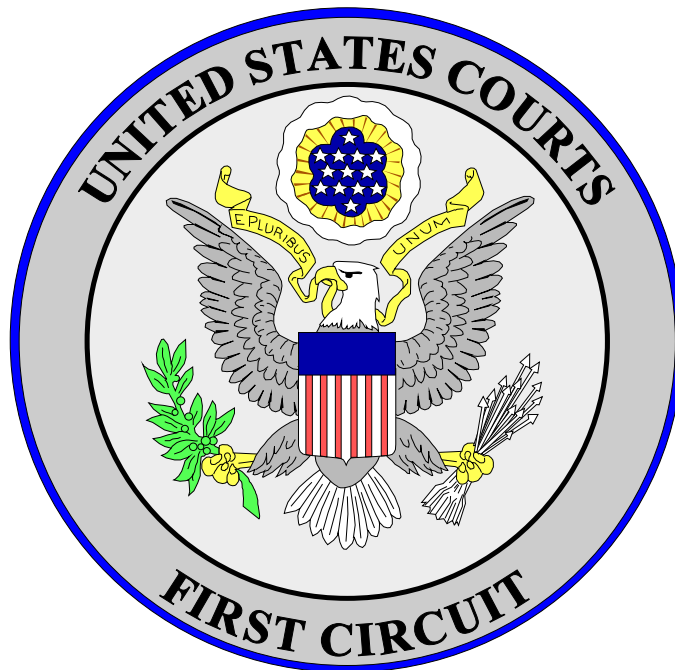


UNITED STATES COURTS FOR THE FIRST CIRCUIT



2011
ANNUAL REPORT

**United States Courts for the
First Circuit**

2011 Annual Report

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FOREWORD

by

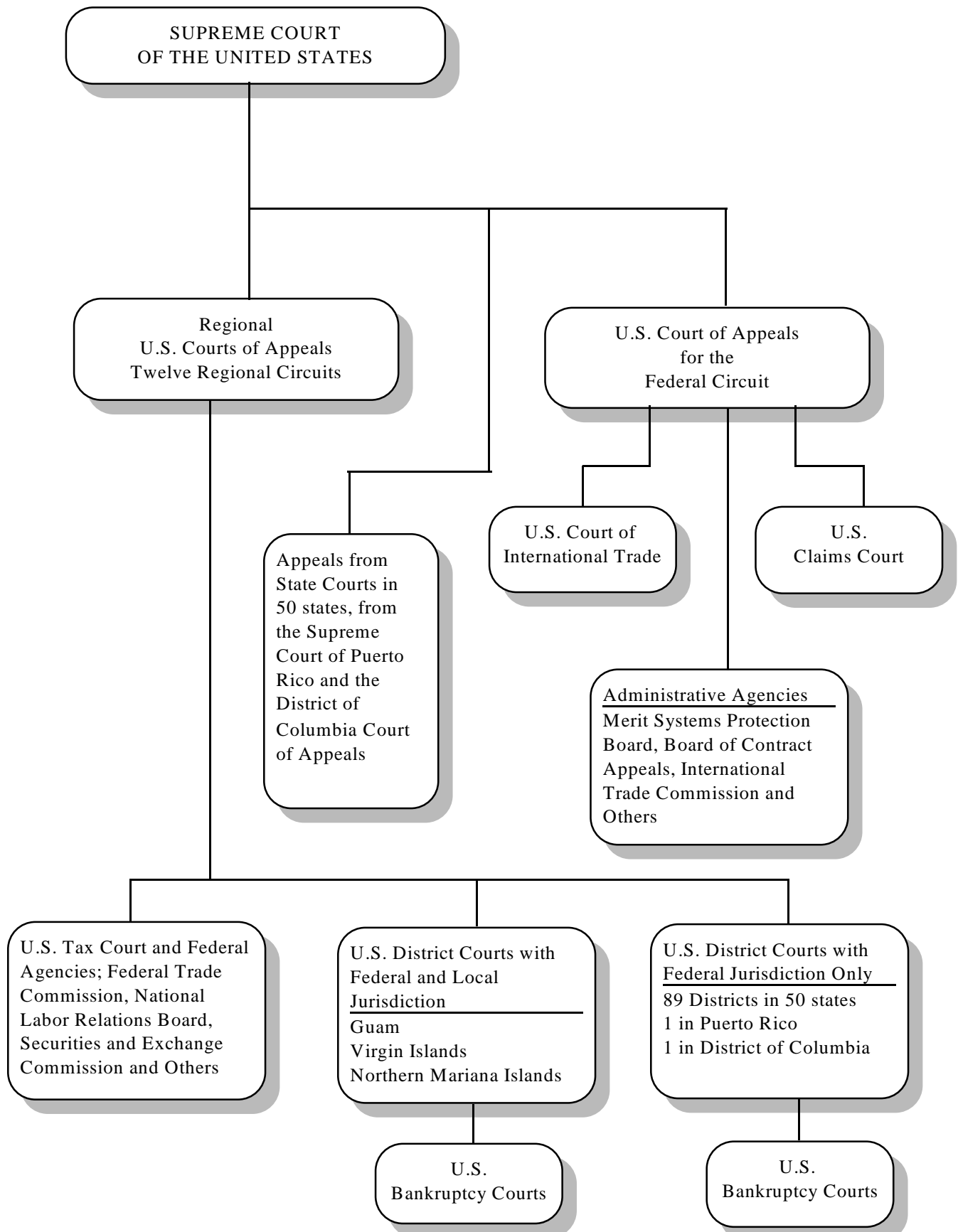
**Gary H. Wente
Circuit Executive**

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

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

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

Structure of the Federal Judiciary



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

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

CLERK'S OFFICE

In 2011, the Clerk's Office of the First Circuit Court of Appeals continued to benefit from its new case management system, Case Management/Electronic Case Files system (CM/ECF). This year the Clerk's Office added a new functionality that enabled anyone (including members of the general public and news reporters) to sign up to receive electronic notice in specific cases of interest. Previously, only members of the First Circuit bar who registered as electronic filers were able to receive electronic notice.

During 2011, the Clerk's Office renovated its space to include new work stations, new offices, and a small conference room. The Clerk's Office space is now brighter, quieter, more pleasant and more efficient.

In the spring of 2011, the Clerk's Office participated in court-sponsored criminal appellate practice seminars in Boston and Portland. Clerk of Court Margaret Carter and Chief Deputy Maria Hamilton both spoke at the seminars and provided procedural tips on practice before the First Circuit. This was a continuation of a program that began in San Juan last year.

In the fall of 2011, several members of the Clerk's Office participated in the 2011 appellate CM/ECF Symposium sponsored by the Administrative Office in Dallas, Texas. The Symposium provided an opportunity for participants to learn about new developments in CM/ECF functionality and to share lessons learned with other circuits.

There were several changes to the Court's local rules in 2011. Local Rule 46.0(f), governing the appearance and argument by eligible law students, was broadened to permit law students to represent the United States, a state, or an agency thereof. Attorney Disciplinary Rule VII was modified so that reinstatement to the bar is not automatic after a suspension period has run. In addition, minor changes were made to Local Rule 46.0(a)(1) and to Internal Operating Procedure II(A) to reflect changes to the Miscellaneous Fee Schedule.

In Fiscal Year (FY) 2011, the Court of Appeals reported 1,507 filings, compared with 1,530 filings in FY 2010. This represented a 1.5 % decrease in filings. The Court also reported a 15.8 % decrease in case terminations, from 1,706 in FY 2010 to 1,437 in FY 2011. As for pending cases, there was a 5.8 % increase, from 1,212 in FY 2010 to 1,282 in FY 2011.

For this same time period, the District of Massachusetts represented the largest source of appeals to the First Circuit (518), and the District of Puerto Rico represented the second large source (409). The number of appeals from the Districts of Maine, New Hampshire and Rhode Island were 125, 90, and 91, respectively. There were 171 appeals from administrative agencies, most of which were from the Board of Immigration Appeals (152). The remaining cases were

bankruptcy appeals (29) and original proceedings (74).

In FY 2011, civil cases (including prisoner petitions) represented 51% of the appeals commenced in the First Circuit, and criminal cases represented 30.8% of the appeals commenced. The Court's median time from the filing of a notice of appeal to final disposition was 11.5 months in FY 2011, slightly above the national median time of 11.0 months.

OFFICE OF THE STAFF ATTORNEYS

The Office of the Staff Attorneys does legal research for the judges of the Court of Appeals. During calendar year 2011, the Office consisted of one senior staff attorney, one supervisory staff attorney, and 17-20 staff attorneys (20 for the first half of the year; then three departed and were not replaced for budgetary reasons).

As indicated below, during 2011, the Clerk's Office referred a total of 2,024 matters to the Office of the Staff Attorneys for processing, 61 more referrals than in 2010.

January	131	July	182
February	107	August	193
March	196	September	171
April	160	October	174
May	146	November	209
June	193	December	162

Total: 2,024

In addition, there were 134 pro se or social security cases submitted (12 fewer than in 2010) and approximately 146 sua sponte summary dispositions in counseled, briefed cases (three fewer than in 2010).

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

CIVIL APPEALS MANAGEMENT PROGRAM

The First Circuit's Civil Appeals Management Program (CAMP) is governed by Local Rule 33. Upon receipt of the notice of appeal in the Court of Appeals, the Clerk notifies the appellant of the settlement program and notifies settlement counsel of the appeal if it is eligible for the program.

The governing rule mandates mediation of all civil appeals, except habeas corpus, prisoner petitions, pro se cases, National Labor Relations Board (NLRB) summary enforcement actions, and original proceedings, such as mandamus. Although settlement counsel retains the discretion to decide in which cases a conference is required, it is the practice to hold a conference in all eligible cases, except where information supplied by the parties demonstrates, in the opinion of the settlement counsel, that there is no reasonable likelihood of settlement. Such cases amount to a small percentage of the cases eligible for the program.

When the settlement counsel has been notified of a pending appeal, a conference is scheduled. Appellants are required to electronically submit a copy of the orders, memoranda or opinions from which the appeal has been taken at least two weeks prior to the scheduled conference. If the parties choose, they may also file a confidential memorandum containing, inter alia, the following: (1) the history of any settlement negotiations that took place before and since the appeal was filed; (2) the major points of error that are the focus of the appeal (appellant is instructed to generally inform the appellee of such points of error); and (3) important factors (factual, legal and practical) which counsel believes may affect his/her client's chances of prevailing upon appeal, and which affect the terms and conditions upon which the case may reasonably be settled. The attorneys are also informed that their clients are required to attend the conference unless excused.

The conferences can last from a few hours to a full day or more. In special circumstances the conference may be conducted by telephone. In-person conferences are preferred, however, as they have been shown to be much more likely to produce positive results. After the initial conference, the 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 settled or that it did not settle.

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

In FY 2011, of the 378 cases that were opened, one or more conferences were held in 244 cases, which produced 104 settlements, approximately 42.6% of the mediated cases.

CAMP Case Data, Boston Office, FY 2011

Boston Office (MA, NH, ME & RI)	Opened	Conferenced	Not Conferenced
Settled	65	65	0
Not Settled	87	86	1
Pending	6	4	2
Waived	51	0	51
CAR (Administrative Dismissal)	44	0	44
Total	253	155	98

CAMP Case Data, Puerto Rico Office, FY 2011

Puerto Rico Office (PR)	Opened	Conferenced	Not Conferenced
Settled	44	39	5
Not Settled	51	50	1
Pending	0	0	0
Waived	9	0	9
CAR (Administrative Dismissal)	21	0	21
Total	125	89	36

BANKRUPTCY APPELLATE PANEL (BAP)

The BAP, which employs two staff attorneys and one part-time case manager, is located at the John W. McCormack Post Office and Courthouse.

In January 2011, the BAP held an open house to welcome the First Circuit court community to its new offices and conducted its first oral argument in the courtroom of the Honorable Joan N. Feeney at the John W. McCormack Courthouse.

In April 2011, the BAP welcomed a new staff attorney, Leslie Storm, who had been serving as the pro se law clerk for the U.S. Bankruptcy Court for the District of Massachusetts. During the summer of 2011, the BAP hosted an intern from New England Law School in Boston.

In July 2011, the First Circuit Judicial Council appointed Judge Mildred Caban from the U.S. Bankruptcy Court for the District of Puerto Rico and Judge Melvin Hoffman from the U.S. Bankruptcy Court for the District of Massachusetts to serve on the BAP. In October 2011, the BAP held oral argument for the first time at the U.S. Bankruptcy Court for the District of New Hampshire.

During the 12-month period ending December 2011, the BAP reported a 21.2% increase in case filings over the previous year. For that same period, approximately 55% of the appeals from the bankruptcy courts within the First Circuit were filed with the BAP.

FIRST CIRCUIT LIBRARIES

Overview

The First Circuit library system provides services to the judges and court staff of the First Circuit Court of Appeals, and the District and Bankruptcy Courts in Maine, New Hampshire, Massachusetts, Rhode Island and Puerto Rico. There are four libraries in the system: the headquarters library, located in the Moakley Courthouse in Boston, Massachusetts; 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 librarians provide service to chambers and court staff in Portland and Bangor, Maine and service to chambers and court staff in Springfield and Worcester, Massachusetts. The satellite librarian in Concord provides service to the U.S. Bankruptcy Court in New Hampshire, located in Manchester, New Hampshire. The staff of the Hato Rey library provide service to chambers and court staff located in the federal courthouse in Old San Juan, Puerto Rico.

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

Personnel

In FY 2011, the total staffing allotment was 13.6 AWU (Authorized Work Units). On-board staff, however, was 10.8 AWUs for the first half of the fiscal year and 12.3 AWUs for the second half. A full-time, temporary and a half-time, temporary position were added to the Boston library to address workload needs in the public services and technical services

departments. At the end of the fiscal year, there were nine staff members in the Boston library, two in Hato Rey, and one each in Concord and Providence.

The library staff functions as a team, providing services circuit-wide. Each librarian is responsible for providing first-level, local services to the judges and court staff within his or her geographic location but also has assigned responsibilities for services to judges and court staff throughout the Circuit.

Service Added in FY 2011

In the summer of 2011, following the recommendation of the Judicial Conference, Chief Judge Lynch approved a policy and protocol for monitoring the Internet for threats against judges in the First Circuit. Six librarians carry out this monitoring, and conduct daily searches of the Internet using several social networking search tools. Any threats or troubling comments are promptly forwarded to the U.S. Marshals, the judge(s) involved and the Circuit Executive.

Projects of Note in FY 2011

The National Circuit Library Study, requested by the Judicial Conference Committee on Court Administration and Case Management (CACM), concluded in FY 2011. CACM was particularly interested in an assessment of satellite libraries serving fewer than 10 judges. The Council voted unanimously to certify to CACM the continuing need for each of the Circuit's satellite libraries.

As requested by CACM, the Circuit Librarian also conducted a complete review of all collections in the First Circuit libraries with the purpose of reducing duplication of costly print materials.

Also during FY 2011, alterations to the computer and microform collection areas of the Boston library were completed. The spaces were redesigned, and the microform collection and equipment was moved to a separate room that, in the future, will house the library's archives collection. The temporary relocation of the Hato Rey satellite library for the duration of the ARRA construction work was planned.

In January 2011, the library planned and hosted a meeting on the current and future technology of LexisNexis and Westlaw, including access from mobile devices. Representatives from IT units within the First Circuit attended the meeting at the Boston library. Staff learned about conducting legal research using mobile devices. In addition, the library's Electronic Services Librarian and Catalog Librarian attended a Federal Judicial Center/AO three-day program titled, "Training the Trainer For the Brave New (Digital) World" of libraries.

Subscriptions

The law book allotment for FY 2011 increased by approximately 1.3%. Savings from FY 2010 voluntary cancellations financed existing subscriptions and new judge subscription

costs in FY 2011. Beginning in FY 2012 the law book funds will be placed on the discretionary, rather than mandatory side of the budget, and therefore will be subject to the across-the-board reductions faced by the other salaries and expenses. The positive response to the requests for review of chambers and library subscriptions for cancellations in the summer of 2011 placed the library in a better position to meet its legal research material purchasing obligations in FY 2012.

Selected Statistics, FY 2011

- There were 3,034 visits to the Boston library - 1,372 by individuals associated with the federal courts and other federal agencies, and 1,663 by attorneys, pro se litigants or others.
- Judges or court staff visited the Providence satellite library 400 times, and attorneys given permission to use the library visited 10 times.
- Judges, court staff and individuals given permission to use the library visited the Hato Rey satellite library 1,373 times.
- The Boston library's public access computers were used 873 times by judicial interns or other court staff and 1,333 times by public users (pro se litigants, attorneys, and other individuals).
- The four libraries answered a total of 4,466 reference questions by email, telephone or in-person - 3,420 questions required 10 minutes or less to provide the answer; 7,791 required 10 minutes to one hour to provide the answer; and 255 took over an hour to provide the answer.
- The libraries responded to 132 requests for translations of Puerto Rico Supreme Court and Puerto Rico Court of Appeals decisions (not available in English on LexisNexis or Westlaw).
- The library provided, by email: *Today's News* to 166 recipients; *Daily Opinion Summaries of the U.S. First Circuit Court of Appeals* to 156 recipients and to 607 recipients via the District Court of New Hampshire's web page service; *U.S. Supreme Court Opinions* to 111 recipients; *Weekly Watch* (First Circuit cases before the U.S. Supreme Court) to 195 recipients; *First Circuit Sentencing Guidelines* to 175 recipients; and *Weekly Summary* for the First Circuit to 55 recipients.

**NARRATIVE REPORTS
OF THE DISTRICTS**

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

DISTRICT COURT

Overview

This was a year of transition in the District of Maine's Clerk's Office. Christa K. Berry became Clerk of Court on January 3, 2011, and Eric M. Storms was appointed Chief Deputy Clerk in February 2011. U.S. District Judge Nancy Torresen joined the Court in October.

Gail Baxter Creath retired on September 30, 2011, after more than 30 years of service in the judiciary. In 1979, Gail joined the court as a deputy clerk at the United States Bankruptcy Court in Bangor. In 1983, she transferred to the U.S. District Court in Bangor as a deputy clerk. She was promoted in 1988 to Deputy-in-Charge and, in 2007, was promoted to Division Manager.

Eileen Carver retired on September 30, 2011, with more than 20 years of service in the judiciary. She began her employment with the judiciary in 1987 as a secretary to Judge James Goodman at the U.S. Bankruptcy Court. In 1990, when Judge Goodman relocated to Portland, Eileen transferred to Circuit Judge Conrad K. Cyr's chambers as assistant secretary. Following Judge Cyr's retirement, Eileen transferred to the U.S. District Court Clerk's Office and served as a deputy clerk.

Judicial Activities

On August 1, 2011, the Honorable John G. Roberts, Jr., Chief Justice of the United States Supreme Court, visited the Edward T. Gignoux United States Courthouse. The Chief Justice was in Portland to attend the Cleaves Law Library's Centennial Celebration and while here, he visited with the judges and court staff. The Chief Justice spoke briefly and informally, inviting questions from staff.

Chief Judge John A. Woodcock continued his service on the Budget Committee until the spring and joined the Rules of Evidence Committee in the fall of 2011. Chief Judge Woodcock also participated in the Department of Justice mock trial program in Columbia, South Carolina; made a presentation at the Maine State Bar Association's summer meeting on federal trial court practice; spoke at the Maine State Attorney General's prescription drug abuse summit and addressed the Ballou Inn of Court on trial presentation. Finally, Chief Judge Woodcock continued as a member of the Circuit's CJA Oversight Committee, the Maine State/Federal Judicial Council and the University of Maine School of Law Board of Visitors.

District Judge D. Brock Hornby continued his service as the Chair of the Committee on the Judicial Branch. He participated as faculty in the orientation for newly appointed district judges in Washington, D.C. The Federal Judicial Center produced videos featuring Judge

Hornby on the topics of criminal pretrial proceedings and sentencing proceedings. Judge Hornby also served on a cross-border working group for the American Bar Association to develop protocols for class actions pending in both Canada and the United States. In addition, he served on the Council of the American Law Institute and on the National Academies' Committee on Science, Technology and the Law. Judge Hornby is also a member of the Maine State/Federal Judicial Council.

District Judge George Z. Singal completed his term of extended service on the Judicial Resources Committee (JRC) in September 2011. He served as a member of the JRC from October 2004 to September 2011, and then as Chair from October 2007 to September 2011. Under Judge Singal's leadership, the Committee addressed the Model Equal Employment Opportunity Plan, the Model Employment Dispute Resolution Plan, performance management, career law clerk staffing limitations, diversity, social networking, work measurement, the pro se law clerk staffing allocation, and cost containment and budget initiatives. Following his service on the JRC, Judge Singal agreed to serve on the Committee on Codes of Conduct. He continued to serve as Chair of the Court Security Committee and is a member of the Maine State/Federal Judicial Council.

District Judge Nancy Torresen took the oath of office on October 11, 2011. She is the 17th federal district judge and the first female district judge in the District of Maine. Prior to her appointment, Judge Torresen served as an Assistant United States Attorney, an Assistant Attorney General for the Maine Department of the Attorney General and a private practitioner. Judge Torresen is a member of the Maine State/Federal Judicial Council.

Magistrate Judge Margaret J. Kravchuk continued to oversee the District's rehabilitative drug court program called SWiTCH (Success with the Court's Help). She also serves on the Federal Judicial Center's Magistrate Judge Education Committee and served as faculty at three education seminars for new magistrate judges in 2011. She completed her tenure as the First Circuit representative on the Federal Courts Law Review and is a member of the Maine State/Federal Judicial Council.

Magistrate Judge John H. Rich III continued to serve as the court liaison to the District Court Local Rules Advisory Committee. He also serves as Vice-Chair of the Maine Justice Action Group with the Chair, Maine Supreme Court Justice Jon D. Levy. Magistrate Judge Rich co-chairs the Justice Action Group Private Sector Outreach Task Force, is Editor-at-Large of the Federal Courts Law Review and is a member of the Maine State/Federal Judicial Council.

Caseload

The Court's overall caseload for the 12-month period ending September 30, 2011 did not fluctuate much from FY 2010. There were 496 civil cases and 195 criminal cases filed in the 12-month period ending September 30, 2011. With respect to the Court's civil caseload, social security cases declined notably - from 180 in 2009 and 182 in 2010 to 120 in 2011. Despite the decrease in social security cases, they still accounted for 24% of the Court's annual civil caseload.

Local Rules

As part of a pilot project on summary judgment practice, Local Rule 56 was amended to require a mandatory judicial conference prior to the filing of a summary judgment motion. The mandatory pre-filing conference is expected to result in a reduction in both motions for extensions of page limits on memoranda and unnecessarily long statements of material facts. The pilot will continue through 2012 and will be followed by a review of the efficacy of the amended rule.

Case Management

The Clerk's Office adopted a plan for the disposal of paper case documents that involves converting paper documents to PDF and uploading them to CM/ECF. This initiative reduced the volume of case records that the Court has to store locally and send to the Federal Records Center.

In order to facilitate telework, the Clerk's Offices in Bangor and Portland began using a single electronic mailbox to retrieve orders, documents and new cases for docketing.

The Probation Office and the Clerk's Office worked together to establish procedures for identifying defendants eligible for a reduction of sentence due to the retroactive application of the Fair Sentencing Act of 2010. As of December 31, 2011, 51 motions were filed by defendants requesting a reduction in sentence.

CM/ECF

On December 3, 2011, the District upgraded its CM/ECF database to Version 5.1.1, the most current release of the CM/ECF software.

CM/ECF Administrator Michele Mitchell was selected to serve on the Next Generation Statistics Subcommittee.

Criminal Justice Act (CJA)

Clerk's Office staff provided well attended training seminars to CJA panel members and their support staff. The Office also developed a manual to assist lawyers and their staff with the CJA process, including explaining the forms, processing policies, and travel guidelines for counsel and experts. In addition, the Clerk's Office implemented an automated CJA appointment program, developed by the Western District of Tennessee.

Jury Administration

The District of Maine uses the eJuror System, which allows jurors to respond to jury qualification questionnaires and summonses electronically using the Internet. The District had

an average response rate using eJuror of 37%, which was a 5% increase from 2010.

The percentage of jurors not selected, serving or challenged (NSSC) for the District was 27%, below the Judicial Conference goal of 30% or less.

Finance and Budget

The Office of Audit conducted a "change of clerk" audit of the District Court in January 2011. It found no significant deficiencies related to the Office's financial and administrative processes.

Space and Facilities

The District of Maine undertook three renovation projects in 2011. In Portland, a project to improve and repair the exterior building envelope began, which is a \$4.5 million dollar prospectus-level project that aims to address the entire envelope of the Edward T. Gignoux Courthouse. The project began in late fall and is anticipated to be completed in the summer of 2013.

The Court secured \$550,000 in supplemental funding from the Administrative Office to replace failing tele-data cabling in the Gignoux Courthouse. In preparation for the transition to the nationally supported voice-over IP solution, and to address a failing and degraded infrastructure, the Court submitted a RWA (Reimbursable Work Authorization) form to GSA for \$408,024.65 for the upgrade to Category-6 tele-data cabling. Project coordination between this and the exterior envelope project will strive to minimize disruptions to occupants and to court business.

The remaining funds not used for the cabling project were committed to an RWA funded by the Circuit and Administrative Office for \$288,936.58 for window glazing enhancements in the Gignoux Courthouse. This RWA has been bundled with the exterior envelope project to reduce overall costs.

The Margaret Chase Smith Federal Building and U.S. Courthouse received an award of \$52.82 million in stimulus funding under the American Recovery and Reinvestment Act in 2009. In 2011, the swing courtroom and chambers were constructed on the first floor for the Court to use while its space was being renovated. In late 2011, Magistrate Judge Kravchuk was relocated to this swing space and the United States Marshal's Service moved off the third floor to its new location on the first floor, which allowed for construction to begin on the new clerk's office space and jury assembly room. This project is on-going with completion scheduled for late 2013.

Emergency Preparedness

The Gignoux Courthouse formed an Occupant Emergency Plan Working Group to review and update the building's Occupant Evacuation Plan (OEP) and Continuity of Operations

Plan. This Working Group consisted of representatives of the Clerk's Office, the U.S. Marshal's Service, U.S. Probation, U.S. Bankruptcy and the U.S. Trustee's Office. The Group ensured there was mutual understanding of procedures related to evacuation and possible temporary relocation. Training on the revised OEP is planned for early 2012. The Clerk's Office also conducted an orientation for court staff on its evacuation procedures and Continuity of Operations Plan.

Information Technology

In 2011, the IT Department completed the stabilization of the network with the redesign of the server room in Portland, the consolidation of network switches and the virtualization of all servers. The communications rack was redesigned for proper routing of patch cables.

The AO upgraded the Court's DCN network connectivity with new routers and a redundant communications line within the Networx program. The Court's email software, Microsoft Exchange, was upgraded to the latest version, complete site database redundancy was added, and redundant access servers were deployed. Fully redundant copies of the databases are stored at both court locations.

The IT Department installed a new network-monitoring program to troubleshoot network devices and to proactively monitor servers to detect and prevent problems from developing.

As construction continued at the Margaret Chase Smith Federal Building in Bangor, the IT Department ensured that the new server room designs were accurate, and reviewed and refined the new courtroom audio/video systems designs.

Human Resource Management

Under the new leadership of Clerk of Court Christa K. Berry and Chief Deputy Clerk Eric M. Storms, the Clerk's Office reviewed its human resource management policies to provide more flexibility in schedules and support telework for continuity of operations. New policies included a telework policy (requiring monthly telework for essential staff in order to practice teleworking in the event of a potential COOP situation), alternate work schedules, a new flex-time policy, and a comprehensive employee recognition program.

Unit heads of the Bankruptcy Court, the Probation/Pretrial Office, the District Court, and the Federal Public Defender for the District of Maine discussed the potential for developing shared administrative services. The District Court and Bankruptcy Court have shared a human resource specialist since 2007. The unit heads and their deputies identified the primary goals for a shared administrative services unit (quality service, expertise, redundancy in skills, and cost reduction), as well as the scope of the shared services unit, which will include procurement, human resources management, space and facilities management, internal control administration, budget administration, and finance management. The unit heads expect to have a single administrative unit responsible for performing the administrative functions of all of the court units within approximately 12 to 18 months.

BANKRUPTCY COURT DISTRICT OF MAINE

Operations

Judge Haines succeeded Judge Kornreich as Chief Judge, marking Judge Haines's second term as Chief. In addition to handling their normal caseloads in Maine, both Chief Judge Haines and Judge Kornreich provided extensive assistance to the District of New Hampshire. As a result of that court's reduction to one bankruptcy judge, the Maine judges assisted with caseload coverage in New Hampshire throughout 2011. The Maine judges held hearings on New Hampshire cases both telephonically and in person.

Judge Haines also continued his service on the Board of Directors of the Federal Judicial Center, having been appointed to that position by the Chief Justice. Clerk Alec Leddy served on various national committees and working groups, including the Bankruptcy Clerks Advisory Group, the Administrative Office's Budget and Finance Advisory Council, and the Salary Allotment Formula Update Working Group.

Like most bankruptcy courts around the country, court employees participated in a work measurement data gathering exercise in the fall. Employees tracked their daily work by entering information into a "data diary" over a three-week period. Staff at the Administrative Office of the U.S. Courts compiled all of the data and put together a new formula for use by the bankruptcy courts beginning in the fall of 2012.

Also during 2011, the Bankruptcy Court began working with the other federal court units in Maine (District Court, Probation/Pretrial Office and the Federal Public Defender) on a plan to share administrative services. A framework was put into place within which the multiple court units will share various administrative functions, including human resources, procurement, property management, facilities maintenance, and disaster planning and recovery. The unit heads expect that this sharing initiative will continue into 2012 and beyond, and become a model for courts around the country.

Information Technology

In preparation for the installation of a new voice-over IP telephone service and enhanced DCN capabilities, the Bankruptcy Court continued to invest significant local funds toward upgrading its IT infrastructure. Additionally, the Court hired a new CM/ECF Administrator, Chris Dodd, who has been working to increase the Court's information technology capabilities on a local level.

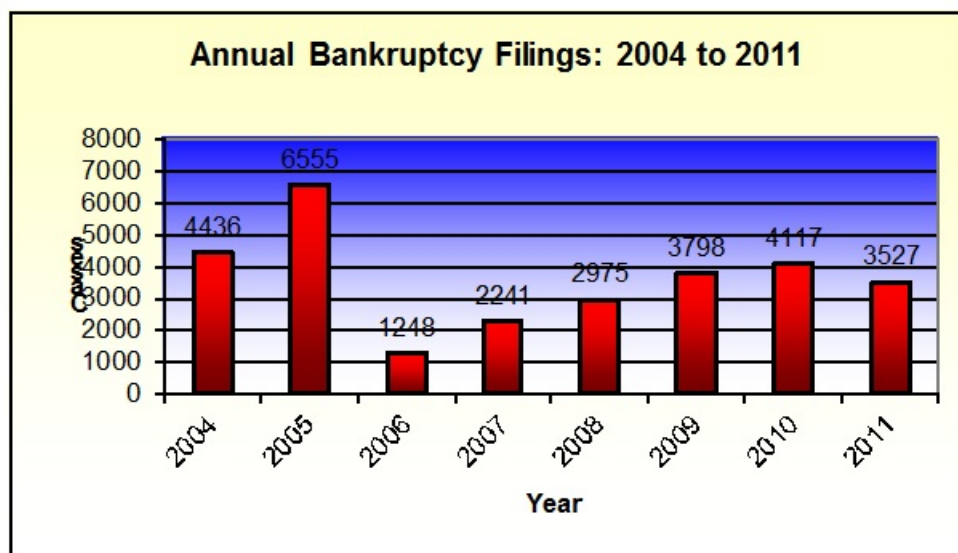
Conferences/Training

In an effort to learn more about pro se debtors, the Court's Clerk, Operations Manager and a case administrator attended a multi-day conference sponsored by the Second Circuit. The Court also sent a contingent of staff to national training meetings held by the National Conference of Bankruptcy Clerks, the Administrative Office and the Federal Judicial Center.

The Court conducted its own 1.5-day offsite training in the fall, with all chambers and clerk's office staff participating. Finally, the Court sponsored two training sessions in both Portland and Bangor for local attorneys and their staffs.

Caseload

There were 3,527 new bankruptcy cases filed in calendar year 2011 in Maine, the vast majority of which were filed under Chapter 7. This represented a decrease of over 600 cases from 2010 filings, which was consistent with the national trend.



Building and Construction

There were significant construction projects in the Bankruptcy Court in 2011. A tenant improvement project was completed Portland, the first in the space since the Court moved into its present location in 1992. In addition to cosmetic updates to the paint and carpeting, conference and training rooms were updated to better utilize current equipment. In Bangor, a new conference room was installed and the customer intake counter was updated.

PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF MAINE

In 2011, Probation and Pretrial Services for the District of Maine continued to emphasize the incorporation of evidence-based practices into its operations, as well as community protection and officer safety and training. The pretrial workload increased significantly in the last two years. This is expected to translate into an increased presentence workload in FY 2012. The District's pretrial detention rate dropped dramatically in the last year, without any corresponding increase in pretrial revocations.

The District benefitted from the national workload formula refresh which gives increased credit to districts that supervise higher risk cases such as sex offenders. The full effect of that change will be realized in the 2013 budget and will allow the District to maintain officer staffing levels.

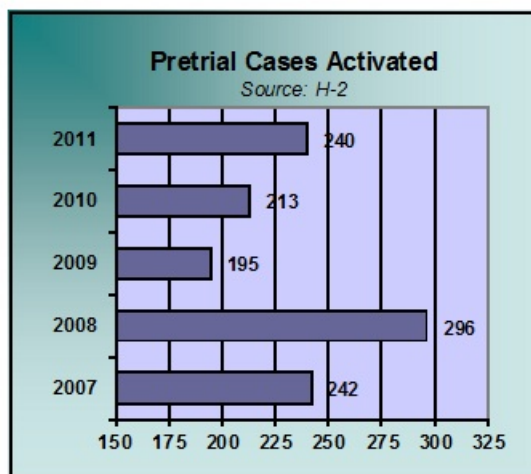
During FY 2011, several officers finalized The Road Ahead Program, a new pretrial services program in the District of Maine that is designed for individuals pending sentencing and their family members. The Program, which is intended to help alleviate stress and answer questions defendants may have about the pretrial and presentence processes, is free of charge and consists of a PowerPoint presentation and written materials.

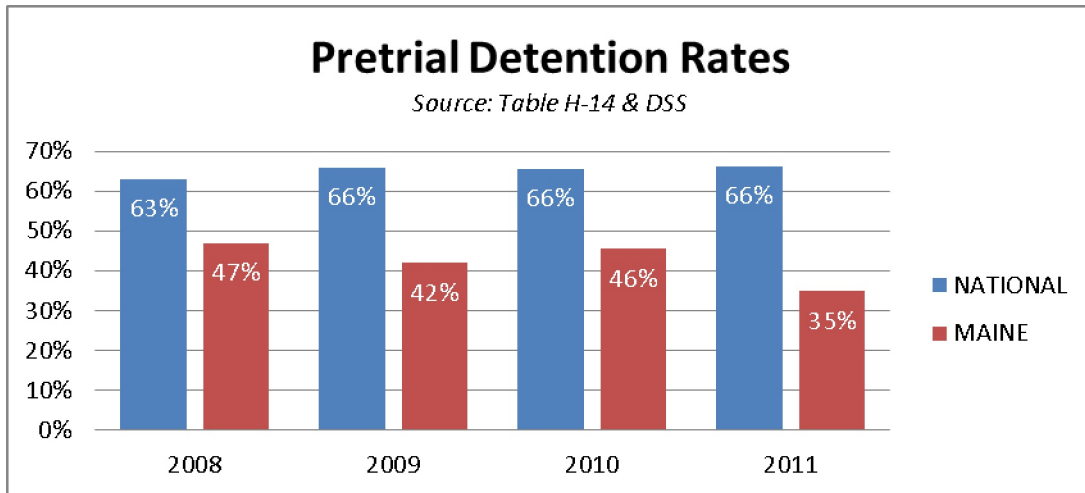
The Bureau of Prisons solicited for a residential reentry center in the Bangor area. This solicitation is anticipated to be complete in early 2012 and will allow the District to have effective reentry services in central, eastern and northern Maine.

The District also held a series of discussions among the managers and administrative staff in each court unit about the sharing of administrative services in the District. These discussions and meetings will continue into 2012, but have already resulted in consolidated human resource services among the court units.

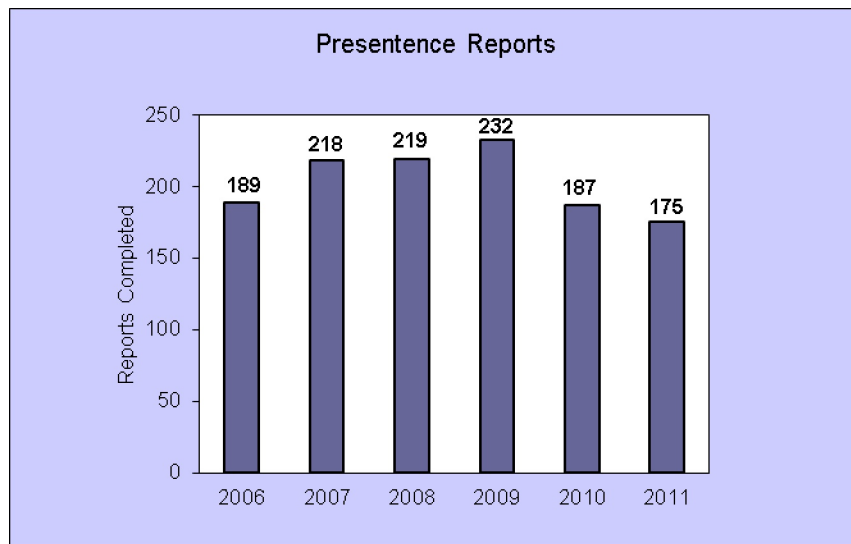
Over the past several years, the District of Maine has made a commitment to reduce detention rates while recommending the least restrictive conditions to address flight and danger. These efforts have been complimented by the use of the Pretrial Risk Assessment (PTRA) tool. In FY 2011, the District realized an 11% decrease in its detention rate - down to 35%, as compared to 46% in FY 2010. This is markedly below the circuit-wide average detention rate of 50%. Of the 203 bail reports, release was recommended for 70% of defendants.

The pretrial supervision violation rate for FY 2011 also decreased in the District of Maine. In FY 2011, 5% of defendants subject to pretrial supervision violated the conditions of their release, as compared to 8% in FY 2010.





Presentence Investigations



Post-conviction Supervision/Post-Conviction Risk Assessment (PCRA)

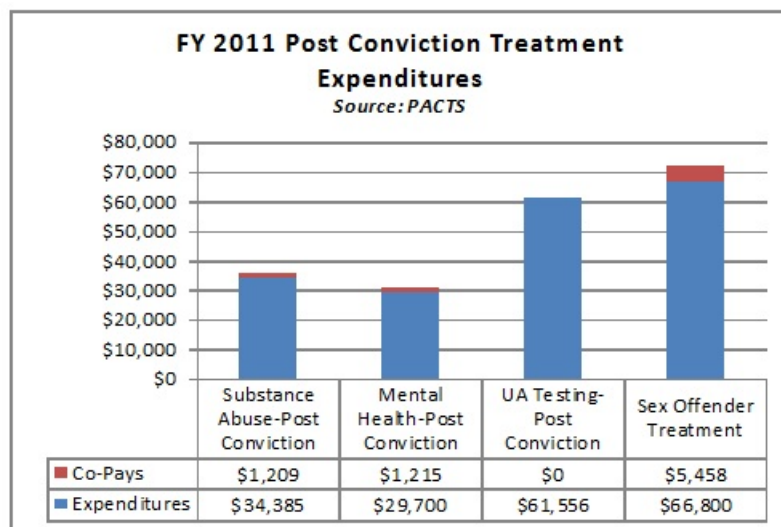
The District of Maine began implementing the Post-conviction Supervision/Post-Conviction Risk Assessment (PCRA) in FY 2011. Out of 424 active supervision clients, supervision officers have completed assessments on 289, 68.2% of the total client population.

Post Conviction Risk Assessment	Maine	National
High Risk	6.9%	4.3%
Moderate Risk	17.0%	15.8%
Low/Moderate Risk	42.2	41.0%
Low Risk	33.0%	38.9%

Source: DSS

Treatment Services

In FY 2011, treatment contracts with 18 vendors provided services in every county from York to Aroostook.



SWiTC Program (Re-entry Court)

In FY 2011, the SWiTC Program continued to engage high-risk substance abusers on post-conviction supervision with its evidence-based method. Last year, the SWiTC Program partnered with the University of Southern Maine to study the effect the Program was having on its target group. Although the representative sample was small, among the SWiTC participants, recidivism and revocations were reduced, positive urinalysis results were

decreased, the number of dilute samples submitted decreased, residential stability was greater, and participation in substance abuse treatment was improved.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DISTRICT COURT

In 2011, the United States District Court for the District of Massachusetts had 13 authorized district judges, 2 senior district judges and 7 authorized full-time magistrate judges.

Judicial Accomplishments

In February 2011, Judge Douglas P. Woodlock participated in a symposium at Yale Law School entitled "Representing and Contesting Ideologies of the Public Sphere." The symposium marked the publication of the volume by Professors Judith Resnik and Dennis Curtis, *REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTHOUSES* (Yale University Press 2011). The papers for that symposium, including Judge Woodlock's presentation, were published in the Winter 2012 issue of the *Yale Journal of Law & the Humanities*. See Douglas P. Woodlock, *Communities and the Courthouses They Deserve. And Vice Versa*, 24 *YALE J.L. & HUMAN.* 271 (2012).

Judge Woodlock's presentation at a 2009 conference on "The Architecture of the Courthouse: A Franco-American Retrospective, 1991-2006" was published in the Autumn 2011 issue of *THE GREEN BAG*. See Douglas P. Woodlock, *The American Court House As A Home*, 15 *THE GREEN BAG* 2d 41 (2011).

Judge Woodlock was appointed by Chief Justice Roberts in 2011 to the Judicial Resources Committee of the Judicial Conference of the United States.

Judge Nathaniel M. Gorton continued to serve on the Judicial Conference Committee on Intercircuit Assignments. This Committee has assumed added responsibility during this period of budgetary restraints.

Judge Gorton regularly presided over the semi-annual Mock Trial Evenings coordinated by Discovering Justice and Citizen Schools at the Moakley Courthouse. Each of these events involved the participation of over 100 inner-city school children who learn valuable lessons in civics and the workings of the justice system.

Judge Richard G. Stearns continued to sit by designation on patent cases in the Southern District of New York in 2011. He was also invited for the third successive year to sit on the Third Circuit Court of Appeals in Philadelphia. His international legal work included assisting with the final phase of a NATO integration project in Croatia (NATO's newest member),

leading a delegation of Department of Defense officials to a rule of law seminar in L'viv, Ukraine, representing the U.S. at the annual meeting of the European Constitutional Courts held in Sofia, Bulgaria, assisting Slovenian prosecutors in adapting to a newly instituted plea bargaining system modeled on U.S. federal practice, and presenting a paper on bioterrorism at a NATO seminar held in Budapest, Hungary.

Judge Stearns continued to chair the Vincent Committee on Science and Research as a Trustee of the Vincent at Massachusetts General Hospital. He also published the 31st edition of Richard G. Stearns, *MASSACHUSETTS CRIMINAL LAW: A PROSECUTOR'S GUIDE*.

Judge Patti B. Saris served as Chair of the United States Sentencing Commission and as a board member of the Federal Judges Association.

Judge F. Dennis Saylor IV served as an adjunct professor of law at Boston University School of Law. In April 2011, he was appointed to the First Circuit Criminal Justice Act (CJA) Oversight Committee. In May 2011, he began a seven-year term on the Foreign Intelligence Surveillance Court.

During 2011, Judge Saylor also sat on panels at the MCLE 10th Annual New England Business Litigation Conference, the WCBA Seminar – Judicial Roundtable Discussion on Criminal Law, the BBA Bench & Bar Conference and the BBQA Litigation Section – CLE Program on Trial Presentation. Judge Saylor was an active participant as a member of the Judicial Conference Committee on Defender Services.

Judge Denise J. Casper was sworn in on Martin Luther King, Jr. Day, January 17, 2011. A public ceremony was held at Faneuil Hall on February 18, 2011. Chief Judge Mark L. Wolf hosted the ceremony at which both Senator John Kerry and Senator Scott Brown spoke in support of Judge Casper.

Judge Michael A. Ponsor took senior status on August 15, 2011. He continued to serve as the Chair of the Judicial Conference Committee for Space and Facilities. In September 2011, Judge Ponsor sat by designation for two weeks in the District of the Northern Mariana Islands.

Judge Nancy Gertner released her memoir, *IN DEFENSE OF WOMEN: MEMOIRS OF AN UNREPENTANT ADVOCATE*, on April 26, 2011. Judge Gertner took senior status on May 22, 2011. She retired from the bench on September 1, 2011 and was appointed Professor of Practice at Harvard Law School.

Alternative Dispute Resolution

The Alternative Dispute Resolution (ADR) Program continued to play a vital role in the pretrial resolution of a broad range of civil matters during 2011. A total of 313 cases were referred to the ADR Program in 2011, which represented a 17% increase from 2010. Senior

Judge Edward F. Harrington served as a mediator, as did the magistrate judges in Boston, Worcester and Springfield. In addition to the mediations conducted by judges, the Court's volunteer ADR panel members mediated a few cases.

Budget

The District of Massachusetts has an active Budget Committee consisting of Chief Judge Mark L. Wolf, Judge Douglas P. Woodlock, Judge Nathaniel M. Gorton, Judge Patti B. Saris, Judge Michael A. Ponsor and Chief Bankruptcy Judge Frank Bailey. The Committee reviews and approves spending plans prepared by the unit executives.

The District concluded the year with the successful completion of many necessary projects including: the cyclical replacement of computers; the installation of a wireless network in all three courthouses; the installation of Jury Evidence Recording Systems (JERS) in ten courtrooms; the adoption of a new records management system; and the renovation of the Clerk's Office in Worcester.

Criminal Justice Act

The enactment of the Criminal Justice Act (CJA) of 1964 and its subsequent amendment in 1970 established a comprehensive system for appointing and compensating lawyers to represent financially eligible defendants in federal criminal proceedings.

In accordance with the District of Massachusetts's CJA Plan, the Federal Defender's Office (FDO) receives at least 35% of all assignments annually in the Eastern and Central Divisions. CJA panel attorneys receive those cases that the FDO cannot take. The primary goal is to maximize random assignment and the equitable distribution of cases. In 2011, Judge F. Dennis Saylor, IV assumed the liaison judge responsibilities for CJA matters. Attorney Peter Krupp was the chair of the CJA Board, and the following attorneys were members: Victoria M. Bonilla-Argudo, Roberto M. Bracerias, J.W. Carney, Jr., Patricia Garin, John P. Pucci, Edward P. Ryan, Jr., A. Hugh Scott, Kathy B. Weinman, William M. White, Jr. and Federal Defender Miriam Conrad. The CJA Board coordinates several training programs during the year for criminal defense attorneys, along with the FDO and other members of the criminal bar.

A link to the National CJA Voucher Reference Tool was posted to the Court's website. This on-line reference tool provides quick access to the policies and procedures related to CJA cases, beginning with the appointment of panel attorneys and continuing through the processing of vouchers and the approval of payment for services rendered.

The District of Massachusetts accepted an invitation from the Office of Defender Services to participate in the Electronic CJA Voucher Processing System (eCJA VPS) Project, currently scheduled for initiation in December 2012 - February 2013. The national application will allow for electronic submission, processing, approval and payment of CJA vouchers. The

goals of the eCJA VPS include: (1) promoting increased efficiencies; (2) increasing financial integrity by reducing/eliminating irregularities and errors associated with CJA claims processing; (3) maintaining the quality of CJA panels; and (4) providing enhanced reporting capabilities. The national electronic voucher processing system will promote cost containment and increase the efficiency of CJA panel attorneys, appellate and district courts, and federal defender organizations.

Divisional Offices

Springfield

On March 31 and June 29, 2011, naturalization ceremonies were held at the federal Courthouse. A September 16 ceremony was held at Western New England University Law School and presided over by Magistrate Judge Neiman. On July 4, 2011, Judge Ponsor held an outdoor naturalization ceremony at the Hampshire County Courthouse in Northampton, MA.

Software code for a new electronic signage program was written for the Springfield Courthouse. This included a revised interface and new floor map graphics for the interactive kiosks near the entrance and monitors at elevator locations. Data is now pulled automatically from the Chambers Electronic Organizer program to update the daily court schedules.

On January 11, 2011, Magistrate Judge Neiman presided over a program in his courtroom called “Careers in the Courts.” The program was sponsored by MassMutual Life Insurance Company for honors students from Springfield high schools. Representatives from the different court related agencies in the building spoke about their public service careers and answered questions from the students.

Worcester

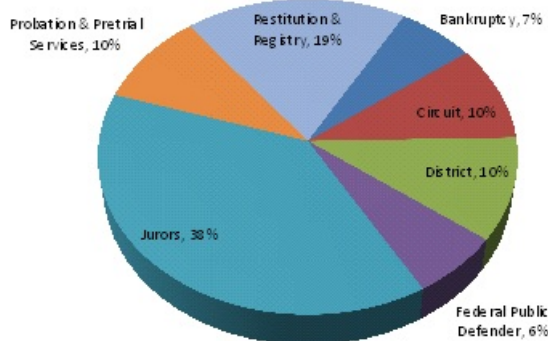
On December 30, 2011, renovation of the Clerk’s Office space in Worcester was completed. The renovation expanded available work space, enhanced lighting, added a new kitchenette area and created a more open, bright environment with improved work flow efficiency.

On April 21, June 10 and September 29, 2011, naturalization ceremonies were held at Mechanics Hall in Worcester. Judge Neiman and Judge Saylor presided at these ceremonies during which 2,192 new citizens were naturalized.

Finance

The Court's financial staff implemented two new treasury initiatives, Treasury General Account Deposit Reporting Network (TGAnet) and the Treasury Reporting System (TRS). TGAnet enables federal program agency users to report over-the-counter receipts in a secure, web-based system. TRS is used for verifying deposits with the Treasury.

Reporting criminal debt payments to the United States Attorney's Office was streamlined with the new automated Consolidated Debt Collection System (CDCD). Under this System, defendant payment transactions are extracted for pre-determined debt types and a text file is sent weekly via e-mail to the Financial Litigation Unit of the United States Attorney's Office.



Voucher Processing Types

In 2011, the financial staff issued 25,315 payments. Restitution payments represented a significant portion with 4,651 payments totaling \$3,495,050.11.

Human Resources

The District of Massachusetts is committed to the principles of equality and fairness in all aspects of employment, without regard to race, color, national origin, gender, religion, age, disability and/or sexual orientation. All employment opportunities are advertised in newspapers of widespread circulation and posted in each division. In addition, job postings appear on the website for the District of Massachusetts and on the national website for the U.S. Courts.

As the result of several retirements and a resignation, there were a number of significant staffing changes in 2011. Government-wide budgetary concerns prompted the adoption of a plan to restructure the Clerk's Office and offer buy-out incentives that would allow for voluntary reductions in staff and limit the need for involuntary actions.

Early in the year, the Clerk's Office transitioned to the HRMIS Leave Tracking Program. The IT staff at the Administrative Office provided full support for HRMIS Leave Tracking, thereby allowing local IT staff to focus on other initiatives and eliminating the costs associated with maintaining the prior system.

In March 2011, the Clerk's Office began utilizing HRMIS ePerformance, an automated program for the preparation of annual performance evaluations. Performance scores obtained during this process were used to determine the disbursement of performance-based discretionary steps to eligible employees.

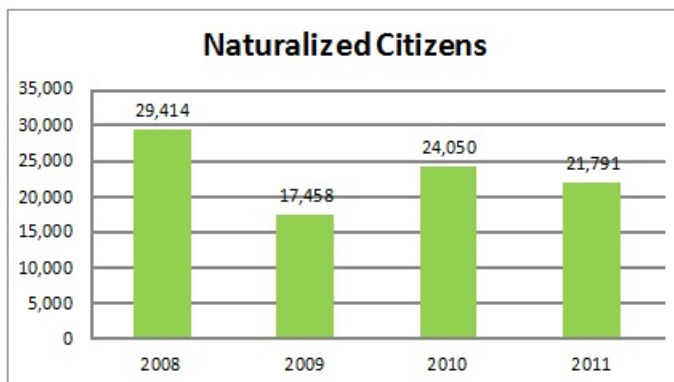
In May 2011, during Public Service Recognition Week, staff in all three offices were recognized for their hard work and dedication, and staff reaching certain years of service (in multiples of five) were provided with service award pins.

In August 2011, an HR Forum was held in Ohio that provided a good opportunity for networking with fellow HR professionals from other courts and sharing ideas regarding HR policy.

In November 2011, the annual Open Season Health Fair was held at the Courthouse in Boston, with representatives from many of the health insurance plans in attendance, as well as other local area vendors offering information and guidance on a variety of health-related topics, ranging from chiropractic care and dental alternatives to mental health assistance. New this year, the HR staff put together a summary for all staff outlining the additional benefits offered at little to no cost by the various plans in the Federal Employees Health Benefits Program (FEHBP). These included fitness programs and discounts, nutrition and weight management counseling, disease management and online resource tools.

Immigration & Naturalization

The judges of this District conducted 55 naturalization ceremonies during 2011, swearing in 21,791 new citizens. The District continues to work with the United States Citizenship and Immigration Service to provide ceremonies in accessible and historically significant venues. In 2011, ceremonies were held at venues throughout Massachusetts, including each federal courthouse, Faneuil Hall, Fenway Park, Gloucester City Hall, the Golden Stairs in East Boston, the JFK Library, the Lowell Memorial Auditorium, Mechanics Hall in Worcester, the Seaport World Trade Center and the U.S.S. Constitution.



Information Technology

Electronic Courtrooms

The electronic evidence presentation systems in Courtrooms 9, 10 and 19 in Boston and Courtroom 2 in Worcester were redesigned and updated in 2011. The Court also installed new audio systems in Courtrooms 8, 17 and 20.

FDsys Opinions Pilot Project

Opinions issued by the judges of the District became available in a searchable format on the FDsys Public Access System. This is a pilot project by the Government Printing Office (GPO). The GPO provides public access to government information over the internet. FDsys

has a robust search engine that can search across opinions and multiple courts. Opinions are extracted from the Court's CM/ECF system on a nightly basis and posted on the FDsys site at: <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=USCOURTS>.

KACE Appliance

The Dell KACE 1000 Appliance was purchased to assist with workstation management and software distribution. The Appliance is used to distribute all workstation patches and security updates. The District's IT staff also uses the built-in help desk ticketing system to track trouble calls and daily tasks.

Wireless Network

A wireless network was installed in December to provide coverage in all courtrooms, chambers, and Clerk's Office areas, as well as in Probation and Pretrial Services. It is intended for use with court-owned devices and is optimized for iPads, Blackberrys and PC devices.

International Judges and Legal Scholars

The Court hosted many visiting judges and legal scholars in 2011. Judges from Czech Republic and Ukraine, members of the judiciary from South Korea, Mexico and Kazakhstan, Chinese law professors, Chinese law students and barristers from the United Kingdom all visited the courthouse.

In August 2011, 14 attorneys from South America, Russia, Turkey, Switzerland, Japan and Korea visited with Judge Nathaniel Gorton. The attorneys were studying "Legal English for Practitioners" at Boston University, an intensive class that combines learning English with a survey of American law. During their visit, the students had a tour of the Moakley Courthouse provided by Discovering Justice, observed criminal proceedings, and had a lively discussion with Judge Gorton.

Internal Controls

In response to "Guide for Judiciary Policy" updates, and to address additional requirements imposed by the Administrative Office of the United States Courts (the AO), the Internal Controls Analyst developed compensating controls, proposed individual job role changes and initiated audit testing programs. The Analyst continued the process of testing transactions, assessing risk and conducting reviews of the major finance-related functional sections within the Clerk's Office in Boston and at the Worcester and Springfield divisional offices.

Interpreter Services

Court interpreters were provided for 377 litigants in court proceedings in FY 2011. Of those, 306, or 82%, were for the Spanish language. The remaining 69, or 18%, required interpreters for 11 other languages. A total of \$108,196 was spent on interpreting services in FY 2011, a nominal increase from 2010 when \$107,984 was expended on interpreting services.

Judicial Outreach

On June 2, 2011, "Inventing Democratic Courts: Art, Architecture and Justice" brought Judith Resnick and Dennis Curtis to discuss their book, *REPRESENTING JUSTICE: INVENTION, CONTROVERSY AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTROOMS*. Judge Nancy Gertner moderated the discussion with the panel of commentators, including Justice Stephen Breyer, Judge Douglas P. Woodlock, Robert Campbell and Henry N. Cobb.

Lindsay Fellowship Program

Following Judge Reginald C. Lindsay's untimely death in 2009, this Court established an educational student fellowship in his honor. The Lindsay Fellowship is designed to assist college sophomores or juniors who express a strong interest in law school. Although first preference is given to past Nelson Fellows, any college student with an interest in the law may apply. In 2011, six students were selected for the Lindsay Program.

The Fellowship is an intensive 2-month program. During the first month, the fellows attended a four-week class on legal research and writing, taught by a local law school professor, observed court proceedings in the District Court and the Court of Appeals and visited other courts. During the second month, the fellows spent four weeks in either the United States Attorney's Office or the Federal Public Defender Office. The fellows returned to the District Court after their month in the other offices to compete in a moot court proceeding, arguing a motion they had prepared as part of their legal research and writing class.

Nelson Fellowship Program

The Nelson Fellowship Program, named in honor of the late Judge David S. Nelson, graduated 14 students in 2011, its fifteenth year. During the 2011 term, the fellows attended educational programs, met with civic leaders and performed public service. One of the highlights of the term was going to the "Future Stars" camp and working with the children there.

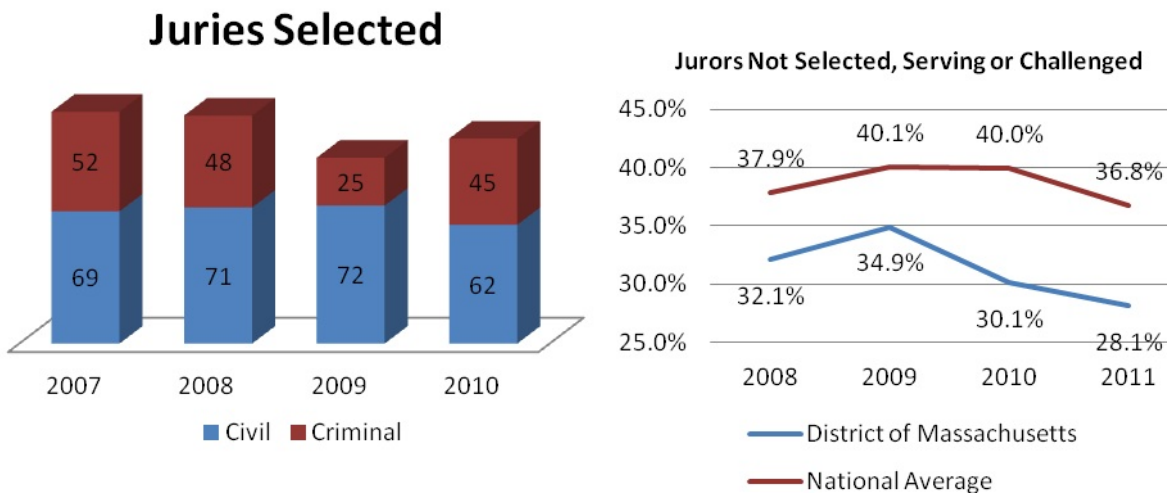
Jury

The Jury Department sets the standard for customer service within the District. Jurors consistently respond with positive feedback regarding their experience during jury service. In 2011, the District sat 96 juries, 48 civil and 48 criminal.

A total of 28.1% of petit jurors present for selection in the District of Massachusetts in 2011 were not selected, serving or challenged on the first day of service. This was a decrease from the Court's 30.1% reported in 2010. The District remains well below the national average for 2011 of 36.8% and meets the Judicial Conference's approved utilization goal of 30% or less.

Official Court Reporters

Official court reporter in-court hours decreased by 3%, from 5,373 hours in 2010 to 5,203 hours in 2011. The total number of original transcript pages produced in 2011 was 136,078, marking a 7% increase from 126,911 pages in 2010. On average, court reporters spent 371 hours in court and produced 9,719 original transcript pages in 2011.



Official Court Reporters					
	2007	2008	2009	2010	2011
In-Court Hours	6,438	6,437	5,490	5,373	5,203
Original Transcript Pages produced	114,644	138,356	113,038	126,911	136,078

Operations and Statistics

The Operations Department of the Clerk's Office is responsible for civil and criminal case processing and management. The courtroom deputy clerks assigned to district judges and magistrate judges manage the judges' calendars and cases. The docket deputy clerks focus on quality assurance and maintaining the electronic case docket and file. The data quality analysts

focus their efforts on the more complex issues affecting case openings, case closings and statistical reporting.

JERS (Jury Evidence Recording System)

The District Court began a pilot program in early 2011 to evaluate the jury evidence recording system (JERS). During trial, the courtroom deputy clerk uses the program to mark exhibits as admitted and releases them to the jury during deliberations. The system includes a large, touch-screen monitor mounted in the jury deliberation room where jurors can select and view exhibits. The System is able to display audio, video, text and other media submitted as evidence in the trial.

As a pilot, the Court successfully tested JERS capabilities in two criminal jury trials before the Honorable George A. O'Toole. Judge O'Toole, the United States Attorney's Office, defense counsel and the jurors all reported positively on the System's ease and accuracy. Following the successful pilot, the JERS System was installed in all electronic courtrooms assigned to district judges.

Cameras in the Courtroom

The District of Massachusetts is one of 14 federal trial courts taking part in the federal judiciary's digital video pilot program that started on July 18, 2011. The District will evaluate the effect of cameras in the courtroom. Courtroom 2 in the John J. Moakley Courthouse will be used for this project. It is equipped with a built-in video system, integrated with the existing electronic courtroom equipment.

Proceedings will only be recorded with the approval of the presiding judge and the consent of parties. The recordings are made available on the national website of the United States Courts. A presiding judge can choose to stop a recording to protect the rights of parties, witnesses, preserve dignity of the court or choose not to post the video for public viewing. The pilot program is limited to civil proceedings, and coverage of the jury venire, jurors or alternates is prohibited. Chief Judge Mark L. Wolf, Judge George A. O'Toole and Judge Denise J. Casper have recorded proceedings with success and posted the hearings, available through this link: <http://www.uscourts.gov/multimedia/cameras/player.aspx>.

Chambers Electronic Organizer (CEO)

On April 11, 2011, the District began using Chambers Electronic Organizer (CEO) to automatically produce the daily court calendar and to post it to the District's internet site. CEO interfaces with CM/ECF, automatically updating the court calendar throughout the day to provide the most up-to-date information based on the case dockets.

All sessions of the court are using the CEO. It provides current schedule information to

judges and court employees in an easily personalized calendar. The calendar is automatically generated from court proceedings entered in CM/ECF. The CEOweb calendar is a component of the program that extracts data from all sessions and automatically posts the daily docket on the Court's website.

Statistics

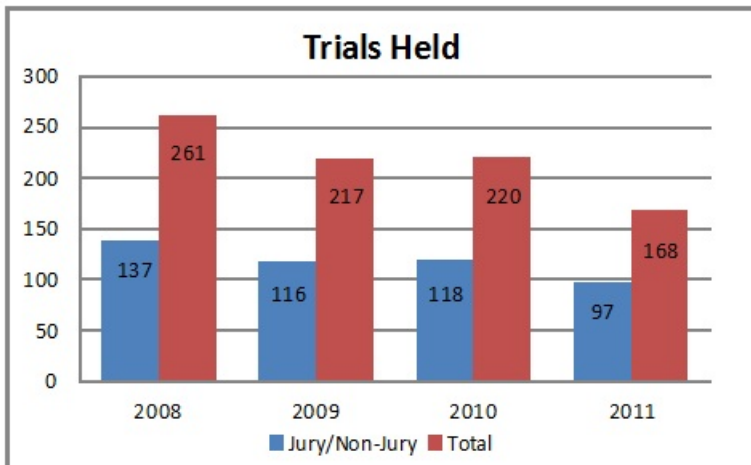
Set forth below are caseload statistics that compare several areas of court activity from 2008 through 2011. The data compiled by the Administrative Office provides the average for the District of Massachusetts by dividing the time reported by each judge in the District by the authorized judgeships in the District. The Court had a vacancy from May 2009 until December 2010. The lower statistical averages for trials and in-court hours during 2009 and 2010 reflect the decreased number of judges.

Trials and Hours In-court Activity

The total number of trials (defined as hearings involving the presentation of evidence) conducted by the district judges of this court decreased 24%, from 220 in 2010 to 168 in 2011. Similarly, the total number of jury and non-jury trials started during this period decreased 18%, from 118 in 2010 to 97 in 2011.

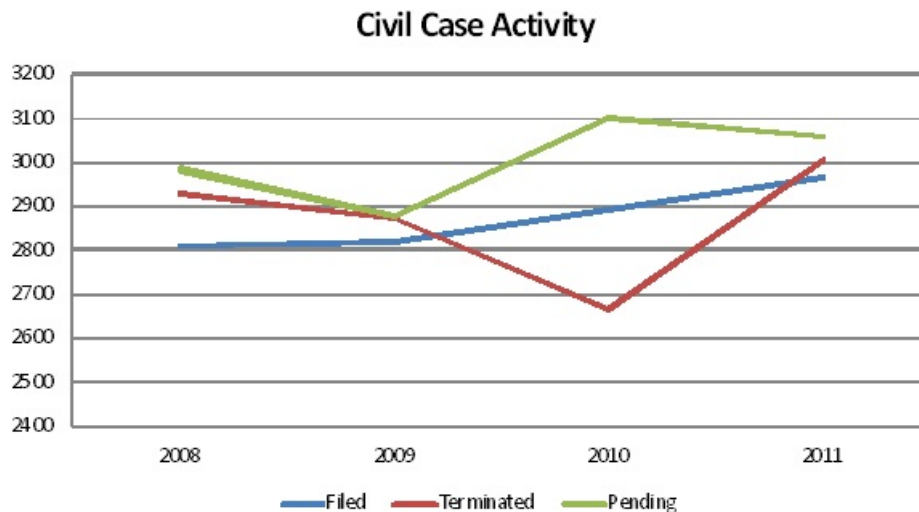
The total in-court hours for district judges fell 10.7%, from 5,340 hours in 2010 to 4,769 hours in 2011. Hours on trial decreased 20.8%, from 3,137 in 2010 to 2,486 in 2011. The total number of in-court hours spent on matters other than trials increased 3.6%, from 2,202 in 2010

to 2,282 in 2011. Active judges in the District reported 191 hours per judgeship in 2011, compared to the national average of 200 hours per judgeship.

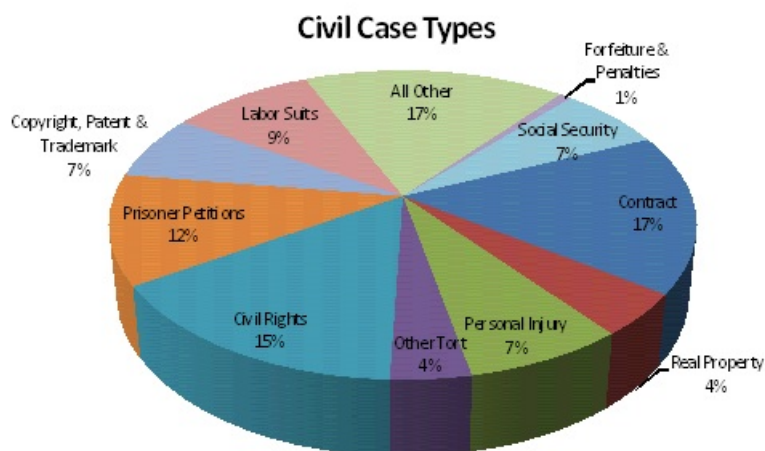


Civil Caseload

During 2011, 2,964 civil cases were filed in the District of Massachusetts, 3,005 civil cases were terminated and 3,059 civil cases were pending at the end of the calendar year. Civil filings increased 2.4%, from 2,892 in 2010 to 2,964 in 2011. This increase was below the national trend which showed an overall increase of 5.2% for 2011.

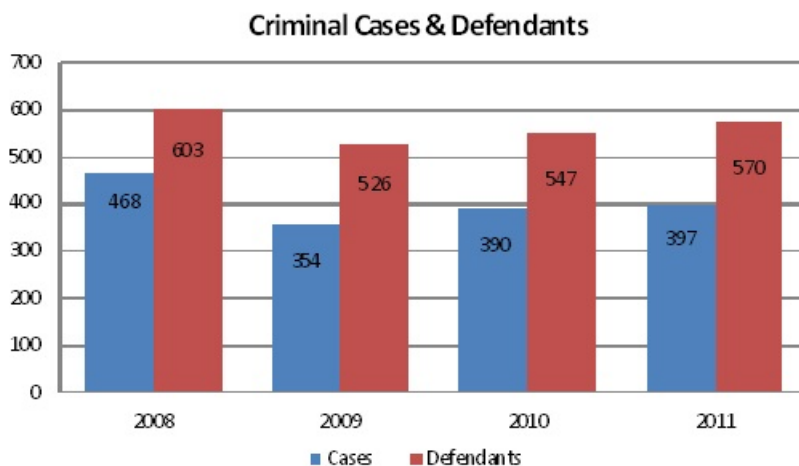


For 2011, the District's civil filings included the following case types:

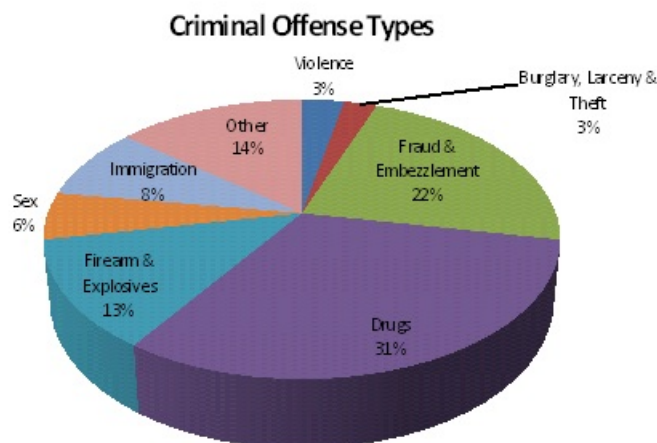


Criminal Caseload

The District of Massachusetts opened 397 criminal cases in 2011, involving 570 criminal defendants. A total of 463 criminal cases and 641 criminal defendants were closed in 2011. At the end of the year, 540 criminal cases and 846 criminal defendants were pending. Criminal case filings increased 1.8%, from 390 in 2010 to 397 in 2011, in contrast to the 1.2% decrease in the national average for the year. The number of new criminal defendants commenced rose 4.2%, from 547 in 2010 to 570 in 2011, greater than the 1.3% increase in the national average.



For 2011, the criminal case filings consisted of the following case types:



Pro Se Staff Attorneys

The pro se staff attorneys provide support to the district and magistrate judges in civil cases in which a plaintiff seeks in forma pauperis status and/or is proceeding pro se. In 2011, prisoners and other detained persons filed 337 lawsuits in the District of Massachusetts. Approximately 383 additional cases were filed by non-prisoner indigent plaintiffs. The pro se staff attorneys assist in the administration of the Court's pro bono program for civil cases. New pro bono appointments were made in 16 cases in 2011. Pro bono counsel continued to represent clients in 16 additional cases that were pending prior to 2011.

Reentry Programs

The District of Massachusetts provides two reentry programs, the Court Assisted Recovery Effort (CARE) and Reentry: Empowering Successful Todays And Responsible Tomorrows (RESTART). Both programs serve as models for national efforts to reduce recidivism through high-frequency interaction between the newly released, at-risk offender and the Court. The programs support the development of life skills that promote a sober, employed reintegration into the community. The programs are successful due to the oversight of the presiding judge, the supervision of the United States Probation Office, assistance from many state and public service agencies and, most importantly, the work and dedication of the offenders themselves.

The CARE Program continued to succeed in 2011, its fifth year. Magistrate Judge Leo T. Sorokin presided over the CARE Program, assisting offenders who have had a long-term personal struggle with substance abuse.

The RESTART Program completed its second year in 2011. Magistrate Judge Timothy Hillman presided over the Program which assists high-risk ex-offenders who are on supervised release.

BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

Despite a 14% decline in filings, from 2010 to 2011, the Bankruptcy Court continued to be busy. In calendar year 2010, there were 23,618 cases filed in the District of Massachusetts Bankruptcy Court, while, in 2011, there were 20,122 cases filed. However, this follows an increase of 12.6%, from 2009 to 2010, and filings of the more time-consuming cases - Chapter 13 - rose dramatically in 2011, from 4,853 to 5,429. The pending caseload rose from 18,175 cases to 18,456 cases.

Pro se debtors filed 990 new cases in 2011, compared to 1,205 in 2010. In an effort to energize the bar to provide legal assistance for debtors who would otherwise be pro se, the Court's new Pro Se Law Clerk met with many bar groups and individual attorneys to develop a referral service and legal safety net for those in need. He also routinely organizes informational sessions for pro se debtors and potential debtors in each of the Court's three locations. These sessions are led by private attorneys who discuss the bankruptcy process and review the myriad of paperwork needed to file a bankruptcy petition. The purpose of these sessions is to encourage potential debtors to seek legal counsel whenever possible.

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

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

Lastly, the Court's Attorney Advisory Committee, Co-Chaired by Chief Judge Frank Bailey and Judge Melvin Hoffman, met quarterly to review and discuss proposed modifications to the Court's local rules. A revised set of rules is anticipated in the Spring of 2012.

PROBATION OFFICE DISTRICT OF MASSACHUSETTS

In 2011, the U.S. Probation Office for the District of Massachusetts welcomed incoming Chief Christopher Maloney. Throughout the year, staff members effectively performed core duties, while also contributing at a national level. Staff showed a renewed commitment to officer safety training, professional development and improved efficiency. Many staff members also participated in charitable events or made charitable donations.

Presentence Investigation Unit

The Presentence Investigation Unit continued to conduct thorough investigations and prepare sentencing reports for use at all three courthouse locations. A total of 530 cases were assigned to the Unit during 2011 with offense types including drugs, fraud, firearms, immigration, tax, larceny and theft, robbery, money laundering and sex offenses. Guilty pleas accounted for the majority of case assignments (93% pleas, 7% verdicts). Eleven percent (11%) of the individuals convicted were classified as career offenders (9%) or armed career criminals (2%). Agreement of the parties eliminated the need for presentence reports for 21 defendants - primarily in cases in which the sentence imposed was time served, fine only, probation, or concurrent sentence with that imposed in another federal case.

In 2011, in addition to its regular workload, the Presentence Unit addressed two special projects: 1) crack cocaine cases seeking relief pursuant to the retroactive Fair Sentencing Act (FSA) amendment, and 2) implementation of PSX, a new presentence investigation and report module in PACTS (the office's electronic case management system). In the latter part of 2011, 75 investigations were assigned in cases in which defendants filed motions, pursuant to 18 U.S.C. ' 3582(c)(2), for sentence reduction based on the retroactive FSA amendment to the Sentencing Guidelines, effective November 1, 2011.

Supervision Unit

Probation officers assigned to the Supervision Unit oversee offenders serving a term of community-based supervision, such as probation, supervised release or parole. Officers recommend and implement conditions of release and monitor offenders' compliance with those conditions. Officers also work with offenders to facilitate their reintegration into the community as law-abiding and productive members of society. Officers carry out these responsibilities by assessing the risks, needs and strengths of each offender to determine the appropriate level of supervision. They monitor, control and correct offender behavior, and utilize community and treatment resources to assist individuals under supervision.

The Probation Office continued to employ evidence-based practices in an effort to achieve the desired outcomes of supervision, which included the execution of a sentence, the protection of the community by reducing the risk and recurrence of crime, maximizing offender success during the period of supervision and beyond, and facilitating the successful completion of the term of supervision, during which the offender commits no new crimes, is held accountable for responsibilities, and prepares for continued success through improvements in his or her conduct and condition. As standard practice, all officers employ the Post-Conviction Risk Assessment (PCRA), a risk/needs assessment tool, and use this tool in each case to determine an individual's risk level, as well as his or her criminogenic factors.

Although the number of supervision cases in the District of Massachusetts had remained historically steady over the past decade (between 1200-1300 per year), the number increased to

1380 cases during 2011. The 2011 distribution of cases, geographically by office location, was as follows: Boston, 501 (36%); Worcester, 383 (28%); Lawrence, 210 (15%); Taunton, 160 (12%); and Springfield, 126 (9%). Thirty-six percent (36%) of these offenders were considered low risk, 35% were considered low-moderate risk, 19% were considered moderate risk, and 10% were considered high risk.

The Probation Office continued to address the needs of the offenders with the use of contract and non-contract treatment services to provide substance abuse, mental health and sex offender treatment to individuals throughout the District. Additional targeted services were also offered through the CARE and RESTART problem-solving courts (for chronic substance abuse and high risk individuals, respectively), the Veterans' Services Initiative and the Reentry and Transitional Services (RTS) Committee (which coordinates employment-related programs and facilitates use of Second Chance Act funds to assist individuals with various emergency and/or transitional needs).

During 2011, the Office expanded its use of Moral Reconation Therapy (MRT), a cognitive behavioral therapy which addresses offenders' criminal thought processes and behaviors in an effort to promote positive change in cognition and behavior. MRT groups were offered in Boston and Springfield to individuals who were also participants in the RESTART Program. The Office also furthered its use of STARR (Strategic Techniques Aimed at Reducing Recidivism) through increased practice, training and coaching.

Training, Professional Development, & National Workgroups

Throughout the year, staff members took advantage of numerous training and professional development opportunities including, but not limited to: the Federal Judicial Center Leadership Development Program; Budget Fundamentals; STARR Train the Trainer; PCRA training; ATLAS Certification; National IT Conference; National WITSEC Conference; Defendant Offender Workforce Development Conference; First and Second Circuits Sentencing Seminar; National Sentencing Guidelines Seminar; PSX and PSXpert training; STARR coaches training; and in-district safety and Officer Response Tactics training. Additionally, staff members participated in a variety of national initiatives, including the Evidence Based Practices, Sex Offender Management, Post-Conviction Inactive Cases, and Location Monitoring Workgroups, as well as the Probation Officers Advisory Group (POAG) to the United States Sentencing Commission.

PRETRIAL SERVICES DISTRICT OF MASSACHUSETTS

Staffing

In FY 2011, the Pretrial Services Office for the District of Massachusetts maintained staffed offices in each of the three courthouses in the District. The Harold D. Donohue Federal Building and Courthouse in Worcester continued to be staffed by one line pretrial services officer. The pretrial services office located in the Springfield courthouse was staffed by one pretrial services officer specialist. The office located in the John Joseph Moakley U.S. Courthouse in Boston was staffed by the Chief Pretrial Services Officer, the Supervising Pretrial Services Officer, one drug and alcohol treatment specialist, a home confinement/location monitoring specialist, one pretrial services officer specialist, three line pretrial services officers, one budget and procurement manager, one data quality analyst and one inventory control specialist.

Human Resources

To further the sharing of resources begun in 2007, in 2011, Pretrial Services continued to fully fund the position of Human Resource Assistant for the District Court Clerk's Office, the Probation Office and the Pretrial Services Department. The Assistant is located in the Clerk's Office and is under the supervision of the Human Resource Manager. With the help of the Human Resource Assistant, Pretrial Services continues to fingerprint all newly hired judiciary personnel, law clerks, summer interns and all certified interpreters.

Internships

In FY 2011, the Office continued to benefit from an internship program which began in 2005 with the participation of student interns from local colleges and universities. Students enrolled in undergraduate and graduate programs, as well as law students, participated in this program. In addition, Pretrial Services and the University of Massachusetts Boston teamed up to create a new internship program through the University's Sociology Department. In the Spring of 2011, four students participated in this program earning credits upon completion of their tour of duty with Pretrial Services. Interns gain valuable experience in the criminal justice process of the federal court and participate in all phases of a pretrial services' approach to criminal matters, from the initial appearance and interview process through release and supervision of conditions of release.

Training

Pretrial Services is committed to the career development and growth of all of its employees. Employee participation in local, regional and national training programs ensures that officers and support staff are equipped with the necessary knowledge, skills and abilities to

perform their duties at the highest level and are up-to-date on the latest technologies, national policies, procedures and practices.

Pretrial Services officers are required to receive an annual minimum of 40 hours of formal training and continuing education. During 2011, officers participated in safety training programs both in the District of Massachusetts and with the surrounding Districts of Maine, New Hampshire, Connecticut and Rhode Island. The Office benefitted from training space offered by the U.S. Coast Guard Training Facility on Atlantic Avenue in Boston, as well as the State Police Training Academy in New Braintree, MA. Pretrial Services Officer Specialist Tom O'Brien, a nationally certified Officer Safety Instructor, coordinated all staff training and led the officer safety training program. In 2011, Location Monitoring Specialist Chris Moriarty earned his national certification as an Officer Safety Instructor and now assists Tom O'Brien in planning and instructing for the District.

In addition to safety training, support staff and officers attended quarterly training on Critical Stress Incident Management (CISM), budget and finance, including refresher training on the internal control evaluation tool, ICE, which had been launched in 2010. The financial managers also attended ongoing training on the accounting system, FAST.

In 2011, all employees attended a one-day training on the Code of Conduct for Judicial Employees, which was sponsored by the Clerk's Office. All officers also attended an on-line training and certification in the use of a new risk assessment tool that applies a quantitative approach to assess risk of flight and danger to the community. In conjunction with the Probation Office, officers were trained in a new report writing module in PACTS. The Data Quality Analyst (DQA) participated in on-line training on the application of the Electronic Reporting System (ERS) in custom report writing and on the national Decision Support System (DSS), the District's main statistical database.

Behavioral Intentions, the contractor for electronic monitoring and GPS, provided on-line training on a new system for tracking defendants and receiving alerts. The Drug and Alcohol Treatment Specialist attended numerous on-line training seminars to keep abreast of new technologies for drug detection.

Budget and Facilities

Pretrial Services for the District of Massachusetts received \$1,882,066 in total funding in FY 2011. This represented little change from the FY 2010 allotment of \$1,879,063. Each year, allotments are disbursed into four categories: personnel, general operations, law enforcement and information technology. In 2011, personnel funding comprised 73.2% of the total budget (\$1,378,586).

In FY 2011, the law enforcement allotment (alternatives to detention) represented 19.0% of the total (\$356,975). The law enforcement budget funds electronic monitoring/voice

identification/GPS costs, referrals to contracted substance abuse and mental health programs, drug use detection, and employee travel and training costs. Anticipating that these costs would exceed the budget (\$402,927), the District received a supplemental allotment of \$50,000 from the Office of the Federal Detention Trustee. It is worth noting that the Administrative Office reported that, in FY 2011, pretrial supervision cost \$7.35 per day while detention cost \$72.88.

General operations, which funds office supplies, office equipment (not automation), maintenance agreements and maintenance projects, represented 3.8% of the total FY 2011 allotment (\$71,117).

Pretrial Services received a total allotment in the information technology budget in FY 2011 of \$75,388, which represented 4.0% of total funding. From this fund, IT completed all of its cyclical automation purchases and contributed to shared District projects and purchases. The Probation Office's automation staff continued to provide IT support to Pretrial Services for which Pretrial Services remains grateful.

Policy and Procedures

In addition to quarterly staff meetings within the Office, the Pretrial Services staff effectively coordinated with the U.S. Marshal's Service, the U.S. Attorney's Office, chambers' staff, the defense bar and the U.S. Probation Office. Pretrial Services continued to provide release status letters (outlining compliance with release conditions over the course of the defendant's pretrial release) at the time of conviction or disposition. Probation and Pretrial Services also collaborated on a new bail report feature, PSX, which had been added to the Probation and Pretrial Services Automated Tracking System database (PACTS).

Electronic Monitoring, Testing, Treatment (Contract Services)

Electronic monitoring continued to play an important role in the release of defendants who pose substantial non-appearance and/or safety risks. During FY 2011, Pretrial Services supervised a total of 118 defendants released on electronic monitoring. Of these, 68 defendants were new releases in FY 2011 while the remainder reflected cases carried over from the previous years. On average, 53 defendants were on electronic monitoring daily. The average length of time a defendant spent on electronic monitoring in FY 2011 was 226 days. Pretrial Services processed over 10,000 alerts from a unit in the field, not all of which were violations. The majority of alerts are resolved quickly and deal with technical issues. In 2011, Pretrial Services utilized GPS units in four cases, and employed a curfew condition by means of a computer based voice recognition system in 19 cases.

Submitting to substance abuse testing is an extremely valuable condition of pretrial release. Urinalyses were conducted at the three court locations (Boston, Worcester and Springfield), as well as at contracted private facilities (drug treatment programs). During FY 2011, Pretrial Services officers performed a total of 1,933 drugs tests through urine collection (1,925) or sweatpatch (8). Alere, a nationally contracted laboratory, analyzed 1,073 samples of

which 161 (15%) were confirmed as positive for one or more narcotics. In FY 2011, all sweatpatch results were negative.

During FY 2011, Pretrial Services continued on the Probation Office's contracts for both outpatient and inpatient substance abuse and mental health treatment, as well as on the Bureau of Prisons' contract for services at the Community Resource for Justice, a BOP halfway house for temporary housing. In FY 2011, a total of 51 defendants participated in an inpatient substance abuse program as a condition of pretrial release, 85 defendants were enrolled in an outpatient substance abuse program and 30 defendants participated in outpatient mental health counseling programs.

Cases

In the District of Massachusetts, a total of 704 new cases were activated during FY 2011, which reflected a 16% increase over FY 2010. Of the 577 cases subject to a release/detention hearing, 292 defendants were ordered detained (50.6%) and 285 defendants were released (49.4%). The national detention rate in FY 2011 was 53.4% and the release rate was 46.4%.

In FY 2011, pretrial services interviews were conducted in 58% of cases, which represented a 6% increase from FY 2010 (52%). The national interview rate in FY 2011 was 53%, which represented a 4% decrease over the FY 2010 rate (57%).

In cases where defendants, on advice of counsel, declined to be interviewed, or access to 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. In FY 2011, Pretrial Services officers submitted bail reports, interview or no interview, in 93.6% of all new cases at the initial appearance stage and an additional 6.4% at the detention hearing stage.

During FY 2011, Pretrial Services had a total of 1,696 active cases. Of these cases, 679 (40%) were on release status. At the close of FY 2011, 451 cases remained under supervision.

In FY 2011, Pretrial Services officers recorded 40 instances of non-compliance with the conditions of supervised release. This represented a violation rate of 5.9%. The national violation rate in FY 2011 was 10.9%. Officers strive to bring a non-compliant defendant back into compliance before the need arises to refer a violation to the court for action.

Pretrial Diversion

In 2008, Pretrial Services and the United States Attorney's Office drafted an agreement to resume the use of the Pretrial Diversion Program in the District of Massachusetts. This Program diverts certain eligible defendants from traditional prosecution into a program of supervision.

In FY 2008, 10 pretrial diversion cases were opened and, in FY 2009, four pretrial diversion cases were opened. In FY 2010, an additional 10 diversion cases were activated and, in FY 2011, five new pretrial diversion cases were activated.

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

DISTRICT COURT

For the District of New Hampshire, 2011 proved to be yet another year of transitions, innovations and growth. The year included several personnel changes, many technology upgrades and, as always, a continued commitment to providing the public with efficient and high-quality service.

Personnel Changes

On November 1, 2011, Judge Joseph N. Laplante became the new Chief Judge of the District of New Hampshire, stepping in for the outgoing Chief Judge Steven J. McAuliffe, who had held the position since 2004.

Several new court staffers were hired in 2011. In January, Lianne Lavigne, who held a temporary appointment in 2010, was hired as a full-time permanent administrative support clerk. In June, Tracy Uhrin and Erin Callahan were also hired as administrative support clerks.

Several employees left the Court in 2011. After seven years of service with the Court, Sandra Berry, a dedicated administrative clerk, left in June. Courtney Merrill, an executive assistant, also left in June. Tia Hooper, procurement specialist, and Joe Messineo, program analyst, both left in July. Melissa Whelan, also a program analyst, left in November.

Training

As new employees were hired and duties evolved, the District's staff attended a variety of trainings, both as a group and individually. Prior to the upgrade to Microsoft Office 2010, Paul Guest of the IT Department provided training to the Clerk's Office staff on Microsoft Word 2010 and Microsoft Excel 2010. On September 23, 2011, the Clerk's Office staff attended a program entitled "Conflict Resolution through Effective Communication" with Gerri King, a social psychologist and nationally recognized speaker. The District also offered several "Lunch n' Learn" trainings for staff throughout the year, including "Dressing for Success" on October 7, 2011, a presentation on the Court's Occupant Emergency Plan on December 6, 2011, and a presentation on mail room safety on December 8, 2011.

Staff also attended the following trainings and groups: Contracting Officers' Certification Program; Multiple Award Schedules (conducted by GSA); Mistake-Free Grammar & Proofreading; CM/ECF Operational Practices Forum; an HTML training presented by Silvertch; Citrix XenServer administration training; 2011 HR Forum; Workshop for Experienced Court Managers and Supervisors; HR Leadership Academy; National Space &

Security Circuit Based Workshop; and CM/ECF Next Generation Additional Stakeholders Functional Requirements Group.

Honors and Awards

The Clerk's Office Innovation Award is given annually to an employee (or employees) who initiates, creates, implements and/or develops a technological, operational, or administrative program, process or procedure that results in significant improvement either in public service or in the productivity and efficiency of the Court. Kristie Trimarco and Dionis Espaillet received the 2011 Innovation Award for their work on the new CM/ECF Quality Control System (QCS), an automated application that assists case managers in their document quality control review and case management responsibilities. Although QCS was initially developed in another district, Kristie and Dionis significantly modified the application to improve its functionality, make it more user-friendly and efficient.

Building Upgrades

The District replaced carpets in two chambers and in the attorney conference room in 2011, per the replacement cycle. The District also funded a new air conditioning unit for the server room. Wiring throughout the Courthouse was upgraded in preparation for the implementation of Internet Protocol Telephony (IPT), also known as Voice Over Internet Protocol (VOIP). New voice/data cabling, redundant switches and fiber were installed in preparation for IPT.

Technology Upgrades

In 2011, the IT Department took significant steps to improve and maintain the District's courtroom and office technology. The Department remodeled the server room to half its former size and created two offices with the remaining space. The Department also continued with the ongoing infrastructure upgrade to prepare the building for the upcoming release of IPT. Other noteworthy projects included deploying a new help desk system that utilizes customer feedback surveys, launching the migration to Windows 7, deploying a Citrix XenServer to increase virtualization and deploying the first network-attached storage (NAS) and storage area networks (SANs). The Department also upgraded several software packages, including Lotus Notes, Adobe Acrobat and Microsoft Office, and replaced many personal computers and courtroom touchscreens, per the replacement cycle.

The District also implemented a new courtroom technology application in 2011 to increase efficiency for judges, parties and jurors. JERS (Jury Evidence Recording System) became available in September and allows deliberating jurors to review exhibits (documents, photos or videos) on a large plasma screen using a touch screen kiosk. By using JERS, jurors can jointly view evidence multiple times, rewind videos, use a zoom feature or review jury

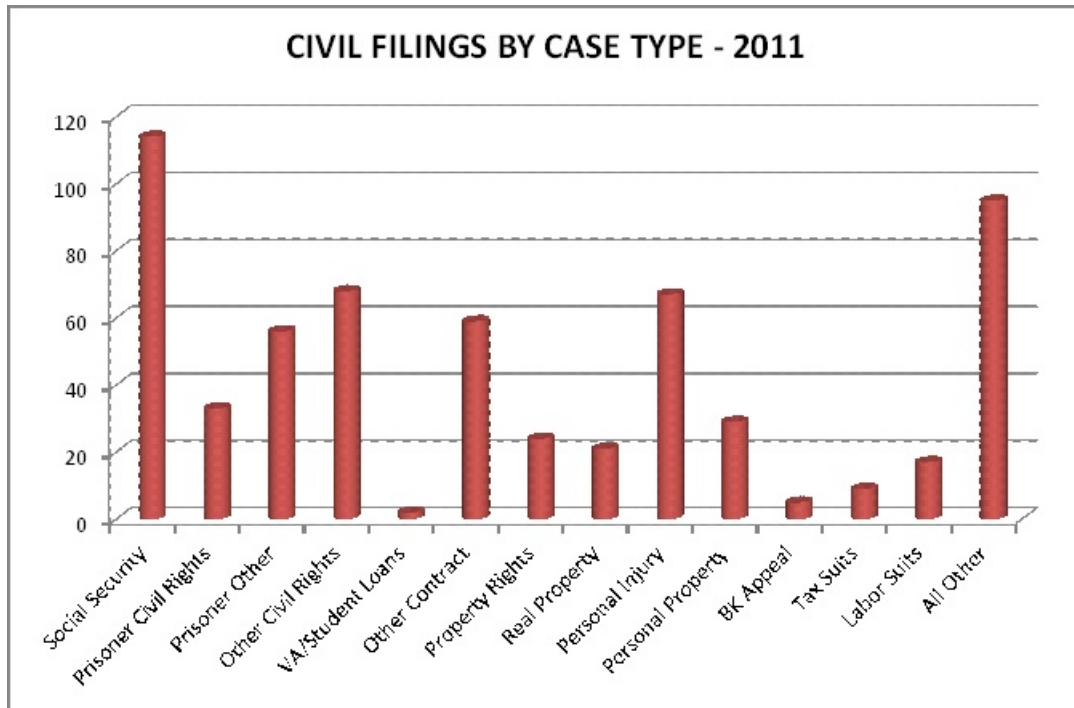
instructions. Though JERS will not be mandatory in all jury trials, the Court will determine on a case-by-case basis whether counsel may use JERS.

In conjunction with the jury deputies, the IT staff implemented two programs in 2011 to improve jury administration. E-Juror, a web based application, allows jurors to respond electronically, via the Court's website, to their initial juror qualification questionnaire, summons for actual service and the attorney questionnaire. E-Juror enables the Court to make the completed attorney questionnaires available to attorneys through a password protected website rather than requiring attorneys to travel to the Courthouse to review those questionnaires. During 2011, the Court also implemented AJIS (Automated Jury Information System), which is an automated messaging system that allows staff to send automated messages to jurors regarding schedule changes or other instructions, thus improving communication with jurors.

Finally, in a joint project with the CM/ECF Administrator, the IT Department deployed a new automated Quality Control System (QCS) for CM/ECF. This new system replaced an outmoded and disorganized paper notice filing system. QCS instantaneously notifies Court personnel when a document is filed electronically, provides a user friendly interface to efficiently access the document filed and case docket sheets, allows the user to more efficiently navigate to different functions of CM/ECF, and collects data on employee performance statistics and filing errors. As noted, IT staff Kristie Trimarco and Dionis Espaillat significantly modified the application to for use in the District. For example, they employed hotlinks to increase efficiency, created custom reports for each case manager, added links to training manuals, customized the screen layout so that it would be optimized when working from a laptop and modified the application so that it would auto-refresh at certain time intervals. As a result of the improved QCS, case managers receive real time information on filings, can easily access training materials and resources, can more effectively telework, and are more accurate, efficient and timely in their performance.

Filings

The number of civil case filings, 598 in total, decreased only 1.6% from 2010. However, the District did see a notable decrease in Social Security related filings. With a total of 163 criminal cases filed and 186 defendants charged in 2011, criminal case filings decreased 0.6% and defendants charged decreased 9.3%. The Court held nine (9) civil jury trials and six (6) criminal jury trials in 2011. The District's LASER (Law Abiding, Sober, Responsible) drug court program had 11 participants in 2011 and three (3) successful graduates.



Policy & Procedures Updates

The District amended its local rules, effective December 1, 2011. Noteworthy changes included: the adoption of the Supplemental Rules for Patent Cases; the addition of the Administrative Procedures for Electronic Filing as a Supplement to the local rules; a new rule governing use of the Jury Evidence Recording System (JERS); a revised rule on registry fund deposits that incorporates new Administrative Office procedures; a revision requiring express consent from all parties for the assignment of a civil case to a magistrate judge; revised reporting requirements and discipline procedures for members of a bar convicted of serious crimes or arrested for an offense involving a deadly weapon; and a new procedure governing the filing of sentencing memoranda and deviations.

In addition to revising the local rules, the District updated its Internal Controls Manual in 2011. Tom Van Beaver, Human Resources Administrator, increased the efficiency and reduced the costs of HR tasks by creating local electronic personnel files.

External Audit

The District underwent a comprehensive external audit in 2011, with the onsite portion conducted in September. As a result of the audit, the District has updated and improved some of

its policies and procedures for procurement and inventory management, including implementing a new vault inventory procedure and creating a procurement documentation face-sheet to help ensure that all necessary steps are followed when a purchase is made.

Federal Court Advisory Committee

The Federal Court Advisory Committee (“FCAC”) continued to provide feedback to the District regarding issues of importance to federal practitioners. The Committee met on February 17, 2011 and again on September 1, 2011. In addition to commenting on and finalizing proposed changes to the local rules, the FCAC and its subcommittees offered input on a variety of issues, including Courthouse security screenings for attorneys, the new Jury Evidence Recording System and measures to address the impact of pro se litigants on the Court. The FCAC also began planning the upcoming Federal Practice Institute and approved several expenditures from the District’s library fund. Tom J. Pappas and Michael D. Ramsdell agreed to serve three-year terms, replacing outgoing members Mark Howard and Cathy Green. Debra Weiss Ford agreed to serve an additional three-year term, as she is the Chair of the Federal Practice Institute.

Bar Admissions

The District held two bar admission ceremonies in 2011. Both ceremonies were held jointly with the New Hampshire Supreme Court to allow for concurrent admission of state and federal bar candidates. Seventy-one attorneys were admitted to the federal bar at the first ceremony, held on May 23, 2011, at the Rudman Courthouse. At the second ceremony, held on November 15, 2011, at the New Hampshire Supreme Court, forty-eight attorneys were admitted. In addition to the two ceremonies, thirty-five attorneys were admitted informally by taking the oath in the Clerk’s Office. In total, the District admitted 154 new attorneys in 2011.

Criminal Justice Act (CJA)

The District’s dedicated CJA panel accepted over one hundred appointments in 2011. At the annual business meeting, Michael D. Ramsdell was re-elected to another three-year term on the CJA Panel Selection Committee. The Federal Defender fulfilled its training obligation to the CJA Panel by assembling one three-hour CLE training session in 2011. The September session addressed allocution, sentencing, and First Circuit and Supreme Court updates. Attendees received three CLE credits from the New Hampshire Bar Association .

Naturalization

The Court held a total of thirteen naturalization ceremonies in 2011, including a special ceremony at Strawberry Banke in Portsmouth on July 4th, presided over by Justice David H. Souter. Eighty-five new citizens were naturalized at the July 4th ceremony and a total of 1090

citizens were naturalized in 2011. Governor John Lynch attended nine of the ceremonies in 2011.

Public Outreach

In addition to the CLE courses held for the CJA Panel, the Court held a joint state and federal bar mediation CLE on June 29, 2011, featuring speakers Cathy Costantino and Dan White. The presentation, entitled “This is Your Brain on Mediation: Reflections on Neuroscience and Practical Implications for Mediation and Decision Making,” addressed recent discoveries in the field of neuroscience and how those discoveries guide behaviors and decision making in the mediation context. Over 140 attorneys attended the training.

Magistrate Judge Landya B. McCafferty held an open forum for members of the bar on January 4, 2011. She also provided insight on how the district judges use iPads in their daily work in presentations held on September 22, 2011 and October 20, 2011. She presented on managing digital files on December 8, 2011. The Court held two demonstrations of the new JERS (Jury Evidence Recording System) application, one on August 24, 2011 and another on September 28, 2011.

The District also held forums for several local schools in 2011. Each forum included a presentation on jury duty, a “View from the Bench” by Magistrate Judge McCafferty and a mock trial competition. The Hollis-Brookline High School civics class and St. Christopher School student council attended the forum on March 25, 2011, and the Derryfield School attended the forum on May 20, 2011.

Civic Involvement

District employees continued to contribute to the local community in 2011 through volunteer work and charitable donations. On May 19, 2011, nineteen court employees participated in the Rock n’ Race to benefit Concord Hospital’s Payson Cancer Center. In the Spring of 2011, Deputy Clerk Charli Pappas continued the annual tradition of Daffodil Days, selling bouquets of daffodils to raise money for the American Cancer Society. During the holiday season, the District participated in the Capital Region Food Drive and donated two large bins of nonperishable food items. In addition, the District sponsored a record number of twenty local children, ages ranging from six to sixteen, through Operation Santa Claus. Fifty-two court employees participated by donating money, shopping, wrapping and delivering gifts. Finally, eight employees donated a total of \$3,555.00 to the Combined Federal Campaign.

BANKRUPTCY COURT DISTRICT OF NEW HAMPSHIRE

In 2011, the Court experienced its first year since 1993 as a one-judge bankruptcy court. Despite an overall reduction in annual filings, the Court continued to sustain a workload exceeding the benchmark justifying two judges. During 2011, case-filings decreased by 13.8% over the previous year, with 4,748 cases filed. Over the year, the Court received increased assistance from District of Maine bankruptcy Judges Haines and Kornreich, providing major support for Judge Deasy.

PROBATION AND PRETRIAL SERVICES DISTRICT OF NEW HAMPSHIRE

Personnel Changes and Highlights

Eric Swanson joined the U.S. Probation Office IT staff from the District Court IT staff on October 1, 2010. Eric Gray, a U.S. pretrial services officer in the District of Massachusetts, transferred to the District of New Hampshire on March 14, 2011.

Management Team

The Office's management team continued to address a number of office-wide issues, including the budget, supervision initiatives and a fluctuating caseload. Despite a "moratorium" on new local projects to allow staff an opportunity to complete existing projects and focus on core duties, the Office implemented new AO initiatives, such as new risk assessment tools and the Digital Pen.

Budgetary Concerns for the 2011 fiscal year prompted the Chief and Deputy Chief Probation Officers to meet with the Chief Judge and the new in-coming Chief Judge to discuss the implementation of financial constraints and cost containment strategies. The Court approved the following measures: the use of the stipulated version of plea agreements in presentence reports; the modification of the Court notification criteria for positive drug tests; the simplification of the revocation process paperwork; and the intensification of supervision efforts on medium and high risk cases. The Office will continue to re-evaluate other internal procedures to determine any other available cost-saving changes that should be implemented.

Court Investigations Unit

Fiscal Year 2011 marked the introduction and utilization of the Pretrial Risk Assessment (PTRA) for conducting pretrial services investigations. Officers regularly utilized this tool to supplement the risk assessment process concerning nonappearance and dangerousness. Officers continued to utilize the Victim Notification System (VNS) to assist in identifying and contacting victims.

Case Activations

Fiscal Year 2011 ended with a total of 171 case activations, a 25% decrease from FY 2010. The District's detention rate for the FY 2011 was 53%, up from the 2010 rate of 46.4%, though significantly lower than the national rate of 66.2% for the same time period. This Office continues to recommend to the Court alternatives to detention, when appropriate, such as location monitoring.

Charged Offenses

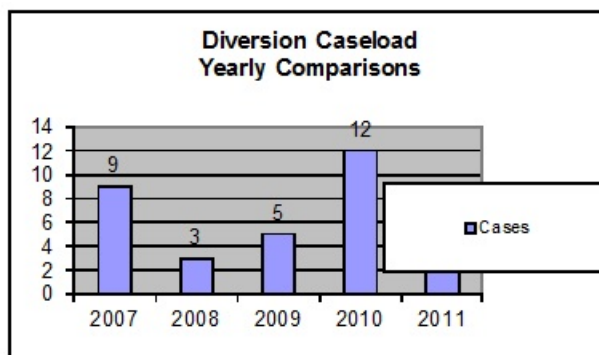
A total of 51 defendants, 29.82% of pretrial defendants, were charged with drug offenses. In addition, 50 individuals (29.24%) were charged with property offenses; 28 (16.37%) were charged with firearms/weapons offenses; 11 (6.43%) were charged with violent offenses; 15 (8.77%) were charged with immigration offenses; 13 (7.60%) were charged with sex offenses; one (0.58%) was charged with a public order offense; and two (1.17%) were charged with escape/obstruction.

Pretrial Diversion

In FY 2011, the diversion program saw a significant decrease in diversion investigations completed - two investigations compared to a high of 12 in FY 2010.

Presentence Investigations and Sentencing Issues

A total of 201 presentence investigation reports were completed during FY 2011, reflecting a 16% decrease from FY 2010. The court sentenced 204 defendants during FY 2011, compared to 231 defendants sentenced in FY 2010.



There was a 35% decrease in the number of sentences ordered which exceeded 60 months. This number may be slightly misleading considering the significant decrease in the overall number of cases sentenced in FY 2011. Nonetheless, the average sentence imposed was 50 months, down nearly 12 months from FY 2010.

Defendants were sentenced at the highest rate for drug cases - 41% (84 cases). Property/fraud offenses constituted the second highest category - 18.6% (38 cases). Firearm offenses accounted for 14.7% (30 cases) of the cases sentenced, while robbery cases accounted for 7% (15 cases) and immigration cases for 3.5% (7 cases).

Guilty pleas accounted for 97.5% of the cases sentenced during FY 2011, compared to the national average of 96.9% and the First Circuit average of 95.8%. In the District of New Hampshire, 2.5% of the defendants proceeded to trial, as compared 3.1% nationwide and 4.2% across the First Circuit. Male defendants accounted for 83.2% of the total number of defendants sentenced in this District.

In the District of New Hampshire, 41.7% of all cases were sentenced within the advisory guideline range. This figure has remained relatively unchanged over the last few years.

Sentences above the Advisory Guideline Range

	Upward Departure with 18 U.S.C. § 3553 Factors	Sentences Imposed Above Guideline Range with 18 U.S.C. § 3553 Factors	All Remaining Cases Sentenced Above Guideline Range	Upward Departures from Guideline Range
NH	--	5 (3.9%)	--	1 (0.5%)
National Average	109 (0.1%)	947 (1.1%)	92 (0.1%)	379 (0.4%)
1st Circuit	1 (0.1%)	37 (1.6%)	3 (0.1%)	6 (0.3%)

Downward departures, pursuant to USSG §5K1.1, continued to represent the largest percentage of cases sentenced below the range in this District (16.7%), as compared to the national average of 11.2% and the First Circuit average of 10.6%.

Government Sponsored Downward Departures

	5K1.1	5K3.1	Other
NH	34 (16.7%)	--	26 (12.7%)
National Average	9,522 (11.2%)	9,057 (10.7%)	3,716 (4.4%)
1st Circuit	247 (10.6%)	17 (0.7%)	205 (8.8%)

In addition, 2.0% of the cases involved downward departures for other reasons, and 19.6% of the cases involved a sentence below the advisory guideline range for § 3553 factors. The chart below outlines the guideline sentencing statistics for this District, the First Circuit, and the nation.

Sentences below the Advisory Guideline Range

	Downward Departure	Downward Departure with 18 U.S.C. § 3553 Factors	Below Guideline Range for 18 U.S.C. § 3553 Factors	All Remaining Cases Below Guideline Range
NH	4 (2.0%)	6 (2.9%)	40 (19.6%)	0 (0.0%)
National Average	1,976 (2.3%)	917 (1.1%)	11,371 (13.4%)	498 (0.6%)
1st Circuit	59 (2.5%)	26 (1.1%)	362 (15.6%)	20 (0.9%)

Laser Docket Program

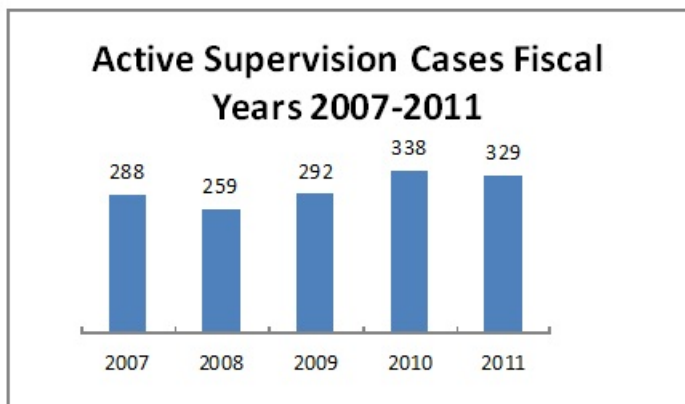
The District of New Hampshire began a pilot "front-end" drug court program in July 2010. The Law-Abiding, Sober, Employed, and Responsible (LASER) Docket is a cooperative effort between the Court, the U.S. Attorney's Office, the U.S. Probation Office, the U.S. Marshals Service, and the Federal Public Defender's Office. LASER is a rehabilitative court program for individuals involved in the federal criminal justice system and offers a creative blend of treatment and sanction alternatives in an effort to effectively address defendant/offender behavior, promote rehabilitation, reduce recidivism, as well as ensure the safety of communities. The pre-planning efforts began in 2009 and the Program's first official session was held on July 12, 2010. During FY 2011, five new pretrial defendants were approved for the Program bringing the total number of participants to twelve pretrial defendants. All of the defendants in the Program were medium to high risk cases. The majority of the individuals in the Program were charged with drug trafficking crimes; however, one participant was charged with a firearm related offense and another was charged with bank robbery. During the course of the fiscal year, three people were terminated from the program - two for violating rules and one for committing new crimes. In August 2011, the Program held its first graduation.

Digital Pen Project

With the assistance of the U.S. Pretrial Services Office from the Western District of Texas, the District implemented the utilization of a digital pen in the preparation of bail reports in an attempt to save officer/clerk data entry time into PACTS. Two officers were selected to pilot the program and received appropriate training. This project will continue to evolve over the next fiscal year and will be used in connection with the implementation of the automated bail report in PSX.

Pretrial Risk Assessment (PTRA)

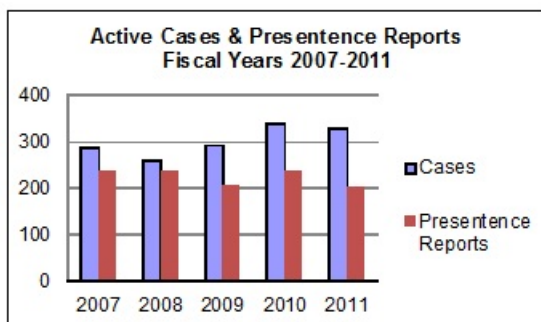
All officers in the Court Investigation Unit received PTRA training in August 2010 and subsequently completed the on-line certification aspect by December 2010. Actual implementation of PTRA was delayed until April 2011 due to competing workload demands; however, by the end of December 2011, 96 out of 175 (54.9%) of all pretrial cases activated during 2011 had PTRA scores completed.



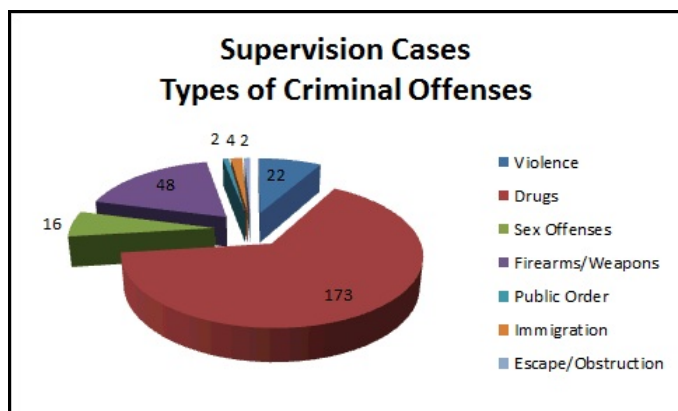
Post-conviction Supervision Services

Caseload

The total number of post-conviction supervision cases decreased slightly over the year. Eighty-seven percent (87%) of offenders were on supervised release was, 11.8% were on probation, and 1.2% were Bureau of Prisons cases. The District average of the risk level of the caseload was 4.13 RPI score, compared to the national average of 3.7. The District ranked as the twenty-first highest average RPI score in the country. Supervision cases have continued to grow over the past few fiscal years as can be seen from the following chart.



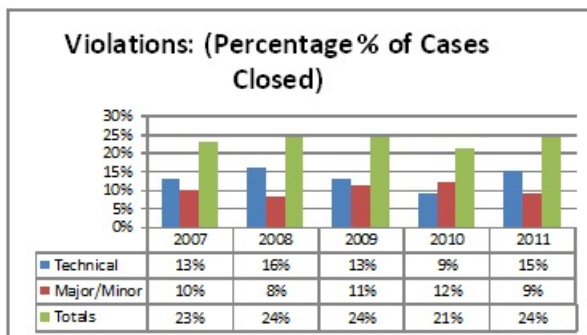
The table below provides the breakdown by types of criminal offenses for the cases on supervision at the end of the fiscal year.



Supervision Outcomes

Reliable national and district data are now available for determining post-conviction supervision outcomes. A "successful completion" outcome occurs when the defendants' original term of supervision expired on their full-term date, were terminated via an early termination or completed their term after an extension. An "unsuccessful" completion occurs when the term of supervision was closed due to revocation.

In the District of New Hampshire, 140 cases were closed during FY 2011. Of those, 39 were closed due to revocation (12 for major violations, one (1) for a minor violation and 26 for technical violations). In addition, 23 cases were closed for early terminations, 58 cases expired and 20 were closed for other reasons. The District's 27.9% revocation rate reflected a 5.5% increase over last fiscal year and remained slightly below than the national rate of 29.4%.



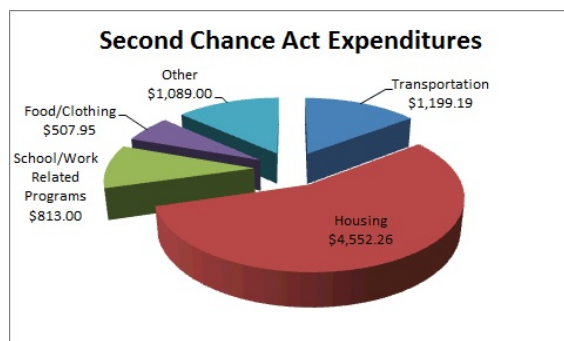
Post Conviction Risk Assessment

In December 2010, the CUSPO, DCUSPO and supervision officers attended a Post Conviction Risk Assessment (PCRA) national training program in Charlotte, NC. PCRA is an evidence-based actuarial risk and needs assessment tool developed from data collected on federal defendants and offenders. This training was followed up by Evidence Based Practices101, hosted by the District of Maine, and a local PCRA case planning training session. Supervision officers are now certified users of the PCRA and actively utilize the tool to determine the offender's risk level and elevated criminal thinking styles. Low risk offenders are designated to the low risk supervision caseload (absent the supervising officer's override), and officers are building case plans that target the identified dynamic risk factors and the offender's personality traits and tendencies. These innovations have allowed increased time and resources to be applied to the higher risk cases while encouraging a "step-down" in level of supervision for offenders posing reduced risk.

Second Chance Act

On April 9, 2008, the Second Chance Act of 2007, Pub. L. No. 110-199, was enacted which authorized the Director of the Administrative Office of the U.S. Courts to contract for "treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community." The aim of the Act was to reduce recidivism, help offenders rebuild ties with their families, assist them in establishing a self-sustaining life, support evidence-based practices and protect the public. Districts were allotted funds under the Second Chance Act for offender/defendant support in emergency and transitional services situations. The effective use of these funds is designed to reduce recidivism and mitigate crisis situations that offenders and defendants under supervision often encounter.

The following chart demonstrates how Second Chance funds were expended in this District during FY 2011.



Department of Information Technology

Frank Clough, the Director of the Information Technology (IT) Department of the District Court and Eric Swanson, the Systems Administrator for the U.S. Probation Office, have continued to work closely with the Probation Office on technology improvement. During FY 2011, the District of New Hampshire: solved internet and remote access problems encountered by the U.S. Probation Office location in Manchester; worked on the new bail report created in PSX of PACTS; implemented the Victim Notification System (VNS) which provides access to an electronic list of victims for a case and allows users to generate form letters to victims; implemented upgrades to allow additional electronic reporting by offenders (to submit their monthly supervision reports through a secured internet site or kiosk); and implemented upgrades to the Digital Pen Project.

The U.S. Probation Office's upper management, in consultation with the Director of IT and the Systems Administrator, determined that, due to budgetary considerations, there would be a "moratorium" on new IT initiatives for 2011. Instead, the Office focused on completing the existing ongoing IT projects and implementing only new national initiatives. Finally, in an on-going efforts to share resources, the Probation Office provided \$20,000 during the fiscal year to assist the IT Department in the purchase of equipment for the benefit of the Court as a whole.

Employee Recognition

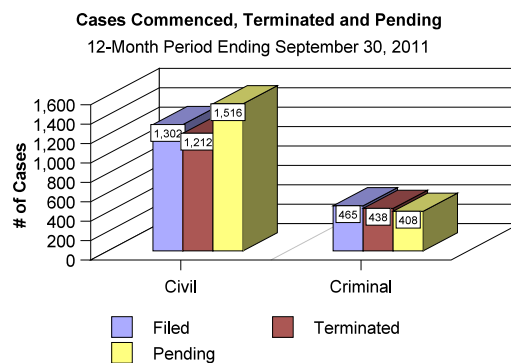
Based upon the recommendations of the peer-based Employee Recognition Committee, Chief Thomas K. Tarr cited Karin Hess for exceeding expectations, and Wendy Fosher and Tammy Greenwood for sustained superior performance during FY 2011.

UNITED STATES DISTRICT COURT DISTRICT OF PUERTO RICO

DISTRICT COURT

Profile

As of December 31, 2010, the Clerk's Office of the United States District Court for the District of Puerto Rico employed 60.5 employees and seven (7) interpreters. Chambers staff for district judges, senior district judges and magistrate judges amounted to a total of 41.5, including 1.5 pro se law clerks. The District employed seven (7) court reporters. The Clerk's Office is located at the Federico Degetau Federal Office Building at 150 Chardón Street in San Juan, near the banking district, with a satellite office located at the José V. Toledo U.S. Courthouse in historic Old San Juan. The Court has six (6) active Article III judges, three (3) senior judges and three (3) magistrate judges managing its caseload.



On April 14, 2011, Judge Aida M. Delgado-Colón was elevated to Chief District Judge. A Lares native, Chief Judge Delgado-Colón was appointed to the bench on 2006 by President George W. Bush. At the time of her appointment, she had held the position of U.S. Magistrate Judge since 1993. Immediately prior to joining the federal judiciary, Chief Judge Delgado-Colón had been the First Assistant Federal Public Defender for the District of Puerto Rico.

On September 16, 2011, Sylvia Carreño-Coll, a seasoned attorney with over 25 years of civil and criminal federal litigation experience in the administrative, trial and appellate fora, took the oath of office as U.S. magistrate judge. A naturalized United States citizen since 1976, she graduated cum laude from both Emerson College in Boston, Massachusetts and the University of Puerto Rico School of Law.

Legal Education Programs

Under the direction of Judge Carmen C. Cerezo, who presides over the District's Committee of Educational Programs, the Court sponsored several continuing legal education seminars featuring lectures by nationally renowned speakers. The Court hosts these events at least twice a year to offer members of the bar in good standing the opportunity to earn CLE credits free of charge.

On March 10-11, 2011, Mark Tushnet, the William Nelson Cromwell Professor of Law at Harvard Law School, lectured members of the bar on the topics of "Great Opposing Opinions in Landmark Supreme Court Cases," and "The United States Constitution: A Contextual Analysis." Professor Tushnet also offered a U.S. Supreme Court update.

On May 13, 2011, University of New Hampshire School of Law Professor John M. Greabe and Assistant United States Attorney Seth R. Aframe (District of New Hampshire) partnered to offer lectures on "The Effect of Iqbal on Civil Rights Litigation" and "Appellate Advocacy Before the First Circuit." University of New Hampshire School of Law Professor Mitchell M. Simon offered a lecture on "Current Ethical Issues."

On December 9, 2011, the Office of the Federal Public Defender, with the support of Chief Judge Delgado-Colón, sponsored a seminar entitled "Preserving the Record for Appeal and Evidence," for members of the CJA Panel, presenting practical techniques on affirmative ways to use the Federal Rules of Evidence. Also, on December 13, 2011, members of the bar had the opportunity to attend a seminar entitled "Nuts and Bolts of Federal Criminal Practice: a Course Designed for Civil Practitioners," hosted by Judge Raymond L. Acosta and the Puerto Rico Chapter of the Federal Bar Association. Chief Judge Delgado-Colón and retired Chief Magistrate Judge Justo Arenas, together with other distinguished speakers, provided civil practitioners with a general landscape of the federal criminal process.

Criminal Justice Act (CJA) eVoucher Program

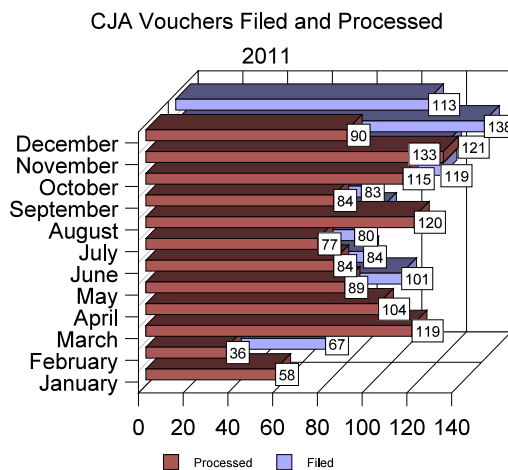
At the beginning of 2011, the CJA Committee, chaired by Chief Judge Aida M. Delgado-Colón, implemented CJA eVoucher, a web-based application that provides counsel, expert service providers, court staff and judges the ability to create and process CJA vouchers and documents electronically. The application facilitates the efficient appointment of attorneys, review of vouchers, and authorization of excess compensation and expenses. The eVoucher application also interfaces with CM/ECF, has search and reporting capabilities, and allows staff to better track and audit vouchers. In preparation for the implementation of CJA eVoucher, members of the CJA panel received hands-on training on the program.

Criminal Justice Act Committee

On September 1, 2011, the Court's Criminal Justice Act Panel Committee, chaired by Chief Judge Aida M. Delgado-Colón, offered a "Billing and Best Practices Seminar" for all CJA panel attorneys. Along with adopting other cost-containment measures, Chief Judge Delgado-Colón has proactively engaged in educating attorneys on proper billing under the eVoucher program. A wide variety of issues were addressed during the seminar, including procurement of expert services and transcripts.

As part of this effort, on December 19, 2011, a "CJA Case Budgeting Techniques Seminar" was offered to judicial officers, court staff and CJA panel attorneys. Speakers Paul Denicoff, Attorney Advisor at the Office of Defender Services, Legal Policy Branch and Jerry L. Tritz, Circuit CJA Case-Budgeting Attorney for the U.S. Court of Appeals for the Second

Circuit, shared tools and techniques about how to establish and manage a case budget, including fees and expenses.



District Bar Examination

The Court offered two district bar examinations, in April and October 2011, respectively, to a total of 558 examinees, of which 184 passed. The passing rates for April and October were 24% and 39%, respectively. A total of 129 attorneys were admitted to practice in the District during 2011.

Pro Bono Program

A total of 28 members of the bar were randomly selected to serve on the Pro Bono Panel during Fiscal Year 2011, three (3) of whom were exempted pursuant to Local Rule 83L. One (1) attorney volunteered to be on the Panel. During this period, 16 pro-bono appointments were made. On October 1, 2011, the Court appointed 30 attorneys to the Panel and two (2) additional attorneys volunteered. The Pro Bono Panel program has been a continued success.

Naturalization Ceremonies

During calendar year 2011, the Court held 12 naturalization ceremonies during which 887 persons were sworn in as United States citizens. On July 7, 2011, a special naturalization ceremony was held in commemoration of Independence Day, presided over by Chief Judge Aida M. Delgado-Colón, with the participation of Luce Vela de Fortuño, First Lady of Puerto Rico, as keynote speaker.

Information Technology

The Court's Systems Department implemented several projects, including a "Request IT Ticket System," allowing users to place service "calls" online and track their progress. The Jury Evidence Recording System (JERS) was installed and tested in one courtroom and has been scheduled for installation in all remaining courtrooms. Other milestones included: an upgrade of the Lotus Notes; implementation of CM/ECF Court Speak; and an upgrade of all computers in judges' chambers, and many in the Clerk's Office, to Windows 7 with 20-inch dual monitors.

Several improvements to the District Federal Bar Examination system were implemented to allow a faster on-site registration process and on-site generation of reports. The District also improved the online registration process and substituted mass mailing with emailing to improve the efficiency of distributing registration confirmations and results, and to significantly reduce postage expenditures.

In addition, the Systems Department continued to participate in the planning and execution of several aspects of the ARRA Projects, below.

Space and Facilities

A number of necessary construction projects took place over the course of the year. The air conditioning, lighting and electrical systems in the José V. Toledo U.S. Courthouse in Old San Juan and in the Federico Degetau Federal Office Building and Clemente Ruiz Nazario U.S. Courthouse in Hato Rey were replaced, funded by the American Recovery and Reinvestment Act (ARRA). ARRA also funded a replacement window project and a parking garage and sitework project. The new chambers in the José V. Toledo U.S. Courthouse were also completed successfully; the overheating problem in the new courtroom was repaired; and GSA replaced an aging chiller units.

In Hato Rey, work started on the initial phases of the ARRA project in both the Federal Office Building (FOB) and Courthouse. Design work started on renovations to chambers which will include relocation of walls, new kitchenettes, refurbishing of millwork, removal of bookcases and installation of wood paneling. Also in the FOB, work was requested to renovate

the chambers for a newly appointed U.S. magistrate judge, and to refurbish the jury box and upper and lower bench areas. Finally, all of the windows were replaced in both buildings.

Courtroom Facilities and Technology

Following on the infrastructure work completed in 2010 for court technology systems in the José V. Toledo U.S. Courthouse, evidence presentation systems were installed in both courtrooms in the Old San Juan locations. The four (4) magistrate judge courtrooms in Hato Rey's Federico Degetau Building were retrofitted with state-of-the-art, fully digital evidence presentation systems. As planned, by the end of 2011, all courtrooms in the District of Puerto Rico were equipped with audio-visual systems.

Human Resources

In February 2011, the Human Resources Department introduced "Leave Tracking," a new and dynamic automated application to manage leave and time reporting. Leave Tracking, an application implemented within the Human Resources Management Information System (HRMIS), is used to administer and maintain accurate time and attendance records. The System is in compliance with the judiciary leave policy and has reduced time reporting errors, duplication and manual entries. The implementation of Leave Tracking involved training sessions with time reporters, time keepers, time approvers and time administrators.

On April 1, 2011, Chief Magistrate Judge Justo Arenas retired after 30 years of service. The magistrate judge plans to continue with volunteer work in cooperation with judicial reform initiatives in newly independent countries, such as the Republic of Moldova.

Senior District Judge Jaime Pieras, Jr. passed away on June 11, 2011, after a long battle with cancer and one month after his 87th birthday. Judges and staff from the District and Bankruptcy Courts bid Judge Pieras an emotional farewell in a posthumous ceremony, presided over by Chief Judge Aida M. Delgado-Colón, at the Clemente Ruiz Nazario U.S. Courthouse where Judge Pieras lay in repose. During the ceremony, also attended by Puerto Rico Supreme Court Chief Justice and associate justices, messages celebrating Judge Pieras' life and illustrious career were delivered by Chief Judge Delgado-Colón (who also delivered a message from Chief Circuit Judge Sandra Lynch), Circuit Judge Juan R. Torruella, and District Judges Carmen Consuelo Cerezo, José A. Fusté, Daniel R. Domínguez, Jay A. García-Gregory, Francisco A. Besosa and Salvador E. Casellas. (Judges Juan M. Pérez-Giménez and Gustavo A. Gelpí were abroad at the time.) At the time of his death, Judge Pieras had been in office for 29 years.

BANKRUPTCY COURT DISTRICT OF PUERTO RICO

Information Technology

During FY 2011, the Information Technology Division of the U.S. Bankruptcy Court for the District of Puerto Rico worked with Nortel engineers on the Nortel VOIP Telephone System. IT staff provided technical specifications and recommendations related to the data and courtroom technology requirements of the Court's new Ponce divisional office. IT staff also prepared for a security posture assessment by the AO's IT Security Office.

The IT Department began the implementation of Court Speak software, developed by the U.S. Bankruptcy Court for the Eastern District of North Carolina, which allows for digital audio recordings of court proceedings, at the discretion of the judge, to be available to the general public via PACER. Staff also started converting its locally developed applications to CM/ECF Version 4.0, and installed a redundant core switch in order to improve performance.

With input from the bar, trustess, and others, operations and systems staff initiated a web redesign project. The New Jersey court in charge of this program provided essential training, and a comprehensive review of the content and format of the web page of the court commenced.

Case Management

The case management and court services teams completed the implementation of automatic closing and discharge for Chapter 7, no-asset cases. As part of this process, Joe Markley, Systems Manager for the Middle District of North Carolina, visited the Court. His help with this project was instrumental for its successful implementation.

Staff continued organizing the caseload transferred to Judge Edward A. Godoy, who was appointed upon the retirement of Judge Sara de Jesús. The staff also redistributed cases as needed, due to the transfer of Judge Mildred Cabán from the Southwestern Divisional Office to the San Juan Office. Finally, at the end of the fiscal year, the staff began gathering information as part of a work measurement study.

Educational Training

Training was provided based on identified organizational needs, external and internal opportunities, employee and/or supervisor requests and availability of funds. Training was focused on areas including reasonable accommodation, delegation, information security awareness, conflict resolution, writing skills, ethics, leadership, benefits (Benefit for Life Hour from the AO) and technical training on MS Excel. Several programs were also provided to improve the work environment. Operational staff were required to take the Interactive

Bankruptcy Online Tutorial (iBOT), and management staff participated in a program entitled "Management in the Judiciary: Rules, Tools and Tips of Good Stewardship."

Court personnel also participated in the following trainings, conferences and workshops: Train the Trainer, CM/ECF Dictionary, New Users of FAS4T, CM/ECF Dictionary Refresher, Statistics Training, Financial Forum, 2011 OPM Benefits Conference, the 2011 NCBC Conference, Executive Institute for Chief Bankruptcy Judges and Clerks of Court, National Conference for Bankruptcy Clerks of Court, and the First Circuit National Space & Security Circuit.

Judicial and Managerial Appointments and Retirements

Judge Edward A. Godoy was appointed U.S. Bankruptcy Judge, sitting in the Southwestern Divisional Office. Judge Mildred Cabán was transferred from the Southwestern Divisional Office to the main office located in San Juan. María de los Angeles González, Esq., was appointed Clerk of the Court. The previous Clerk, Celestino Matta-Méndez, retired on June 3, 2011, after 18 years of service with the Bankruptcy Court.

Development of New Local Rules and Internal Operating Procedures

The Rules Committee, chaired by Judge Brian K. Tester, held periodic meetings on needed revisions to the Court's local rules. The new Clerk initiated a number of meetings with the judges addressing the development of new or revised operating procedures intended to improve office efficiency. Staff sought input from the bar, the trustees and others on these important changes.

Construction Projects

During FY 2011, the Court completed the closure of the Ponce Courthouse and relocation of all property to San Juan. To accommodate some of the displaced personnel at the Jose Toledo Courthouse, several areas were reconfigured into office spaces with the use of modular system furniture. Other spaces were converted into multi-purpose rooms for teleworkers, rotating staff and the public.

The Court procured new space in Ponce and the lease was awarded in June 2011. In conjunction with personnel from the Circuit Executive's Office and the AO, the Court reviewed and validated design intent drawings and technical specifications for the new space.

Conferences and National Programs

The Court remained an active participant in CM/ECF development and groups, such as the CM/ECF Working Group and the CM/ECF Next Generation Group. Many judges, chambers

staff and Clerk's Office staff attended the Bankruptcy Operations Forum in Indianapolis, Indiana.

Judge Enrique Lamoutte participated in the American Bankruptcy Symposium in Grand Cayman Island, the Workshop for Bankruptcy Judges in Charlotte, North Carolina, the Operations Forum, and the CM/ECF Working Group in Washington, DC. Judge Lamoutte also attended the American Bankruptcy Institute Conference in Newport, Rhode Island, the Chief Bankruptcy Judges & Clerks' FJC Conference in Gettysburg, Pennsylvania, the National Conference of Bankruptcy Judges in Tampa, Florida, and the Trial Advocacy Competition at the Interamerican University in Puerto Rico.

Judge Brian K. Tester and Carlos Mergal, Assistant Systems Manager, participated in the Next Generation CM/ECF Chambers Functional Requirement Group (FRG) for FY 2011. Judge Brian K. Tester also attended: the American Bankruptcy Institute's Caribbean Insolvency Symposium in Grand Cayman Island; the Next Generation of CM/ECF Bankruptcy Functional Requirements Group Meetings in Washington, DC; the American Bankruptcy Institute's Regional Northeast Conference in Newport, Rhode Island; the Federal Judicial Center's Workshop for Bankruptcy Judges II in Portland, Oregon; the AO Bankruptcy Operational Practices Forum in Indianapolis, Indiana; the Interamerican University Trial Advocacy Competition in San Juan, Puerto Rico; and several Bankruptcy Appellate Panel hearings in Boston, Massachusetts.

Judge Mildred Cabán was a member of the Public Outreach Committee of the National Conference of Bankruptcy Judges. Judge Cabán also attended: the First Circuit Judicial Conference; the American Bankruptcy Institute's Northeast Conference, Phase II; the Bankruptcy Operations Forum; the Federal Judicial Center's Conference; the National Conference of Bankruptcy Judges; and the Economic Institute for Judges at Northwestern University School of Law. Judge Cabán also collaborated with the IT Department on the development of supplemental software within CHAP that provides storage of historical data and is assisting in the revamping of the National Conference of Bankruptcy Judges' Committee outreach website.

Judge Edward A. Godoy, who was appointed on September 1, 2011, attended Phase I of the Orientation for Newly Appointed Bankruptcy Judges in Portland, Maine and the Interamerican University Trial Advocacy Competition in San Juan, Puerto Rico.

Statistics

In FY 2011, there were 11,827 new bankruptcy filings, an overall 3.3% decrease from FY 2010. These included: 4,181 Chapter 7 cases; 181 Chapter 11 cases; 44 Chapter 12 cases; and 7,421 Chapter 13 cases.

PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF PUERTO RICO

Introduction

The U.S. Probation and Pretrial Services Office for the District of Puerto Rico covers the entire Island of Puerto Rico consisting of 78 municipalities and a population of approximately four million U.S. citizens. During FY 2011, the Office, with a staff of approximately 93 employees, remained committed to its goals of assisting defendants and offenders lead law abiding lives and ensuring the protection of the community while assisting the Court in the fair administration of justice.

Operations/Court Services

During FY 2011, the Court Services Division in the District of Puerto Rico operated with approximately 18 full-time U.S. probation officers conducting pretrial and presentence investigations and preparing bail and presentence investigation reports (PSIs). The Assistant Deputy Chief U.S. Probation Officer and three supervising U.S. probation officers conducted investigations mainly related to retroactive crack cocaine cases and special or expedited sentencing investigations.

The Division also had a part-time officer solely conducting presentence investigations, an assistant U.S. probation officer, one case administrator, six support specialists and one probation technician. Senior probation officers continued to discharge their ancillary duties as trainers and mentors. The Division's Case Administrator continued to be instrumental in keeping the daily court calendar for the units and receiving electronic notifications via CM/ECF, as well as monitoring the workflow among the supervisors, officers and staff and effectively utilizing the Electronic Submission Systems of the Bureau of Prisons and the U.S. Sentencing Commission.

Pretrial Services Investigations

A total of 1,754 cases were activated during FY 2011, as well as 105 pretrial diversion cases. From the total of 1,754 cases activated, 114 cases were either dismissed, transferred out, or later converted to diversion cases. The District continued to report the most activations in the First Circuit, with 56.52% of the total cases activated. The District reported 454 more case activations than the prior fiscal year, a 34.92% increase. Almost all (98.2%) of the defendants/offenders in the new cases were interviewed at the office. Pre-bail reports, with corresponding recommendations, were submitted to the Court on 1,728 cases (98.5%).

Defendant Profile

Total Cases Activated: 1,754		
	<i>Gender</i>	<i>Predominant Age</i>
Male (1,337)	76%	26 to 30 (15.27%)
Female (418)	24%	>50 (4.44%)

<i>Employed at Arrest</i>	<i>Illegal Aliens</i>	<i>Drug/Alcohol Dependency</i>	<i>Under Psychiatric Treatment</i>	<i>Prior Felony Convictions</i>	<i>Pending Felony Charges</i>
589 (33.6%)	159 (9.05%)	374 (21%)	382 (21.7%)	412 (23.4%)	50 (2.7%)

Case Profile

Controlled substances cases remained the most frequent type of offense, representing 45.3% of the total. Weapons and firearms charges amounted to 2.9% and immigration cases reflected 8.2% of the cases. Property cases increased to 655, or 37%, largely due to a single insurance fraud indictment with 533 defendants.

Types of Offenses Charged

<i>Offense Charged</i>	<i>Total</i>	<i>Percentage</i>
Drugs	796	45.3%
Escape / Obstruction	7	.3%
Firearms / Weapons	52	2.9%
Immigration	144	8.2%
Other	32	1.8%
Property	655	37.3%
Sex Offenses	39	2.22%
Violence	22	1.2%

Public Order	8	.45%
Total Activations	1,755	100%

Workload

Pretrial Services made recommendations in 1,232 cases, 94.8% of the cases activated. The U.S. Attorney's Office made recommendations in 94.5% of the cases activated. The U.S. Attorney's Office's recommendations for detention surpassed the Probation Office's recommendations by 7.6%. The Office recommended detention in 52.9% of the cases, slightly below the First Circuit average of 54.4% and significantly below the national average of 69.4%.

<i>Pretrial Services and U.S. Attorney's Office Recommendations</i>					
<i>Type of PSO Recommendation Made</i>			<i>Type of AUSA Recommendation Made</i>		
<i>Pretrial Recommend.</i>	<i>Detention</i>	<i>Released</i>	<i>AUSA Recommend.</i>	<i>Detention</i>	<i>Released</i>
1,716 (97.8%)	908 (52.9%)	808 (47.1%)	1,687 (96.2%)	1,020 (60.5)	667 (39.5%)

<i>Pretrial Services Release and Detention</i>		
<i>Cases</i>	<i>Released</i>	<i>Detained / Never Released</i>
1,755	903 (51.45%)	852 (48.54%)

Presentence Investigations

The number of PSI reports increased in FY 2011. The Unit, assisted by several officers from the Supervision Division, completed 1,206 presentence investigation reports and eight modified presentence reports. Each PSI writer completed an average of 91 presentence investigations. The presentence investigations varied from extensive and time consuming multi-defendants drug conspiracies, to weapons/firearms, sex offenders, immigration and fraud cases.

The modified reports are prepared mostly in immigration cases and afford officers additional time for more complex and/or time consuming reports. These modified reports are prepared when the Court determines that additional information is not needed to make a Bureau of Prisons designation or programming decision or for post-conviction supervision.

The following reflects the presentence investigation reports prepared over the last three (3) years:

<i>Presentence Investigation Reports</i>	
Fiscal Year 2009	699
Fiscal Year 2010	852
Fiscal Year 2011	1,206

Probation Officer Assistant and Probation Technician

During FY 2011, both the Probation Officer Assistant (POA) and Probation Technician provided a broad range of administrative support to the court services team. The POA primarily conducted pretrial, third-party custodian investigations and collateral investigations, and attended initial appearance court hearings. The Probation Technician continued to assist with urine collections during the arrests and at the time of the bail interviews, secure official documents from local courts and law enforcement agencies for investigation purposes, and provide general office support.

Supervision Division

The workload of the Supervision Division continued to grow during FY 2011. The workload increased from 58.02 assigned work units (AWUs) to 59.54 AWUs. Staff remained at a total of 45 - one assistant deputy chief, four supervisors, 28 regular/specialist officers, and 12 administrative support staff.

A total of 861 defendants (and pretrial diversion participants) and 1,754 offenders were under supervision at the end of Fiscal Year 2011, reflecting an average of 71.03 defendants/offenders per officer. See Table 1, below. The revocation rate dropped to 14%, continuing the approximate one percent decline observed over each of the past two fiscal years. See Table 2, below.

The sustained increase in pretrial supervision cases combined with the numbers of arrests and presentence reports in FY 2011 suggest a projected increase in post-conviction supervision cases. In order to accommodate this expected increase, the Office continued to promote the building of the compliant or low intensity supervision caseload toward the goal of at least 20% of the overall post-conviction caseload. This strategy is in line with evidence-based practices in the field of community supervision.

As part of its efforts to expand evidence-based practices, the Office completed training for most of its officers in the Post Conviction Risk Assessment (PCRA) implemented nationally

by the Office of Probation and Pretrial Services (OPPS). The Office also trained two officers in Strategic Techniques Aimed at Reducing Re-arrest (STARR), a cognitive intervention modality for offenders, also being nationally implemented by OPPS. Seven officers were certified as facilitators in Moral Reconciliation Therapy (MRT) to provide expansion and continuity to the on-going group that has been running since FY 2009. The Office also expanded its re-entry efforts, reaching a collaboration agreement with a non-profit community organization that provides job readiness, on the job training, job placements and family support services to defendants and offenders. With the funding received from the Second Chance Act, the Office continued to provide assistance in the areas of housing, transportation and vocational training.

Table 1

<i>Persons Under Pretrial Release Supervision</i>	<i>FY 2010</i>	<i>FY 2011</i>	<i>% Increase</i>
Pretrial Services (and Diversion) Supervision	638	861	35%
Post Conviction Supervision	1,575	1,754	11%

Table 2

<i>Cases Revoked and Closed</i>		
	<i>FY 2010</i>	<i>FY 2011</i>
Cases Closed Without Revocation	371	491
Cases Closed With Revocation	68	66
Major Violations	20	19
Technical Violations	48	44

Treatment Services

During FY 2011, a total of \$1,385,693, was assigned to the Specialized Treatment and Monitoring Services (Law Enforcement Fund). An average of 24 pretrial and 67 post-conviction offenders participated on a monthly basis in the outpatient or residential Drug Aftercare Program. An average of two clients were served monthly in the Residential Re-entry Center (Halfway House). An average of 50 pretrial and 80 post-conviction clients benefitted from outpatient mental health and/or sex offender treatment services.

Drug Testing Program

The drug testing program represents one of the most reliable tools for the supervision and monitoring of substance use and abuse by defendants/offenders. The U.S. probation officers conduct random testing in the field, as well as collections in the Office following a color code random system.

Job Placement

Over 70% (71.1%) of the District's clientele were employed during FY 2011, and 28.9% were unemployed. The District of Puerto Rico continued to develop the Defendant/Offender Workforce Development Program, composed of a certified offender workforce development specialist and three other members of the managerial staff. They have participated in related conferences sponsored by the National Institute of Corrections, Bureau of Prisons and the nationwide U.S. Probation Office Initiative. The District will continue its efforts to involve all officers in the Workforce Development Program.

The District of Puerto Rico also continues to pursue partnerships with public and private entities, such as the Puerto Rico Department of Labor and local community colleges. During this fiscal year, the District of Puerto Rico sponsored job readiness training and GED courses. With the use of Second Chance Funds, these and other similar efforts will continue.

Location Monitoring Program

During FY 2011, the two specialists and five line officers monitored the location of 100 to 130 offenders at any one time; approximately 89% of these were pretrial cases. Each location monitoring (LM) modality - zone-based supervision assignment and risk level assignment - offers distinct advantages and carries its own costs. The unit will continue to endeavor paring LM technologies with risk-related factors, in order to reasonably ensure that good stewardship practices are in place.

PACTS

The following PACTS enhancements have proven useful in streamlining and enhancing investigation and supervision activities of probation and pretrial services cases:

- ICE Portal to External Resources - used to locate a detainee who is currently in ICE custody or who was released from ICE custody for any reason within the last 60 days.

- Decision Support Services (DSS) - provided the ability to create or run a variety of reports for data quality and workload credit. Also, this tool facilitated case information for officers' job performance evaluations.
- PACTS mobile 3.0- provided the officers with automated functionality to perform field duties and electronic access to client information while in the field.

At the end of FY 2011, all supervision division staff were trained to register offenders in the Electronic Reporting System (ERS) to implement the submission of Monthly Supervision Reports (MSR) through internet and kiosks.

During FY 2011, a Post Conviction Risk Assessment (PRCA) form in Spanish version was created to obtain the information from offenders. The Pretrial Risk Assessment (PTRA) implementation will follow.

The District Office has worked jointly with its Systems Department in developing new methods and tools to facilitate case investigations and supervision. New reports were created for quality control, staffing, workload credits, cost containment, management, clinical services, post-conviction supervision, court services matters and bail supervision.

Firearms Training / Security and Safety

During FY 2011, 44 officers in the District received 32 hours of defensive tactics training, including the 16 hours required by the Administrative Office. There were 11 hazardous incident reports filed.

The Probation Office also conducted three re-qualifications and two initial firearms qualifications. In total, 44 officers were qualified and authorized to carry duty-issued firearms during the fiscal year.

Community Outreach

The U.S. Probation Office for the District of Puerto Rico has an outreach program, the main goal of which is the prevention of crime and drug abuse in the youth population. During FY 2011, the community outreach team addressed public and private schools, together with other youth organizations.

As part of the prevention program, the Office continued to mentor and sponsor “El Hogar del Niño,” a non-profit organization that provides shelter and resources for young girls. During 2011, the unit continued to assist by paying tuition, purchasing supplies, and assisting in other financial needs of the institution.

Administration/Budget Allotment

The U.S. Probation Office received a total of \$8,702,562, which was allotted as \$6,544,204 in salaries, \$313,952 in operation expenses, \$1,461,435 in law enforcement expenses and \$307,229 in the automation fund. Also, the Office received \$75,742 in the new Second Chance Act Fund.

The unit continued to receive automation support from the Clerk's Office's Systems Department, through the memorandum of understanding established between Court units. This year, \$150,750 was transferred to the Clerk's Office from the salary allotment to cover this service. Also, \$15,000 was transferred for an architect position, \$38,928 for various projects and \$22,814 for storage equipment and data switch maintenance.

Human Resources

During FY 2011, the unit had four voluntary retirements: one in January, one in March, and two in July; three resignations: a U.S. probation officer, a probation services technician, and a U.S. probation officer who transferred to another agency. Furthermore, the Office recruited eight U.S. probation officers, two assistant U.S. probation officers, five operations support technicians and one probation services technician. The Office was staffed by a total of 64 officers and 29 support staff (one on military duty), for a total of 93 employees.

Training and Conferences

During FY 2011, a total of 26 in-house training sessions were facilitated for employees. All employees participated in at least one training session this fiscal year. In addition, training opportunities outside the district were provided.

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

DISTRICT COURT

In 2011, the U.S. District Court for the District of Rhode Island underwent notable personnel changes: the Court welcomed a new district judge and announced the retirements of a magistrate judge and the chief deputy clerk. The Court also held two major courthouse events in 2011: an investiture ceremony for its new district judge, John J. McConnell, Jr., and a district conference that featured the Honorable Stephen G. Breyer, Associate Justice of the United States Supreme Court. In addition to these two major events, the Court held a number of significant programs and ceremonies, and completed major space and facilities projects begun in 2010.

Ceremonies and Programs

Judge McConnell was confirmed by the United States Senate on May 4, 2011. He was sworn-in on May 17, 2011, and his investiture was held on June 27, 2011. The Court hosted the investiture ceremony at the Rhode Island Convention Center, and the event was attended by nearly 400 of Judge McConnell's family, friends and colleagues, federal and state government officials and courthouse staff. The position filled by Judge McConnell had been vacant since Judge Ernest C. Torres assumed senior status in January 2007.

The Court held its District Conference, "Democracy and Access to the Courts," on October 26, 2011, at the Rhode Island Convention Center. Over 200 members of the bar attended the day-long conference that featured Associate Justice Stephen G. Breyer and Irving Picard, Esq., the trustee of the Bernard L. Madoff Securities Liquidation proceedings. Judges from the First Circuit Court of Appeals, the U.S. District Court for the District of Rhode Island, the U.S. District Court for the District of Massachusetts, members of the bar and law school faculty members served as panelists at plenary and breakout sessions throughout the day. These sessions touched on a wide variety of topics in civil and criminal law, and attorneys received 5.5 CLE credits for their attendance at the conference.

The Board of Bar Admissions for the District Court conducted the annual lecture series for prospective federal bar members in January 2011. The lectures, presented by experienced members of the federal bar, covered local rules, civil procedure, criminal procedure, professional conduct, bankruptcy, CM/ECF and courtroom technology. The lecture series was attended by 105 attorneys in 2011, and the attorneys received 12.5 CLEs for attendance. A formal admission ceremony for new members of the bar was held in Courtroom 1 on February 25, 2011.

The Court held its annual Criminal Justice Act panel luncheon on December 15, 2011. The program featured a multimedia presentation on the history and continuing impact of Gideon v. Wainwright, by Paul Rashkind, Federal Public Defender from the Southern District of Florida.

Attorneys from the District's Criminal Justice Act attorney panel and Federal Public Defender satellite office attended the luncheon, and were joined by 50 additional members of the bar for the presentation in Courtroom 1. All attendees received 1 CLE credit for their attendance at the presentation.

Human Resources

U. S. Magistrate Judge David L. Martin announced his retirement to be effective September 30, 2012. Judge Martin was originally appointed magistrate judge on September 29, 1998 and has served the Court for over 13 years.

The Court also said goodbye to the long-serving Chief Deputy Clerk Paulette Dube who retired after 25 years of service to the District of Rhode Island, in August 2011. The District of Rhode Island began a nationwide search for a replacement in the autumn of 2011, and interviewed candidates throughout the remainder of the year.

Case Management

The Court managed two extensive litigations in 2011, in addition to its regular caseload. Since 2007, Chief Judge Mary M. Lisi has managed the In Re: Kugel Mesh multi-district litigation. By the end of 2011, the court had 1,729 pending cases related to this matter as part of its caseload in addition to approximately 200 Kugel Mesh cases filed in this Court. A large number of lawsuits related to mortgage foreclosure actions were filed in the Court in 2011. In particular, 193 cases were filed against Mortgage Electronic Registration Services, Inc. (MERS) (and large banks and other mortgage/financing corporations) in 2011; Judge McConnell was assigned to handle these cases. The Court anticipates that the number of cases related to the MERS action will grow throughout 2012.

Information Technology

The Court embarked on a number of significant IT projects in 2011. First, a new video streaming system was installed that allowed staff to watch court events on their desktop computers. The Court also began to migrate to the Windows 7 Operating System by providing judges and staff with upgraded computers.

The Court also went live with two new computer systems in 2011 that improved service to the bar and public. The Pay.Gov system was installed, which allows the Court to accept attorney payments and allows the electronic filing of civil cases in the District. Also, the Court took steps to improve the juror experience by adopting the eJuror system in 2011, which allows potential jurors to submit forms electronically, thereby reducing paperwork for the Court and prospective jurors.

Space & Facilities

Work was completed on the replacement of the Courthouse roof in 2011. The scope of work completed included the removal of the existing roof, providing a new copper batten seam steel sloped roof and, in certain locations, a new modified bitumen roof. The project also included new roof drains, replacement/addition of roof hatches, restoration of two historic flagpoles, masonry restoration, new metal guardrails and installation of a roof safety system.

The replacement of the Pastore Building roof was also completed in 2011. With funding received as part of the ARRA program, the following work was completed: replacement of the cool roof system; replacement of sloped copper roof; addition of insulation to the attic floor; repair of limestone stonework joint, lintels, and trim at windows and sills; removal of unused steel dunnage; repairs of gutters and brick masonry; replacement of attic ventilators; and the painting of wood window sills, trim and sashes.

Changes and modifications to improve energy efficiency were made to the existing HVAC systems in both the Courthouse and Pastore Building. The HVAC and water systems were tested and balanced for maximum efficiency. Heat and motion sensors were installed in certain light fixtures so that they will now turn off when not in use. Also, light harvesting devices were installed in certain locations to maximize energy efficiency. The cooling towers for the Pastore Building were replaced with new units. New software was added to the computer controls to better monitor and maintain the systems.

As part of the Courthouse roof project, two flagpoles were returned to the top of the building. This move restored the flags to their original locations. On January 3, 2011, a ceremony was held as the flags were raised to the top of building for the first time in decades.

Other

The Court underwent a cyclical audit between January 18-28, 2011, and the audit resulted in no findings.

The Court's Local Rules Review Committee (LRRC) began the yearly review of the local rules with a call for suggested changes in February 2011. The LRRC met a number of times throughout the spring to consider suggested changes from the Court, the bar and the public. The Court eventually adopted 15 changes to the local rules that became effective on December 1, 2011.

The Court also went live with part of its jury instructions project in 2011. The Court made available, through its public website, a database containing all of the jury instructions from every criminal case in the District, from 2005 to present. Members of the Federal Bench/Bar Committee of the Rhode Island Bar Association initiated the project and worked with court staff

to create the database. The District's database allows attorneys to search for jury instructions by category, statute, case or keyword. The process of creating a companion civil jury instructions database also started at the end of 2011.

District Court Statistical Caseload Profile Summary of 12-Month Period Ending September 30, 2011	
Total Filings (Civil & Criminal, Including Criminal Case Transfers)	977*
Civil Filings	764*
Criminal Cases	192
Terminations	988
Cases Pending	2,866*
Trials	26
Median Time for Civil Cases (from filing to disposition)	17.6 months
Median Time for Criminal Felony Cases (from filing to disposition)	8.8 months
Civil Cases Three Years or Older	753*

*The total number of civil filings and cases pending three or more years includes the In Re: Kugel Mesh MDL cases.

BANKRUPTCY COURT DISTRICT OF RHODE ISLAND

Programs and Accomplishments

The Court replaced its existing quality control program with Case Manager Assist (CMA). CMA was developed by the Bankruptcy Court for the Northern District of Oklahoma. CMA improves operations efficiency by prioritizing and distributing work to case managers and provides numerous reports for supervisors to monitor timeliness and quality of work performed.

The Court successfully completed its upgrade to Version 4.1 and 4.2 of CM/ECF in October 2011. The major features of the upgrades included the ability to use filing agents, sealed/restricted document functionality, a shortcut menu bar, e-orders availability and PACER fee changes.

The Court migrated from a commercial off-the-shelf product (Mobile Asset) to the national inventory control application Judiciary Inventory Control System (JICS). This application was implemented in order to take advantage of the automated interface of the system with the FAS4T accounting system.

The Court completed enrollment in the Court Registry Investment System (CRIS) program. CRIS is administered by the Administrative Office of the U.S. Courts and is a safer way to invest registry funds in a modern, on-line banking environment.

The Court, working with its Attorney Advisory Committee, published several amendments affecting various local rules, including amendments to its loss mitigation process and procedures. The Court also published the 2012 edition of its Local Rule Book.

The Court completed its second year of its community outreach financial literacy program, Creditor Abuse Resistance Education (CARE). CARE brings financial education to the local high schools throughout the state. The program relies on volunteer attorneys and court staff to educate high school juniors and seniors about the proper use of credit in society and the consequences of overspending and abuse of consumer credit. During the 2010/2011 academic year, 13 volunteer attorneys and four court staff visited 13 area high schools and presented 35 training sessions to more than 915 junior and senior high school students.

Since the commencement of the Loss Mitigation Program in late 2009, 1,490 loss mitigation requests have been filed with the Court, representing 11.6% of the filing caseload. Of these, 1,030 have completed the Program with 379 debtors, or 36.8%, successfully entering into a loan modification. Thus, 379 households in Rhode Island have been able to avoid foreclosure through participation in the Program.

National Committee Participation

In 2011, Clerk of Court Susan Thurston served on the Executive Development Committee to assist the Federal Judicial Center with designing a multi-year training program for court unit executives.

Clerk of Court Susan Thurston served as faculty on the National Space and Security Circuit Based Training Program, a national training program which updates court unit executives and court space and facility specialists on the judiciary's space and security programs, including the new circuit rent budgets, occupancy agreements, asset management plans, space assignment

and rent validation, security, property management, tenant alterations, cyclical maintenance, and courtroom technology. Five training sessions were conducted during the 2011 calendar year.

Administrative Projects Coordinator Linda Spaight's one-year temporary duty assignment in the Administrative Office's Bankruptcy Administration Division was extended for an additional year (May 1, 2011 through April 30, 2012), allowing her to continue assisting with the Next Generation CM/ECF Project.

Education Programs

Bankruptcy Judge Arthur N. Votolato appeared as a panelist in an FJC video broadcast to discuss the Court's successful experience with its Loss Mitigation Program.

On May 20, 2011, the Court, in partnership with the Rhode Island Bar Association Public Service Programs conducted a training program entitled "A Primer on Bankruptcy Practice and Procedure." The training covered leading consumer bankruptcy issues as well as local practice pointers for handling cases before the Rhode Island Bankruptcy Court. Faculty included Clerk of Court Susan Thurston, Assistant United States Trustee Sandra Nicholls, as well as two local attorneys. The seminar was offered free of charge to all members of the Volunteer Lawyer Program, Pro Bono Program for the Elderly and the U.S. Armed Forces Legal Services Project, who agreed to accept a pro bono bankruptcy case at the time of registration.

In October 2011, Bankruptcy Judge Votolato attended the National Conference of Bankruptcy Judges (NCBJ) in Tampa, Florida.

Quality Assurance Specialist Jody Venuti attended statistical training held in San Antonio, Texas in March 2011. In April 2011, Financial Administrator April Elderkin and Automation Support Specialist Stephen Stricklett attended the FAST Financial Forum in Salt Lake City, Utah. Information Systems Manager Craig Balme attended the FJC sponsored workshop held in Charleston, South Carolina in May. In June 2011, six Clerk's Office staff attended the National Conference of Bankruptcy Clerk's in New Orleans, Louisiana to participate in national bankruptcy and judiciary related educational classes. Also in June, Jason Perdue from the Probation Department in Virginia presented a training to all staff on a model of personality identification that distills the elaborate concepts of personality theory into a practical tool to foster healthy, productive relationships.

In late August 2011, five Clerk's Office staff attended the annual Bankruptcy Operations Forum in Indianapolis, Indiana to participate in a national training focused on improving electronic filing, quality control, bankruptcy processes, calendaring and the future of CM/ECF.

Financial Administrator April Elderkin, Information Systems Manager Craig Balme and Chief Deputy Gail Kelleher attended the National Space and Security Circuit Based Training in Newport, RI in October.

2011 Space Projects

The Clerk's Office and chambers were refreshed with new paint and carpeting in June. Tenant alterations were limited to installation of two 230 uninterruptible power supplies (UPS), several power outlets and upgrades to the fitness room floor.

Awards, Ceremonies, and Events

On September 16, 2011, the Court held its annual employee recognition ceremony. Among other awards, Case Administrator Jennifer L. Davis was presented with the 2011 Sustained Superior Performance Award for her 18 years of exceptional performance and service.

Janet Descoteaux, Acting Administrative Projects Coordinator, was the 2011 nominee in the Administrative Employee of the Year category. Ms. Descoteaux was selected by the Rhode Island Federal Executive Council in recognition of her work in developing and managing the financial literacy Credit Abuse Resistance Education (CARE) program.

The National Conference of Bankruptcy Clerks recognized the Rhode Island Bankruptcy Court with their Silver Award for achieving a 50 - 74% participation level.

Personnel News

Jenna Hashway was hired as a temporary law clerk. Stacie McHale left the Court for employment with Massachusetts Chief Bankruptcy Judge Frank Bailey as a temporary law clerk. Jennifer Watts resigned as public information specialist and is working in the private sector.

Statistics (Calendar Year 2011)

Total Filings (All Chapters): 4,942

Chapter 7 Cases: 4,160

Chapter 11 Cases: 10

Chapter 13 Cases: 772

Decrease from 2010: 10.44%

Terminations: 4,903

Cases Pending: 3,173

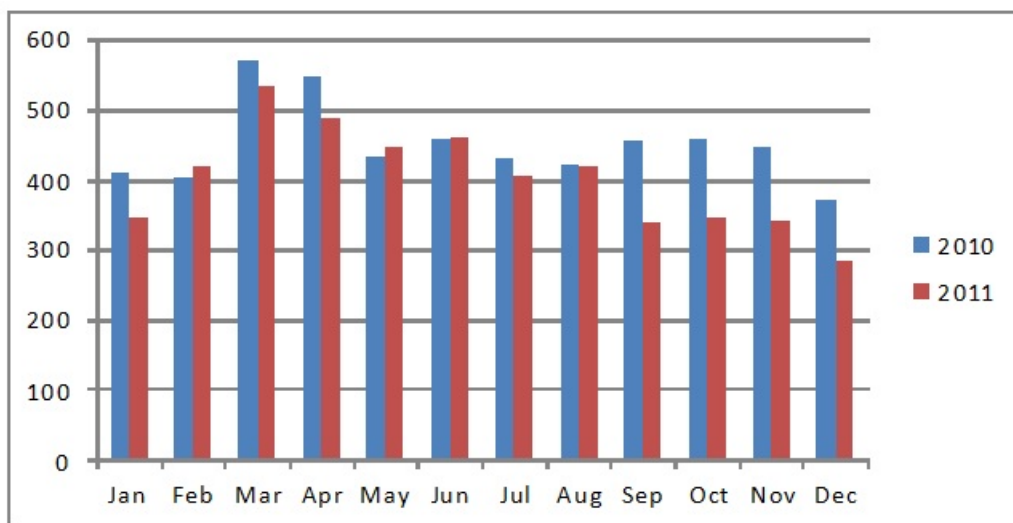
PROBATION & PRETRIAL SERVICES DISTRICT OF RHODE ISLAND

Staffing

The District of Rhode Island operated with a combined office for both Probation and Pretrial Services. During the calendar year of 2011, one officer and one supervisor were hired and one officer resigned. The 24 member staff consisted of the chief, deputy chief, two supervisors, 11 probation officers (including the sentencing guideline specialist, drug & alcohol contracting specialist, and special offender specialist), management analyst, budget manager, and three support personnel. A shared IT arrangement with the District Court, accounting for the remaining four staff members, continued to yield significant accomplishments.

Training

Despite a busy workload, extensive training occurred during 2011 and the officers and supervisors in the units averaged well in excess of the required 40 hours of training. The District made great use of the Judiciary Online University, the PEI program of the Federal Judicial Center and participated in a variety of local and national training efforts. As a whole, Probation and Pretrial Services engaged in over 1,100 hours of training geared to corporate and individual professional development and evidence-based practices to make the District more effective at accomplishing its statutory duties.



Space and Equipment

The Probation Office maintained office space within the U.S. Courthouse and Post Office building located on the third floor of the John O. Pastore Federal Building. The U.S. Marshals Service cellblock, the magistrate judges' chambers, courtrooms and Clerk's Office staff are conveniently located in the same building on the second floor. The building is monitored by court security officers and metal detectors are employed. Pretrial services defendant interviews are conducted in one of three locations - the Probation Office, the cell block interview room or the local prison facility housing the defendant while awaiting initial presentment in federal court.

Coordination with Other Court Personnel

The chief probation officer maintained frequent contact with the district and magistrate judges. The chief and deputy chief maintained frequent contact with the two full-time magistrate judges and their staffs, with the two part-time magistrate judges, as well as with the representatives of the U.S. Marshals Service, the U.S. Attorney's Office, the Federal Public Defender's Office and the defense bar. The COOP Plan, Emergency Notification System, and the OEP were updated to prepare for serious safety issues that may arise.

Treatment Services

A portion of defendants supervised by the Pretrial Services unit have a condition requiring drug testing, drug treatment, mental health treatment or electronic monitoring. Utilization of these services allowed for appropriate alternatives to detention at a significant cost savings to taxpayers. While these cases were pending, defendants were able to reside in the community.

A five-year comparison of expenditures in the above areas revealed the following:

	2007	2008	2009	2010	2011
Pretrial Services Expenditures	\$24,535	\$47,855	\$80,601	\$96,107	\$106,934

During FY 2011, the District allocated \$38,406 for electronic monitoring expenses; defendants and offenders paid the remainder. An additional \$249,905 was allocated for drug treatment and testing; \$203,504 was used for mental health treatment; and \$19,506 was devoted specifically to sex offender treatment. The Probation Office purchased substance abuse and mental health treatment services from the following providers: MAP; CODAC; Bridgemark Addiction Recovery Services; Spectrum Health Services, Inc.; Gosnold Treatment Center; Phoenix House of New England; SSTAR; Behavioral Medicine and Health Associates; Fellowship Health Resources, Inc.; Kent Center; Gateway Healthcare, Inc.; Counseling and Psychotherapy Center; and Adcare

Hospital. If so ordered by the Court, defendants participated in out-patient substance abuse treatment to include individual and group sessions.

The District provided residential drug treatment when warranted, including inpatient detoxification and a full range of long-term residential treatment services. Further, out-patient mental health treatment was also available including psychiatric evaluations, medication monitoring, mental health assessments, mental health counseling and sex offender counseling. Most urinalysis testing occurred via a memorandum of understanding with the Eastern District of Virginia Probation Office. Specimens were sent for testing to their on-site laboratory. The District also utilized on-site test cups supplied by a variety of vendors. Confirmation testing was provided by Scientific Testing Laboratories. Further, the District utilized G4S for electronic monitoring contracting.

Workload Trends

Arrests

During 2011, there were a total of 223 cases activated. Pretrial services reports with recommendations were prepared in 98.2% of the cases processed in the District. Counsel chose not to have their clients interviewed in 49% of the cases; thus data in these cases was gathered from sources other than the defendant.

Statistical Summary

A statistical summary of the Pretrial Services workload for the past year is provided below:

1.	Total Cases Activated	223
2.	Defendants Released on Bond	86
3.	Defendants Under Supervision as of 12/31/11	69
4.	Pretrial Cases Closed	260
5.	Release Rate (Excluding Immigration)	38.3%
6.	Cases with Violations	7.2%

Post Conviction Supervision

During 2011, the post-conviction supervision unit supervised approximately 347 offenders on probation, parole and supervised release on any given day. Well over half of the offenders had

special conditions for substance abuse treatment. Many also had conditions for mental health treatment and conditions for community service.

Of the cases supervised, 45% were for serious drug offenses, 15% for firearms offenses, 10% for other violent offenses and 3% for sex offenses. Fourteen cases were revoked from supervision for a revocation rate of 4%. Despite having a supervision caseload representing one of the highest overall risk scores in the country, the District maintained one of the lowest revocation rates. This was accomplished through excellent supervision strategies and a concerted and conscious effort to help offenders change, reintegrate into the community and effectively address dynamic risk factors that evidence shows to be directly related to recidivism.

Officers traveled over 45,000 miles in their vehicles throughout the year to gather data for pretrial and presentence reports, to conduct collateral investigations for other districts across the country, and to supervise pretrial services and post-conviction offenders in the community. The Office worked closely with the Financial Litigation Unit of the U.S. Attorney's Office to collect fines and restitution imposed by the Court.

Presentence Reports

The Probation Office completed 227 guideline presentence reports in FY 2011, resulting in reports that included detailed criminal and social histories, resolved objections and detailed and individualized sentencing recommendations pursuant to case law.

For FY 2011, the largest category of primary offense was drug cases, consisting of 39% of the Office's workload; immigration was second at 16%; firearms third at 12%; and fraud was fourth at 10%. Approximately 95% of the cases resulted from a plea of guilty, and about 5% resulted from trial. The mean sentence was 53 months, with 48.6% of cases falling within the guidelines range. The Probation Office sent 967 documents to the Sentencing Commission, representing a 100% compliance rate with requirements.

Safety

Safety continued to be a top priority for the District. All officers engaged in several forms of safety training, including hands-on defensive tactics. One officer received certification as a firearms instructor, and two officers were recertified as Officer Response Tactics (ORT) instructors. The District also had a room dedicated to officers practicing skills learned during formal trainings.

Working with the District of New Hampshire, the District maintained an active firearms and safety program. In addition to routine training and qualifications, the firearms training included low light situations, scenario-based situations, simulation and firearms familiarization. All officers who are qualified to carry a firearm undergo frequent supervised training and practice.

Critical Incident Stress Management (CISM)

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

**NARRATIVE REPORTS
OF THE
FEDERAL PUBLIC DEFENDERS**

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

The District of Maine's Federal Defender Office experienced its fifth full year of client representation in 2011, having begun accepting cases on October 1, 2006.

Cases

OFFICE LOCATION	CASES OPENED 2010	CASES CLOSED 2010	CASES PENDING 12/31/10	CASES OPENED 2011	CASES CLOSED 2011	CASES PENDING 12/31/11
Portland	107	93	63	102	101	64
Bangor	45	33	42	51	50	43
TOTAL	152	126	105	153	151	107

Appeals

The Office filed 21 appeals and closed 14 appeals during 2011, as compared to nine appeals filed and eight closed in 2010. The Office prevailed on one petition for a writ of certiorari, and a second is pending.

SWiTCH Program

Success with the Court's Help (SWiTCH), the District of Maine's reentry program, continued to support approximately 12 participants in their quest to remain sober and out of jail. The Office had six graduates from this year-long program in 2011. The federal defender and administrative officer serve on the treatment team and have regular contact with all of the participants.

Staffing

The Federal Defender Office in Maine is the smallest federal defender office in the nation, with one federal defender and one assistant defender in Portland supported by an administrative officer and a part-time investigator. The Bangor office consists of an assistant defender, a legal secretary and a part-time investigator. Because of the hiring freeze, the Portland office did not replace a legal secretary who resigned in December 2010, but the Office hopes to do so in the

future with a part-time paralegal. The Office participated in the extern program at the University of Maine School of Law, hosting a third-year student in its Portland office during the spring and fall terms.

Criminal Justice Act (CJA) and Continuing Legal Education (CLE)

The Office sponsored regular panel training sessions in its Portland and Bangor offices, and provided individual attorney support to the CJA panel.

The District's CJA panel underwent a renewal process in 2010, which resulted in a smaller and more experienced panel. The panel attorneys are now receiving a sufficient number of appointments annually to allow them to focus on federal-specific work.

National Work

Federal Defender David Beneman completed his term in May 2012 as the federal defender representative for the First, Second and Third Circuits to the Defender Services Advisory Committee. Mr. Beneman remains the national liaison for the adoption of a NARA-compliant records retention schedule for the Federal Defender program.

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

The overall volume of new cases in the Federal Defender Office for the Districts of Massachusetts, New Hampshire and Rhode Island for FY 2011, compared to previous years, was as follows:

Massachusetts

Cases Opened					Cases Closed	Pending	
	Total	Prosecutions	Appeals	Other			
FY 2007	350	131	38	181	377	10/1/07	285
FY 2008	417	144	26	247	385	10/1/08	317
FY 2009	404	175	36	193	385	10/1/09	336
FY 2010	504	232	20	252	439	10/1/10	401
FY 2011	453	234	21	198	453	10/1/11	401

New Hampshire

Cases Opened					Cases Closed	Pending	
	Total	Prosecutions	Appeals	Other			
FY 2007	166	119	4	43	159	10/1/07	98
FY 2008	221	137	13	71	160	10/1/08	119
FY 2009	158	136	3	19	154	10/1/09	107
FY 2010	147	94	11	42	138	10/1/10	99
FY 2011	150	95	8	47	132	10/1/11	106

Rhode Island

Cases Opened					Cases Closed	Pending	
	Total	Prosecutions	Appeals	Other			
FY 2007	137	71	22	44	159	10/1/07	69
FY 2008	182	80	8	94	160	10/1/08	91
FY 2009	158	128	6	24	154	10/1/09	95
FY 2010	149	124	14	11	138	10/1/10	106
FY 2011	150	114	14	22	132	10/1/11	124

The numbers above reflect an overall decrease in cases opened and a very slight decrease in cases closed. The number of pending cases was up, however, by about 5%. This was the result of a change in the CJA Plan and the way in which cases were divided between the Office and the CJA panel. The District Court revamped the CJA Plan and its assignment process in August 2009.

The overall drop in cases opened largely reflects a decrease in new cases in the District of Massachusetts during FY 2011. The Office made a decision in December 2010 to start declining some cases. After the new system went into effect, the Office's share of appointments jumped from approximately 35% to approximately 50%. In the meantime, opened cases increased from 404 to 491, or 21.5%, between FY 2009 and FY 2010. Due to CJA panel attorneys' concerns that they were not getting enough appointments, and the impact on the Office's ability to handle existing cases, the Office stopped accepting any non-conflict cases and began to decline some on days when more than two new appointments were presented. The number of cases that declined was approximately three to five per month. The Office's share of Boston cases represented about 45% of all indigent cases.

Second, the Office had two vacant assistant federal public defender (AFPD) positions between July 2011 and November 2011. The caseload and staffing situation left the Office unable to accept as many appointments in the Worcester division. In 2010, the Office accepted about 50% of the appointments, whereas, in FY2011, the Office accepted approximately 30%.

Since new AFPDs Chris Skinner and Jane Peachy joined the Boston office in October 2011 and November 2011, respectively, the situation has improved. For example, in May 2012, the Office accepted two-thirds of the Worcester cases and nearly 50% of the Boston cases. The

Springfield Division continues to rely primarily on the CJA panel. This office staffs the Division's RESTART program with one AFPD and one paralegal.

The number of cases opened was up slightly in FY 2011 in both the New Hampshire and Rhode Island Offices. The number of pending cases increased by nearly 17% in Rhode Island, from the beginning of FY 2010 to the beginning of FY 2011. The lawyers in Rhode Island tried three cases in FY 2011.

As in the past, the Office supports the CJA panel attorneys in each of the three districts by: 1) issuing a quarterly newsletter with relevant practice information, case summaries and other information; 2) sponsoring educational programs for panel lawyers; 3) assisting panel lawyers who contact the Office for advice; and 4) holding moot courts for CJA lawyers with appeals pending in the First Circuit. The Boston office also runs two e-mail list-serves which have proven to be extremely popular and active. The Boston office, along with the CJA board, continued to host a series of seminars for CJA attorneys on various topics regarding federal criminal defense. The New Hampshire office holds two seminars annually. The Office is in the process of revamping its website to make it more informative and user-friendly.

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

Criminal Case Statistics

In FY 2011, the Federal Defender's Office for the District of Puerto Rico opened approximately 767 cases, and closed 631 cases.

Case Type Category	Start	Opened	Closed	End
Capital Prosecution	6	1	0	7
Drugs	42	67	63	46
Fraud	27	89	73	43
Immigration	29	182	159	52
Weapons	12	18	19	11
Criminal Other	44	80	53	71
Appeals	18	39	32	25
Other	70	291	232	129
Total	248	767	631	384

Information Technology

The Office has completed the transition from the Electronic Leave Management Resource (ELMR) to the Human Resources Management Information System (HRMIS). The new leave tracking system provides a centralized resource for software backup to the system.

National Software Systems

One of the assistant federal public defenders was a member of the Defender Case Management System (CMS) expert panel. This panel is responsible for the development of the new CMS. Other members of the Office's staff were also involved in the development and testing of the prototype for this new system. The CMS is scheduled to be deployed to all defender offices by mid-year 2012.

**NARRATIVE REPORTS
ON MATTERS OF
JUDICIAL ADMINISTRATION**

THE JUDICIAL CONFERENCE OF THE UNITED STATES MARCH AND SEPTEMBER 2011

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

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

The Judicial Conference is statutorily required to:

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

28 U.S.C. § 331.

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

At the March 15, 2011 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 Saris reported on United States Sentencing Commission activities. Judge Julia Smith Gibbons, Chair of the Committee on the Budget, presented a report on the budget outlook. In addition, the Judicial Conference approved the *Strategic Plan for the Federal Judiciary*, as well as the Committee's recommended approach to strategic planning, which included a provision for designation by the Executive Committee Chair of an Article III judge to serve as Judiciary Planning Coordinator.

At the September 13, 2011 Judicial Conference, Mr. Duff reported to the Conference on the judicial business of the courts and on matters relating to the AO. Judge Rothstein spoke to the Conference about Federal Judicial Center (FJC) programs, and Chief Judge Sessions, in his capacity as Chair of the United States Sentencing Commission, reported on Sentencing Commission activities. Judge Gibbons, Chair of the Committee on the Budget, presented a special report on the budget outlook.

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

FIRST CIRCUIT JUDICIAL CONFERENCES

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

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

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

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

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

The Office of the Circuit Executive assists the Planning Committee in all aspects of its work. The Circuit Executive also provides the point of contact for continuity purposes, is the custodian of the Judicial Conference Fund, and serves as the secretary of the conference. There were no judicial conferences held during the year 2011.

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 the federal 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 2011, the spring Council meeting took place on May 4, and the fall session took place on October 5. Both meetings were held at the John Joseph Moakley United States Courthouse. Many matters were 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 2011 is provided at pages 105 and 106.

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 2011 included ratifying bankruptcy judge assignments and the review of cost-cutting measures adopted Circuit-wide.

SPACE AND FACILITIES

Court of Appeals

Space and Facilities completed minor alterations to Judge Howard's Concord, New Hampshire chambers and Judge Selya's Providence, Rhode Island chambers.

A renovation project to create three new offices and a small meeting area was completed in the Clerk's Office for the First Circuit at the Moakley Courthouse.

A project to expand the existing public terminal area in the library at the Moakley Courthouse was completed.

Alterations to the Circuit Executive's Office were completed in the summer of 2011.

District of Maine

A project to replace the structured cabling system at the Gignoux Courthouse in Portland began in the spring of 2011. The work included installation of new cable and fiber backbone, as well as new conduit to support the cabling. The project is expected to conclude in the Spring of 2012.

Renovations to the Court's space at the Margaret C. Smith Courthouse and Federal Building are ongoing. In addition to "B" funds for the magistrate chambers and courtroom, this building is also the recipient of ARRA funds. The project includes energy efficient improvements such as geothermal heat, new windows and fire/life safety upgrades. Project completion is anticipated in the winter of 2012.

The lease renewal process was completed for the bankruptcy court space in Portland. The bankruptcy court remained in its existing location and minor alterations were completed in the summer of 2011 to increase space efficiency.

District of Massachusetts

Construction of the fourth chambers in the Springfield Courthouse was completed in May, and the design of the fourth courtroom continued. Construction of the courtroom is expected to conclude in the spring of 2013.

Design of a minor expansion project for the bankruptcy court at the McCormack Building in Boston began in 2011. The project is expected to be completed in the spring of 2012.

A project to install millwork paneling in the magistrate and bankruptcy courtrooms in Springfield began in May and was completed in November. Space actions were initiated to relocate the probation office in Worcester to leased space. Occupancy is anticipated in the winter of 2012.

District of Puerto Rico

In November, the District of Puerto Rico participated in long range asset management plan strategy sessions. Initial reports reflected challenges surrounding circulation paths in the Nazario Courthouse & Degetau Federal Building and indicated that consideration should be given to restacking the facility for enhanced long-term usability.

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

Construction was completed for the two senior judges' chambers in the Toledo Courthouse in March. The new senior judge's courtroom at the Toledo Courthouse was completed in August.

Work began on renovating the interior space on the magistrate courtroom floor at the Degetau Federal Building. The project is intended to eliminate congestion in the lobby area, and it will be completed simultaneously with other projects so as to minimize disruption.

A lease was signed at Millenium Tower to relocate the bankruptcy court to Ponce. Design commenced and construction is anticipated to begin early in 2012. Occupancy is expected in fall 2012.

A project to add five new offices to the current U.S. Probation Office footprint commenced. Design is underway and the work is expected to be completed by summer of 2012.

District of Rhode Island

Judge McConnell was confirmed as U.S. district court judge on May 4, 2011. Minor alterations were completed in his chambers.

District of New Hampshire

A review of the computer room at the Rudman Courthouse was completed and various HVAC enhancements were planned.

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

National Projects

In 2011, the IT Department of the Circuit Executive's Office started hosting a monthly First Circuit IT knowledge transfer to bring Circuit IT staff together to share their experiences. The group covered topics that included security, cost effective cell/broadband solutions, infrastructure preparation for voice over IP and iPad configuration.

The Department continued its role in the IT Security Pilot Program (ISSA) sponsored by the Office of Information Technology (OIT). This program recognized the unique culture of the judiciary and the associated challenges with developing a balanced approach to IT security practices. As part of this pilot, the AO sponsored a court-based security professional, Garry Frizzell, to work closely with the Circuit Executive's IT staff to address the judges' need for reliable computer services by developing meaningful and context-appropriate security options collaboratively with the D.C. Circuit, Third Circuit, Tenth Circuit and the AO's IT Security Office.

The IT Department took part in the security assessments for the Court of Appeals and the District of Maine. Also, a technical security training was assembled in partnership with the Third Circuit, designed to deliver a workshop-style training for IT professionals in the Third Circuit, with plans to conduct the training in the First Circuit. The training was based on existing court-owned security tools that enable seamless layers of security for the Circuit and the judiciary as a whole. This ISSA program and security assessments raised the Court IT staff's awareness of products and techniques, improving the security posture of the judiciary. In January 2011, the Committee on Information Technology overwhelmingly endorsed the group's white paper on the best practices for new technology adoption, contributing to the development of a national security baseline for the judiciary.

Voice over IP Pilot Program

The IT Department continued its role as active members of the AO's Internet Protocol Telephony (IPT3) pilot advisory group to assist OIT in design considerations for the national voice over IP project underway at the AO. This pilot explored the viability of a national voice over IP system to expand the successful concept of regional IP phone systems. The national pilot tested a distributed national phone system that provides the foundation for unified communication features of true voice, video and data integration with national applications like Lotus Notes and others.

CM/ECF Next Generation

The IT department also took part in the design and development of the CM/ECF Next Generation in 2011.

Circuit Projects

The First Circuit, the District of Massachusetts, the U.S. Probation Office and the Pretrial Services Office collaborated on an infrastructure upgrade to prepare for converged services and voice over IP within the building network. Computer room redundancy and network resilience were enhanced.

The Circuit Executive's Office IT staff assisted in designing, procuring and configuring local and wide area network equipment for the U.S. Probation Office in Taunton, Massachusetts.

Court of Appeals

The IT Department adopted iPads for the circuit judges. This has allowed the judges to prepare for court using the iPads to read briefs without transporting voluminous paper briefs. Paper copies have been reduced, resulting in significant material and labor cost savings.

Further cost analysis of various computer and phone systems took place during the year. The IT Department analyzed the utilization of the voice lines supporting its courthouses and chambers. Lines were reduced significantly, saving the court \$21,000 annually. The cellular phone bill was also consolidated, the minutes pooled, and inactive devices suspended to further reduce costs by \$5,500 per year.

The Court of Appeals performed a full disaster recovery drill in Concord, New Hampshire, relocating staff and continuing operations entirely on backup systems. Results were extremely successful.

Judge Thompson and her staff moved into permanent chambers in Providence, Rhode Island. In doing so, the Court added a new DCN location and voice over IP telephone system.

The Court expanded its use of the locally developed WebVote system for staff attorney duty panel matters and petitions for rehearing and rehearing en banc. Judges (or their judicial assistants, acting on their behalf) enter their votes on matters before the Court in the WebVote system instead of faxing or emailing their votes as they have done in the past. WebVote is also designed to permit judges to enter memos that contain extended discussion and are typically circulated to chambers only. Judges are notified by email of activity for each matter.

The IT Department conducted several assessments to help improve internal efficiencies, including an IT security assessment and a local area network (LAN) assessment conducted by independent contractors, sponsored by the OIT. The security assessment concluded that the computer security procedures and practices that had been implemented resulted in an excellent system of prevention and detection that "exceeded that of other peer courthouses." The AO sponsored network assessment team concluded that the network architecture in the Moakley Courthouse provides "significant protection against a total network failure."

The IT Department conducted further self assessments, such as a help desk response assessment, which suggested refreshing processes to enhance timely responses and customer service demeanor. In order to ensure effective and efficient resolution, an internal ticketing system was refined for help desk telephone and email requests.

The IT Department conducted an assessment of new employee material and orientation. The assessment resulted in the introduction of IT security training and the development of a memorandum of understanding in new employee procedures. An IT section was added to the law clerk orientation, and the law clerk manual was updated with mobile computing options.

The IT Department assessed the inventory and infrastructure of court equipment by identifying equipment ready for cyclical replacement. As a result, each First Circuit employee received a new computer, which was customized for individual job duties. Links to courtroom audio and opinions were integrated into Lotus Notes, and disaster recovery systems were upgraded, tested and improved. iPads were offered to all circuit judges for electronic brief reading and note taking. Electronic brief distribution procedures were identified and all court staff and chambers staff were trained. Secure WiFi capabilities were added in all resident and non-resident chambers, residences, the Boston and Old San Juan courtrooms and the Moakley Courthouse Library. WebVote was expanded to accommodate petitions for rehearing and rehearing en banc. Also, a First Circuit opinion database collecting internet citations was created for the Circuit Library; the judges' threat database was established; an updated chambers database program was started; and significant costs savings was identified for the Moakley telephone system and cell phone charges. The significant equipment upgrade resulted in concentration on the multi-tiered formal excess procedure for each piece of equipment as defined in the Guide to Judiciary Policy.

Tom Christiano announced his retirement after 10 years of dedicated service to the First Circuit. Erin Joseph, who had worked part-time for IT Department, became the full-time IT Procurement Officer.

JUDICIAL MISCONDUCT AND DISABILITY

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

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

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

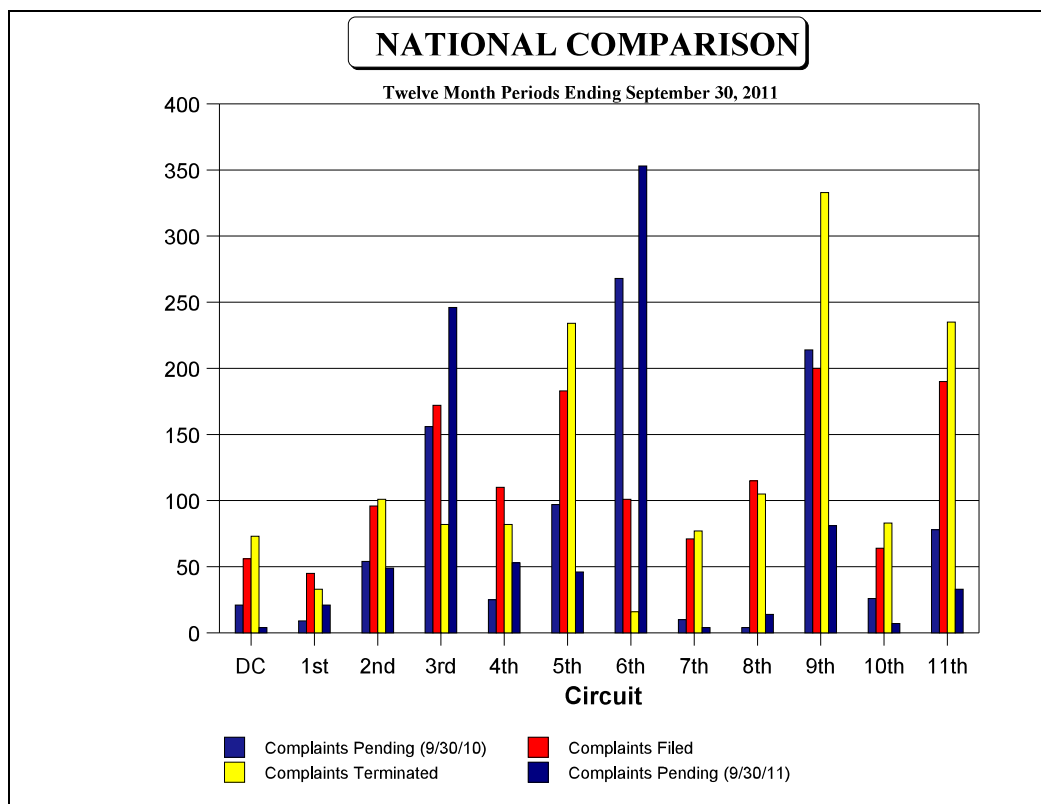
Pursuant to 28 U.S.C. § 352(d) and the Rules of Judicial-Conduct, the Chief Judge annually designates two review panels to act for the Judicial Council on petitions for review. This amendment was adopted in response to a provision of the Judicial Improvements Act of 2002 that explicitly authorized the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

Summary, First Circuit Complaints of Judicial Misconduct or Disability, 2011

Complaints Filed in 2011 (calendar year)	51
Orders of Dismissal Issued by Chief Judge (6 of the orders were issued in 2012)	51
Petitions for Review filed with Judicial Council (7 of the petitions were filed in 2011)	34
Orders of Dismissal Affirmed by Judicial Council (24 of the Council orders were issued in 2012)	34
Show Cause Orders Issued (4 of the show cause orders were issued in 2012)	7
Preclusion Orders Issued (4 of the preclusion orders were issued in 2012)	7
Total No. of Judges Charged in 2011*	34

*A single complainant may file more than one complaint simultaneously against multiple judges.

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



REPORT OF ACTION TAKEN UNDER AUTHORITY OF TITLE 28 U.S.C. §§ 351-364 During the Twelve-Month Period Ending September 30, 2011

Summary of Activity	Circuit											
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Pending (9/30/10)	21	9	54	156	25	97	268	10	4	214	26	78
Complaints Filed	56	45	96	172	110	183	101	71	115	200	64	190
Complaints Terminated	73	33	101	82	82	234	16	77	105	333	83	235
Complaints Pending (9/30/11)	4	21	49	246	53	46	353	4	14	81	7	33

ATTORNEY DISCIPLINE

During 2011, the Court of Appeals for the First Circuit handled 30 attorney disciplinary cases under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement). Eighteen (18) proceedings resulted in suspension; seven (7) resulted in disbarment; one (1) resulted in a reprimand; one (1) was opened in error; and the remainder are pending. Two (2) of these proceedings were initiated by the Court of Appeals, and 28 of them arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement.

HISTORY AND NOTABLE EVENTS

2011

On May 18, 2011, John J. McConnell, Jr., was appointed District Judge for the District of Rhode Island; on September 1, Edward A. Godoy was appointed Bankruptcy Judge for the District of Puerto Rico; on September 12, Silvia Carreño-Coll was appointed Magistrate Judge for the District of Puerto Rico; and on October 11, Nancy Torresen was appointed District Judge for the District of Maine.

On July 31, 2011, District Judge Daniel R. Dominguez, District of Puerto Rico, assumed senior status; on August 15, District Judge Michael A. Ponsor, District of Massachusetts, assumed senior status; and on December 31, Circuit Judge Kermit V. Lipez assumed senior status.

On April 14, 2011, District Judge Aida M. Delgado-Colón became Chief Judge of the District Court for the District of Puerto Rico; on July 1, Bankruptcy Judge James B. Haines became Chief Judge of the Bankruptcy Court for the District of Maine; and on November 1, District Judge Joseph N. Laplante became Chief Judge of the District Court for the District of New Hampshire.

On April 10, 2011, Magistrate Judge Justo Arenas retired from the District Court, District of Puerto Rico; on June 1, District Judge Ernest C. Torres retired from the District Court, District of Rhode Island; on August 31, Bankruptcy Judge Sara E. De Jesus retired from the Bankruptcy Court, District of Puerto Rico; and on September 1, District Judge Nancy Gertner retired from the District Court, District Court of Massachusetts.

On June 11, 2011, District Judge Jaime Pieras, District of Puerto Rico, passed away.

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

FOR THE PERIOD: OCTOBER 1, 2010 - SEPTEMBER 30, 2011

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

On October 10, 1999, the Court adopted the Employment Dispute Resolution Plan (“EDR Plan”) for the First Circuit Court of Appeals. 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. The EDR Plan for the First Circuit Court of Appeals was amended in June 2010.

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

PERSONNEL SUMMARY

As of September 30, 2011, there were 133 Court of Appeals employees. Of those employees, 52 (39%) were male and 81 (61%) were female; 114 (86%) were Caucasian and 19 (14%) were minorities. There were six (6) African-American employees, eight (8) Hispanic employees, and five (5) Asian employees.

SIGNIFICANT ACHIEVEMENTS

There were 34 new appointments made during this reporting period. Of those new appointments, 17 were male and 17 were female; 28 were Caucasian, two (2) were Asian, three (3) were Hispanic, and one (1) was African-American.

During the reporting period, 16 employees were promoted. Of those employees, nine (9) were male and seven (7) were female; 11 were Caucasian, one (1) was African-American, two (2) were Hispanic, and two (2) were Asian.

TRAINING

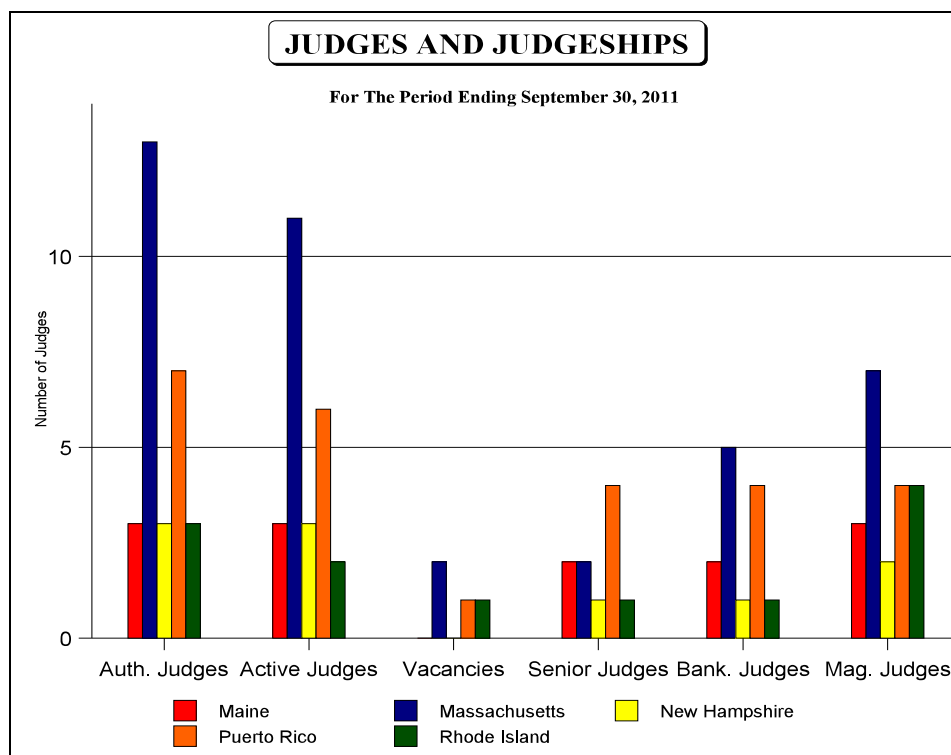
As noted above, on October 10, 1999, the Court adopted the EDR Plan for the First Circuit Court of Appeals.

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 claims filed under the EEO or EDR Plan during this reporting year.

OTHER MATTERS OF THE COURT

JUDGES AND JUDGESHIPS**Judgeship Summary**

JUDGES AND JUDGESHIPS For the Period Ending September 30, 2011						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank. Judges	Mag. Judges
Maine	3	3	0	2	2	3
Massachusetts	13	11	2	2	5	7
New Hampshire	3	3	0	1	1	2
Puerto Rico	7	6	1	4	4	4
Rhode Island	3	2	1	1	1	4
Total Dist. Ct.	29	26	3	8	13	20
Total Court of Appeals	6	6	0	2	--	--
Total 1 st Circuit	35	32	3	10	13	20

**FIRST CIRCUIT JUDGES SERVING ON U.S. JUDICIAL
CONFERENCE COMMITTEES, SPECIAL COURTS AND
THE BOARD OF THE FEDERAL JUDICIAL CENTER
2011**

[Generally, terms begin and expire on October 1 of the year noted]

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

			<u>Start Date</u>	<u>End Date</u>
Francisco A. Besosa	DJ	Puerto Rico	2011	2014

COMMITTEE ON THE CODES OF CONDUCT

			<u>Start Date</u>	<u>End Date</u>
George Z. Singal	DJ	Maine	2011	2014

**COMMITTEE ON THE COURT ADMINISTRATION
AND CASE MANAGEMENT**

			<u>Start Date</u>	<u>End Date</u>
Aida M. Delgado-Colon	DJ	Puerto Rico	2006	2012

COMMITTEE ON CRIMINAL LAW

			<u>Start Date</u>	<u>End Date</u>
Paul Barbadoro	DJ	New Hampshire	2010	2013

COMMITTEE ON DEFENDER SERVICES

			<u>Start Date</u>	<u>End Date</u>
F. Dennis Saylor IV	DJ	Massachusetts	2009	2015

COMMITTEE ON INFORMATION TECHNOLOGY

			<u>Start Date</u>	<u>End Date</u>
William E. Smith	DJ	Rhode Island	2008	2014

COMMITTEE ON INTERCIRCUIT ASSIGNMENTS

			<u>Start Date</u>	<u>End Date</u>
Nathaniel M. Gorton	DJ	Massachusetts	2010	2013

COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS

			<u>Start Date</u>	<u>End Date</u>
Marianne B. Bowler	MJ	Massachusetts	2008	2014
Joan N. Feeney	BJ	Massachusetts	2006	2012

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

2011

[Generally, terms begin and expire on October 1 of the year noted]

COMMITTEE ON THE JUDICIAL CONDUCT AND DISABILITY

			<u>Start Date</u>	<u>End Date</u>
Joseph A. DiClerico, Jr.	DJ	New Hampshire	2006	2012

COMMITTEE ON JUDICIAL RESOURCES

			<u>Start Date</u>	<u>End Date</u>
Douglas P. Woodlock	DJ	Massachusetts	2011	2014

COMMITTEE ON JUDICIAL SECURITY

			<u>Start Date</u>	<u>End Date</u>
Richard G. Stearns	DJ	Massachusetts	2008	2012

**COMMITTEE ON THE ADMINISTRATION OF
THE MAGISTRATE JUDGES SYSTEM**

			<u>Start Date</u>	<u>End Date</u>
George A. O'Toole, Jr.	DJ	Massachusetts	2011	2014

COMMITTEE ON SPACE AND FACILITIES

			<u>Start Date</u>	<u>End Date</u>
Michael A. Ponsor, Chair	DJ	Massachusetts	2008	2013

ADVISORY COMMITTEE ON EVIDENCE RULES

			<u>Start Date</u>	<u>End Date</u>
John A. Woodcock, Jr.	DJ	Maine	2011	2014

BOARD OF THE FEDERAL JUDICIAL CENTER

			<u>Start Date</u>	<u>End Date</u>
James B. Haines, Jr.	BJ	Maine	2009	2013

FOREIGN INTELLIGENCE SURVEILLANCE COURT

			<u>Start Date</u>	<u>End Date</u>
F. Dennis Saylor IV	DJ	Massachusetts	2011	2018

JUDICIAL COUNCIL OF THE FIRST CIRCUIT

2011
(as of December 31, 2011)

Honorable Sandra L. Lynch, Chief Judge	Court of Appeals
Honorable Juan R. Torruella	Court of Appeals
Honorable Michael Boudin	Court of Appeals
Honorable Kermit V. Lipetz	Court of Appeals
Honorable Jeffrey R. Howard	Court of Appeals
Honorable O. Rogerie Thompson	Court of Appeals
Honorable John A. Woodcock, Jr.	District of Maine
Honorable George A. O'Toole	District of Massachusetts
Honorable Joseph N. Laplante	District of New Hampshire
Honorable Francisco A. Besosa	District of Puerto Rico
Honorable Mary M. Lisi	District of Rhode Island

Observing Members

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

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

(as of December 31, 2011)

Honorable Sandra L. Lynch, Chief Judge

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

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

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

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

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

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

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

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

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

Honorable Mark L. Wolf, Chief
Honorable 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 Patti B. Saris
Honorable Michael A. Ponsor
Honorable George A. O'Toole
Honorable F. Dennis Saylor
Honorable Denise J. Casper

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

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

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

Honorable Judith G. Dein, Chief
Honorable Kenneth P. Neiman
Honorable Robert C. Collings
Honorable Marianne B. Bowler

Honorable Leo T. Sorokin
Honorable Timothy S. Hillman
Honorable Jennifer C. Boal

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

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

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

Honorable Michael J. Deasy

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

Honorable Landya B. McCafferty
Honorable Daniel Lynch

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

Honorable Aida M. Delgado-Colón, Chief	Honorable Daniel R. Dominguez
Honorable Juan M. Pérez-Giménez	Honorable Jay A. Garcia-Gregory
Honorable Carmen Consuelo Cerezo	Honorable José Antonio Fusté
Honorable Gustavo A. Gelpi	Honorable Francisco A. Besosa
Honorable Salvador E. Casellas	

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

Honorable Enrique S. Lamoutte, Chief
Honorable Brian K. Tester
Honorable Mildred Cabán
Honorable Edward A. Godoy

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

Honorable Camille Vélez-Rivé
Honorable Bruce J. McGiverin
Honorable Marcos E. Lopez
Honorable Silvia Carreño-Coll

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

Honorable Mary M. Lisi, Chief
Honorable Ronald R. Lagueux
Honorable William E. Smith
Honorable John J. McConnell, Jr.

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

Honorable Arthur N. Votolato, Chief

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

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

COURT UNIT EXECUTIVES

CIRCUIT EXECUTIVE

Gary H. Wente
United States Courts for the First Circuit

FIRST CIRCUIT CLERKS OF COURT

Margaret Carter
Court of Appeals

Christa K. Berry
District of Maine

Sarah Allison Thornton
District of Massachusetts

James R. Starr
District of New Hampshire

Frances Rios de Moran
District of Puerto Rico

David DiMarzio
District of Rhode Island

FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT

Alec Leddy
District of Maine

James Lynch
District of Massachusetts

George A. Vannah
District of New Hampshire

María de los Angeles González
District of Puerto Rico

Susan M. Thurston
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PROBATION

Karen-Lee Moody
District of Maine

Christopher Maloney
District of Massachusetts

Thomas K. Tarr
District of New Hampshire

Eustaquio Babilonia
District of Puerto Rico

Barry J. Weiner
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES

John R. Riley
District of Massachusetts

Eustaquio Babilonia
District of Puerto Rico

FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS

David Beneman
District of Maine

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

Hector E. Guzman-Silva
District of Puerto Rico

STATISTICAL REPORTS

STATISTICS
COURT OF APPEALS

U.S. COURT OF APPEALS NATIONAL COMPARISON
Appeals Commenced, Terminated and Pending
During the 12-Month Periods Ending September 30, 2010 & 2011

	COMMENCED			TERMINATED			PENDING*		
CIRCUIT	2010	2011	Percent Change	2010	2011	Percent Change	2010*	2011	Percent Change
Total	55,992	55,126	-1.5	59,526	57,357	-3.6	45,864	43,633	-4.9
District of Columbia	1,178	1,132	-3.9	1,189	1,113	-6.4	1,292	1,311	1.5
First	1,530	1,507	-1.5	1,706	1,437	-15.8	1,212	1,282	5.8
Second	5,371	5,541	3.2	6,300	5,101	-19.0	4,204	4,644	10.5
Third	3,951	3,645	-7.7	4,235	4,326	2.1	3,120	2,439	-21.8
Fourth	4,854	4,576	-5.7	4,951	5,069	2.4	3,231	2,738	-15.3
Fifth	7,462	7,401	-0.8	7,624	7,695	0.9	4,765	4,471	-6.2
Sixth	4,954	4,725	-4.6	4,440	5,163	16.3	5,115	4,677	-8.6
Seventh	3,124	3,038	-2.8	3,398	3,064	-9.8	1,882	1,856	-1.4
Eighth	2,878	2,876	-0.1	3,397	2,967	-12.7	1,416	1,325	-6.4
Ninth	11,982	12,141	1.3	13,340	13,025	-2.4	14,925	14,041	-5.9
Tenth	2,270	2,311	1.8	2,448	2,209	-9.8	1,314	1,416	7.8
Eleventh	6,438	6,233	-3.2	6,498	6,188	-4.8	3,388	3,433	1.3

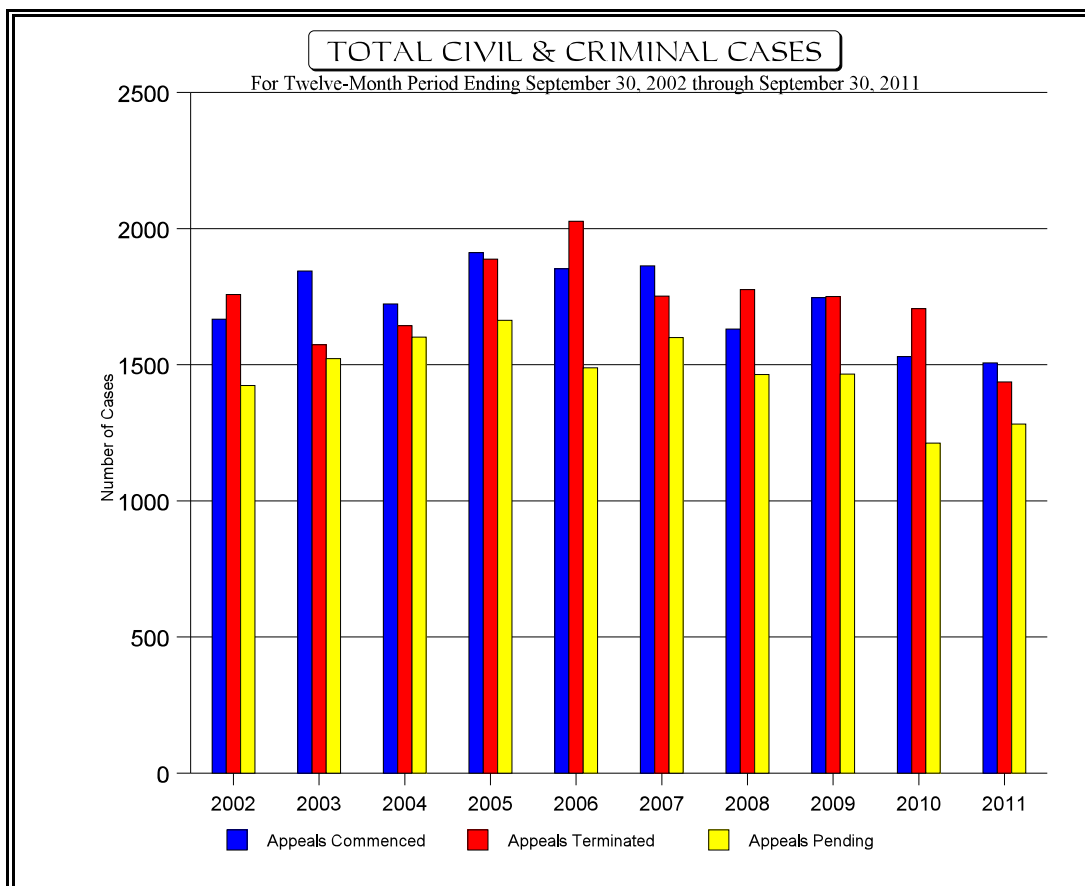
*Pending caseloads for 2010 revised by the Administrative Office of the United States Courts.

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
Source of Appeals and Original Proceedings for the
12-Month Periods Ending September 30, 2004 - 2011

Source	2004	2005	2006	2007	2008	2009	2010	2011
First Circuit Totals	1,723	1,912	1,852	1,863	1,631	1,746	1,530	1,507
Maine	143	171	132	120	126	136	97	125
Massachusetts	578	602	610	621	582	614	509	518
New Hampshire	121	118	98	94	125	104	103	90
Puerto Rico	510	506	518	563	417	477	497	409
Rhode Island	116	131	139	141	103	104	73	91
Bankruptcy	19	31	27	24	31	53	37	29
U.S. Tax Court	4	5	5	3	3	7	8	6
NLRB	4	11	6	10	4	4	7	6
Administrative Agencies, total	164	260	239	239	191	190	158	171
Original Proceedings	72	93	89	61	56	68	56	74

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

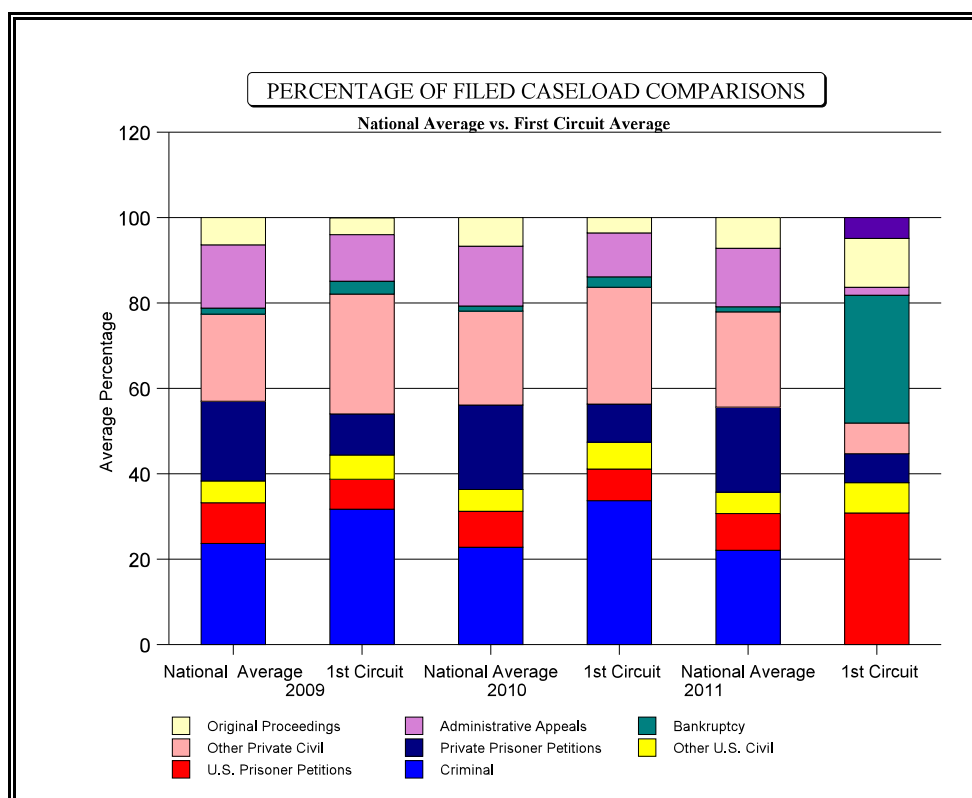
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
Appeals Commenced, Terminated and Pending
During the 12-Month Periods Ending
September 30, 2002 through September 30, 2011



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT Comparison 2002 - 2011										
	2002	2003	2004	2005	2006	2007	2008	2009	2010*	2011
Appeals Commenced	1,667	1,844	1,723	1,912	1,852	1,863	1,631	1,746	1,530	1,507
Appeals Terminated	1,758	1,573	1,643	1,888	2,027	1,752	1,776	1,750	1,706	1,437
Appeals Pending	1,424	1,522	1,619	1,663	1,489	1,600	1,464	1,466	1,212	1,282

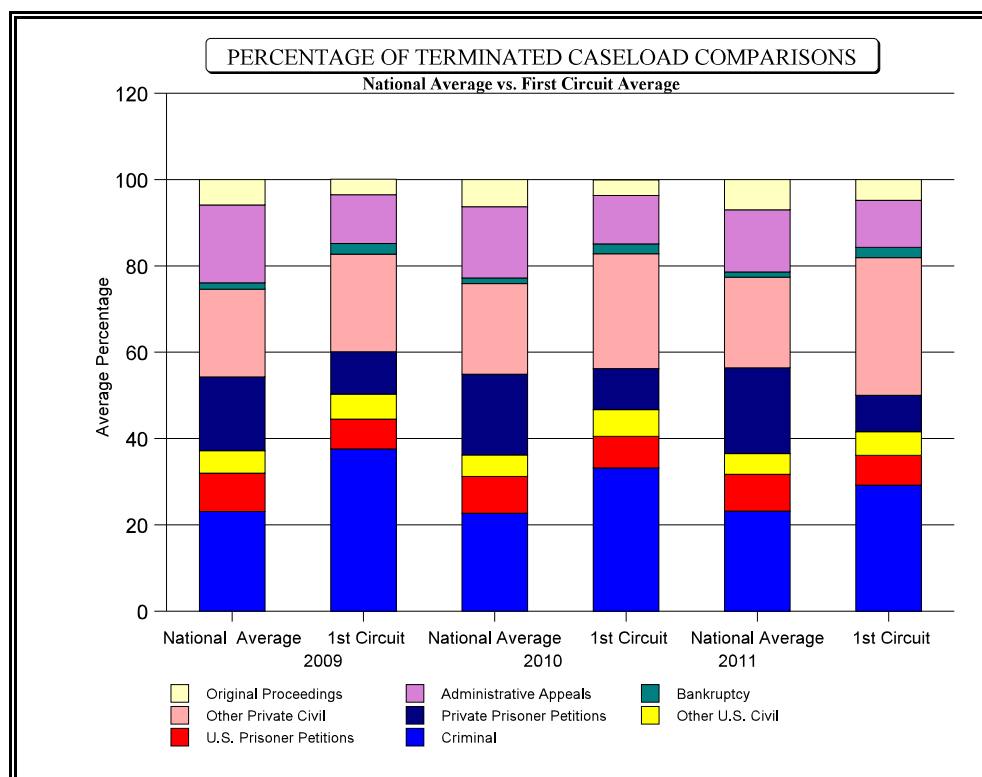
*Appeals pending for 2010 revised by the Administrative Office of the U.S. Courts.

CIRCUIT COMPARISON FOR FILED CASELOAD



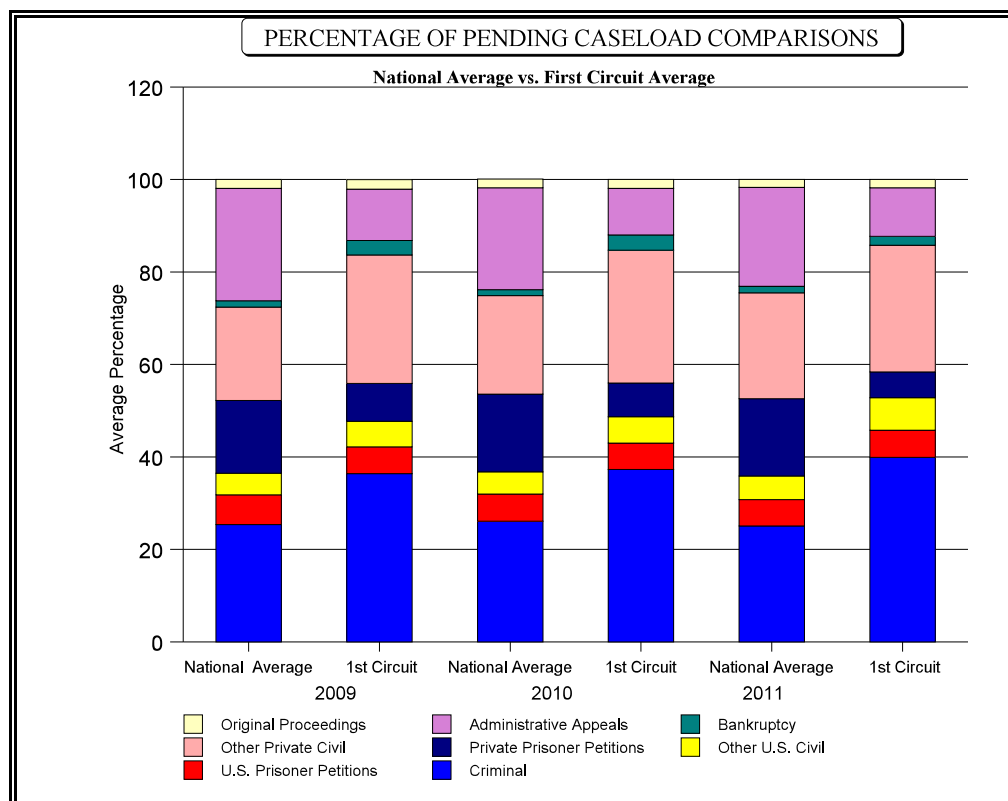
FILED CASELOAD COMPARISON Percent of Total from September 30, 2009 Through 2011						
	2009		2010		2011	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
Criminal	23.7	31.7	22.8	33.7	22.1	30.8
U.S. Prisoner Petitions	9.5	7.0	8.4	7.4	8.6	7.1
Other U.S. Civil	5.1	5.7	5.1	6.3	5.0	6.8
Private Prisoner Petitions	18.7	9.6	19.8	8.9	19.9	7.2
Other Private Civil	20.4	28.1	22.0	27.4	22.3	29.9
Bankruptcy	1.4	3.0	1.2	2.4	1.2	1.9
Administrative Appeals	14.8	10.9	14	10.3	13.7	11.4
Original Proceedings	6.4	3.9	6.7	3.6	7.2	4.9

CIRCUIT COMPARISON FOR TERMINATED CASELOAD



TERMINATED CASELOAD COMPARISON Percent of Total from September 30, 2009 Through 2011						
	2009		2010		2011	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
Criminal	23.1	37.6	22.7	33.2	23.2	29.2
U.S. Prisoner Petitions	8.9	6.9	8.5	7.3	8.5	6.9
Other U.S. Civil	5.2	5.8	5.0	6.2	4.8	5.5
Private Prisoner Petitions	17.1	9.8	18.7	9.5	19.9	8.4
Other Private Civil	20.3	22.6	21.0	26.6	21.0	31.9
Bankruptcy	1.5	2.5	1.3	2.3	1.2	2.4
Administrative Appeals	18.0	11.3	16.5	11.2	14.4	10.9
Original Proceedings	5.9	3.6	6.3	3.6	7.0	4.8

CIRCUIT COMPARISON FOR PENDING CASELOAD



PENDING CASELOAD COMPARISON Percent of Total from September 30, 2009 Through 2011

	2009		2010		2011	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
Criminal	25.4	36.4	26.1	37.3	25.1	39.9
U.S. Prisoner Petitions	6.4	5.8	5.9	5.7	5.7	5.9
Other U.S. Civil	4.7	5.5	4.8	5.7	5.1	7.0
Private Prisoner Petitions	15.7	8.2	16.8	7.3	16.7	5.6
Other Private Civil	20.2	27.8	21.3	28.7	22.9	27.4
Bankruptcy	1.4	3.1	1.3	3.3	1.4	1.9
Administrative Appeals	24.3	11.1	22.0	10.1	21.4	10.5
Original Proceedings	1.9	2.1	1.9	1.9	1.7	1.8

FIRST CIRCUIT TYPES OF CASES COMPARED TO NATIONAL AVERAGE

PERCENT OF TOTAL COMMENCED						
	2009		2010		2011	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
Criminal	23.7	31.7	22.9	33.7	22.1	30.8
U.S. Prisoner Petitions	9.5	7.0	8.4	7.4	8.6	7.1
Other U.S. Civil	5.1	5.7	5.1	6.3	5.0	6.8
Private Prisoner Petitions	18.7	9.6	19.8	8.9	19.9	7.2
Other Private Civil	20.4	28.1	22.0	27.4	22.3	29.9
Bankruptcy	1.4	3.0	1.2	2.4	1.2	1.9
Administrative Appeals	14.8	10.9	14	10.3	13.7	11.3
Original Proceedings	6.4	3.9	6.7	3.7	7.2	4.9

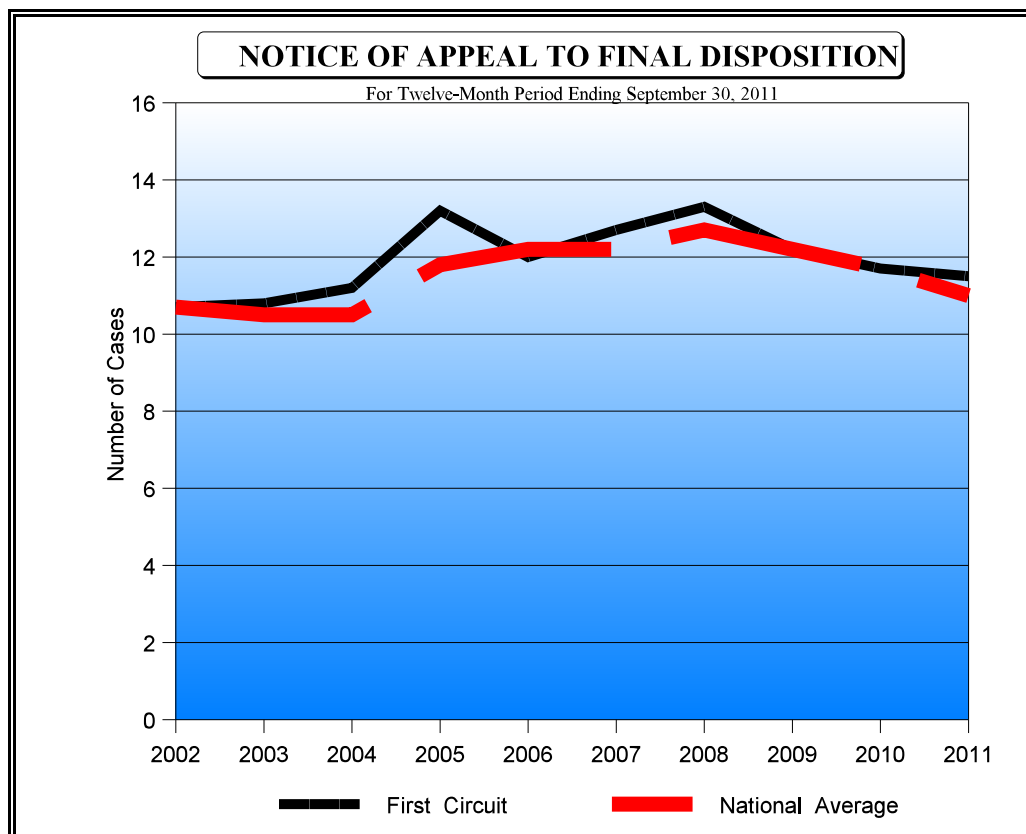
■ NATIONAL AVERAGE

■ FIRST CIRCUIT

UNITED STATES COURT OF APPEALS
 MEDIAN TIME INTERVALS IN MONTHS FOR CASES
 TERMINATED AFTER HEARING OR SUBMISSION,
 BY CIRCUIT DURING THE
 TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2011
 (From Filing of Notice of Appeals to Final Disposition)

	# OF CASES	INTV
TOTAL	30,290	11.0
DISTRICT OF COLUMBIA	546	10.3
FIRST	819	11.5
SECOND	2,634	12.1
THIRD	2,484	9.7
FOURTH	3,177	8.2
FIFTH	3,881	10.2
SIXTH	2,775	15.3
SEVENTH	1,396	9.6
EIGHTH	1,848	6.9
NINTH	6,517	17.4
TENTH	1,207	9.0
ELEVENTH	3,006	8.6

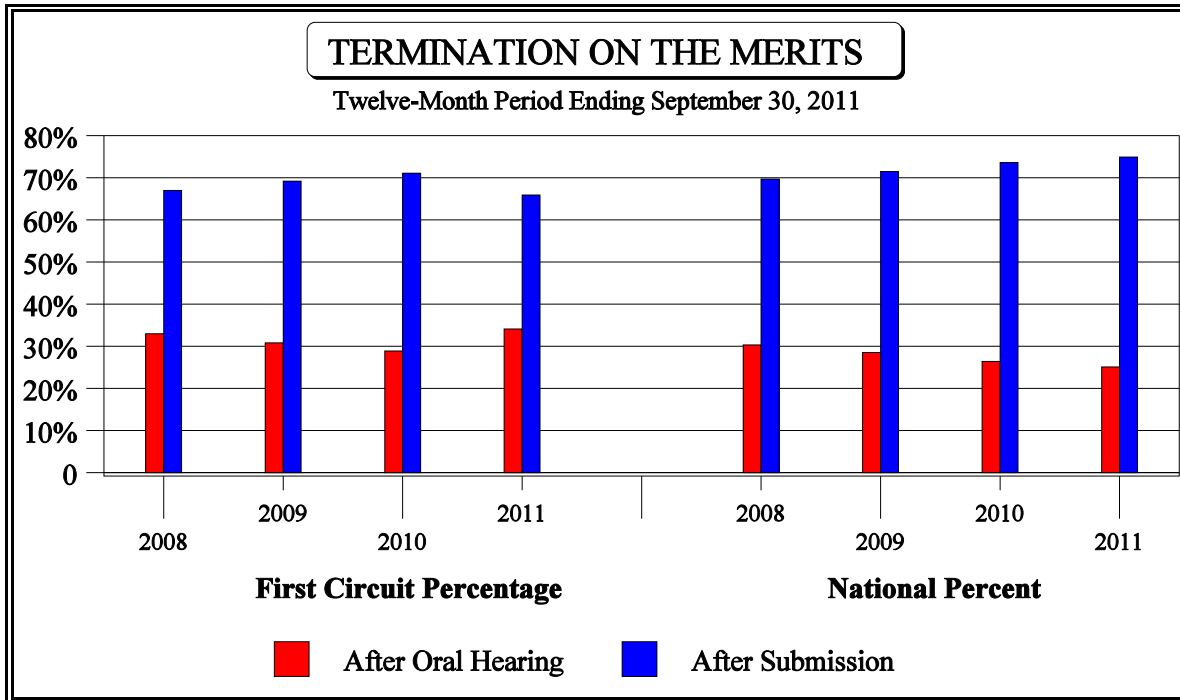
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT Compared to the National Average for Caseload Disposition Time from 2002 - 2011



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT Comparison 2002 - 2011

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
First Circuit	10.7	10.8	11.2	13.2	12.0	12.7	13.3	12.2	11.7	11.5
National Average	10.7	10.5	10.5	11.8	12.2	12.2	12.7	12.2	11.7	11.0

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
Compared to the National Average for Caseload
Disposition 2008 through 2011



DISPOSITION OF CASELOADS IN PERCENTAGES								
First Circuit vs. National Caseload								
First Circuit Percentages					National Percentages Totals			
	2008	2009	2010	2011	2008	2009	2010	2011
After Oral Hearing	33.0%	30.8%	28.9%	34.1%	30.3%	28.5%	26.4%	25.1%
After Submission	67.0%	69.2%	71.1%	65.9%	69.7%	71.5%	73.6%	74.9%

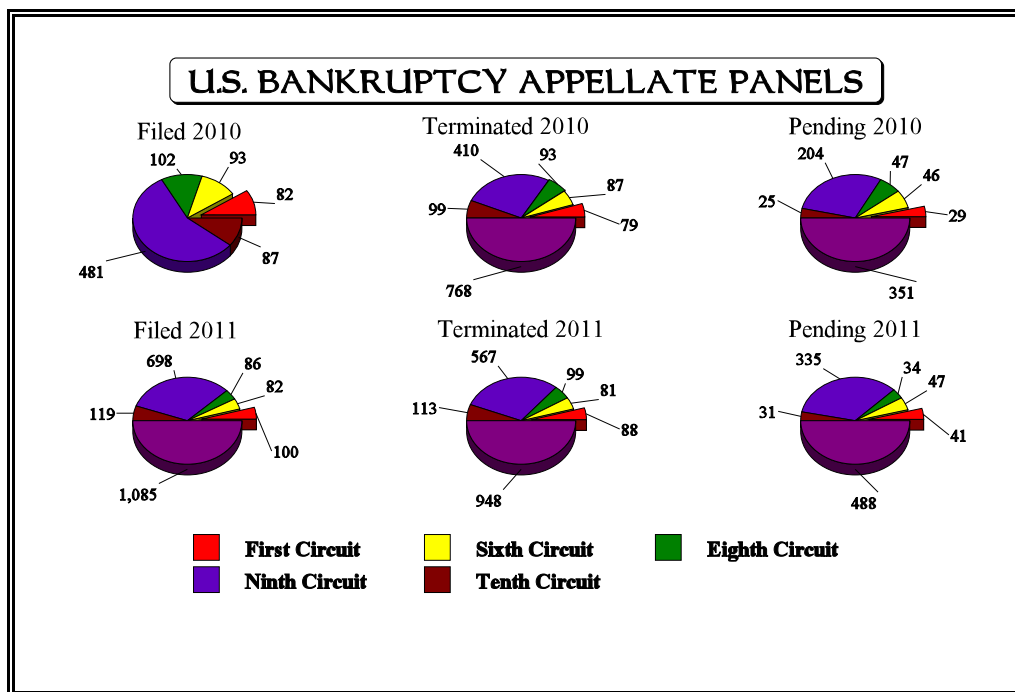
STATISTICS

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, 2010 and 2011									
	Filed			Terminated			Pending		
	2010	2011	% Change	2010	2011	% Change	2010*	2011	% Change
First Circuit	82	100	22.0	79	88	11.4	29	41	41.4
Sixth Circuit	93	82	-11.8	87	81	-6.9	46	47	2.2
Eighth Circuit	102	86	-15.7	93	99	6.5	47	34	-27.7
Ninth Circuit	481	698	45.1	410	567	38.3	204	335	64.2
Tenth Circuit	87	119	36.8	99	113	14.1	25	31	24.0
Total	845	1,085	28.4	768	948	23.4	351	488	39.0

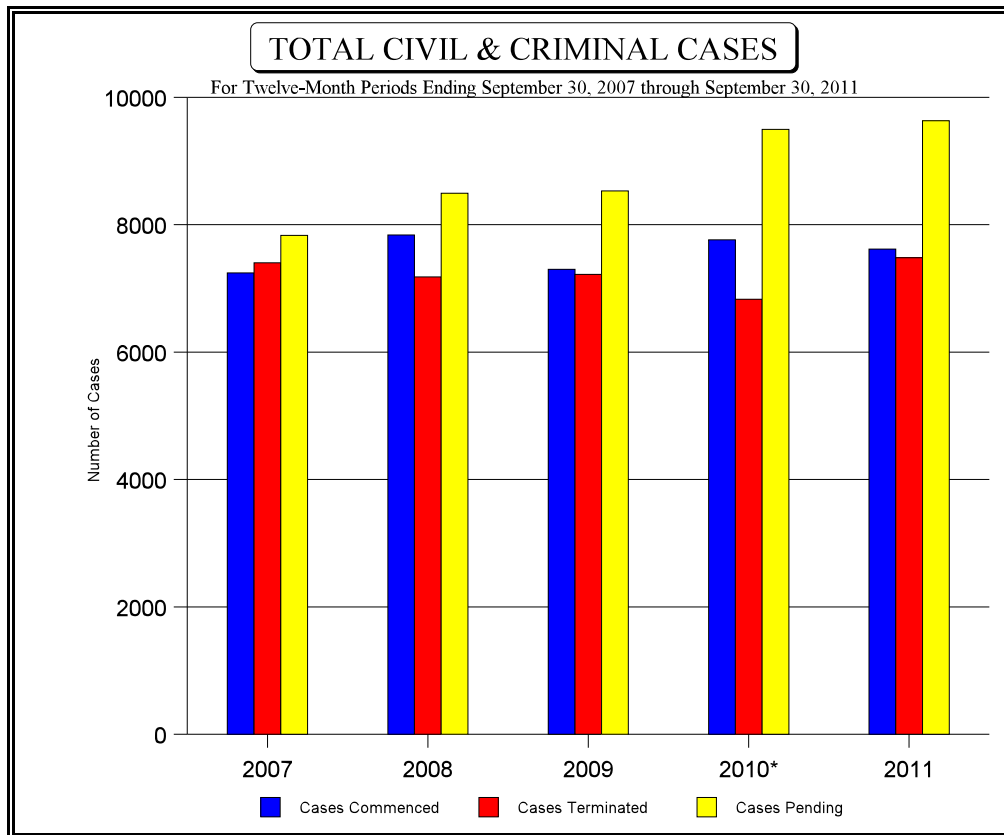
*Pending caseload for 2010 revised by the Administrative Office of the U.S. Courts.

STATISTICS

FIRST CIRCUIT

DISTRICT COURTS

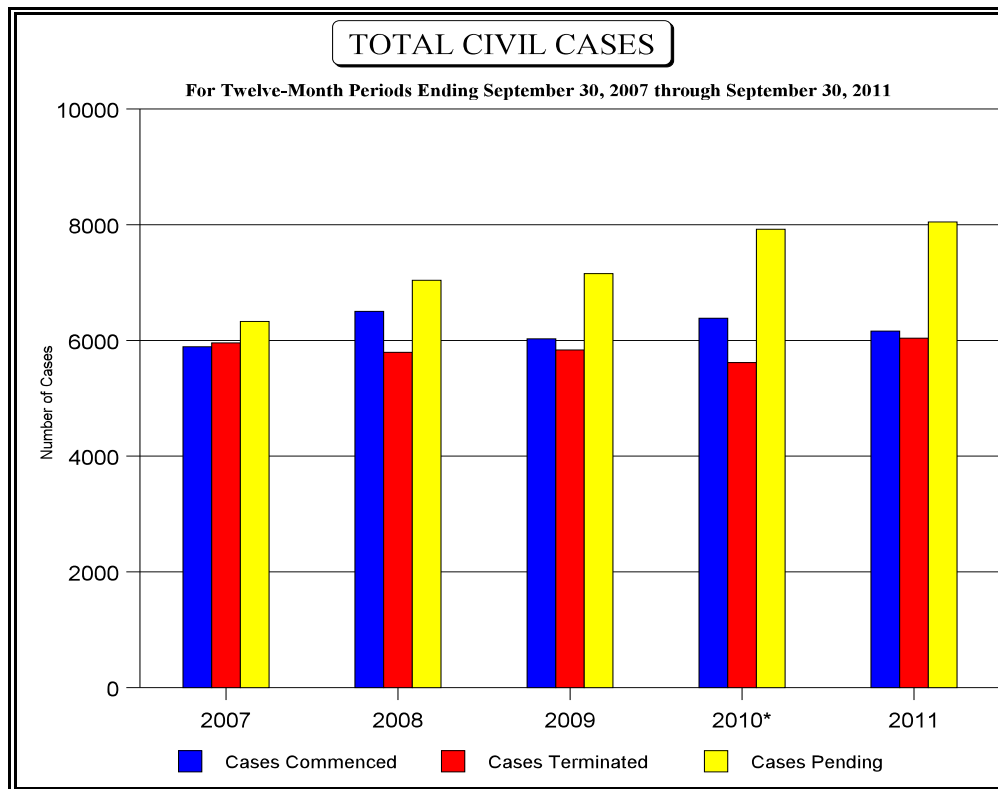
TOTAL CASELOAD COMPARISON First Circuit District Courts



TOTAL CIVIL & CRIMINAL CASES From 2007 through 2011					
	2007	2008	2009	2010*	2011
Cases Commenced	7,242	7,840	7,301	7,764	7,619
Cases Terminated	7,403	7,180	7,222	6,829	7,482
Cases Pending	7,833	8,493	8,557	9,497	9,634

*Pending caseload for 2010 revised by the Administrative Office of the U.S. Courts.

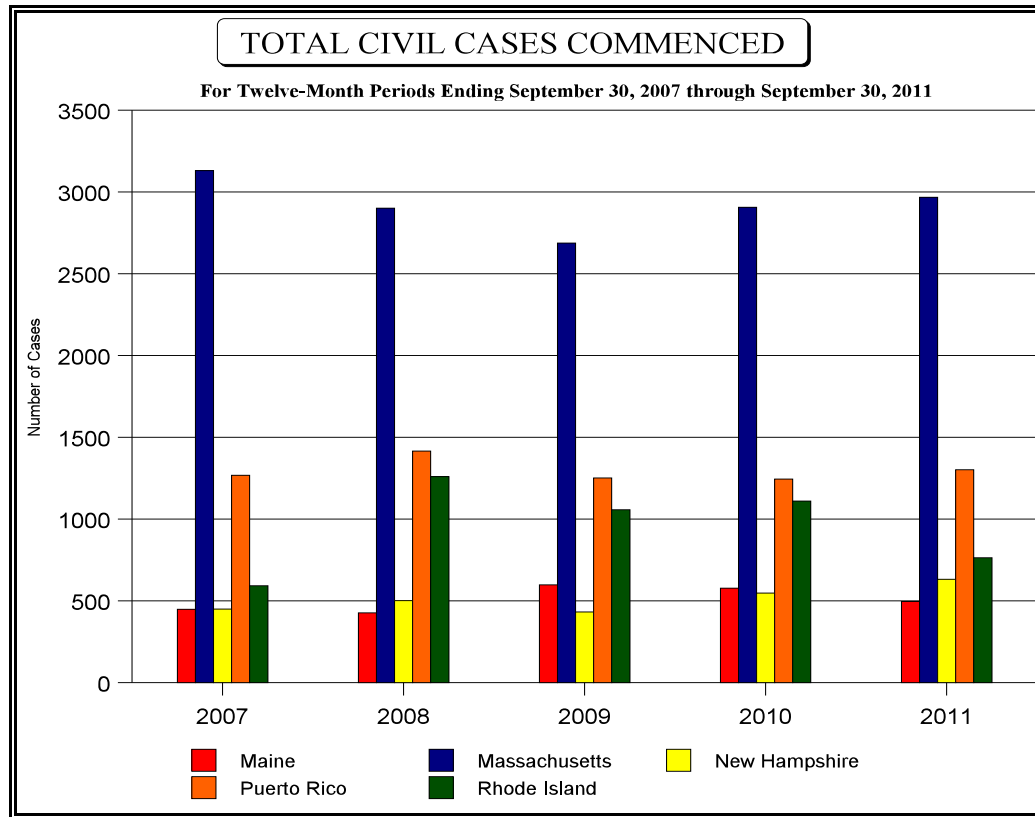
TOTAL CASELOAD COMPARISON First Circuit District Courts



TOTAL CIVIL CASES From 2007 through 2011					
	2007	2008	2009	2010*	2011
Cases Commenced	5,890	6,504	6,027	6,385	6,162
Cases Terminated	5,959	5,794	5,835	5,618	6,038
Cases Pending	6,328	7,038	7,153	7,924	8,048

*Pending caseload for 2010 revised by the Administrative Office of the U.S. Courts.

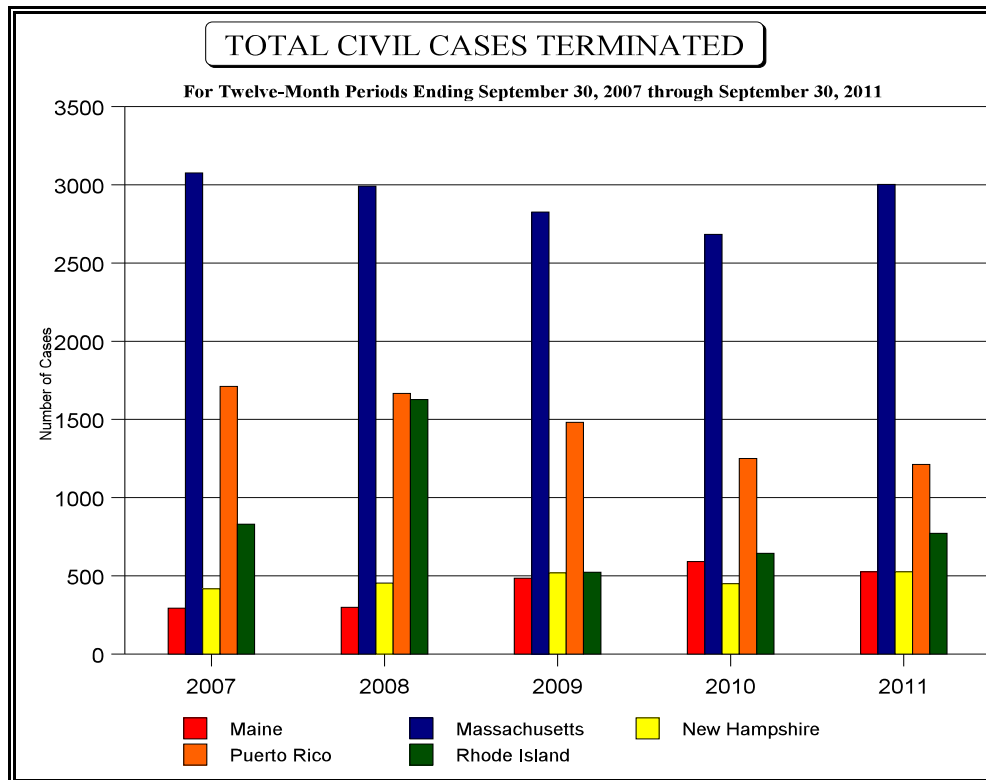
TOTAL CASELOAD COMPARISON First Circuit District Courts



CIVIL CASES COMMENCED From 2007 through 2011

Districts	2007	2008	2009	2010	2011
Maine	449	427	598	577	496
Massachusetts	3,131	2,901	2,688	2,906	2,968
New Hampshire	450	501	432	547	632
Puerto Rico	1,267	1,416	1,252	1,245	1,302
Rhode Island	593	1,259	1,057	1,110	764

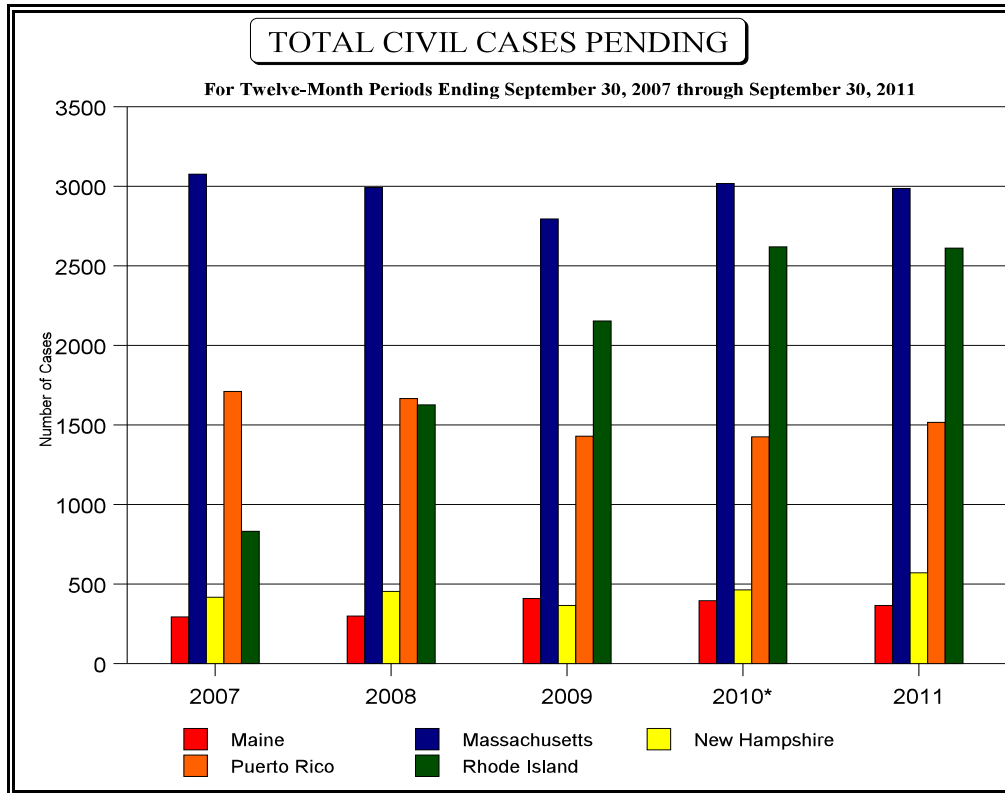
TOTAL CASELOAD COMPARISON First Circuit District Courts



CIVIL CASES TERMINATED From 2007 Through 2011

Districts	2007	2008	2009	2010	2011
Maine	409	421	485	591	526
Massachusetts	3,266	2,985	2,826	2,683	3,002
New Hampshire	461	464	519	450	526
Puerto Rico	1,259	1,461	1,482	1,250	1,212
Rhode Island	564	463	523	644	772

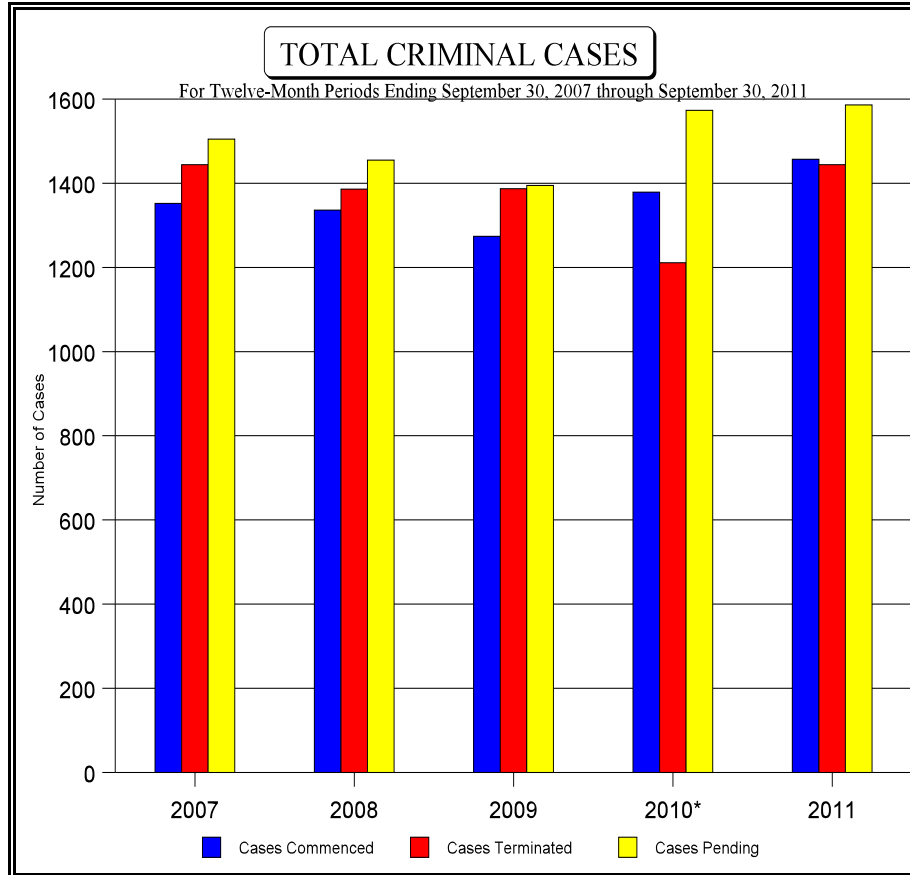
TOTAL CASELOAD COMPARISON First Circuit District Courts



CIVIL CASES PENDING From 2007 through 2011					
Districts	2007	2008	2009	2010*	2011
Maine	293	299	409	395	365
Massachusetts	3,076	2,992	2,795	3,018	2,986
New Hampshire	417	454	366	463	570
Puerto Rico	1,711	1,666	1,430	1,425	1,516
Rhode Island	831	1,627	2,153	2,619	2,611

*Total civil cases pending in 2010 revised by the Administrative Office of the United States Courts.

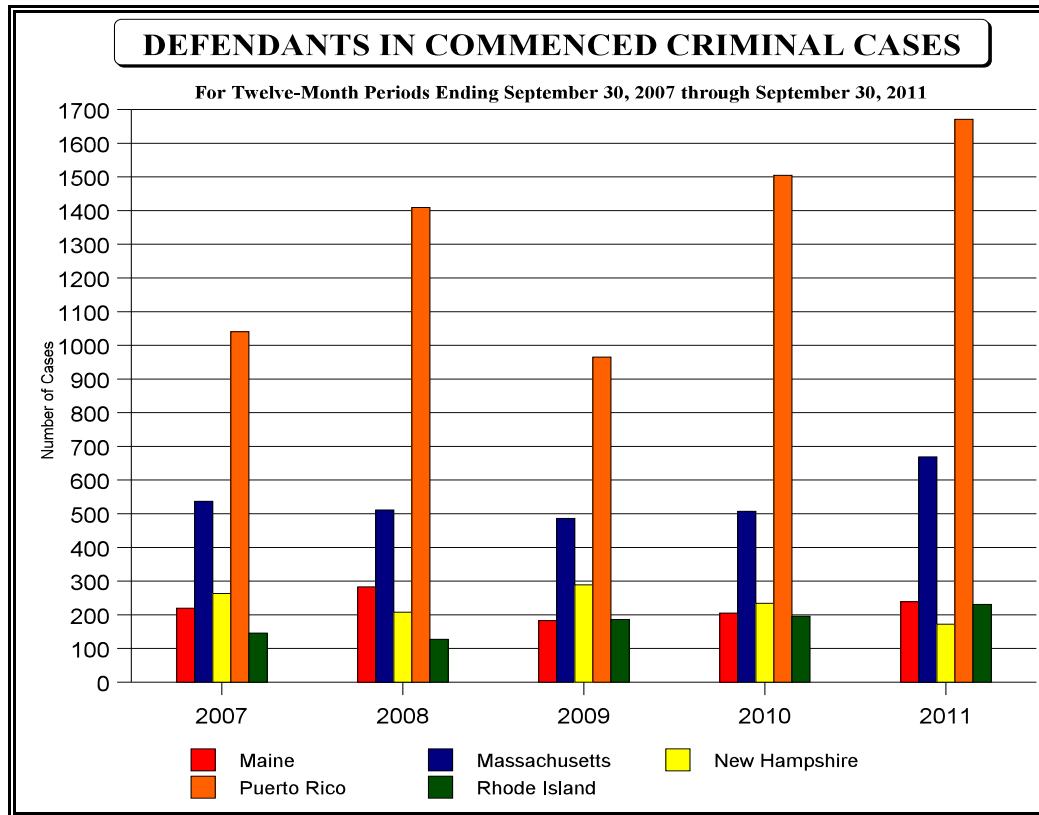
TOTAL CASELOAD COMPARISON First Circuit District Courts



TOTAL CRIMINAL CASES From 2007 through 2011					
	2007	2008	2009	2010*	2011
Cases Commenced	1,352	1,336	1,274	1,379	1,457
Cases Terminated	1,444	1,386	1,387	1,211	1,444
Cases Pending	1,505	1,455	1,395	1,573	1,586

*Total criminal cases pending in 2010 revised by the Administrative Office of the United States Courts.

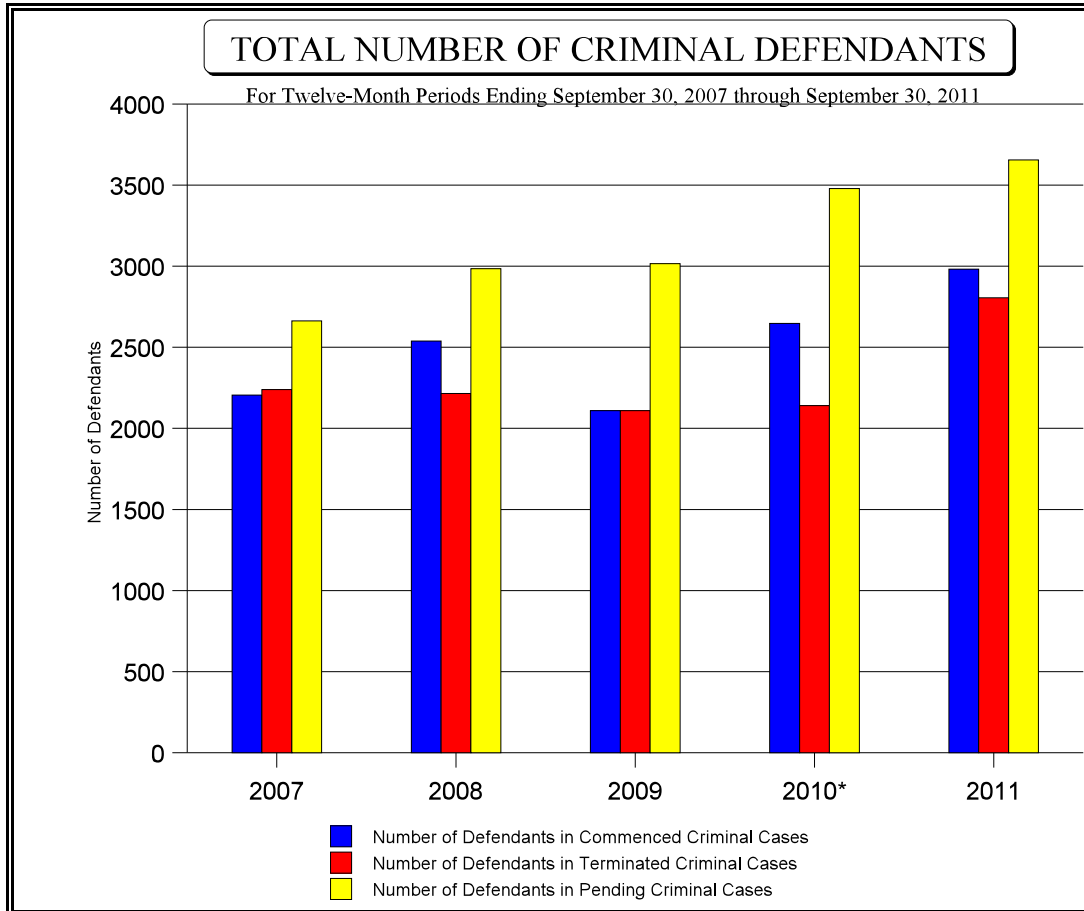
TOTAL CASELOAD COMPARISON First Circuit District Courts



DEFENDANTS IN COMMENCED CRIMINAL CASES From 2007 Through 2011

Districts	2007	2008	2009	2010	2011
Maine	220	283	183	205	239
Massachusetts	537	511	486	507	669
New Hampshire	263	208	289	234	172
Puerto Rico	1,040	1,409	965	1,505	1,671
Rhode Island	146	127	186	196	231

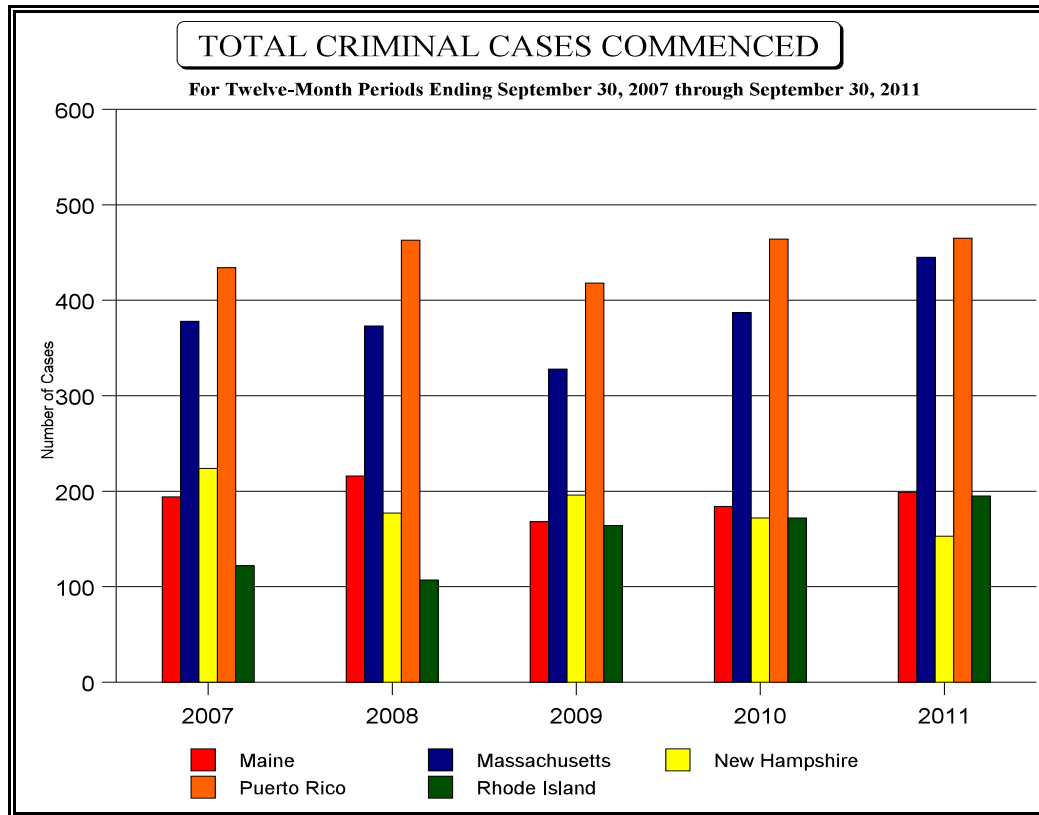
TOTAL CASELOAD COMPARISON First Circuit District Courts



TOTAL NUMBER OF CRIMINAL DEFENDANTS From 2007 Through 2011					
	2007	2008	2009	2010*	2011
Number of Defendants in Commenced Criminal Cases	2,206	2,538	2,109	2,647	2,982
Number of Defendants in Terminated Criminal Cases	2,239	2,216	2,110	2,141	2,806
Number of Defendants in Pending Criminal Cases	2,663	2,985	3,016	3,479	3,655

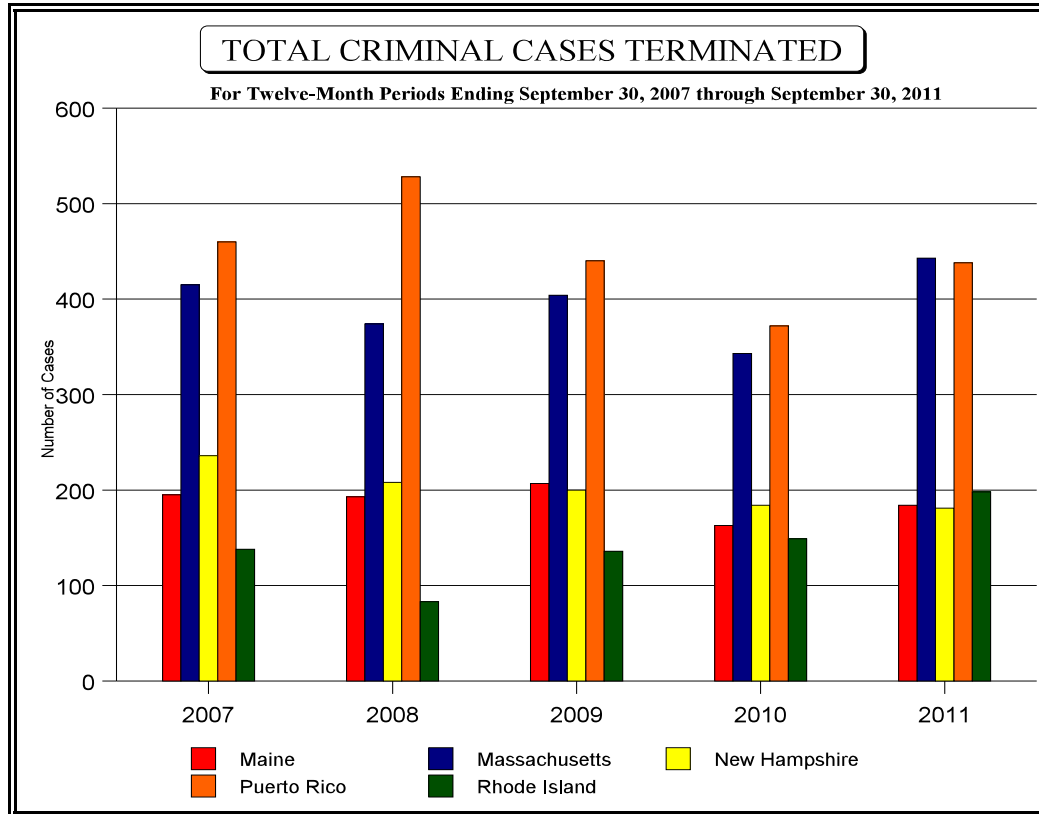
* Total number of defendants in pending criminal cases in 2010 revised by the Administrative office of the United States Courts.

TOTAL CASELOAD COMPARISON First Circuit District Courts



CRIMINAL CASES COMMENCED From 2007 Through 2011					
Districts	2007	2008	2009	2010	2011
Maine	194	216	168	184	199
Massachusetts	378	373	328	387	445
New Hampshire	224	177	196	172	153
Puerto Rico	434	463	418	464	465
Rhode Island	122	107	164	172	195

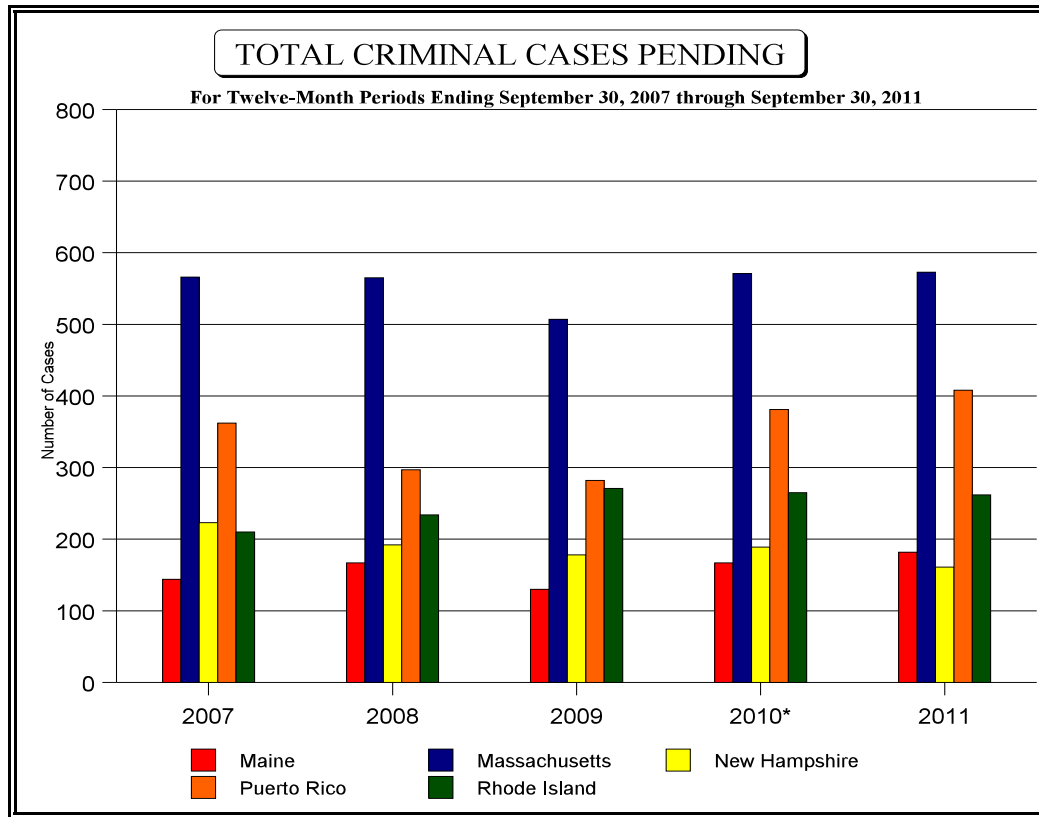
TOTAL CASELOAD COMPARISON First Circuit District Courts



CRIMINAL CASES TERMINATED From 2007 Through 2011

Districts	2007	2008	2009	2010	2011
Maine	195	193	207	163	184
Massachusetts	415	374	404	343	443
New Hampshire	236	208	200	184	181
Puerto Rico	460	528	440	372	438
Rhode Island	138	83	136	149	198

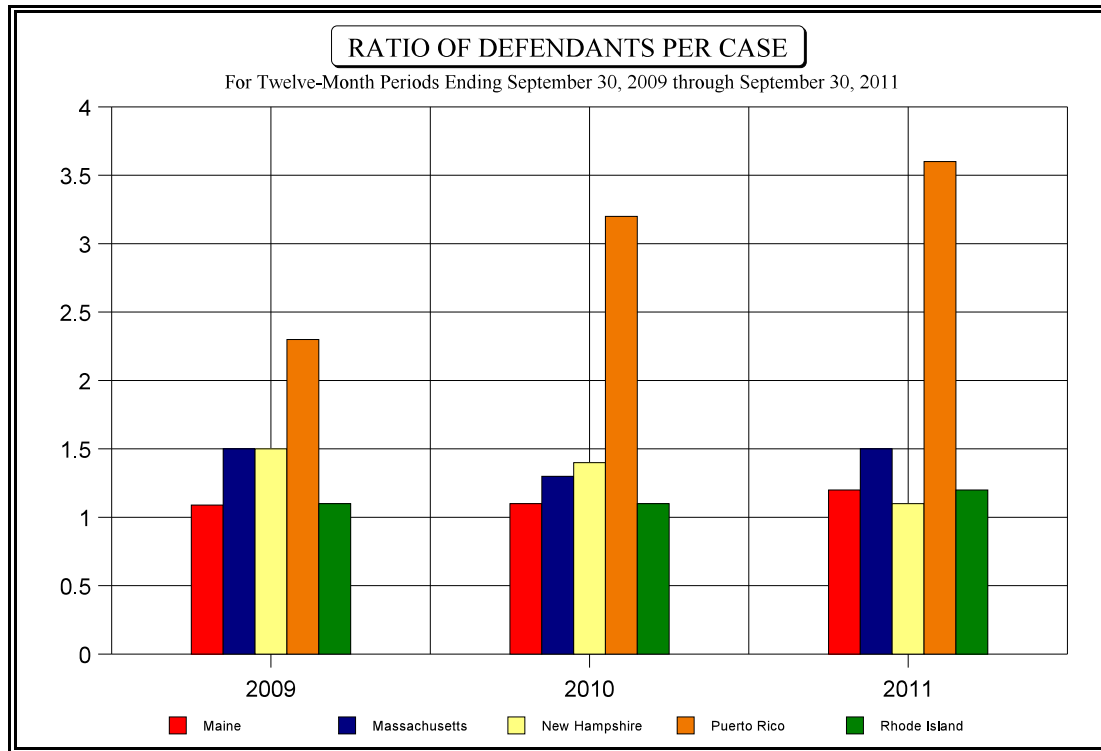
TOTAL CASELOAD COMPARISON First Circuit District Courts



CRIMINAL CASES PENDING From 2007 Through 2011

Districts	2007	2008	2009	2010*	2011
Maine	144	167	130	167	182
Massachusetts	566	565	507	571	573
New Hampshire	223	192	178	189	161
Puerto Rico	362	297	282	381	408
Rhode Island	210	234	271	265	262

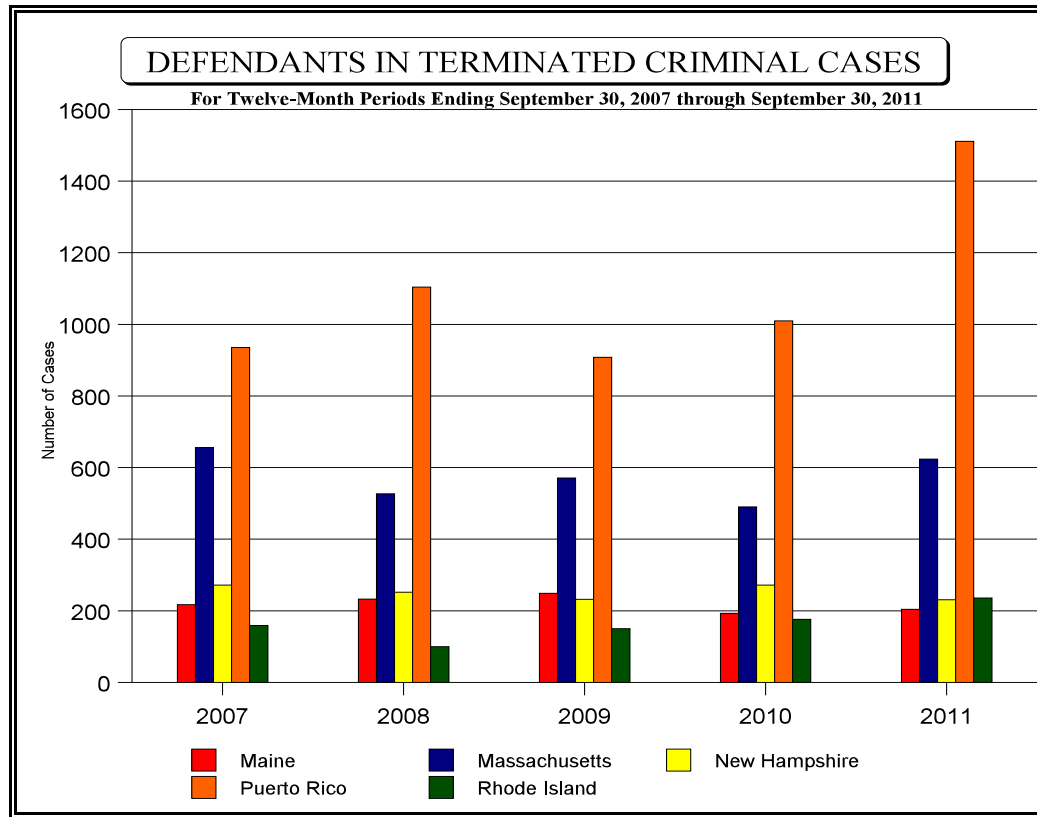
TOTAL CASELOAD COMPARISON First Circuit District Courts



Number of Criminal Cases Filed and Ratio of Defendants Per Case 2009-2011

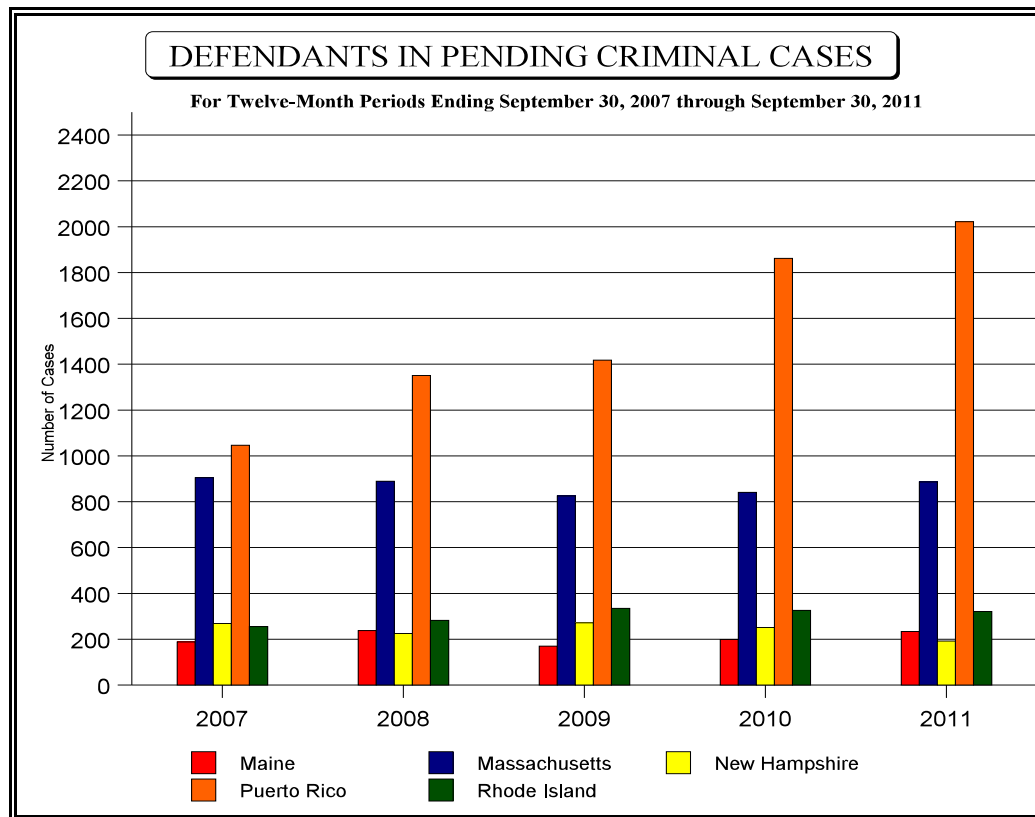
	<u>2009</u>		Average Number of Defs. per case	<u>2010</u>		Average Number of Defs. per case	<u>2011</u>		Average Number of Defs. per case
	Cases	Def.		Cases	Def.		Cases	Def.	
Maine	168	183	1.09	184	205	1.1	199	239	1.2
Massachusetts	328	486	1.5	387	507	1.3	445	669	1.5
New Hampshire	196	289	1.5	172	234	1.4	153	172	1.1
Puerto Rico	418	965	2.3	464	1,505	3.2	465	1,671	3.6
Rhode Island	164	186	1.1	172	196	1.1	195	231	1.2

TOTAL CASELOAD COMPARISON First Circuit District Courts



DEFENDANTS IN TERMINATED CRIMINAL CASES From 2007 Through 2011					
Districts	2007	2008	2009	2010	2011
Maine	217	233	249	193	204
Massachusetts	656	527	571	490	624
New Hampshire	272	252	232	272	231
Puerto Rico	935	1,104	908	1,010	1,511
Rhode Island	159	100	150	176	236

TOTAL CASELOAD COMPARISON First Circuit District Courts

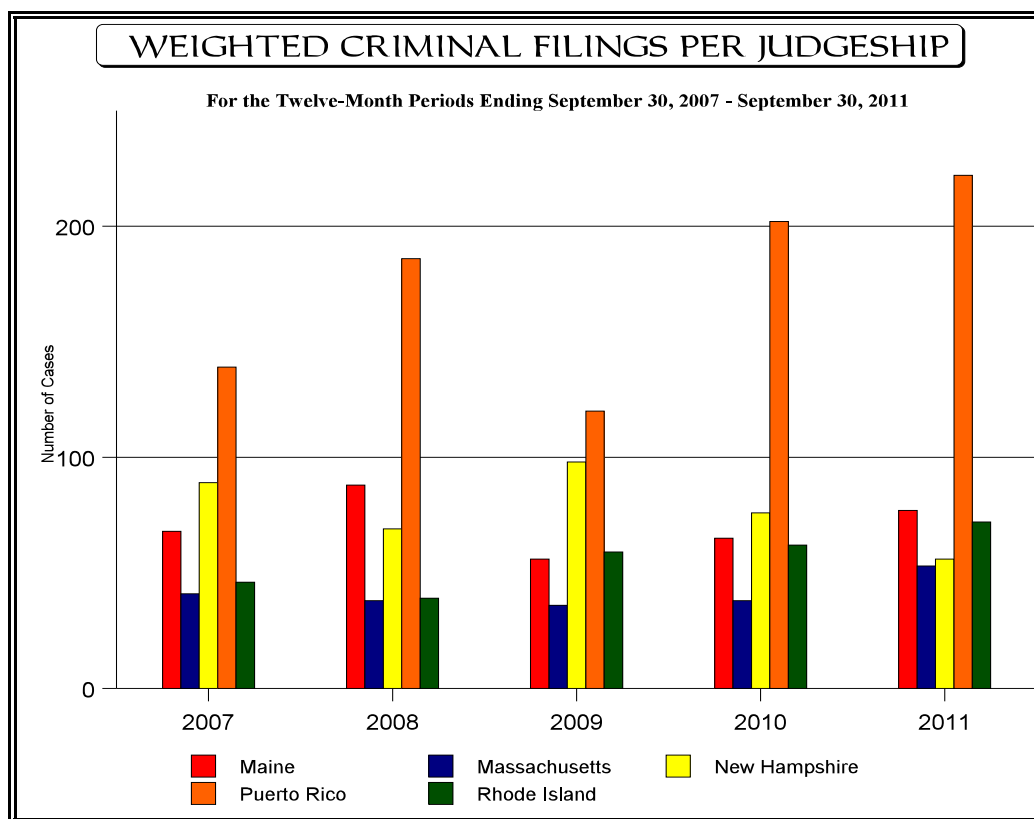


DEFENDANTS IN PENDING CRIMINAL CASES From 2007 through 2011					
Districts	2007	2008	2009	2010*	2011
Maine	188	238	170	199	234
Massachusetts	905	889	825	841	886
New Hampshire	269	225	272	251	192
Puerto Rico	1,046	1,351	1,418	1,862	2,022
Rhode Island	255	282	335	326	321

* Total number of defendants in pending criminal cases in 2010 revised by the Administrative Office of the United States Courts.

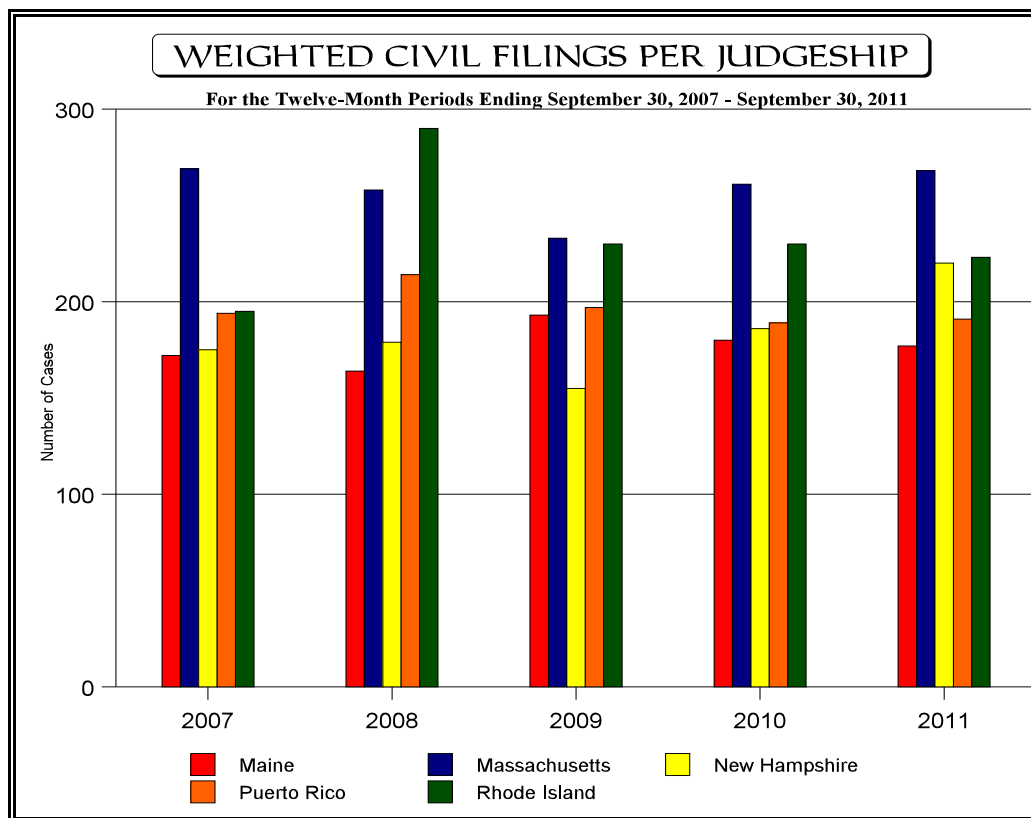
TOTAL CASELOAD COMPARISON

First Circuit District Courts



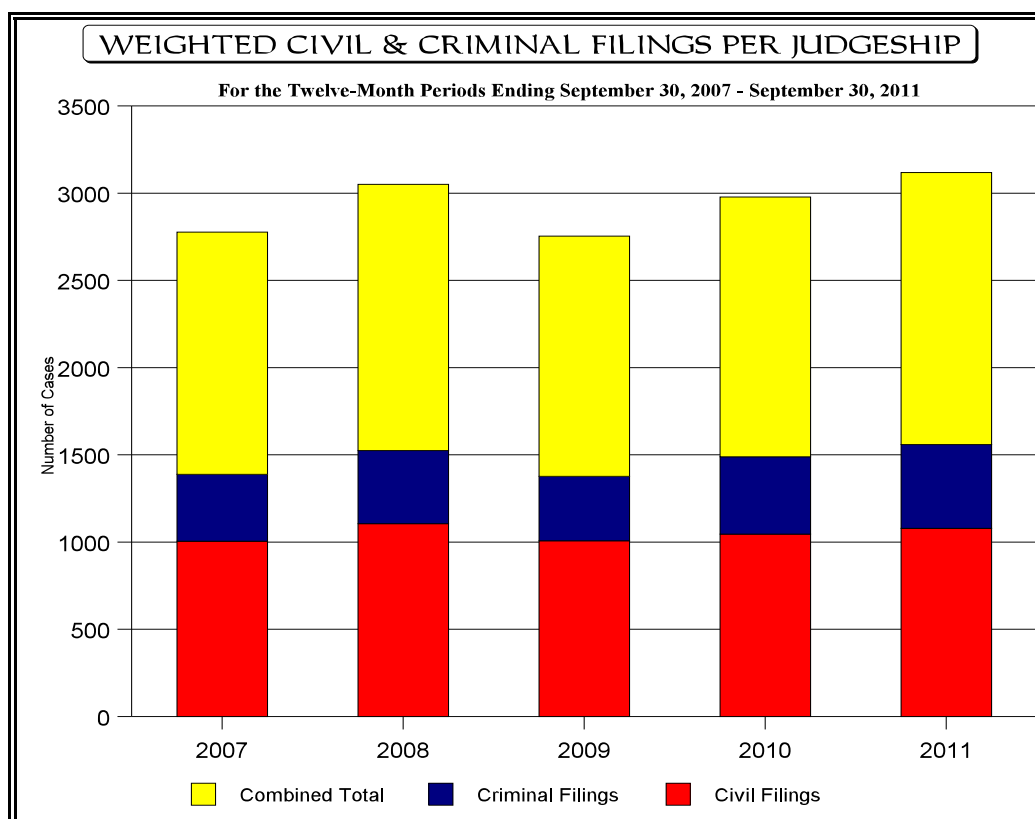
WEIGHTED CRIMINAL FILINGS PER JUDGESHIP From 2007 Through 2011						
Districts	Judgeships	2007	2008	2009	2010	2011
Maine	3	68	88	56	65	77
Massachusetts	13	41	38	36	38	53
New Hampshire	3	89	69	98	76	56
Puerto Rico	7	139	186	120	202	222
Rhode Island	3	46	39	59	62	72

TOTAL CASELOAD COMPARISON First Circuit District Courts



WEIGHTED CIVIL FILINGS PER JUDGESHIP From 2007 Through 2011						
Districts	Judgeships	2007	2008	2009	2010	2011
Maine	3	172	164	193	180	177
Massachusetts	13	269	258	233	261	268
New Hampshire	3	175	179	155	186	220
Puerto Rico	7	194	214	197	189	191
Rhode Island	3	195	290	230	230	223

TOTAL CASELOAD COMPARISON First Circuit District Courts



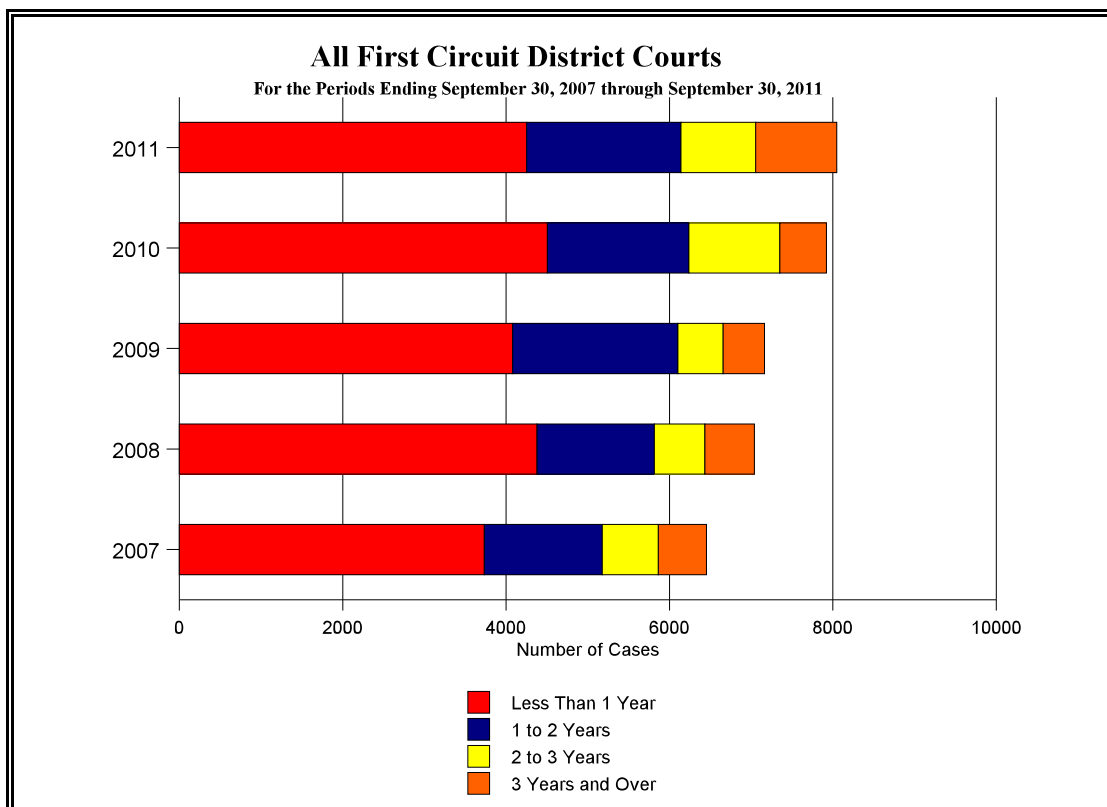
WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP Weighted Civil & Criminal Filings per Judgeship From 2007 through 2011

	2007	2008	2009	2010	2011
Civil Filings	1,005	1,105	1,008	1,046	1,079
Criminal Filings	383	420	369	443	480
Combined Total	1,388	1,525	1,377	1,489	1,559

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

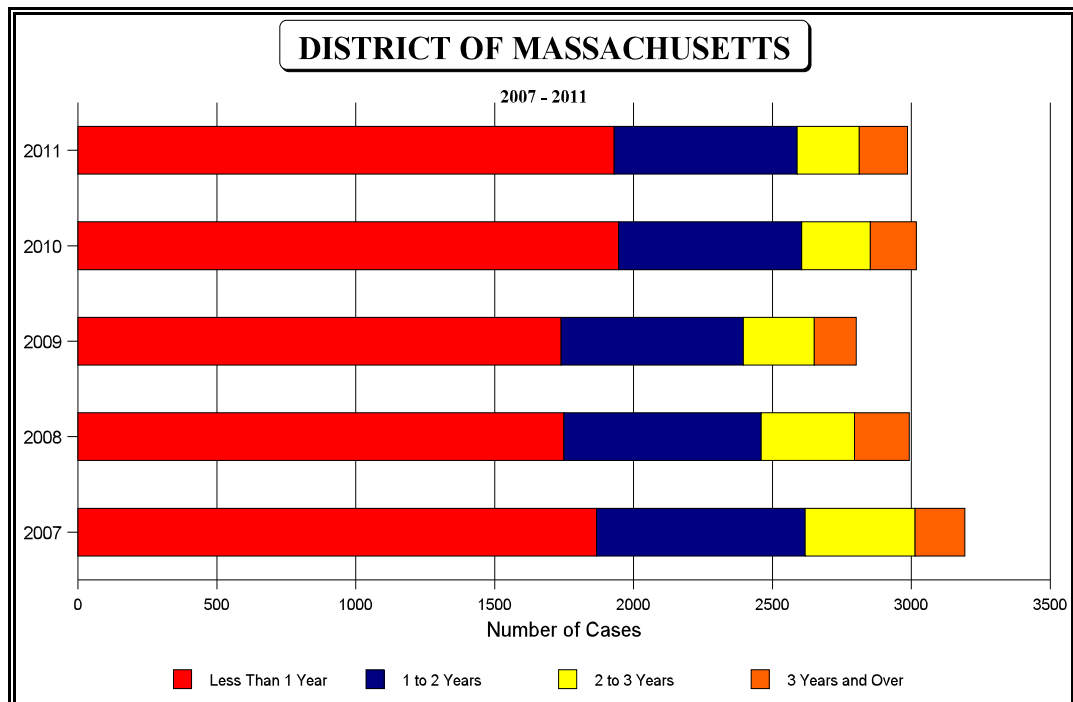
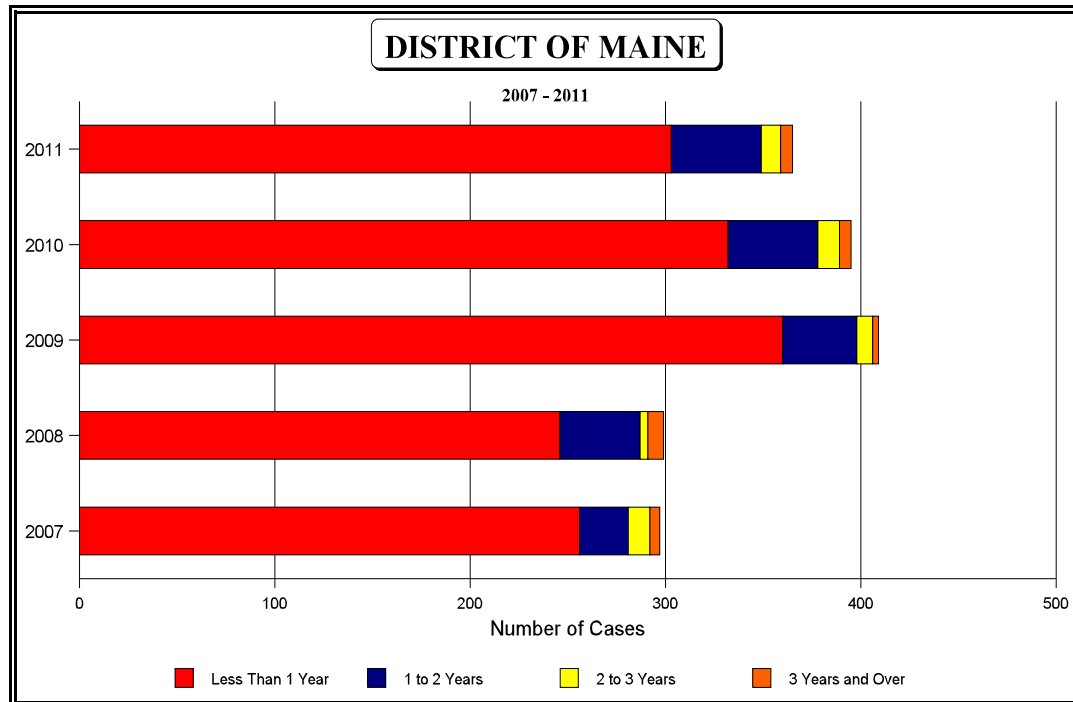
Civil Cases Pending and Length of Time Pending for the periods ending September 30, 2007 through September 30, 2011					
	2007	2008	2009	2010	2011
DISTRICT OF MAINE					
Less Than 1 Year	256	246	360	332	303
1 to 2 Years	25	41	38	46	46
2 to 3 Years	11	4	8	11	10
3 Years and Over	5	8	3	6	6
DISTRICT OF MASSACHUSETTS					
Less Than 1 Year	1,867	1,749	1,739	1,946	1,930
1 to 2 Years	751	710	656	659	659
2 to 3 Years	395	336	255	247	223
3 Years and Over	179	197	151	166	174
DISTRICT OF NEW HAMPSHIRE					
Less Than 1 Year	286	318	250	360	427
1 to 2 Years	99	100	87	70	111
2 to 3 Years	20	23	18	26	19
3 Years and Over	12	13	12	7	13
DISTRICT OF PUERTO RICO					
Less Than 1 Year	925	968	848	902	980
1 to 2 Years	461	389	371	334	372
2 to 3 Years	198	210	155	144	117
3 Years and Over	128	99	58	45	47
DISTRICT OF RHODE ISLAND					
Less Than 1 Year	398	1,098	882	964	612
1 to 2 Years	109	197	872	625	700
2 to 3 Years	63	44	117	685	546
3 Years and Over	264	288	282	345	753

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

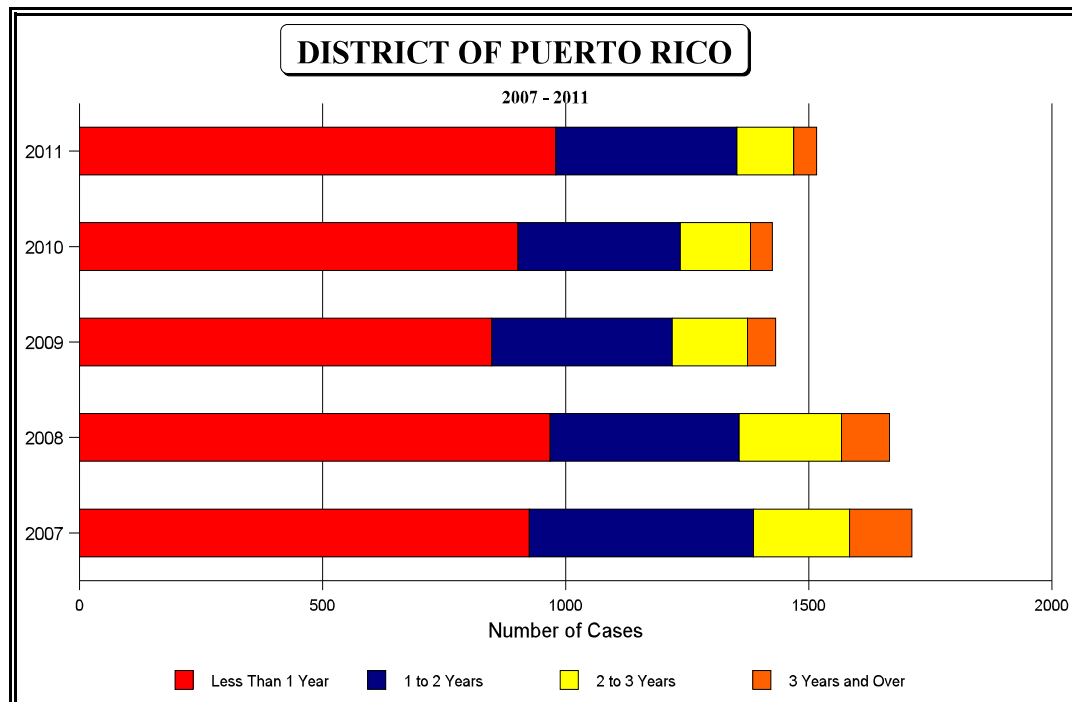
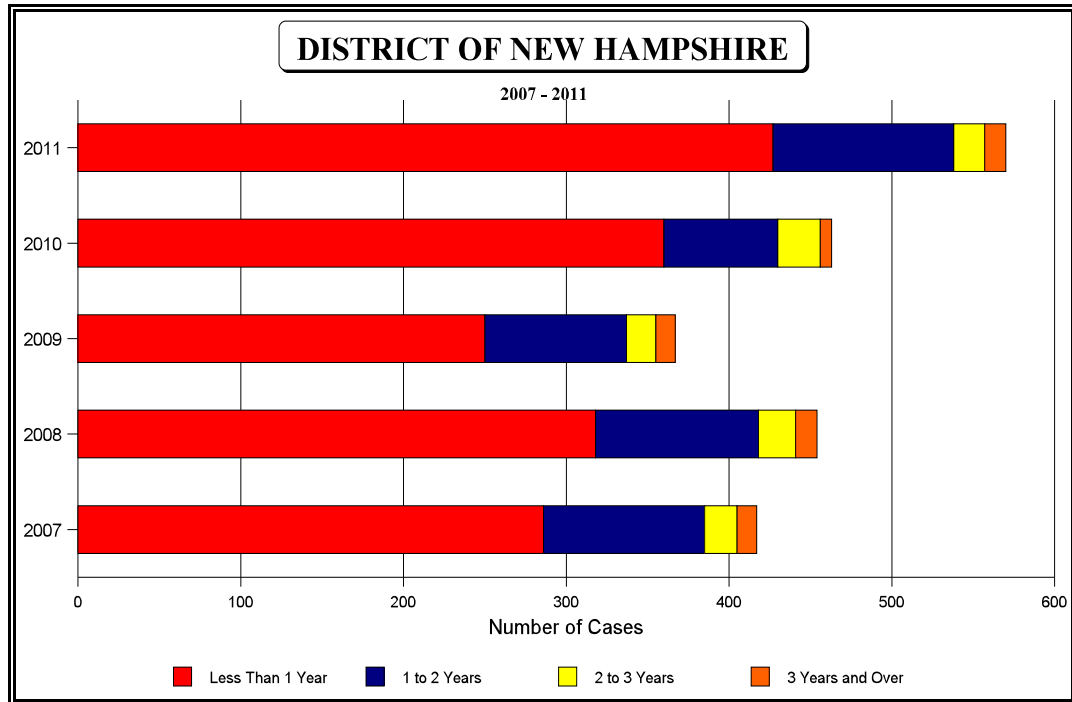


CIVIL CASES PENDING AND LENGTH From 2007 Through 2011					
	2007	2008	2009	2010	2011
Less Than 1 Year	3,732 (57.8%)	4,379 (62.2%)	4,079 (57%)	4,504 (56.9%)	4,252 (52.8%)
1 to 2 Years	1,445 (22.4%)	1,437 (20.4%)	2,024 (28.3%)	1,734 (21.9%)	1,888 (23.5%)
2 to 3 Years	687 (10.7%)	617 (8.8%)	553 (7.7%)	1,113 (14.1%)	915 (11.4%)
3 Years and Over	588 (9.1%)	605 (8.6%)	506 (7.1%)	569 (7.2%)	993 (12.3%)

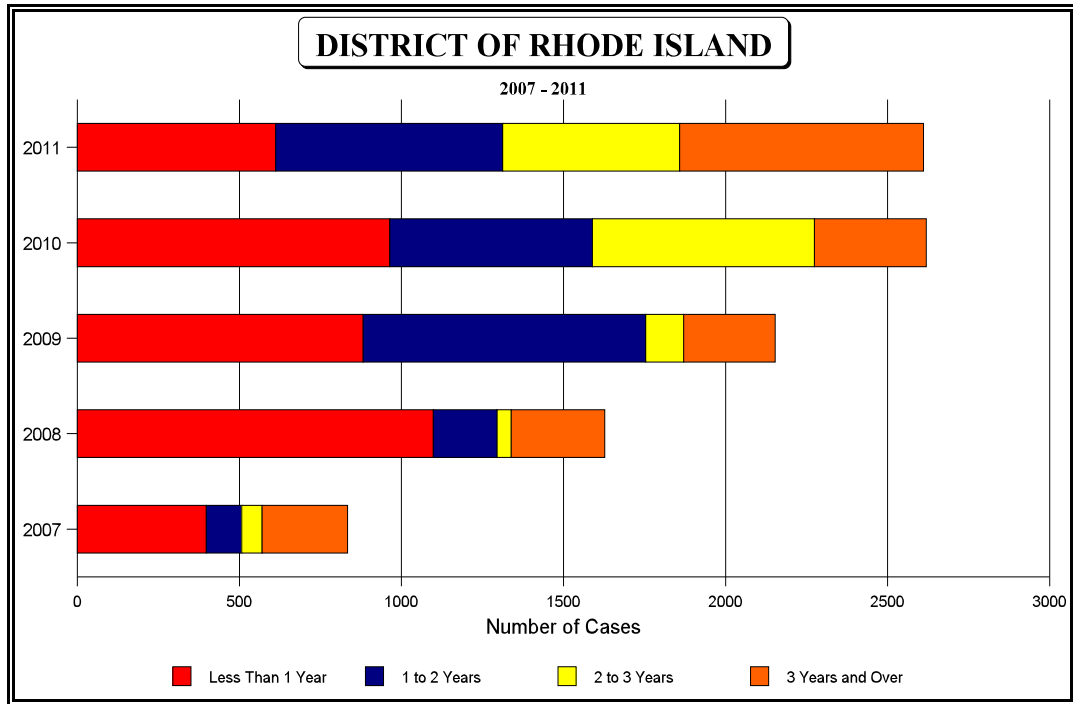
COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

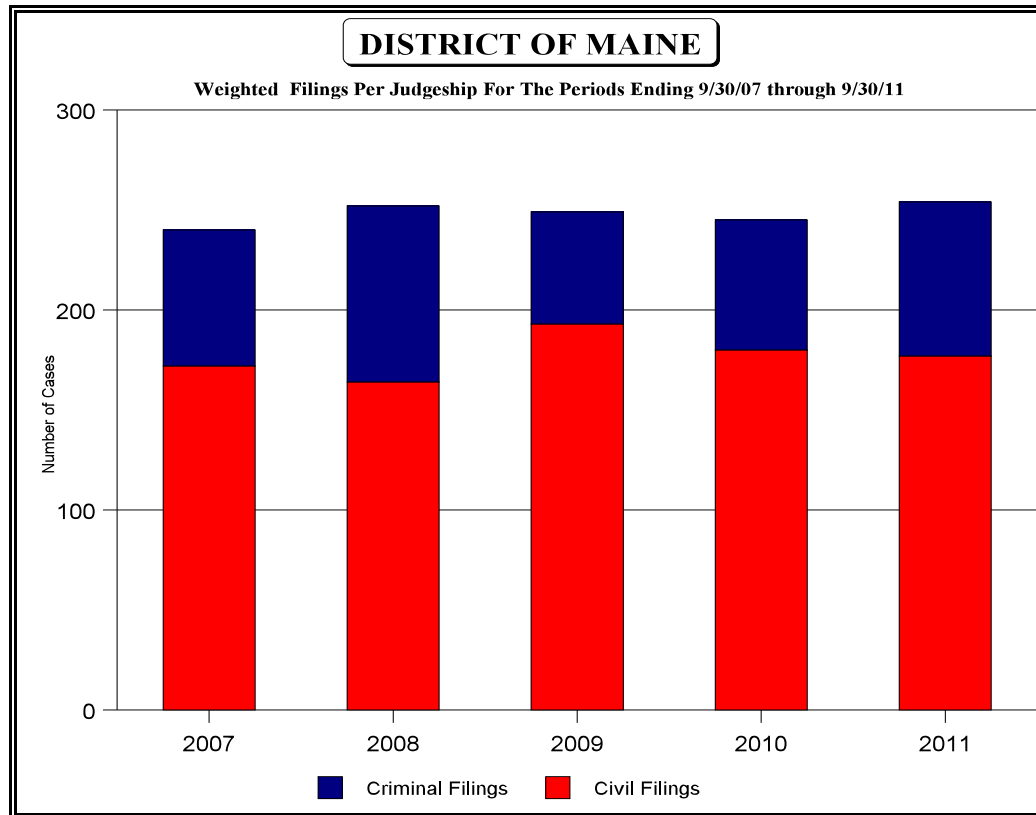


COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



STATISTICS
DISTRICT OF MAINE

TOTAL CASELOAD COMPARISON First Circuit District Courts



United States District Court for the District of Maine Authorized Judgeships

1789 • 1

1978 • 2

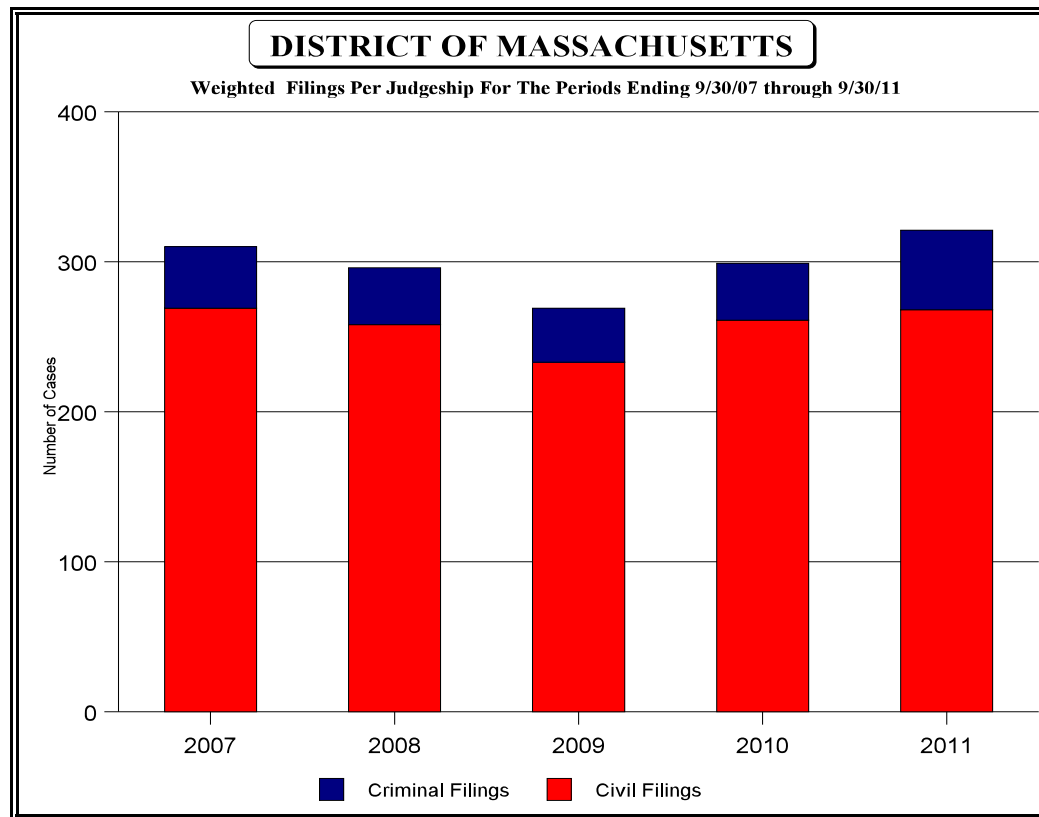
1990 • 3

DISTRICT OF MAINE Weighted Filings per Judgeship For The Period Ending September 30, 2007 - 2011					
	2007	2008	2009	2010	2011
Civil Filings	172	164	193	180	177
Criminal Filings	68	88	56	65	77
Total Filings	240	252	251	245	254

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

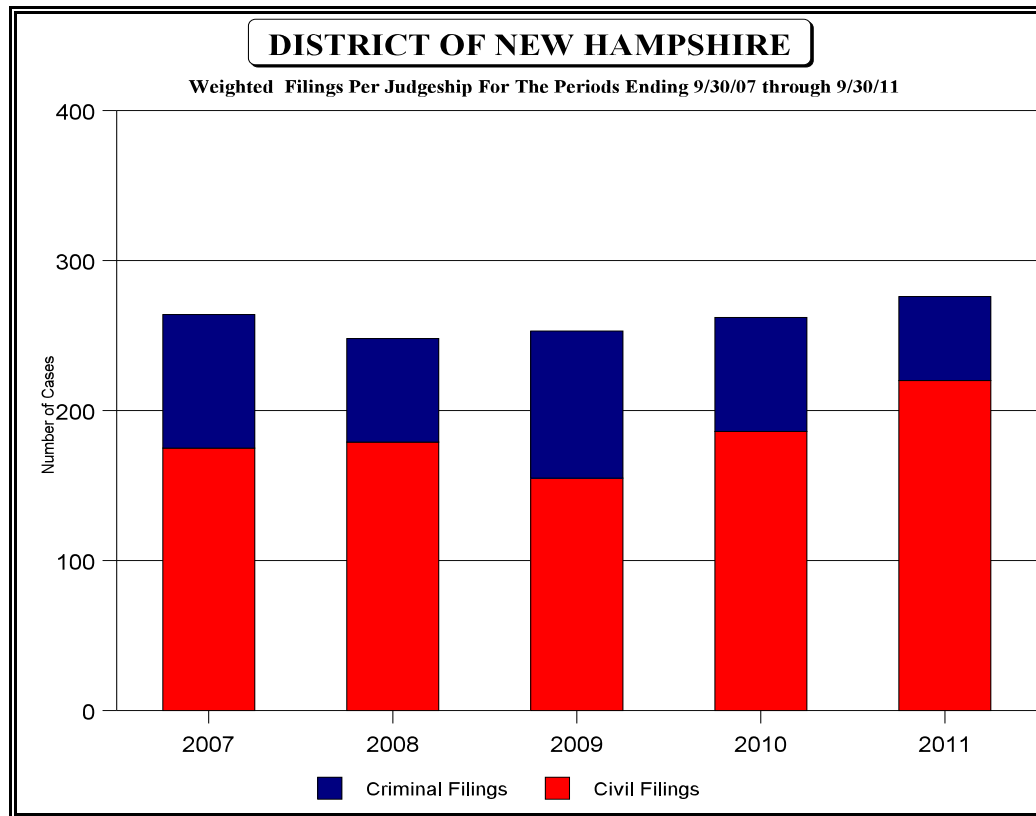
DISTRICT OF MASSACHUSETTS

Weighted Filings per Judgeship For The Period Ending September 30, 2007 - 2011

	2007	2008	2009	2010	2011
Civil Filings	269	258	233	261	268
Criminal Filings	41	38	36	38	53
Total Filings	310	296	272	299	321

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

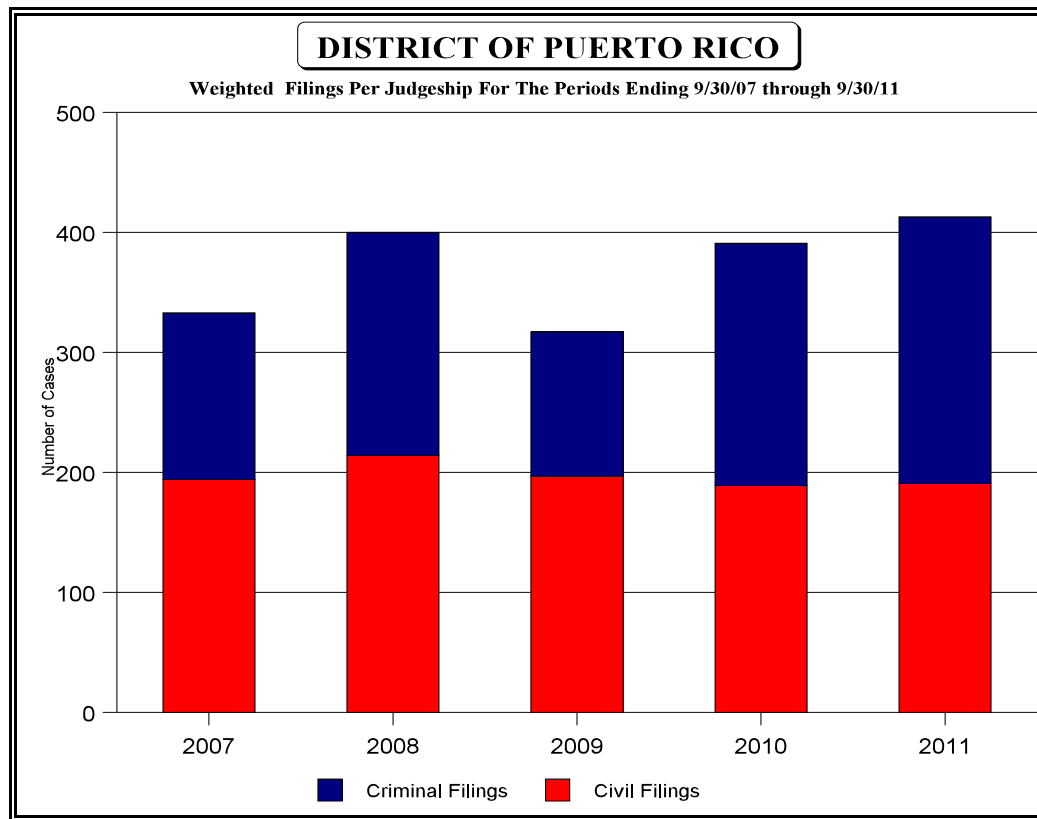
1978 • 2

1990 • 3

DISTRICT OF NEW HAMPSHIRE Weighted Filings per Judgeship For The Period Ending September 30, 2007 - 2011					
	2007	2008	2009	2010	2011
Civil Filings	175	179	155	186	220
Criminal Filings	89	69	98	76	56
Total Filings	264	248	253	262	276

STATISTICS
DISTRICT OF
PUERTO RICO

TOTAL CASELOAD COMPARISON First Circuit District Courts



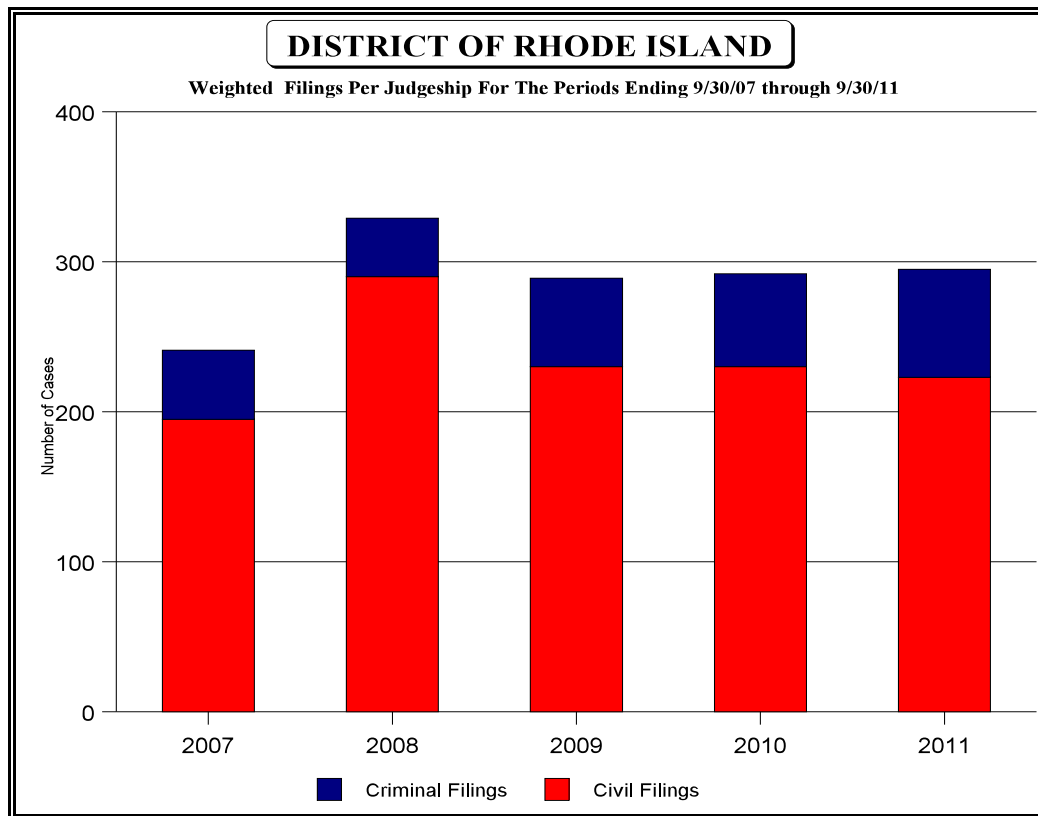
United States District Court for the District of Puerto Rico Authorized Judgeships

1917 • 1 1961 • 2 1970 • 3 1978 • 7

DISTRICT OF PUERTO RICO Weighted Filings per Judgeship For The Period Ending September 30, 2007 - 2011					
	2007	2008	2009	2010	2011
Civil Filings	194	214	197	189	191
Criminal Filings	139	186	120	202	222
Total Filings	333	400	317	391	413

STATISTICS
DISTRICT OF
RHODE ISLAND

TOTAL CASELOAD COMPARISON First Circuit District Courts



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

1790 • 1

1966 • 2

1984 • 3

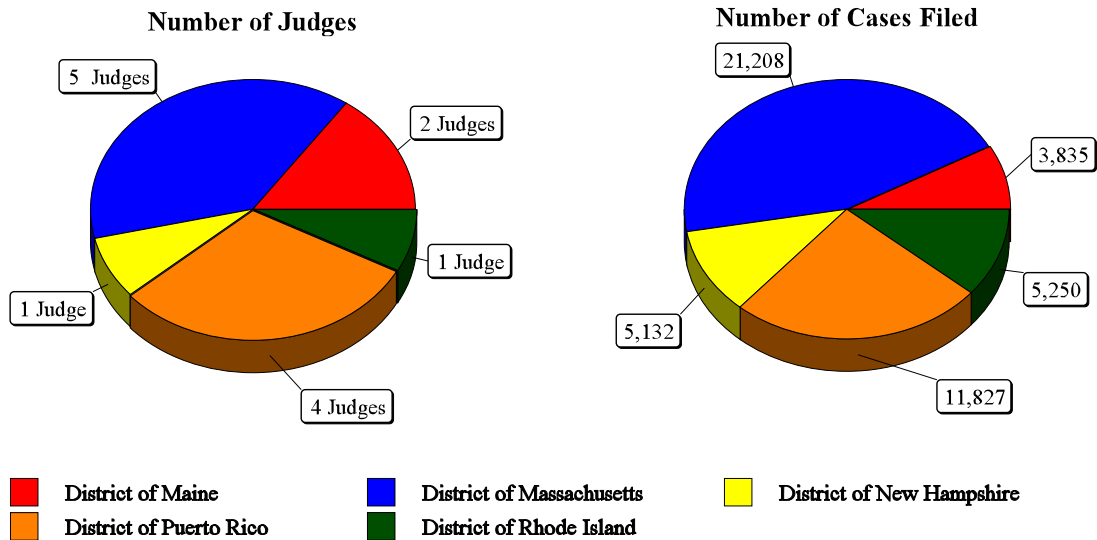
DISTRICT OF RHODE ISLAND Weighted Filings per Judgeship For The Period Ending September 30, 2007 - 2011					
	2007	2008	2009	2010	2011
Civil Filings	195	290	230	230	223
Criminal Filings	46	39	59	62	72
Total Filings	241	329	289	292	295

STATISTICS
FIRST CIRCUIT
BANKRUPTCY COURTS

BANKRUPTCY CASELOAD SUMMARY

BANKRUPTCY JUDGESHIPS & CASES FILED

All Bankruptcy Courts within the First Circuit as of September 30, 2011

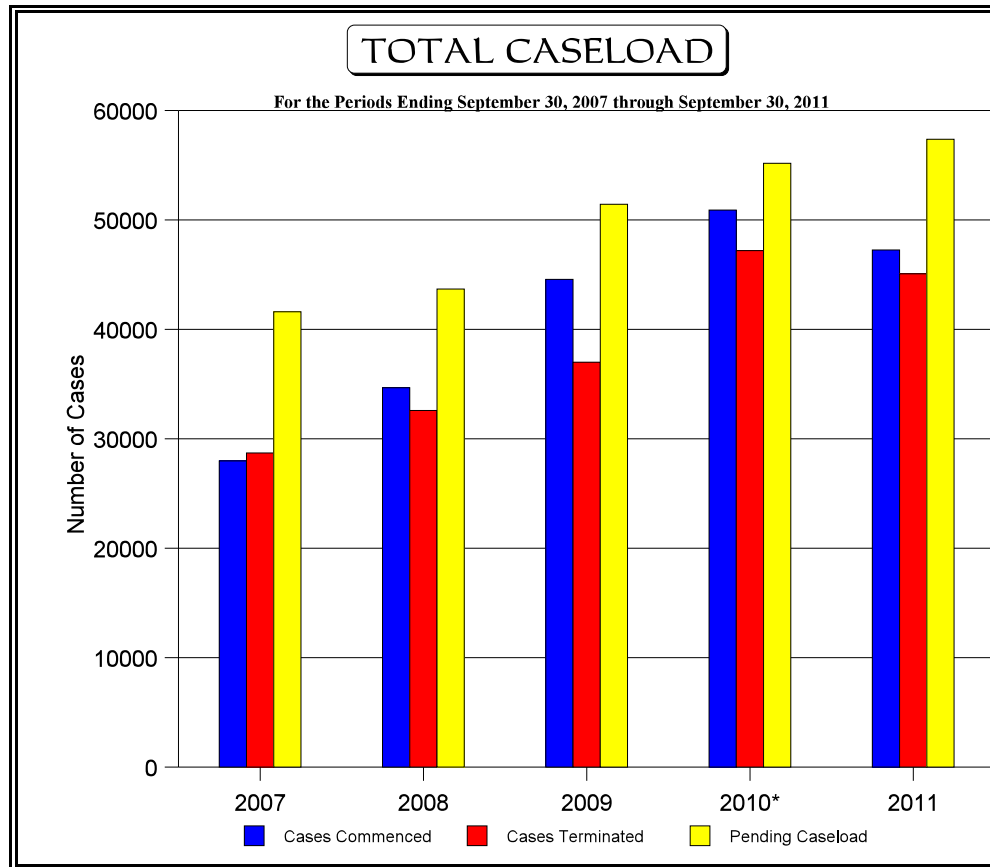


NUMBER OF BANKRUPTCY JUDGES AND CASES FILED During the Twelve Month Period Ending September 30, 2011

	Number of Judges	Cases Filed
District of Maine	2	3,835
District of Massachusetts	5	21,208
District of New Hampshire	1	5,132
District of Puerto Rico	4	11,827
District of Rhode Island	1	5,250
FIRST CIRCUIT TOTALS	13	47,252

BANKRUPTCY CASELOAD SUMMARY

First Circuit Bankruptcy Courts



Authorized Judgeships. 13

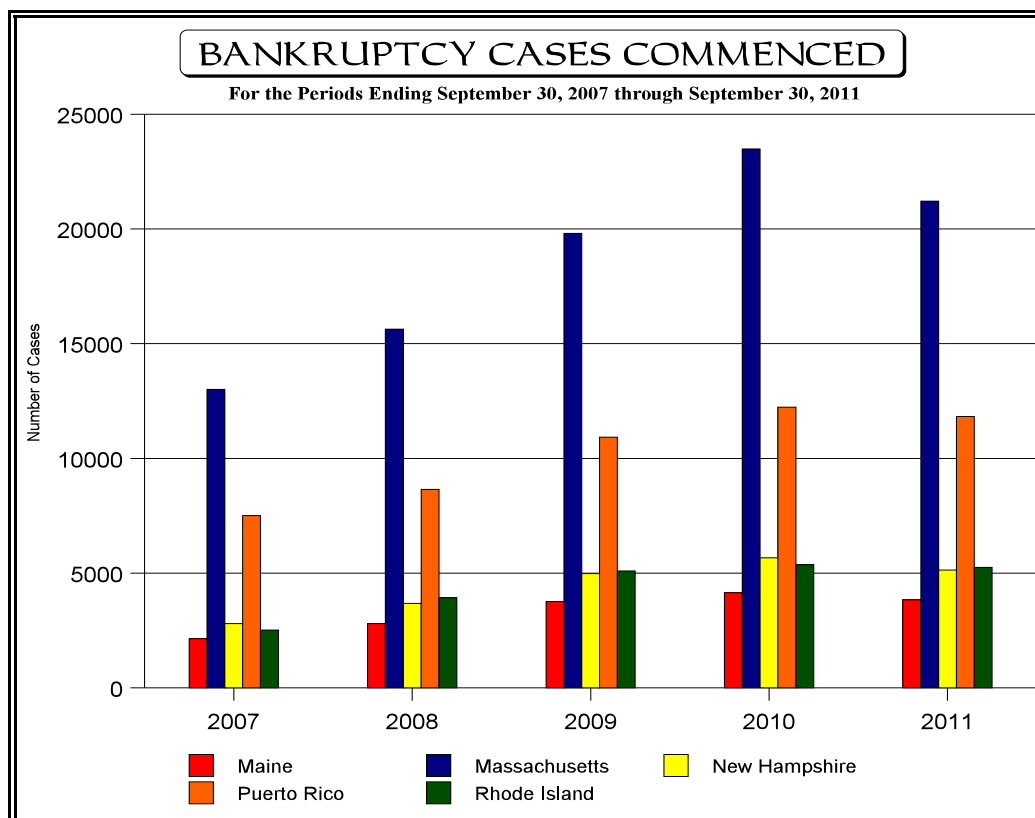
TOTAL BANKRUPTCY CASES 2007 - 2011

	2007	2008	2009	2010*	2011
Cases Commenced	27,981	34,676	44,560	50,902	47,252
Cases Terminated	28,709	32,597	37,006	47,199	45,075
Pending Caseload	41,599	43,678	51,434	55,183	57,363

*Pending caseload in 2010 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

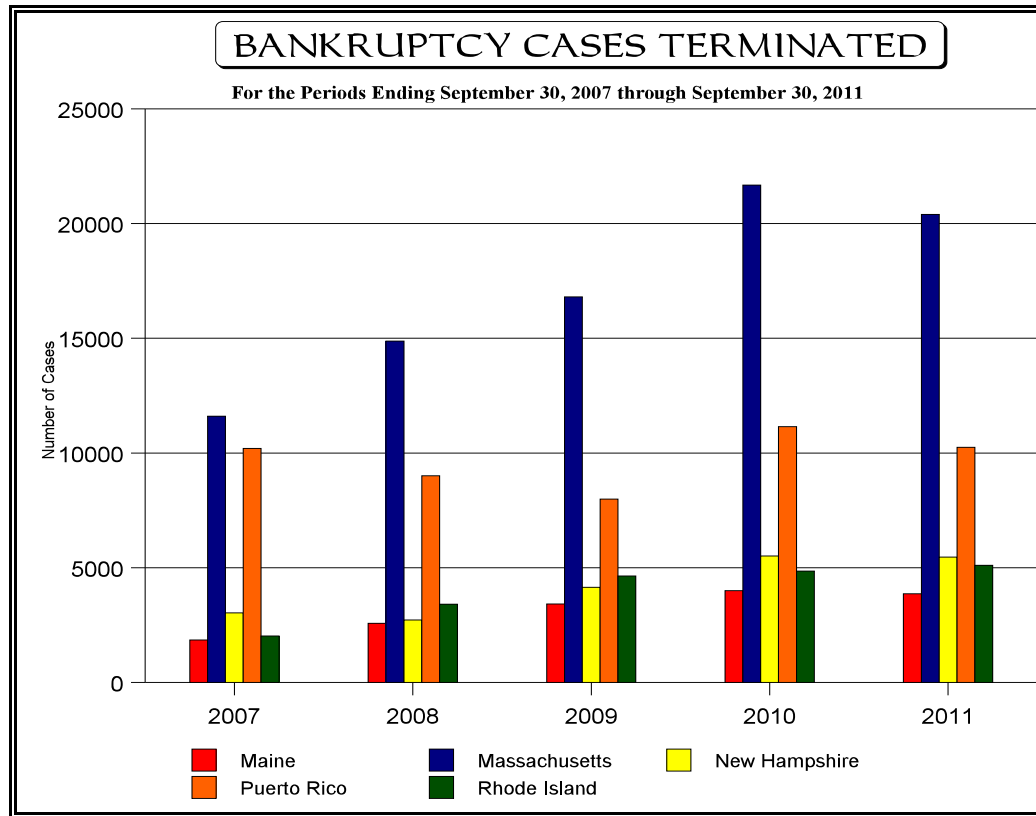
First Circuit Bankruptcy Courts



BANKRUPTCY CASES COMMENCED 2007 - 2011					
Districts	2007	2008	2009	2010	2011
Maine	2,143	2,800	3,761	4,149	3,835 (8.1%)
Massachusetts	13,011	15,636	19,805	23,485	21,208 (44.9%)
New Hampshire	2,804	3,676	4,976	5,671	5,132 (10.9%)
Puerto Rico	7,502	8,645	10,922	12,232	11,827 (25%)
Rhode Island	2,521	3,919	5,096	5,365	5,250 (11.1%)

BANKRUPTCY CASELOAD SUMMARY

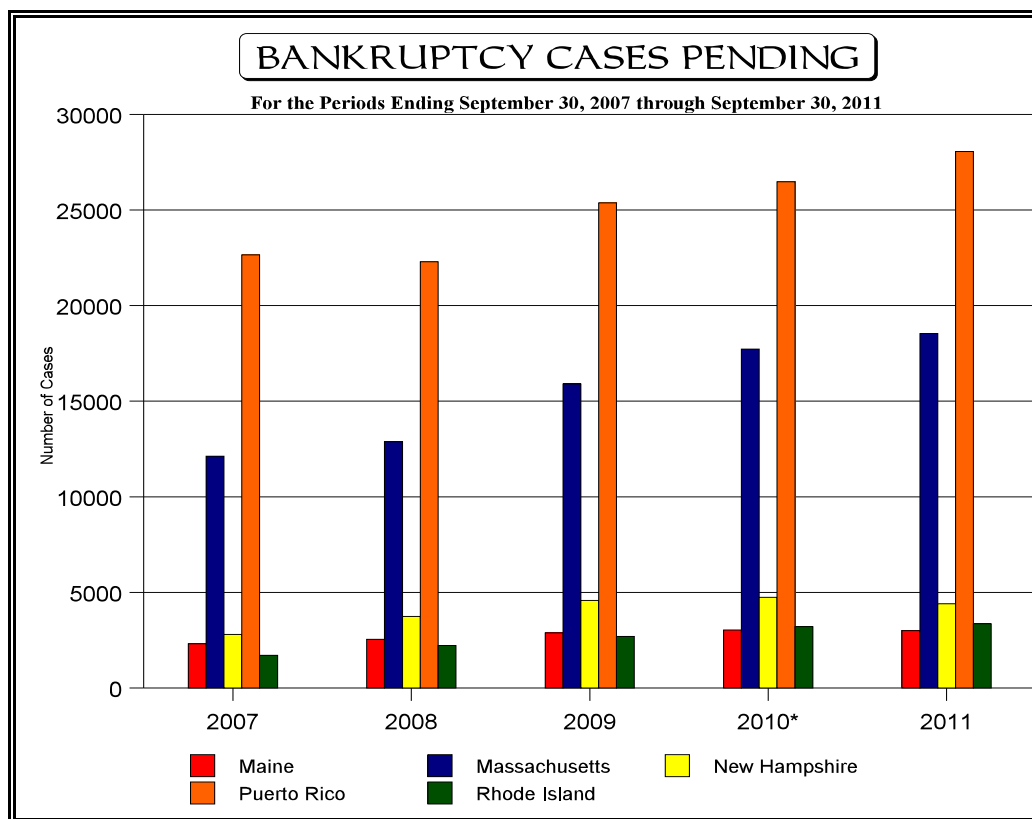
First Circuit Bankruptcy Courts



BANKRUPTCY CASES TERMINATED 2007 - 2011					
Districts	2007	2008	2009	2010	2011
Maine	1,848	2,573	3,418	3,999	3,867
Massachusetts	11,600	14,880	16,809	21,676	20,399
New Hampshire	3,033	2,726	4,150	5,516	5,459
Puerto Rico	10,204	9,007	7,994	11,153	10,245
Rhode Island	2,024	3,411	4,635	4,855	5,105

BANKRUPTCY CASELOAD SUMMARY

First Circuit Bankruptcy Courts



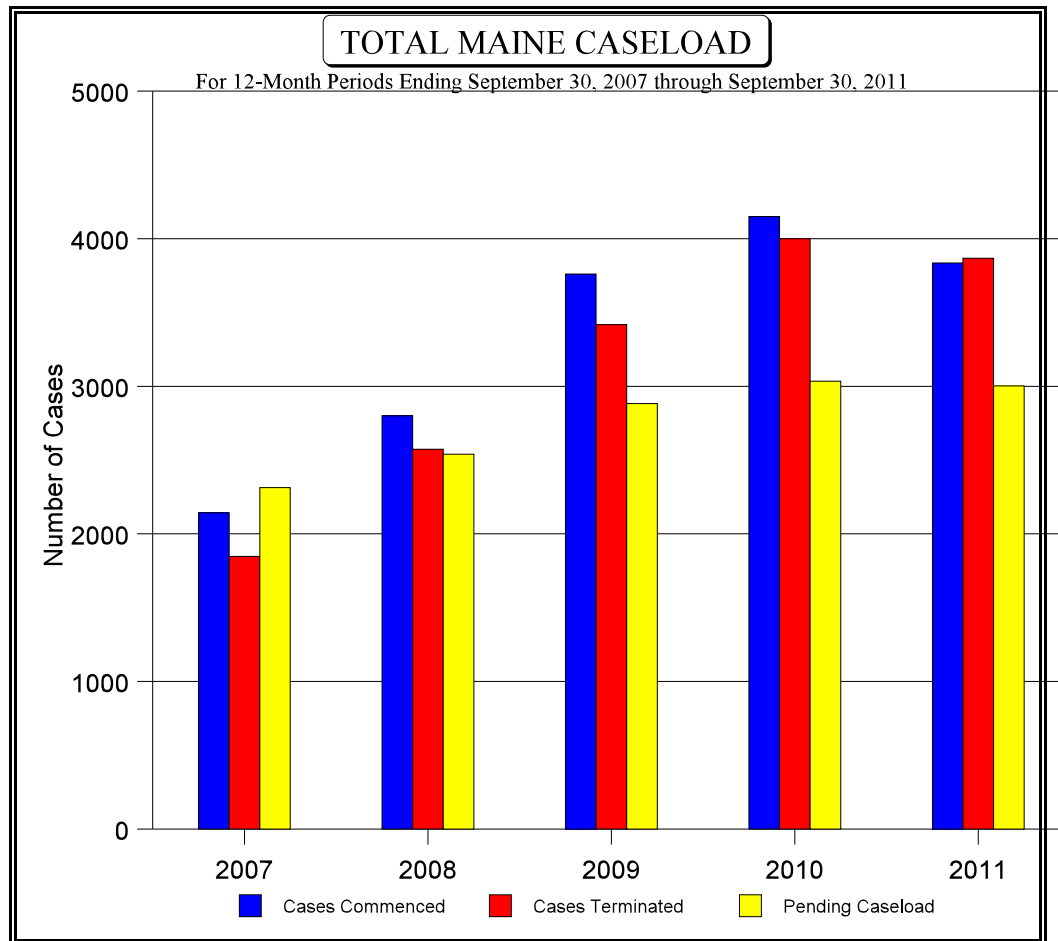
BANKRUPTCY CASES PENDING 2007 - 2011					
Districts	2007	2008	2009	2010*	2011
Maine	2,313	2,540	2,883	3,035	3,003
Massachusetts	12,119	12,875	15,904	17,725	18,538
New Hampshire	2,798	3,748	4,578	4,738	4,411
Puerto Rico	22,658	22,296	25,374	26,475	28,056
Rhode Island	1,710	2,219	2,695	3,210	3,355

*Pending caseload in 2010 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 2007 - 2011

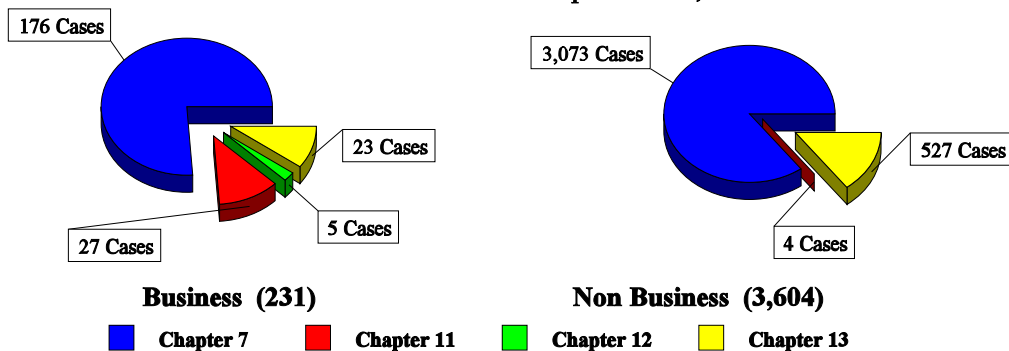
	2007	2008	2009	2010	2011
Cases Commenced	2,143	2,800	3,761	4,149	3,835
Cases Terminated	1,848	2,573	3,418	3,999	3,867
Pending Caseload	2,313	2,540	2,883	3,035	3,003

BANKRUPTCY CASELOAD SUMMARY

District of Maine

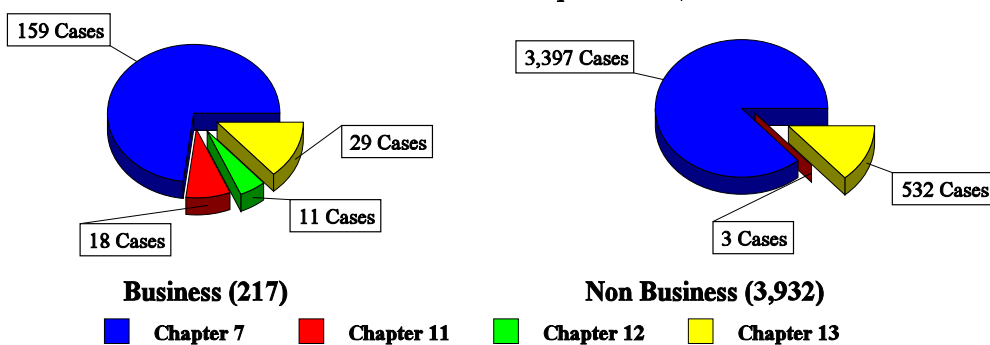
2011 Bankruptcy Filings

For the 12-Month Period as of September 30, 2011



2010 Bankruptcy Filings

For the 12-Month Period as of September 30, 2010



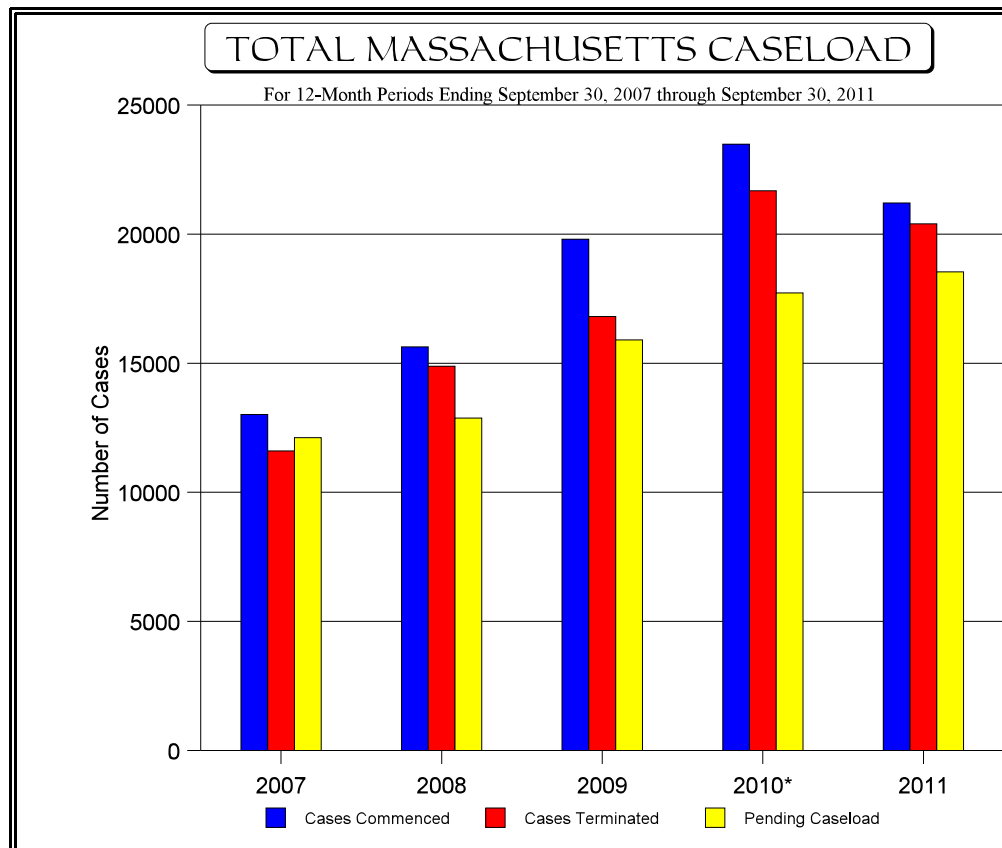
STATISTICS

U.S. BANKRUPTCY COURT

**DISTRICT OF
MASSACHUSETTS**

BANKRUPTCY CASELOAD SUMMARY

District of Massachusetts



Authorized Judgeships. 5

TOTAL BANKRUPTCY CASES 2007 - 2011					
	2007	2008	2009	2010*	2011
Cases Commenced	13,011	15,636	19,805	23,485	21,208
Cases Terminated	11,600	14,880	16,809	21,676	20,399
Pending Caseload	12,119	12,875	15,904	17,725	18,538

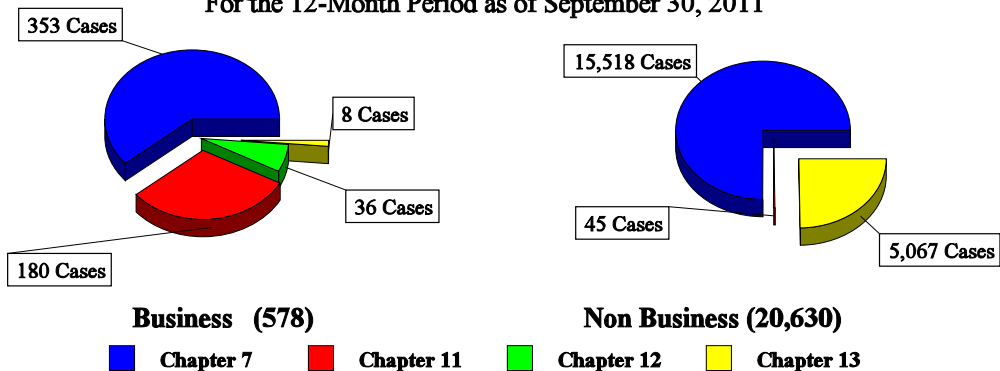
*Pending caseload in 2010 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

District of Massachusetts

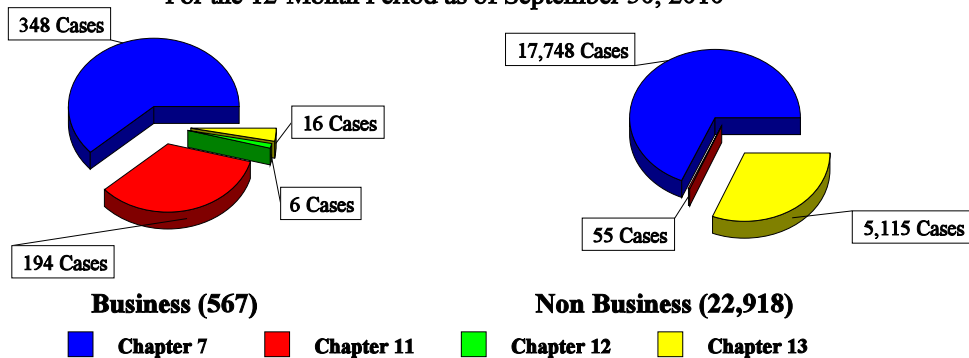
2011 Bankruptcy Filings

For the 12-Month Period as of September 30, 2011



2010 Bankruptcy Filings

For the 12-Month Period as of September 30, 2010



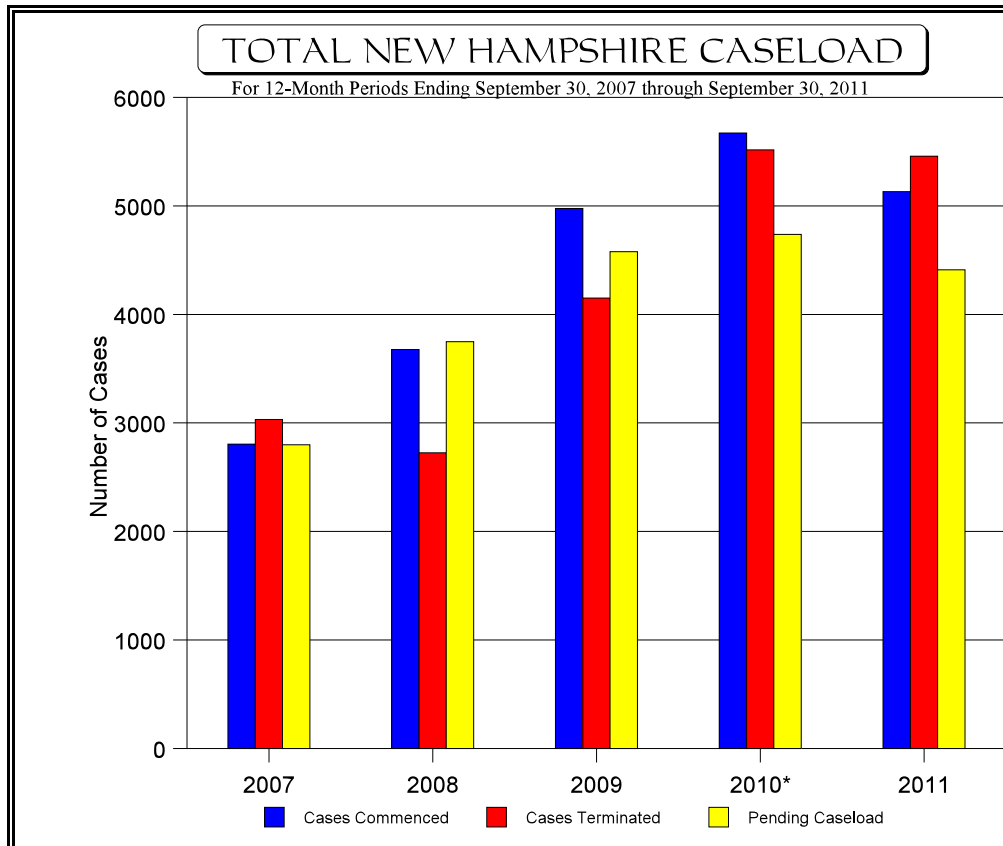
STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
NEW HAMPSHIRE

BANKRUPTCY CASELOAD SUMMARY

District of New Hampshire



Authorized Judgeships. 1

TOTAL BANKRUPTCY CASES 2007 - 2011

	2007	2008	2009	2010*	2011
Cases Commenced	2,804	3,676	4,976	5,671	5,132
Cases Terminated	3,033	2,726	4,150	5,516	5,459
Pending Caseload	2,798	3,748	4,578	4,738	4,411

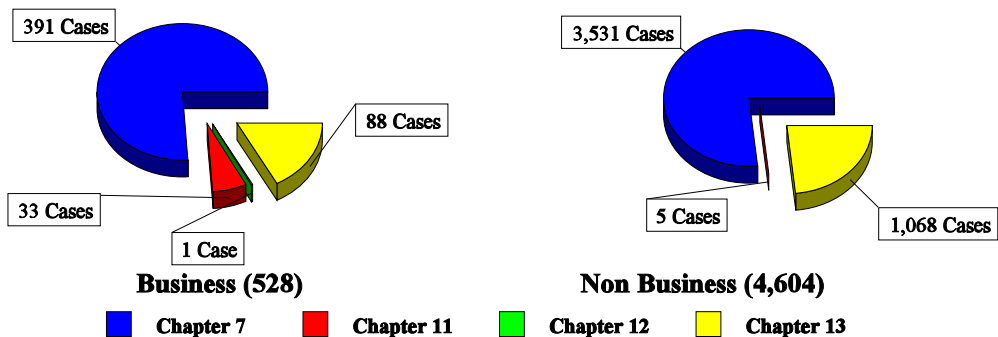
*Pending caseload in 2010 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

District of New Hampshire

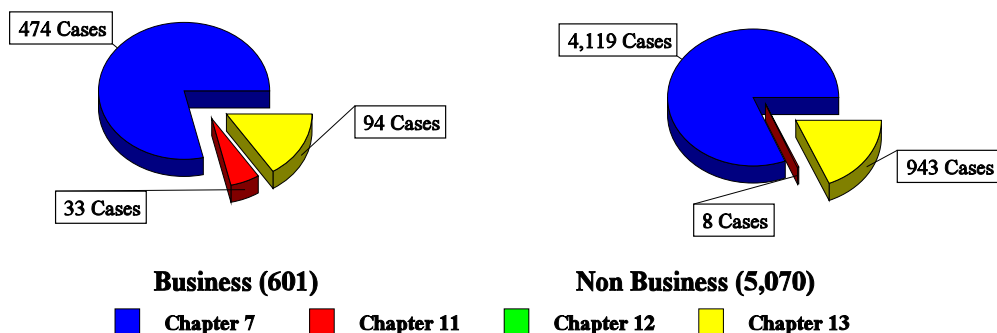
2011 Bankruptcy Filings

For the 12-Month Period as of September 30, 2011



2010 Bankruptcy Filings

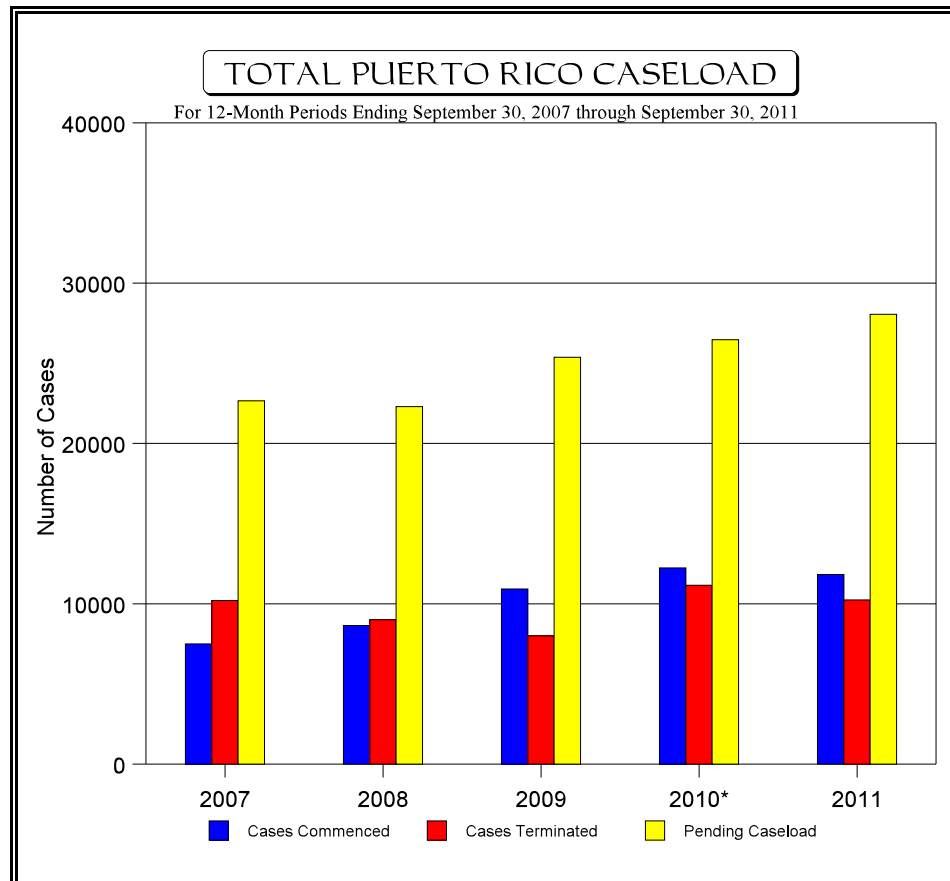
For the 12-Month Period as of September 30, 2010



STATISTICS
U.S. BANKRUPTCY COURT
DISTRICT OF
PUERTO RICO

BANKRUPTCY CASELOAD SUMMARY

District of Puerto Rico



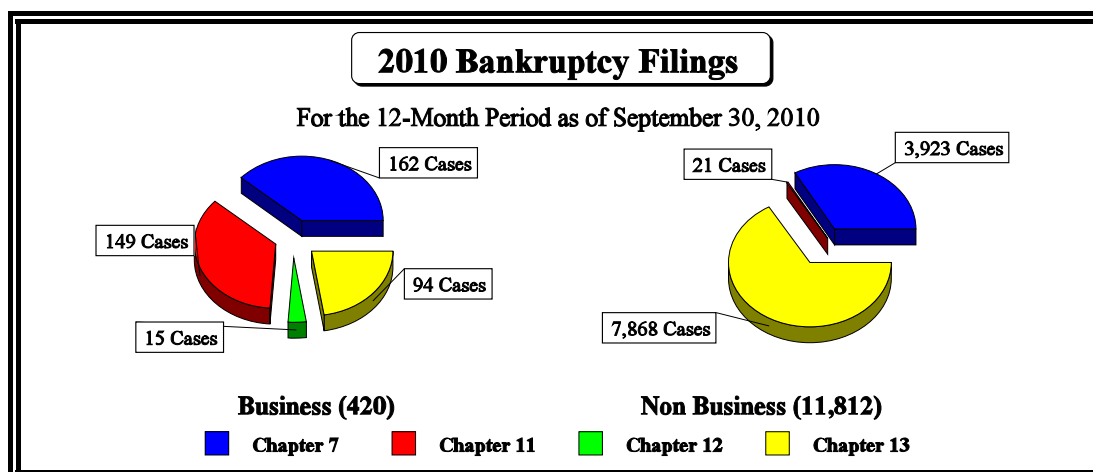
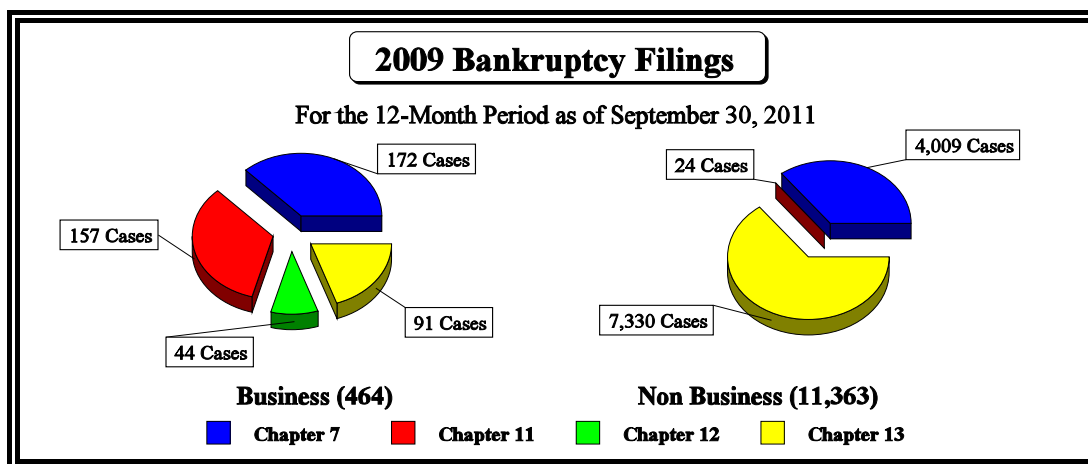
Authorized Judgeships. 4

TOTAL BANKRUPTCY CASES 2007 - 2011

	2007	2008	2009	2010*	2011
Cases Commenced	7,502	8,645	10,922	12,232	11,827
Cases Terminated	10,204	9,007	7,994	11,153	10,245
Pending Caseload	22,658	22,296	25,374	26,475	28,056

*Pending caseload in 2010 revised by the Administrative Office of the United States Courts.

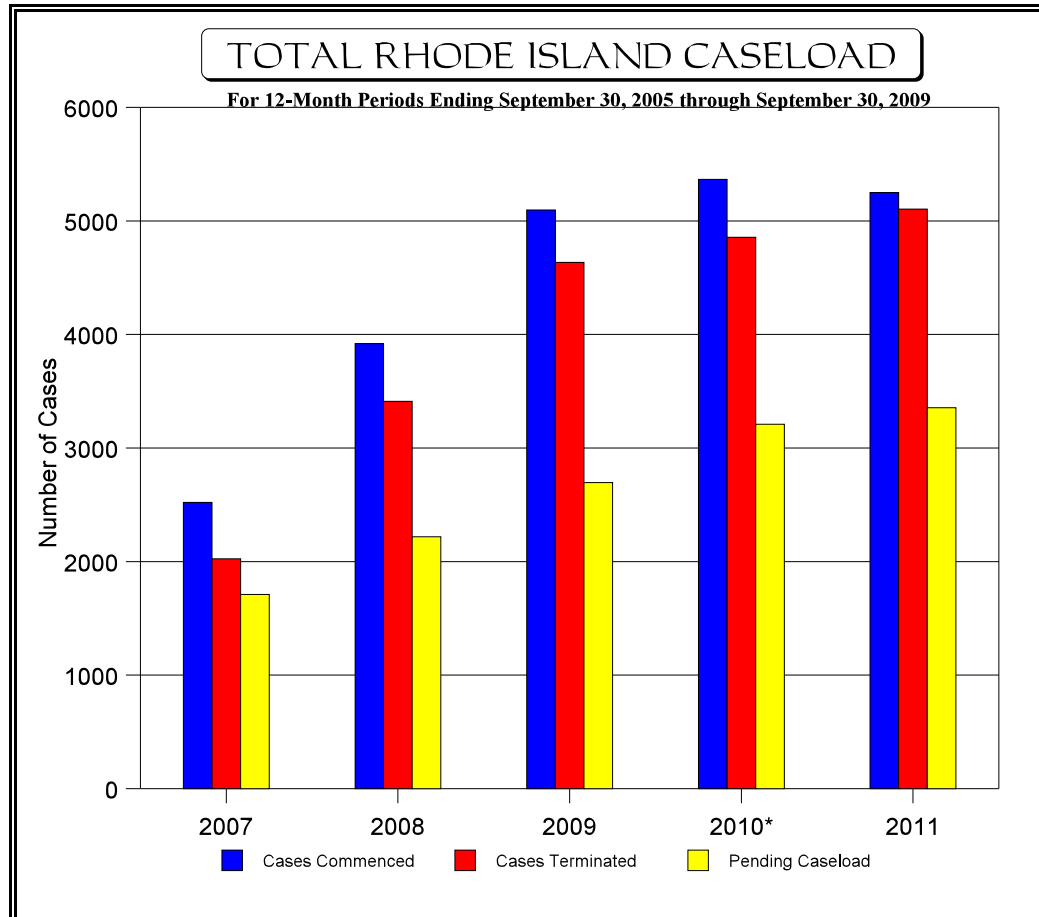
BANKRUPTCY CASELOAD SUMMARY District of Puerto Rico



STATISTICS
U.S. BANKRUPTCY COURT
DISTRICT OF
RHODE ISLAND

BANKRUPTCY CASELOAD SUMMARY

District of Rhode Isl and



Authorized Judgeships. 1

TOTAL BANKRUPTCY CASES 2007 - 2011					
	2007	2008	2009	2010*	2011
Cases Commenced	2,521	3,919	5,096	5,365	5,250
Cases Terminated	2,024	3,411	4,635	4,855	5,105
Pending Caseload	1,711	2,219	2,695	3,210	3,355

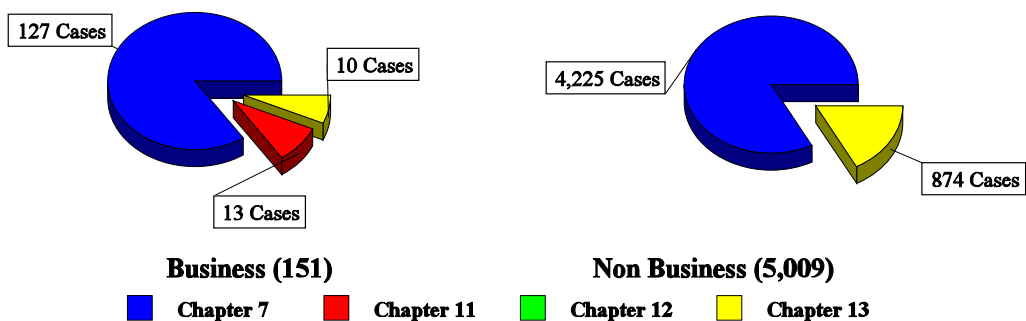
*Pending caseload in 2010 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

District of Rhode Island

2011 Bankruptcy Filings

For the 12-Month Period as of September 30, 2011



2010 Bankruptcy Filings

For the 12-Month Period as of September 30, 2010

