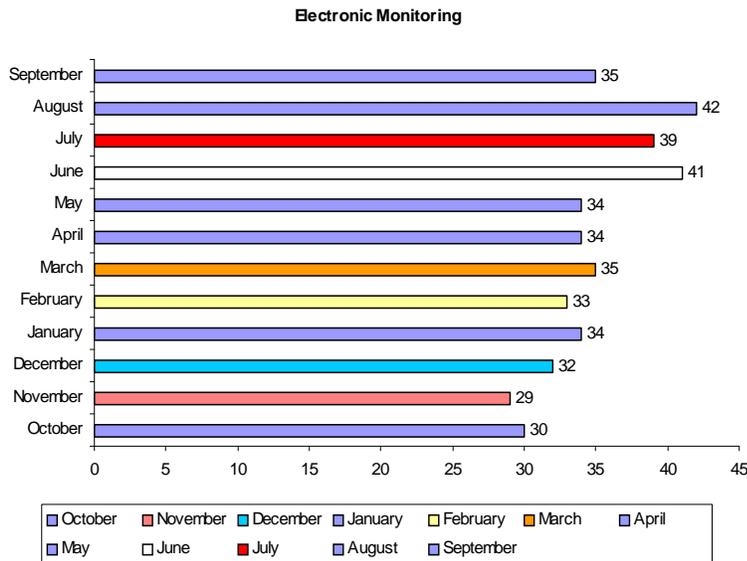
### Mental Health Treatment

The Mental Health Treatment Program’s major accomplishment this year included a better distribution of cases among a specialized unit. The creation of a specialized unit with expertise in mental health treatment will prove to be effective in the management of these cases which require intensive supervision. A specialized contract to offer sex offender treatment was obtained this fiscal year. This has been a great accomplishment since the population that needs specialized treatment to be offered by specialized personnel is growing. Attached is a chart which details the number of offenders receiving treatment per month.



### Electronic Monitoring

The following chart illustrates the number of clients served during this fiscal year. An increase in offenders ordered to participate in the Electronic Monitoring Program has been noticed.



**Information Technology (IT)**

During FY 2007, the office received an Administrative Office Grant to develop a vehicle registration system to allow for effective management of official vehicles. This project is being conducted in collaboration with the Southern District of Florida.

The Administrative Caseload Telephone Reporting Program was also made possible with the support of the Southern District of Florida, which has allowed this office to use their 800 telephone number for clients to report on a monthly basis.

The Probation Client Location Map (MAP SYS) is being developed. The objective of the MAP SYS is to provide Probation/Pretrial Officers with a web-based application that allows visual mapping of client addresses. This web-based application interacts with PACTS in order to obtain client information. Once that information is gathered from PACTS, MAP SYS plots the latitude and longitude as colored markers on a Map.

**PRETRIAL SERVICES DIVISION**

**Statistics**

The sources of information for this section are the “H” Tables and Pretrial Profile published by the Administrative Office of the U.S. Courts for the fiscal year.

**Investigations**

Cases activated (statistically opened), amounted to 1,121, a total of 235 more than the previous year. This district continues to report the highest activations for the First Circuit, with 48.23% of the total cases activated.

Additionally, 80 Pretrial Diversion cases were activated during this period, again the highest for the First Circuit, with 82.4% of the total activated. Out of the 1,121 cases activated, 1,120 (99.9%) were arrested by law enforcement agencies and the remaining one was not arrested. The office interviewed 1,069 (95.4%) of the total cases activated, and submitted 1,121 (100%) prebail reports to the Court with the corresponding recommendations to the Judicial Officer.

**Defendant Profile**

<b>Total Cases Activated: 1,121</b>		
	<b>%</b>	<b>Predominant Ages</b>
<b>Males</b>	83%	18 to 40
<b>Females</b>	17%	18 to 40

Employed at Arrest	Illegal Aliens	Drug/Alcohol Dependency	Under Psychiatric Treatment	Prior Felony Convictions	Pending Charges
55.7%	22.7%	38.2%	16%	33.9%	12.3%

### Case Profile

As customary for this district, narcotics, controlled substances and marijuana cases remained the highest type of offenses representing 43.2% of the total. This is a 3.5% decrease from last fiscal year. Weapons and firearms charges amounted to 7.7% (less than last fiscal year), whereas immigration cases increased from 11.1% to 12.1%. These cases continue to account for the high percentage of defendants who remain detained without bail. Property related cases continue to be among the most prosecuted with 18.2% , an increase of 5.2% from last fiscal year, whereas sex offense cases decreased from 1.9% to 1.0%.

### Types of Offenses Charged

Offense Charged	Total	Percentage
Drugs	484	43.2%
Escape/Obstruction	1	0.1%
Firearms/Weapons	86	7.7%
Immigration	136	12.1%
Other	172	15.3%
Property	204	18.2%
Sex Offense	11	1.0%
Violence	27	2.4%
Public Order	0	0%
Total Activations	1121	100%

### Workload

Pretrial Services made recommendations in 1,008 cases, 89.9% of the cases activated. The U.S. Attorney's Office made recommendations in 88.7% 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
1,008	542 (53.8%)	411 (40.8%)	55 (5.5%)	994	717 (72.1%)	228 (22.9%)	49 (4.9%)

As anticipated, the recommendations for detention from the U.S. Attorney's Office surpass this office's recommendations by 18.3%. This year the office decreased its detention recommendations by 16.2% and increased financial recommendations to the Court by 13.8%. Compared to the rest of the First Circuit, this district recommended detention in 53.8% of the cases, whereas Rhode Island and Massachusetts recommended detention in 74.5% and 65.3% of the cases, respectively.

### Pretrial Services Release and Detention

From the total of 1,121 cases activated this office excluded dismissals, transfers-out, and cases that were later converted to diversion cases for a total of 1,094. There were 11.3% more defendants released than in the previous fiscal year.

Pretrial Services Release and Detention		
Cases	Released	Detained/Never Released
1,094	414 (37.8%)	680 (62.2%)

### Supervision

The office received 469 persons under supervision during this fiscal year, 176 more 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 merge between the two offices, field visits by officers were reinstated to twice monthly per officer. As disclosed below, many defendants are released with a number of conditions that are closely monitored by officers. During FY 2007, the office spent \$215,967.67 (a decrease of \$24,849.48, when compared to FY 2006) in alternatives to detention for its clientele. These alternatives included psychological and psychiatric treatment, electronic monitoring, and urinalysis testing for defendants. During FY 2007, supplemental funds were not needed from the Office of the Federal Detention Trustee (OFDT).

### Types of Release Conditions

Of the 425 persons received under supervision, the following conditions of release were imposed: supervision - 389; third-party custody - 19 (a decrease of 20 from the previous year); substance abuse testing - 50 (the same as last year); substance abuse testing and treatment - 55 (a

decrease of four); home confinement - 99 (an increase of three over last year); and mental health - 67 (a decrease of four).

### Bail Violations Reported

During FY 2007, 77 violations (18 more than in FY 2006) were reported. Three of these were felony re-arrests and two of other nature, and three were failure to appear violations. The remainder were technical violations.

### Electronic Monitoring

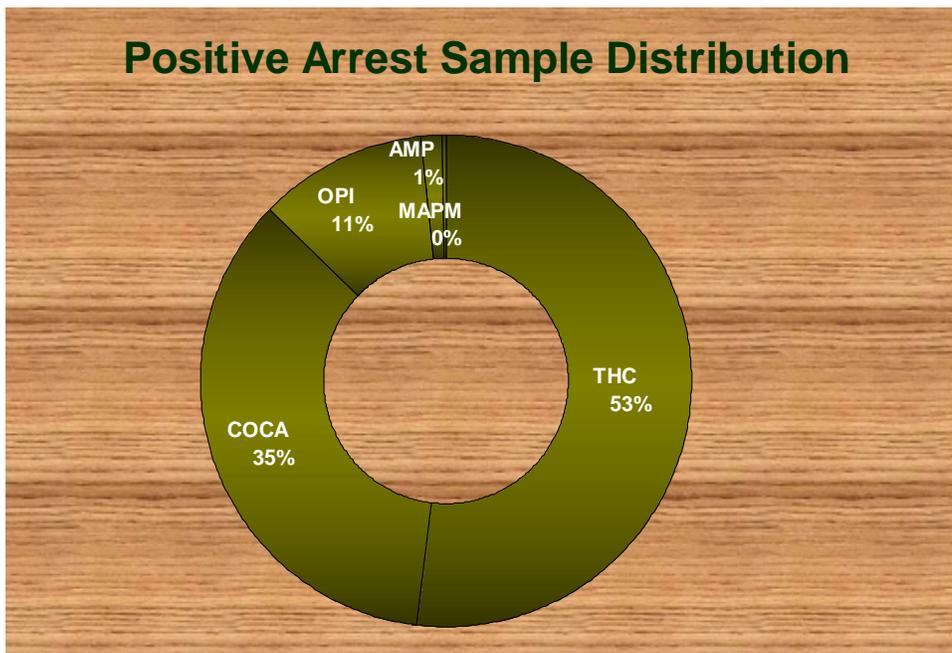
In FY 2007, the office experienced an increase in electronic monitoring imposed as a condition of release. The monthly average of defendants who had an electronic monitoring condition of release is 53 (11 more than last fiscal year).

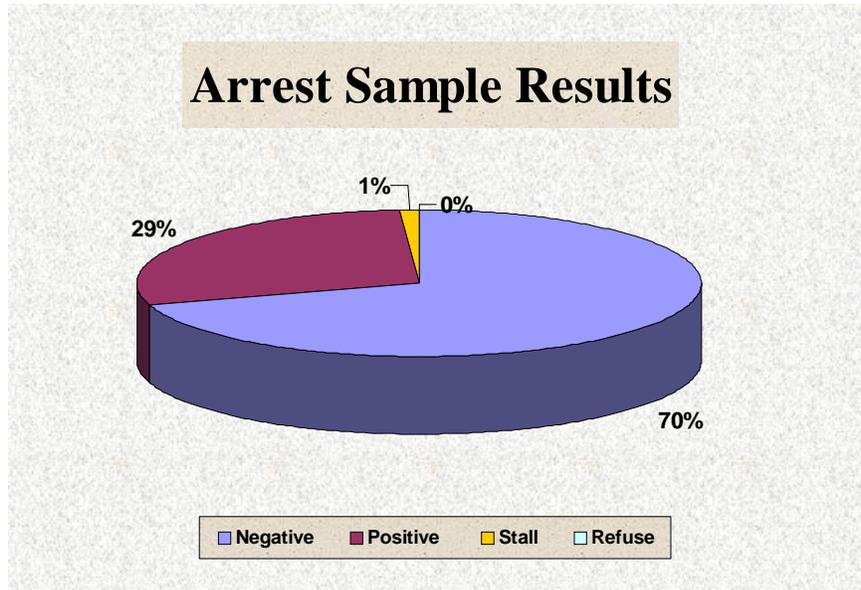
### Drug Testing

The following charts depict testing results for defendants at the time of arrest and during supervision.

#### Arrest

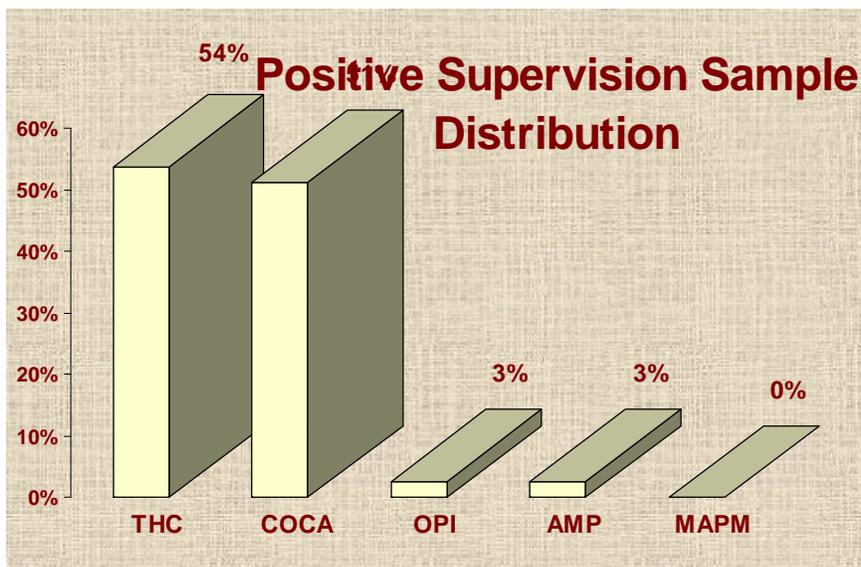
Arrest samples totaled 894, of which 629 (70%) were negative and 255 (29%) yielded positive results. Ten persons had stalls and none refused to submit to the testing. The second chart indicates the percentages for positive results to marijuana (THC), cocaine, opiates, amphetamines, and methamphetamine.

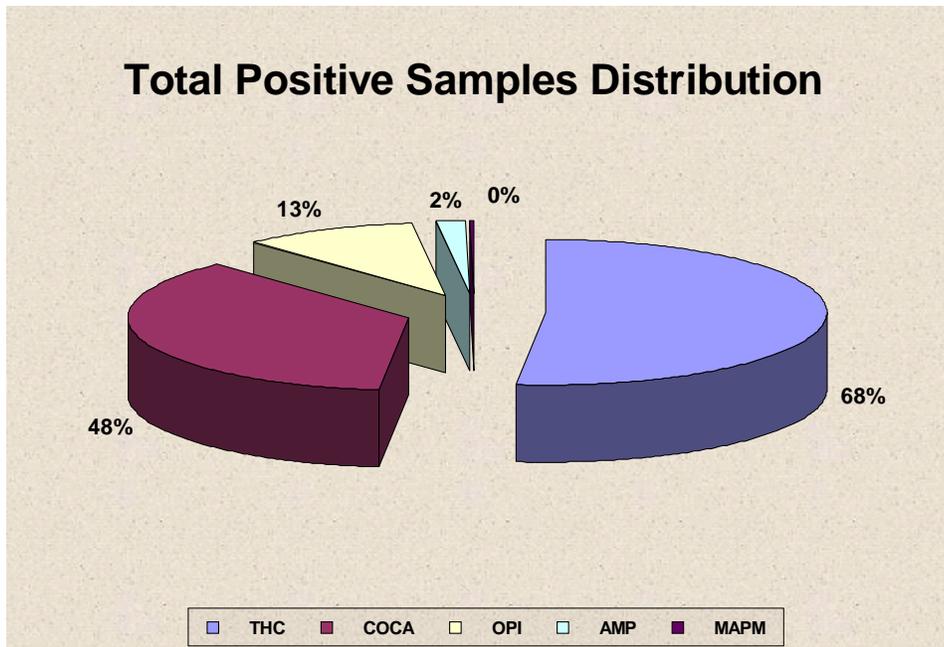
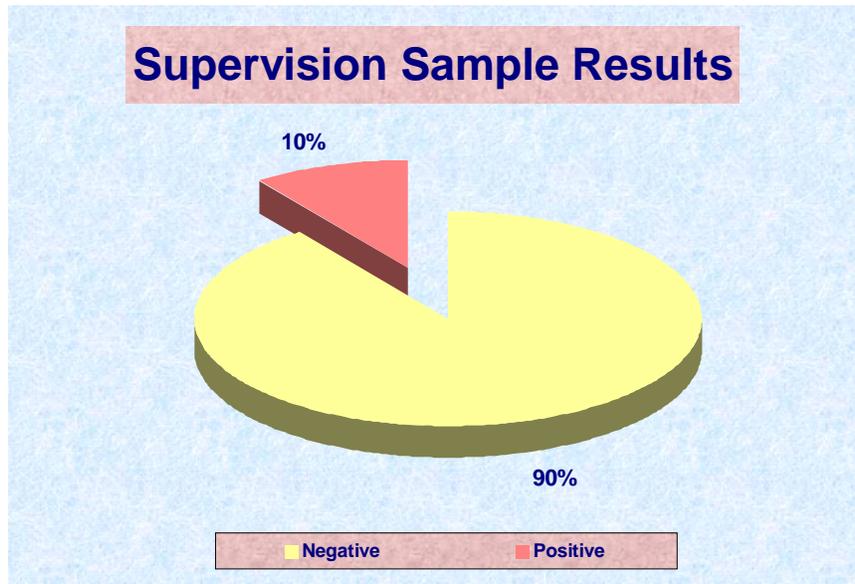




### Supervision

The samples collected during supervision totaled 391 (41 more than last year). Of these, 350 (90%) were negative; 39 (10%) were positive; and two persons stalled. Some positive samples were for multiple drugs.





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## DISTRICT OF RHODE ISLAND

### DISTRICT COURT

#### Programs and Accomplishments

***Courtroom Use Study*** - The U.S. District Court was selected to participate in the FJC Courtroom Use Study during the period of January 2007 and July 2007. The study measured time spent in courtrooms. The study involved the participation of the judges and case management staff. This district was one of twenty-seven courts in the study.

***Student Visits*** - Student groups from the Rhode Island Children's Crusade program and Wachusett Regional High School visited the Courthouse to view sentencing hearings.

***Rhode Island Continuing Legal Education*** - The months of March, April and May 2007 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. Attendees received 1.0 RICLE credit for each series attended.

***Electronic Case Filing Task Force*** - Clerk of Court, David DiMarzio, joined the State Courts Electronic Case Filing Task Force. The mission of the task force is to provide the guidance, support, and direction to implement a fully functioning, statewide electronic filing system for all courts.

***Bar Exam/Lectures*** - An Order was entered on September 25, 2007, suspending the annual Federal Bar Exam. However, attorneys will still be required to attend Bar lectures in order to satisfy the requirements for bar admission.

***CJA Panel Annual Luncheon Meeting*** - On Friday, December 14, 2007, the Court held its first CJA Panel Luncheon Meeting at the Courthouse. The objective of this newly created annual meeting was to offer insight from the Court's perspective, share resources, review practical administrative procedures, and create a stronger network within the CJA panel.

***Local Rules*** - In 2007, the U.S. District Court received the first annual report of its Local Rules Review Committee and considered a number of amendments to its Local Rules, which had recently been comprehensively updated. Amendments were approved effective March 17, 2008.

#### 2007 Space Projects

The John O. Pastore Building underwent an exterior renovation consisting of the refurbishment of all existing windows. In the Fall of 2007, the Fence and Gate Project at the Pastore building was completed.

#### Ceremonies and Events

***Attorney Admission Ceremony*** - An Attorney Admissions Ceremony was held on May 8, 2007. Ninety-nine new attorneys were sworn in as members of the bar of this Court and twenty-one were admitted by petition. The Federal Bar Association hosted a reception in the Main Lobby of the Courthouse following the ceremony.

**Employee Appreciation Program** - On September 24, 2007, the Employee Appreciation Program was held at the Biltmore Hotel in Providence. All District Court and Probation employees attended the program.

**Portrait Unveiling** - On October 26, 2007, the Court held a portrait unveiling ceremony for Senior Judge Ernest Torres.

### **Personnel News**

The appointments of Retired/Recalled U.S. Magistrate Judges Jacob Hagopian and Robert Lovegreen were extended for another year. On August 6, 2007, the Court appointed Nissheneyra Urizandi to the position of Administrative Generalist, and on November 5, 2007, Rana Smith was appointed to the position of Courtroom Clerk to Senior Judge Ernest Torres. Donna Silva, Executive Assistant to Senior Judge Ernest Torres retired on July 31, 2007. Michael Simoncelli was hired as the new Executive Assistant to Senior Judge Ernest Torres.

### **Statistics**

Total Filings (civil & criminal, including criminal case transfers): 723

Civil Filings: 593

Criminal Cases: 120

Terminations: 710

Cases Pending: 1,035

Trials (criminal/civil): 28 (14 per active judgeship)

Median Time for Civil Cases: 8.2 months

Median Time for Criminal Felony Cases: 6.7 months

Median Time for Civil Cases Measured from Filing to Trial: 23 months

Civil Cases Three Years or Older: 264

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**BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND**

The post BAPCPA downward filing trend showed clear signs of reversing in 2007. By the end of the fiscal year, bankruptcy filings in Rhode Island increased by 86% over the previous year and continue to climb. The Court published a 2007 Edition of its Local Rules and Forms, incorporating all of the BAPCPA changes.

The Court invested its time in several initiatives to improve customer service and staff development. The Management and Automation Staff committed itself to the procurement and implementation of a new telephone and videoconferencing system. The new telephone system went live in January 2007 and at this writing, the videoconferencing system is nearly complete.

Other activities in 2007 include the successful completion of an Administrative Office cyclical audit conducted by Kearney and Company; the commencement of a Financial Literacy program in conjunction with the Attorney Advisory Committee; a court-wide testing of its COOP document and capability; the renovation of the Clerk's conference room; attendance of staff at the National Court Budget Management program in Providence, the National Conference of Bankruptcy Clerks Conference in Seattle, Washington, and the Clerk and Chief Deputy's attendance at the FJC Clerk/Chief Deputy conference in Atlanta, Georgia.

In response to a suggestion by the Attorney Advisory Committee, a quarterly attorney conference call program was created with the bankruptcy bar to address electronic filing issues and concerns. The calls have been quite successful and offer an alternative to taking refresher ECF training. They also provide a venue for information sharing among callers that might not ordinarily occur.

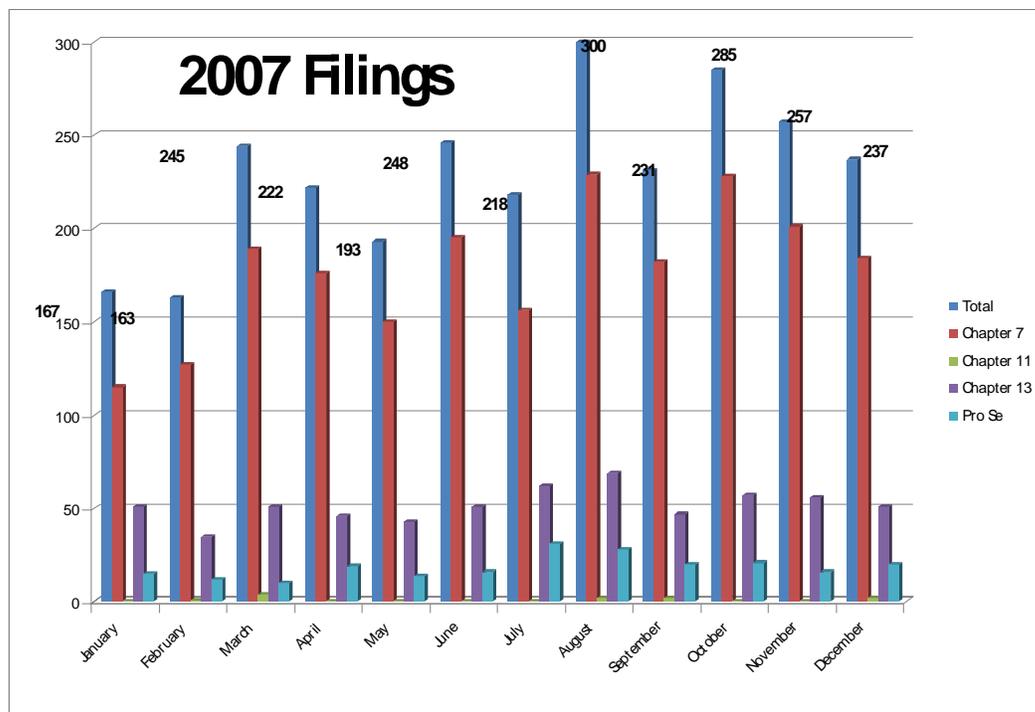
The AO work measurement team revisited the Court in 2007 to measure the additional work created by BAPCPA. Clerk of Court, Susan Thurston, traveled to Portland, Maine in April 2008 and delivered a presentation on the impact of BAPCPA on the bankruptcy clerk's offices workload for the Honorable Judge Singal, Chair of the Judicial Resources Committee, and was joined by Bankruptcy Judges, Kornreich and Haines, of the District of Maine as well as Harvey Jones, Chief, Policy and Strategic Initiatives Office and Glen Palman, Chief, Bankruptcy Clerks Administration Division.

The court began two new Clerk's Office initiatives in 2007: Strategic Workforce Management and Strength Based Management. Strategic Workforce Management is an FJC program which focuses on having an adequate number of people with the appropriate knowledge, skills and experiences. The Strengths Management Program concentrates on identifying and expanding upon individual employee strengths while working around weaknesses.

Clerk, Susan Thurston, continued her service as the First Circuit representative on the Bankruptcy Clerks Advisory Council, as well as on the Budget Finance and Advisory Council. Additionally, Ms. Thurston currently serves as a member of the Bankruptcy Clerk's Manual Editorial Board, the Administrative Services Methods Analysis Steering Group, the Guide Enhancement working group, and the BFAC-TFAC tenant alterations subgroup.

Ms. Holly D'Agostino was the 2007 recipient of the Sustained Superior Performance Award. Holly has been employed with the court since 1990 as a Chapter 11 Case Manager and

back-up Courtroom Deputy. The court also said farewell to Mr. Joseph Wilkicki, Procurement Clerk and Electronic Court Recorder Operator, after eleven years of service.



## PROBATION OFFICE DISTRICT OF RHODE ISLAND

The probation office is located in the John O. Pastore Federal Building in Providence, Rhode Island. The office houses both probation and pretrial services. The staff is comprised of the Chief, three supervisors, eight probation officers (including a Sentencing Guidelines Specialist, Drug and Alcohol Contracting Specialist, Special Offender Specialist) Management Analyst, Budget and Personnel Manager and three support personnel. Recently, the office consolidated IT services with the District Court and have a staff of four who service both court units.

During 2007, the office:

Monitored the sobriety of pretrial defendants by performing 410 drug tests in the community during unannounced contacts and in the office as part of a random testing program;

Completed 158 initial pretrial services interviews and reports to assist the magistrate judges in determining the appropriateness of bail, along with specific appropriate conditions;

Supervised 73 defendants on pretrial services supervision, reasonably ensuring that they did not present a danger to the community, did not flee and were present at all court hearings;

Completed 149 comprehensive guideline presentence reports, presenting detailed criminal and social histories, resolving objections, and formulating detailed and individualized sentencing recommendations pursuant to new case law;

Supervised 243 offenders on probation, parole and supervised release of which 56% had substance abuse special conditions, 25% had mental health special conditions, and 18% had community service special conditions;

Oversaw approximately 920 hours of individual and group substance abuse treatment, individual mental health counseling and sex offender therapy;

Arranged and monitored offenders performing hundreds of hours of community service to improve various neighborhoods;

Officers traveled 42,364 miles in their vehicles throughout the year to gather data for pretrial and presentence reports, conduct collateral investigations for other districts across the country, and supervise pretrial services and post-conviction offenders in the community;

Obtained DNA blood samples from 86 offenders which were placed into a nationwide FBI database to ensure proper identification for future offenses;

The district collected \$657,923.35 in fines, restitution and special assessments owed by offenders under supervision; and participated in a total of 507.50 hours of training.

Significantly, the large percentage of defendants on supervision who have community service conditions. Two judges often sentenced defendants to perform community service when not employed on a full-time basis. The Court also warned youth in the community about the evils of drugs and guns. Community service has played an important role in the office's supervision program.

With a 7.5% unemployment rate in Rhode Island, workforce development is a growing aspect of the Court's supervision program. Some staff attended national training and the office is working on fostering partnerships with community agencies to increase the long-term employability of its employees.

Also, of significance is the increasing percentage of defendants that have serious drug and mental health problems. The agency's treatment efforts have been extensive and at significant expense. The office continues to struggle to provide appropriate treatment at an affordable cost.

All officers have been equipped with communication devices that allow them access to the Court's databases while working in the community. Lap-top computers with access to the network, criminal history databases, and other relevant links have significantly increased the office's effectiveness in the community.

To ensure office and staff safety in the community, the office has a very active firearms and defensive tactics program. Working jointly with the District of New Hampshire, the office trains regularly. Two of the nationally certified defensive tactics instructors are officers in this district. They have traveled to FLETC to provide expert assistance. The Chief Probation Officer is a member of the Administrative Office's Search and Seizure Workgroup and a member of the FJC Training and Education Committee. This district participated in a regional Critical Incident

Stress Management (CISM) team and continues to maintain two fully-trained, certified probation officers as regular members.

**NARRATIVE REPORTS  
OF THE  
FEDERAL PUBLIC DEFENDERS**



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

This office completed its first full year of client representation in 2007. It began accepting clients October 1, 2006. During calendar year 2007, the office opened a total of 146 cases and completed 109 cases. It took on one post-conviction case (2255), its first “crack amendment re-sentencing” case, and six appeals.

### **Staffing**

This office is staffed according to the approval of the circuit and the Defender Services Advisory Committee. The office has two Assistant Defenders, one each for Portland and Bangor; two secretaries, one each for Portland and Bangor; an Investigator covering both offices; and an Office Administrator. There has not been any staff turnover. The office continues to provide training to all employees during the year, including cross-training. The computer system is handled by the CSA from Hartford, CT. Routine matters are handled by office staff.

From September-November 2007, a third-year law student from Northeastern University interned in the Portland office.

### **CJA and CLE**

The office is committed to providing support and education to the CJA panel and continuing legal education. The office's first major event, a sentencing law seminar, was sponsored in conjunction with Probation and the U.S. Attorney's Office. The seminar was held in separate half-day events in Portland and Bangor on June 28 and 29, 2007, with excellent attendance.

“Brown bag” lunch sessions were held in Portland and Bangor, with topics selected based on current local and national trends and issues. The office also provided one-on-one advice, coaching, and brainstorming to panel attorneys. The office has a library and conference space available for CJA attorneys to use. It has also sponsored CALR training and electronic evidence and courtroom presentation training for the panel. The office is a pre-approved provider of CLE credits under the Maine Bar rules and report attendance directly to the Overseers.

### **Cases**

The majority of this office's cases concern drug and gun violations. Following in number are fraud, immigration and Hobbs Act matters. The year brought multiple testimonial pre-trial hearings and several trials in each location. The office anticipates an increase in trials during 2008. Many cases in the district begin with either Target Letters or Criminal Complaints. These frequently end in negotiated pleas, often to an Information. This may be one reason for fewer trials. Clients who begin their cases with a target letter, or even by complaint, have more time to meet with counsel, discuss the case facts, and consider the full range of options available to them. Particularly in Target Letter cases, Assistant Public Defenders can discuss the specifics of the charge and adjust the timing of a plea and the date of surrender. Bail is easier to establish when a client interacts with counsel over a period of weeks or months before a court appearance.

OFFICE LOCATION	PENDING 12/31/06	CASES OPENED 2007	CASES CLOSED 2007	PENDING 12/31/07
Portland	20	87	69	38
Bangor	7	59	40	26
TOTAL	27	146	109	64

The office's 2255 case was successful with a stipulation reached with the government, resulting in the client being re-sentenced at the low end of the applicable Guideline range, rather than as an Armed Career Criminal as he had originally been. The end result was a sentence decrease of 96 months!

The office's first appeal ended successfully when the government withdrew its appeal, leaving the client's favorable result intact. The office anticipates six to ten appeals during 2008. Appeals are often a major time commitment. Without an appellate attorney, the office experiences challenges with appeals. However, the office intends on representing its clients on appeal, so long as the client agrees. Except under special circumstances, the office does not intend to take appellate cases for defendants not represented by the office.

### **Budget**

The office has kept within budget, while still providing full resources for all cases. It was able to return a measurable amount of funds during the budget cycle, allowing those to be used by Districts with greater fiscal pressures. Use of ECF and PACER has resulted in cost savings.

This district served as a pilot district for dual computer monitor use and found it to boost productivity. For the cost of an additional monitor (now below \$250), the office can have multiple windows open and programs running.

The network-based digital transcription program is effective. Items can be sent to multiple potential typists in both offices in audio format. When one person is out or busy, items can go to another. Audio can be retained, as .wav files in the electronic client file. For example, when the office obtains a recorded interview of a witness, it is both transcribed and saved as an audio file. The office can then use either or both forms in court or during discussions with clients, prosecutors and probation. Audio files can also be attached to an email. This has proved particularly valuable on the eve of a hearing.

Another success has been the multi-function machine which prints, scans, faxes and copies. Most paper discovery can be scanned and photocopied for the client in a double-sided format, adding page or Bates numbers and the date for easy reference. The clients and staff like this approach, which also reduces paper and postage costs.

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

The biggest development in the past year has been the retroactive reduction of sentences in cocaine based cases. 186 cases have been opened this year and 92 have been resolved, so far. These cases involved an extraordinary effort on the part of the Probation Department, U.S. Attorney's Office, defense lawyers, and the Court. In many cases, reductions were sought with the agreement of the U.S. Attorney's Office and the Probation Department.

The office continues to litigate petitions resulting from the Adam Walsh Act, which provides for commitments of persons deemed to be sexually dangerous. See 18 U.S.C. § 4248. Trials in three of these cases, the first of these cases to go to trial in the Circuit, are scheduled to begin in August and September, in the District of Massachusetts.

The Boston office continues its participation in 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. In 2007, the first graduation ceremony for this program was held.

The appellate division, led by Judith Mizner, filed amicus briefs in two First Circuit cases, Muniz and Gonzalez v. Sabal, and United States v. Taylor.

The office supports the CJA panel by hosting and participating in training programs in all three districts. Several of the office's lawyers also served as faculty for national training programs. In Massachusetts, the office has worked with the Criminal Justice Act Board to present a series of seminars roughly every month or two. The Concord, NH branch holds seminars twice a year for its panel. Panel training in Rhode Island was more informal, due in part to the small size of the CJA panel. The office also distributes a quarterly newsletter electronically. Likewise, the office hosts two listservs, for both district court and appellate practitioners, and continues to provide informal support to the panel.

The Concord, NH office relocated last September from the first floor of the Ralph Pill Building to the third floor of that building. In Massachusetts, new office space has been located at 51 Sleeper Street and the office is awaiting GSA's approval of the lease.

Overall, the number of new cases opened decreased slightly in FY 2007, while the number of cases closed increased 23.8%.

In Massachusetts, the number of cases opened decreased by approximately 10%, while the number of cases closed increased by nearly one-third. This is likely because in 2006, the number of cases the office opened increased by nearly 95%. This influx of new cases in 2006 may have affected the office's ability to take on new cases. With the addition of one AFPD district court position and one AFPD appellate position, the office is hopeful that it will be able to maintain or increase its caseload in Massachusetts.

In New Hampshire, the number of new cases increased by nearly 20%. This probably is a result of the addition of a fourth AFPD, who joined the office in June 2007. The number of cases closed in Concord also increased by about 5%.

The number of new cases in Rhode Island decreased slightly, while the number of closed cases increased by more than 27%.

The district's overall volume of new 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
FY 2007	351	131	38	182	“	10/1/07	284

### 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
FY 2007	166	121	4	41	“	10/1/07	98

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
FY 2007	137	72	22	43	“	10/1/07	69



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

### **Staffing and Working Space**

This office is now among the 30 largest FPD Offices in the nation and its budget allocation has risen from less than 1 million dollars to over 3 million dollars.

In FY 2007, the office hired Anthony Toro as an investigator. Mr. Toro had previously been awarded by the White House and the US Department of Justice a Certification as distinguished Task Force Agent for his work in the law enforcement field. The office hired attorney Carmen Coral Rodriguez as Assistant Federal Public Defender. Ms. Rodriguez is also an experienced systems analyst and computer expert, who has worked for the U.S. District Court in Puerto Rico for over fourteen years. Her technical skills will be a key element in the support of the office's trial team, more specifically, in cases related to computers, electronic fraud and child pornography via the internet.

Plans have been finalized for the expansion of office facilities in FY 2008. The office will be increasing its space and facilities by over 2,677 sq. ft. This will be accomplished by connecting current facilities to the fourth floor of the adjacent building. In order to do this, a bridge will be built between the two buildings. This bridge will also allow the office to expand in the future.

### **Case Statistics**

The office's numbers increased in all categories of cases and matters. These were duly reflected in the reports to the AO for FY 2007. Projections of opening approximately 675 and closing 600 cases, were surpassed by increases of 22 and 27 percent, respectively, in each category. The final figures reported were 857 new opened cases and 811 closed cases, a difference of +182 and +211 cases, respectively. These statistics predict a continued increase in cases handled, and in consequence, a need to augment personnel and resources during the coming years.

The Office's Appeals Division also successfully handled several notorious cases, obtaining several victories in the process.

### **Immigration, Narcotics, Firearms and Fraud Cases**

As in the past, illegal immigration, narcotics, and fraud cases continue to be the largest category of cases handled by staff. This year, the office opened and closed over 150 Immigration cases; Narcotics cases followed with 76 cases opened and 104 cases closed; and Fraud represented the third category of cases with close to 40 cases opened and closed. Weapons violations are beginning to grow, and accounted for the fourth largest group of cases, with thirty-three opened and thirty-nine closed. A category of disproportionate statistics for this FY arises out of a HUD fraud investigation which yielded ninety representations, which were negotiated as Pre Trial Diversion cases. The officer expects to close all of these cases during this fiscal year.

## **Death Penalty Prosecutions**

The office continues to be taxed with the inordinate prosecution of Death Penalty cases in this jurisdiction. Capital cases negatively impact the office's resources and cause much distress to its staff. Unfortunately, this district continues to be among the leading jurisdiction in the nation in Federal Death Penalty eligible prosecutions. The office are presently handles an average of three new death penalty eligible cases every year, with one already certified and two others waiting for certification. Last year, the office successfully litigated the non-certification of two cases and had another dismissed by the prosecution.

Unfortunately, not every lawyer can handle these cases, and presently the office has three Assistant Public Defenders involved, including the Senior Trial Attorney. These cases cause complications in case weight distributions and generate additional work for the support staff, impacting the investigation and mitigation units in the office. Luckily, to this date, no jury has returned a verdict of death in any of the cases indicted in this District.

## **Continued Legal Education**

During FY 2007 the Federal Public Defender maintained its role in aiding the education of members of the CJA Panel. This was done by responding to their particular needs in handling assigned cases, and by co-sponsoring with the Court the Continuing Legal Education (CLE) programs. The office have added a working area for the Panel Lawyers for meetings with clients or witnesses outside of the courtroom. The office also provided research assistance and legal forms for cases.

## **Conclusion**

This year the Federal Defenders for Puerto Rico opened, closed and served more clients than any year in its history. The district broke all previous records, increased its resources and added high caliber personnel. Despite not being the largest office in the Circuit, it handled more cases than any other FPD office, and represented a defendant in over 65% of all criminal cases in this district.

The results of the office's work is reflected in an increase in dismissals of complaints and indictments, a larger than usual number of PTD's, and the fact that half of all cases that went to trial resulted in not guilty verdicts. Additionally, those clients who were sentenced received substantially less imprisonment than the average defendant in the District. These results were accomplished by increasing the number of hours worked pre-trial by investigative staff and lawyers.

**NARRATIVE REPORTS  
ON MATTERS OF  
JUDICIAL ADMINISTRATION**



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## THE JUDICIAL CONFERENCE OF THE UNITED STATES MARCH AND SEPTEMBER 2007

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 13, 2007 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 Gibbons, Chair of the Committee on the Budget, Judge Furguson, Chair of the Committee on Judicial Resources, and Judge Bataillon, Chair of the Committee on Space and Facilities, gave a joint report on the judiciary's ongoing cost-containment efforts, and Judge Hornby, Chair of the Committee on the Judicial Branch, reported on the current judicial pay restoration initiative.

At the September 18, 2007 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, presented a report on the judicial salary restoration initiative, and Chief Judge Bataillon, Chair of the Committee on Space and Facilities, reported on the Los Angeles courthouse construction project.

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## FIRST CIRCUIT JUDICIAL CONFERENCES

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

In the First Circuit, circuit judicial conferences are generally conducted in two different formats. One type of conference, often called a “mini-conference,” is designed primarily for judicial officers and certain court personnel. In addition to the judges, others who attend 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 also attend. These conferences are organized by a committee of judges, appointed by the chief judge, with the assistance of the circuit executive and his staff.

The other meeting format is the full-scale conference. Attendees at these conferences include those 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. Politicians from the city and state, in which the conference is being held, are invited, along with members of the state's supreme court. Lastly, a substantial number of lawyers are invited to attend these full-scale conferences.

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

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

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

In October 2007, a mini-conference was held at the Wentworth by the Sea Hotel in New Castle, New Hampshire.

## **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 2007, the council meetings took place on April 5 and October 27. 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 2007 is provided at pages 98 - 99.

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 2007 included: approval of various cost reduction measures; review of courthouse construction projects and expenditures; review of juror utilization, trials and other court activity statistics; review of court security measures; review of privacy rules, and the approval of bankruptcy judge assignments.

## **SPACE AND FACILITIES**

### **Introduction**

This report covers the activities of the space and facilities group within the Circuit Executive's office during the period between the last report, June 2007, and December 2007.

FY 2007 was the trial period for the new Circuit Rent Budgeting (CRB) program which has been developed to restrict annual rent escalation to approximately 4%. The "B" program, administered by the AOUSC, provides funds for accommodation for new, senior, or replacement judges and for Prospectus projects, which are projects over \$ 2.6 million. The "C" fund is controlled by the Circuit Council and is for efficient expansion of court units. The First Circuit has "B" projects in San Juan, Rhode Island, Maine, and Massachusetts.

Shawna Kelliher joined Barbara Manford and David Drew in the Circuit Executive's space and facilities department in July 2007, and has been the primary mover of the Circuit's CRB effort. Ms. Kelliher worked previously for the District of Rhode Island as the space and facilities manager, overseeing the major renovation of the historic courthouse in Providence.

### **Court of Appeals**

Initial steps have been taken to establish an office for the Bankruptcy Appellate Panel in the McCormack Post Office and Courthouse in Boston. Construction will begin after major renovations to that facility are completed in May 2009.

The Circuit will submit a "B" project for AOUSC and Conference Committee approval for new chambers for Judge Selya's replacement in Providence.

### **District of Maine**

The Probation Office will submit a request for Circuit "C" funds to consolidate their space in the Margaret Chase Smith Federal Building in Bangor. The court will release space in the center of the building and move those functions to be contiguous with the rest of the office.

Leases for both the Bankruptcy Court and the US Probation Office in Portland will expire in March 2009, and planning has begun to insure that Bankruptcy Court remains at their present location while Probation moves closer to the Gignoux Courthouse.

### **District of Massachusetts**

The new courthouse in Springfield was approximately 80% complete by the end of calendar 2007. The courts continue to monitor the construction carefully and in September 2007, contributed end-of-year lapse monies to restore building and site construction components deleted by the General Services Administration in the effort to control costs. (Bids were substantially over budget, necessitating a project-long "value engineering" effort).

The prospectus project to build out the fourth courtroom and chambers in the new courthouse, deleted as part of these cost containment measures, will be submitted for approval to the AOUSC by the Circuit and to GSA's central office in March/April 2008.

Renovations to the J.W. McCormack Post Office and Courthouse continue towards the goal of a May 2009 completion. Shawna Kelliher has assumed project management responsibilities.

Procurement efforts continue towards moving the Federal Public Defender from less-than-optimal quarters in the Williams Federal Building to more appropriate space within an easy pedestrian commute to the Moakley Courthouse.

In the Moakley Courthouse, district and Circuit staff are struggling to accommodate new staff within existing space, especially in the Information Technology office. The use of systems furniture will be investigated to accomplish this task. This project would be eligible for "C" funding.

### **District of New Hampshire**

The staff of the Federal Public Defender moved to larger quarters in Concord in September 2007.

### **District of Puerto Rico**

Region 2 of the General Services Administration Design is prepared to fund a sub-Prospectus project to renovate the first floor of the J.V. Toledo Post Office and Courthouse in Old San Juan to provide chambers for (eventually) three senior judges. This project must first be submitted to, and approved by, the AO and Conference Committees as a "B" project.

The bankruptcy court is making plans to move Judge Brian Tester to the Ferre Post Office and Courthouse in Ponce in February/March 2009. This office is working with GSA and the bankruptcy court on design and security provisions for the new space.

The complete reorganization and renovation of the District Court Clerk's Office in the Degetau Federal Building in Hato Rey is nearing completion.

### **District of Rhode Island**

The Circuit will submit a "B" project to the AOUSC for funds to renovate the visiting chambers in the Providence Courthouse to permanent chambers for Judge Torres' replacement.

The district court clerk, David DiMarzio, has established a very successful program of regular meetings with GSA, clerk's office staff, and Circuit space staff to discuss ongoing issues with the condition of his two facilities, the Providence Courthouse and the Pastore Federal Building. As the office develops, similar programs may be established in other districts, as well as in Boston.

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

In 2007, 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. Listed below are some of the accomplishments of the IT Department for CY 2007:

### **Server Virtualization**

The IT department began using VMware to virtualize servers. Virtualization allows more than one server to run on a single hardware platform to increase efficiency and reduce server costs.

### **Boston Training Facility**

The IT training room was moved from the Williams building to the newly furnished facility on the second floor of the Moakley Courthouse. The new facility has 12 networked workstations, an interactive teamboard, overhead VGA projector and a trainer workstation. The training room is shared with the District Court, the Probation and Pre-Trial offices, as well as the Court of Appeals. Adjacent to the training room is a shared conference room equipped with a Polycom Soundstation teleconferencing unit, networked workstation and a 40" LCD display.

### **Help Desk Operations**

The department enhanced its use of Alexsys team-based help desk and project tracking software. Likewise, the department improved web application for help desk use to consolidate chambers and support offices information resulting in more closed calls by the help desk.

### **First, Second and Third Circuit IT Conference**

Several staff members attended the joint IT Conference for the First, Second and Third Circuits in Newport, RI in August 2007. The IT Conference was organized and chaired by the First Circuit's IT department. The joint IT Conference was held in conjunction with the joint Court Unit Executives Conference.

### **Monitoring of Servers**

The department implemented server monitoring application, Nagios. Nagios continuously monitors the health of various servers and alerts court IT staff of problems. Presently, Nagios actively monitors 206 services on 132 hosts.

### **Daylight Savings Patching**

Workstations and servers on the court networks were patched in 2007 to incorporate the new Daylight Saving Time (DST) rules that were introduced by the Energy Policy Act of 2005.

### **Patch Management for Windows**

The department implemented the Windows Software Update Service (WSUS) product from Microsoft. WSUS allows us to centrally instruct computers to download and install Microsoft patches. This year, over 300 desktops, laptops, and servers report to the WSUS server for update instructions.

### **Dual Monitors**

The department installed Dual monitor configurations in the clerk's office and chambers in preparation for the 2008 deployment of CM/ECF.

### **Cell Phones and PDA upgrades**

The department consolidated cell phone services into one service vendor abrogating the use of several different vendors.

### **Public Access Computers**

Public Access computers in the Library and the Clerks' Office were replaced with Wyse terminals. These devices are far easier to secure and maintain while providing the same basic services to the public.

### **Moakley Courthouse Infrastructure**

In 2007, the department encountered recurrent problems with data and voice systems in the computer room, due to issues with the courthouse's air conditioning and water systems. Steps have been taken with GSA and building management to mitigate any serious problems in the future.

### **Server Upgrade Project**

Work commenced on upgrading the department's older Novell servers to new servers running the Windows server operating system.

### **Video Conferencing**

The IT department maintained, tested and conducted numerous video conferences throughout the year. LCD panels were replaced in two locations.

### **Computer Security**

There was a marked increase in virus and spyware outbreaks throughout 2007. All firewall and anti-virus systems were upgraded and continually monitored in Boston and in offices throughout the circuit including home installations.

## JUDICIAL MISCONDUCT AND DISABILITY

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

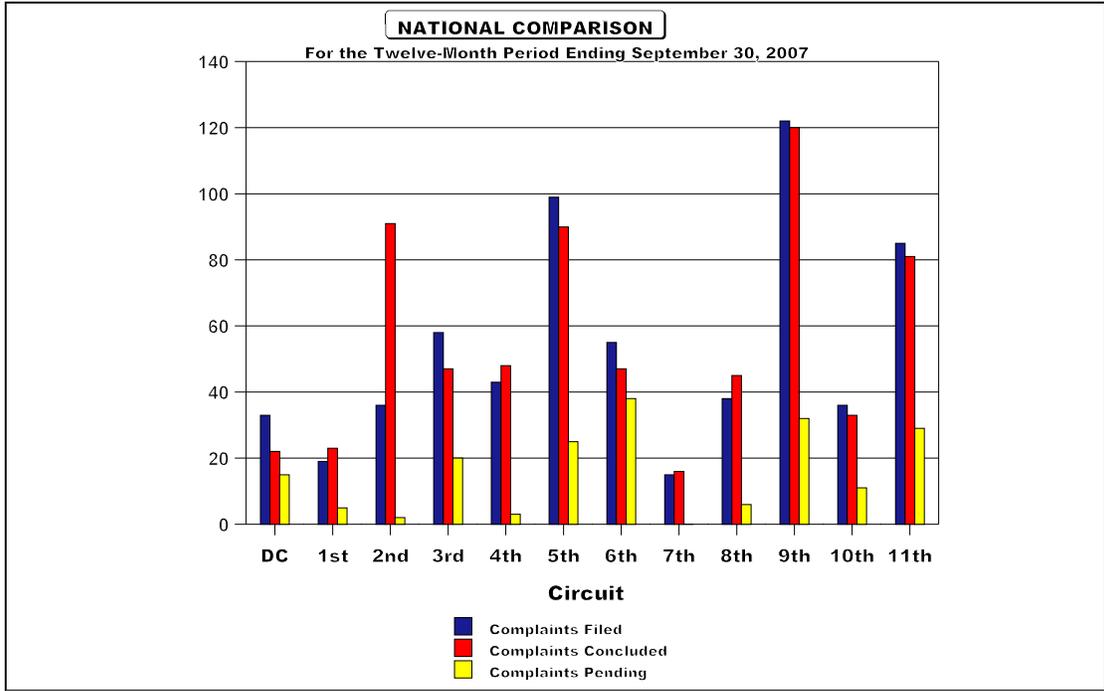
Both the complainant and the judge have the right to file a petition for judicial council review of an order of dismissal entered by the chief judge. See 28 U.S.C. § 352(c). Except where a special committee has been appointed, and in other limited circumstances, see id., at § 354, the orders issued by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

Pursuant to 28 U.S.C. § 352(d) and the Rules of Judicial Misconduct, the chief judge "annually designates 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 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, 2007**

Complaints Filed in 2007 (calendar year)	33
Repeat Complainants (filed more than 1 complaint during 2007)	3
Orders of Dismissal Issued by Chief Judge *4 of the Chief Judge's orders were issued in 2008	33
Petitions for Review filed with Judicial Council *6 of the petitions were filed in 2008 and 1 was withdrawn	17
Orders of Dismissal Affirmed by Judicial Council *9 of the Council orders were issued in 2008	16
Show Cause Orders Issued	2
Preclusion Orders Issued	2
Total Judges Accused of Misconduct in 2007	22

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



<b>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, 2007</b>												
<b>Summary of Activity</b>	<b>Circuit</b>											
	<b>DC</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>5th</b>	<b>6th</b>	<b>7th</b>	<b>8th</b>	<b>9th</b>	<b>10th</b>	<b>11th</b>
<b>Complaints Filed</b>	30	32	22	81	82	130	76	48	49	151	37	99
<b>Complaints Concluded</b>	21	29	50	40	89	117	78	51	47	94	48	83
<b>Complaints Pending</b>	15	13	0	55	0	35	43	1	17	96	3	52

## **ATTORNEY DISCIPLINE**

During 2007, the Court of Appeals for the First Circuit handled 6 attorney disciplinary proceedings under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement), 1 of which resulted in disbarment and 5 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 July 1, 2007, the Honorable Robert E. Keeton, District Judge from the District of Massachusetts, passed away. Judge Keeton had served the courts since his appointment in 1979. He assumed senior status in February 2003 and retired in September 2006.

On February 16, 2007, District Judge Hector M. Lafitte, District of Puerto Rico, retired. Judge Lafitte received his commission in 1983; served as chief judge from 1999-2004; and assumed senior status on November 15, 2005.

On March 15, 2007, District Judge Joseph DiClerico, District of New Hampshire, assumed senior status. Judge DiClerico received his commission in 1992 and served as chief judge from 1992-1997.

The following judicial appointments were made during 2007: Magistrate Judge Bruce McGiverin was appointed to the District of Puerto Rico on January 19; Magistrate Judge Marcos Lopez was appointed to the District of Puerto Rico on January 24; and District Judge Joseph N. LaPlante was appointed to the District of New Hampshire on December 28.

Bankruptcy Judge Henry J. Boroff, District of Massachusetts, was reappointed on September 12.

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## UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT FAIR EMPLOYMENT PRACTICES NARRATIVE 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: staff of the Senior Circuit Judges and Circuit Judges, the Circuit Executive’s Office, the Bankruptcy Appellate Panel, the Office of the Clerk of the First Circuit Court of Appeals, the Office of the Senior Staff Attorney, the Office of the Circuit Librarian (including satellite branches throughout the Circuit), and the Court of Appeals Civil Appeals Management Program (CAMP). The Offices of the Federal Public Defender (for the Districts of Maine, Massachusetts and Puerto Rico) have issued separate reports.

### **Personnel Summary**

As of September 30, 2007, there were 120 Court of Appeals employees. Of those employees, 40 (33%) were male and 80 (67%) were female; 102 (85%) were white and 18 (15%) were minorities. There were 4 African-American employees, 8 Hispanic employees, and 6 Asian employees.

### **Significant Achievements**

There were 31 new appointments made during this reporting period. Of those new appointments, 14 were male and 17 were female; 25 were white, 5 were minorities, and 1 not reported.

During the reporting period, 18 employees were promoted. Of those employees, 7 were male and 11 were female; 16 were white, 1 was a minority, and 1 not reported.

### **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**

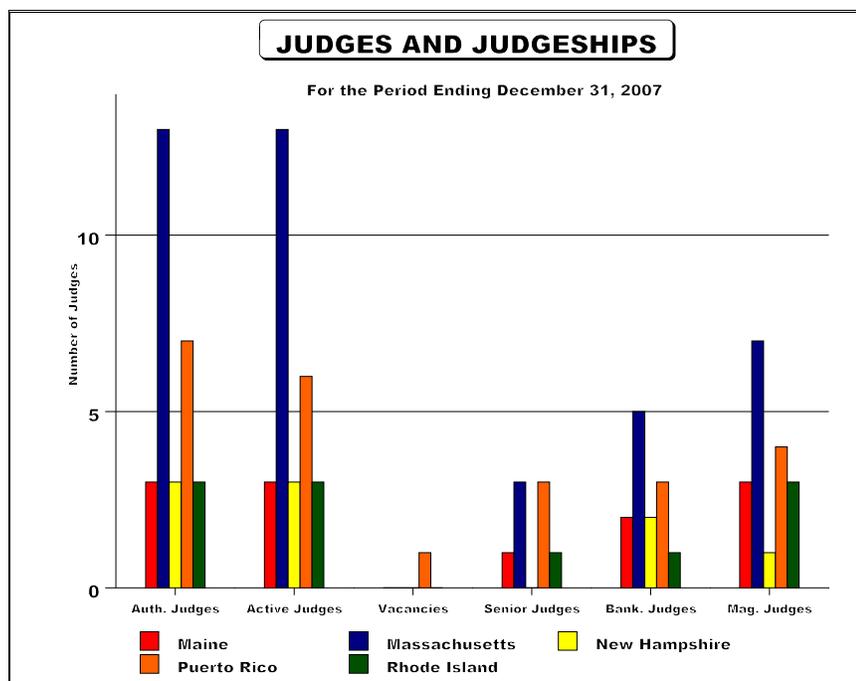
There were no complaints filed during this reporting year.

**OTHER MATTERS  
OF THE COURT**



## JUDGES AND JUDGESHIPS

### Judgeship Summary



<b>JUDGES AND JUDGESHIPS</b> For the Period Ending December 31, 2007						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank. Judges	Mag. Judges
Maine	3	3	0	1	2	2
Massachusetts	13	13	0	2	5	7
New Hampshire	3	3	0	1	2	1
Puerto Rico	7	8	1	3	4	4
Rhode Island	3	2	0	2	1	4
Total Dist. Court	28	29	0	9	14	18
Total Court of Appeals	6	6	0	4	–	–
Total 1st Circuit	35	34	1	13	14	18

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

**2007**

Edward F. Harrington	SJ	Massachusetts	Committee on the Administration of the Bankruptcy System
Bruce M. Selya	CJ	Court of Appeals	Foreign Intelligence Surveillance Court
Nathaniel M. Gorton	DJ	Massachusetts	
James B. Haines	BJ	Maine	Committee on Court Administration and Case Management
Aida M. Delgado-Colón	DJ	Puerto Rico	
D. Brock Hornby (Chair)	DJ	Maine	Committee on the Judicial Branch
Steven J. McAuliffe	DJ	New Hampshire	
José Antonio Fusté	DJ	Puerto Rico	Committee on Criminal Law
Juan M. Perez-Gimenez	DJ	Puerto Rico	Committee on International Judicial Relations
Joan N. Feeney	BJ	Massachusetts	
Daniel R. Dominguez	DJ	Puerto Rico	Committee on the Administration of the Magistrate Judges System
John A. Woodcock, Jr.	DJ	Maine	Committee on Defender Services
Jay A. Garcia-Gregory	DJ	Puerto Rico	Committee on Codes of Conduct
George Z. Singal (Chair)	DJ	Maine	Committee on Judicial Resources
Joseph A. DiClerico, Jr.	DJ	New Hampshire	Committee on Judicial Conduct and Disability
Patti Saris	DJ	Massachusetts	Committee on the Budget

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CJ: Circuit Judge  
DJ: District Judge

MJ: Magistrate Judge  
BJ: Bankruptcy Judge

SJ: Senior Judge

**JUDICIAL COUNCIL OF THE FIRST CIRCUIT**

**2007**

**(as of December 31, 2007)**

Honorable Michael Boudin, Chief Judge	Court of Appeals
Honorable Juan R. Torruella	Court of Appeals
Honorable Bruce M. Selya	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 Reginald C. Lindsay	District of Massachusetts
Honorable Paul J. Barbadoro	District of New Hampshire
Honorable Aida M. Delgado-Colón	District of Puerto Rico
Honorable William E. Smith	District of Rhode Island

Observing Members

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

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

**NEW APPOINTMENTS**

District of New Hampshire	District Judge Joseph N. LaPlante
District of Puerto Rico	Magistrate Judge Bruce K. McGiverin
District of Puerto Rico	Magistrate Judge Marcos E. Lopez

**REAPPOINTMENTS**

District of Massachusetts	Bankruptcy Judge Henry J. Boroff
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**SENIOR STATUS**

District of New Hampshire	District Judge Joseph A. DiClerico
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**RETIREMENTS**

District of Puerto Rico	District Judge Hector M. Laffitte
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**UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

**(as of December 31, 2007)**

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

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

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

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

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

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

Honorable David M. Cohen  
Honorable Margaret Kravchuk

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**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 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

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**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

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**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

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

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

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

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

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

Honorable James R. Muirhead

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**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 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

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

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

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

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

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**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

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

Honorable Arthur N. Votolato, Chief

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

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

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## **COURT UNIT EXECUTIVES**

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### **CIRCUIT EXECUTIVE**

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

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### **FIRST CIRCUIT CLERKS OF COURT**

Richard Cushing Donovan  
*Court of Appeals*

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*

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### **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*

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**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*

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**FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES**

John R. Riley  
*District of Massachusetts*

Eustaquio Babilonia  
*District of Puerto Rico*

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**FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS**

David Beneman  
*District of Maine*

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

Joseph C. Laws, Jr.  
*District of Puerto Rico*

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## **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, 2006 & 2007**

CIRCUIT	COMMENCED			TERMINATED			PENDING*		
	2006	2007	Percent Change	2006	2007	Percent Change	2006*	2007	Percent Change
TOTAL	66,618	58,410	-12.3	67,582	62,846	-7.0	56,178	51,742	-7.9
DISTRICT OF COLUMBIA	1,218	1,310	2.3	1,195	1,309	9.5	1,549	1,550	0.1
FIRST	1,852	1,863	0.6	2,027	1,752	-13.6	1,489	1,600	7.5
SECOND	7,029	6,334	-9.9	8,969	7,228	-19.4	7,341	6,447	-12.2
THIRD	4,503	3,924	-12.9	4,157	4,066	-2.2	3,841	3,699	-3.7
FOURTH	5,460	4,542	-16.8	5,628	4,900	-12.9	3,151	2,793	-11.4
FIFTH	9,479	8,055	-15.0	8,881	9,578	7.8	6,993	5,470	-21.8
SIXTH	5,151	4,818	-6.5	5,172	4,962	-4.1	4,515	4,371	-3.2
SEVENTH	3,634	3,227	-11.2	3,803	3,280	-13.8	2,300	2,247	-2.3
EIGHTH	3,312	3,020	-8.8	3,618	2,988	-17.4	2,020	2,052	1.6
NINTH	14,636	12,549	-14.3	13,424	13,600	1.3	17,318	16,267	-6.1
TENTH	2,742	2,407	-12.2	3,018	2,680	-11.2	2,112	1,839	-12.9
ELEVENTH	7,539	6,361	-15.6	7,690	6,503	-15.4	3,549	3,407	-4.0

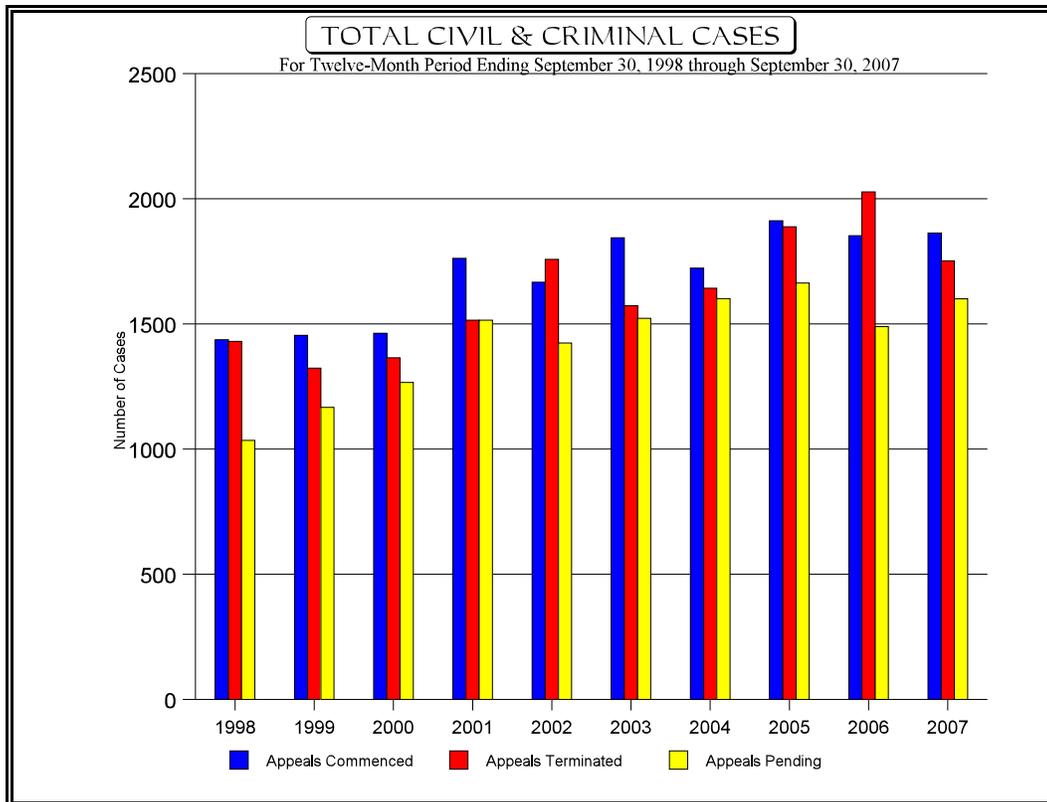
\*Pending caseloads for 2006 revised by the Administrative Office of the United States Courts.

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT**  
**SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS FOR THE**  
**12-MONTH PERIODS ENDING SEPTEMBER 30, 2000 - 2007**

SOURCE	2000	2001	2002	2003	2004	2005	2006	2007
<b>FIRST CIRCUIT TOTALS</b>	<b>1,463</b>	<b>1,762</b>	<b>1,667</b>	<b>1,844</b>	<b>1,723</b>	<b>1,912</b>	<b>1,852</b>	<b>1,863</b>
MAINE	128	164	115	141	143	171	132	120
MASSACHUSETTS	537	659	621	635	578	602	610	621
NEW HAMPSHIRE	105	112	96	117	121	118	98	94
PUERTO RICO	358	498	524	574	510	506	518	563
RHODE ISLAND	156	150	134	122	116	131	139	141
BANKRUPTCY	32	24	35	36	19	31	27	24
U.S. TAX COURT	5	3	3	5	4	5	5	3
NLRB	7	5	10	3	4	11	6	10
ADMINISTRATIVE AGENCIES, TOTAL	54	55	82	153	164	260	239	226
ORIGINAL PROCEEDINGS	81	92	60	66	72	93	89	61

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

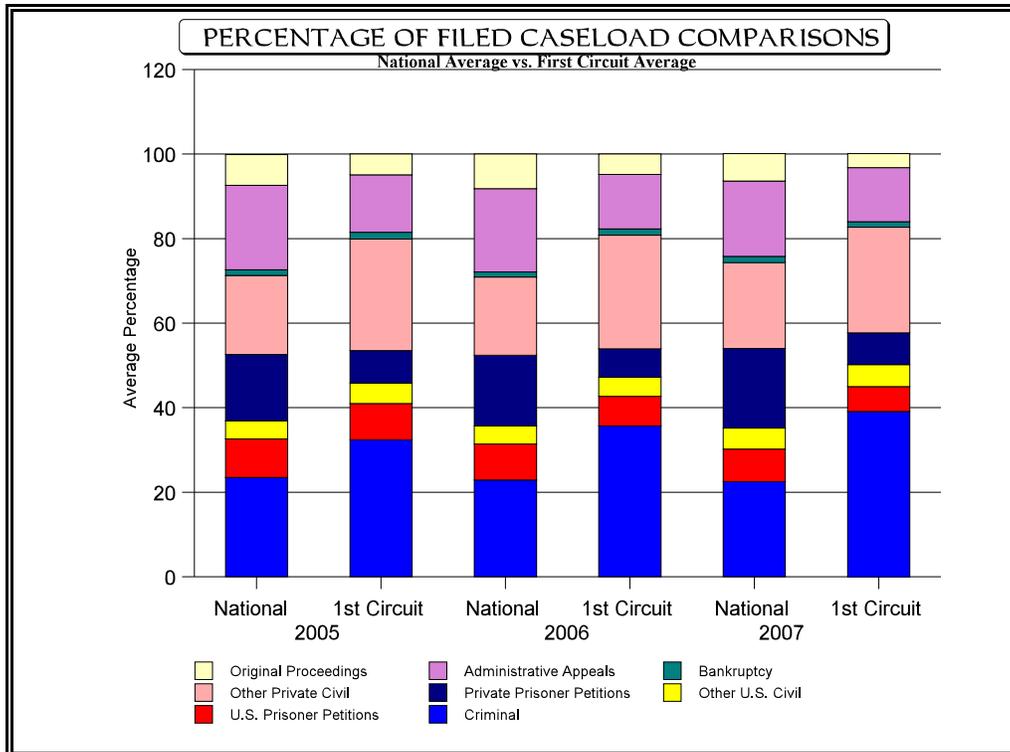
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
 APPEALS COMMENCED, TERMINATED AND PENDING  
 DURING THE 12-MONTH PERIODS ENDING  
 SEPTEMBER 30, 1998 THROUGH SEPTEMBER 30, 2007



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
 COMPARISON 1998 - 2007

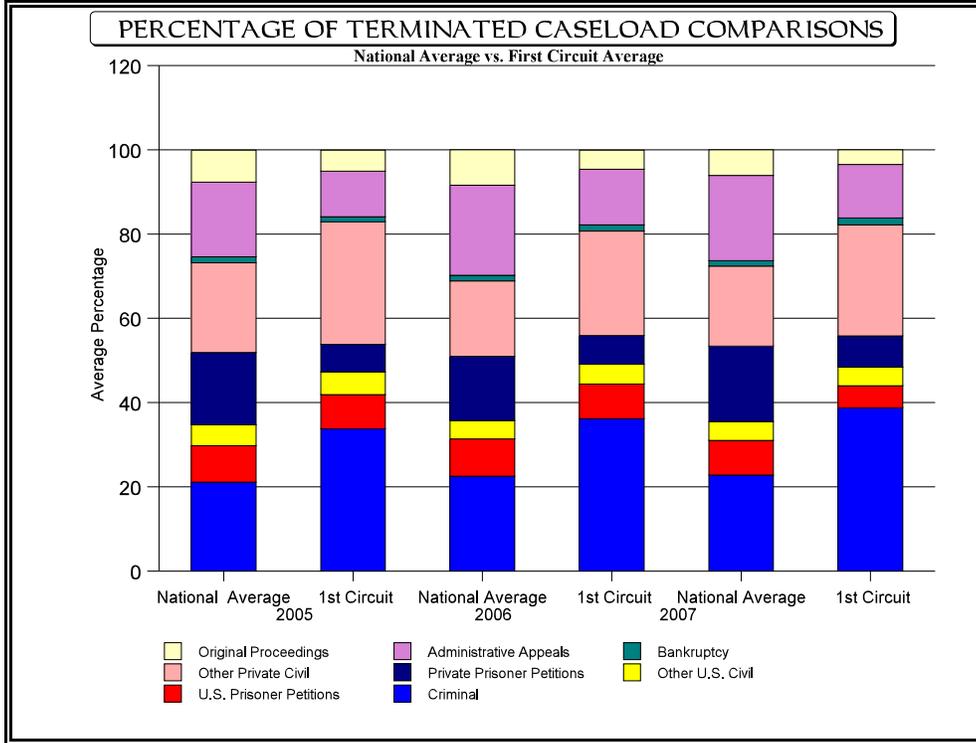
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
APPEALS COMMENCED	1,437	1,454	1,463	1,762	1,667	1,844	1,723	1,912	1,852	1,863
APPEALS TERMINATED	1,430	1,323	1,365	1,515	1,758	1,573	1,643	1,888	2,027	1,752
APPEALS PENDING	1,035	1,167	1,266	1,515	1,424	1,522	1,619	1,663	1,489	1,600

## CIRCUIT COMPARISON FOR FILED CASELOAD



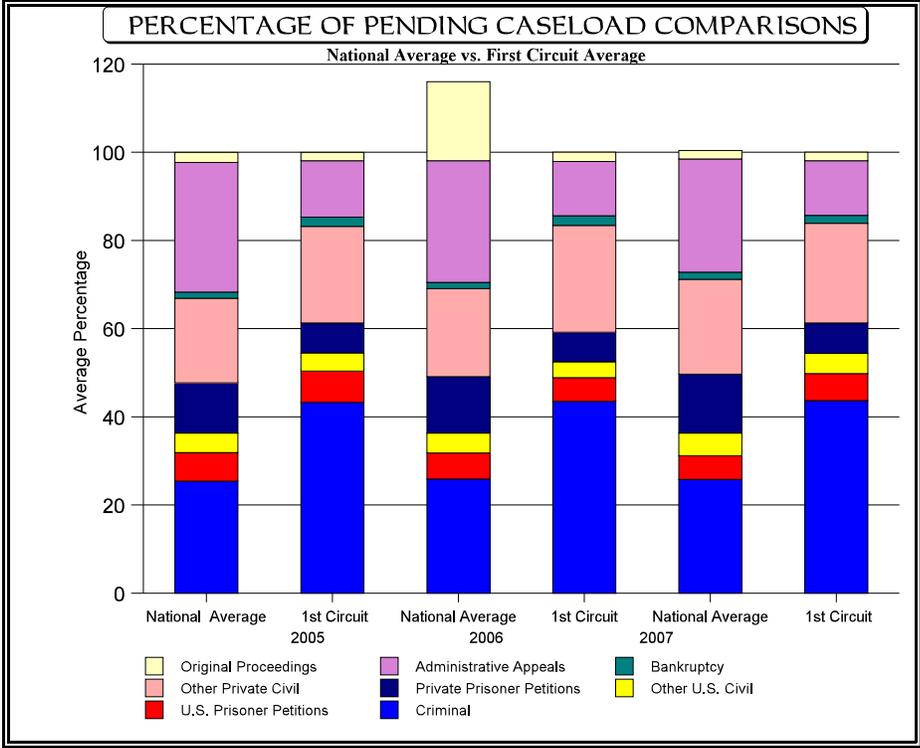
FILED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2005 THROUGH 2007						
	2005		2006		2007	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	23.5	32.4	22.9	35.7	22.5	39.1
U.S. PRISONER PETITIONS	9.1	8.6	8.5	7.0	7.7	5.9
OTHER U.S. CIVIL	4.3	4.8	4.3	4.5	5.0	5.2
PRIVATE PRISONER PETITIONS	15.7	7.7	16.7	6.7	18.8	7.5
OTHER PRIVATE CIVIL	18.7	26.4	18.5	26.9	20.3	25.0
BANKRUPTCY	1.3	1.6	1.2	1.5	1.5	1.3
ADMINISTRATIVE APPEALS	20.0	13.6	19.7	12.9	17.8	12.8
ORIGINAL PROCEEDINGS	7.3	4.9	8.2	4.8	6.5	3.3

## CIRCUIT COMPARISON FOR TERMINATED CASELOAD



TERMINATED CASELOAD COMPARISON						
PERCENT OF TOTAL FROM SEPTEMBER 30, 2005 THROUGH 2007						
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	21.1	33.8	22.5	36.2	22.8	38.8
U.S. PRISONER PETITIONS	8.7	8.1	8.9	8.2	8.2	5.2
OTHER U.S. CIVIL	4.9	5.4	4.3	4.7	4.5	4.4
PRIVATE PRISONER PETITIONS	17.2	6.5	15.3	6.8	17.9	7.4
OTHER PRIVATE CIVIL	21.3	29.1	17.9	24.8	19.0	26.4
BANKRUPTCY	1.4	1.2	1.3	1.5	1.3	1.6
ADMINISTRATIVE APPEALS	17.7	10.8	21.4	13.2	20.2	12.7
ORIGINAL PROCEEDINGS	7.6	5.0	8.4	4.5	6.1	3.5

## CIRCUIT COMPARISON FOR PENDING CASELOAD



PENDING CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2005 THROUGH 2007						
	2005		2006		2007	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	25.4	43.3	25.9	43.5	25.8	43.7
U.S. PRISONER PETITIONS	6.5	7.1	5.9	5.4	5.1	6.1
OTHER U.S. CIVIL	4.4	4.1	4.5	3.6	5.1	4.6
PRIVATE PRISONER PETITIONS	11.4	6.8	12.8	6.7	13.4	6.9
OTHER PRIVATE CIVIL	19.2	21.9	20.0	24.2	21.5	22.6
BANKRUPTCY	1.4	2.1	1.4	2.2	1.6	1.8
ADMINISTRATIVE APPEALS	29.4	12.8	27.6	12.3	25.7	12.4
ORIGINAL PROCEEDINGS	2.3	1.9	17.9	2.1	1.9	1.9

FIRST CIRCUIT TYPES OF CASES  
COMPARED TO NATIONAL AVERAGE

PERCENT OF TOTAL COMMENCED						
	2005		2006		2007	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	23.5	32.4	22.9	35.7	22.5	39.1
U.S. PRISONER PETITIONS	9.1	8.6	8.5	7.0	7.7	5.9
OTHER U.S. CIVIL	4.3	4.8	4.3	4.5	5.0	5.2
PRIVATE PRISONER PETITIONS	15.7	7.8	16.7	6.7	18.8	7.5
OTHER PRIVATE CIVIL	18.7	26.4	18.5	26.9	20.3	25.0
BANKRUPTCY	1.3	1.6	1.2	1.5	1.5	1.3
ADMINISTRATIVE APPEALS	20.0	13.6	19.7	12.9	17.8	12.8
ORIGINAL PROCEEDINGS	7.3	4.9	8.2	4.8	6.5	3.3

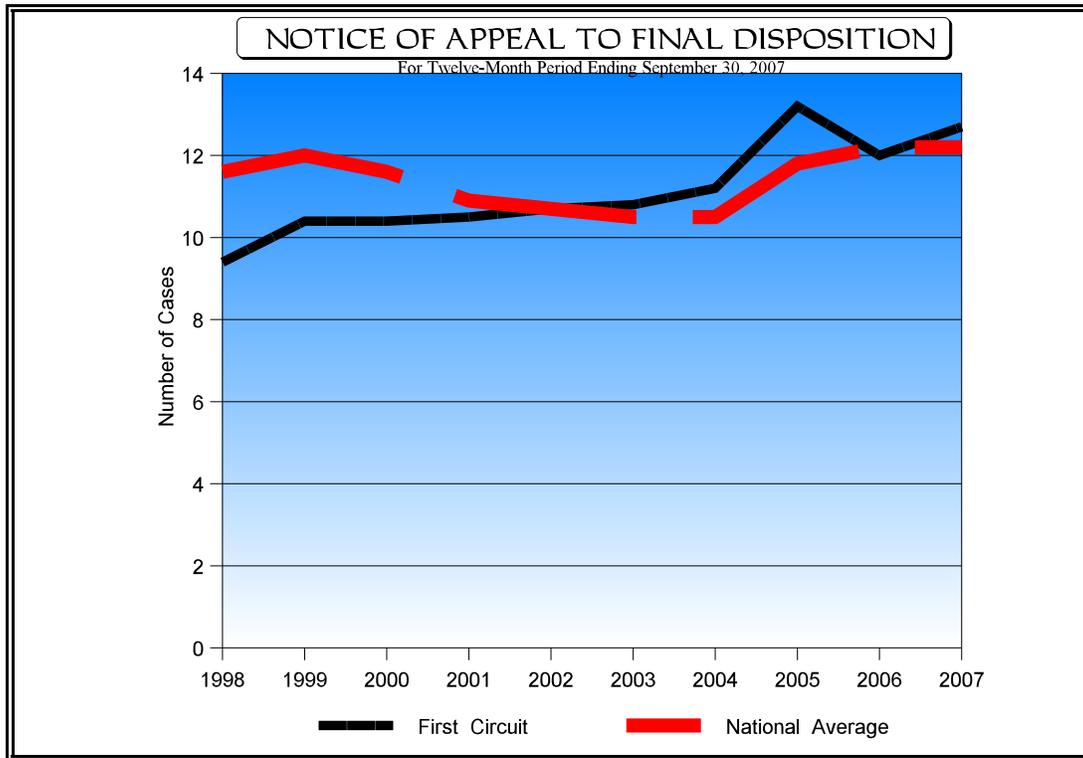
■ NATIONAL AVERAGE

■ 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, 2007

	# OF CASES	INTV
TOTAL	<b>22,546</b>	<b>12.2</b>
DISTRICT OF COLUMBIA	<b>393</b>	<b>12.1</b>
FIRST	<b>794</b>	<b>12.7</b>
SECOND	<b>1,212</b>	<b>13.4</b>
THIRD	<b>1,652</b>	<b>13.6</b>
FOURTH	<b>2,171</b>	<b>8.8</b>
FIFTH	<b>4,288</b>	<b>12.1</b>
SIXTH	<b>2,065</b>	<b>14.1</b>
SEVENTH	<b>1,186</b>	<b>10.9</b>
EIGHTH	<b>1,541</b>	<b>11.2</b>
NINTH	<b>3,395</b>	<b>17.4</b>
TENTH	<b>1,424</b>	<b>11.6</b>
ELEVENTH	<b>2,425</b>	<b>9.4</b>

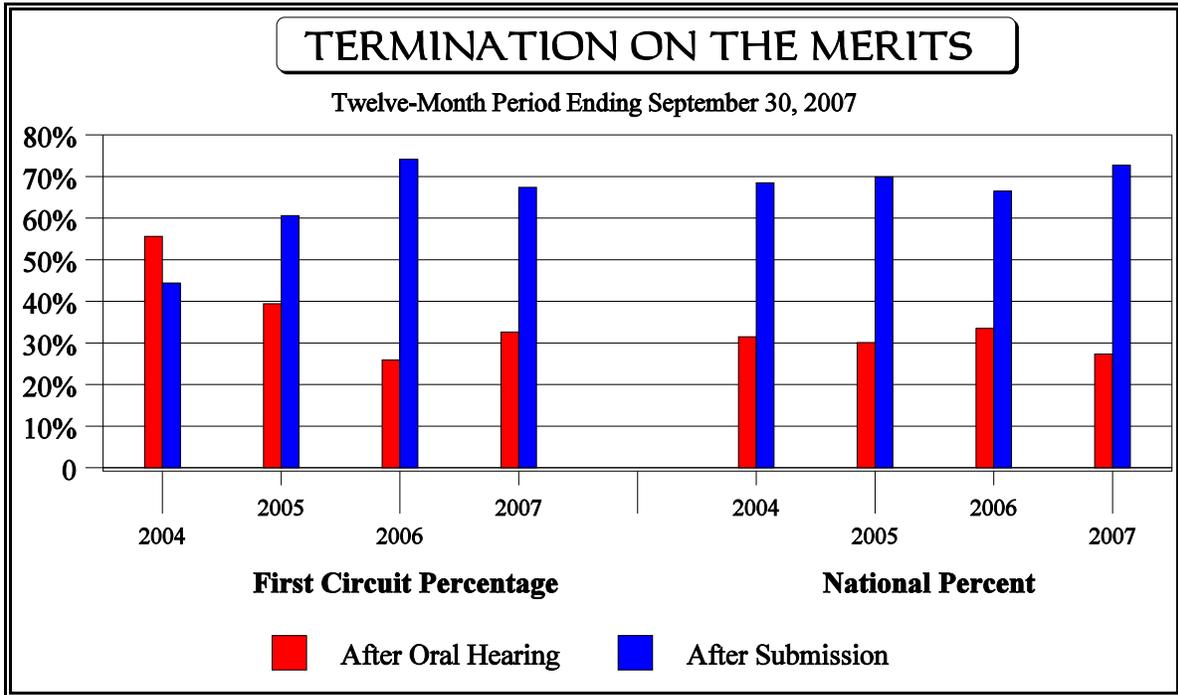
**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD  
DISPOSITION TIME FROM 1998 - 2007**



**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
COMPARISON 1998 - 2007**

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
FIRST CIRCUIT	9.4	10.4	10.4	10.5	10.7	10.8	11.2	13.2	12.0	12.7
NATIONAL AVERAGE	11.6	12.0	11.6	10.9	10.7	10.5	10.5	11.8	12.2	12.2

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
 COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD  
 DISPOSITION 2004 THROUGH 2007**



**DISPOSITION OF CASELOADS IN PERCENTAGES  
 FIRST CIRCUIT VS. NATIONAL CASELOAD**

	FIRST CIRCUIT PERCENTAGES				NATIONAL PERCENTAGES TOTALS			
	2004	2005	2006	2007	2004	2005	2006	2007
AFTER ORAL HEARING	55.6%	39.4%	25.9%	32.6%	31.5%	30.1%	33.5%	27.3%
AFTER SUBMISSION	44.4%	60.6%	74.1%	67.4%	68.5%	69.9%	66.5%	72.7%

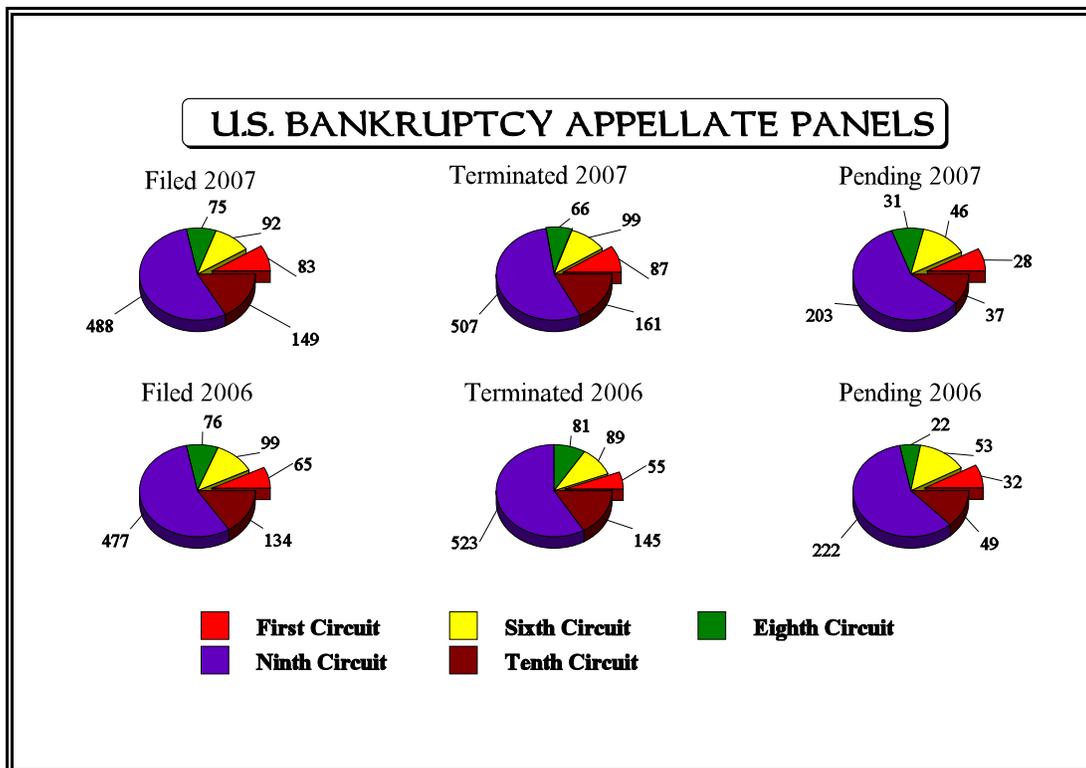
**STATISTICS**

**U.S. BANKRUPTCY**

**APPELLATE PANELS**



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



U.S. BANKRUPTCY APPELLATE PANELS DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2006 AND 2007									
	Filed			Terminated			Pending		
	2006	2007	% Change	2006	2007	% Change	2006*	2007	% Change
FIRST CIRCUIT	65	83	4.2	55	87	58.2	32	28	-8.7
SIXTH CIRCUIT	99	92	-7.1	89	99	11.2	53	46	-13.2
EIGHTH CIRCUIT	76	75	-1.3	81	66	-18.5	22	31	40.9
NINTH CIRCUIT	477	488	2.3	523	507	-3.1	222	203	-8.6
TENTH CIRCUIT	134	149	11.2	145	161	11.0	49	37	-24.5
TOTAL	851	857	4.2	893	920	3.0	378	345	-8.7

\*Total cases pending in 2006 revised by the Administrative Office of the United States Courts.



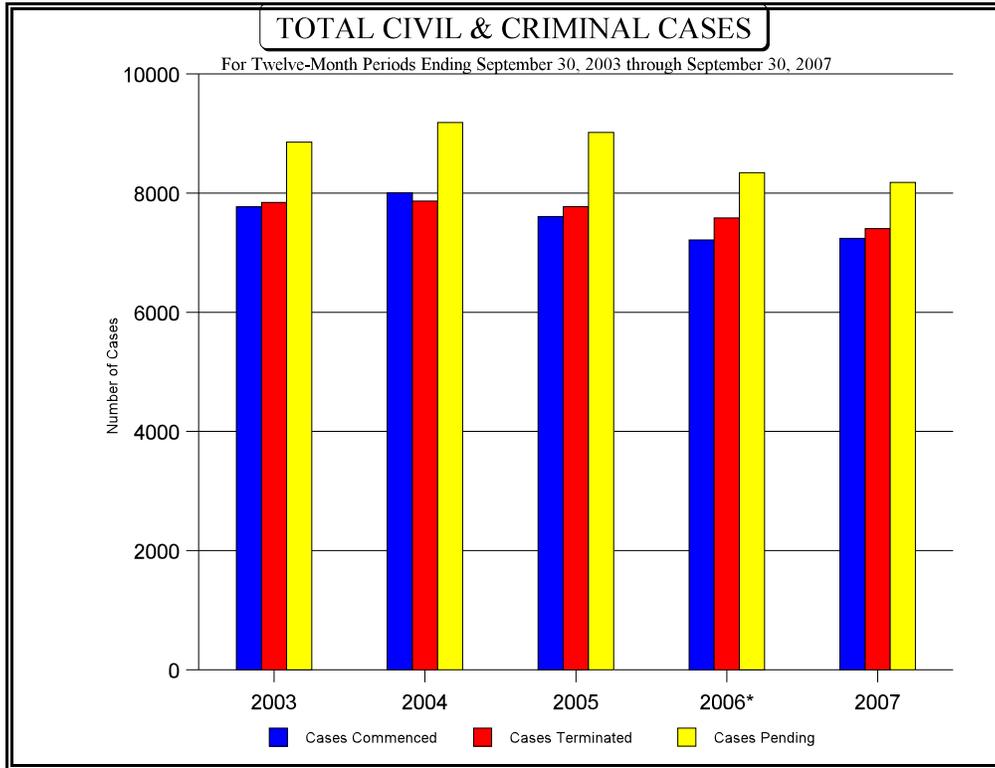
**STATISTICS**

**FIRST CIRCUIT**

**DISTRICT COURTS**



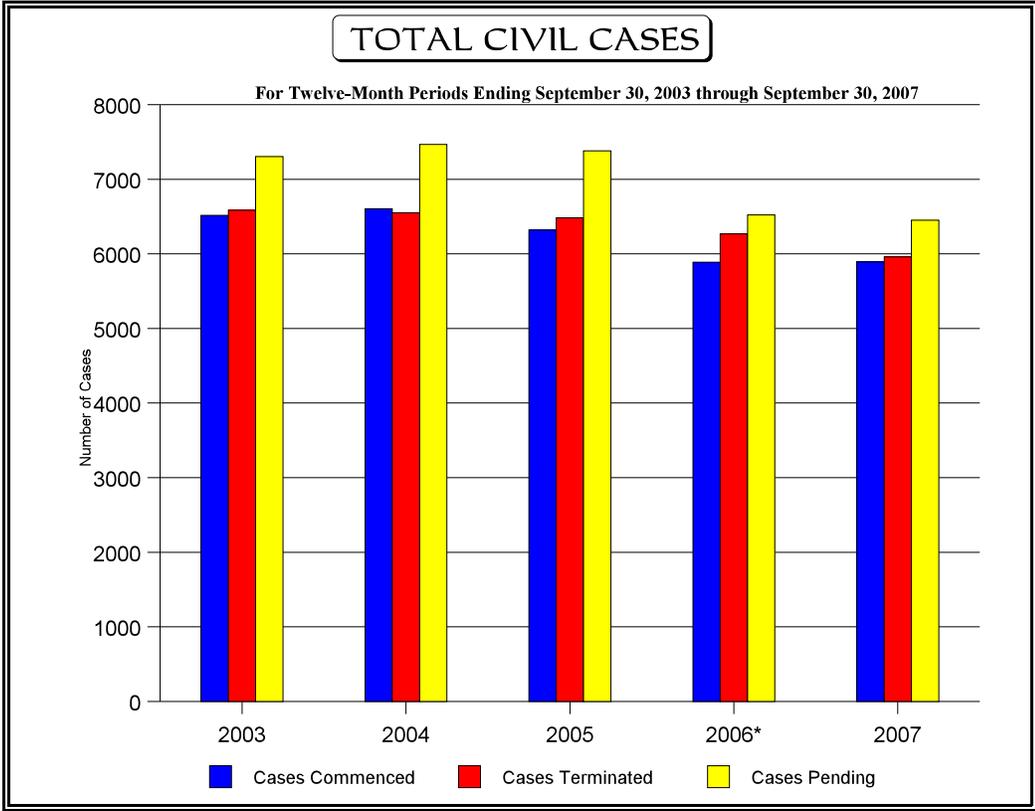
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL & CRIMINAL CASES FROM 2003 THROUGH 2007					
	2003	2004	2005	2006*	2007
CASES COMMENCED	7,769	8,002	7,605	7,214	7,242
CASES TERMINATED	7,842	7,866	7,773	7,584	7,403
CASES PENDING	8,854	9,184	9,018	8,341	8,180

\*Pending caseload for 2006 revised by the Administrative Office of the U.S. Courts.

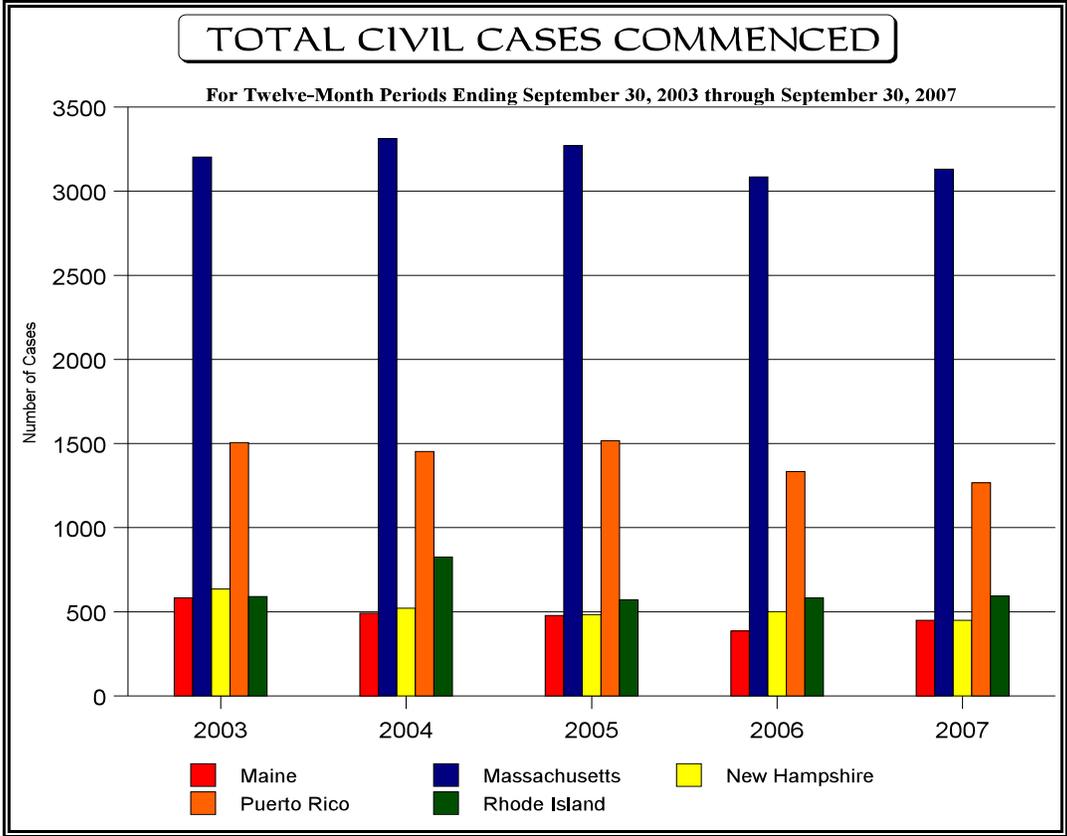
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL CASES FROM 2003 THROUGH 2007					
	2003	2004	2005	2006*	2007
CASES COMMENCED	6,516	6,604	6,319	5,887	5,890
CASES TERMINATED	6,583	6,551	6,483	6,267	5,959
CASES PENDING	7,304	7,467	7,382	6,521	6,452

\*Pending caseload for 2006 revised by the Administrative Office of the U.S. Courts.

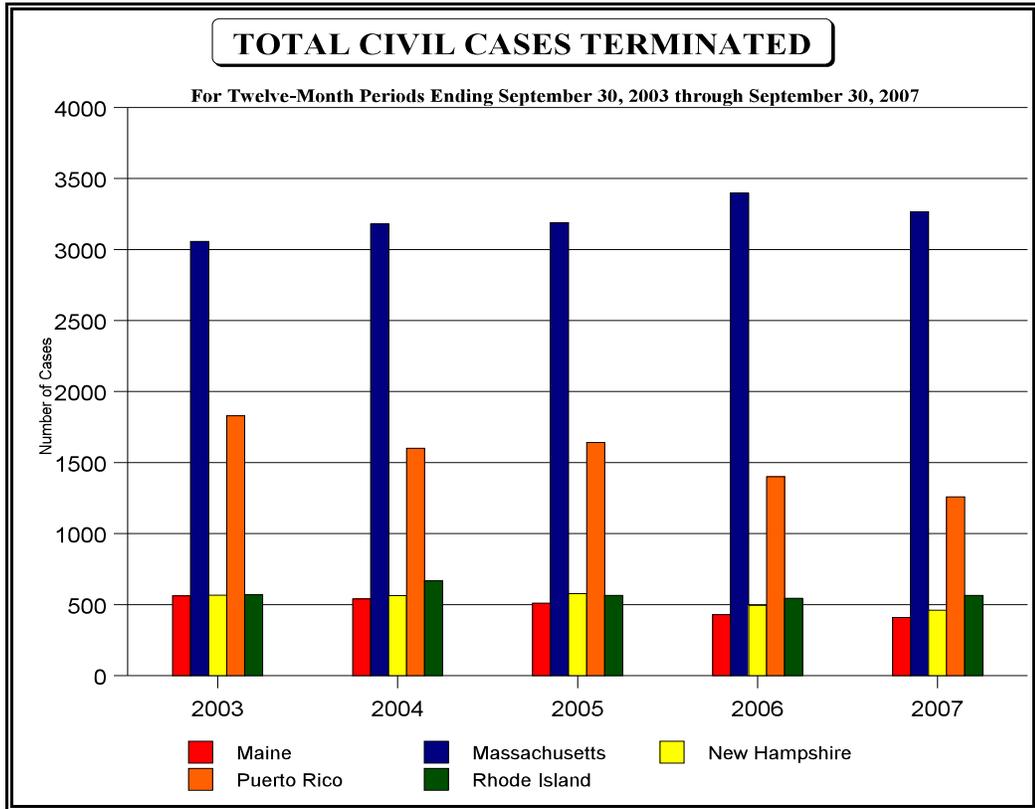
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### CIVIL CASES COMMENCED FROM 2003 THROUGH 2007

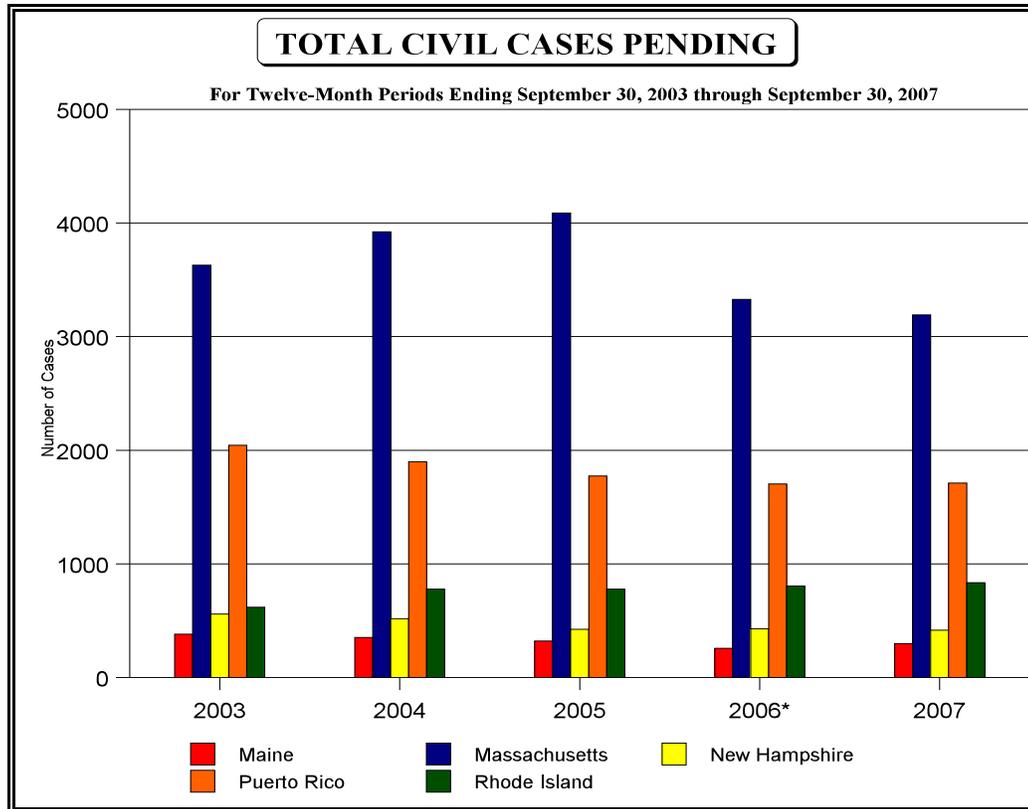
DISTRICTS	2003	2004	2005	2006	2007
MAINE	583	492	478	385	449
MASSACHUSETTS	3,202	3,312	3,270	3,085	3,131
NEW HAMPSHIRE	635	522	483	501	450
PUERTO RICO	1,506	1,452	1,516	1,333	1,267
RHODE ISLAND	590	826	572	583	593

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES TERMINATED FROM 2003 THROUGH 2007					
DISTRICTS	2003	2004	2005	2006	2007
MAINE	561	540	511	430	409
MASSACHUSETTS	3,057	3,180	3,189	3,397	3,266
NEW HAMPSHIRE	566	563	577	495	461
PUERTO RICO	1,830	1,601	1,641	1,400	1,259
RHODE ISLAND	569	667	565	545	564

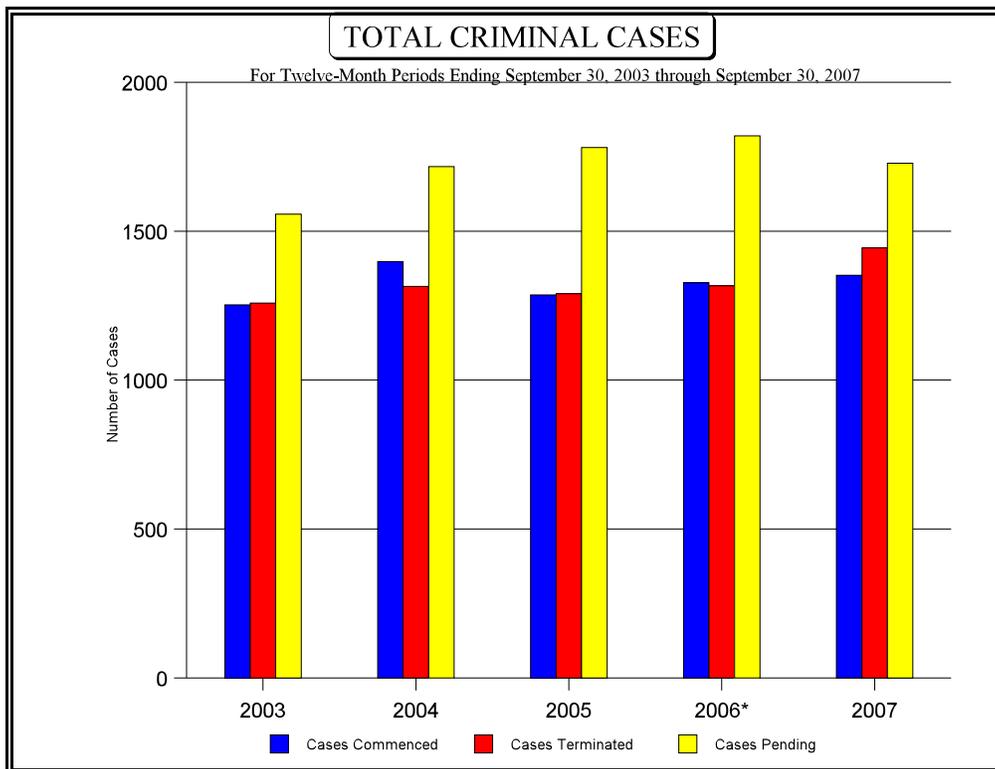
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES PENDING FROM 2003 THROUGH 2007					
DISTRICTS	2003	2004	2005	2006*	2007
MAINE	381	352	320	257	297
MASSACHUSETTS	3,629	3,922	4,088	3,327	3,192
NEW HAMPSHIRE	559	518	424	428	417
PUERTO RICO	2,043	1,898	1,773	1,704	1,712
RHODE ISLAND	618	777	777	805	834

\*Total civil cases pending in 2006 revised by the Administrative Office of the United States Courts.

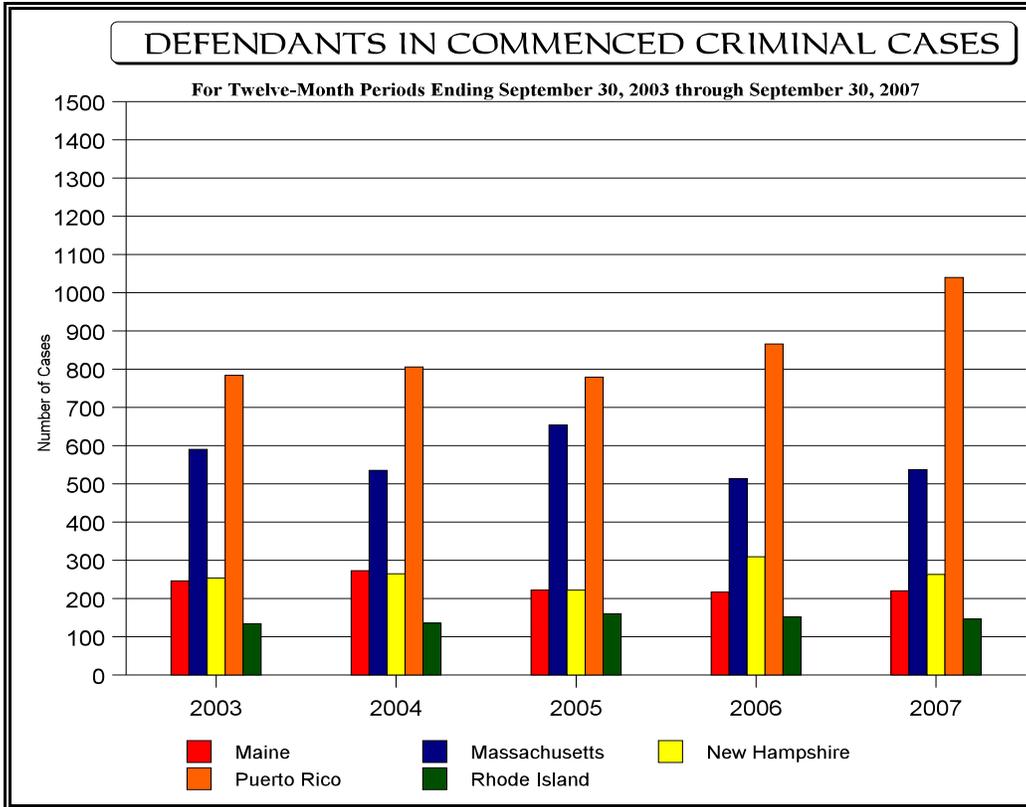
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CRIMINAL CASES FROM 2003 THROUGH 2007					
	2003	2004	2005	2006*	2007
CASES COMMENCED	1,253	1,398	1,286	1,327	1,352
CASES TERMINATED	1,259	1,315	1,290	1,317	1,444
CASES PENDING	1,557	1,717	1,781	1,820	1,728

\*Total criminal cases pending in 2006 revised by the Administrative Office of the United States Courts.

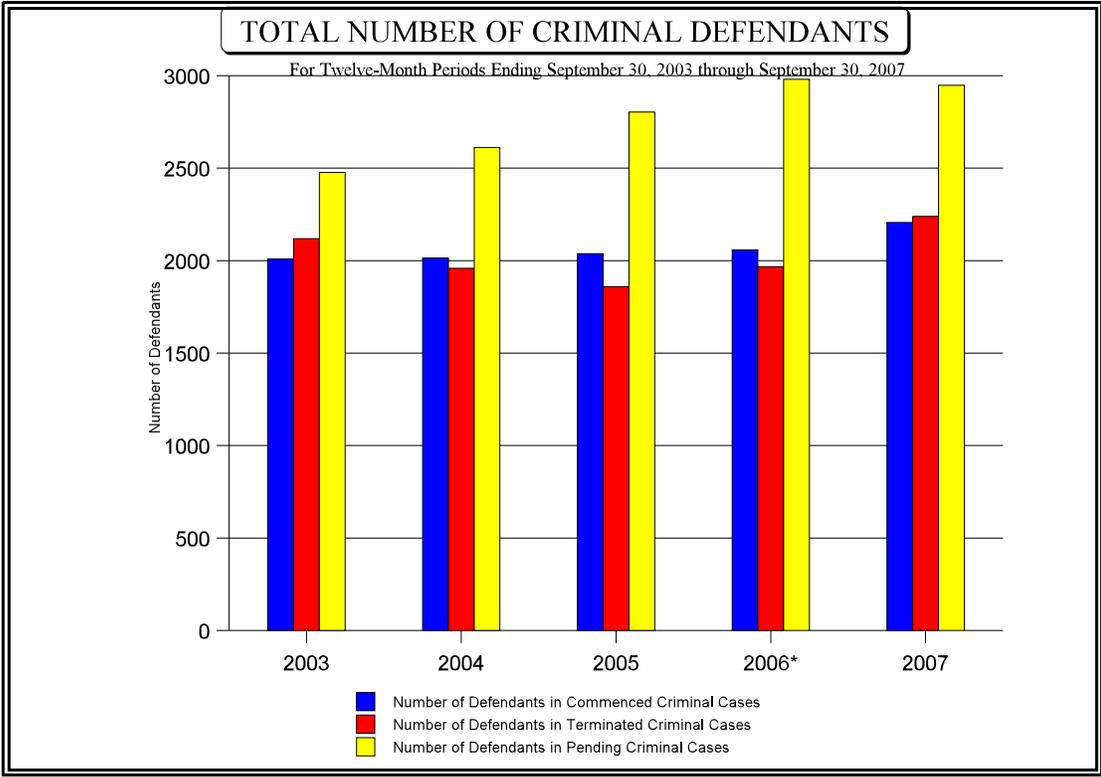
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN COMMENCED CRIMINAL CASES FROM 2003 THROUGH 2007					
DISTRICTS	2003	2004	2005	2006	2007
MAINE	246	273	222	217	220
MASSACHUSETTS	590	535	654	514	537
NEW HAMPSHIRE	254	265	222	309	263
PUERTO RICO	784	806	779	866	1,040
RHODE ISLAND	134	135	160	152	146

\*Total number of defendants in pending criminal cases in 2006 revised by the Administrative Office of the United States Courts.

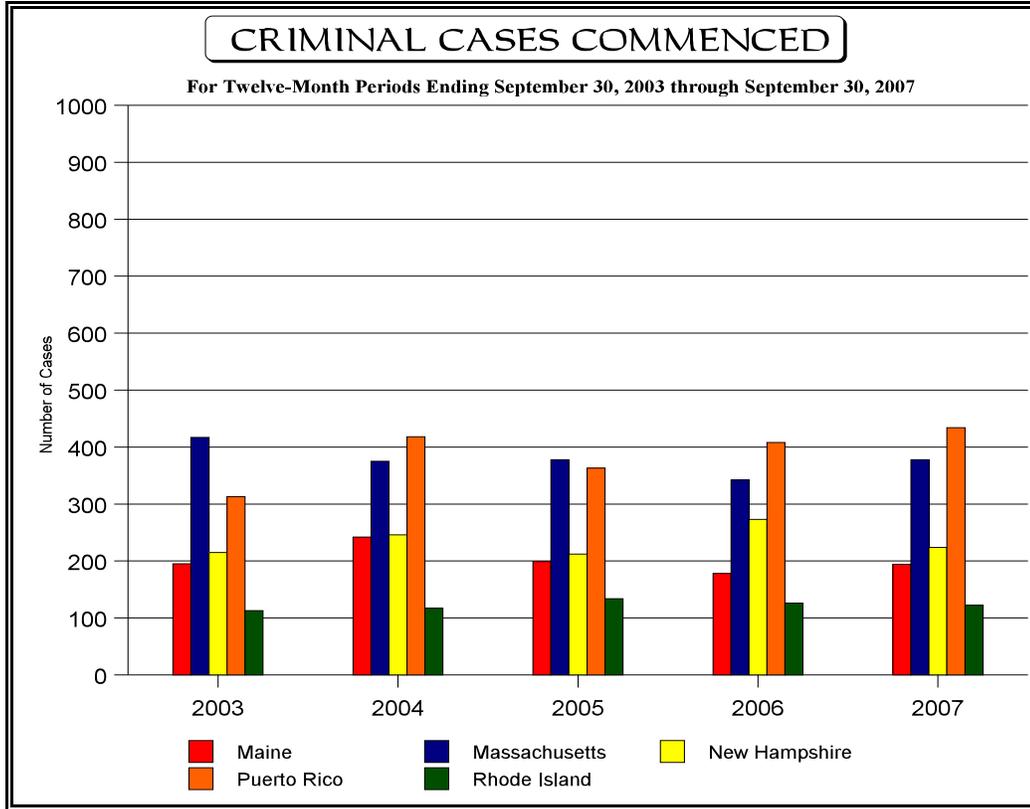
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL NUMBER OF CRIMINAL DEFENDANTS FROM 2003 THROUGH 2007					
	2003	2004	2005	2006*	2007
NUMBER OF DEFENDANTS IN COMMENCED CRIMINAL CASES	2,008	2,014	2,037	2,058	2,206
NUMBER OF DEFENDANTS IN TERMINATED CRIMINAL CASES	2,119	1,959	1,859	1,967	2,239
NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES	2,477	2,612	2,803	2,981	2,948

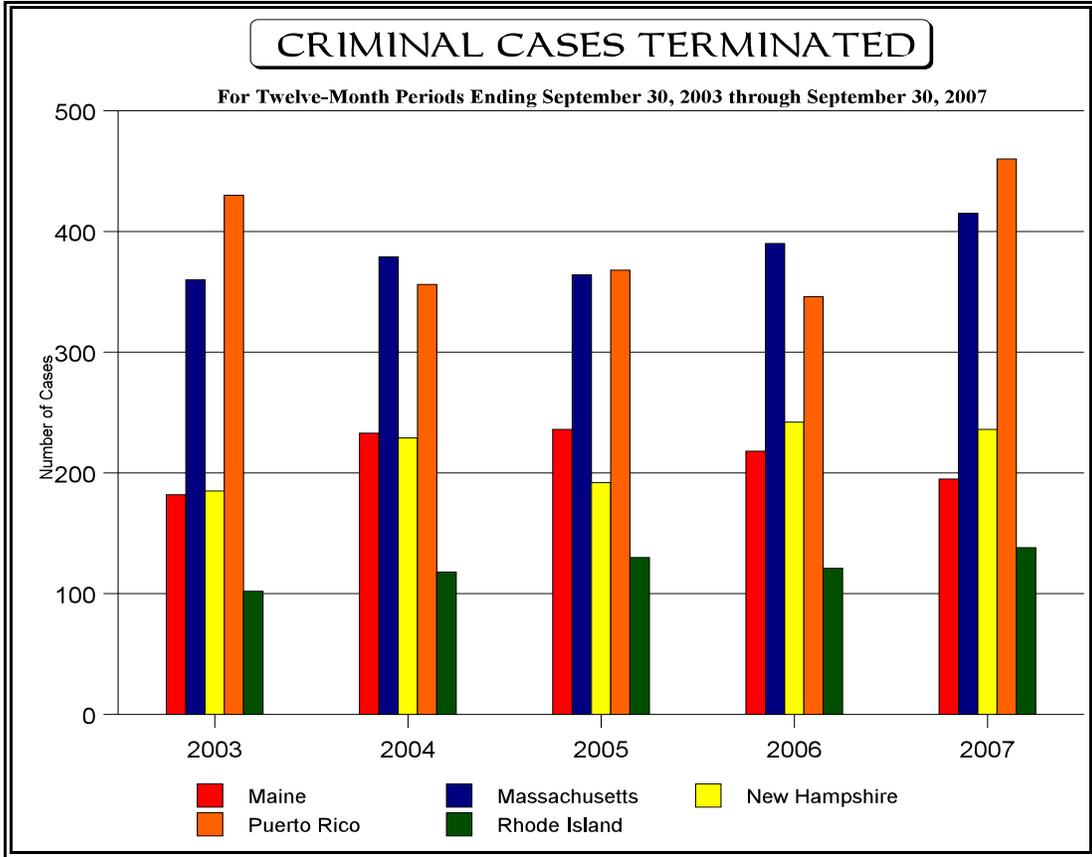
\* Total number of defendants in pending criminal cases in 2006 revised by the Administrative office of the United States Courts.

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



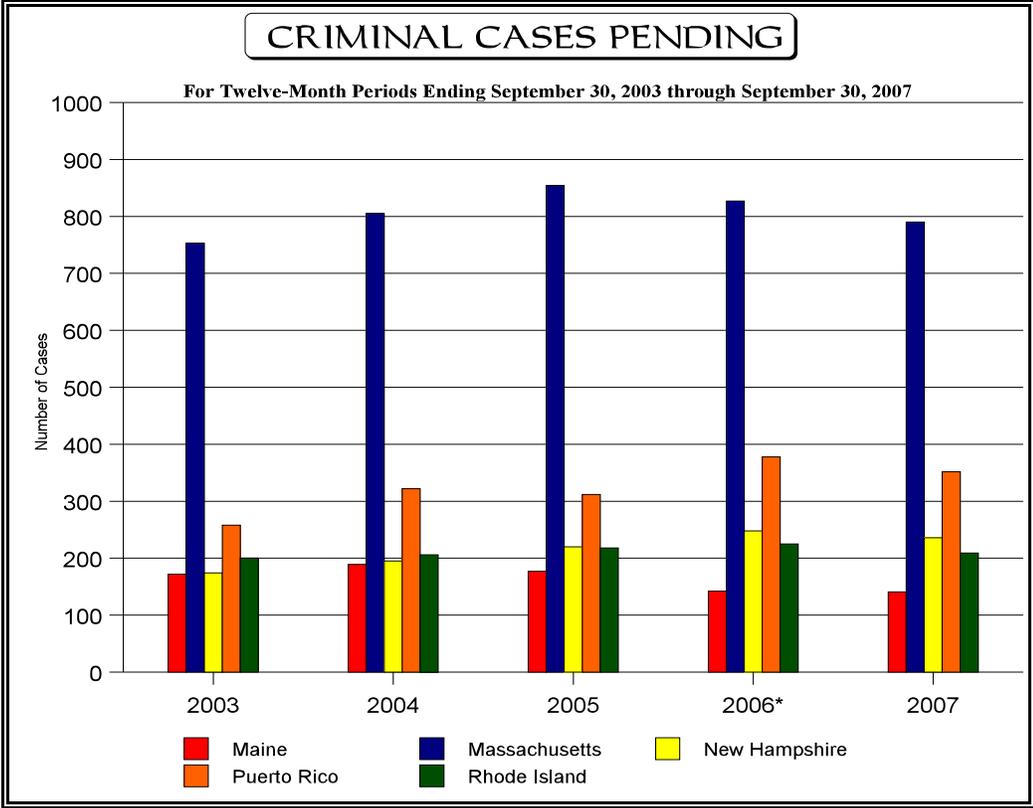
CRIMINAL CASES COMMENCED FROM 2003 THROUGH 2007					
DISTRICTS	2003	2004	2005	2006	2007
MAINE	195	242	199	178	194
MASSACHUSETTS	417	375	378	342	378
NEW HAMPSHIRE	215	246	212	273	224
PUERTO RICO	313	418	363	408	434
RHODE ISLAND	113	117	134	126	122

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES TERMINATED FROM 2003 THROUGH 2007					
DISTRICTS	2003	2004	2005	2006	2007
MAINE	182	233	236	218	195
MASSACHUSETTS	360	379	364	390	415
NEW HAMPSHIRE	185	229	192	242	236
PUERTO RICO	430	356	368	346	460
RHODE ISLAND	102	118	130	121	138

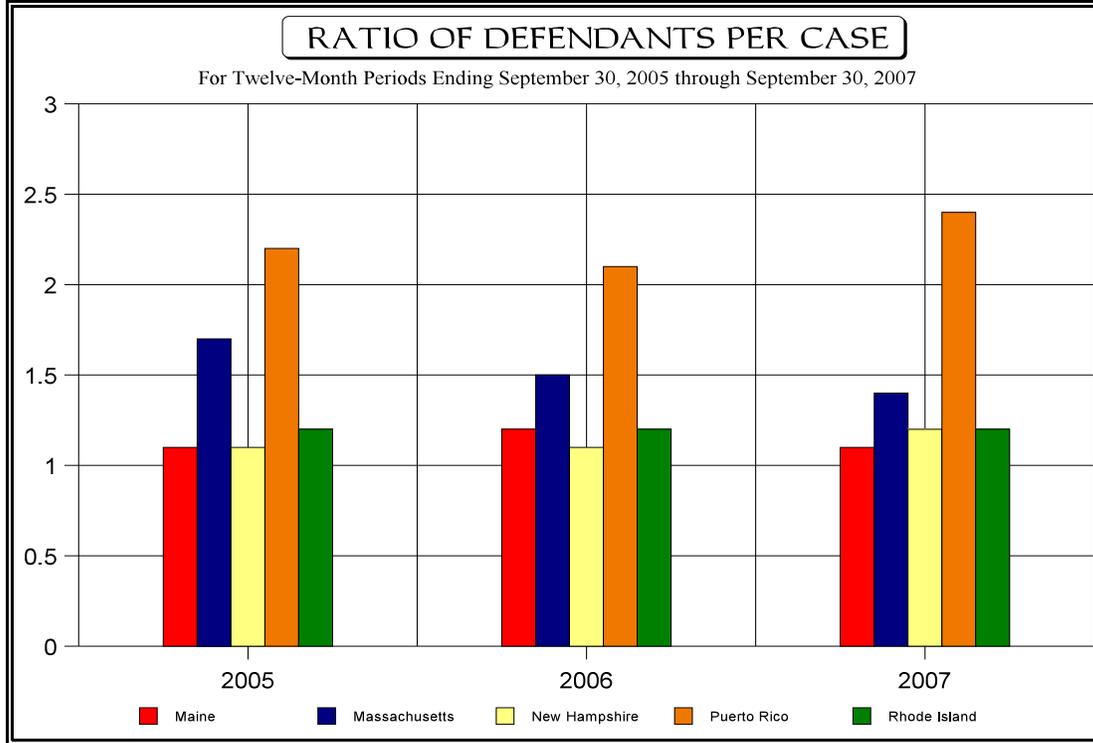
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES PENDING FROM 2003 THROUGH 2007					
DISTRICTS	2003	2004	2005	2006*	2007
MAINE	172	189	177	142	141
MASSACHUSETTS	753	805	854	827	790
NEW HAMPSHIRE	174	195	220	248	236
PUERTO RICO	258	322	312	378	352
RHODE ISLAND	200	206	218	225	209

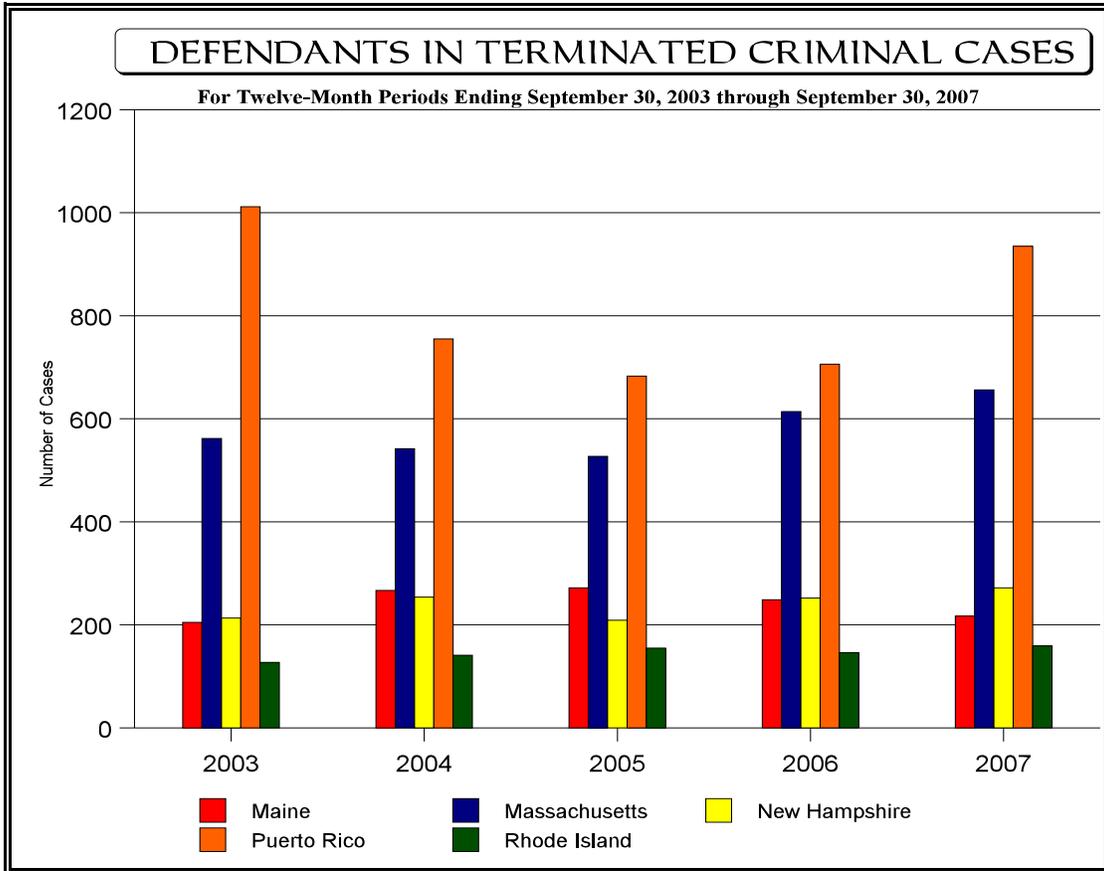
\* Criminal cases pending in 2006 revised by the Administrative Office of the United States Courts.

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



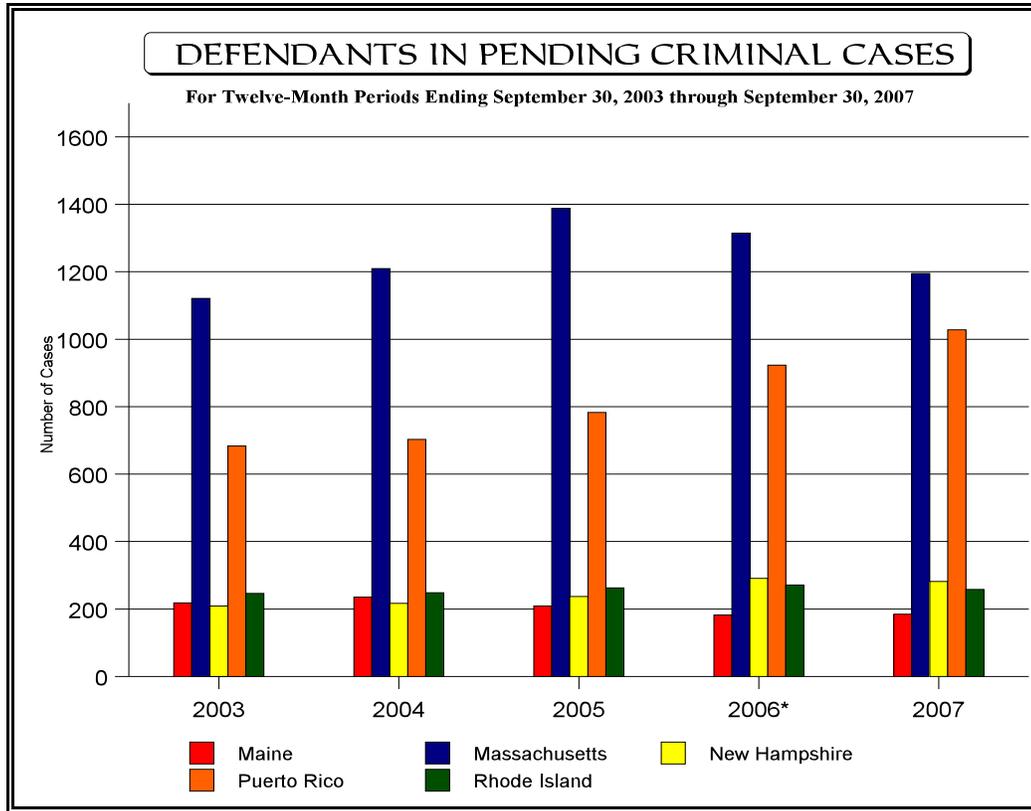
NUMBER OF CRIMINAL CASES FILED AND RATIO OF DEFENDANTS PER CASE 2005-2007									
	<u>2005</u>		Average Number of Defs. per case	<u>2006</u>		Average Number of Defs. per case	<u>2007</u>		Average Number of Defs. per case
	Cases	Def.		Cases	Def.		Cases	Def.	
MAINE	199	222	1.1	178	217	1.2	194	220	1.1
MASSACHUSETTS	378	654	1.7	342	514	1.5	378	537	1.4
NEW HAMPSHIRE	212	222	1.1	273	309	1.1	224	263	1.2
PUERTO RICO	363	779	2.2	408	866	2.1	434	1040	2.4
RHODE ISLAND	134	160	1.2	126	152	1.2	122	146	1.2

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN TERMINATED CRIMINAL CASES FROM 2003 THROUGH 2007					
DISTRICTS	2003	2004	2005	2006	2007
MAINE	205	267	272	249	217
MASSACHUSETTS	562	542	527	614	656
NEW HAMPSHIRE	213	254	209	252	272
PUERTO RICO	1,012	755	683	706	935
RHODE ISLAND	127	141	155	146	159

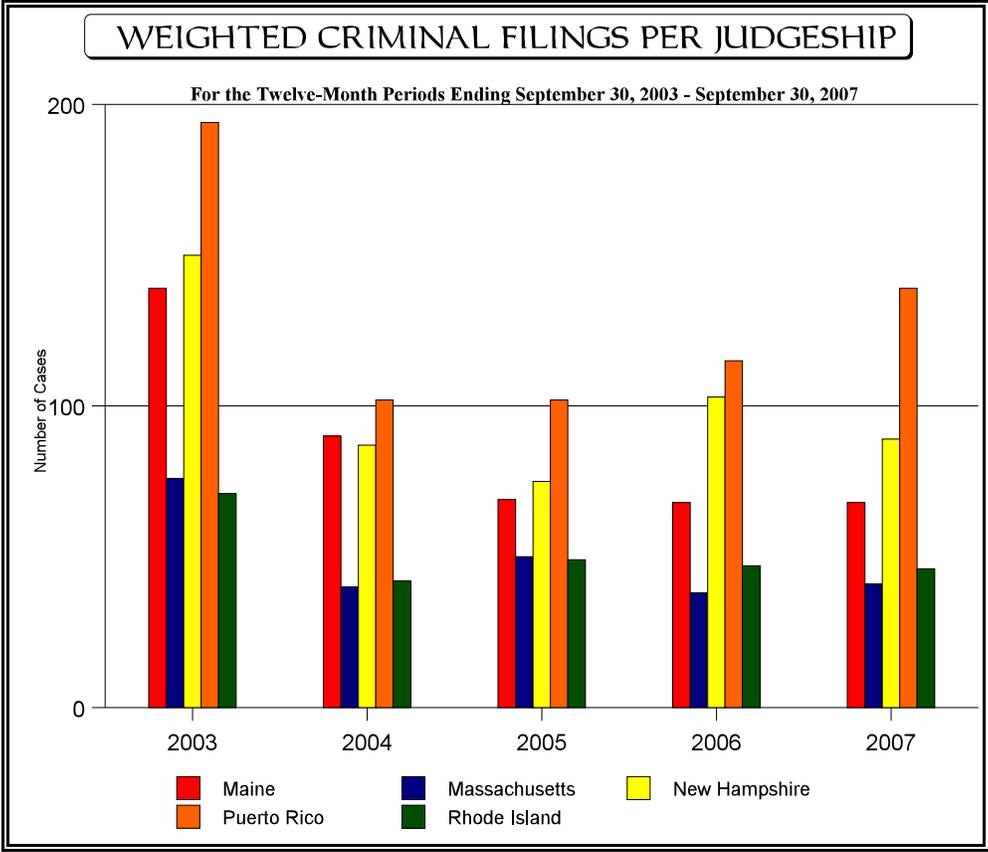
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN PENDING CRIMINAL CASES FROM 2003 THROUGH 2007					
DISTRICTS	2003	2004	2005	2006*	2007
MAINE	218	235	209	182	185
MASSACHUSETTS	1,121	1,209	1,388	1,314	1,195
NEW HAMPSHIRE	209	217	237	291	282
PUERTO RICO	683	703	783	923	1,028
RHODE ISLAND	246	248	263	271	258

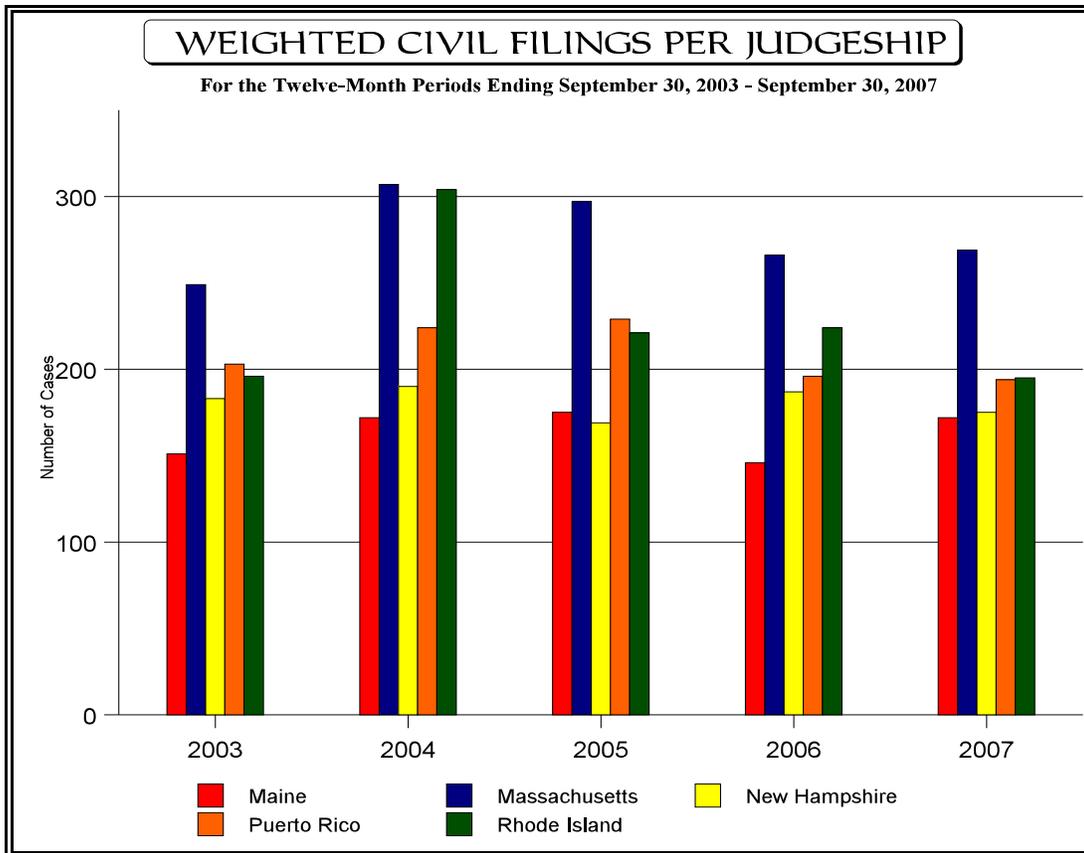
\* Total number of defendants in pending criminal cases in 2006 revised by the Administrative Office of the United States Courts.

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



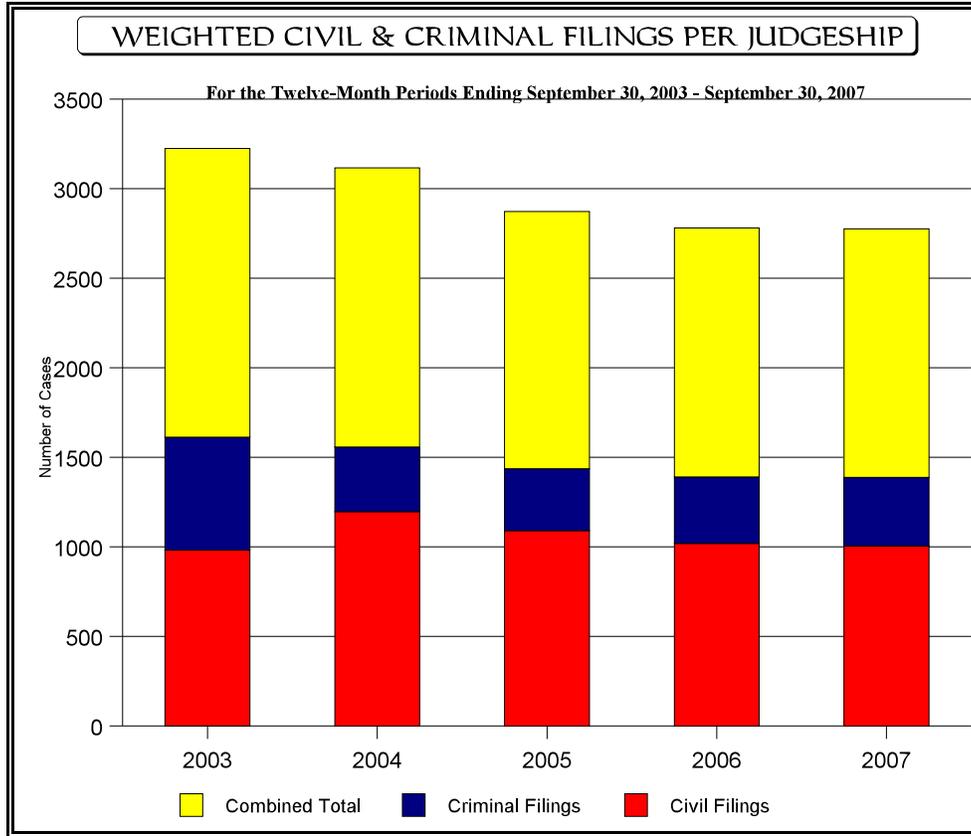
WEIGHTED CRIMINAL FILINGS PER JUDGESHIP FROM 2003 THROUGH 2007						
DISTRICTS	JUDGESHIPS	2003	2004	2005	2006	2007
MAINE	3	139	90	69	68	68
MASSACHUSETTS	13	76	40	50	38	41
NEW HAMPSHIRE	3	150	87	75	103	89
PUERTO RICO	7	194	102	102	115	139
RHODE ISLAND	3	71	42	49	47	46

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



WEIGHTED CIVIL FILINGS PER JUDGESHIP FROM 2003 THROUGH 2007						
DISTRICTS	JUDGESHIPS	2003	2004	2005	2006	2007
MAINE	3	151	172	175	146	172
MASSACHUSETTS	13	249	307	297	266	269
NEW HAMPSHIRE	3	183	190	169	187	175
PUERTO RICO	7	203	224	229	196	194
RHODE ISLAND	3	196	304	221	224	195

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



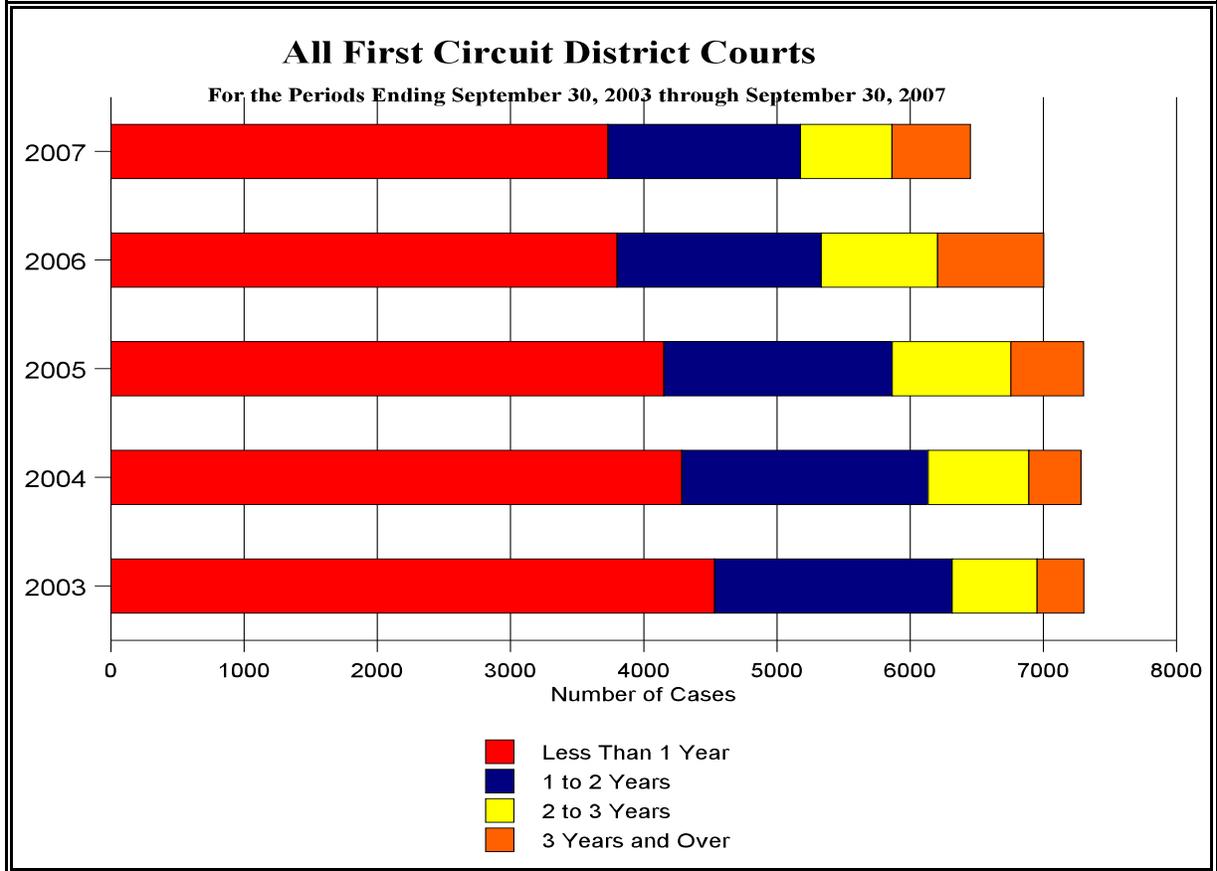
### WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP FROM 2003 THROUGH 2007

	2003	2004	2005	2006	2007
CIVIL FILINGS	982	1,197	1,091	1,019	1,005
CRIMINAL FILINGS	630	361	345	371	383
COMBINED TOTAL	1,612	1,558	1,436	1,390	1,388

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

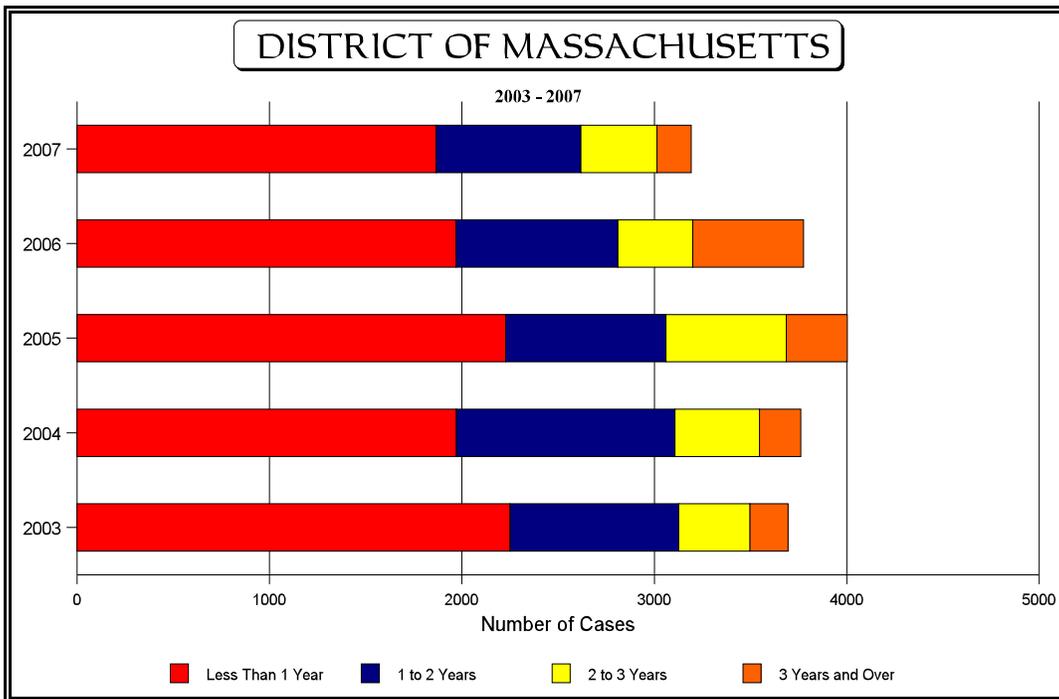
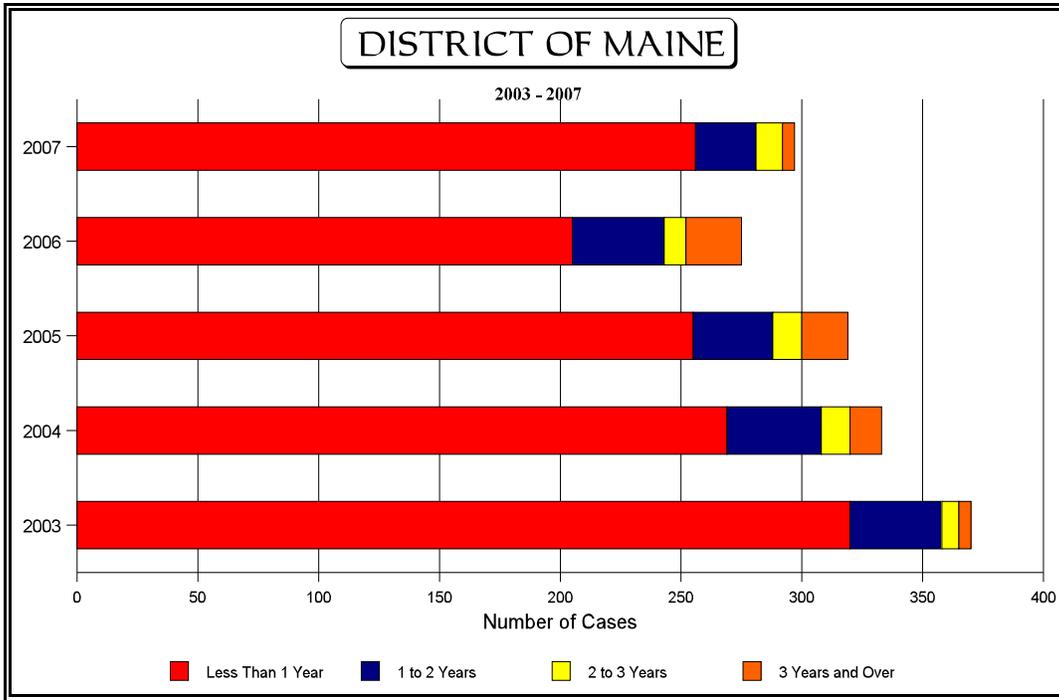
CIVIL CASES PENDING AND LENGTH OF TIME PENDING FOR THE PERIODS ENDING SEPTEMBER 30, 2003 THROUGH SEPTEMBER 30, 2007					
	2003	2004	2005	2006	2007
<b>DISTRICT OF MAINE</b>					
LESS THAN 1 YEAR	320	269	255	205	256
1 TO 2 YEARS	38	39	33	38	25
2 TO 3 YEARS	7	12	12	9	11
3 YEARS AND OVER	5	13	19	23	5
<b>DISTRICT OF MASSACHUSETTS</b>					
LESS THAN 1 YEAR	2,251	1,971	2,227	1,970	1,867
1 TO 2 YEARS	876	1,136	833	841	751
2 TO 3 YEARS	370	439	625	388	395
3 YEARS AND OVER	198	215	318	577	179
<b>DISTRICT OF NEW HAMPSHIRE</b>					
LESS THAN 1 YEAR	412	338	273	304	286
1 TO 2 YEARS	125	127	83	87	99
2 TO 3 YEARS	13	43	39	26	20
3 YEARS AND OVER	9	10	29	13	12
<b>DISTRICT OF PUERTO RICO</b>					
LESS THAN 1 YEAR	1,135	1,104	1,009	956	925
1 TO 2 YEARS	609	440	433	425	461
2 TO 3 YEARS	206	221	186	178	198
3 YEARS AND OVER	113	129	145	147	128
<b>DISTRICT OF RHODE ISLAND</b>					
LESS THAN 1 YEAR	415	603	387	365	398
1 TO 2 YEARS	134	109	333	141	109
2 TO 3 YEARS	42	41	28	274	63
3 YEARS AND OVER	26	24	36	35	264

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

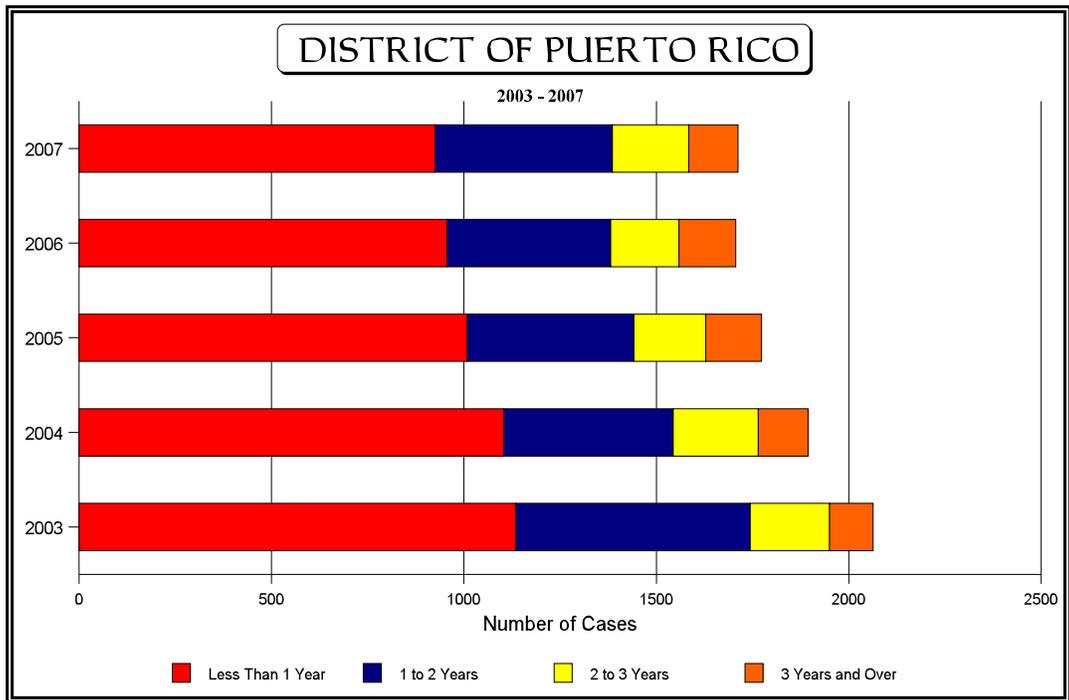
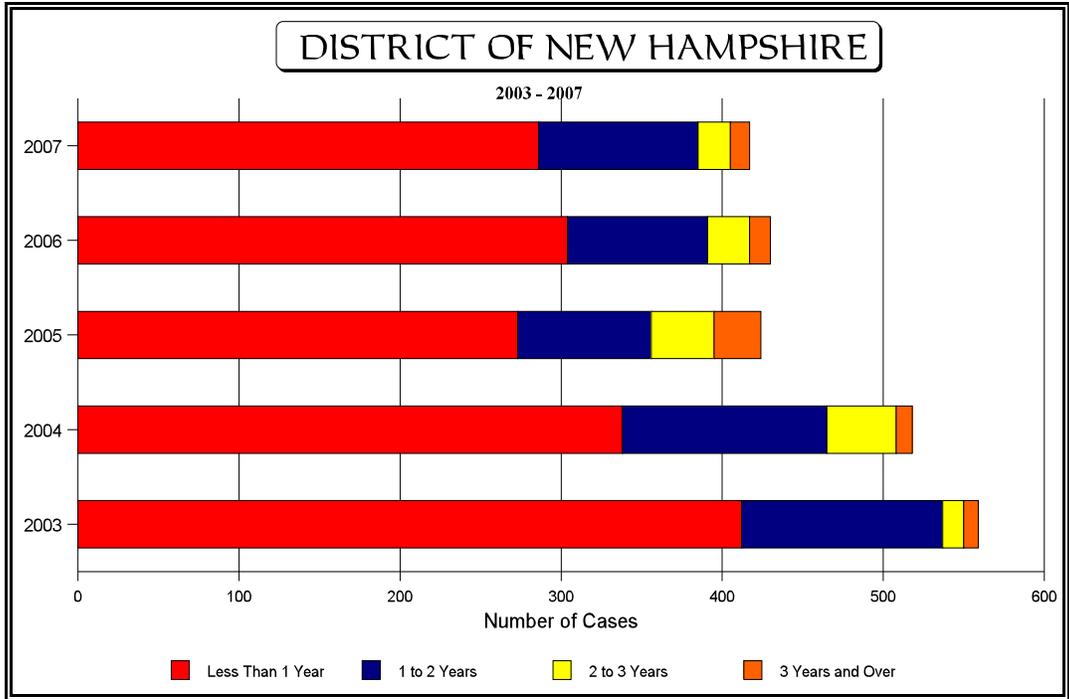


<b>CIVIL CASES PENDING AND LENGTH FROM 2003 THROUGH 2007</b>					
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
LESS THAN 1 YEAR	4,533 (62.1%)	4,285 (58.8%)	4,151 (56.8%)	3,800 (54.3%)	3,732 (57.8%)
1 TO 2 YEARS	1,782 (24.4%)	1,851 (25.4%)	1,715 (23.5%)	1,532 (21.9%)	1,445 (22.4%)
2 TO 3 YEARS	638 (8.7%)	756 (10.4%)	890 (12.2%)	875 (12.5%)	687 (10.7%)
3 YEARS AND OVER	351 (4.8%)	391 (5.4%)	547 (7.5%)	795 (11.4%)	588 (9.1%)

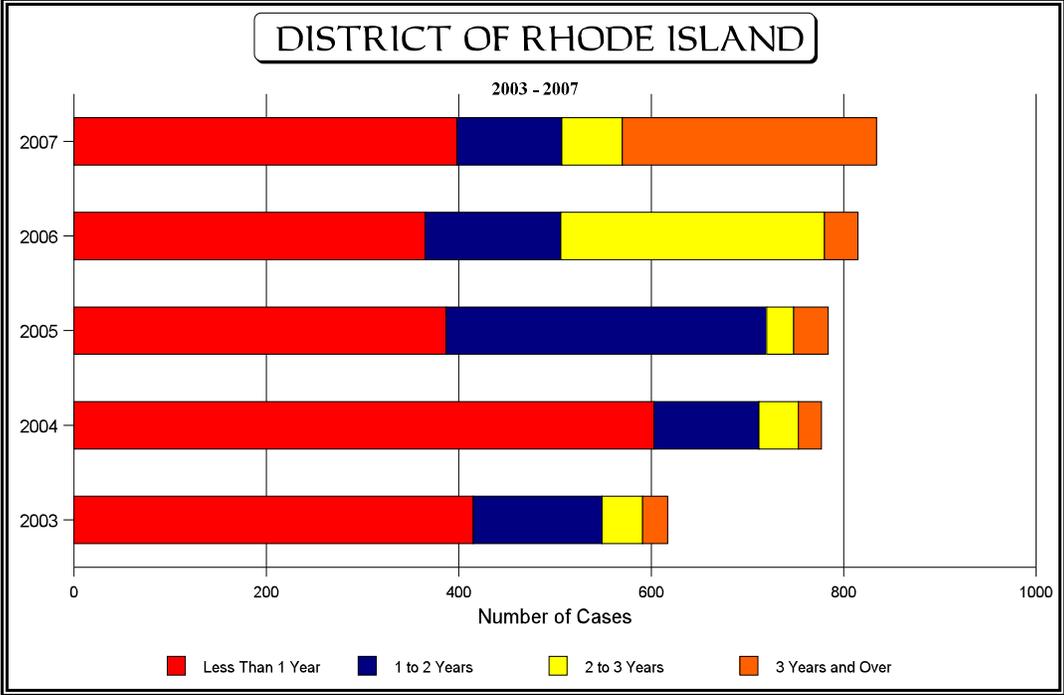
# COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



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



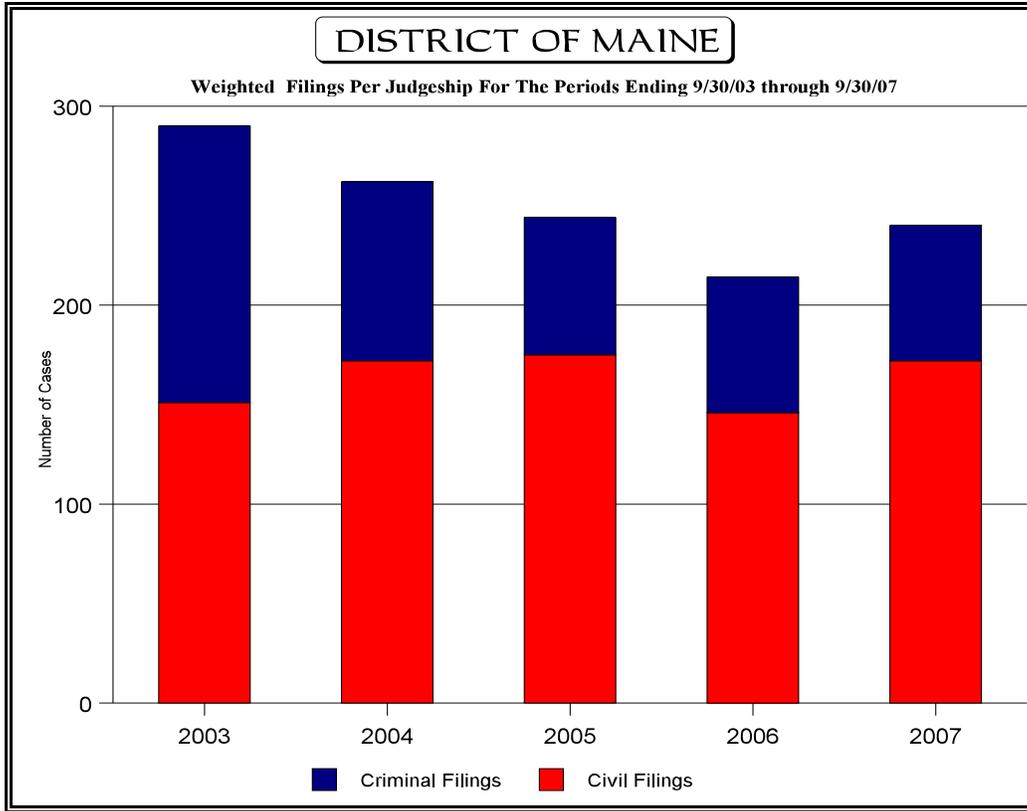
# COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



**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

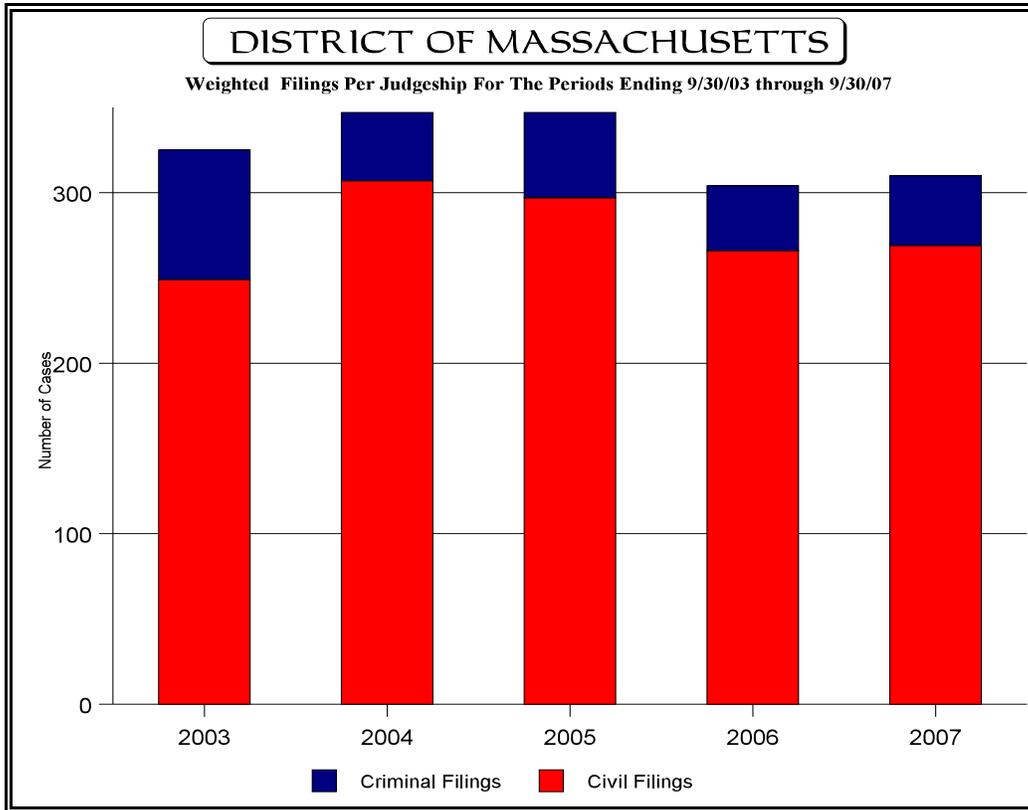
<b>DISTRICT OF MAINE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2003 - 2007</b>					
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
CIVIL FILINGS	151	172	175	146	172
CRIMINAL FILINGS	139	90	69	68	68
TOTAL FILINGS	290	262	244	214	240



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



**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



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

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

**DISTRICT OF MASSACHUSETTS  
WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING  
SEPTEMBER 30, 2003 - 2007**

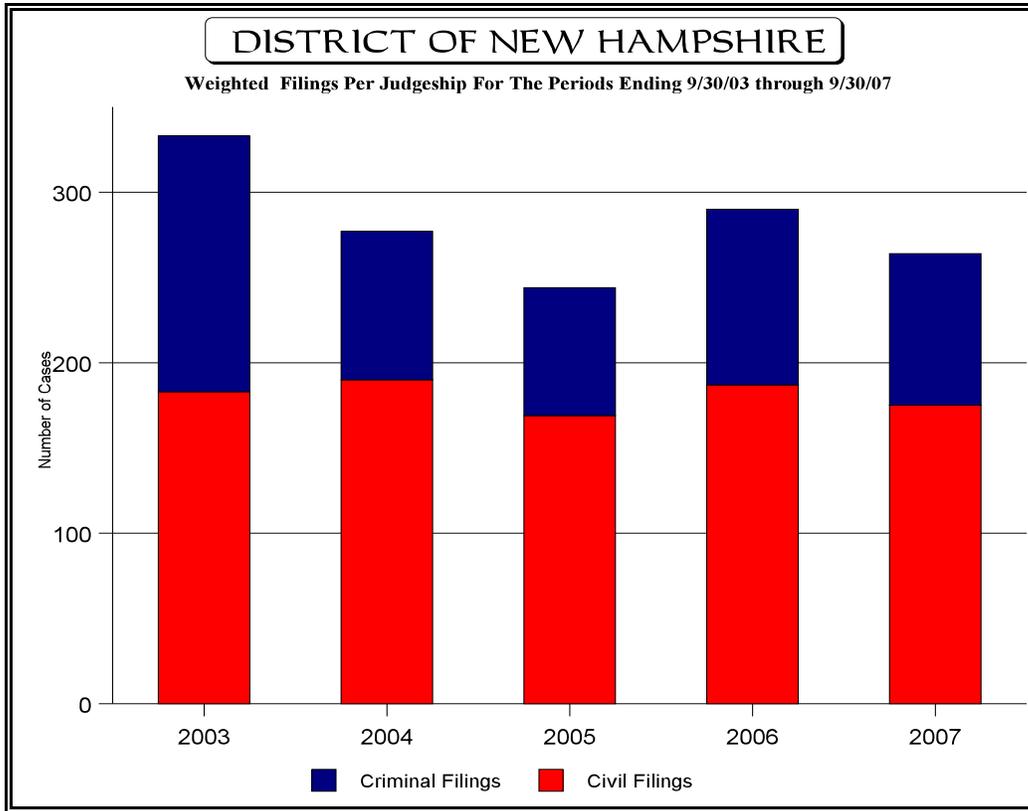
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
CIVIL FILINGS	249	307	297	266	269
CRIMINAL FILINGS	76	40	50	38	41
TOTAL FILINGS	325	347	347	304	310



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



**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



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

1789 • 1      1978 • 2      1990 • 3

**DISTRICT OF NEW HAMPSHIRE  
WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING  
SEPTEMBER 30, 2003 - 2007**

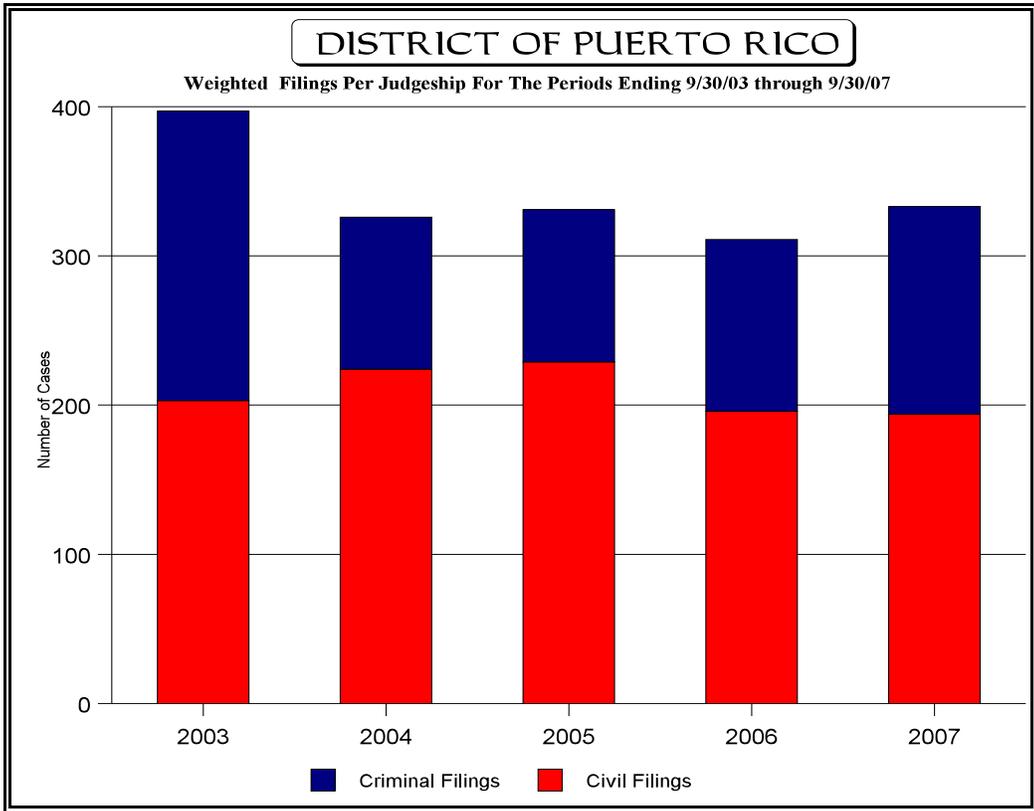
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
CIVIL FILINGS	183	190	169	187	175
CRIMINAL FILINGS	150	87	75	103	89
TOTAL FILINGS	333	277	244	290	264



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



**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



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

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

**DISTRICT OF PUERTO RICO  
WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING  
SEPTEMBER 30, 2003 - 2007**

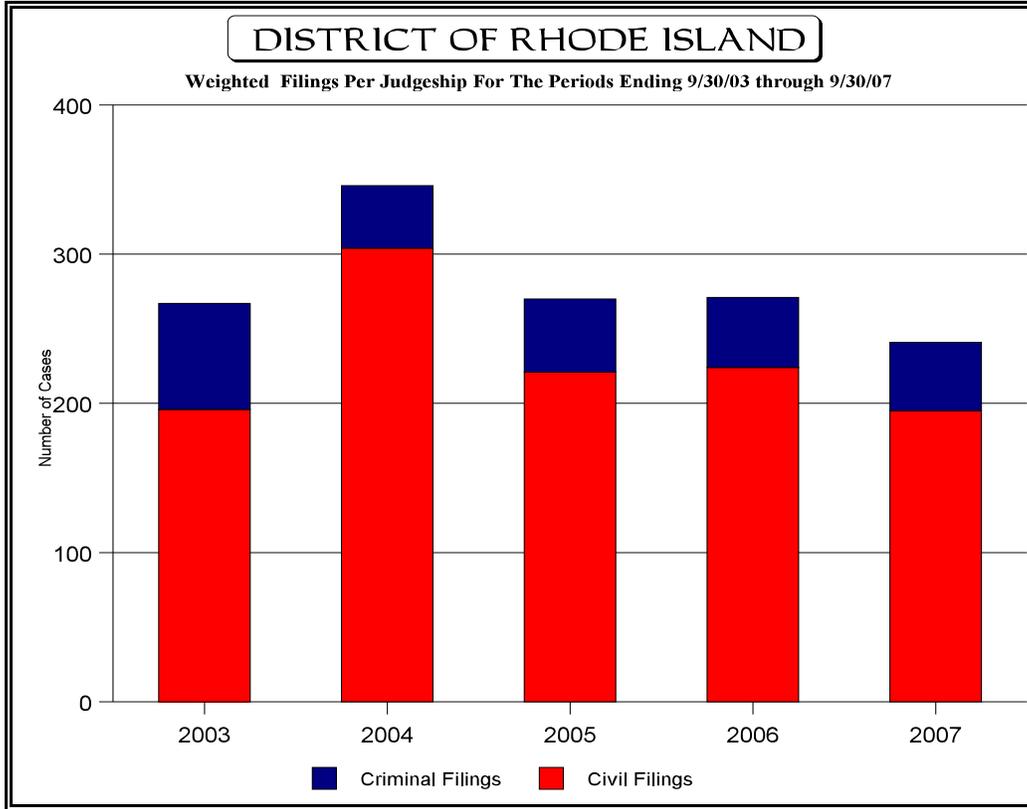
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
CIVIL FILINGS	203	224	229	196	194
CRIMINAL FILINGS	194	102	102	115	139
TOTAL FILINGS	397	326	331	311	333



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



**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**



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

1790 • 1

1966 • 2

1984 • 3

<b>DISTRICT OF RHODE ISLAND</b>					
<b>WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING</b>					
<b>SEPTEMBER 30, 2003 - 2007</b>					
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
CIVIL FILINGS	196	304	221	224	195
CRIMINAL FILINGS	71	42	49	47	46
TOTAL FILINGS	267	346	270	271	241



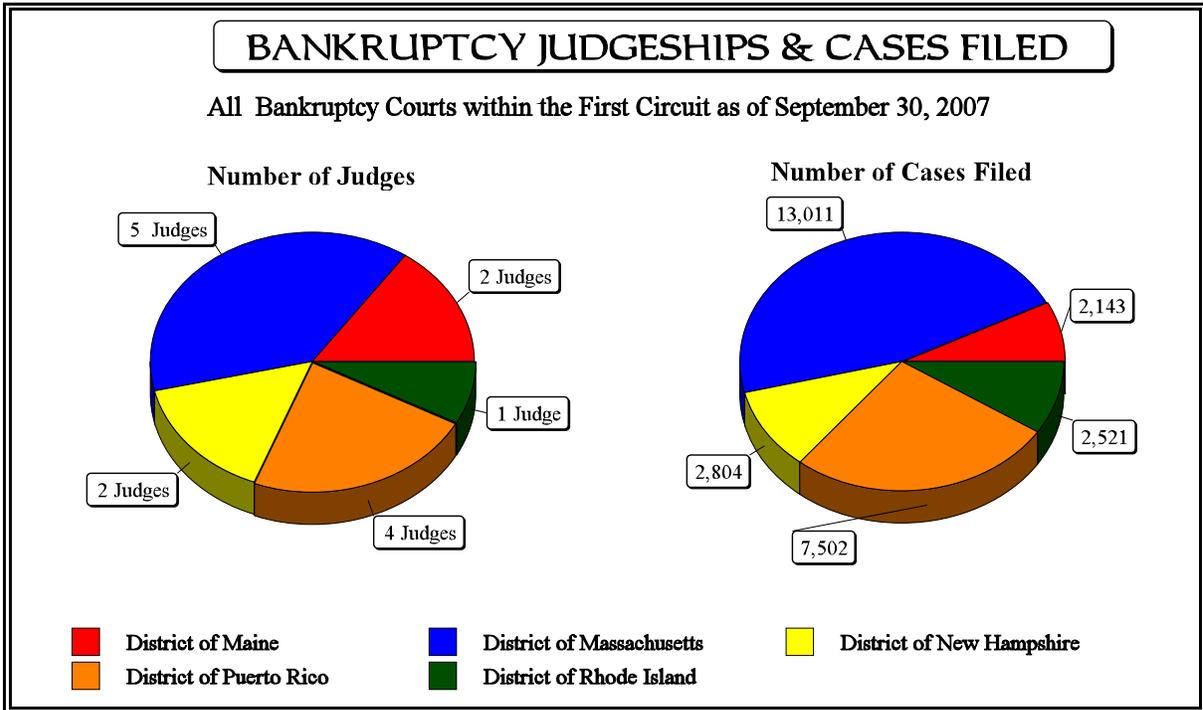
**STATISTICS**

**FIRST CIRCUIT**

**BANKRUPTCY COURTS**

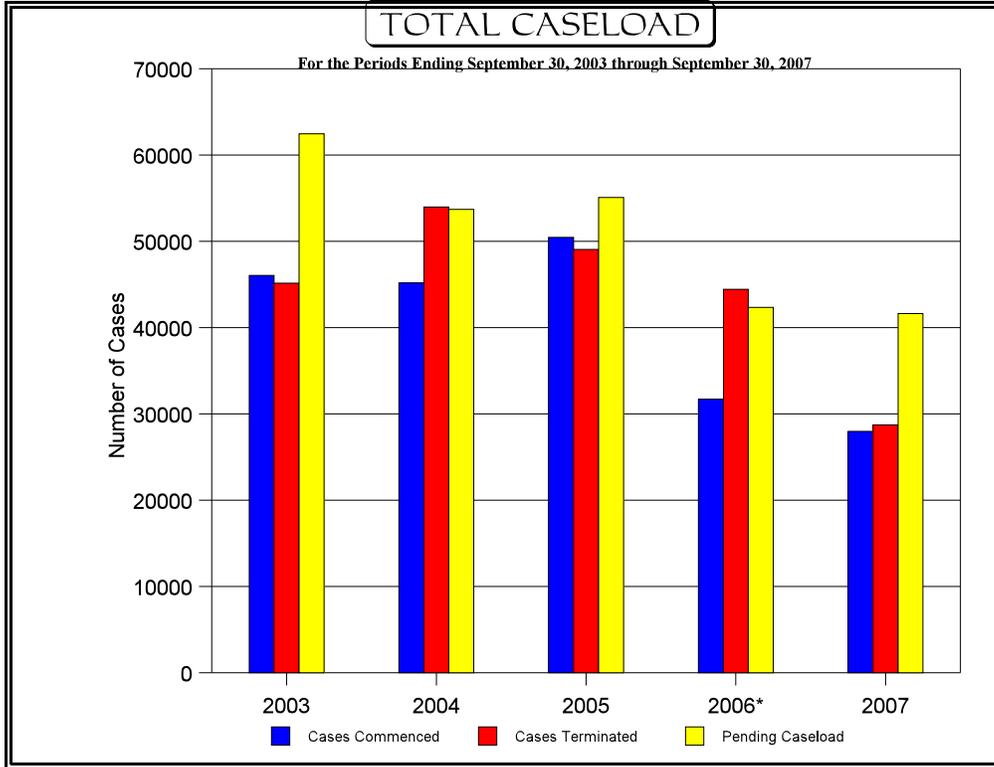


# BANKRUPTCY CASELOAD SUMMARY



NUMBER OF BANKRUPTCY JUDGES AND CASES FILED DURING THE TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2007		
	Number of Judges	Cases Filed
DISTRICT OF MAINE	2	2,143
DISTRICT OF MASSACHUSETTS	5	13,011
DISTRICT OF NEW HAMPSHIRE	2	2,804
DISTRICT OF PUERTO RICO	4	7,502
DISTRICT OF RHODE ISLAND	1	2,521
<b>FIRST CIRCUIT TOTALS</b>	<b>14</b>	<b>27,981</b>

## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

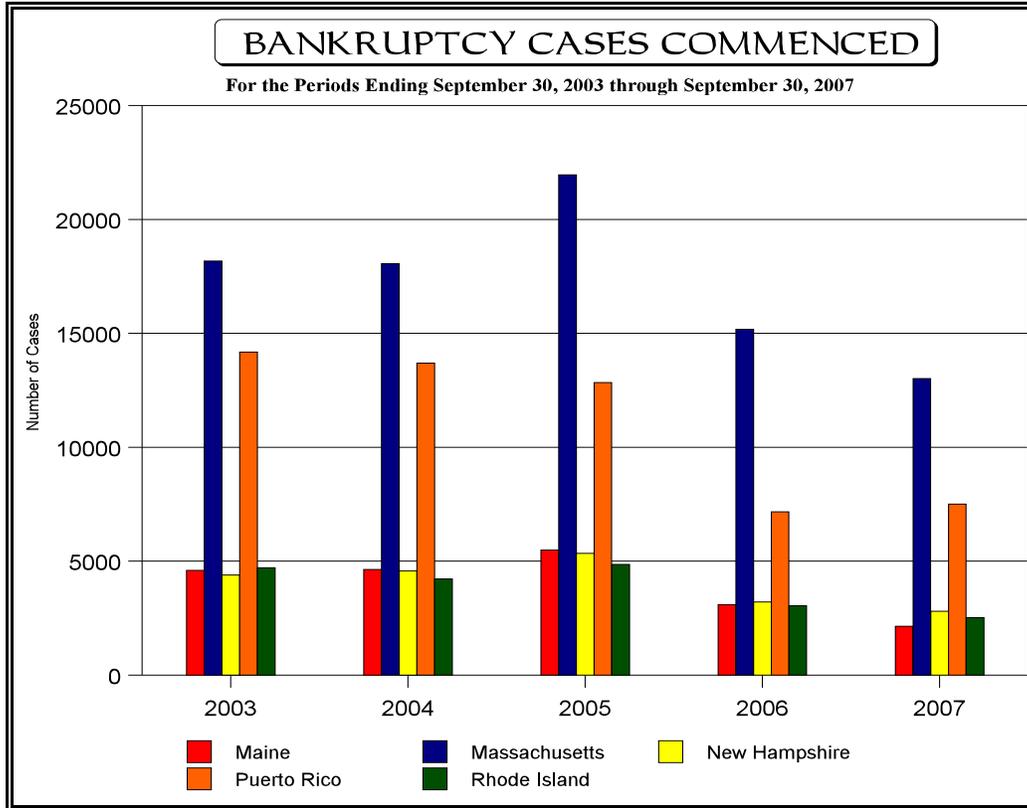


**Authorized Judgeships ..... 14**

TOTAL BANKRUPTCY CASES 2003 - 2007					
	2003	2004	2005	2006*	2007
CASES COMMENCED	46,047	45,181	50,451	31,705	27,981
CASES TERMINATED	45,150	53,980	49,064	44,429	28,709
PENDING CASELOAD	62,451	53,699	55,070	42,356	41,628

\*Pending caseload in 2006 revised by the Administrative Office of the United States Courts.

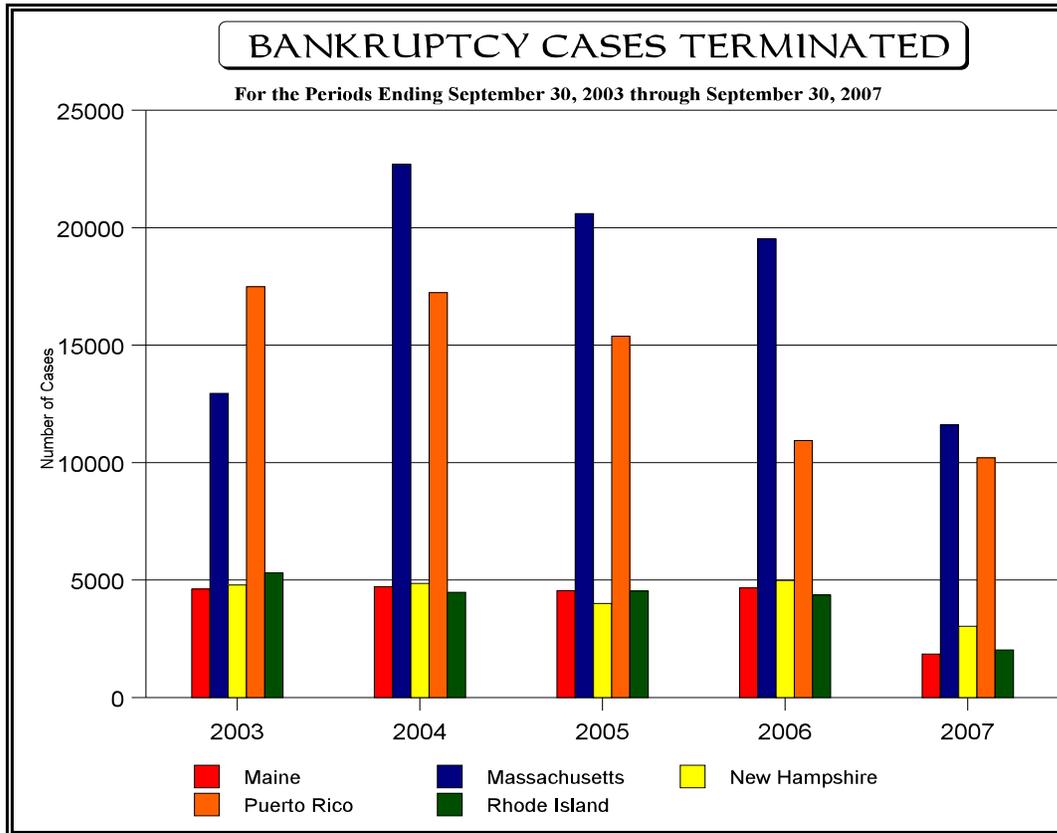
## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



### BANKRUPTCY CASES COMMENCED FROM 2003 THROUGH 2007

DISTRICTS	2003	2004	2005	2006	2007
MAINE	4,593	4,637	5,489	3,096	2,143 (-30.8%)
MASSACHUSETTS	18,174	18,054	21,952	15,181	13,011 (-14.3%)
NEW HAMPSHIRE	4,390	4,573	5,341	3,214	2,804 (-12.8%)
PUERTO RICO	14,178	13,695	12,844	7,167	7,502 (4.5%)
RHODE ISLAND	4,712	4,222	4,855	3,047	2,521 (-17.3%)

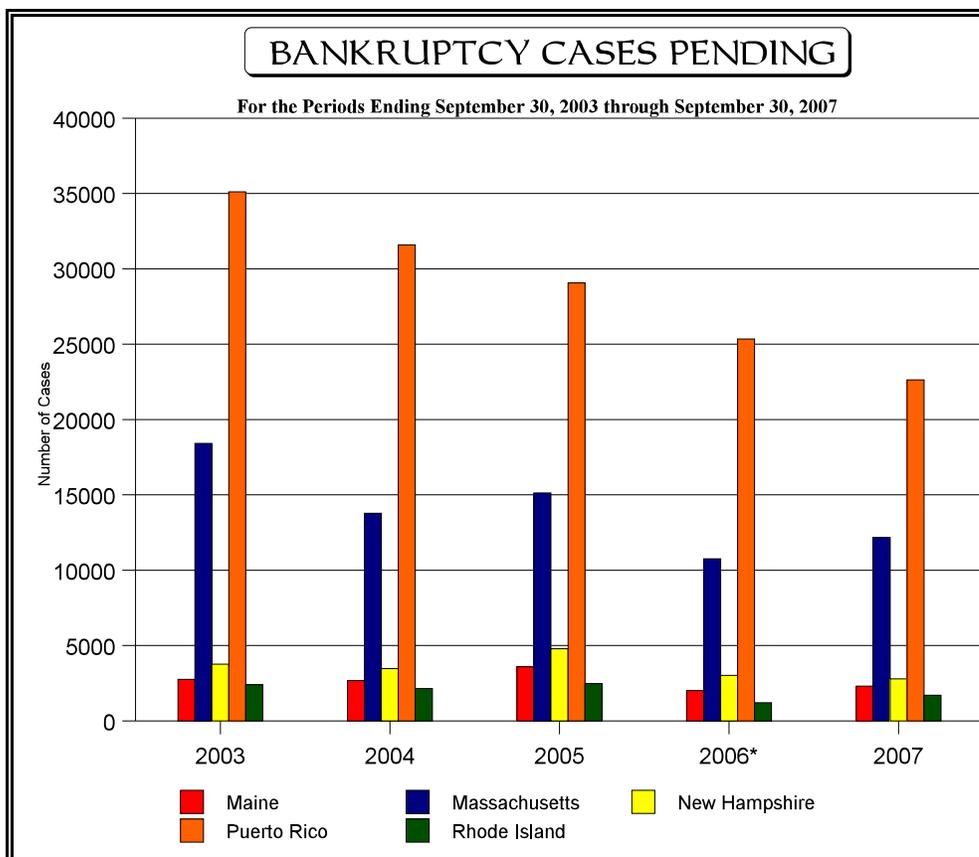
## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



### BANKRUPTCY CASES TERMINATED 2003 - 2007

DISTRICTS	2003	2004	2005	2006	2007
MAINE	4,617	4,718	4,548	4,666	1,848
MASSACHUSETTS	12,946	22,694	20,593	19,518	11,600
NEW HAMPSHIRE	4,790	4,857	4,008	4,986	3,033
PUERTO RICO	17,489	17,229	15,384	10,943	10,204
RHODE ISLAND	5,308	4,482	4,531	4,361	2,024

## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES PENDING 2003 - 2007					
DISTRICTS	2003	2004	2005	2006*	2007
MAINE	2,760	2,679	3,590	2,021	2,316
MASSACHUSETTS	18,419	13,779	15,126	10,753	12,164
NEW HAMPSHIRE	3,760	3,476	4,797	3,026	2,797
PUERTO RICO	35,124	31,590	29,075	25,343	22,641
RHODE ISLAND	2,410	2,150	2,482	1,213	1,710

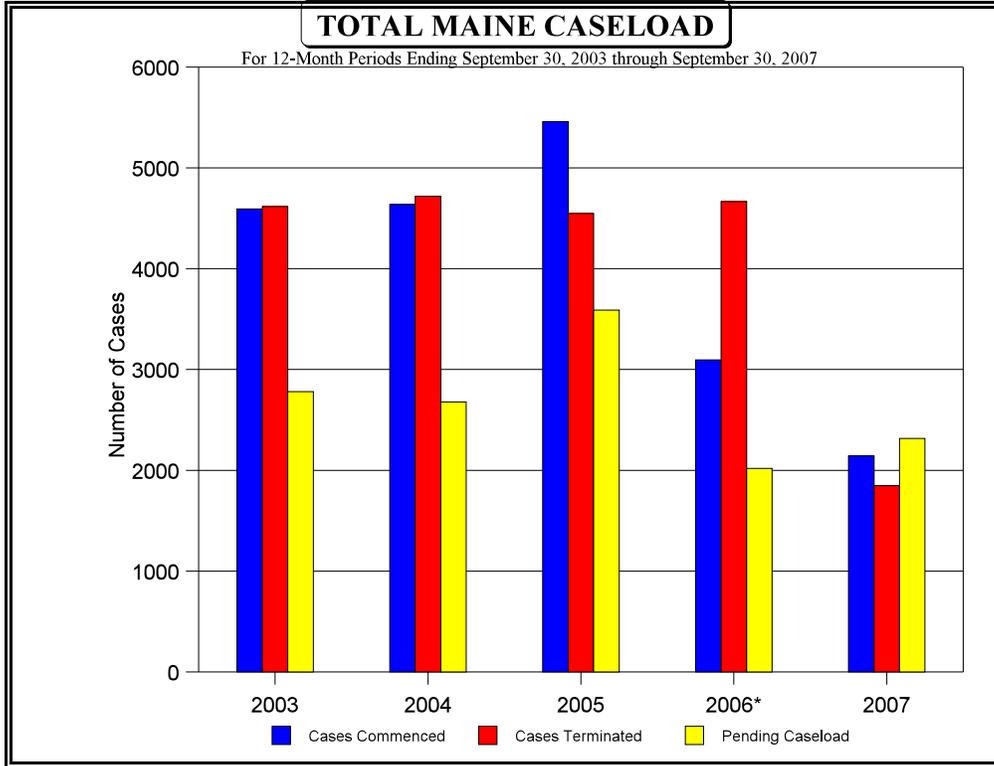
\*Pending caseload in 2006 revised by the Administrative Office of the United States Courts.



**STATISTICS**  
**U.S. BANKRUPTCY COURT**  
**DISTRICT OF MAINE**



## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE

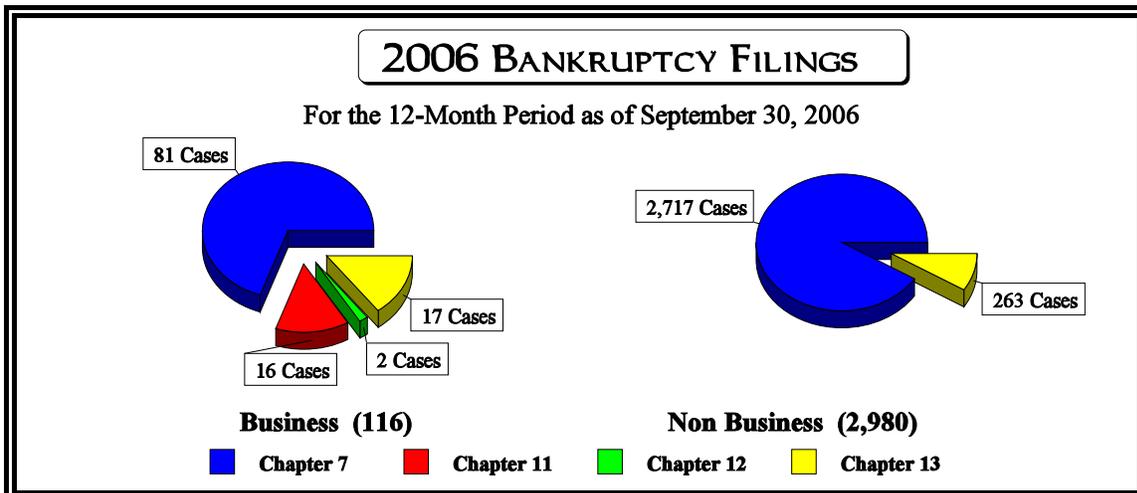
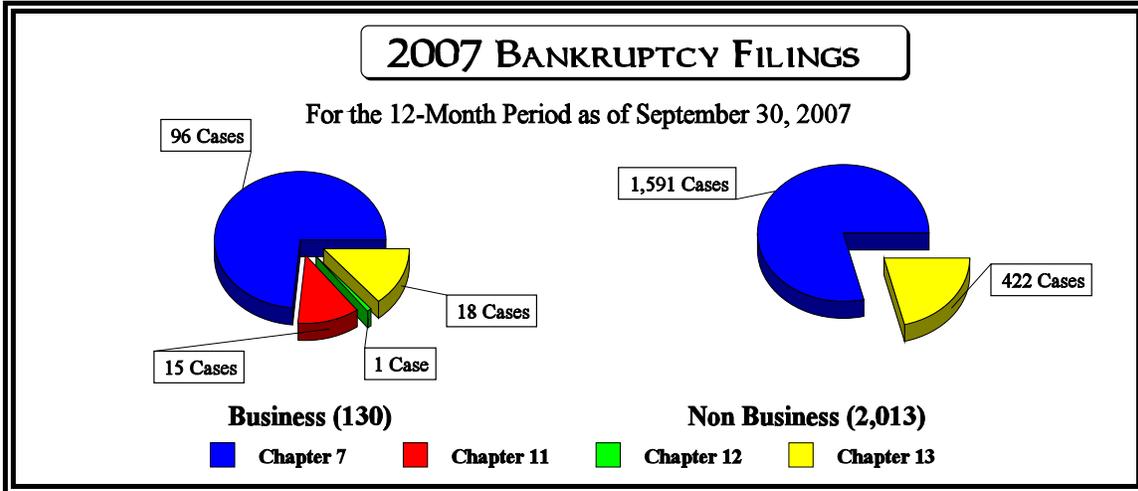


**Authorized Judgeships ..... 2**

TOTAL BANKRUPTCY CASES 2003 - 2007					
	2003	2004	2005	2006*	2007
CASES COMMENCED	4,593	4,637	5,459	3,096	2,143
CASES TERMINATED	4,617	4,718	4,548	4,666	1,848
PENDING CASELOAD	2,780	2,679	3,590	2,021	2,316

\*Pending caseload in 2006 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE



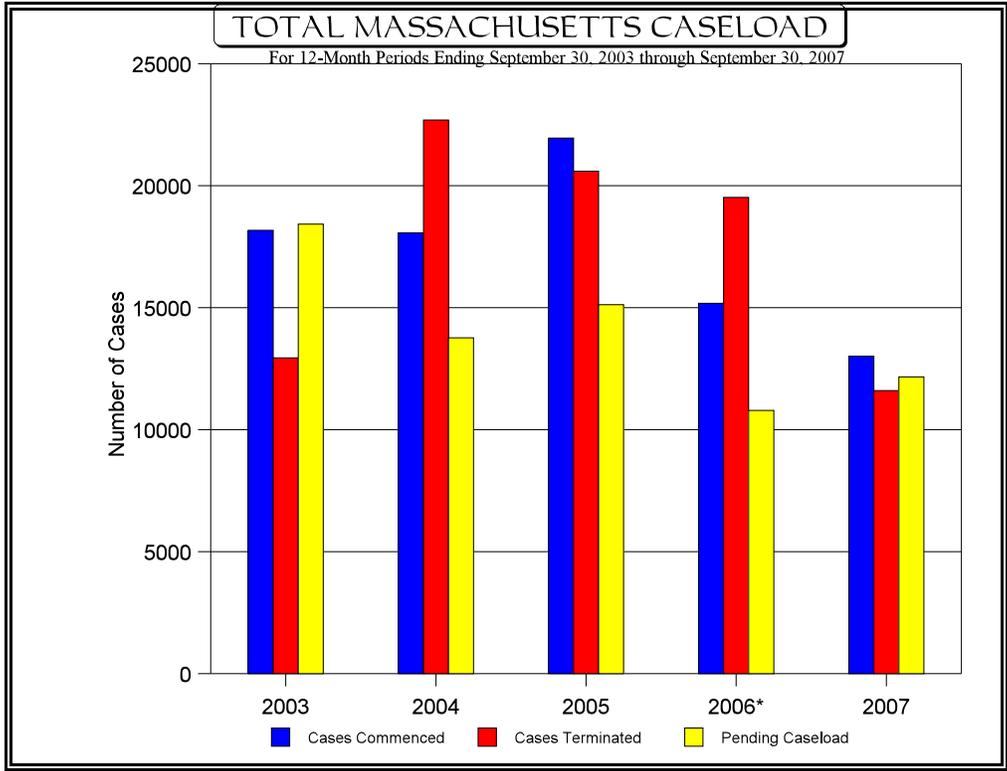
**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF**  
**MASSACHUSETTS**



## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MASSACHUSETTS



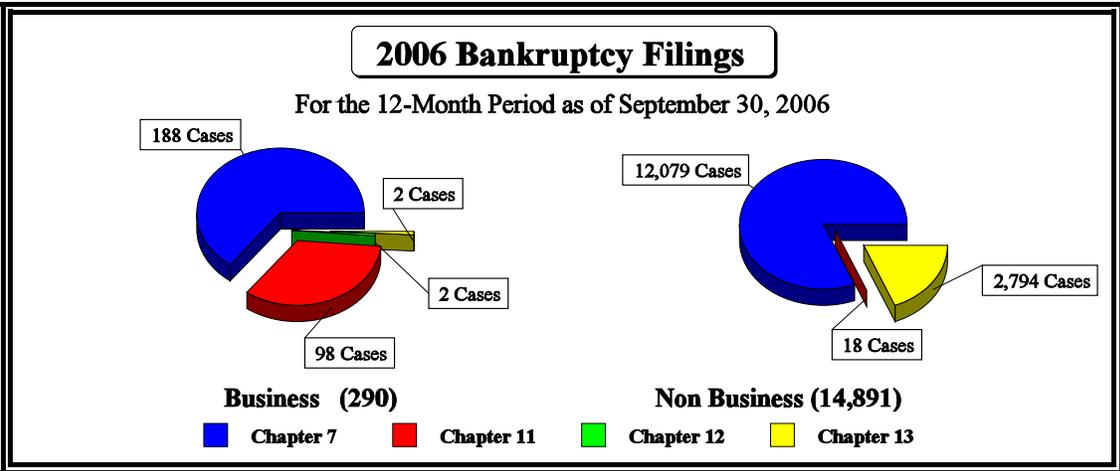
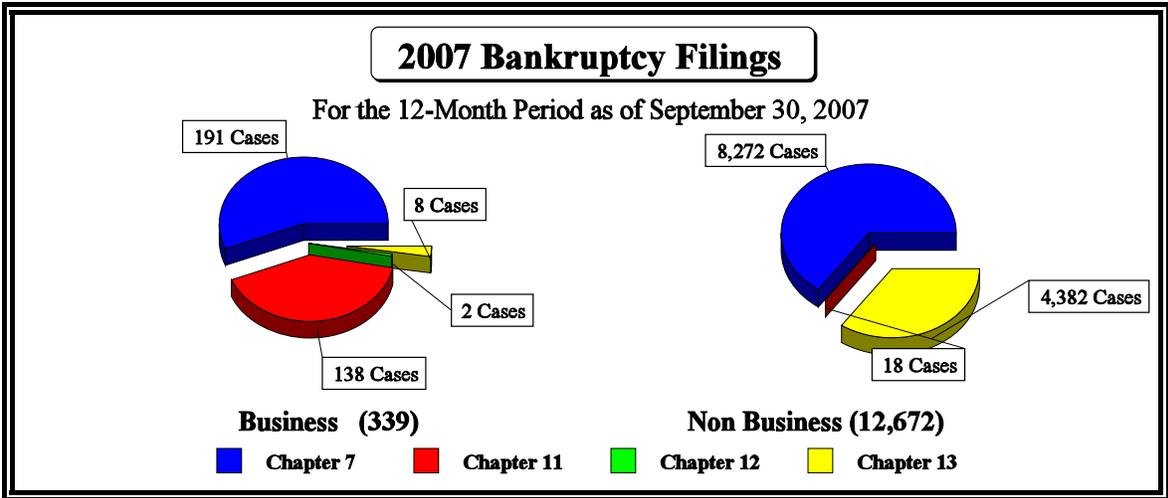
**Authorized Judgeships ..... 5**

TOTAL BANKRUPTCY CASES 2003 - 2007					
	2003	2004	2005	2006*	2007
CASES COMMENCED	18,174	18,054	21,952	15,181	13,011
CASES TERMINATED	12,946	22,694	20,593	19,518	11,600
PENDING CASELOAD	18,419	13,768	15,126	10,753	12,164

\*Pending caseload in 2006 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF MASSACHUSETTS



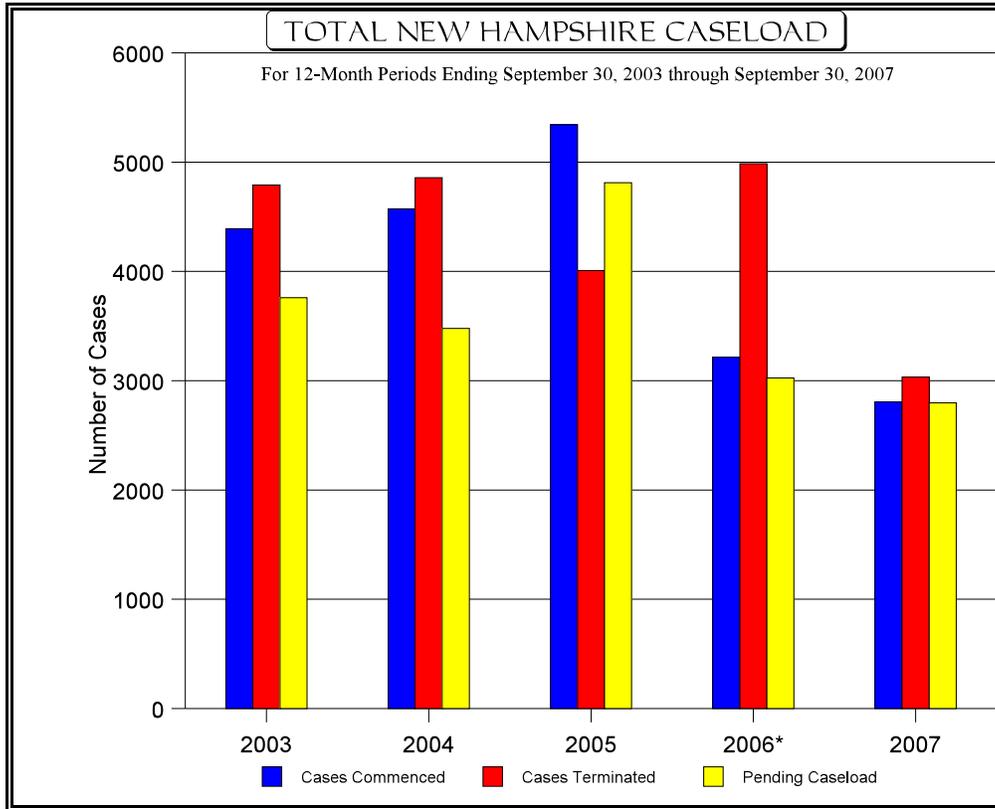
**STATISTICS**

**U.S. BANKRUPTCY COURT**

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



## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF NEW HAMPSHIRE



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

TOTAL BANKRUPTCY CASES 2003 - 2007					
	2003	2004	2005	2006*	2007
CASES COMMENCED	4,390	4,573	5,341	3,214	2,804
CASES TERMINATED	4,790	4,857	4,008	4,986	3,033
PENDING CASELOAD	3,760	3,479	4,812	3,026	2,797

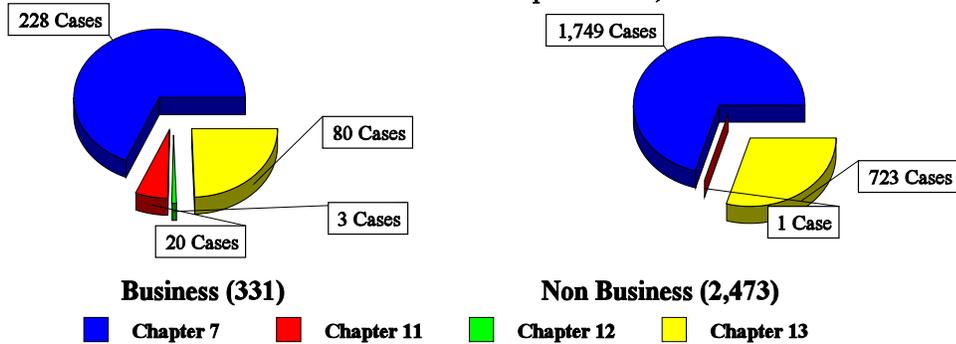
\*Pending caseload in 2006 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF NEW HAMPSHIRE

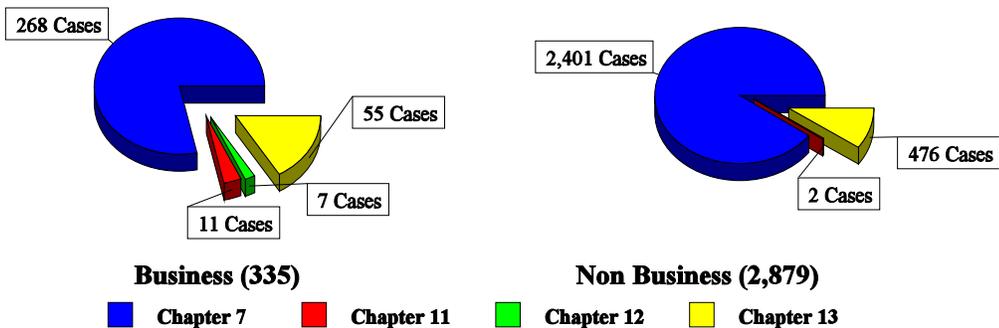
### 2007 Bankruptcy Filings

For the 12-Month Period as of September 30, 2007



### 2006 Bankruptcy Filings

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



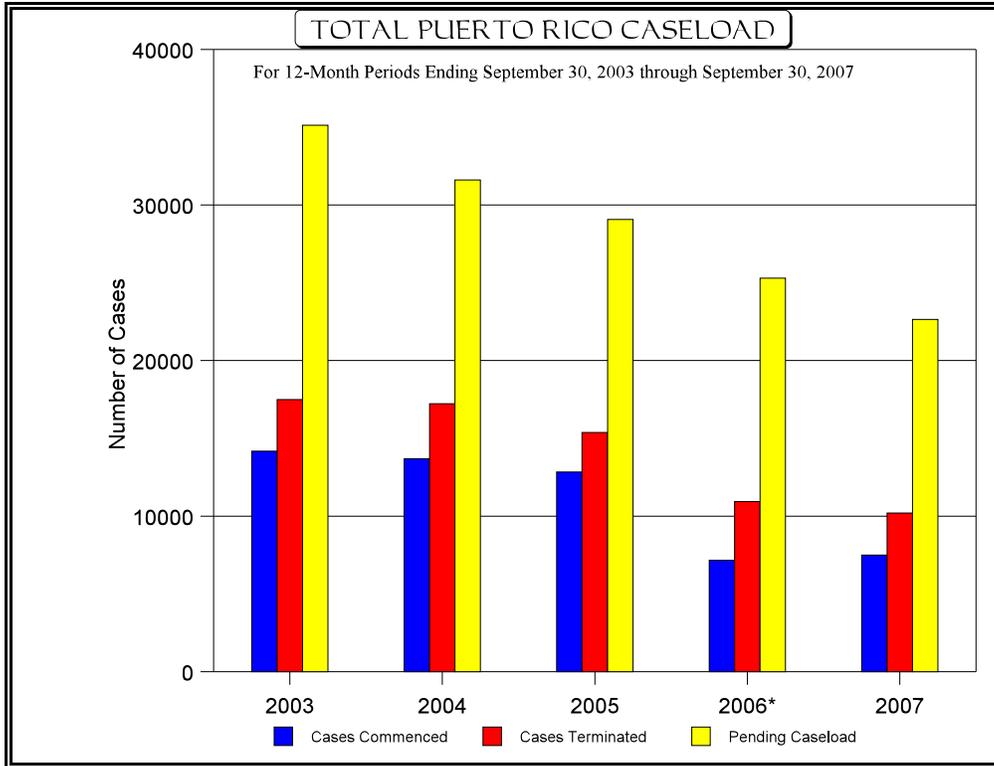
**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF  
PUERTO RICO**



## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO

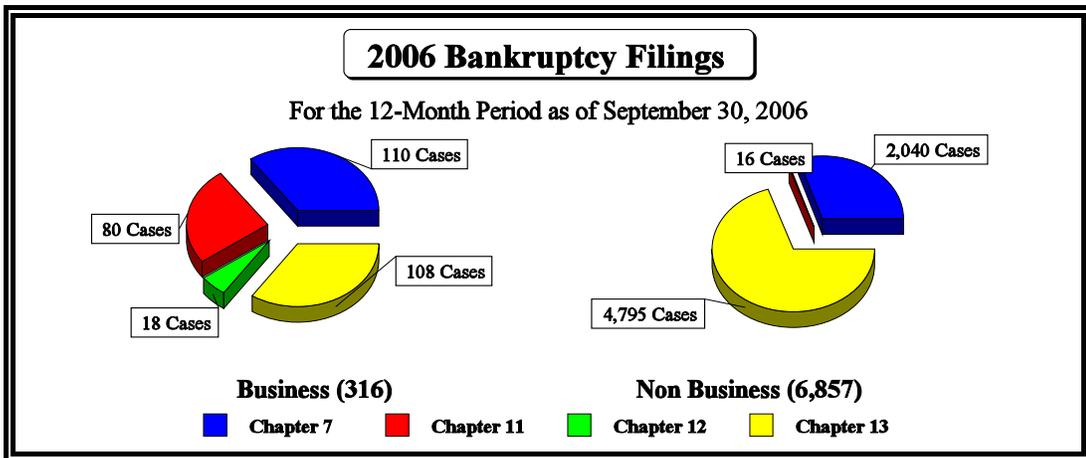
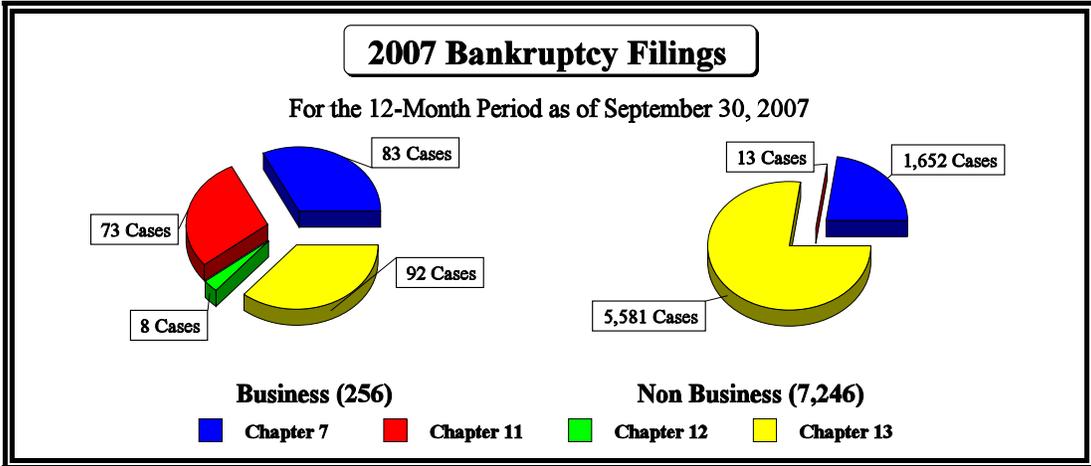


**Authorized Judgeships ..... 4**

TOTAL BANKRUPTCY CASES 2003 - 2007					
	2003	2004	2005	2006*	2007
CASES COMMENCED	14,178	13,695	12,844	7,167	7,502
CASES TERMINATED	17,489	17,229	15,384	10,943	10,204
PENDING CASELOAD	35,124	31,612	29,075	25,343	22,641

\*Pending caseload in 2006 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO



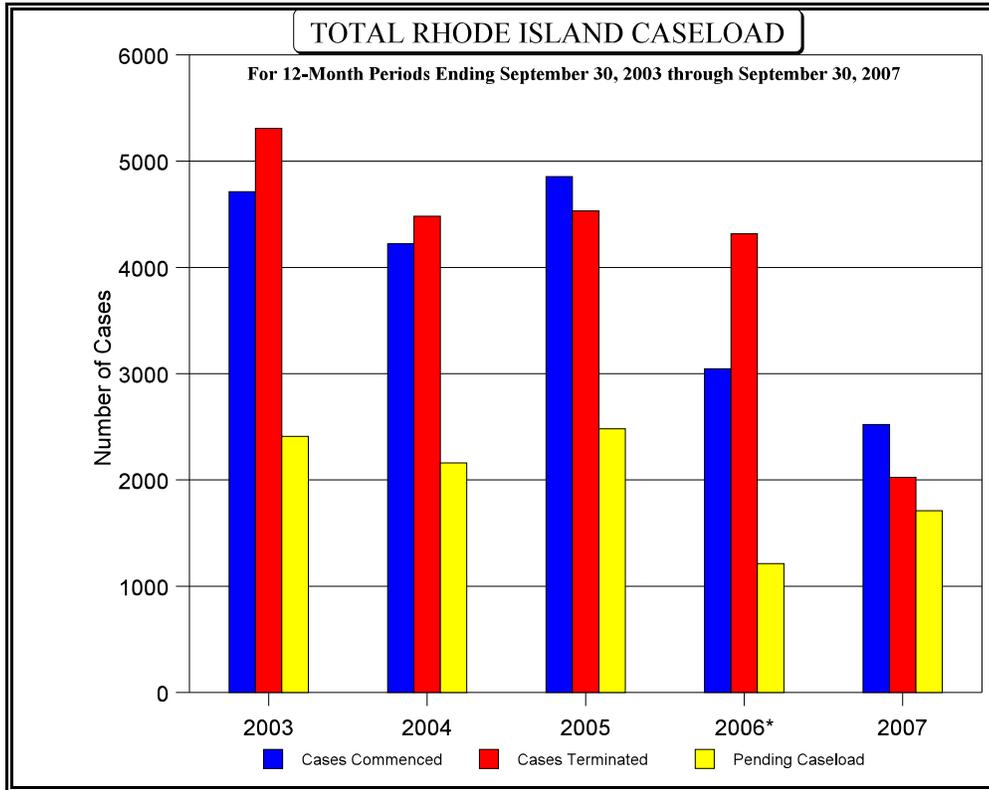
**STATISTICS**

**U.S. BANKRUPTCY COURT**

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



**BANKRUPTCY CASELOAD SUMMARY  
DISTRICT OF RHODE ISLAND**



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

TOTAL BANKRUPTCY CASES 2003 - 2007					
	2003	2004	2005	2006*	2007
CASES COMMENCED	4,712	4,222	4,855	3,047	2,521
CASES TERMINATED	5,308	4,482	4,531	4,316	2,024
PENDING CASELOAD	2,410	2,160	2,482	1,213	1,710

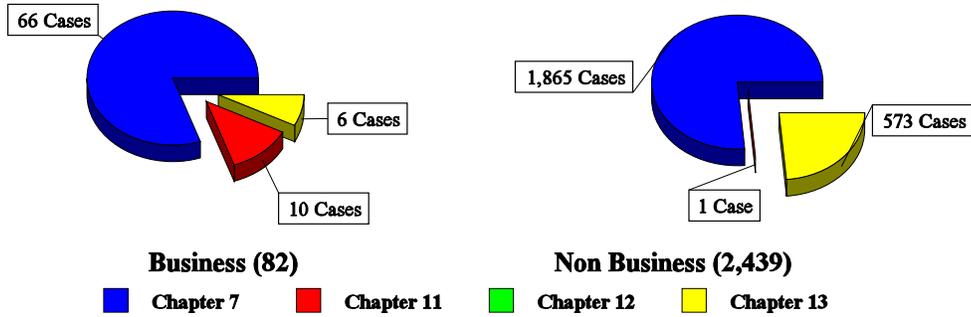
\*Pending caseload in 2006 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF RHODE ISLAND

### 2007 BANKRUPTCY FILINGS

For the 12-Month Period as of September 30, 2007



### 2006 BANKRUPTCY FILINGS

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

