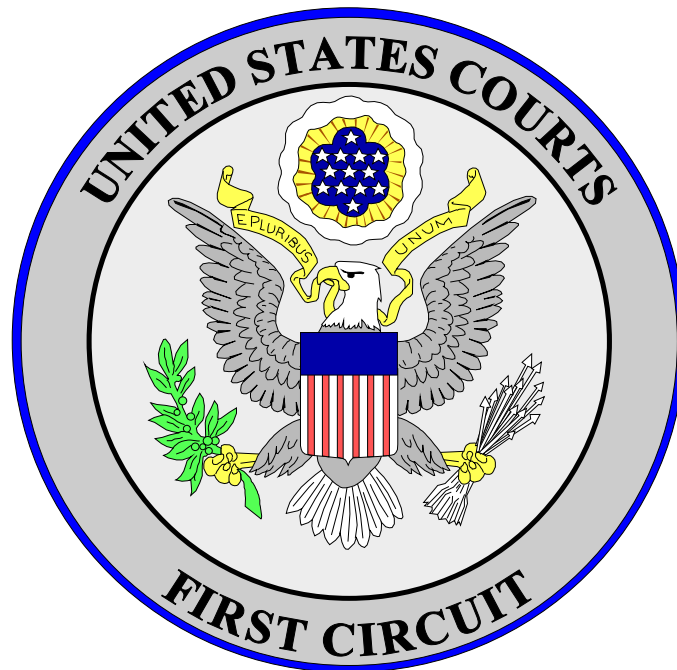


# UNITED STATES COURTS FOR THE FIRST CIRCUIT



2012  
ANNUAL REPORT

**United States Courts for the  
First Circuit**

**2012 Annual Report**

## TABLE OF CONTENTS

Foreword. . . . .	1
Structure of the Federal Judiciary. . . . .	2
Narrative Reports of the Units of the Court of Appeals	
Clerk's Office. . . . .	4
Office of the Staff Attorneys. . . . .	5
Civil Appeals Management Program. . . . .	6
Bankruptcy Appellate Panel. . . . .	7
Libraries of the First Circuit. . . . .	7
Narrative Reports of the Districts	
District of Maine. . . . .	12
District of Massachusetts. . . . .	24
District of New Hampshire. . . . .	34
District of Puerto Rico. . . . .	44
District of Rhode Island. . . . .	66
Narrative Reports of the Federal Public Defenders	
Federal Public Defender for the District of Maine. . . . .	81
Federal Public Defender for the Districts of Massachusetts, New Hampshire and Rhode Island. . . . .	82
Federal Public Defender for the District of Puerto Rico. . . . .	84
Narrative Reports on Matters of Judicial Administration	
Judicial Conference of the United States: March and September 2012. . . . .	86
First Circuit Judicial Conferences. . . . .	88
Business of the First Circuit Judicial Council. . . . .	90
Space and Facilities. . . . .	91
Information Technology. . . . .	94
Judicial Misconduct and Disability . . . . .	96
Attorney Discipline. . . . .	99
History and Notable Events. . . . .	100
2012 Fair Employment Practices Report. . . . .	101
Other Matters of the Court	
Judgeship Summary. . . . .	104
First Circuit Judges serving on United States Judicial Conference Committees, Special Courts and the Board of the Federal Judicial Center. . . . .	105
Judges serving on the Judicial Council of the First Circuit. . . . .	107
Judges serving on the United States Court of Appeals for the First Circuit. . . . .	108
Listing of Judges and Court Unit Executives. . . . .	109

## TABLE OF CONTENTS (continued)

### Statistical Reports

United States Court of Appeals for the First Circuit. . . . .	118
United States Bankruptcy Appellate Panels.. . . .	128
First Circuit District Courts Summary.. . . .	131
District of Maine. . . . .	154
District of Massachusetts.. . . .	156
District of New Hampshire. . . . .	158
District of Puerto Rico.. . . .	160
District of Rhode Island.. . . .	162
 First Circuit Bankruptcy Courts Summary. . . . .	 164
District of Maine. . . . .	170
District of Massachusetts.. . . .	173
District of New Hampshire. . . . .	176
District of Puerto Rico.. . . .	179
District of Rhode Island.. . . .	182

## **FOREWORD**

**by**

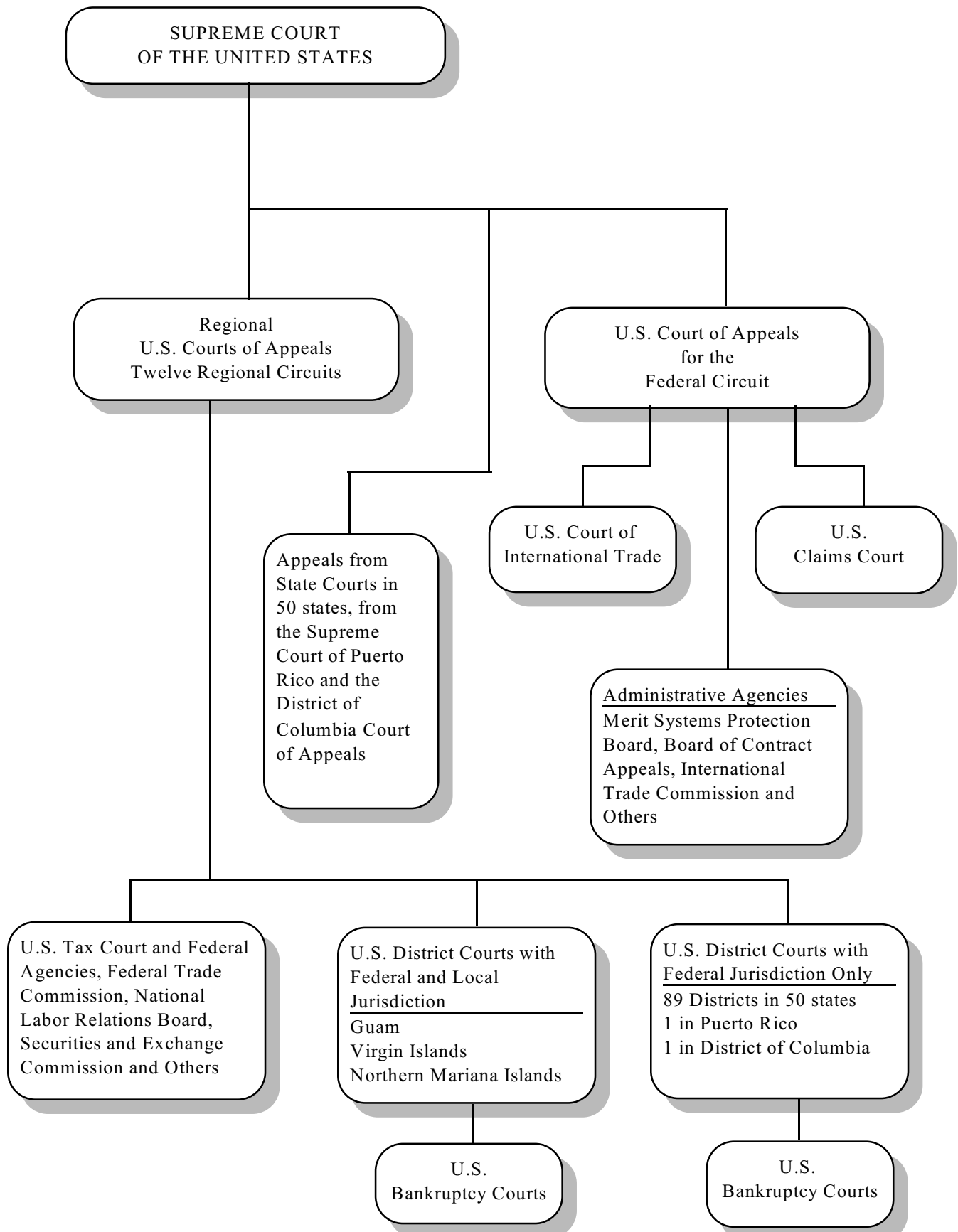
**Gary H. Wente  
Circuit Executive**

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

I would like to thank all those who provided the information and statistics set forth in this report, especially the chief district judges and unit executives throughout the Circuit. Personnel from the Statistics Division of the Administrative Office of the United States Courts provided the extensive data necessary to produce this compilation and deserve thanks for their accuracy and efficiency. I would also like to thank Florence Pagano, Michelle Dumas, and 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 2012, the Clerk's Office rose to the challenge of a tight federal budget by focusing on ways to become a more efficient organization. The Office engaged in a major campaign to encourage attorneys to sign up for electronic notice in order to reduce the number of paper mailings. Other efficiencies were gained by organizational changes and developments in technology. As a result, excellent customer service has been maintained to the bench, bar and general public.

As part of a Continuity of Operations Plan, case managers began teleworking one day a month in 2012. Other Clerk's Office personnel also teleworked. This provided a number of benefits, including the necessary practice to be able to continue Court operations in the event that an unexpected emergency prevents Court personnel from getting to their normal work location.

In the fall of 2012, the Clerk's Office participated in a Court-sponsored Criminal Appellate Practice seminar in Boston. Clerk of Court, Margaret Carter, updated attorneys on a forthcoming pilot program for electronic submission of Criminal Justice Act vouchers. Chief Deputy Clerk, Maria Hamilton, provided tips on receiving electronic notification in cases of interest.

There was only one local rule change this year. The Court amended Local Rule 35.0(a), addressing composition of an en banc court, to clarify the relevant date for determining a senior judge's eligibility "to continue to participate in the decision of a case or controversy that was heard or reheard by the court en banc at a time such judge was in regular active service." The amended rule clarifies that a case is "heard or reheard by the court en banc" when "oral argument is held, or if no oral hearing is held, as of the date the case is ordered to be submitted to the en banc court."

In FY 2012, the Court of Appeals reported 1,587 filings, compared with 1,507 filings for FY 2011. This represented a 5.3% increase in filings. The Court also reported a 12.2% increase in case terminations, from 1,437 in FY 2011 to 1,612 in FY 2012. As for pending cases, there was a 2.0% decrease, from 1,250 in FY 2011 to 1,225 in 2012.

For this same time period, the District of Massachusetts represented the largest source of appeals (516), and the District of Puerto Rico represented the second largest source (431). The number of appeals from the Districts of Maine, New Hampshire, and Rhode Island were 140, 86 and 98, respectively. There were 216 appeals from administrative agencies, most of which were from the Board of Immigration Appeals (186). The remaining cases were bankruptcy appeals (27) and original proceedings (73).



In FY 2012, civil cases (including prisoner petitions) represented 43% of the appeals commenced in the First Circuit and criminal appeals represented 37% of the appeals commenced. The Court's median time interval in months for merit terminations of appeals was 11.1 months in FY 2012, which was somewhat above the national median time (9.8).

## **OFFICE OF THE STAFF ATTORNEYS**

The Office of the Staff Attorneys does research for the judges of the Court of Appeals. During calendar year 2012, the Office consisted of one senior staff attorney, one supervisory staff attorney, 17-18 staff attorneys (a decrease, due to budgetary reasons, from the 20 staff attorneys in the beginning of 2011), and two support staff.

For the calendar year 2012, the following numbers of matters were referred by the Clerk's Office to the Staff Attorneys' Office for processing:

January	186	July	159
February	170	August	196
March	174	September	143
April	133	October	178
May	193	November	150
June	196	December	111

Total: 1,989

This figure represents 35 fewer referrals in calendar year 2012 than in 2011.

In addition, there were 146 pro se or social security submitted cases (12 more than in 2011) and approximately 150 sua sponte summary dispositions assigned in counseled, briefed cases (four more than in 2011).

Among the types of matters referred to the Staff Attorneys' Office for research, included in the 1,989 figure above, were the following: 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 (hereinafter CAMP) is governed by Local Rule 33. The process begins with the filing of a Notice of Appeal with the Clerk of the Court of Appeals who notifies the appellant of the Program. The Clerk also notifies Settlement Counsel of all civil appeals considered eligible for the Program.

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

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

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

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

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

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

The conferences can last from a few hours to a full day or more. In special circumstances the conference may be conducted by telephone, but in-person conferences are preferred because experience demonstrates that in-person conferences are much more likely to produce positive results. After the initial conference, settlement counsel may conduct one or more follow-up telephone conferences, and in some cases, have the parties appear for a subsequent in-person conference. When the process has run its course, a report is filed with the Clerk's Office indicating that the case has been settled or has not been settled.

Honorable Patrick J. King (ret.) mediates cases appealed from the Districts of 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 2012, of the 348 cases that were opened, one or more conferences were held in 200 cases, which produced 60 settlements or approximately 30% of the mediated cases.

## **BANKRUPTCY APPELLATE PANEL (BAP)**

The Bankruptcy Appellate Panel (BAP), which employs two staff attorneys and a part-time case manager, is located at the John W. McCormack Post Office and Court House, Boston, Massachusetts. The BAP generally conducts oral arguments in Boston, and typically travels to San Juan, Puerto Rico once a year, depending upon the caseload. Pursuant to an agreement with the U.S. Tax Court in June 2012, the BAP began using the Tax Court's new courtroom at the McCormack Court House to conduct oral argument.

Effective June 1, 2012, the First Circuit Judicial Council approved the appointment of Bankruptcy Judge William C. Hillman to serve as Chief Judge, replacing Bankruptcy Judge James B. Haines, Jr. On July 31, 2012, Bankruptcy Judge Arthur Votolato retired after having provided enormous assistance to the BAP. On September 5, 2012, the Council approved the appointment of Bankruptcy Judge Edward A. Godoy to the Panel.

The BAP welcomed an intern from the New England School of Law during the summer of 2012, and in December 2012, the BAP held an administrative meeting with all BAP judges.

For the 12-month period ending September 30, 2012, the BAP experienced a 8.0% decrease in case filings after a 22% increase the year earlier. For that same period, the BAP received approximately 57% of the appeals from the bankruptcy courts within the Circuit.

## **FIRST CIRCUIT LIBRARIES**

### **Overview**

The First Circuit Library system provides services to the judges and staff of the Court of Appeals, and the District and Bankruptcy Courts in Maine, New Hampshire, Massachusetts, Rhode Island, and Puerto Rico.

There are four libraries in the system: the Headquarters Library, located in the Moakley U.S. Courthouse in Boston, Massachusetts; and satellite libraries in the district courthouses in Concord, New Hampshire; Providence, Rhode Island; and Hato Rey, Puerto Rico. There is no satellite library in Maine.

The Boston Library provides services to chambers and court staff in Portland and Bangor, Maine, and Springfield and Worcester, Massachusetts. The satellite librarian in Concord provides services to the New Hampshire Federal Bankruptcy Court located in Manchester, New Hampshire. The staff of the Hato Rey library provides services to chambers and court staff located in the Federal Courthouse in Old San Juan, Puerto Rico.

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

### **Personnel**

In FY 2012, staff were distributed amongst the libraries as follows: seven (7) in Boston; two (2) in Hato Rey; and one (1) each in Concord and Providence.

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 staff within their geographic location, but also have assigned responsibilities for services to judges and court staff throughout the Circuit.

### **Projects/Events of Note in FY2012**

In February 2012, the Hato Rey satellite library moved to temporary space while building systems upgrades in the Federico Degetau Federal Building began in the library's permanent location. This project is part of the larger American Recovery and Reconstruction Act of 2009 project underway in the Nazario U.S. Courthouse and the Degetau Federal Building. During the upgrades, reference and research services to the judges and staff of the federal courts in Puerto Rico were continued.

The public access computer/microform area of the Boston Library was redesigned to provide more efficient use of the space. In addition, wireless connectivity was made available throughout the staff and public areas to facilitate the use of iPads and other mobile devices.

The American Association of Law Libraries Annual Meeting and Conference convened in Boston in July, 2012. The First Circuit Library hosted the reception for the federal court librarians who attended the meeting. The First Circuit Librarian also participated on a meeting panel on "Strategies for Starting Legislative Histories."

In the area of research services, 2012 brought the introduction of WestlawNext and Lexis Advance, the "google like" platforms that will eventually replace westlaw.com and lexisnexis.com. The Library's electronic services librarian was a beta tester for Lexis Advance, and worked with many of the Circuit's IT departments to facilitate the availability and accessibility of legal research applications, such as WestlawNext, Lexis Advance, HeinOnline, and PACER case locator, that are now available for mobile devices.

## Legal Research Funds

In FY 2012, law book funds were moved to the discretionary side of the budget and were subject to an approximate 10% fund reduction. Library and chambers' subscription cancellations subsidized the legal research material purchasing obligations made in FY 2012.

## Selected Statistics

Below are FY 2012 statistics reflecting the work performed by library staff and the frequency with which library facilities were used.

- “In library” use of the Boston Library totaled 2,813. Approximately, 1,219 were visits by individuals from the federal courts and other federal agencies. There were 1,593 visits by attorneys, pro se litigants or others.
- The Providence satellite library recorded 532 “in library” uses by judges or court staff and 10 visits by attorneys given permission to use the library.
- The Hato Rey satellite library recorded 1,066 “in library” visits by judges or court staff and individuals given permission to use the library.
- The Boston Library’s Public Access computers were used 679 times by judicial interns or other court staff and 1,527 times by public users (pro se litigants, attorneys and other individuals). The Boston Library is the only library generally open to the public.
- There were 133 requests for translations of Puerto Rico Supreme Court and Court of Appeals decisions not found in English on LexisNexis or Westlaw.

## Outreach Services

Services via Email:

<u>Name of Service</u>	<u>*Number of Recipients</u>
<i>Today’s News</i>	177
<i>Daily Opinion Summaries of U.S. 1<sup>st</sup> Circuit Court of Appeals (Findlaw)</i>	158 536 (via DCNH web page service)
<i>U.S. Supreme Court Opinions (Findlaw)</i>	117
<i>Weekly Watch (1<sup>st</sup> Circuit Cases before the U.S. Supreme Court)</i>	195

*1<sup>st</sup> Circuit Sentencing Guidelines* 169

*Weekly Summary* for the 1<sup>st</sup> Circuit 55

\*Sent to court email addresses unless otherwise indicated.

**NARRATIVE REPORTS  
OF THE DISTRICTS**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**DISTRICT COURT**

**Judicial Highlights**

The highlight of 2012 was the investiture of the District of Maine's first female Article III judge, Judge Nancy Torresen, who was formally sworn in as the District's 17th district judge on May 3, 2012. Judge Torresen began serving as the judicial Chair of the newly-formed District of Maine Criminal Law Committee, which addresses policies for streamlining criminal matters before the Court, and oversees the District's rehabilitative drug court program called SWiTCH (Success with the Court's Help). In addition, Judge Torresen serves on the First Circuit Judicial Council and the Maine State/Federal Judicial Council.

Chief Judge John A. Woodcock remained on the Rules of Evidence Committee in 2012. Judge Woodcock sat on an expert panel on the rules of evidence at the Maine Judicial College's fall meeting. Judge Woodcock is a member of the Maine State/Federal Judicial Council and the University of Maine School of Law Board of Visitors. The Judge participated as a faculty member at a National CJA Trial Seminar in Minneapolis, Minnesota in May; moderated a panel on the view of the federal court from the perspective of clients at the First Circuit Judicial Conference in December; and participated as a faculty member at the National Advocacy Center in Columbia, South Carolina.

Judge George Z. Singal continued service on the Committee on Codes of Conduct, as well as serving as Chair of the Court Security Committee, and as a member of the Maine State/Federal Judicial Council. Judge Singal was featured in a video produced by the Federal Judicial Center (FJC) highlighting his pathway to a judicial appointment. This year, the Judge declared his intent to take senior status on July 31, 2013.

Judge D. Brock Hornby continued to serve on the Council of the American Law Institute, and his term on the National Committee of Sciences, Technology and Law has been extended. During April 2012, Judge Hornby traveled to Tunisia to teach Tunisian judges, and he traveled to Prague in December to meet with judges from 14 Central and East European countries, both under the auspices of the Central and Eastern European Law Initiative (CEELI) Institute. In June, Judge Hornby was a panelist at the U.S. Sentencing Commission's National Training Seminar in New Orleans, and, in December, he sat with the Eleventh Circuit Court of Appeals in Atlanta.

**Staff Highlights**

In September, Julie Walentine was promoted to Deputy-In-Charge in the Bangor Office. Ms. Walentine brings over 20 years of experience in court operations and employee training. In October, as part of shared services between the District Court and Bankruptcy Court, Nancy Carter joined the District Court Clerk's Office in Bangor on a part-time basis to provide operational support. Also, the Clerk's Office enjoyed the graduation of two of its employees, Ryan Doil and Lindsey Caron, from the Federal Court Leadership Program and the admission of

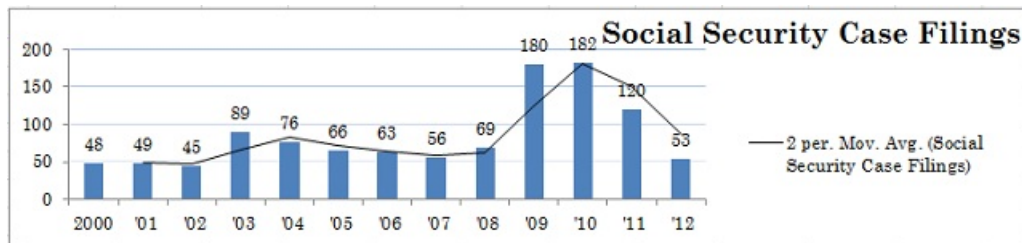


another, Devon Richards, into the Class of 2014.

Sarah McNamara was invited to participate in the AO's newly founded Financial Management Mentoring Program. Sarah is currently mentoring the staff at the U.S. District Court for the Virgin Islands. She has also worked alongside the AO's Accounting and Financial Systems personnel to review and improve financial practices at the U.S. District Court for the District of Columbia.

### Caseload

The Court's overall caseload for the twelve-month period ending December 31, 2012 saw some fluctuation over the previous year. There were 411 new civil cases filed and 248 new criminal defendants brought before the Court. For the second consecutive year, the most significant change in the Court's civil caseload was a decrease in the number of Social Security cases. According to regional counsel for the Social Security Administration, the fluctuation seen over the past five years is due to the implementation and then dissolution of the Decision Review Board.



### Local Rules

The Local Rules Committee put forth several new rules while continuing to examine the impact of last year's change to Local Rule 56 on summary judgment practice. Changes were made to Local Rule 16.3, requiring the Social Security Commissioner to file an opposition brief to the plaintiff's itemized statement of facts; Local Rule 7A and the Court's Form Confidentiality Order, in order to reduce over-inclusive sealing of documents; and Local Rule 83.3, providing for reciprocal suspension when attorneys are administratively suspended.

## **Case Management**

The Clerk's Office continued working on the disposal of paper case documents converted to PDF and uploaded to CM/ECF. This initiative reduced the volume of original case records stored locally or sent to the Federal Records Center. Attorney admission applications for both offices were also digitized and the original records archived.

In September, archived records for cases filed in Bangor were scanned into PDF/A documents, which allows items to be "text searchable," saving time in determining the file location in Waltham, Massachusetts.

In a continued effort by the Clerk's Office to find ways to perform work from remote locations, a program generating Electronic Docket Activity Reports (DAR) was created which allowed case managers to monitor CM/ECF filings remotely.

The District of Maine was a participant in Wave Four of the AO's Work Measurement Study which took place in October.

## **CM/ECF**

A new functionality, "PickApplicableParty," has been utilized to seal a document from the public while providing access to the selected parties. The use of this functionality reduced copying and mailing costs related to the filing and distribution of sealed documents on ECF.

On June 29, 2012, the District of Maine implemented the Electronic Criminal Transfer Program developed by the Northern District of Texas. The Program was developed to eliminate the Court's need to print documents and mail court pleadings to other courts.

## **Finance and Budget**

A new version of the Treasury's OTCnet for cash deposits and check processing was introduced and implemented along with a new CCAM batch process for importing Treasury Offset receipts.

The utilization of a new version of an auditing instrument under development by the AO's Office of Audit enabled the Court to coordinate its internal controls review among all of Maine's court units. In the review, transactions were randomly selected and examined by members of the administrative staff across all court units.

## **Space and Facilities**

The Margaret Chase Smith Courthouse continued a prospectus-level project with completion scheduled for late 2013. The new Clerk's Office was completed in April along with a new Jury Assembly Room. A new shared server room for use by all three court units was completed and relocated in June. Chief Judge Woodcock's chambers was finished in July and Magistrate Judge Kravchuk's chambers was completed in October, along with a new Visiting Judge's chambers. Also, in 2012, construction started on the new magistrate judge's courtroom, which was 90% complete at year's end.

In Portland, the Exterior Building Envelope Improvements and Associated Limited Interior Repairs Project went into full gear to address the entire envelope of the Edward T. Gignoux Courthouse and reached 95% completion by year's end. Also, the Gignoux Courthouse simultaneously underwent a successful project to replace aging and deteriorating teledata cabling, necessitating the shifting of chambers, Clerk's Office staff, and proceedings for several weeks while the work took place.

In May, the District participated in the AO's Asset Management Planning process to identify long-range facility planning needs based on statistical forecasting, on-site interviews, and facility assessments by outside consultants.

In the final months of the year, GSA began projects in Portland to replace components to the fire alarm system and a failing facility access card system with an HSPD-12 credentialing system.

## **Emergency Preparedness**

The Continuity of Operations Plan (COOP) was a focus this year. The Clerk's Office updated the Plan by initiating a quarterly review process, implemented teleworking by essential employees, including respective chambers staff on the COOP team, and conducted a COOP exercise for limited participants.

## **Information Technology**

New audio/video systems were installed in the courtrooms in the Edward T. Gignoux U.S. Courthouse. This allowed attorneys to connect digital high definition sources to display evidence during trials. Wireless internet access for attorneys was also implemented, allowing access to the internet throughout the courthouses.

During the fall, the entire District Court telephone system was upgraded to the national Cisco IPT solution following the facilities upgrade to the Portland teledata cabling. The system allows for the use of video phones and soft phones while teleworking, as well as simplified dialing between the two courthouses.

In 2012, the District Court continued its successful internship program by hiring a local college student during the fall semester. This program helps local students by providing credit towards their degrees and giving real world experiences. The 2012 intern benefitted by using the job experience in the IT Department to successfully gain employment in a local IT services company. The program will be continued in 2013.

## **Human Resource Management**

A major accomplishment in 2012 was the full integration of shared services in Human Resources Management throughout the District. The District Court and Bankruptcy Court have shared human resources services since October 2007. In 2012, those services expanded to include Probation and Pretrial Services and some functions with the Maine Federal Defenders Office. Shared administrative services began in these offices in the following areas: human resources, procurement, finance administration, budget administration, internal controls, emergency preparedness, property management, and facilities management.

The Court's Telework Policy was modified to require monthly telework for staff in preparation for a potential COOP situation. The Performance Management Plan was completely overhauled with new performance standards and an evaluation tool. Training was conducted and full implementation of the new Plan occurred on June 1, 2012.

Following changes to the District's EDR Plan, all court units in Maine, including the Federal Public Defender's Office, collaborated to develop and deliver an EDR Overview Training for the entire District.

## **Training and Outreach**

In 2012, the Training Committee developed and implemented a Training and Development Policy, and planned and organized general training utilizing current staff members.

The Clerk's Office also organized an offsite training which included judges and chambers' staff, and an employee recognition awards ceremony. The agenda included outside facilitators and speakers on various topics. Judge Singal also spoke on "Code of Conduct in an Election Year."

The Court hosted several CJA training and outreach programs aimed at educating the panel about voucher processing and the initiation of cost containment strategies. These educational sessions included breakfast gatherings and mandated training sessions to assist the panel with court processes and provided opportunity for feedback.

The Court also hosted several well-received community outreach programs that included hosting first year law students from the University of Maine School of Law, high school students involved in Courtroom as Classroom, and engaged state-wide Upward Bound students in a mock trial.

## **BANKRUPTCY COURT DISTRICT OF MAINE**

### **Operations**

The Bankruptcy Court for the District of Maine continued to assist the District of New Hampshire in 2012. Both Chief Judge Haines and Judge Kornreich handled normal caseloads in Maine and the adversary proceedings in neighboring New Hampshire. This arrangement has been necessary since the lapse of the Court's temporary judgeship in 2010. The Maine judges have held hearings in New Hampshire cases, both telephonically and in person, for the last two calendar years.

Judge Haines also remained active with the FJC on an advisory basis while he gradually stepped away from his role as trainer and mentor to new judges. In early 2012, Judge Kornreich started his tenure as a member of the Bankruptcy Judges Advisory Group (BJAG), representing the First Circuit. Judge Kornreich is also a member of the Local Rules Committee. Both judges also participated as members of the BAP.

In 2012, Clerk of Court, Alec Leddy, was selected as a resident for the Director's Leadership Program. In September, Mr. Leddy joined the Office of Court Administration (OCA) and addressed the issues and opportunities involved in considering implementation of Shared Administrative Services (SAS). Working with OCA, other AO managers, AO advisory groups, and clerks across the country, Mr. Leddy analyzed and developed different models for implementing SAS.

### **Shared Services**

In 2012, the Bankruptcy Court bolstered its relationship with the District Court, Probation/Pretrial Office, and the Federal Public Defender's Office by continuing to implement SAS. The District of Maine has built on the initial framework that was put into place in 2011 by adding procurement, budget, property management, facilities maintenance, and COOP to the list of shared services. The unit heads are working closely together to help the District of Maine become a model of SAS for courts around the country.

### **Staff Highlights**

Judge Kornreich's career law clerk, Jim Wholly, spent the vast majority of 2012 on active duty with the Air Force serving as a JAG in Afghanistan. As a long time member of the Air National Guard, Mr. Wholly recently retired as a Lt. Colonel. He has since returned to Bangor, Maine and has resumed normal duties as law clerk to Judge Kornreich.

### **Information Technology**

The IT staff converted to the National IP Phone System in 2012. This conversion was instigated by both the need for a new local phone system and the desire to reduce local costs in light of continued budget cuts. The IT Systems Manager, Jason Scher, coordinated the

implementation for the Bankruptcy Court. He worked closely with the AO, AT&T, the First Circuit IT staff, and the IT staff of the District Court (which was simultaneously converting to the national system). The IP phones were successfully installed in the Portland Office in November and in the Bangor office in December.

The Maine Bankruptcy Court also fully converted to CHAP (Chambers Automation Program) in 2012. This implementation began in the Bangor office in 2011 and was completed in Portland in 2012. CHAP replaced vCal as the Court's standard calendaring system.

In addition to the normal CM/ECF upgrades and several infrastructure updates, the Court completely revamped its intranet web site. It was not only time for a face lift but the IT staff wanted to implement DRUPAL as the site content management system.

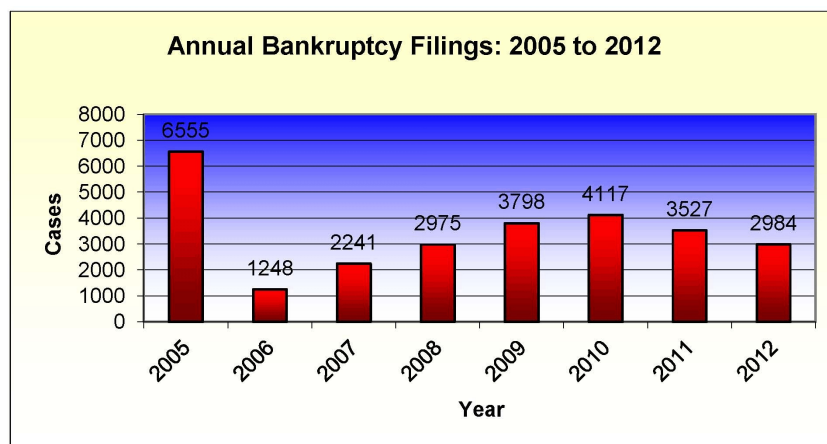
### Conferences/Training

The Court placed a premium on training and education, and provided employees with the most up-to-date information about bankruptcy processes. To that end, the Court's local training committee implemented "brown bag" lunch sessions in 2012, led by the career law clerks. Each session focused on a specific area of the bankruptcy process on which the operations staff requested additional background and explanation. The sessions consisted of a short initial presentation followed by some Q & A. This practice will be continued in 2013.

The Court also conducted a one-day offsite training in the spring, attended by both chambers and Clerk's Office staff. The offsite training included IT security training, as well as an FJC sponsored session on ethics and the Codes of Conduct.

### Caseload

There were 2,984 new bankruptcy cases filed in calendar year 2012 in Maine, the vast majority of which were filed under Chapter 7. This represented a decrease of over 500 cases for the second year in a row and reflected a national downward trend in bankruptcy filings.



## Building and Construction

There was a continuation of a significant construction project in the Margaret Chase Smith Federal Building in Bangor during 2012. This project included a building-wide infrastructure overhaul that resulted in the replacement of all HVAC and electrical systems. A new geothermal heating and cooling system brought the building into compliance with the new GSA energy saving requirements. The project is scheduled to be completed in 2013.

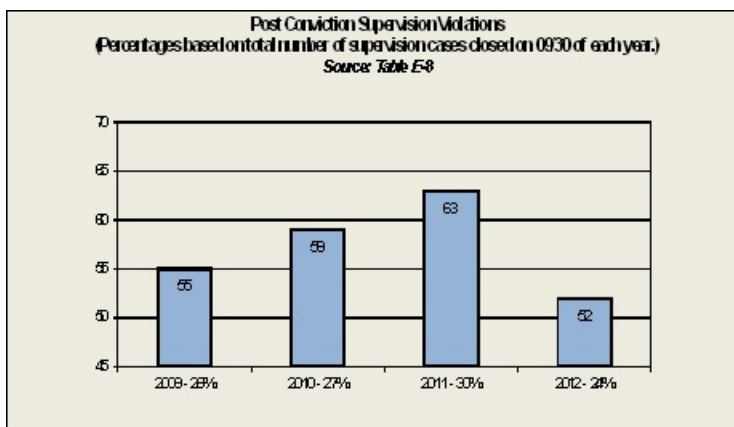
## PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF MAINE

This year, shared administrative services was expanded with the District and Bankruptcy Courts, as well as with the Federal Defender's Office, to include human resources, budget, finance, procurement, and property management. The administrative staff members in all court units have approached this new concept with enthusiasm and energy, and have been an integral part of developing it from concept to reality.

The caseloads have increased and budget and expenditures have decreased. The Probation and Pretrial Services Offices continues to find ways to innovate and bring quality services to the Court, partner agencies, local communities and the populations served. Staffing levels are carefully balanced well below authorized work units, while maintaining officer positions sufficient to meaningfully manage increasingly difficult caseloads.

## Post-conviction Supervision

In FY 2012 there was a slight increase in post conviction cases. The Probation Office is committed to the principles of evidence based practices. One principle is to supervise offenders based on the risk they present. Low risk offenders are placed in the Low Intensity Supervision Program (LIS) and considered for early termination when appropriate. In FY 2012 there was an 8.9% increase in early termination of cases and a 6% decrease in cases violated.



### Post Conviction Risk Assessment (PCRA)

The Post Conviction Risk Assessment (PCRA) process allows the Probation Office to analytically measure the risk and needs presented by a particular case based on empirical research. Out of 377 active supervision cases measured during FY 2012, officers completed assessments on 341, or 90.5% of the total client population. Additionally, the District of Maine ranked 11th nationally for the percentage of new cases opened with the PCRA completed.

Notably, the PCRA tool is not validated for sex offenders and does not accurately predict risk in those cases (10% of the total caseload). Therefore, the majority of sex offenders score as low or low/moderate using the tool, and must have an override applied. In the second half of FY 2012, a mechanism was incorporated into the case tracking system to allow current supervision levels (overrides) to be recorded in addition to the "raw" PCRA score. The following table illustrates the PCRA Risk Level, as well as the initial statistics relative to PCRA Supervision Level (currently completed on 25% of the caseload). It is anticipated that continued application of this corrective mechanism will produce a more accurate prediction of risk levels by the end of the year.

	PCRA RISK LEVEL	PCRA SUPERVISION LEVEL
High	5%	10%
Moderate	16%	32%
Low/Moderate	44%	39%
Low	35%	19%

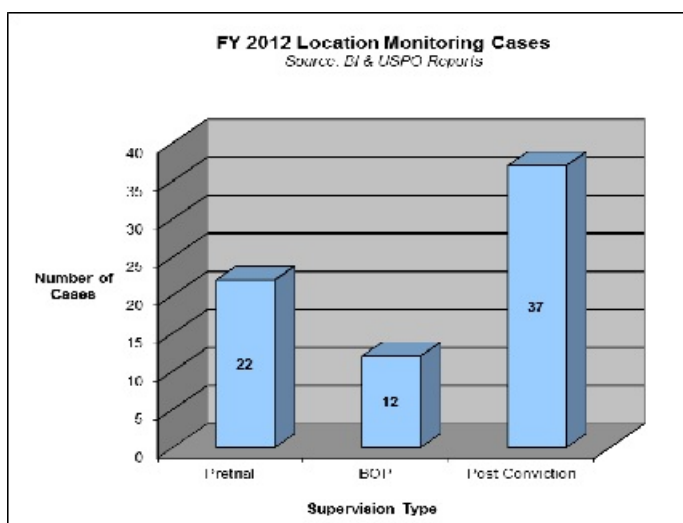
The PCRA tool also identifies dynamic risk factors in each case. The dynamic risks summary indicates that post conviction clients in the District of Maine have the following risk factors: 90% - Criminal History, 79% - Social Networks, 71% - Education/Employment, 24% - Drug/Alcohol, and 12% - Cognitions.

### Location Monitoring

During FY 2012, 71 offenders were supervised in the location monitoring program, a decrease of 7% from FY 2011. Of those cases, 22 were pretrial cases, 12 were Bureau of Prisons (BOP) pre-release offenders, and 37 were post-conviction cases. The location monitoring program continued to average 20 participants at any given time.

The Pretrial Location Monitoring Expenditures included \$909.48 in funds received from the Office of the Federal Detention Trustee (OFDT).





## Treatment Services

Pretrial Treatment Expenditures included \$8,152.50 in funds received from the Office of the Federal Detention Trustee (OFDT).

## SWiTCH Program (Re-entry Court)

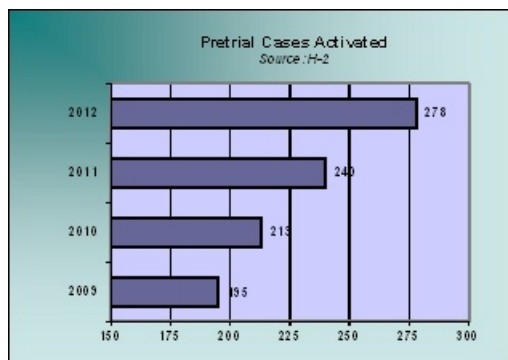
In FY 2012, the "Succeed With The Court's Help" Program, SWiTCH, continued to assist drug-addicted offenders. The Program served a total of 14 participants with six participants graduating.

As follow-up to research previously conducted by an outside agency, an internal analysis of SWiTCH, conducted throughout FY 2011 and FY 2012, offered promising indicators of SWiTCH's positive impact on the population with which it works. This analysis was based on a collection of data comprised of variables including, but not limited to, drug test results, residential and employment stability, and violations amongst offenders who were exposed to the SWiTCH Program and those who were offered entry to the Program but opted against it. The results revealed SWiTCH participants demonstrated more positive variables and fewer negative variables, thus reducing the risk of re-arrest.

During the summer of 2012, U.S. Magistrate Judge Margaret J. Kravchuk stepped down from her tenure as SWiTCH judge, and the program welcomed U.S. District Judge Nancy Torresen to the position. Judge Kravchuk's exceptional blending of roles as leader, communicator, educator, and collaborator will be missed, as will her great sense of humor and passion for the program. However, the SWiTCH Program is fortunate to have Judge Torresen's involvement. Judge Torresen has already set new goals to achieve during the upcoming year.

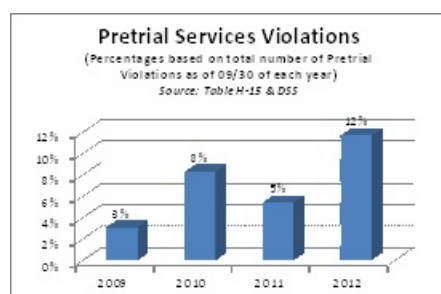
## Pretrial Services

In FY 2012, the District of Maine realized a 16% increase in cases activated over FY 2011. With that, the detention rate increased by 11% over FY 2011. Although there was an increase in the detention rate, it should be noted that it remains 26% lower than the national average. The District of Maine continued to have the lowest detention rate of all districts in the First Circuit. There was also a 7% increase in the violation rate in FY 2012; 36% of those violated were charged with Oxycodone offenses. (Source: PACTS)



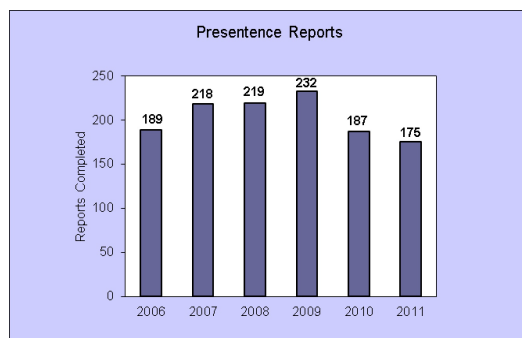
TYPES OF PRETRIAL CASES	2010	2011	2012
Property (e.g. Larceny, Embezzlement, Fraud)	34	52	30
Violence	16	8	22
Weapons/Firearms	39	55	39
Drugs	87	75	139
Immigration Laws	22	28	29
Sex Offenses	11	14	14
Other	4	8	5
<b>Total</b>	<b>213</b>	<b>240</b>	<b>278</b>

Source: PSA/Statistical Profiles



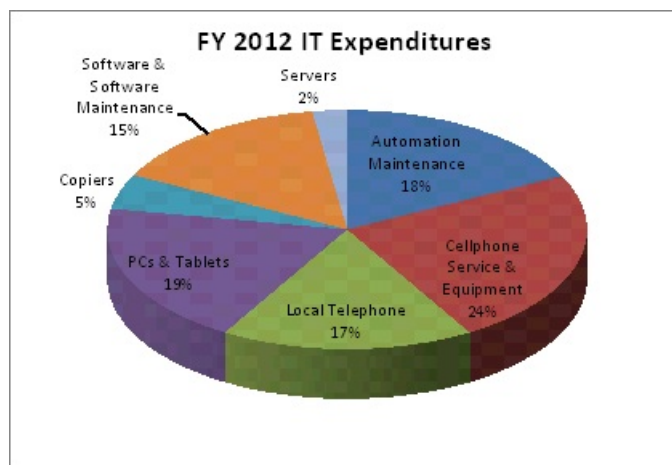
## Presentence Investigations

In FY 2012, the workload for the presentence unit increased by more than 25%, with a total of 221 reports written district-wide. In addition, due to a retroactive amendment, a number of defendants who had already been sentenced became eligible for immediate reductions in their sentences. Accordingly, after reviewing hundreds of files, the presentence unit wrote twenty § 1B1.10 Crack Cocaine Amendment reports for the Court. The presentence unit also changed the way presentence reports were written, based on the implementation of PACTS PSX. All members of the presentence unit went through extensive training in preparation for this new report writing process. Overall, the transition to PACTS PSX went smoothly, in large part due to valuable assistance provided by the IT staff.



## Budget

Total expenditures decreased by more than 6% for the second year in a row. Unlike the previous year, FY 2012 saw a decrease in all spending areas. Salaries decreased 3% from FY 2011, due in part to two retirements and other staff turnover. Treatment services decreased 6%, operations decreased 16%, capital expenditures decreased 71%, IT infrastructure decreased 34%, and telecommunications decreased 7%.



**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**DISTRICT COURT**

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

**Judicial Accomplishments**

Judge Patti B. Saris continues to serve as the Chair of the United States Sentencing Commission, and as a member of the Board of Directors for the Federal Judges Association.

On November 20, 2012 at the Boston Public Library, Judge Douglas P. Woodlock jointly delivered with Supreme Court Justice Stephen Breyer one of the annual Lowell Lectures first established in 1836. Their presentation on the creation of the new federal courthouse was part of the 2012-2013 Boston Public Library program "Building Boston," described as "a citywide celebration of Boston's public spaces, the architectural and cultural cornerstones that have provided a place for generations to build and share community."

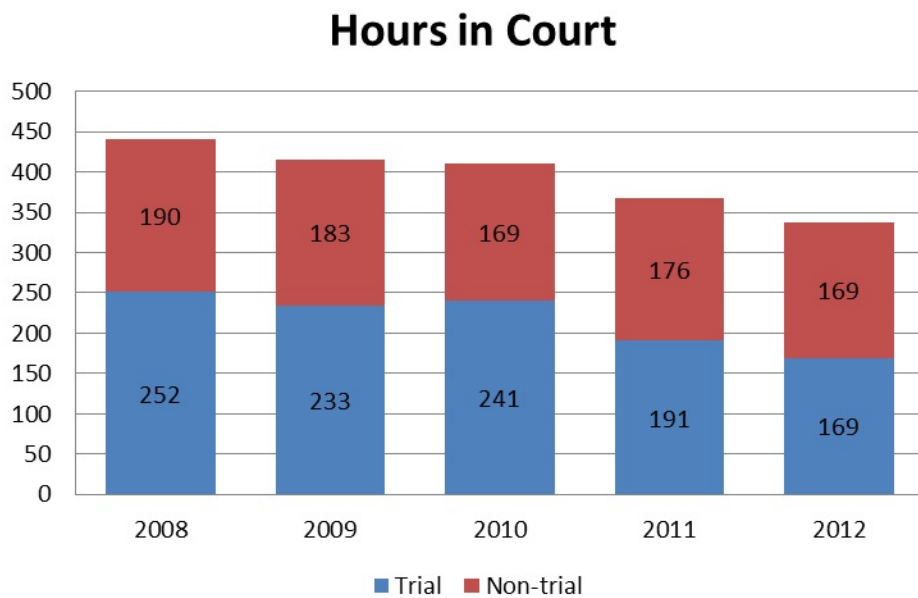
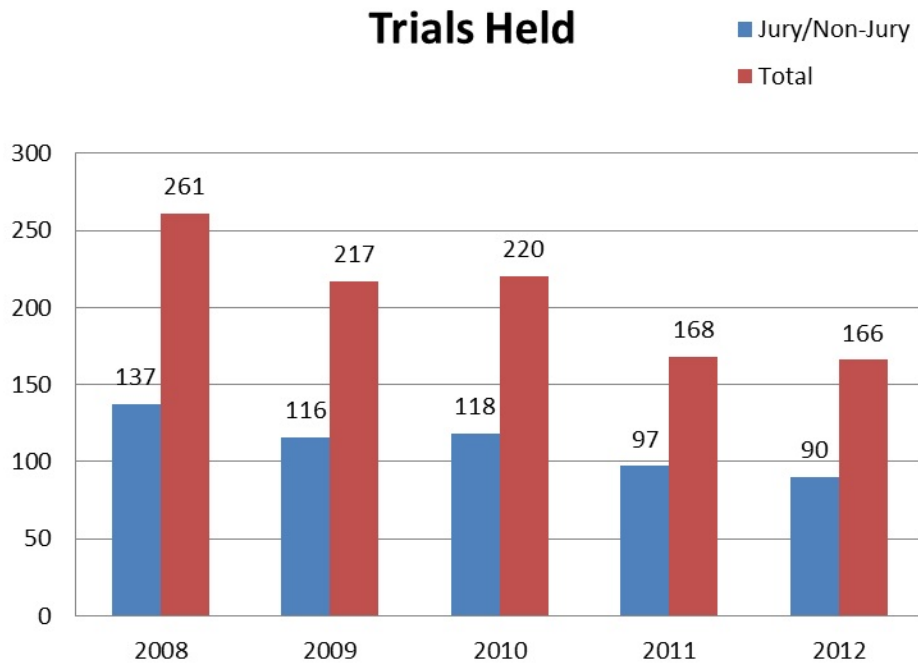
Judge Nathaniel M. Gorton chaired a discussion of the latest developments in health care fraud enforcement at the Bench/Bar Conference in October. He continues to serve on the Judicial Conference Committee on Intercircuit Assignments and has served as the welcoming judge and as a presiding judge at the Discovering Justice Mock trials in May and December.

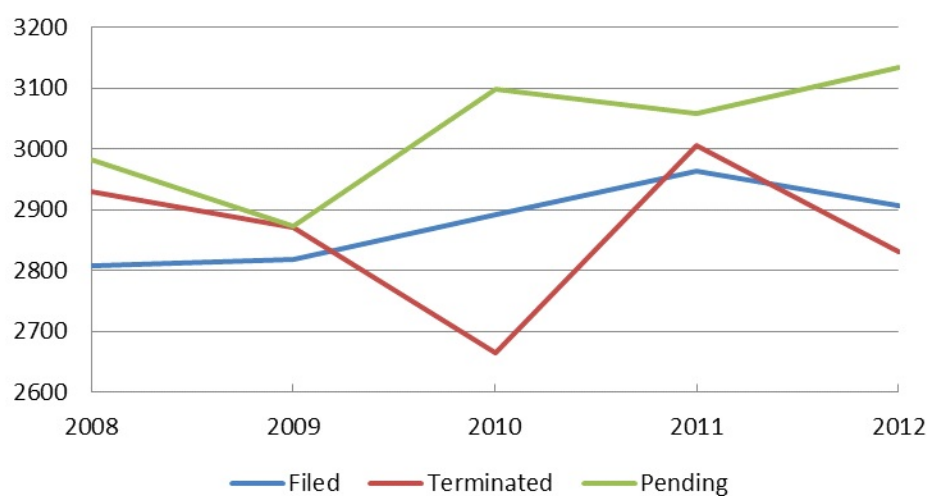
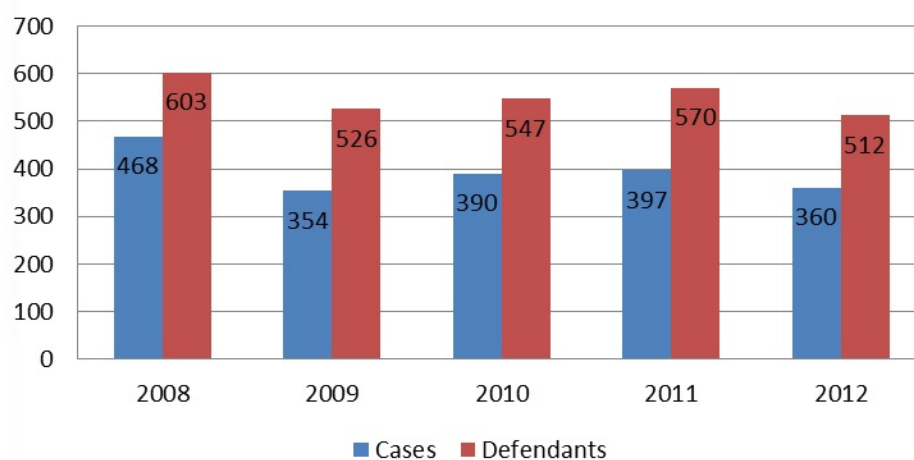
Judge Casper chaired the Court's second Bench and Bar Conference, entitled "Changing Landscapes in Law, Legal Practice and Beyond," held October 18-19, 2012 at the Newton Marriott. The Conference included Keynote Speakers Jeffrey Toobin and Dean Erwin Chemerinsky, featured panel discussions on a wide variety of topics, and was attended by over 329 attorneys and judges.

Judge Timothy S. Hillman was confirmed by the Senate on June 4, 2012 and received his commission on June 6, 2012. A public induction ceremony was held in Worcester on September 6, 2012.

## Caseload Statistics

### Trial and Hours of In-Court Activity



**Civil Cases****Civil Case Activity****Criminal Cases****Criminal Cases & Defendants**

## **Fellowship Program**

### **The Nelson Fellowship**

Fourteen students from the Boston, Brockton, and Worcester public schools participated in the 16th year of the Nelson Fellowship Program.

The Nelson Fellowship offers students, generally rising high school seniors, the opportunity to work closely with the judges of this Court and court staff for six weeks each summer. The students attend two classes: one on writing and public speaking and the other on civil rights. Each student is assigned to a judge, and spends time in that judge's office, working on projects and attending trials and other court proceedings. During this intensive summer program, students meet community leaders, visit local colleges, and are introduced to organizations that facilitate the college application process. In 2012, the Nelson Fellows participated for the first time in the M. Ellen Carper Financial Literacy Program, sponsored by the U.S. Bankruptcy Court and the Boston Bar Association.

The final and most exciting event is the mock trial before a federal judge. Throughout the summer, the Fellows prepare for the mock trial under the guidance of legal professionals.

### **The Lindsay Fellowship**

The Lindsay Fellowship celebrated its third successful year in 2012, graduating six Fellows. The Lindsay Fellowship is named for Judge Reginald C. Lindsay, a judge of this court who passed away in 2009. Judge Lindsay was born, raised, and attended public schools in Birmingham, Alabama, and later graduated from Morehouse College and Harvard Law School, before being appointed to this Court by President Bill Clinton in 1993.

Each year, the Court selects five or six Lindsay Fellows for a program that lasts approximately nine weeks. This program is for college students who have a strong interest in a career in law. Each Fellow is assigned to a judge during the first month of the program and participates in an intensive program on legal research and writing with an instructor from a local law school. Each Fellow is assigned to either the United States Attorney's Office or the Federal Defender Program during the second month of the program. Prior to graduation, the Fellows return to the District Court to compete in a moot court program before a federal judge.

## **Reentry Programs**

### **Court Assisted Recovery Effort (CARE)**

Magistrate Judge Leo T. Sorokin continued to preside over the Court Assisted Recovery Effort (CARE). CARE helps defendants to create and to maintain sober, employed, and law abiding lives. Success in the program promotes both public safety and the rehabilitation of the

defendant. CARE involves closer supervision of a defendant and higher expectations than regular supervision, but it also offers a defendant greater assistance, opportunity, and reward. The Court, the Probation Office, the United States Attorney, and the Federal Defender Office all participate in CARE. The CARE program celebrated the success of its participants with two graduation ceremonies in 2012. Mayor Domenic Sarno spoke at the Springfield ceremony in May, and Governor Deval Patrick spoke at the Boston ceremony in June.

### **Reentry: Empowering Successful Todays and Responsible Tomorrows (RESTART)**

District Judge Timothy Hillman presided over the reentry court program for high risk ex-offenders in the Eastern and Central Divisions, and Magistrate Judge Kenneth P. Neiman presided over the program in the Western Division.

RESTART was modeled after Magistrate Judge Leo Sorokin's successful CARE program. The goal of the program is to reduce recidivism and to successfully reintegrate ex-offenders into the community with an emphasis on employment skills. The program provides intensive support for recently released defendants serving their term of supervised release and is focused on issues such as employment, housing, and drug and mental health counseling.

### **Judicial Events**

Judge Michael A. Ponsor's portrait was presented to the Court in June. Judge Ponsor's colleagues in Boston and Worcester traveled to Springfield to attend the ceremony. Chief Judge Mark L. Wolf presided, and remarks were made by District Judge Joseph L. Tauro, Congressman Richard E. Neal, Judge Ariane Vuono of the Massachusetts Appeals Court, Assistant District Attorney Rebecca Michaels, and the portrait's artist, Marion Miller.

Judge George A. O'Toole's portrait was presented at a ceremony in December, presided over by Judge Patti B. Saris in Chief Judge Wolf's absence. Speaking in support of the presentation were District Judge Rya W. Zobel, Dr. James P. McIntyre of Boston College, Judge Heidi Brieger of the Massachusetts Superior Court, Robert C. Bordone of Harvard Law School, Ingrid Martin, Esq., and the portrait's artist, Ying-He Liu.

A public induction ceremony was held in Worcester in September for newly appointed District Judge Timothy S. Hillman. Chief Judge Wolf presided over the ceremony. Speakers were United States Senator Scott P. Brown, Congressman James P. McGovern, District Judge F. Dennis Saylor IV, and Chief Magistrate Judge Leo T. Sorokin.



## **BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS**

In calendar year 2012, there were 16,737 cases filed in the Bankruptcy Court for the District of Massachusetts. In 2011, there were 20,122 cases filed — a decrease of 17%, which tracks the trend nationally. Pro se debtors filed 757 new cases in 2012 compared to 990 pro se filings in 2011. The District's pro se law clerk assisted pro se filers daily and also worked tirelessly to involve and energize the private bar to provide legal assistance for unrepresented people. The Court has also established a Pro Bono Committee comprised of attorneys from multiple firms throughout the District, as well as representatives from organizations such as the Volunteer Lawyer Program and the Massachusetts Justice Project. The goal of the Committee was to encourage attorneys to assist unrepresented debtors and to recognize those firms and individuals who do so on a consistent basis.

The IT Department perfected a local program called BCAP (Bankruptcy Chambers Automation Program) that automated much of the workflow between chambers and the Clerk's Office. Completely browser based, and tightly coupled to CM/ECF, it presents a list of case work to be completed for judges, chambers staff, courtroom deputies, case administrators, and finance personnel. It also has a robust order signing tool that is browser based and integrated into the application. The program shows the courtroom calendar and has a number of calendar reports and functions.

With the proliferation of remote devices such as the iPad, there was a need for a mobile application that had these same capabilities. Mobile BCAP was developed to fill this need. This is an HTML5 compliant version of BCAP that works with Apple iPads, Google Android based tablets, and Microsoft Windows based tablets. It brings 85% of the desktop BCAP functionality, including order signing, to any VPN enabled, internet connected tablet computer. Additionally, it provides every courtroom, conference room, and Court staff who has an iPad with video conference capabilities. Lastly, the IT group completed a web-based attorney CM/ECF training program allowing attorneys or their staff to complete CM/ECF training remotely.

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

Chief Judge Frank J. Bailey shepherded the Chapter 9 of the City of Central Falls to a successful conclusion in 2012. The Judge was a featured speaker on this topic at a program

sponsored by the American Bar Association's Business Bankruptcy Committee at the annual meeting of the National Conference of Bankruptcy Judges.

Judge Joan N. Feeney completed her term as president of the National Conference of Bankruptcy Judges. She continued to serve on the board of the American Bankruptcy Institute and was the co-author of the West treatise "Bankruptcy Law Manual." She was also 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. Judge Henry J. Boroff was the bankruptcy judge representative on the First Circuit Judicial Council.

The bankruptcy judges created a Diversity Committee with the goal of increasing the number of minority attorneys in the practice of bankruptcy law. The presidents of each of the many affinity bar groups throughout the Commonwealth were invited to discuss ways to increase their presence among the bankruptcy bar. The Committee met several times this year and, as a first course of action, conducted informational programs at several local law schools to encourage minority students to consider the field of bankruptcy law.

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 and improvements to the Court's local rules. A revised set of local rules was adopted in June 2012.

## **PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF MASSACHUSETTS**

In June 2012, the Court consolidated the Probation and Pretrial Services agencies in the District of Massachusetts. As a consolidated unit, this Office is committed to efficiently delivering the quality of service that the Court and community have come to expect. Throughout the year, staff worked through matters relating to the consolidation while performing their core duties. In addition, they participated in professional development, safety training, committee work on a local and national level, and took time to give back to the community through charitable donations and agency organized events.

### **Pretrial Services Unit**

Officers and support staff in Pretrial Services continued to collaborate with the Presentence and Post-Conviction Units, the Clerk's Office, the U.S. Marshal's Service, the U.S. Attorney's Office, defense bar, and judges and their staff regarding defendants entering the federal system. In keeping with the Attorney Pilot Project initiated in 2004, all defendants were assured access to defense counsel prior to participating in a Pretrial Services interview. The interview rate in FY 2012 was 51%, representing a 7% decrease from FY 2011. By comparison, the national interview rate in FY 2012 was 54%. In cases in which defendants,

upon advice of counsel, declined to be interviewed, or access to defendants was delayed pending the authorization to interview, the investigative reports provided to the Court included any prior criminal record and other pertinent information available from collateral sources. In FY 2012, Pretrial Services officers submitted bail reports, interview or no interview, in 97.5% of all new cases.

In 2012, location monitoring continued to play an important role in the release of defendants viewed as posing substantial non-appearance and/or safety risks. During the course of FY 2012, Pretrial Services officers supervised a total of 120 defendants released on electronic monitoring or GPS. In FY 2012, 64 defendants were new releases, and the remaining cases were carried from the previous fiscal year(s). Treatment services for substance abuse and mental health needs also remained an important component of pretrial supervision in 2012. During the year, 17 defendants were enrolled in contracted inpatient substance abuse treatment programs, 33 defendants were enrolled in contracted outpatient substance abuse programs, and 15 defendants were enrolled in contracted outpatient mental health programs. Substance use testing remained a valuable condition to aid officers in monitoring compliance with conditions of release and in evaluating the status of treatment needs. Urinalysis was conducted at the Boston, Worcester, and Springfield Courthouse locations, as well as at contracted private facilities and/or drug treatment locations. During FY 2012, a total of 1,140 drug tests were conducted at the pretrial stage and 219 samples tested positive for one or more narcotics.

In FY 2012, Pretrial Services officers reported 40 instances of violations of conditions of release, representing a violation rate of 6%. The national violation rate in FY 2012 was 10.5%. There were no instances of failure to appear in 2012. As part of the Unit's oversight and reporting, officers continued to provide release status letters to the Court, the United States Attorney's Office and to defense counsel at the time of disposition. Each status letter outlines compliance with release conditions over the course of the defendant's pretrial release.

During 2012, a total of 597 new cases were activated (15% decrease from 2011). There were 555 cases activated within the District and 42 cases transferred into the District. Four diversion cases were also activated in 2012. Excluding immigration cases, 477 cases that were transferred out, dismissed, or the defendants were in state custody, were subject to a release/detention hearing. There were 283 defendants ordered detained (59.3%) and 194 defendants released (40.7%). Of the 194 defendants released, 174 were released on an unsecured bond and 20 defendants were released on a secured bond. The national detention rate in FY 2012 was 56.5% and the release rate was 46.4%.

Over the course of FY 2012, pretrial services had a total of 1,563 open cases. Of these cases, 631 were on release status (40%). These cases included not only new cases activated in 2012, but also cases already open and carried over from previous fiscal years. When factoring in cases closed during the course of the year, pretrial services ended FY 2012 with 374 cases under supervision.

The consolidation of Pretrial and Probation in 2012 opened the door for staff members to work together and increase efficiency. At this early stage, benefits have already included the ability to share administrative and officer services; increased reporting locations and urinalysis testing locations for Pretrial; fieldwork partnering opportunities; and increased collaboration at the pretrial and presentence stage regarding investigations, criminal history and records review, and reporting to the Court.

### **Presentence Investigation Unit**

A total of 522 cases were assigned to the Presentence Unit during 2012 with offense types including drugs, fraud, firearms, immigration, tax, larceny and theft, robbery, money laundering, and sex offenses. Nine defendants were sentenced without presentence reports upon agreement by the parties, primarily in cases in which the sentences imposed were either time served (with or without supervised release to follow) a fine only, a probation sentence for a corporate defendant, or a sentence imposed to run concurrently with another federal case. The most complex cases were assigned to the Presentence Unit's Sentencing Guidelines Specialists and other veteran officers.

In 2012, in addition to the regular workload, the Presentence Unit addressed three special projects: 1) continued implementation of PSX, a new presentence investigation and report module in the electronic case management system; 2) sentence modifications pursuant to the retroactive crack cocaine amendment 18 U.S.C. § 3582(c)(2); and 3) re-sentencings resulting from recent issues at the state drug laboratory.

### **Post-Conviction 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 use skills from various disciplines to 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, specifically the execution of the sentence and protection of the community, thereby reducing the risk and recurrence of crime while maximizing offender success. As standard practice, all officers employed the Post-Conviction Risk Assessment (PCRA), an actuarial risk assessment instrument. Officers used this tool in each case to determine an individual's risk level, their criminogenic needs, and criminal thinking styles.

The number of supervision cases in the District of Massachusetts reached an all time high in 2012, hovering above 1,400 for the vast majority of the year. The 2012 distribution of cases, geographically by office location, was as follows: Boston 393 (28%); Worcester 226 (16%); Lawrence 229 (16%); Taunton 182 (13%); and Springfield 117 (9%). There were an additional 255 (18%) cases placed in the Low Intensity Supervision Caseload. A representative Post Conviction Risk Assessment breakdown for offenders under supervision during 2012 was as follows: Low Risk 35.8%; Low Moderate Risk 35.8%; Moderate Risk 18.9%; and High Risk 9.5%.

The Probation Office continued to be progressive in delivering resources and programs to address the needs of the offenders and used contract and non-contract treatment services to provide substance abuse, mental health, and sex offender treatment to individuals throughout the Commonwealth. Additional targeted services were also offered through the CARE and RESTART programs. The Reentry and Transitional Services Committee helped coordinate employment related programs and facilitated use of Second Chance Act funds to assist individuals with various emergency and/or transitional needs.

During 2012, officers continued to facilitate Moral Reconciliation Therapy (MRT), a cognitive behavioral therapy which addresses offenders' criminal thought processes and behaviors in an effort to promote positive change in cognitions and behavior. The Office also furthered its use of STARR, Strategic Techniques Aimed at Reducing Recidivism, through increased practice, training, and coaching with volunteer officers in the Supervision Unit.

### **Training & Professional Development**

Throughout the year, staff members took advantage of various training and professional development opportunities including, but not limited to: the United States Sentencing Commission Annual National Seminar; the U.S. Attorney's Office Gang Summit; Sex Offender Management Training; Financial Literacy Training for Offenders; continued PSX and STARR training; Officer Safety Instructor Training (National Training Academy); in-district safety and response tactics training; in-district training and mentoring opportunities; programming offered at the Massachusetts Probation Academy; Federal Judicial Center (FJC) programs; and training provided at the Annual District Conference. Staff members continued to participate in national initiatives including evidence based practices, presentence and location monitoring working groups, the Probation Officer Advisory Group to the USSC, and the Leadership Development Program (FJC). In addition, Chief Maloney served as a member of the Office of Probation and Pretrial Services' Chiefs Advisory Group.

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

**DISTRICT COURT**

The year 2012 proved to be yet another year of growth for the District Court of New Hampshire. 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**

In May 2012, Dale Trombley was hired as the new Financial Administrator. The incumbent, Bonnie Reed, who worked for the Court for over thirty years, retired in June. Ann Mulvee, Deputy Clerk, also retired in 2012 after twenty years of service. The Court hired a number of temporary employees over the summer to assist with technology, procurement, and jury-related projects.

**Training**

The District provided numerous training opportunities in 2012, many of which were also made available to employees from Probation/Pretrial and the Bankruptcy Court. In January, the District hosted a FJC program on Judicial Ethics and the Code of Conduct presented by Melissa Rhoads, Operations Manager from the District of New Jersey, and Michael Wade, Human Resources Manager from the Eastern District of Michigan. In May, Court staff attended a FJC WebEx training on the safe and ethical use of social media facilitated by Andrea Henson-Armstrong. Michele Mitchell, CM/ECF Administrator for the District of Maine, presented a training on Speedy Trial Clock Calculations to the District's operations staff in May.

Information Technology (IT) and procurement staff attended a training on NASA's Solutions for Enterprise-wide Procurement (SEWP) at the Moakley Courthouse in June. Procurement and financial staff attended several WebEx trainings on budget object codes throughout the year. They also attended a two-day training on the Contract Officer's Certification Program, which the District of New Hampshire hosted in August. In December 2012, Laurie Moison, Training Specialist from Delaware Bankruptcy Court, presented an FJC training on the effective drafting of instructional guides and training manuals. The Court also offered two "Lunch N Learn" trainings in 2012, including a Grammar Clinic and an overview of services offered by the building's health center.

In addition to group training opportunities, numerous employees received individual training in 2012. To complete the Court's migration to Internet Protocol Telephony (IPT), Frank Clough, IT Director, and Paul Guest, Systems and Network Administrator, attended a training presented by Cisco on Administering Cisco Unified Communications Manager. Paul Guest also completed several technology-related WebEx trainings, as well as a three-day training for automation trainers in San Antonio, Texas, and a one-day training at the Moakley

Courthouse on Dell Virtual Desktop Infrastructure. Erin Callahan, Administrative Support Specialist, attended two trainings offered by New Horizons on Microsoft Excel 2010. In addition, the Court's new Financial Administrator, Dale Trombley, completed online budget management courses and WebEx training on the Civil/Criminal Accounting Module (CCAM), Basic J&S Mapping, and CCAM New Year Initialization.

Frank Clough, Director of IT, finished a two-and-a-half year Federal Leadership Program in 2012. Dan Lynch, Chief Deputy Clerk, completed the Judicial Administration master's level program at Michigan State University during 2012. Finally, Kristie Trimarco, CM/ECF Administrator, commenced the Federal Leadership Program in 2012.

### **Building Upgrades**

While most construction projects were put on hold and the majority of the limited funding available was used for maintenance and rehab projects, two new projects were funded and completed. First, with financial assistance from the Bankruptcy Court, the District Court replaced its aging and under capacity cooling units in the server room with twin, state-of-the-art cooling systems, allowing for a hot/cold corridor cooling configuration.

The Court also began a long-term project to restore courthouse millwork damaged by UV exposure. Film was applied to the last remaining windows to prevent any further damage, and the refinishing work was initiated.

### **Technology Upgrades**

Once again, the IT Department took significant steps to improve and maintain courtroom and office technology. In early 2012, the Court migrated from Word Perfect as its primary word processing application to Microsoft Word 2010. This migration process included the development and implementation of a large number of templates and macros, as well as the development of a new process for creating and updating templates.

The Court also continued to upgrade wiring throughout the Courthouse with new 10GB cabling, in preparation for the implementation of Internet Protocol Telephony (IPT) and future projects, and migrated to a Citrix Xenserver, which will allow for the virtualization of existing servers. The Court completed the migration to Internet Protocol Telephony (IPT) in October of 2012 which has resulted in significantly reduced phone bills.

In June of 2012, the Court purchased and installed hardware and software for fingerprinting judicial employees, interns, contractors, interpreters, volunteers, and court reporters. This new fingerprinting system, which records and transmits fingerprints electronically, will increase efficiency and eliminate the costs associated with the old system, which required the Court to mail fingerprints to the Administrative Office.

Finally, the Court began developing a web-based attorney admissions application process to eliminate paper applications and increase convenience and efficiency. The

automated application form and fee payment system, hosted by Pay.Gov, will go live in January of 2013.

## **Filings**

The number of civil case filings, 513 in total, decreased 14% from 2011, with a sharp drop in Social Security filings. With a total of 152 criminal cases filed and 180 defendants charged in 2012, criminal case filings decreased 6% and defendants charged decreased 3%.

The District's LASER (Law Abiding. Sober. Employed. Responsible.) drug court program had ten (10) participants in 2012 and four (4) successful graduates.

## **Policy & Procedures Updates**

Commencing in 2011 and continuing into 2012, the Court convened a committee of practicing attorneys and representatives from legal aid organizations to consider how the District could better provide access to justice for pro se litigants. As a result of this initiative, the Court established a panel of volunteer attorneys to serve as pro bono counsel for indigent civil litigants on limited occasions. To that end, the Court agreed to begin using attorney admission funds on a limited and ad hoc basis to provide capped compensation for the services of appointed counsel in appropriate cases. The District also increased pro bono service hours for persons serving on the Court's mediation panel. Finally, the Court created a fillable civil complaint form for use by pro se litigants.

In February 2012, the Court established a new policy to address the Federal Records Center's destruction of some of the temporary files stored before 1995. The Court added a generic docket entry to all civil cases filed prior to 1996, informing ECF users that the file may have been destroyed or transferred to the National Archives for permanent retention. The entry instructs users to contact the National Archives to determine whether the case file still exists for public review.

The Court also implemented a number of cost-containment initiatives in response to funding shortfalls. These initiatives included a two-year COLA pay freeze, a temporary halt on most building modifications, a 50% reduction of IT projects, and migration to Internet Protocol Telephony (IPT).

## **Federal Court Advisory Committee**

The Federal Court Advisory Committee (FCAC) continued to provide feedback to the Court regarding issues of importance to federal practitioners. The Committee met on January 24 and September 19, 2012. The FCAC offered input on a variety of issues, including CJA cost containment measures, the formation of a volunteer pro bono panel for select civil cases, and upcoming CLEs. The FCAC also planned the October 4, 2012 Federal Practice Institute and approved several expenditures from the Court's library fund.



## **Bar Admissions**

The District held two (2) bar admissions ceremonies in 2012. Both ceremonies were held jointly with the New Hampshire Supreme Court to allow for concurrent admission of state and federal bar candidates. Sixty-three (63) attorneys were admitted to the federal bar on June 5, 2012, at the New Hampshire Supreme Court, and seventy-nine (79) attorneys were admitted on November 7, 2012, at the Rudman Courthouse. In addition to the two ceremonies, seventeen (17) attorneys were admitted informally by taking the oath in the Clerk's Office. In total, the Court admitted 159 new attorneys in 2012.

## **Naturalization**

The Court held thirteen (13) naturalization ceremonies in 2012, including a special ceremony atop Mt. Washington on September 6, 2012, presided over by Chief Judge Joseph N. Laplante. A total of 972 citizens were naturalized during judicial ceremonies in 2012. Governor John Lynch attended some of the naturalization ceremonies and local elementary and middle school students sang, as well.

## **Criminal Justice Act (CJA)**

The Court's dedicated CJA panel accepted 132 appointments in 2012. At the annual business meeting on December 14, 2012, Attorney Kevin Sharkey was elected to serve a three-year term as a member of the CJA Panel Selection Committee. The annual business meeting included a three-hour CLE on Ethics in Child Pornography/Computer Cases, Handling Difficult Clients, Diminished Capacity as a Sentence Mitigator, and SORNA Issues. Attendees received three (3) CLE credits from the New Hampshire Bar Association for this program. The meeting also included a discussion of CJA cost containment measures.

On August 1, 2012, the Court issued a standing order requiring CJA counsel appointed in felony cases to file a voucher, an ex parte motion, and a proposed budget once the total unpaid compensation exceeds the statutory maximum of \$9,700. The order requires counsel to file a voucher each time the unpaid compensation accumulates in excess of \$5,000. The Court also issued a standing order requiring counsel to seek prior approval for services of mitigation specialists or sentencing consultants, regardless of the anticipated cost.

## **Public Outreach**

On May 7, 2012, five (5) Russian legal/governmental experts visited the Courthouse and received a tour from Deputy Clerk Janice Boucher. After the tour, they met with Judge Barbadoro for a question and answer session regarding the U.S. legal system.

In addition to the CJA panel courses discussed above, Magistrate Judge Landya B. McCafferty discussed common discovery issues at a New Lawyers Committee Brown Bag Lunch on June 8, 2012. The Court also hosted a lunchtime presentation on iPad Productivity Tips with Magistrate Judge McCafferty on July 17, 2012.

On October 4, 2012, the Court hosted the 7th Federal Practice Institute, featuring speaker James M. Wagstaffe, a premier First Amendment/defamation attorney and author. The 2012 Institute focused on the benefits and shortcomings of using technology in the courtroom, which included breakout sessions on specific practice areas, an open forum with the District Court judges, and a breakfast for new lawyers.

In October of 2012, the Court hosted a group of students from the University of New Hampshire School of Law for a tour of the building. The Court also organized a question and answer session with a district court judge and a representative from the U.S. Marshals' Office for each class of elementary and middle school students that attended a naturalization ceremony.

### **Civic Involvement**

District employees continued to contribute to the local community in 2012 through volunteer work and charitable donations. During the holiday season, the Court participated in the Capital Region Food Drive and sponsored eighteen (18) local children, ages ranging from one to seventeen, through Operation Santa Claus. Court employees participated by donating money, shopping, wrapping and delivering gifts. In the late fall of 2012, Deputy Clerk Vincent Negrón organized an initiative in the Clerk's Office to provide material assistance to victims of Hurricane Sandy and volunteered to assist in clean-up efforts in the New York City area. Finally, Court employees contributed to the Combined Federal Campaign.

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

### **Personnel Changes**

In 2012, Judge J. Michael Deasy announced that he would not seek reappointment at the end of his fourteen-year term in March 2013. Bruce Harwood was chosen to succeed Judge Deasy and his fourteen-year term will commence on March 11, 2013. Judge Deasy was subsequently authorized by the First Circuit Judicial Council to serve as a recall judge for the District through March 12, 2014, and to continue to serve on the Bankruptcy Appellate Panel, reducing the need for more expensive travel by other member judges and providing coverage for vacancies needed. His caseload will be 40-50% of a full time judge. Judges Haines and Kornreich from the District of Maine have assisted the Court by handling nearly all of the adversary proceedings and, in 2012, covered 25% of all courtroom time for the District.

In 2012, the Clerk of Court, George Vannah, announced that he would be retiring after twenty-five years of service to the New Hampshire Bankruptcy Court. After a thorough application and interview process, Jennifer Hayes succeeded George Vannah on November 5, 2012.

It was also decided during this time of transition that the Court would re-institute the position of Chief Deputy Clerk, a position which had not been filled in this District since 1996. Bonnie McAlary, the Court's Director of Administrative Services, was named Chief Deputy Clerk in June.

### **Special Awards**

In March 2012, Judge Deasy was inducted as a Fellow of the American College of Bankruptcy at a ceremony at the United States Supreme Court.

### **Bench/Bar Programs**

The Bankruptcy Court continued to host Brown Bag Lunches periodically. These lunches are organized and well attended by the consumer bankruptcy bar and are typically held after a morning of Chapter 13 case hearings. During these lunches, lawyers have the opportunity to discuss various issues of importance. Judge Deasy typically attends a portion of the meeting to answer general questions about court administration, to present helpful practice tips or to introduce new procedures.

### **Special Seminar**

On June 22, 2012, the Court hosted a seminar on Protection of Personally Identifiable Information and Provisions of Rule 9037 of the Federal Rules of Bankruptcy Procedure. The seminar was conducted by the United States Trustee's Office. Judge Deasy served as a panelist. Other panelists included the United States Trustee for Region 1 and the Assistant United States Trustee for the District of New Hampshire.

### **Administrative Services**

During 2012, administrative staff in the Clerk's Office reviewed and revised the internal controls manual. The COOP Committee also completed drafting a COOP Plan for the Court. As part of the Court's COOP Plan, certain Court employees will be expected to telework. With the exception of two employees, all staff currently have that capability and telework on a regular basis.

### **Intra-District Activities**

In 2012, the Bankruptcy Court, the District Court, and Pretrial and Probation Services began holding regular meetings to discuss administrative matters. These meetings have been attended by Chief District Judge Joseph Laplante, Judge Deasy, court unit executives, and their deputies, with the judges attending every other meeting. The court unit executives, and their deputies began developing a Shared Administrative Services Plan in the last quarter of the year. The District's Plan was approved by the judges and will be submitted to the Circuit Executive in 2013.

Bankruptcy Court staff members also participated in several different training sessions hosted by the District Court during the year.

### **Local Rules**

The Bankruptcy Court, in conjunction with the Court's Local Rules Committee, worked during 2012 to revise the Local Bankruptcy Rules, Administrative Orders, and Local Bankruptcy Forms, which had not been revised since 2009. A public comment period took place from November 19, 2012, through December 21, 2012. The new rules, orders, and forms will become effective in February, 2013.

### **Statistical Information**

During the course of 2012, the Bankruptcy Court experienced an overall decrease in bankruptcy case filings of 18.1% from the previous year, which was consistent with the national trend. For the 12-month period ending December 31, 2012, case filings totaled 4,045 in New Hampshire. Chapter 7 case filings totaled 3,044 (18.2% decrease), Chapter 11 case filings totaled 33 (32.7% decrease), and Chapter 13 case filings totaled 968 (17.2% decrease). The number of adversary proceedings filed in the District decreased to 130.

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

### **Personnel Changes and Highlights**

Molly Corbin, U.S. Probation Officer, transferred to the District of Massachusetts on July 27, 2012. Kristin Cook, U.S. Probation Officer, transferred to the District of Maine on August 10, 2012.

### **Management Team**

The Office's Management Team continued to address a number of office-wide issues during the year, including budget shortfalls, integrating the automated presentence report from PSX into the presentence investigation process, and preparing for a review by the Office of Probation and Pretrial Services. The Management Team also declared a "moratorium" on introducing any new local initiatives to allow staff an opportunity to complete existing projects and focus on core duties.

Due to budgetary concerns for the 2012 fiscal year, the Chief and Deputy Chief Probation Officers met with the Chief Judge regularly to discuss cost containment strategies. Specifically, management presented the utilization of the automated presentence investigation

report which significantly increased efficiency and continued to re-evaluate other internal procedures.

### **Court Investigations Unit**

Fiscal Year 2012 marked the introduction and utilization of the automated bail report and presentence investigation report through the use of PACTS/PSX. PSX is a new module through PACTS that allows officers to populate a Word document with information that has been entered into PACTS and PSX databases. Officers regularly utilized this tool in conducting pretrial investigations and presentence investigations during the fiscal year. As part of the implementation process, officers participated in numerous training sessions in PSX and transitioned from WordPerfect to Word. The automated bail report was officially adopted by the Office in early 2012, while the automated presentence report was used by all officers in June of 2012. Officers continued to utilize the Digital Pen when conducting bail investigation reports and the Victim Notification System (VNS) to assist in identifying and contacting victims. They also expanded the use of "telework" to increase efficiency and productivity.

### **Case Activations**

Fiscal year 2012 ended with a total of 177 pretrial case activations, a 3.5% increase over FY 2011. In FY 2012, the Office had more multi-defendant prescription medication cases, as well as more as financial fraud and sex-related cases than in prior years.

### **Pretrial Diversion**

In FY 2012, the Pretrial Diversion Program saw a significant increase in diversion investigations completed — six compared to two in FY 2011. The number of diversion investigations completed annually has fluctuated over the last five years, with a high of twelve in FY 2010 and a low of two in FY 2011.

### **Presentence Investigations**

A total of 156 presentence investigation reports were completed during FY 2012, a 22% decrease from the number of reports completed in FY 2011. This number also represented a significant decline of 34% from the number of reports completed in FY 2010.

### **LASER Docket Program**

During FY 2012, one new pretrial defendant and two post-conviction offenders were approved for the Law-Abiding, Sober, Employed, and Responsible (LASER) Docket program. LASER is a rehabilitative court program for individuals involved in the federal criminal justice system which addresses defendant/offender behavior, promotes rehabilitation, reduces recidivism, and ensures the safety of neighboring communities. The program had a total of ten participants. The District of New Hampshire began this pilot "front-end" drug court program in

July 2010. It is a cooperative effort between the Court, the United States Attorney's Office, the United States Probation Office, the United States Marshals Service, and the Federal Public Defender's Office. All of the defendants in the program are medium to high risk cases based on the Risk Prediction Index (RPI). During the course of the fiscal year, four participants graduated from the program while three were terminated. There were graduation ceremonies held in January, April, and September of 2012.

### **Local Rule Change**

On December 1, 2011, the Court amended Local Rule 32.1 to change the time frames for the scheduling of sentencing, the production of a presentence investigation reports and related responses, and the filing of motions seeking a departure/variance and/or sentencing memorandum. Specifically, sentencing should occur no more than 14 weeks (98 days) following entry of a plea of guilty or nolo contendere, or a guilty verdict by a jury or the Court, unless good cause is shown justifying sentencing at a later date; the initial presentence report should be disclosed no later than 42 days prior to the scheduled sentencing date; the revised presentence report should be disclosed no later than 14 days prior to the scheduled sentencing date; and any party seeking a departure or a variance under the sentencing guidelines, or seeking to submit a sentencing memorandum, must file the motion or memorandum no later than 10 days before the date of the scheduled sentencing hearing. This change was made to allow the parties additional time to prepare motions for departure/variance, as well as a sentencing memorandum, prior to the sentencing hearing.

### **Post-conviction Supervision Services**

#### **Caseload**

In FY 2012, the percentage of offenders on supervised release was 86%, probation 13%, and Bureau of Prisons cases comprised 1%. In examining the risk level of the caseload, the District of New Hampshire averaged a 4.13 RPI score, as compared to the national average of 3.73. The District ranked as the 19th highest average RPI score in the country.

### **Supervision Outcomes**

Reliable national and district data is now available for determining post-conviction supervision outcomes. A "successful completion" occurs when the original term of supervision expires on the full-term date, is terminated via an early termination, or is completed after an extension. Correspondingly, an "unsuccessful" completion is a case in which the term of supervision is closed due to revocation. In the District of New Hampshire, 179 cases were closed during FY 2012, and 48 of those cases were closed due to revocation. In addition, 25 cases were closed for early termination of supervision, 91 cases expired successfully, 13 transferred to another district, and one closed because of death. The District's 26.9% revocation rate is a 1% decrease over last fiscal year's rate and is less than the national rate of 29.6%.

## **Second Chance Act**

The Second Chance Act of 2007, Pub. L. No. 110-199, was enacted in 2008 and authorized the Director of the Administrative Office of the U.S. Court 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. These funds are used to reduce recidivism and mitigate crisis situations that offenders and defendants under supervision often encounter. During FY 2012, the Second Chance Funds were expended in this District as follows: housing (\$5,708); transportation (\$1,400.29); school/work-related programs (\$620); food/clothing (\$168.16); and other (\$406.56).

## **Department of Information Technology**

Frank Clough, Director of Department of Information Technology (IT), and Eric Swanson, Systems Administrator, continued to work closely with the Probation Office to improve technological services. During FY 2012, the District of New Hampshire: implemented the automated bail report and presentence investigation report in PSX to include local template customization; introduced the iPad to staff members and provided training and follow-up support; completed upgrades to allow additional electronic reporting by offenders to submit monthly supervision reports through a secured internet site or kiosk; and supported the Digital Pen project.

## **Employee Recognition**

On the recommendations of the year's peer-based Employee Recognition Committee, Chief Thomas K. Tarr presented Tim Brown with the District Award for Sustained Superior Performance, and Jodi Gauvin with the Chief's Award for Quality Improvement.

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

**DISTRICT COURT**

**Profile**

As of December 31, 2012, the United States District Court for the District of Puerto Rico operated with a Clerk's Office staff of 62 employees and seven interpreters. There were 38 chambers staff, including eight court reporters in the District Court, and one pro se law clerk. The Clerk's Office is located at the Federico Degetau Federal Office Building (adjacent to the Clemente Ruiz Nazario United States Courthouse) at 150 Chardón Street in San Juan, near the banking district, with a satellite office located at the José V. Toledo United States Courthouse in historic Old San Juan. The Court has six active Article III judges, three senior judges, and four magistrate judges, including one district judge vacancy.

**Jury Administration**

The Court has developed a new application which enables attorneys to access jury questionnaires securely via the Internet after registering their usernames and passwords. The program was designed in-house by the Systems Department, together with the Jury Administration staff, and will be used in select cases by court order.

Court Services Manager, Becky Agostini, and Jury Administrator, Mayra Borrero, organize, scan, and upload jury questionnaires so that lawyers can examine them in preparation for voir dire. Prior to the development of the Jury Questionnaire Program, questionnaires were handed in by jurors, verified and organized, prior to preparation and distribution of multiple sets of paper copies or compact disks to the lawyers. Besides the enormous amount of supplies expended, jury administration staff had to invest an inordinate amount of time ensuring that the sets of questionnaires distributed were complete. With the Jury Questionnaire Program, lawyers, judges, designated judicial staff, and jury administration staff have access to the information at all times.

**Facilities Security Committee**

In early 2012, Chief Judge Delgado-Colón became Chair of the Facilities Security Committee (FSC), which is composed of representatives from all tenant agencies located within the Federal Office Building (FOB). Under Chief Judge Delgado's helm, GSA has addressed maintenance and security concerns within the facility, which include the addition of Federal Protective Service (FPS) guards, the implementation of policies regarding the movement of inmates within the facility, and the repair of perimeter lighting and fencing. In addition, the District Court had FPS perform a new Vulnerability Survey Report for the FOB, intended to identify and correct existing and new security and safety risks.



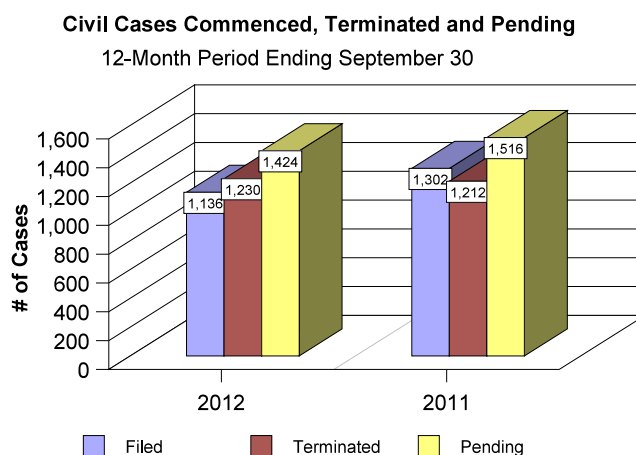
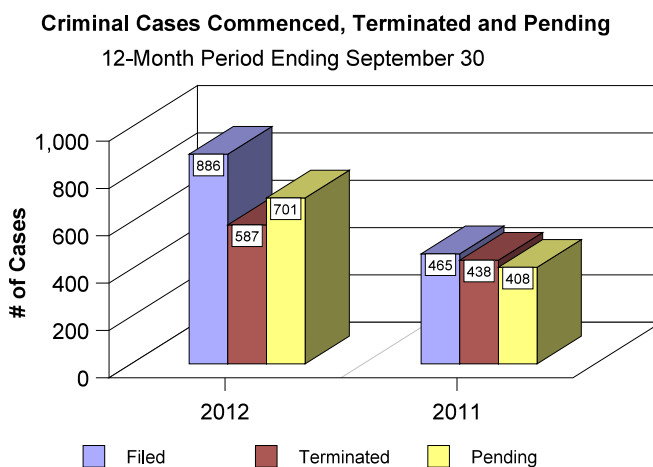
## **Space and Facilities**

Calendar year 2012 started off with three major construction projects funded by the President's American Recovery and Reinvestment Act (ARRA): (1) the air conditioning system upgrades ("Green Building Project") at the José V. Toledo U.S. Courthouse in Old San Juan, the Clemente Ruiz Nazario U.S. Courthouse, and the Federico Degetau Federal Building in Hato Rey; (2) the building of a federal parking garage adjacent to the Federico Degetau Federal Building; and (3) the window replacement project in the Clemente Ruiz Nazario U.S. Courthouse and the Federico Degetau Federal Building. The window and garage projects have been completed.

The Green Building Project experienced delays at the end of 2012. In the federal building, the move of the Clerk's Office to swing space has been delayed from January to July of 2013. Also, the Court faced other challenges resulting from GSA construction projects. As the new site plan took shape, it became obvious that it would cause multiple security and safety problems. GSA and the municipal government started working with the Court to solve these problems, but a delay in the release of a key document, the FPS Vulnerability Assessment, as well as change in municipal and state governments, have undermined these efforts. Fortunately, Chief Judge Aida M. Delgado-Colón and the Clerk of Court obtained an increase of FPS on-site security.

## **Memorandum of Understanding for the Release of Inmates**

During the 12-month period ending September 30, 2012, the number of criminal defendants commenced, terminated, and pending (including transfers) in the District rose to 1,910, a 14.3% increase from the 1,671 criminal defendants last year. In order to ensure promptness and accuracy in the release of inmates, in September 2012, the Court entered into a Memorandum of Understanding (MOU), together with the U.S. Probation Office, the U.S. Marshals Service, the Federal Bureau of Prisons, and the Office of the U.S. Attorney, setting forth an inter-agency procedure for the release of inmates from the MDC Guaynabo Federal Prison Facility. The MOU has successfully created a system for the uniform exchange and cross-verification of information concerning inmates, including the development of a search application securely accessible to designated staff within the U.S. Marshals Service and the BOP/MDC Guaynabo.



## International Judicial Programs

The judges are committed to regularly contributing to quality judicial and education programs such as the Judicial Studies Institute (JSI) of the United States Department of Justice, and the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), which seeks to enhance foreign justice sector institutions. The Court is proud to host JSI-OPDAT visitors at least twice a year.

In April 2012, Chief Judge Aida M. Delgado-Colón received an Indonesian delegation, including judges of the Indonesia Supreme Court, as part of a Court Security Study Tour hosted

by the JSI-OPDAT. The delegation first travelled to Washington, D.C. to focus on policy issues and examine legislation. During its visit to Puerto Rico, the judges witnessed first-hand how security is maintained in the courtrooms and in other court facilities.

In May 2012, Chief Judge Delgado-Colón welcomed a JSI delegation of judges from Colombia and Mexico. As part of the visit, the judges attended various proceedings before Chief Judge Delgado-Colón, which included a status conference in a multi-defendant narcotics prosecution and a plea and sentencing hearing. They also observed a criminal trial before District Judge Francisco A. Besosa, and a suppression hearing before Magistrate Judge Silvia Carreño-Coll. Clerk of Court, Frances Ríos de Morán, demonstrated the state-of-the-art courtroom technology available throughout all the courtrooms.

In August 2012, Chief Judge Delgado-Colón welcomed a group of judicial law clerks from Mexico who spent two weeks observing proceedings, conferring with the judges and chambers staff, and learning about CM/ECF. This group of Mexican law clerks was working closely with Judge Alfonso Flores Padilla who has participated as speaker before the Judicial Conference Committee on International Judicial Relations.

On September 17-18, 2012, Chief Judge Delgado-Colón welcomed a group of ten judges and three interpreters from Argentina who visited the United States under the Department of State's International Visitor Leadership Program. They participated in a multi-agency presentation which included topics such as the Witness/Victim Protection Program.

### **Student Outreach Programs**

The judges actively participated in the Appellate Moot Court Program sponsored by the Interamerican University School of Law this year. The judges studied briefs and heard spirited arguments by students enrolled in the Law School's Legal Research, Analysis and Writing course. The judges enjoyed hearing the students' arguments and were pleased to contribute to the initiation of future practitioners by engaging them in "real life" appellate advocacy.

In addition, the judges regularly received visiting elementary and high school students who observed proceedings, and engaged students in active mock arguments based on the particular hearing they observed.

### **Continuing Legal Education Programs**

Under the direction of the Honorable Carmen Consuelo 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 hosted these events at least twice this year to offer members of the bar the opportunity to earn CLE credits free of charge.

On February 16, 2012, Sheldon H. Nahmod, a well-known expert on constitutional law and civil rights, offered a lecture on "Civil Rights Litigation." Mr. Nahmod, a Distinguished Professor of Law at IIT Chicago-Kent College of Law, is also Co-Director of Chicago-Kent's Institute for Law and the Humanities which facilitates, supports and encourages symposia, lectures, and discussion on the relationship between law and other humanistic disciplines.

Also on February 16, 2012, Evan Lee, Professor of Law and Associate Dean for Research at the University of California, Hastings College of the Law, offered a lecture on the "Supreme Court Term in Review." Mr. Lee also serves as faculty for the Federal Judicial Center's "Supreme Court Term in Review."

On October 5, 2012, Orrin S. Kerr, the Fred C. Stevenson Research Professor of Law at the George Washington University Law School, offered a lecture on "Criminal Law." Mr. Kerr is a renowned scholar with expertise in the areas of computer crime, cyberlaw, wiretapping, electronic evidence, privacy, internet law, and the Fourth Amendment.

### **Criminal Justice Act Committee**

Chief Judge Aida M. Delgado-Colón and the Court's Criminal Justice Act (CJA) Committee created a "Workshop on Criminal Procedure and the U.S. Sentencing Guidelines," specifically designed for members of the bar not currently serving as CJA Panel members. Attorneys from local law firms interested in providing legal representation to defendants financially unable to obtain adequate representation, pursuant to the provisions of the CJA, attended the multi-session workshop on June 9, 16, and 23, 2012. Alongside Chief Judge Delgado-Colón, workshop faculty included members of the Federal Public Defender's Office, the U.S. Attorney's Office, and the CJA Panel of attorneys.

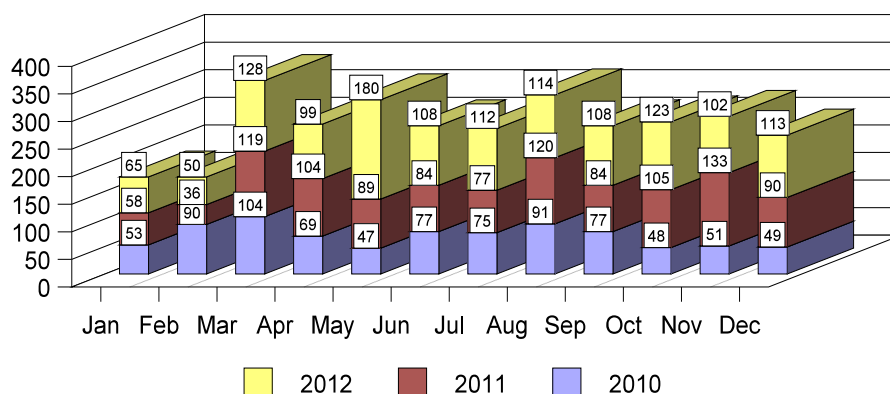
In addition, the Clerk's Office provided CJA Panel attorneys, experts and their staff with opportunities to receive training on the CJA eVoucher Program on a regular basis throughout the year.

### **Criminal Justice Act Program**

Due to the dramatic rise in criminal cases, the number of Criminal Justice Act (CJA) vouchers filed in the District increased. This increase, coupled with the heightened scrutiny now required to review vouchers, temporarily created a backlog in voucher processing. The hiring of two additional CJA technicians proved effective in providing the required additional audit support in dealing with the backlog. Since March 2012, the CJA technicians have processed a minimum of 100 vouchers each month.

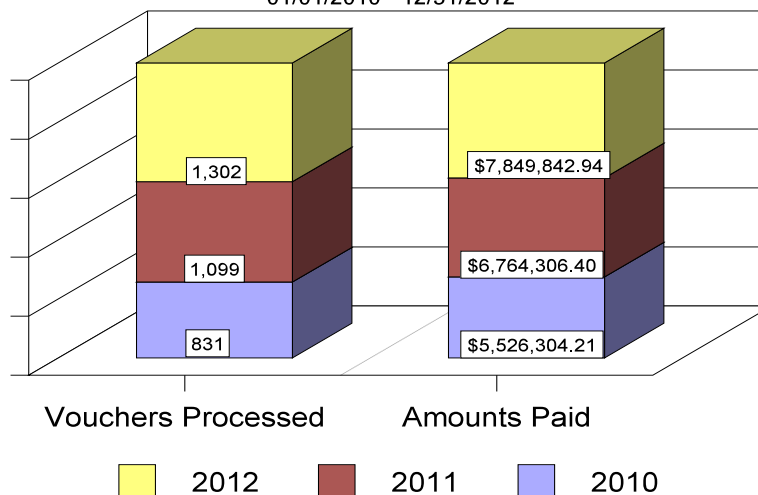
## CJA Vouchers Processed Monthly

01/01/2010 - 12/31/2012



## CJA Vouchers Processed and Amounts Paid

01/01/2010 - 12/31/2012



## Video Conferencing

To ensure that criminal defense attorneys have access to their clients while temporarily housed at the Robert A. Deyton Detention Center in Lovejoy, Georgia, the District Court and the United States Marshals Service implemented a video conference system in the witness room of the Federico Degetau District Courthouse. The system allows for secure and private attorney/client meetings with high quality video and audio. The CJA attorneys who have conducted meetings using the system have found it useful and convenient.

## **Information Technology**

The Systems Department introduced new systems and processes, and managed and operated them more efficiently. Some of these projects included: acquisition of new HP hosts and NetApp data storage units for a more robust infrastructure; restructuring the data center cabling; improvement of the data center Liebert A/C unit by adding an additional Exagrid backup unit to expand retention capabilities; configuration of the Distributed File System (DFS) throughout the main servers to replicate vital data between sites (Hato Rey, Old San Juan, and Boston); and installation of a COOP server in the First Circuit Court's data center in Boston.

In an effort to continue to provide effective customized solutions to users, programmers developed several in-house applications: U.S. Marshals CM/ECF Query - assists the U.S. Marshals Service and the Bureau of Prisons in searching pending cases in CM/ECF prior to an inmate's release; Juror Address Correction - used in conjunction with the "Melissa Data" address correction service, it corrects jurors' address information and has effectively reduced the number of returned jury questionnaires and other correspondence by mail; and, as mentioned, the Jury Questionnaire Distribution application.

## **District Bar Examination**

In May and October 2012, the Court offered two district bar examinations to 526 examinees, of which 164 passed. The passing rates for May and October were 27% and 34%, respectively. A total of 208 attorneys were admitted to practice in the District during calendar year 2012 (including attorneys who passed the test in previous years, as well as other admission tests).

## **Civil Pro Bono Program**

During FY 2012, a total of thirty attorneys were randomly selected to serve on the Civil Pro Bono Panel of which three were exempted pursuant to Local Civil Rule 83L(e). In addition, one attorney volunteered to be on the Panel, and a total of twenty pro bono appointments were made.

## **Naturalization Ceremonies**

During calendar year 2012, the Court held 12 naturalization ceremonies during which 889 persons were sworn in as new United States citizens.

## **Human Resources**

On March 22, 2012, the Honorable Camille L. Vélez-Rivé was reappointed to a second term as U.S. Magistrate Judge. She was originally appointed on March 22, 2004.

Also during March 2012, the employees attended the Federal Judicial Center (FJC) Code of Conduct Program. The Program, offered in Puerto Rico by FJC trained instructors, discussed the Code of Conduct for Judicial Employees and provided an overview of the relevant regulations. It also gave employees significant opportunities to examine a wide variety of situations they may encounter on the job. Given the fact that 2012 was an election year, the program placed particular emphasis on the limitations that the Code of Conduct places on political activities.

The Human Resources Department completed the digitalization of the Local Personnel Files, providing a way to store and search information of active and inactive employees in a manner that is both effective and efficient. This digitalization project included a thorough review of all documents for compliance with the Guide to Judiciary Policy.

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

### **Information Technology**

The U.S. Bankruptcy Court for the District of Puerto Rico was one of the Monitoring Live Operations (MLO) courts working with the AO during FY 2012 to test the new CM/ECF Version 5.0. The goal was to test both the installation package and new functionality features before national distribution to the courts. Staff from Court Operations and Systems met periodically to ensure that the upgrade maintained the existing functionality and that the new features operated as expected. The new version was adopted nationally in August 2012.

In addition, the Court began to work with server virtualization by consolidating several servers in production and moving them to virtual servers. The goal is to virtualize as much as possible to facilitate the maintenance and update process.

During this fiscal year, the Court converted from Sprint to AT&T, installed and configured equipment for the new Training Room, worked on a Calendar Display program for each courtroom, upgraded CHAP to Version 6, and contained costs by eliminating the repair of laser printers older than six years. These printers were taken out of production and users redirected to utilize the centralized Ricoh copier machine.

### **Case Management**

Over the fiscal year, the case management and court services team was mainly involved in standardization of procedures, consolidation and streamlining of tasks, and training. This emphasis came about due to the reduction in the number of positions and the implementation of a new staffing formula for the bankruptcy courts.

The staff also participated in the revision of the Local Bankruptcy Rules and Forms, the standardization of Chapter 13 confirmation procedures, and the automation of the Trustee's 341

filings menu, the 362 electronic summons, and the appeals process to the U.S. District Court via CM/ECF. The Office also worked on automating the CM/ECF attorney training.

### **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 improving employee morale and the work environment. Local IT personnel also provided training on information security awareness to court personnel. Employees were invited to participate each Tuesday during The Benefit for Life Hour provided by the Administrative Office. Staff from the Federal Judicial Center trained court staff on the Code of Conduct. The Federal Occupational Health's Employee Assistance Program Field Staff Consultant contributed to the Multigenerational Workforce, Balancing Work and Personal Life, and Time Management workshops. Courses, videos, and books were used from the Judiciary Online University (JOU) and Books24x7. Employees who telework took the course Telework 101 from the website [www.telework.gov](http://www.telework.gov).

Court personnel also traveled to participate in the following training, conferences, and workshops: Bankruptcy 5.0 Testing, OPM Benefits Conference, CM/ECF Dictionary, National Conference of Bankruptcy Clerks, AO Human Resources Academy, Bankruptcy Clerks Operational Practices Forum, New Supervisors Development Program, 2012 Automation Trainers Conference, and the SOC/NOC Mentoring Program.

### **New Local Rules and Internal Operating Procedures**

The Court's revision of the Local Rules and Forms, led by the Hon. Brian K. Tester, was completed. The new proposed rules are now in the comment period before final adoption by the Court.

Also during this period, staff visited the New York and New Jersey Bankruptcy Courts to analyze and study their organizational structure. From this effort, the Case Management Assist Program was implemented as a tool for achieving more equitable distribution of work and efficiency in the management of cases.

### **Construction Projects**

During FY 2012, the construction of the new facilities in Ponce was underway with a scheduled occupancy date of mid December 2012. The space was occupied in January 2013. As part of this project, the Court was involved in the furniture and equipment acquisition, the move of existing property, and the delivery and installation of automation, phone and audiovisual equipment.

In addition, the furniture in the judges chambers in Old San Juan was renovated, acoustical panels in three courtrooms were replaced, and a sound masking system for the Clerk's Office was installed. Furniture acquisition and installation in the training room in the Old San Juan building was also completed.



### **Special Conferences Programs**

Judges, chambers, and staff participated in the Bankruptcy Operations Forum.

Judge Enrique Lamoutte attended the ABI Caribbean Insolvency Symposium, the Code of Conduct Training offered by the FJC, the Chief Judge's Workshop by the FJC, the ABI Northeast Bankruptcy Conference, the Bankruptcy Judge's Workshop by the FJC, the Bankruptcy Operational Forum, the Trial Advocacy Competition in Puerto Rico, and the Puerto Rico Bankruptcy Bar Workshop.

Judge Brian K. Tester finished work with the Next Generation of CM/ECF Bankruptcy Functional Requirements Group in Washington, D.C. He attended the American Bankruptcy Institute's Caribbean Insolvency Symposium in Puerto Rico and the Federal Judicial Center's Northeast Conference Workshop for Bankruptcy Judges as guest speaker. Judge Tester participated at the Trial Advocacy Competition in Puerto Rico, and served on the panel of several Bankruptcy Appellate Panel hearings. In addition, he served as a lecturer in the Bankruptcy Practices Seminar sponsored by the Federal Bar Association, and as the Chairperson of the Local Bankruptcy Rules Committee.

Judge Mildred Cabán attended the First Circuit Judicial Conference, the American Bankruptcy Institute's Northeast Conference, the Bankruptcy Operations Forum, the Federal Judicial Center's Conference, the National Conference of Bankruptcy Judges, and the Federal Judicial Center's Medina Seminar. Judge Cabán also assisted in updating and revamping the National Conference of Bankruptcy Judges' Committee outreach website.

Judge Edward A. Godoy served as an evaluator for the Interamerican University Trial Advocacy Competition in San Juan, Puerto Rico. He was a speaker at the American Bankruptcy Institute's Caribbean Insolvency Symposium in Puerto Rico, as well as at its Northeast Conference held in Bretton Woods, New Hampshire. He also attended the Code of Conduct Training offered by the Federal Judicial Center and the FJC National Workshop for Bankruptcy Judges. He was appointed to the First Circuit Bankruptcy Appellate Panel and celebrated his investiture to the bankruptcy bench together with the Clerk of the Court.

### **Statistics**

In FY 2012, there were 10,522 new bankruptcy filings, an overall 11% decrease from FY 2011. The filings by chapter were as follows: 3,665 cases for Chapter 7; 202 cases for Chapter 11; 38 cases for Chapter 12; and 6,617 cases for Chapter 13.

## **PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF PUERTO RICO**

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 4 million U.S. citizens. During FY 2012, the Office remained committed to assisting the defendants and offenders to lead law abiding lives, and to ensuring the protection of the community while assisting the Court in the fair administration of justice. The Office and staff of over 110 employees continued to improve organization while upholding the highest standards of the U.S. Probation and Pretrial Services system.

### **Court Services**

During FY 2012, the Court Services Division in the District of Puerto Rico was re-organized. The number of officers increased to 26 full-time, one part-time, two probation officer assistants, and one task force probation officer, for a total of 30 officers conducting pretrial and presentence investigations. As to support staff, the Office employed one case administrator, one support team leader, and four probation support specialists. As part of the Office re-organization, four supervisors and five probation officers were assigned specialized duties.

The Office re-organization was in response to a significant increase in cases resulting from the implementation of new government initiatives to tackle crime on the island. The addition of several officers and two new supervisors provided an enhanced capacity to effectively fulfill Office duties, the needs of the Court, and other law enforcement dependencies. Officers assigned to the Court Services Unit continued to be responsible for the completion of all bail and presentence reports, pretrial diversion reports, crack cocaine retroactivity motions, and collateral responses to other Probation and Pretrial Offices and other law enforcement agencies.

The support staff continued to be instrumental in maintaining the daily Court calendar by receiving electronic notifications via CM/ECF. The case administrator maintained an electronic assignment record that assured equal distribution of work between the officers. Support staff continued to maintain effective use of the Electronic Submission System of the Bureau of Prisons, and the U.S. Sentencing Commission.

### **Pretrial Services Investigations**

Cases activated (statistically opened), amounted to 1,767. The District continued to report the highest activations in the First Circuit. Additionally, 130 Pretrial Diversion cases were activated during this period. Pre-bail reports were submitted to the Court on 1,747 cases.

As is customary for the District, controlled substances cases remained the most frequent offenses, representing 49.9% of the total. Weapons and firearms charges amounted to 20.1%, and immigration cases to 9.3%.

### Types of Offenses Charged

<i>Offense Charged</i>	<i>Total</i>	<i>Percentage</i>
Drugs	883	49.9%
Escape / Obstruction	8	0.45%
Firearms / Weapons	357	20.1%
Immigration	164	9.3%
Other	40	2.25%
Property	154	8.7%
Sex Offenses	26	1.4%
Violence	123	7.9%
Public Order	12	.67%
Total Activations	1,767	100%

### Workload

Pretrial Services made recommendations in 1,680 cases. The U.S. Attorney's Office made recommendations in 1,561 cases.

<i>Pretrial Services and U.S. Attorney's Office Recommendations</i>					
<i>Type of PSO Recommendation Made</i>			<i>Type of AUSA Recommendation Made</i>		
<i>Pretrial Recommend.</i>	<i>Detention</i>	<i>Released</i>	<i>AUSA Recommend.</i>	<i>Detention</i>	<i>Released</i>
1,680	1,343 (79.94%)	337 (20.5%)	1,561	1,405 (90.06)	156 (9.9%)

The U.S. Attorney's Office's recommendations for detention surpassed this Office's recommendations by 10%. This Office continued to have the highest rate of detention in the First Circuit.

### **Presentence Investigations**

The Unit completed 1,185 Presentence Investigation Reports (PSI's) and 24 modified presentence reports. Investigations included extensive multi-defendant drug conspiracies, sex offender, immigration, and fraud cases. Additionally, there was a major increase in weapons cases, due mostly to the new initiatives developed to tackle violence and illegal weapons on the island.

The following reflected the PSI's prepared over the last three (3) years:

<i><b>Presentence Investigation Reports</b></i>	
Fiscal Year 2010	852
Fiscal Year 2011	1,206
Fiscal Year 2012	1,185

During FY 2012, the number of presentence reports per officer was distributed more evenly, although several new officers were added to the Unit. Officers remained committed to complying with the assigned due dates; however, the volume of the assigned PSI's did not allow for full compliance. The disclosure process continued to be through CM/ECF and notified electronically to the parties. The presentence reports are filed directly to the judges and designated staff via electronic mail, thus committing to a paperless process. Officers continued striving to enhance the quality of the investigations and reports, notwithstanding the increased workload and complexity of the investigations.

The modified guidelines reports continued to afford officers additional time to devote to more complex and/or time consuming sections of the report. These reports are mostly prepared in immigration cases, where a less comprehensive investigation suffices. These reports are prepared if the Court determines that it has most of the information to impose a sentence, and additional information is not needed to make a Bureau of Prisons designation, a programming decision or for post-conviction supervision.

**Probation Officer Assistants and Probation Technician**

During FY 2012, both of the probation officer assistants (POA) and probation technician provided a broad range of administrative support to the Court Services team of probation officers. The POAs remained primarily dedicated to conducting pretrial, third-party custodian investigations, and collateral investigations, as well as attending initial appearance court hearings. The POAs also entered and updated information in case records and performed records research and retrieval. The probation technician continued to assist in most of the urine collections during the arrests at the time of the bail interviews, and provided general office support.

**Supervision Division**

During FY 2012, the Supervision Division continued to experience workload growth, moving from 59.54 assigned work units (AWUs) to 65.02 AWUs. Staff included one (1) assistant deputy chief, four (4) supervisors, twenty-eight (28) regular/specialist officers, and twelve (12) administrative support staff.

In order to meet this challenge, two main strategies were pursued. First, the Division entered into an agreement with the Puerto Rico Department of Corrections. This agreement allowed the recruitment of ten local probation officers as task force probation officers, with nine officers assigned to the Supervision Division. This enabled the Division to significantly improve the ratio of caseload per officer from 93 cases per officer to 74 cases per officer.

A total of 730 defendants (and pretrial diversion) and 2,009 offenders were under supervision at the end of FY 2012, representing a 15% decrease in pretrial (and diversion) supervision and a 15% increase in post conviction supervision cases. (See *Table 1*).

In continuity with FY 2011, the growth pace remained steady to achieve the three goals of the evidence-based practices (EBP) laid out at the national level: a) promote a culture of embracing and understanding EBP, and its relation to research on risk and recidivism; 2) implement the Post Conviction Risk Assessment (PCRA); and 3) promote Core Correctional Skills Building in the officers' direct interventions with offenders. In terms of the PCRA, by the end of FY 2012, about 80% of all regular supervision cases had at least one PCRA assessment completed and the process was initiated to complete the PCRA for the LIS cases. As to Core Correctional Skills Building, four (4) more officers were trained as coaches for the Strategic Techniques Aimed at Reducing Rearrest (STARR) program; MRT services to vendors were expanded, and two officers were trained in Makin' it Work (MIW), a cognitive-behavioral program targeting the offender's transition to the community.

**Table 1**

<i>Persons Under Pretrial Release Supervision</i>	<i>FY 2011</i>	<i>FY 2012</i>	<i>% Change</i>
Pretrial Services (and Diversion) Supervision	861	730	-15%
Post Conviction Supervision	1,754	2,009	15%

During FY 2012, the revocation rate stayed relatively similar to previous years at 15% (see *Table 2*). Even though more cases were revoked in FY 2012, the proportion of these revocations involving a major violation was higher (47%) than in FY 2011 (30%).

**Table 2**

<i>Cases Revoked and Closed</i>		
	<i>FY 2011</i>	<i>FY 2012</i>
Cases Closed Without Revocation (including early terminations)	389	429
Cases Closed With Revocation	66	75
Major Violations	19	35
Technical Violations	44	40

### **Specialized Treatment and Monitoring Services (Law Enforcement Fund)**

During FY 2012, a total of \$1,503,809.49 was assigned to the Law Enforcement Fund. This allotment was designated as follows:

Probation Substance Abuse Treatment/Testing	BOC 2526	\$360,882.49
Pay Contract-Social Services (PSA)	BOC 2527	\$605,000.00
Probation Mental Health	BOC 2530	\$328,000.00
Probation Electronic Monitoring	BOC 2536	\$36,000.00
Sex Offender Treatment and Monitoring	BOC 2548	\$120,000.00
DNA Testing (Prob)	BOC 2538	\$225.00
Total		<b>\$1,450,107.49</b>

**Defendant/Offender Support Services**                      BOC 2580                      \$53,702.00

## Treatment Services

The Drug Aftercare Program is divided into two (2) categories: outpatient and residential treatment. In the year 2012, an average of nineteen (19) pretrial cases and sixty-one (61) post conviction cases benefitted from drug treatment on a monthly basis. An average of six (6) male clients and six (6) female clients benefitted monthly from residential treatment and an average of one (1) client was served monthly at the Residential Re-entry Center Halfway House.

## Expenditures

Probation Substance Abuse Treatment/Testing	BOC 2526	<b>\$357,382.87</b>
Pay Contract-Social Services (PSA)	BOC 2527	<b>\$545,707.50</b>
Probation Mental Health	BOC 2530	<b>\$309,314.11</b>
Probation Electronic Monitoring	BOC 2536	<b>\$25,849.16</b>
Sex Offender Treatment and Monitoring	BOC 2548	<b>\$93,953.65</b>
DNA Testing (Prob)	BOC 2538	<b>\$45.00</b>
Total		<b>\$1,332,252.10</b>

**Defendant/Offender Support Services Expenditures BOC 2580** **\$45,065.82**

## Outpatient Mental Health and Sex Offender Treatment Services

In FY 2012, an average of forty-three (43) pretrial cases and eighty-two (82) post conviction cases benefitted from mental health treatment on a monthly basis. An average of three (3) pretrial cases and twenty-five (25) post conviction offenders benefitted from the sex offender treatment on a monthly basis. A polygraph test was administered to fifteen (15) sex offenders.

## Drug Testing Program

The Drug Testing Program represented one of the most reliable tools for the supervision and monitoring of substance use by defendants/offenders. During the first half of FY 2012, the U.S. probation officers conducted random testing in the field using a Non-Instrumental Drug Testing Device (NIDTs). However, most collections were conducted in the office by a technician and by treatment vendors. The accuracy of NIDT's is 69%. A total of \$8,332.62 was spent from BOC 2526 in the purchase of supplies and \$23,578.63 from BOC 2527.

On April 24, 2012, an on-site laboratory was installed. All urine tests are now processed in the Office. The accuracy of urine results is 98%. At the end of FY 2012, a new automated system, "Comply Program," was purchased to improve the random drug test collection. It is projected that the system will be fully operational during the beginning of FY 2013.

### **Reentry/Job Placement Program**

The official unemployment rate in Puerto Rico is the highest of the 94 districts and in the First Circuit, hovering between 16 and 17%. The unemployment rate of the defendants and offenders is about twice that of the population as a whole. Therefore, the Reentry Program faces a challenge in terms of both resources and alternatives for workforce development and vocational training. During FY 2012, the Program embraced this challenge.

First, a Pre-Release Unit was formed of three officers dedicated full-time to the pre-release investigation and assessment process which begins approximately 120 days before the supervision term initial date. This Unit's main mission is founded on the premise that the earlier the intensity and comprehensiveness of the risk assessment and intervention process with the offender, the greater the likelihood of desistance in criminal lifestyle. The targeted and specific goal is the early detection and management of the client's criminogenic needs, such as antisocial values, social networks, employment/education, and substance abuse; and responsivity factors such as mental health, housing, and learning disabilities.

Another goal of this Unit is to provide assistance to the offender transitioning from the BOP to the community supervision process. In that sense, the Pre-Release Unit becomes part of the Reentry program. This has facilitated collaborative efforts with the Residential Re-entry Center (RRC) and the Federal Detention Facility (MDC-Guaynabo). For example, the GED in-house program, in conjunction with a community program sponsored by the Puerto Rico Department of Education, was extended to the RRC. This coordination facilitated the continuity of participation when the offender completed the RRC placement and began the supervision term; or as an alternative to revocation, is placed for a period at the RRC and could continue participating in the GED program. Information regarding job placement resources is shared between both agencies. In FY 2012, the Reentry Team became an active participant in the Federal Offenders Reentry Group (FORGe), a partnership between the BOP and the U.S. Probation Office to promote the exchange of information and collaboration efforts.

In FY 2012, the Reentry Team was able to significantly expand the Community Service Work program. This program not only served to facilitate compliance with Court-imposed hours, but also provided job-related skills training, and even more importantly, a service redemption opportunity that promoted offender changes in attitudes and values. With the funding received from the Second Chance Act, assistance was continued to be provided in the area of housing, transportation, and vocational training. The Re-entry Team developed, via the



Request for Quote (RFQ) mechanism, two proposals: one for emergency shelter services and another one for job placement training related services.

### **Location Monitoring**

In FY 2012, the Location Monitoring Program caseload fluctuated from 110 to 140, approximately 90% of which were pretrial cases. During this fiscal year, location monitoring in this District included GPS, cellular units, radio frequency, group guard units, and voice identification technology. Overall semiannual training ensued per Monograph 113. This caseload was previously assigned to one unit, but has since transitioned to a larger group. This continued to enhance the base of trained officers and supervisors working with the program, furthering the organizational succession plan. Cross-training has also been productive, facilitating duty assignments. The supervision assignment moved from zone-based supervision assignment, to risk level assignment, per evidence-based practices.

### **PACTS**

During FY 2012, the DQA Committee continued to have periodic meetings on issues related to data quality and procedures in conjunction with the Systems Department. Additionally, new officers received a PACTS overview and coaching with functions of the application. A Modification Request (MR) to PACTS was submitted to post a red flag next to the defendant's name for safety issues on field visits. A Spanish version of the Post Conviction Risk Assessment (PRCA) form was created. Data relevant to violent crime offenders was regularly corrected for risk scoring.

### **Firearms Training / Security and Safety**

During FY 2012, forty-five (45) officers in the District were offered thirty-two (32) hours of defensive tactics training, including the sixteen (16) hours required by the Administrative Office. There were eleven (11) hazardous incident reports filed.

The Probation Office also conducted three (3) re-qualifications and one (1) initial firearms qualification training. Forty-one (41) officers were qualified and authorized to carry duty-issued firearms during the fiscal year.

### **Community Outreach**

During FY 2012, the Office continued to emphasize community outreach activities mainly targeting at-risk youth, abused minors, homeless and disadvantaged communities. An outreach team led by one of the office supervisors conducted numerous activities at public and private schools, universities and non-profit organizations.

## ADMINISTRATION

### Budget Allotment Profile Fiscal Year 2012 - U.S. Probation and Pretrial Office

The U.S. Probation Office received a total of \$9,291,276.00 which was allotted as \$7,108,123.00 in salaries, \$233,579.00 in operation expenses, \$1,697,564.00 in law enforcement expenses, and \$252,010.00 in the automation fund.

<i>2012 Allotments</i>	
Salaries	\$7,108,123.00
Operation	\$1,931,143.00
Automation	\$252,010.00

This Office continued to receive automation support from the Office of the Clerk's Systems Department, through the Memorandum of Understanding established between Court units. This year, \$193,550.00 was transferred to the Clerk's Office from the salary allotment to cover this service. Also, \$15,000.00 was transferred for an architect position, and \$70,279.00 for various projects. The total FY 2012 reprogram to the Clerk's Office was \$278,829.00.

The Office continued efforts to provide staff with the best available training by allocating \$100,211.08, as follows:

<i>2012 Training</i>	
Training Travel	\$85,856.08
Training Enrollment	\$14,355.00

## ORGANIZATION

### Human Resources

During October 2011 through September 2012, there was one (1) mandatory retirement and three (3) resignations. Furthermore, the Office recruited four (4) U.S. probation officers, ten (10) task force probation officers (as part of the Intergovernmental Personnel Act of 1970-5 USC 3371-3376), two (2) assistant U.S. probation officers, and two (2) operations support technicians (NTE 1 year). The Office was staffed by a total of 78 officers and 29 support staff (one on military duty), for a total of 107 employees.

## **Training and Conferences**

During FY 2012, a total of 45 training sessions were facilitated for employees. All employees participated in at least one (1) training session this fiscal year. Among the training provided were: Annual Sentencing Commission Training, Mental Health and Substances Dependency Symposium, Defensive Tactics, Firearms, Family Support Groups, Emotional Intelligence, HRMIS, Office Status, Initial Training for Task Force Officers, PACTS Client Mapping, Location Monitoring, PCRA for Task Force Officers, Review on Basic English and Recording Supervision Activities, and an Annual Retreat Day including a motivational and wellness conference.

In addition, training opportunities outside the District were provided. The District participated in the following sessions: APPA Conference, ATCOP Trainers Conference, Location Monitoring, DSS Reports, Executive Leadership, Moral Reconation Therapy, Makin' It Work, and training conferences for new supervisors and deputies, among many others. Training for FY 2012 totaled 4,140.50 hours.

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

**DISTRICT COURT**

In 2012, the U.S. District Court for the District of Rhode Island began the process of finding a replacement for retiring U.S. Magistrate Judge David L. Martin, and concluded its search for a new Chief Deputy Clerk. Throughout the year, the Court held a number of events and ceremonies – some in conjunction with staff at the Bankruptcy Court and U.S. Marshal's Office – and embarked on significant facilities and information technology projects. The Court also continued to manage extensive multi-district litigations and mortgage foreclosures cases, in addition to its regular civil and criminal caseload.

**Events, Ceremonies, and Programs**

The Court held an investiture ceremony for United States Magistrate Judge Patricia A. Sullivan on November 26, 2012. The event was attended by Judge Sullivan's family, friends, colleagues, federal and state government officials, and courthouse staff. The position filled by Magistrate Judge Sullivan had been held by Magistrate Judge David Martin until his retirement in September 2012.

District Court staff worked closely with United States Bankruptcy Court staff in the District of Rhode Island to hold the swearing-in ceremony for United States Bankruptcy Court Judge Diane Finkle on November 9, 2012. The Court also worked with the U.S. Marshal's Office to host the swearing-in ceremony for United States Marshal Jaime Hainsworth on August 20, 2012. Both events were held in the Courthouse's ceremonial courtroom.

The Board of Bar Admissions for the United States District Court conducted its annual lecture series for prospective federal bar members in January and February 2012. The lectures, presented by experienced members of the federal bar, covered federal court practice/local rules, jurisdiction, criminal procedure, and bankruptcy. Court staff also gave presentations on CM/ECF and courtroom technology as part of the lecture series. One hundred attorneys attended the lecture series in 2011, and received 12.5 CLEs for attendance. A formal admissions ceremony for the new members of the bar was held on February 10, 2012.

The Court held its annual CJA Panel Luncheon on December 13, 2012. This year's speaker was Timothy Watkins, an Assistant Federal Public Defender for the District of Massachusetts, who gave a presentation on electronic discovery methods. The luncheon was attended by 24 attorneys from the Court's CJA Panel and the District's Federal Public Defender satellite office. The event was also attended by the Court's district and magistrate judges, the Federal Public Defender for the District of Massachusetts, and staff members from the First Circuit Court of Appeals. Attendees received 1.5 CLE credits for their attendance.

## **Human Resources**

United States Magistrate Judge David L. Martin retired on September 30, 2012, after 13 years of service to the Court. (Magistrate Judge Martin remained with the Court as a recalled Magistrate Judge until the end of 2012.) Paul Goodale also left the Court after 12 years of service. Mr. Goodale had served as the Court's Pro Se Staff Attorney, and left the Court to become an Administrative Law Judge for the Social Security Administration.

Frank Perry joined the Clerk's Office in April 2012 as the Court's Chief Deputy Clerk. Before coming to the District of Rhode Island, Mr. Perry worked with the First Circuit Court of Appeals. Tim Baldwin joined the Court as a law clerk for Magistrate Judge Patricia Sullivan. Before joining the Court, Mr. Baldwin worked at Nixon Peabody.

The Court also completed a number of other human resources projects in 2012: a new performance management plan; a revised and amended Employee Dispute Resolution Plan that incorporated recent national and Circuit updates; and two district-wide Code of Conduct training sessions.

## **Case Management**

The Court managed two extensive litigations in 2012 in addition to its regular caseload. Since 2007, Chief Judge Mary M. Lisi has presided over the *In re: Kugel Mesh* multi-district litigation. By the end of 2012, the Court had 1,768 pending cases related to this matter as part of its caseload, in addition to over 200 Kugel Mesh cases directly filed in this Court. The Court also saw a surge of case filings related to mortgage foreclosure actions. Judge John J. McConnell was assigned to handle these cases in 2011, and by the end of 2012, the District had 710 pending cases related to the MERS mortgage foreclosure actions.

The Court upgraded to versions 5.0, 5.1, and 5.1.1 of CM/ECF throughout 2012. Also, in an effort to lessen the administrative burden on the Clerk's Office, the Court added two new case management processes: (1) a procedure allowing attorneys to submit requests for CM/ECF passwords electronically (instead of by mail); and (2) a new feature in CM/ECF allowing users to reset their CM/ECF passwords without contacting the Clerk's Office.

In conjunction with the District's Probation Office, U.S. Attorney's Office, and Federal Public Defender, the Court approved a new procedure to expedite the handling of criminal matters meeting certain criteria (illegal reentry matters or first-time, non-violent cases with a guideline range of 0-8 months). Under the Expedited PSI program, these types of cases may be disposed of efficiently with an expedited presentence investigation by the Probation Department, and a combined change of plea and sentencing hearing held as soon as possible after the arraignment.

## **Information Technology**

The IT Staff upgraded the Court's computers to Windows 7 in 2012. As part of this upgrade, the Court provided one-on-one training to staff members to help them navigate the new features of Windows 7.

The IT Staff assisted the District's Probation Department with the setup and distribution of iPads to all probation officers, and also set up AirWatch to manage those iPads.

The IT Staff completed other IT projects in 2012, as follows: (1) an agreement with the Administrative Office for the replication of court data files to a remote location; (2) an upgrade to the most current version of JMS; (3) a redesign of the information kiosk in the Courthouse lobby; (4) an upgrade to the battery backups in the Court's data closet for the upcoming IPT Project; and (5) the completion of the District's LAN assessment.

## **Space & Facilities**

The District completed the renovation of Judge McConnell's chambers. This renovation took approximately five weeks to complete and included millwork modifications, galley kitchen/service upgrades, minor electrical work, lighting modifications, and various cyclical maintenance.

The Clerk's Office redesigned the work areas of case management staff, specifically the Court teams. The new work areas are more functional and create a private work area for each judge's team with enough space set apart from the general foot traffic in the Clerk's Office.

The Grand Jury Suite received minor flooring improvements in order to address an ongoing issue with the service unit tile. Cyclical maintenance, including wall paint and carpet cleaning, was done at the same time.

## **Other Accomplishments**

The Court created a Merit Selection Panel to handle both the reappointment of U.S. Magistrate Judge Lincoln D. Almond, and to find a replacement for retiring U.S. Magistrate Judge David L. Martin. The Panel met throughout January, February, and March of 2012 before recommending the reappointment of Magistrate Judge Almond and presenting the District Judges of the Court with five finalists for the position vacated by Magistrate Judge Martin. The Court ultimately selected Patricia A. Sullivan to fill the vacant magistrate judge position.

The Court's Local Rules Review Committee (LRRC) began the yearly review of the Court's local rules with a call for suggested changes in February 2012. The LRRC held four meetings throughout the spring to consider suggested changes from the Court, the bar, and the

public before submitting its final report on June 30, 2012. The Court eventually adopted 13 local rules amendments that will become effective in 2013. In addition to a number of technical changes, the new amendments included a set of local admiralty rules and an amendment allowing law students to appear in civil and criminal matters under the direction of a supervising attorney.

The Court worked with GSA in 2012 to produce a high-quality booklet showcasing the architectural history of the 100 year-old United States Courthouse. The booklet provides the history of the construction of the Courthouse, and includes pictures of both the building's exterior and its numerous historic interior spaces. The Court distributed these booklets to members of the bar at its various Courthouse events throughout the year, and has made them available for public tours.

In 2011, the Court rolled out a database containing all of the criminal jury instructions given in the Court from 2007 to present. The database allowed attorneys to search the available jury instructions by keyword, category, judge, or date. In addition to updating that database with new jury instructions issued in 2012, the Court continued to work with a subcommittee of the Federal Bench-Bar Committee of the Rhode Island Bar Association to create a companion civil jury instructions database. Work on that database progressed throughout 2012, and the Court anticipates a live version of the database will become available in 2013.

The Court participated in Wave 1 of the AO's Work Measurement Study between July 9 and July 27, 2012. The Clerk's Office had a follow-up meeting with representatives from the AO for a data validation visit on September 18, 2012.

Two members of the Clerk's Office, Frank Perry and Jill Connolly, completed the Federal Court Leadership Program in September 2012.

District Court Statistical Caseload Profile Summary of  
12-Month Period Ending September 30, 2012

Total Filings (Civil & Criminal, Including Criminal Case Transfers)	1,168*
Civil Filings	966*
Criminal Cases	177
Terminations	795
Cases Pending	3165*
Trials	30
Median Time for Civil Cases (from filing to disposition)	11.4 months
Median Time for Criminal Felony Cases (from filing to disposition)	7.3 months
Civil Cases Three Years or Older	1234*

\*The total number of civil filings and/or pending three year old cases included In Re: Kugel Mesh MDL cases.

## **BANKRUPTCY COURT DISTRICT OF RHODE ISLAND**

### **Programs and Accomplishments**

The Court migrated its end-of-day deposit processing to OTCnet this year. OTCnet is the government's financial Over the Counter Application that provides check capture, check processing, and deposit processing. Check Capture is done online through the internet; checks are scanned and received in OTCnet and the deposited voucher information is sent to CIR (Collections Information Repository); the captured check data is then sent to Debit Gateway at the Federal Reserve Bank (FRB), which then sends the data to the appropriate financial institutions.

Jfinsys (Java Financial System) is the receipt and debt management system for the U.S. Bankruptcy Courts. It processes and maintains funds that are received via the cash register and the bankruptcy court's electronic filing system. Jfinsys is the successor to the former Financial



System (Finsys). The Rhode Island Bankruptcy Court implemented Jfinsys over several months beginning in October 2012 and will go live on the system in January 2013.

The Court expanded its customer service outreach by implementing an on-line real-time help system. This client/server application allows the public to enter into a text chat with case managers, courtroom or automation staff in order to get immediate assistance while working online. On-line chat sessions are saved and later analyzed by management to improve the court website, public training materials, court processes, and customer satisfaction.

The Court increased its on-line visibility and transparency by creating a Bankruptcy Court Facebook page. This page allows Facebook users to get timely notifications of events, recent changes and important notices, even if the Court's website becomes unavailable. This page was added as part of the Court's ongoing improvement to its Continuity of Operations Plan.

In anticipation of reduced budgets and to avoid unnecessary downsizing, the Court undertook a thorough review of its paper use and noticing practices. It was discovered that one of the most expensive, recurring consumable costs was printer toner. An in-house committee was established to develop recommendations for cutting these costs and for training staff to work electronically with less need to print. This training included using computer applications and shared folders to improve productivity while reducing printing needs. The campaign has been extremely effective with printing usage reduced by over 60%.

The Court created an online Attorney User Manual which contains resource links, filing instructions, training modules, technical support and help desk links. This fully searchable online manual also utilizes the structured writing format. Attorneys who are unable to find information may also access the helpdesk found at the top of each page.

The Court analyzed court calendaring applications and chose to implement CHAP 6, a national application which was developed and is maintained by the Bankruptcy Court in Utah. In addition to maintaining the Court's hearing schedule, the program also includes workflow methods for document interactions which allow routing of case documents between case managers, chambers staff, and courtroom deputies. The implementation of this program has fully automated workflow, calendaring preparation, and order entry between the Clerk's Office and chambers.

The Bankruptcy Noticing Working Group (BNWG) identified an area of CM/ECF that needed modification in order to achieve noticing cost savings. At times, due to the number of pages involved or the number of recipients, a noticing event may result in a significant cost to the judiciary. Unfortunately, because bankruptcy noticing is managed by a contractor, the Court would not know of this unreasonable cost until after the notice is transmitted. To address this problem, IT Systems Manager, Craig Balme, accepted an assignment from the BNWG and

developed a solution which caused the CM/ECF system to alert the case manager whenever a notice might exceed the Court-prescribed noticing limit. At that point, the Court may consider whether an alternative, less-expensive method of noticing should be taken. This modification has the potential to reduce future noticing costs and has already resulted in substantial cost savings to the judiciary.

After participating in an FJC-sponsored Structured Writing Class, Operations staff embarked on a project converting case management instructions to the structured writing format. This easy-to-read technical writing format uses bullets and tables to organize and display information in blocks which can quickly be scanned for pertinent data. The Court is in the process of updating its online Case Management User Manual (CMUM) accordingly.

In July 2012, Bankruptcy Judge Arthur Votolato retired after 44 years as the sole bankruptcy judge in Rhode Island. The Clerk's Office formed an internal committee to prepare for this transition which included creating new judge resources. Flowcharts, checklists, useful links, orientation materials, and information about the Court's structure and operations were organized in an easily accessible format on the Intranet. Upon selection of the new judge, all court forms and procedures will be being reviewed and further changes and refinements will be made as appropriate.

The Clerk's Office undertook a year long effort to transition its public website to the national template format. This involved extensive review of all content areas, reorganization of information and a scrub of all sections. The revised site will be launched on January 1, 2013.

In 2012, the Court, working with its Attorney Advisory Committee, published several amendments affecting various local rules and self-published a new 2012 edition of its local rules book. In addition, the Court continued to maintain its online local rules and forms database.

The Court completed its third year of the Creditor Abuse Resistance Education (CARE) community outreach financial literacy program to bring financial education to local high schools throughout the state. The program relied on volunteer attorneys and Court staff to educate high school juniors and seniors about the proper use of credit in society, the consequences of overspending, and abuse of consumer credit. During the 2011/2012 academic year, 11 volunteer attorneys and four Court staff visited 13 area high schools, and presented 35 training sessions to approximately 1100 junior and senior high school students.

Since the commencement of the Loss Mitigation program in late 2009, 1,706 loss mitigation requests have been filed with the Court, representing 11.39% of the filing caseload. Of these, 1,394 have completed the program with 477 debtors, or 34.2% successfully entering into a loan modification. There were 477 households in Rhode Island that were able to avoid foreclosure through participation in the Court's loss mitigation program.

## **National and Local Committee Participation**

Clerk of Court Susan Thurston served as faculty on a national training program to update court unit executives and space and facility specialists on the judiciary's space and security programs, including the new rent budget program, occupancy agreements, asset management plans, space assignment and rent validation, security, property management, tenant alterations, cyclical maintenance, and courtroom technology. The final training session from this two year effort was conducted during the 2012 calendar year in Fort Worth, Texas.

Ms. Thurston is also a member of the National Space and Security Circuit Based Training Program. This national working group's mission is to provide guidance and assistance to the Administrative Office in the development and implementation of automated noticing and related systems in the bankruptcy courts, e.g., the Bankruptcy Noticing Center and Electronic Bankruptcy Noticing. The group held two face-to-face meetings in 2012 and conducted monthly conference calls. Ms. Thurston also served on the Bankruptcy Noticing Working Group, the JShare Working Group, the Rhode Island Federal Executive Council, and the Local Federal Coordinating Committee.

## **Education Programs**

A three-part training entitled "The Fundamentals of a Bankruptcy Case" was conducted in partnership with the Rhode Island Bar Association's Volunteer Lawyer Program. Attorneys Lisa A. Geremia and Russell D. Raskin presented *Debtor's Counsel Practice Points* in October; *Chapter 7 Means Test and Trustee Practical Tips* in November; and the *Rhode Island Bankruptcy Court's Loss Mitigation Program* in December, facilitated by attorneys Thomas D. Carlotto, Jeffrey T. Dana and Clerk of Court Susan M. Thurston.

Information Systems Manager Craig Balme and Automation Specialist Stephen Stricklett attended Solutions for Enterprise-Wide Procurement (SEWP) training in Boston in June 2012.

Clerk of Court Susan Thurston served as a member of the FJC's inaugural class on executive leadership for Court Unit Executives. The Judiciary Executive Leadership Program (JELP) class held its training in Washington, D.C. in July 2012.

In August 2012, six Clerk's Office staff attended the National Conference of Bankruptcy Clerks in San Francisco, California, to participate in national bankruptcy and judiciary related educational classes.

Five Clerk's Office staff attended the annual Bankruptcy Operations Forum in Atlanta, Georgia in August 2012 to participate in a national training focused on improving electronic filing, quality control, bankruptcy processes, calendaring, and the future of CM/ECF.

Bankruptcy Judge Finkle attended the Phase I orientation training for new judges in Portland, Maine in August 2012, and the Phase II training in Washington, D.C. in October 2012. Judge Finkle also attended the First Circuit Judges' Workshop held in New Castle, NH in December 2012.

Court trainers Janet Descoteaux and Samuel Nogueras attended the Automation Trainers Community of Practice (ATCOP) training session held in San Antonio, Texas in September 2012.

### **Space Projects**

Tenant alterations were limited to electrical work for phone lines and power outlets in chambers, the installation of a flat screen monitor calendar display, and the mounting of a dedication plaque in honor of retired Bankruptcy Judge Arthur N. Votolato in the courtroom foyer.

### **Awards, Ceremonies, and Events**

A celebration was held on May 8, 2012 at DiParma's Italian Table honoring Bankruptcy Judge Votolato on the occasion of his retirement. Also, a courtroom dedication ceremony with the district bench and bar was held on Judge Votolato's last day in office, July 31, 2012, in the 6<sup>th</sup> floor courtroom to officially dedicate the space in honor of Judge Votolato's 44 years of service.

Attorney Diane Finkle was sworn in by Clerk of Court Susan Thurston as the new bankruptcy judge for the District of Rhode Island on September 6, 2012. Judge Finkle's investiture ceremony was held on November 9, 2012 in the ceremonial courtroom at the United States District Court. Chief Judge Sandra Lynch of the First Circuit Court of Appeals officiated the ceremony.

On September 14, 2012, the Court held its annual employee recognition ceremony. Among the bestowed honors, Case Administrator Christine Lanni was presented with the 2012 Sustained Superior Performance Award for 19 years of exceptional performance and service.

The Rhode Island Federal Executive Council elected Jody Venuti, Quality Assurance Specialist, for the Technical Employee of the Year for her outstanding performance in maintaining the security and integrity of the ECF database, and for her work in eliminating wasteful noticing and saving taxpayer costs. Case Administrator Jennifer Davis received the 2012 FEC Support Staff Employee of the Year award for her exceptional management of the Court's first Chapter 9 bankruptcy case, the City of Central Falls.

In 2012, the U.S. Bankruptcy Court staff raised more than \$6,000 for local and national charities for the Combined Federal Campaign.

The Rhode Island Bankruptcy Court received the Silver Award in recognition of achieving a 50 - 74% participation level in the National Conference of Bankruptcy Clerks.

### **Personnel News**

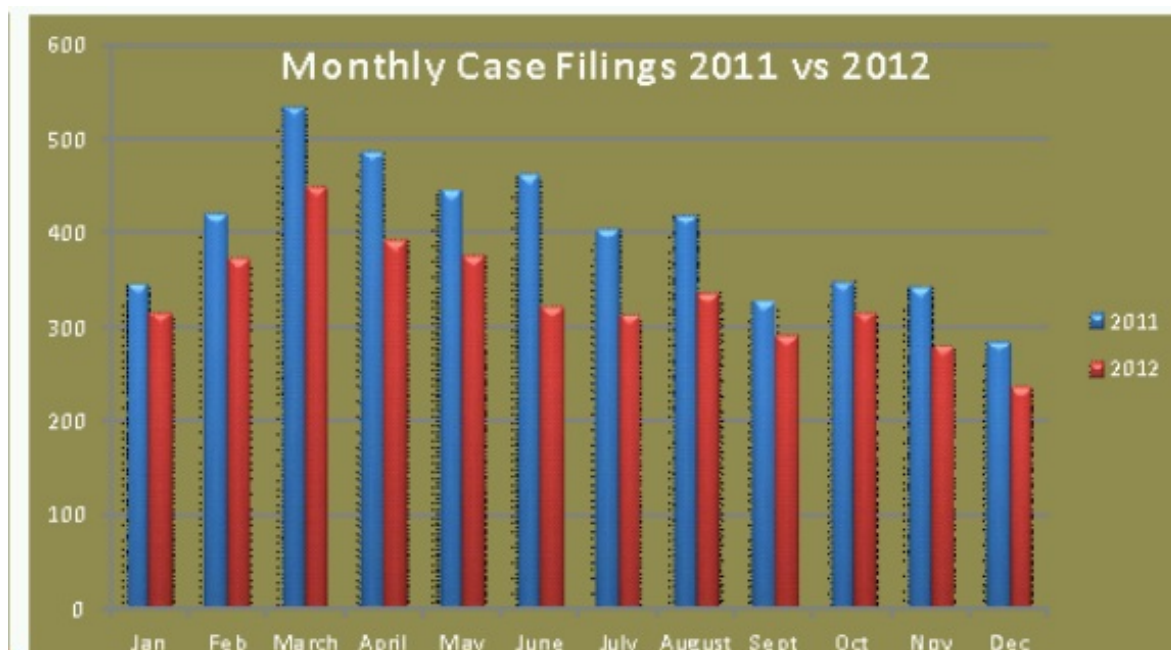
Judge Arthur N. Votolato retired on July 31, 2012, after 44 years of distinguished service. Judicial Assistant Leah G. Waterman retired on July 31, 2012, after 26 years with the Court. Public Information Specialist Anne O'Hara retired on September 30, 2012, after 32 years of dedicated service. Operations Manager Amy Geraghty Seale, Financial Administrator April Elderkin, and Human Resources/Procurement Administrator Kristen Batty celebrated 20 years of service; and Quality Assurance Specialist Jody Venuti and Case Manager Jennifer Davis celebrated 15 years of service.

Jimmy Dahu was hired as Career Law Clerk to incoming Judge Finkle and Jordan Baumer was hired as her Term Law Clerk. Jenna Hashway and John O'Day, law clerks to Judge Votolato, left the Court for different positions in September. Administrative Projects Coordinator Linda Spaight transferred to the Administrative Office of the U.S. Courts, Bankruptcy Court Administration Division, as a Court Program Administrator.

### **Statistics (Calendar Year 2012)**

Total Filings (All Chapters): **4006**

Chapter 7 Cases:	3,388
Chapter 11 Cases:	29
Chapter 13 Cases:	589
Terminations:	4,170
Cases Pending:	2,974



## **PROBATION & PRETRIAL SERVICES DISTRICT OF RHODE ISLAND**

### **Staffing**

The District of Rhode Island continued to maintain a combined office for both probation and pretrial services. During calendar year 2012, one staff member was added. The twenty-five member staff consisted of the chief, deputy chief, two supervisors, twelve 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 produce significant efficiencies.

### **Training**

Despite a busy workload, extensive training occurred during 2012, and the officers and supervisors in the units averaged well in excess of the required 40 hours of training. The District made extensive use of the Judiciary Online University, the PEI program of the Federal Judicial Center, and participated in a variety of local and national training efforts. As a whole, the Office engaged in over 1,000 hours of training geared to corporate and individual professional development and evidence-based practices.

## Space and Equipment

The Probation Office maintained office space within the United States Court House and Post Office building located on the third floor of the John O. Pastore Federal Building, 2 Exchange Terrace, Providence, Rhode Island. The U.S. Marshals Service cell block, the magistrate judges' chambers, courtrooms, and Clerk's Office staff are conveniently located in the same building on the second floor. 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 personal contact with the district and magistrate judges. Formal and informal meetings were held to ensure the Court remained completely satisfied with the services provided. The Chief and Deputy Chief maintained frequent contact with the two full-time magistrate judges and their staff, with the two part-time magistrate judges, as well as with representatives of the U.S. Marshals Service, the U.S. Attorney's Office, the Federal Public Defender's Office, and the defense bar in general. A COOP plan, Emergency Notification System, and an OEP were updated to prepare for any serious safety issues.

## Treatment Services

A number 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 the taxpayers. While their cases remained pending, these defendants were able to reside in the community.

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

	2008	2009	2010	2011	2012
Pretrial Services Expenditures	\$47,855	\$80,601	\$96,107	\$106,934	\$126,222

During FY 2012, the District allocated \$53,630 for electronic monitoring expenses; defendants and offenders paid the remaining \$6,755. There was \$215,794 allocated for drug treatment and testing, \$154,374 for mental health treatment, and \$27,880 for sex offender treatment. The Probation Office purchased substance abuse and mental health treatment services from various community providers. If so ordered by the Court, the defendants participated in out-patient substance abuse treatment to include individual and group sessions. If warranted, residential drug treatment was provided to include inpatient detoxification and a full range of long-term residential treatment services. Further, out-patient mental health treatment was also available to include psychiatric evaluations, medication monitoring, mental health assessments, mental

health counseling, and sex offender counseling. Most urinalysis testing was processed according to a Memorandum of Understanding with the Eastern District of Virginia Probation Office. Specimens were sent to that office for testing in their on-site laboratory. On-site test cups supplied by a variety of vendors were also utilized. Confirmation testing was provided by Scientific Testing Laboratories. Further, the District utilized G4S for the electronic monitoring contracting and Verizon for officers' BlackBerry devices.

## **Workload Trends**

### **Arrests**

During 2012, there were a total of 195 cases activated. Pretrial services reports with recommendations were prepared in 95% of the cases processed in this District. Counsel chose not to have their clients interviewed in 43% of the cases; thus data in these cases were 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	195
2.	Defendants Released on Bond	52
3.	Defendants Under Supervision as of 9/30/12	66
4.	Pretrial Cases Closed	223
5.	Release Rate (Excluding Immigration)	42%
6.	Cases with Violations	4.3%

### **Post Conviction Supervision**

During 2012, this Unit supervised approximately 352 offenders on probation, parole, and supervised release on any given day. Well over half of the offenders had special conditions requiring substance abuse treatment. Many also needed mental health treatment and community service placements.

Of the cases supervised, 45% were for serious drug offenses, 17% were for firearms offenses, 8% were for other violent offenses, and 4% were for sex offenses. Nineteen 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 Office still maintained one of the lowest revocation rates. This was accomplished by means of excellent supervision strategies



and a concerted effort to help offenders change, reintegrate into the community, and effectively address the dynamic risk factors that are directly related to recidivism.

Officers traveled over 32,184 miles in their vehicles throughout the year to gather data for pretrial and presentence reports, conduct collateral investigations for other districts across the country, and supervise pretrial services and post-conviction offenders in the community. The Office worked closely with the Financial Litigation Unit of the U.S. Attorney's Office to collect fines and restitution imposed by the Court.

### **Presentence Reports**

The Probation Office completed 182 guideline presentence reports in FY 2012. The reports included detailed criminal and social histories, resolved objections and provided detailed and individualized sentencing recommendations pursuant to case law.

For FY 2012, the largest category of primary offenses was drug cases, consisting of 29% of the workload. Firearm offenses were the second largest category at 24%, and immigration offenses were third, at 20%. Fraud was the fourth largest category of offenses, at 8%, while child pornography represented 4%. Also, 97.9% of the cases resulted from a plea agreement, 2.1% resulted from trial, and 43.3% of the cases were sentenced within the guidelines range.

### **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 remained certified as a firearms instructor, and two officers maintained certification as officer response tactics (ORT) instructors. Officers also practiced the skills learned during formal trainings.

Working with the District of New Hampshire, the Office 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 underwent 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**

The year of 2012 marked the sixth full year of client representation, having accepted cases since October 1, 2006. The case numbers remained consistent for the past three years.

	<b>CASES</b>			<b>APPEALS</b>		
Year	Opened	Closed	Pending	Opened	Closed	Pending
2012	157	141	107	12	14	10
2011	153	151	107	21	14	19
2010	156	157	83	9	8	13

### **Milestones**

- There were two successful graduates of the District's SWiTCH reentry program.
- This Office is the only Federal Public Defender's Office in the nation participating in the development of shared administrative services with other district court units, with inclusion in procurement and human resources shared functions.
- David Beneman, Federal Defender, was honored at the District Conference as the first recipient of the Charles Harvey Award – developed by the Court to recognize individual contributions of significant service to the Court.
- David Beneman completed a second full term (total of 6 years) as the representative for the First, Second, and Third Circuit Defenders on the Defender Services Advisory Committee.

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

During FY 2012, two new assistant federal public defenders (“AFPDs”) joined the Boston office. Christopher Skinner previously worked at the Committee for Public Counsel Services (“CPCS”) for more than 30 years, serving there as Director of Training, Senior Trial Counsel, and head of the Boston office. Jane Peachy also had worked as a trial lawyer at CPCS, first in the Brockton office and later in the Roxbury office. Chris replaced Syrie Fried, who went into private practice, and Jane replaced Behzad Mirhashem, who moved from the Boston office to the Concord, NH office after AFPD Jessica Brown relocated to Vermont.

As in the past, this Office supported the CJA panels in each of the three districts by: 1) sponsoring educational programs for panel lawyers; 2) sending out email updates on new developments in federal criminal law; and 3) assisting panel lawyers who contact this Office for advice. The Boston office also continued to run two e-mail list-serves which remain popular and active. A newly revamped website was developed in 2012 and may be found at [www.bostondefender.org](http://www.bostondefender.org).

The caseload in 2012, compared to prior years, was as follows for each of the three offices:

**Massachusetts**

<b>Cases Opened</b>					<b>Cases Closed</b>	<b>Pending</b>	
	Total	Prosecutions	Appeals	Other			
FY 2008	417	144	26	247	384	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	454	236	21	197	453	10/1/11	402
FY 2012	540	223	29	288	547	10/1/12	395

**New Hampshire**

Cases Opened					Cases Closed	Pending	
	Total	Prosecutions	Appeals	Other			
FY 2008	221	141	13	67	199	10/1/08	119
FY 2009	159	143	3	13	172	10/1/09	107
FY 2010	147	97	11	39	155	10/1/10	99
FY 2011	150	96	8	46	143	10/1/11	106
FY 2012	154	101	1	52	162	10/1/12	98

**Rhode Island**

Cases Opened					Cases Closed	Pending	
	Total	Prosecutions	Appeals	Other			
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	118	14	18	132	10/1/11	124
FY 2012	156	105	3	48	172	10/1/12	108

The numbers above reflected a total increase of about 13% in cases opened and an increase of about 21% in cases closed for all three of the Districts. The greatest increase occurred in the District of Massachusetts, where both opened and closed cases rose by more than 20%. The most significant of these was in the cases classified as “other,” many of which were supervised release or probation violations. Actual criminal prosecutions declined. One possible reason for the increase in Boston was a full complement of assistant federal public defenders.

The New Hampshire and Rhode Island offices saw slight increases in cases opened and larger increases in cases closed.

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

This report highlights the more salient events in FY 2012 for the Office of the Federal Public Defender for the District of Puerto Rico.

**Criminal Case Statistics**

<b>Case Type Category</b>	<b>Start</b>	<b>Opened</b>	<b>Closed</b>	<b>End</b>
Capital Prosecution	7	1	5	3
Drugs	46	160	104	102
Fraud	43	31	40	34
Immigration	52	195	212	35
Weapons	11	195	85	121
Criminal Other	71	94	84	81
Appeals	25	99	70	54
Other	129	714	688	154
Total	384	1489	1288	584

**National Software Systems**

At the end of the fiscal year, the Office moved to the Defender Case Management System. This nationwide defender program reflects a transition from a locally developed application to a commercial off the shelf (COTS) package. One of the assistant federal public defenders in the Office was a member of the Case Management System (CMS) Expert Panel. This Panel was responsible for the development of the new Defender Case Management System (CMS). Other members of staff were also involved in the development and testing of the prototype for this new system. It is projected that next year a revised version of the software will allow connection using smart phones and iPads.

**Internship Program**

This Office continued to support local and state universities in the training of future attorneys. A group of three students was accepted for each term during 2012. The program was expanded to accept students from universities in the United States during the summer session.

**NARRATIVE REPORTS  
ON MATTERS OF  
JUDICIAL ADMINISTRATION**

## **THE JUDICIAL CONFERENCE OF THE UNITED STATES MARCH AND SEPTEMBER 2012**

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 to promote 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. See 28 U.S.C. § 331.

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

At the March 13, 2012 Judicial Conference, Judge Hogan reported to the Conference on the judicial business of the courts and on matters relating to the Administrative Office (AO). Judge Fogel 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.

At the September 11, 2012 Judicial Conference, Judge Hogan reported to the Conference on the judicial business of the courts and on matters relating to the Administrative Office (AO). Judge Fogel spoke to the Conference about Federal Judicial Center (FJC) programs, and Judge Saris reported on United States Sentencing Commission activities. Judge Gibbons, Chair of the Committee on the Budget, presented a special report on budgetary matters.



Also, after hearing a report from the Budget Committee on the status of the judiciary's ongoing cost-containment efforts, Executive Committee members expressed support for cost containment in general and for the steps already taken or in progress by Conference committees to restrain spending and improve efficiency in various programs. They also discussed ways to generate additional support in the judiciary for such efforts, and to facilitate appropriate action on further cost-containment measures, making requests to several committees to explore specific initiatives.

## FIRST CIRCUIT JUDICIAL CONFERENCES

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

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

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

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

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

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

A "judges only" workshop was held on December 6-7, 2012, at Wentworth by the Sea Hotel in New Castle, New Hampshire. The workshop began on Thursday, December 6, with a luncheon at 12:00 noon, and adjourned on Friday, December 7, at 11:45 a.m.

## **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 judicial council has administrative responsibility for all courts in its circuit. It is authorized to "make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit . . . ." 28 U.S.C. § 332(d).

Council meetings in the First Circuit are generally held twice a year. In 2012, there were three Judicial Council meetings. The spring Council meeting, held on May 8 and the fall session, held on October 3, both took place at the John Joseph Moakley United States Courthouse; the Council also met on December 6 at the Wentworth by the Sea Hotel in New Castle, New Hampshire. 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 2012 is provided at pages 96 and 97. In addition, at the September 2012 meeting, the Judicial Council voted to post all final orders issued in misconduct complaints on the First Circuit Court of Appeals web site, excluding private reprimands and other discipline that the Council determines to be private.

Another primary task of the Judicial Council is to review caseload 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 2012 included: the approval of revised Senior Judge Certification Guidelines; the review of the federal judiciary's budget; a review of the topics to be addressed at the December judges' workshop; the approval of the request of Chief Judge Wolf of the District of Massachusetts to consolidate its probation and pretrial services offices; the review and adoption of various cost reduction measures; the review of courthouse construction projects and expenditures; the review of juror utilization, trials, and other court activity statistics; the review of court security measures; the review of privacy rules; and the approval of bankruptcy judge assignments.

## **SPACE AND FACILITIES**

### **Introduction**

This report covers the activities of the space and facilities staff of the Circuit Executive's Office, from January through December of 2012.

### **Court of Appeals**

In May, a fire occurred in the switch gear room of the Moakley Courthouse. Coordination efforts to replace damaged electrical components resulted in several building power outages. The final repair is expected in January of 2013.

A project for new chambers space to accommodate Judge Lipez' replacement in Portland, Maine was approved and the planning process is underway. Occupancy is expected in early 2014 pending confirmation of the new judge.

A project was initiated to upgrade the Moakley Courthouse fiber infrastructure based on the findings of the 2011 Local Area Network (LAN) assessment. The scope has been finalized, funding secured and initial project planning is underway.

A security assessment of the Moakley Courthouse was conducted in August by the United States Marshals Service in collaboration with Federal Protective Services. The report was delivered to the Facility Security Committee in December.

### **District of Maine**

In May, the District of Maine participated in long range asset management planning sessions. Initial reports reflected concerns related to the availability and functionality of space at the Gignoux Courthouse in Portland. Several recommendations for reconfiguration were provided.

In July, Judge Singal declared his intention to take senior status in July of 2013. As noted in the long range asset management plan, appropriate chambers space will need to be configured in Portland to accommodate his replacement. A project scope is in development and will be submitted to the Administrative Office for funding consideration in March of 2013.

Work concluded on the envelope project at the Gignoux Courthouse in December. This project included repair, restoration and repointing of the granite building exterior, removal and replacement of the existing roof system, below grade waterproofing, and removal and replacement of perimeter window and door sealants.

Renovations to the Court's space at the M.C. Smith Courthouse and Federal Building neared completion. This building was the recipient of American Recovery and Rehabilitation Act (ARRA) funds. The project included energy efficient improvements such as geothermal heat, new

windows and fire/life safety upgrades. Project completion is anticipated in the early part of 2013.

### **District of Massachusetts**

Construction of the fourth courtroom in the Springfield Courthouse is underway and expected to conclude in the spring of 2013.

Construction of minor expansion space for the Bankruptcy Court at the McCormack building was completed in June.

Space actions were initiated to relocate the Probation Office in Worcester to leased space. Design plans are complete and construction is expected to begin in February of 2013. Occupancy is anticipated late in the spring of 2013.

Initial designs were developed to consolidate Probation Office space in the Williams building into the existing space at the Moakley Courthouse. This project is expected to begin in the summer of 2013 and will result in a significant rent savings in FY 2014.

### **District of Puerto Rico**

Two new elevators were planned for the Nazario Courthouse in Hato Rey. These elevators were funded as part of the pilot year of the Capital Security Program approved by Congress. These elevators will improve circulation paths at the Courthouse. The design build contract is expected to be awarded in February of 2013.

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 was awarded to Fusco Construction and substantial completion is expected by the end of FY 2014.

A project was initiated to enhance circulation of the magistrate judges' courtroom floor at the Degetau Federal Building. A waiting area will be created from two attorney conference rooms to allow enhanced security in the elevator lobby. This work will be incorporated into the schedule of the ARRA project.

Construction is close to completion on the new Bankruptcy Court space in the MCS Building in Ponce. Occupancy is expected in January of 2013.

A project to add five new offices to the current Probation Office footprint was successfully completed in August.

**District of Rhode Island**

As part of the lease renewal, a renovation project to complete minor alterations to the Bankruptcy Court space will commence in the spring of 2013. Design intent plans are complete and construction is expected to begin in the summer of 2013.

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

**National Projects**

Airwatch Pilot

In early 2011, the IT Department of the Circuit Executive's Office began testing an enterprise-grade mobile device management solution called Airwatch. This pilot was initiated in order to secure the increasing mobile devices connected to the judiciary's private network. Tests were performed on iPads and iPhones and feedback given in order to form an approach that is sufficiently secure, while remaining intuitive and convenient for judges and staff.

Lotus Notes Server Centralization Court

The Court of Appeals took part in the initial phase of the national Lotus Notes centralization testing. This project will host services centrally and provide the same level of service for email while reducing the amount of necessary hardware and simplifying administration. Information was gathered to maintain performance while reducing associated hardware costs.

**Circuit Projects**

Conferences

The Circuit Executive's Office, in conjunction with the Court Unit Executive's Conference, held an IT Conference in August. Judge William Smith welcomed the First Circuit IT Conference attendees, including IT staff and court unit executives from the First Circuit. Assistant Director of Office of Information Technology (OIT), Joe Peters, was in attendance, as well as representatives from his staff. The budget and its impact on IT initiatives was a significant topic. Other topics discussed were Enterprise Directories and National ID Management, Cloud Applications and Centralized Hosting, Windows 8, and Telecommunications.

Network Infrastructure Improvements

The Circuit Executive's Office IT Department continued its analysis and preparation in the Moakley Courthouse, the District of Massachusetts, and the District of New Hampshire for the national IP phone system, scheduled for installment in 2012. The local area network (LAN) assessments concluded some follow up work which paved the way for the adoption of the national phone system in seven courthouses and offices.

**Court of Appeals**

Disaster Recovery

A fire in the transformer in the basement of the Moakley Federal Courthouse on May 24th required the general power to the Courthouse to be turned off. Despite the loss of general power, the backup systems that support the main computer systems for the Court of Appeals, District of Massachusetts, and the Probation and Pretrial Office of Massachusetts worked effectively. The

court systems remained 100% operational throughout the original event and continued to operate throughout the repairs.

### **Bring Your Own Device (BYOD)**

Following private industry trends, the IT Department developed a policy to allow law clerks to use their personal devices to connect to the Court network. This policy specifically outlines security requirements and employee responsibility. The policy provides a connection to the server that contains court documents, but does not allow court data to physically reside on a personal computer. Rather, the computer acts purely as a "terminal" to ensure the safety of Court information. This allows Court staff to conduct business from home during off hours, inclement weather, and disaster events.

### **Reduced Expenses**

The IT Department in the Circuit Executive's Office conducted a thorough review of accountable property and developed several cost containment strategies for the current and future fiscal years. High toner and maintenance costs were identified; printer replacement strategy turned to consolidation; and group printing was encouraged to use double-sided capabilities to reduce paper and toner costs. To further reduce paper, toner and maintenance costs, an electronic fax solution was purchased and configured. Court staff can now send faxes directly via email to a traditional fax machine and, conversely, a phone number delivers faxes directly into email (paperless both ways). This resulted in further business efficiencies, such as saving staff time and expanded telecommuting functions from home and during court closures. Further cyclical replacement was done for monitors, servers, and switches to bring the infrastructure and Court hardware to the latest technology.

### **Judge Workflow Efficiencies**

The IT Department organized a training session for the appellate judges, taught by Magistrate Judge Landya McCafferty from the District of New Hampshire. The judges discussed the potential for the iPad to streamline a judge's workflow. The lessons were geared toward the work of a Court of Appeals judge and were well received.

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

### **Staff Changes**

Karl van Biene left the IT Department during this year and Judy Mai replaced Karl as the help desk lead.



## 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.

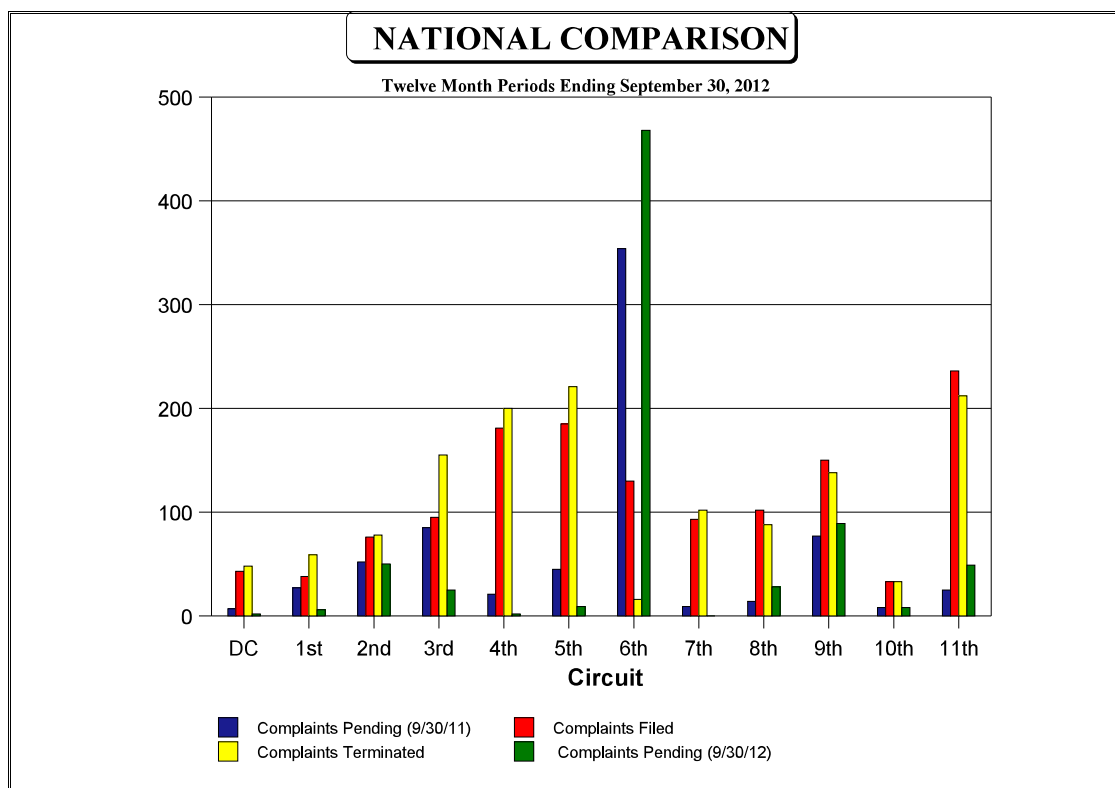
Pursuant to 28 U.S.C. § 352(d) and the Rules of Judicial-Conduct, the Chief Judge annually designates two review panels to act for the Judicial Council on petitions for review. This amendment was adopted in response to a provision of the Judicial Improvements Act of 2002 that explicitly authorized the 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, 2012**

Complaints Filed in 2012 (calendar year)	31
Orders of Dismissal Issued by Chief Judge (5 of the orders were issued in 2013)	31
Petitions for Review filed with Judicial Council (5 of the petitions were filed in 2013)	13
Orders of Dismissal Affirmed by Judicial Council (8 of the Council orders were issued in 2013)	13
Show Cause Orders Issued	1
Preclusion Orders Issued	1
Total No. of Subject Judges Charged in 2010	25
Total No. of Complainants*	17

\*Five complainants filed complaints against more than one judicial officer.

## 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, 2012

Summary of Activity	Circuit												
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	Total
Complaints Pending (9/30/11)	7	27	52	85	21	45	354	9	14	77	8	25	724
Complaints Filed	43	38	76	95	181	185	130	93	102	150	33	236	1,364
Complaints Terminated	48	59	78	155	200	221	16	102	88	138	33	212	1,352
Complaints Pending (9/30/12)	2	6	50	25	2	9	468	0	28	89	8	49	736

### **ATTORNEY DISCIPLINE**

During 2012, the Court of Appeals for the First Circuit handled 19 attorney disciplinary cases under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement). Six (6) resulted in disbarment; twelve (12) resulted in suspensions; and one (1) was closed due to a resignation. All 19 matters arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement. One (1) additional disciplinary proceeding from 2011 remained pending in 2012.

## **HISTORY AND NOTABLE EVENTS**

### **2012**

On June 6, 2012, Timothy S. Hillman was appointed District Judge for the District of Massachusetts; on September 6, Diane Finkle was appointed as Bankruptcy Judge for the District of Rhode Island; on September 10, Lincoln D. Almond was reappointed Magistrate Judge for the District of Rhode Island; and, on October 1, Patricia A. Sullivan was appointed Magistrate Judge for the District of Rhode Island.

On February 1, 2012, Leo T. Sorokin became Chief Magistrate Judge; and on June 1, Bankruptcy Judge William C. Hillman became Chief Judge of the Bankruptcy Appellate Panel.

On July 31, 2012, Bankruptcy Judge Arthur N. Votolato retired from the Bankruptcy Court, District of Rhode Island; and on September 30, Magistrate Judge David L. Martin retired from the District Court, District of Rhode Island.

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

FOR THE PERIOD: OCTOBER 1, 2011 - SEPTEMBER 30, 2012

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 (JCUS), 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 of the United States (JCUS) 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 afforded by the Model EDR Plan adopted by the JCUS in March 1997. The EDR Plan for the First Circuit Court of Appeals was amended in June 2010. In September 2012, the JCUS amended the Model EDR Plan to provide whistleblower protection to federal judiciary branch employees who disclose a violation of law or gross waste or mismanagement. This amendment will be incorporated into the EDR Plan for the Court of Appeals and the Circuit's Model Plan, effective January 2013.

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, 2012, there were 133 Court of Appeals employees. Of those employees, 50 (38%) were male and 83 (62%) were female; 113 (85%) were Caucasian and 20 (15%) were minorities. There were five (5) African-American employees, nine (9) Hispanic employees, and six (6) Asian employees.

**SIGNIFICANT ACHIEVEMENTS**

There were 31 new appointments made during this reporting period. Of those new appointments, 14 were male and 17 were female; 23 were Caucasian, three (3) were Asian, four (4) were Hispanic, and one (1) was African-American.

During the reporting period, 12 employees were promoted. Of those employees, six (6) were male and six (6) were female; nine (9) were Caucasian, two (2) were Hispanic, and one (1) was Asian.

## **TRAINING**

As noted above, on October 10, 1999, the Court adopted the EDR Plan for the First Circuit Court of Appeals. The First Circuit EDR Plan was amended in June 2010 and will be amended in January 2013.

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**

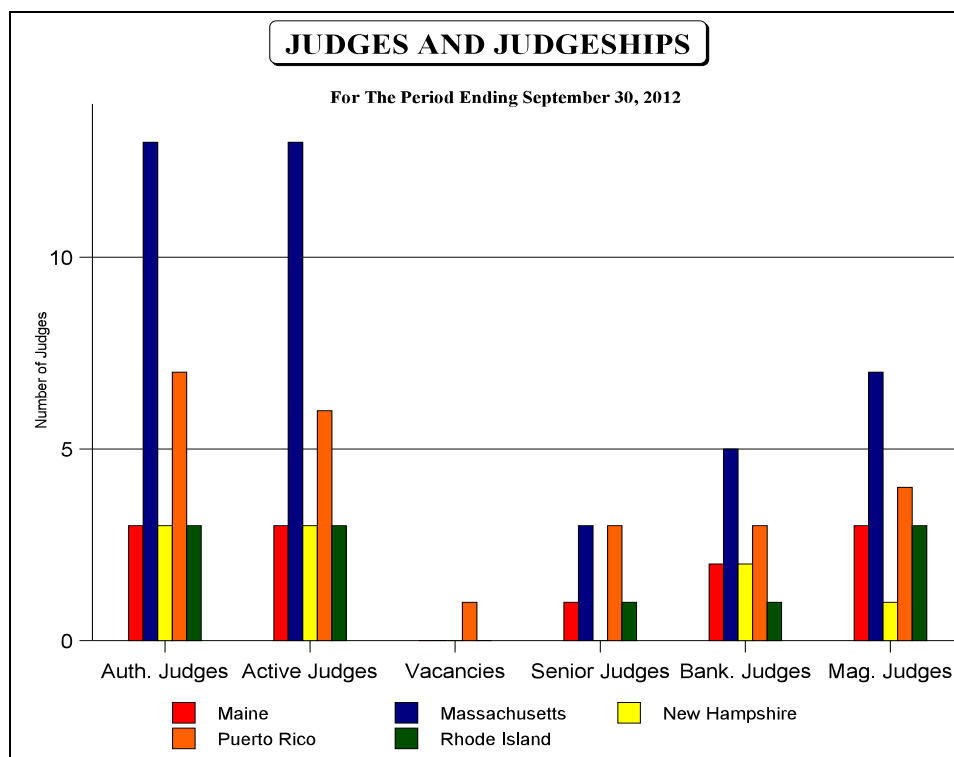
There was one claim filed under the EDR Plan during this reporting year in the Court of Appeals Clerk's Office.

## **OTHER MATTERS OF THE COURT**



## JUDGES AND JUDGESHIPS

### Judgeship Summary



JUDGES AND JUDGESHIPS						
For the Period Ending September 30, 2012						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank. Judges	Mag. Judges
Maine	3	2	1	2	2	3
Massachusetts	13	12	1	1	5	7
New Hampshire	3	3	0	1	1	2
Puerto Rico	7	7	0	3	4	4
Rhode Island	3	2	1	1	1	4
Total Dist. Ct.	29	26	3	8	13	20
Total Court of Appeals	6	6	0	2	--	--
Total 1 <sup>st</sup> 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  
2012**

[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>
Joseph N. Laplante	DJ	New Hampshire	2012	2015
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)

**2012**

[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>
Michael Boudin	CJ	Court of Appeals	2012	2014
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>
Steven J. McAuliffe	DJ	New Hampshire	2012	2015
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

**2012**  
**(as of December 31, 2012)**

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 Nancy Torresen	District of Maine
Honorable George A. O'Toole	District of Massachusetts
Honorable Joseph A. DiClerico	District of New Hampshire
Honorable Francisco A. Besosa	District of Puerto Rico
Honorable Mary M. Lisi	District of Rhode Island

### Observing Members

Honorable Henry J. Boroff	District of Massachusetts Bankruptcy Judge
Honorable Lincoln D. Almond	District of Rhode Island Magistrate Judge

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

**(as of December 31, 2012)**

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

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**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

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

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

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**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 (recalled)

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**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 Nancy Gertner  
Honorable Michael A. Ponsor  
Honorable George A. O'Toole  
Honorable F. Dennis Saylor  
Honorable Denise J. Casper

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**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

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

Honorable Leo T. Sorokin, Chief  
Honorable Kenneth P. Neiman  
Honorable Robert C. Collings  
Honorable Marianne B. Bowler

Honorable Judith G. Dein  
Honorable Timothy S. Hillman  
Honorable Jennifer C. Boal

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**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

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

Honorable Michael J. Deasy

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

Honorable Landya B. McCafferty  
Honorable Daniel Lynch

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**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 Jaime Pieras, Jr.	Honorable Gustavo A. Gelpi
Honorable Salvador E. Casellas	Honorable Francisco A. Besosa

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**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

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**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  
Honorable Justo Arenas (recalled)

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

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

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

Honorable Diane Finkle

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

Honorable Lincoln D. Almond  
Honorable Robert W. Lovegreen (recalled)  
Honorable David L. Martin (recalled)

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## **COURT UNIT EXECUTIVES**

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### **CIRCUIT EXECUTIVE**

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

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

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*

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

Alec Leddy  
*District of Maine*

James Lynch  
*District of Massachusetts*

George A. Vannah  
*District of New Hampshire*

Maria de los Angeles González  
*District of Puerto Rico*

Susan M. Thurston  
*District of Rhode Island*

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**FIRST CIRCUIT CHIEFS OF PROBATION/PRETRIAL SERVICES**

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*

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**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*

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## **STATISTICAL REPORTS**

**STATISTICS**

**COURT OF APPEALS**

**U.S. COURT OF APPEALS NATIONAL COMPARISON**  
**APPEALS COMMENCED, TERMINATED AND PENDING**  
**DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2011 & 2012**

	COMMENCED			TERMINATED			PENDING*		
CIRCUIT	2011	2012	Percent Change	2011	2012	Percent Change	2011*	2012	Percent Change
TOTAL	55,126	57,501	4.3	57,357	57,570	0.4	43,614	43,545	-0.2
DISTRICT OF COLUMBIA	1,132	1,193	5.4	1,113	1,189	6.8	1,311	1,315	0.3
FIRST	1,507	1,587	5.3	1,437	1,612	12.2	1,250	1,225	-2.0
SECOND	5,541	5,531	-0.2	5,101	5,715	12.0	4,644	4,460	-4.0
THIRD	3,645	3,766	3.3	4,326	3,767	-12.9	2,392	2,391	0.0
FOURTH	4,576	5,002	9.3	5,069	5,219	3.0	2,739	2,522	-7.9
FIFTH	7,401	7,641	3.2	7,695	7,316	-4.9	4,469	4,794	7.3
SIXTH	4,725	4,855	2.8	5,163	5,417	4.9	4,690	4,128	-12.0
SEVENTH	3,038	2,994	-1.4	3,064	2,979	-2.8	1,854	1,869	0.8
EIGHTH	2,876	3,080	7.1	2,967	2,957	-0.3	1,325	1,448	9.3
NINTH	12,141	12,684	4.5	13,025	12,735	-2.2	14,183	14,132	-0.4
TENTH	2,311	2,170	-6.1	2,209	2,181	-1.3	1,397	1,386	-0.8
ELEVENTH	6,233	6,998	12.3	6,188	6,483	4.8	3,360	3,875	15.3

\*Pending caseloads for 2011 revised by the Administrative Office of the United States Courts.

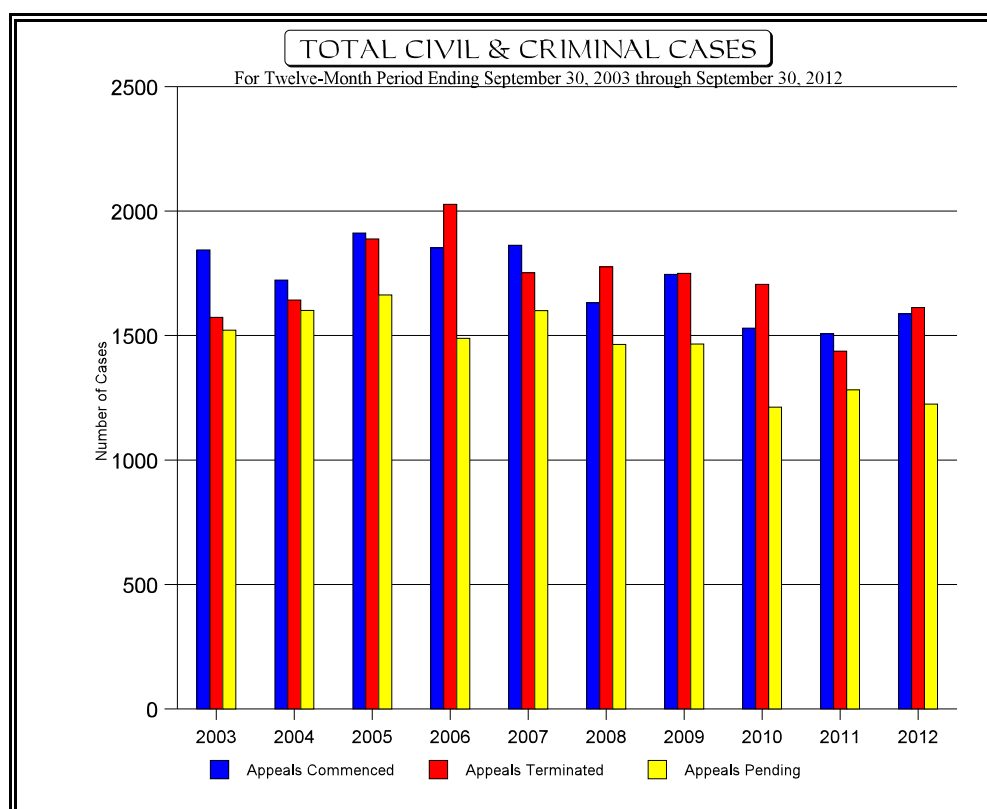
**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT**  
**SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS FOR THE**  
**12-MONTH PERIODS ENDING SEPTEMBER 30, 2005 - 2012**

SOURCE	2005	2006	2007	2008	2009	2010	2011	2012
<b>FIRST CIRCUIT TOTALS</b>	<b>1,912</b>	<b>1,852</b>	<b>1,863</b>	<b>1,631</b>	<b>1,746</b>	<b>1,530</b>	<b>1,507</b>	<b>1,587</b>
MAINE	171	132	120	126	136	97	125	140
MASSACHUSETTS	602	610	621	582	614	509	518	516
NEW HAMPSHIRE	118	98	94	125	104	103	90	86
PUERTO RICO	506	518	563	417	477	497	409	431
RHODE ISLAND	131	139	141	103	104	73	91	98
BANKRUPTCY	31	27	24	31	53	37	29	27
U.S. TAX COURT	5	5	3	3	7	8	6	5
NLRB	11	6	10	4	4	7	5	10
ADMINISTRATIVE AGENCIES, TOTAL	260	239	239	191	190	158	171	216
ORIGINAL PROCEEDINGS	93	89	61	56	68	56	74	73

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



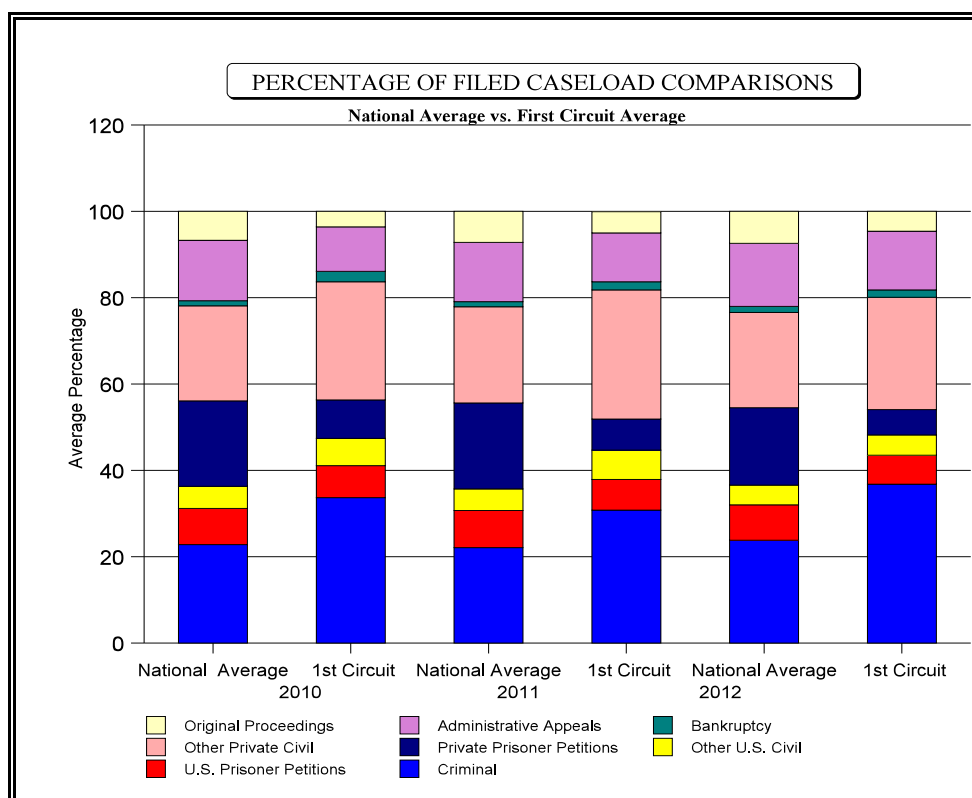
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
 APPEALS COMMENCED, TERMINATED AND PENDING  
 DURING THE 12-MONTH PERIODS ENDING  
 SEPTEMBER 30, 2003 THROUGH SEPTEMBER 30, 2012



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
 COMPARISON 2003 - 2012

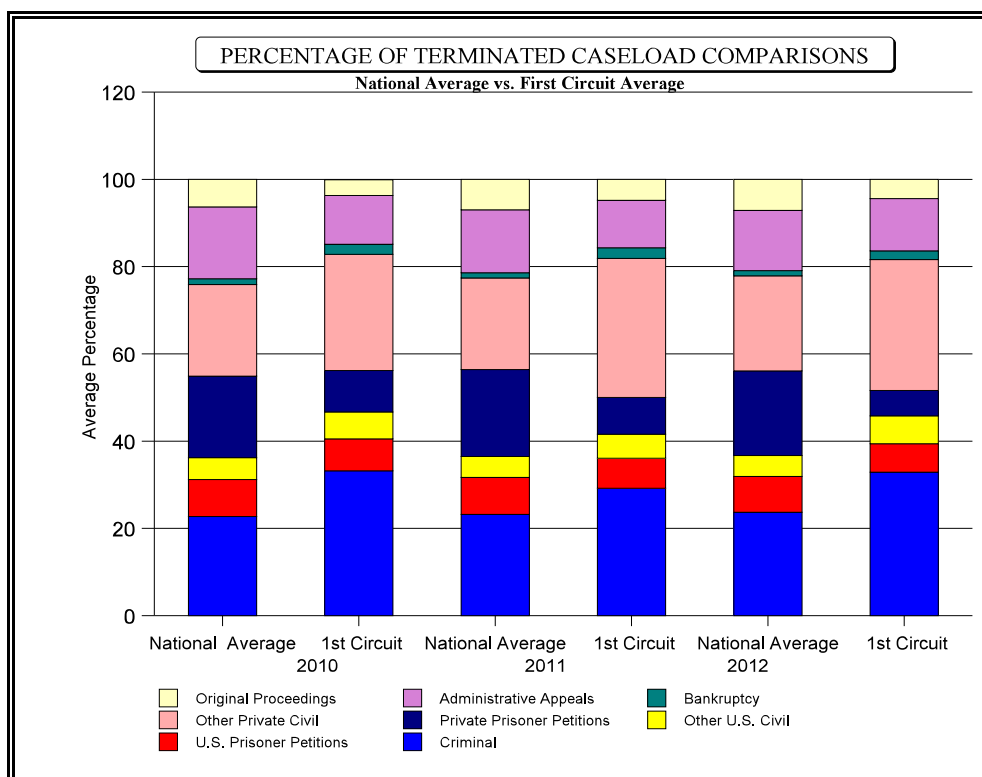
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
APPEALS COMMENCED	1,844	1,723	1,912	1,852	1,863	1,631	1,746	1,530	1,507	1,587
APPEALS TERMINATED	1,573	1,643	1,888	2,027	1,752	1,776	1,750	1,706	1,437	1,612
APPEALS PENDING	1,522	1,619	1,663	1,489	1,600	1,464	1,466	1,212	1,282	1,225

## NATIONAL/FIRST CIRCUIT COMPARISON FOR FILED CASELOAD



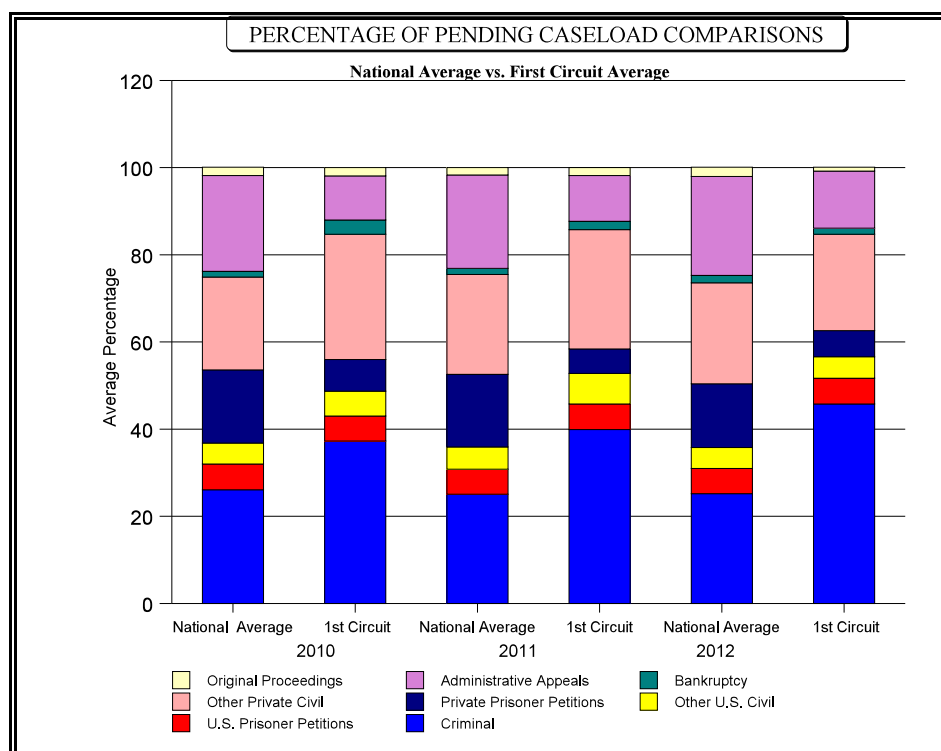
FILED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2010 THROUGH 2012						
	2010		2011		2012	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	22.8	33.7	22.1	30.8	23.8	36.8
U.S. PRISONER PETITIONS	8.4	7.4	8.6	7.1	8.2	6.7
OTHER U.S. CIVIL	5.1	6.3	5.0	6.8	4.6	4.7
PRIVATE PRISONER PETITIONS	19.8	8.9	19.9	7.2	17.9	5.9
OTHER PRIVATE CIVIL	22.0	27.4	22.3	29.9	22.1	26.0
BANKRUPTCY	1.2	2.4	1.2	1.9	1.4	1.7
ADMINISTRATIVE APPEALS	14	10.3	13.7	11.3	14.6	13.6
ORIGINAL PROCEEDINGS	6.7	3.6	7.2	4.9	7.4	4.6

## NATIONAL/FIRST CIRCUIT COMPARISON FOR TERMINATED CASELOAD



TERMINATED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2010 THROUGH 2012						
	2010		2011		2012	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	22.7	33.2	23.2	29.2	23.7	32.9
U.S. PRISONER PETITIONS	8.5	7.3	8.5	6.9	8.2	6.5
OTHER U.S. CIVIL	5.0	6.2	4.8	5.5	4.8	6.4
PRIVATE PRISONER PETITIONS	18.7	9.5	19.9	8.4	19.4	5.8
OTHER PRIVATE CIVIL	21.0	26.6	21.0	31.9	21.8	30.0
BANKRUPTCY	1.3	2.3	1.2	2.4	1.2	2.0
ADMINISTRATIVE APPEALS	16.5	11.2	14.4	10.9	13.8	12.0
ORIGINAL PROCEEDINGS	6.3	3.6	7.0	4.8	7.1	4.4

## NATIONAL/FIRST CIRCUIT COMPARISON FOR PENDING CASELOAD



PENDING CASELOAD COMPARISON						
PERCENT OF TOTAL FROM SEPTEMBER 30, 2010 THROUGH 2012						
	2010		2011		2012	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	26.1	37.3	25.1	39.9	25.2	45.8
U.S. PRISONER PETITIONS	5.9	5.7	5.7	5.9	5.8	5.9
OTHER U.S. CIVIL	4.8	5.7	5.1	7.0	4.8	4.9
PRIVATE PRISONER PETITIONS	16.8	7.3	16.6	5.6	14.6	6.0
OTHER PRIVATE CIVIL	21.3	28.7	22.9	27.4	23.2	22.1
BANKRUPTCY	1.3	3.3	1.4	2.0	1.7	1.4
ADMINISTRATIVE APPEALS	22.0	10.1	21.4	10.5	22.7	13.1
ORIGINAL PROCEEDINGS	1.9	1.9	1.7	1.8	2.1	0.9

## FIRST CIRCUIT TYPES OF CASES COMPARED TO NATIONAL AVERAGE

PERCENT OF TOTAL COMMENCED						
	2010		2011		2012	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	22.9	33.7	22.1	30.8	23.8	36.8
U.S. PRISONER PETITIONS	8.4	7.4	8.6	7.1	8.2	6.7
OTHER U.S. CIVIL	5.1	6.3	5.0	6.8	4.6	4.7
PRIVATE PRISONER PETITIONS	19.8	8.9	19.9	7.2	17.9	5.9
OTHER PRIVATE CIVIL	22.0	27.4	22.3	29.9	22.1	26.0
BANKRUPTCY	1.2	2.4	1.2	1.9	1.4	1.7
ADMINISTRATIVE APPEALS	14	10.3	13.7	11.3	14.6	13.6
ORIGINAL PROCEEDINGS	6.7	3.7	7.2	4.9	7.4	4.6

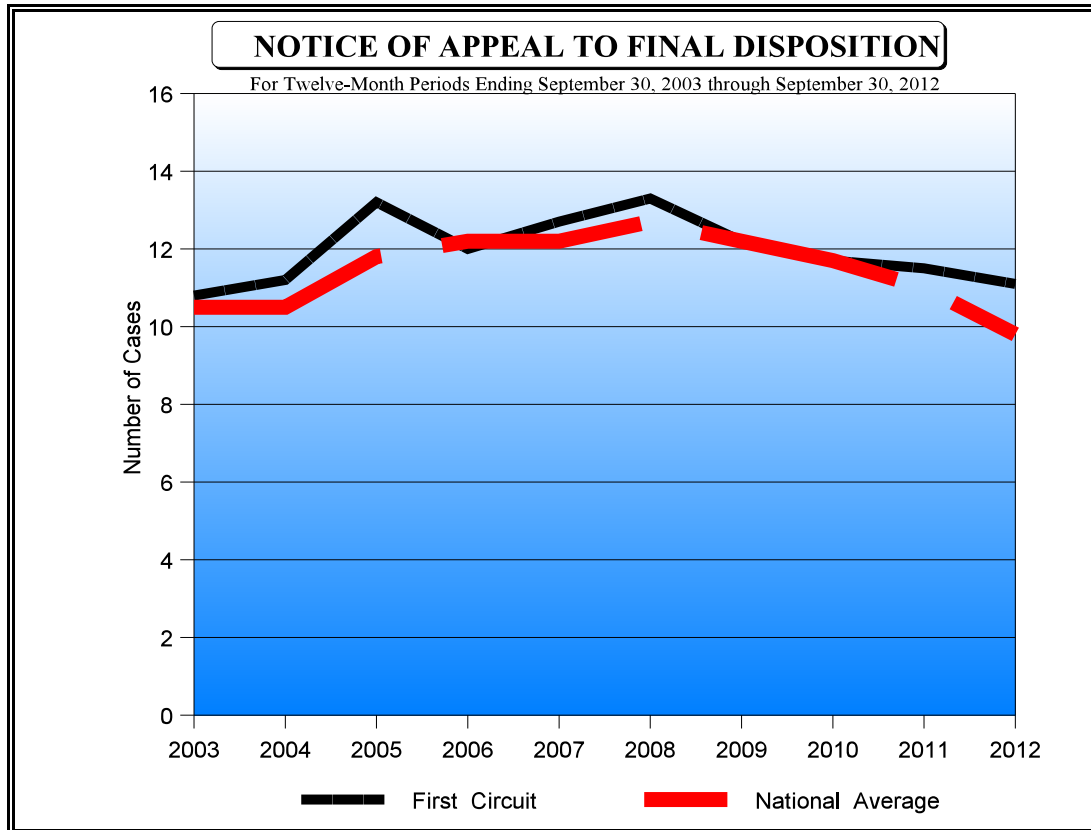
■ NATIONAL AVERAGE

■ 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, 2012  
 (FROM FILING OF NOTICE OF APPEALS TO FINAL DISPOSITION)

	# OF CASES	INTV
TOTAL	<b>35,095</b>	<b>9.8</b>
DISTRICT OF COLUMBIA	<b>488</b>	<b>10.4</b>
FIRST	<b>972</b>	<b>11.1</b>
SECOND	<b>3,448</b>	<b>12.2</b>
THIRD	<b>2,493</b>	<b>7.7</b>
FOURTH	<b>3,808</b>	<b>5.7</b>
FIFTH	<b>4,027</b>	<b>9.0</b>
SIXTH	<b>3,297</b>	<b>14.7</b>
SEVENTH	<b>1,470</b>	<b>8.3</b>
EIGHTH	<b>2,175</b>	<b>5.5</b>
NINTH	<b>7,938</b>	<b>15.3</b>
TENTH	<b>1,315</b>	<b>8.3</b>
ELEVENTH	<b>3,664</b>	<b>7.2</b>

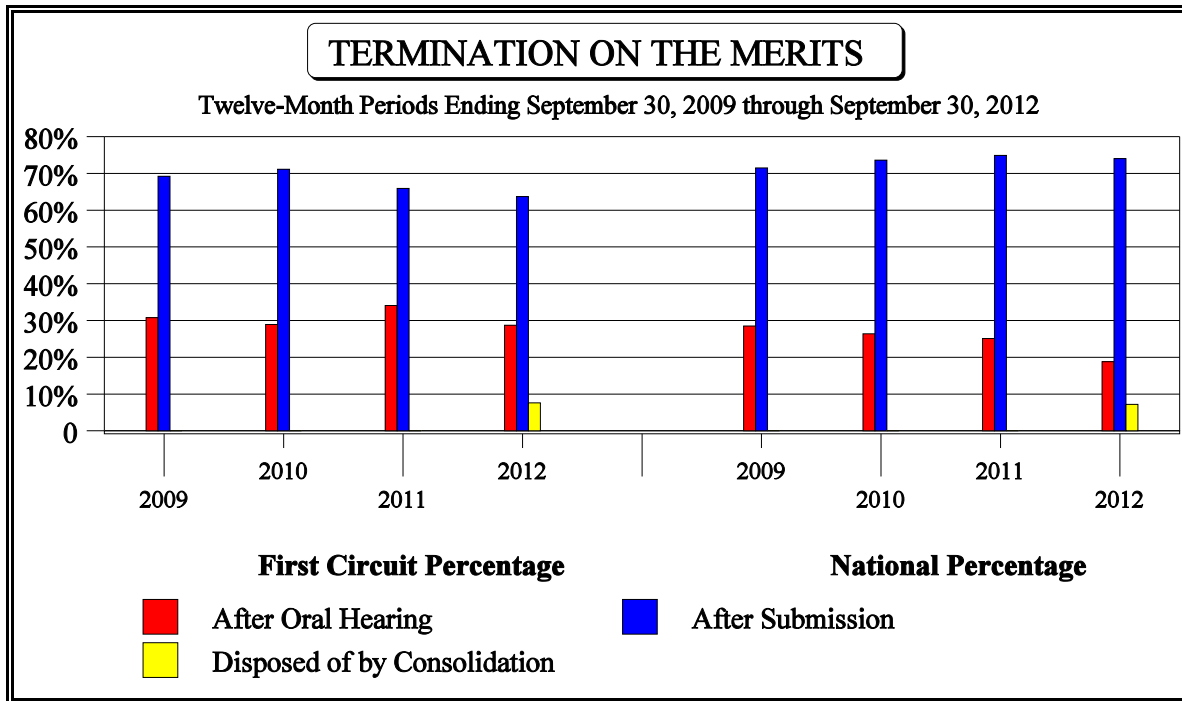
## U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD DISPOSITION TIME FROM 2003 - 2012



## U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARISON 2003 - 2012

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
FIRST CIRCUIT	10.8	11.2	13.2	12.0	12.7	13.3	12.2	11.7	11.5	11.1
NATIONAL AVERAGE	10.5	10.5	11.8	12.2	12.2	12.7	12.2	11.7	11.0	9.8

# U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD DISPOSITION 2009 THROUGH 2012



DISPOSITION OF CASELOADS IN PERCENTAGES								
FIRST CIRCUIT VS. NATIONAL CASELOAD								
FIRST CIRCUIT PERCENTAGES					NATIONAL PERCENTAGES TOTALS			
	2009	2010	2011	2012	2009	2010	2011	2012
AFTER ORAL HEARING	30.8%	28.9%	34.1%	28.7%	28.5%	26.4%	25.1%	18.8%
AFTER SUBMISSION	69.2%	71.1%	65.9%	63.7%	71.5%	73.6%	74.9%	74.0%
DISPOSED OF BY CONSOLIDATION	--	--	--	7.6%	--	--	--	7.2%

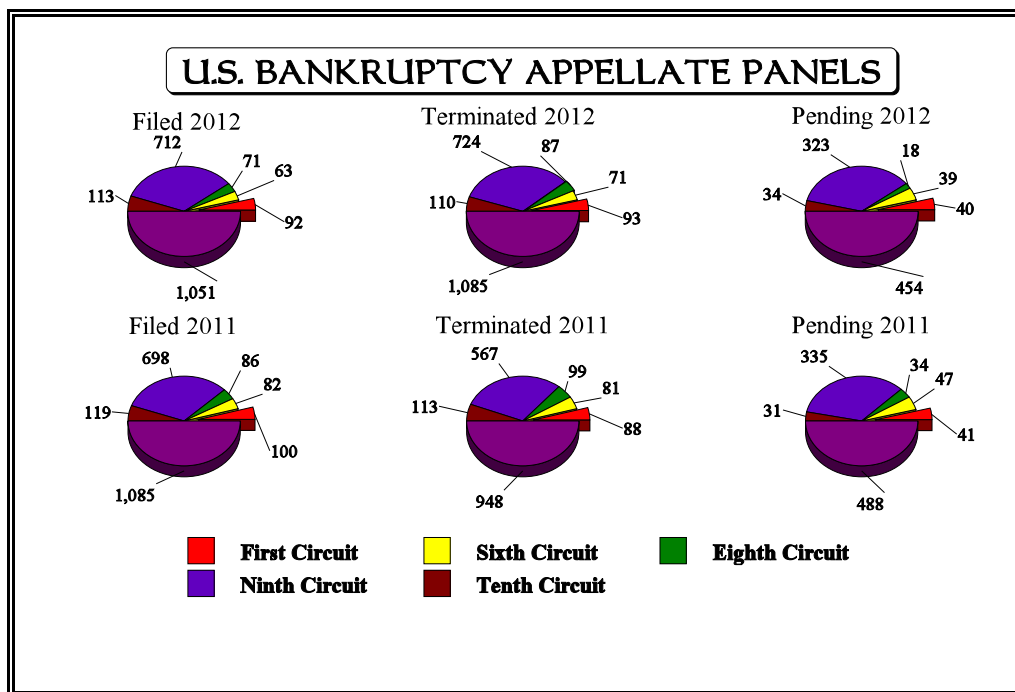


**STATISTICS**

**U.S. BANKRUPTCY**

**APPELLATE PANELS**

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



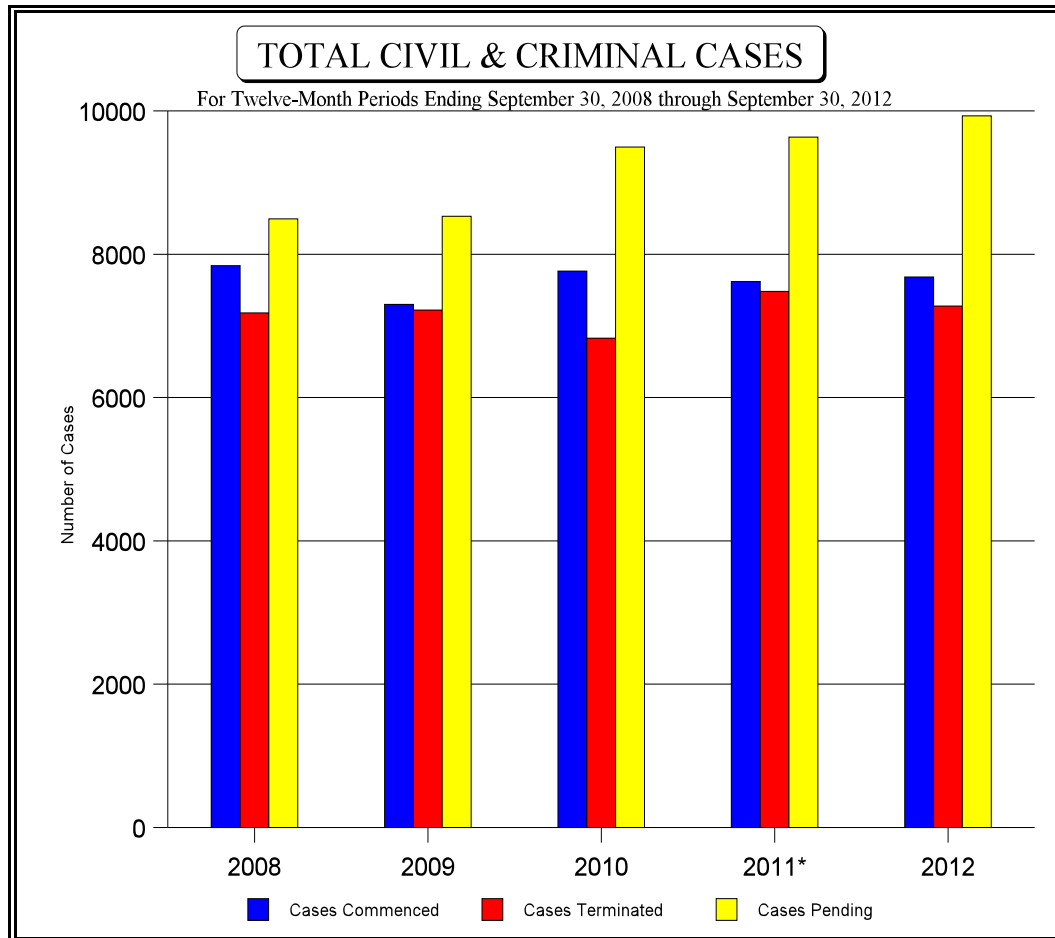
U.S. BANKRUPTCY APPELLATE PANELS DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2011 AND 2012									
	Filed			Terminated			Pending		
	2011	2012	% Change	2011	2012	% Change	2011	2012	% Change
FIRST CIRCUIT	100	92	-8.0	88	93	5.7	41	40	-2.4
SIXTH CIRCUIT	82	63	-23.2	81	71	-12.3	47	39	-17.0
EIGHTH CIRCUIT	86	71	-17.4	99	87	-12.1	34	18	-47.1
NINTH CIRCUIT	698	712	2.0	567	724	27.7	335	323	-3.6
TENTH CIRCUIT	119	113	-5.0	113	110	-2.7	31	34	9.7
TOTAL	1,085	1,051	-3.1	948	1,085	14.5	488	454	-7.0

**STATISTICS**

**FIRST CIRCUIT**

**DISTRICT COURTS**

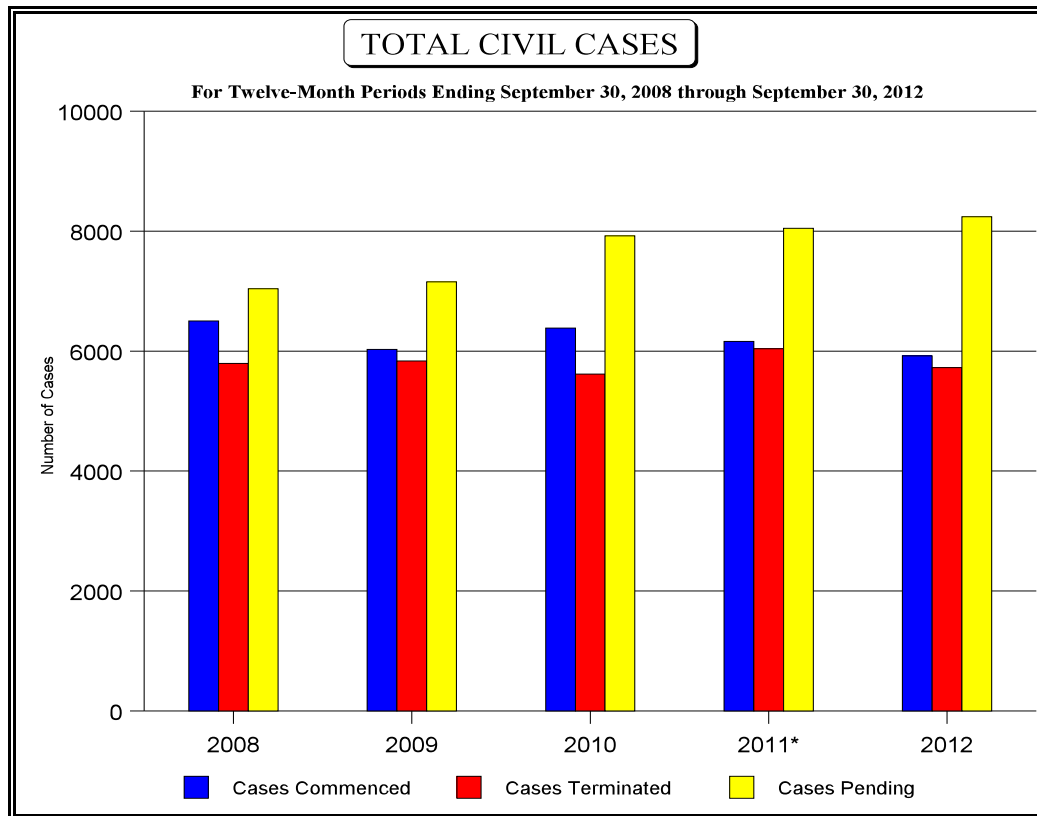
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL & CRIMINAL CASES FROM 2008 THROUGH 2012					
	2008	2009	2010	2011*	2012
CASES COMMENCED	7,840	7,301	7,764	7,619	7,683
CASES TERMINATED	7,180	7,222	6,829	7,482	7,277
CASES PENDING	8,493	8,557	9,497	9,630	9,931

\*Pending caseload for 2011 revised by the Administrative Office of the U.S. Courts.

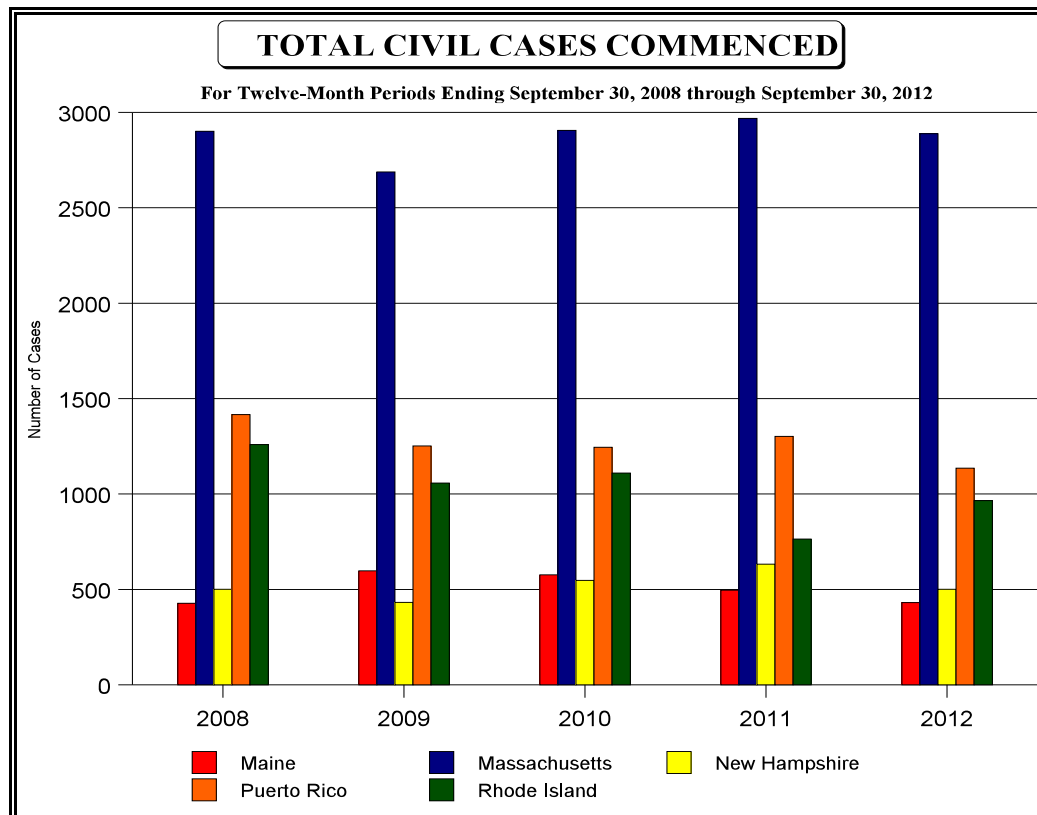
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL CASES FROM 2008 THROUGH 2012					
	2008	2009	2010	2011*	2012
CASES COMMENCED	6,504	6,027	6,385	6,162	5,922
CASES TERMINATED	5,794	5,835	5,618	6,038	5,726
CASES PENDING	7,038	7,153	7,924	8,044	8,240

\*Pending caseload for 2011 revised by the Administrative Office of the U.S. Courts.

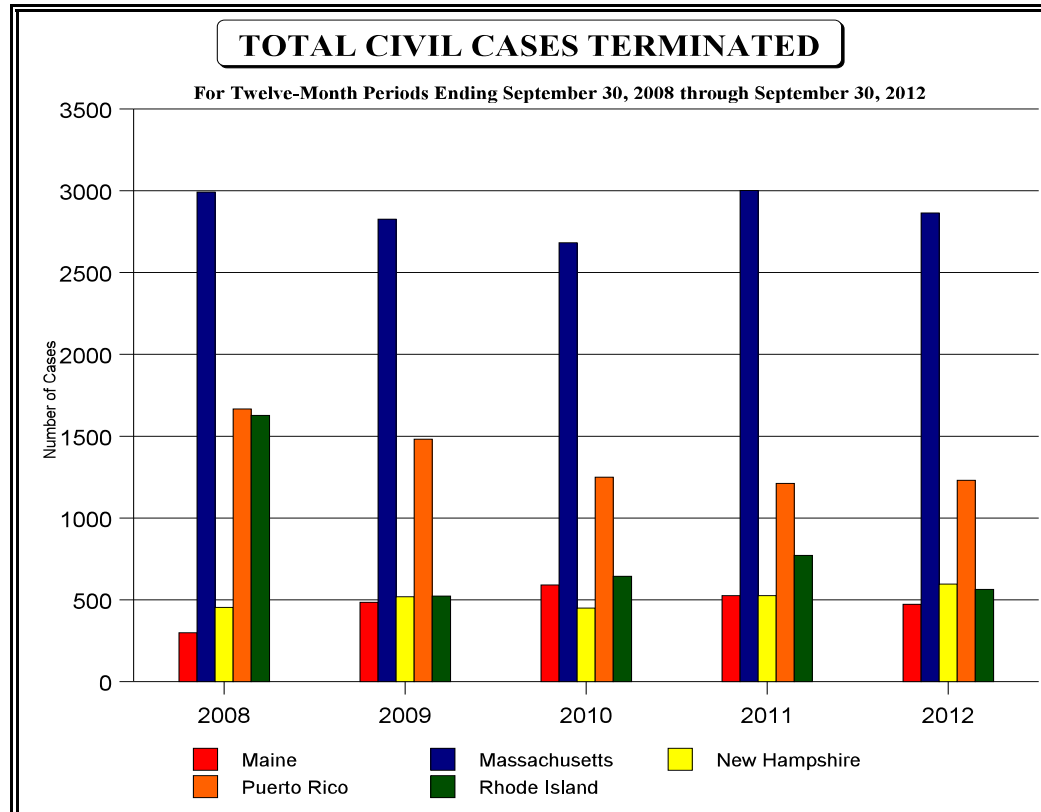
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### CIVIL CASES COMMENCED FROM 2008 THROUGH 2012

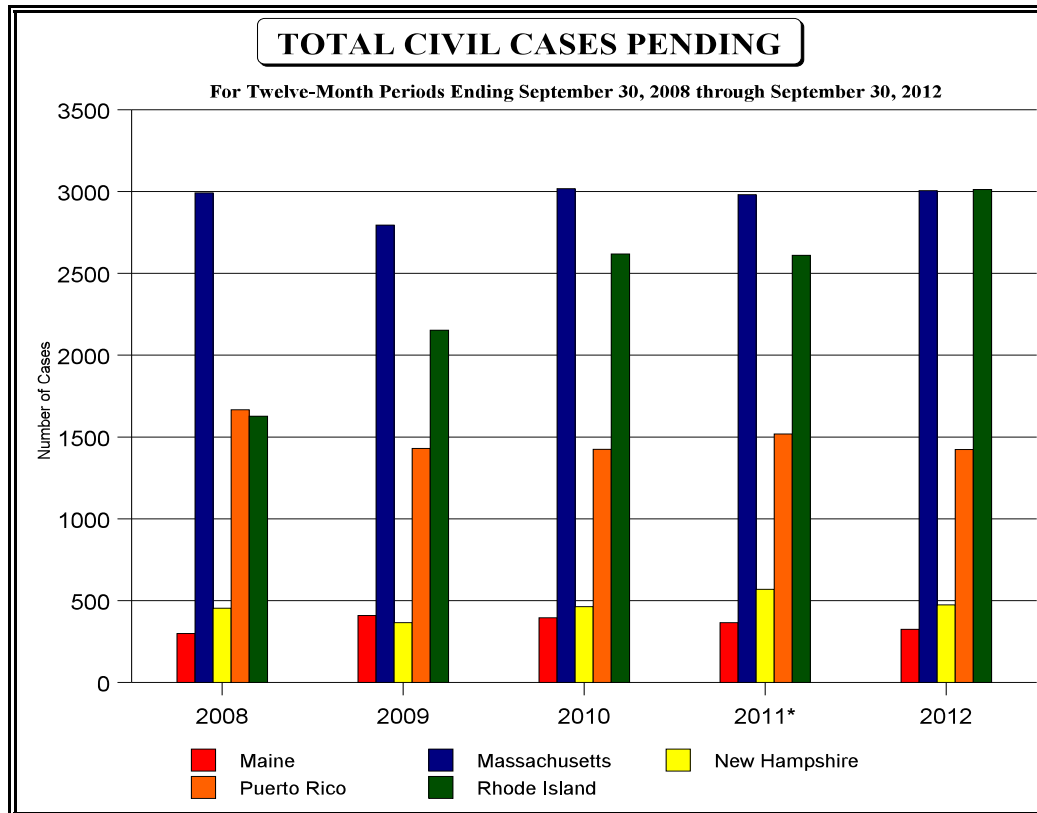
DISTRICTS	2008	2009	2010	2011	2012
MAINE	427	598	577	496	431
MASSACHUSETTS	2,901	2,688	2,906	2,968	2,888
NEW HAMPSHIRE	501	432	547	632	501
PUERTO RICO	1,416	1,252	1,245	1,302	1,136
RHODE ISLAND	1,259	1,057	1,110	764	966

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES TERMINATED FROM 2008 THROUGH 2012					
DISTRICTS	2008	2009	2010	2011	2012
MAINE	421	485	591	526	472
MASSACHUSETTS	2,985	2,826	2,683	3,002	2,864
NEW HAMPSHIRE	464	519	450	526	596
PUERTO RICO	1,461	1,482	1,250	1,212	1,230
RHODE ISLAND	463	523	644	772	564

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS

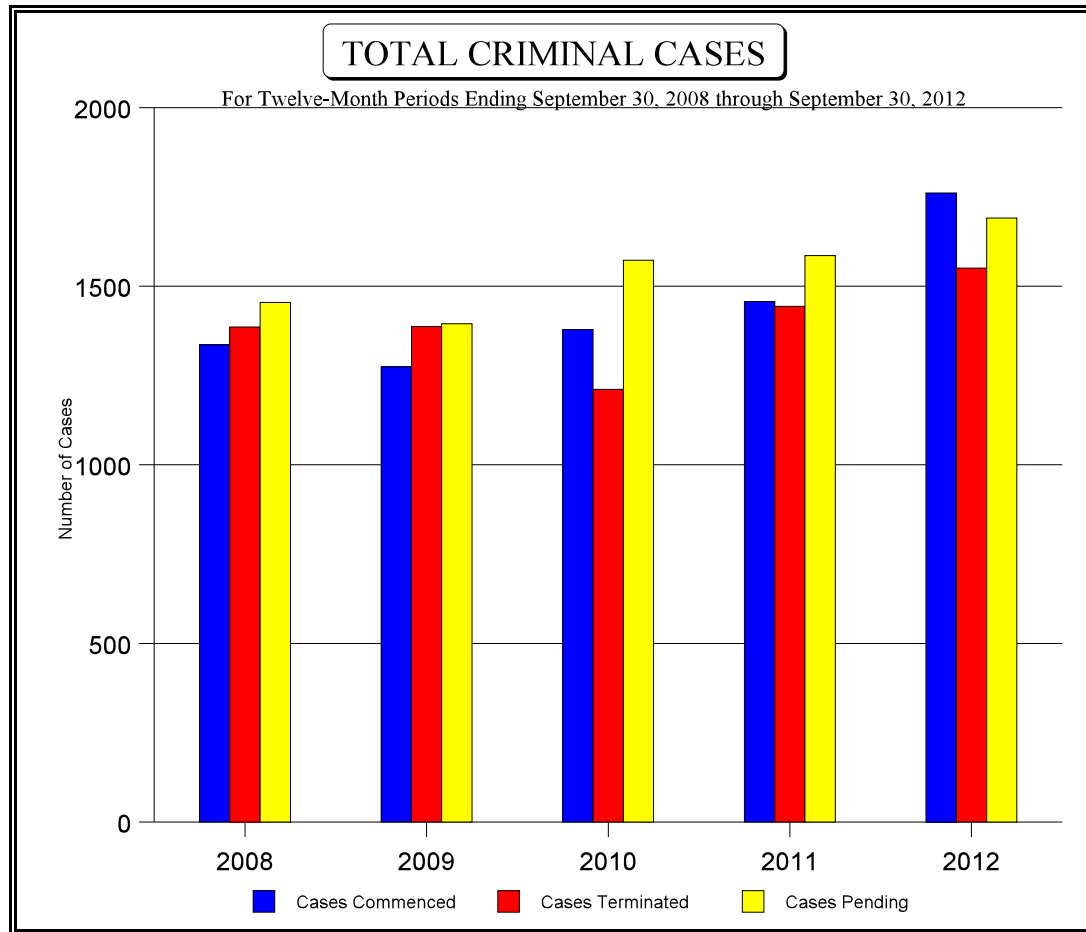


CIVIL CASES PENDING FROM 2008 THROUGH 2012					
DISTRICTS	2008	2009	2010	2011*	2012
MAINE	299	409	395	365	324
MASSACHUSETTS	2,992	2,795	3,018	2,981	3,005
NEW HAMPSHIRE	454	366	463	569	474
PUERTO RICO	1,666	1,430	1,425	1,518	1,424
RHODE ISLAND	1,627	2,153	2,619	2,611	3,013

\*Total civil cases pending in 2011 revised by the Administrative Office of the United States Courts.



## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS

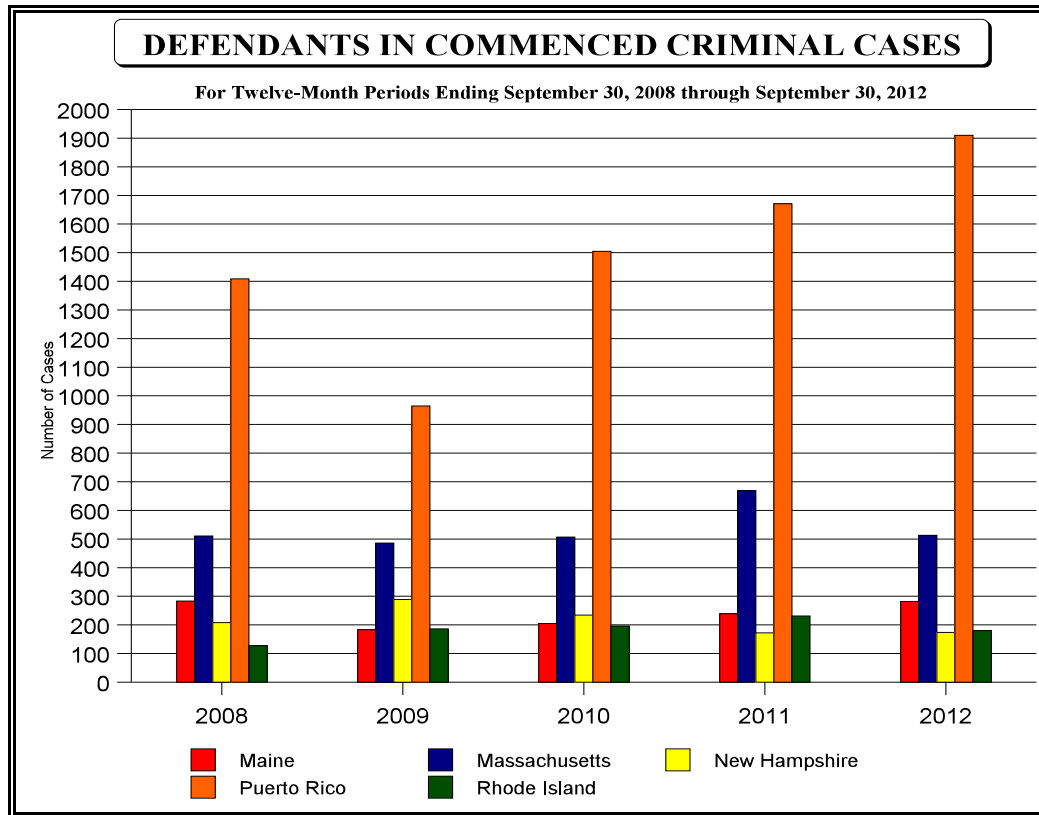


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### TOTAL CRIMINAL CASES FROM 2008 THROUGH 2012

	2008	2009	2010	2011	2012
CASES COMMENCED	1,336	1,274	1,379	1,457	1,761
CASES TERMINATED	1,386	1,387	1,211	1,444	1,551
CASES PENDING	1,455	1,395	1,573	1,586	1,691

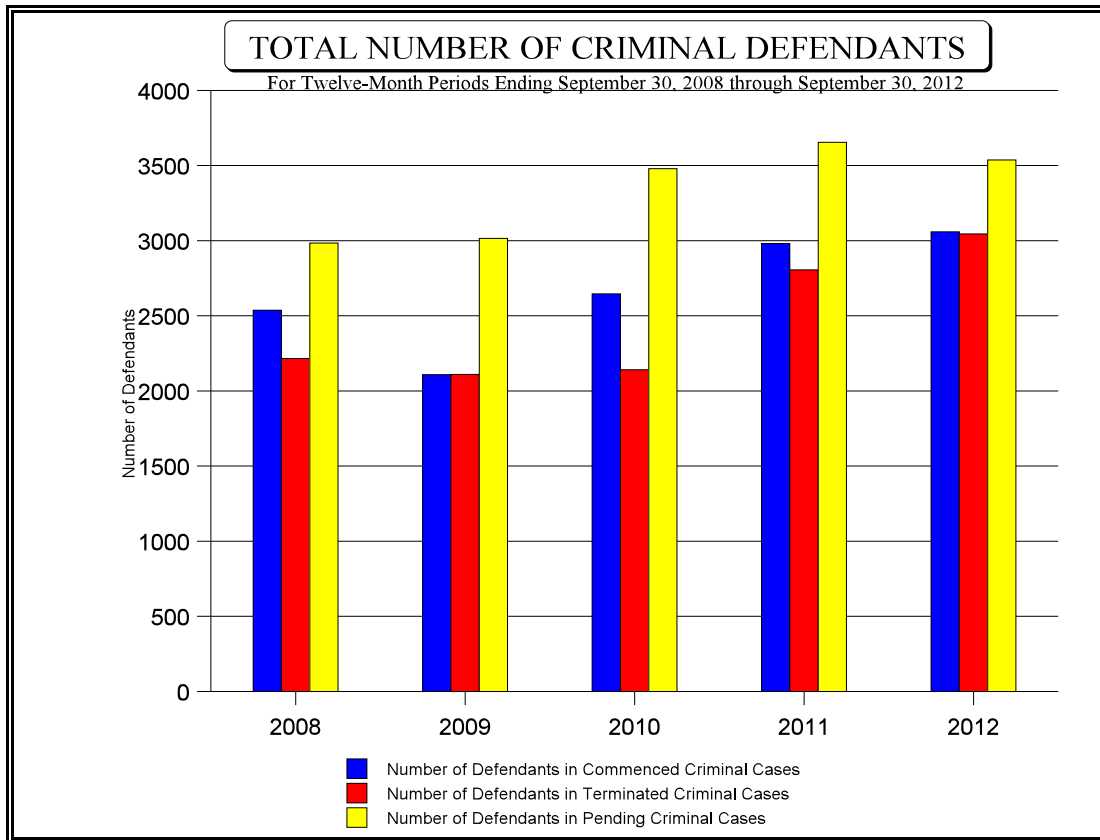
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### DEFENDANTS IN COMMENCED CRIMINAL CASES FROM 2008 THROUGH 2012

DISTRICTS	2008	2009	2010	2011	2012
MAINE	283	183	205	239	282
MASSACHUSETTS	511	486	507	669	513
NEW HAMPSHIRE	208	289	234	172	174
PUERTO RICO	1,409	965	1,505	1,671	1,910
RHODE ISLAND	127	186	196	231	180

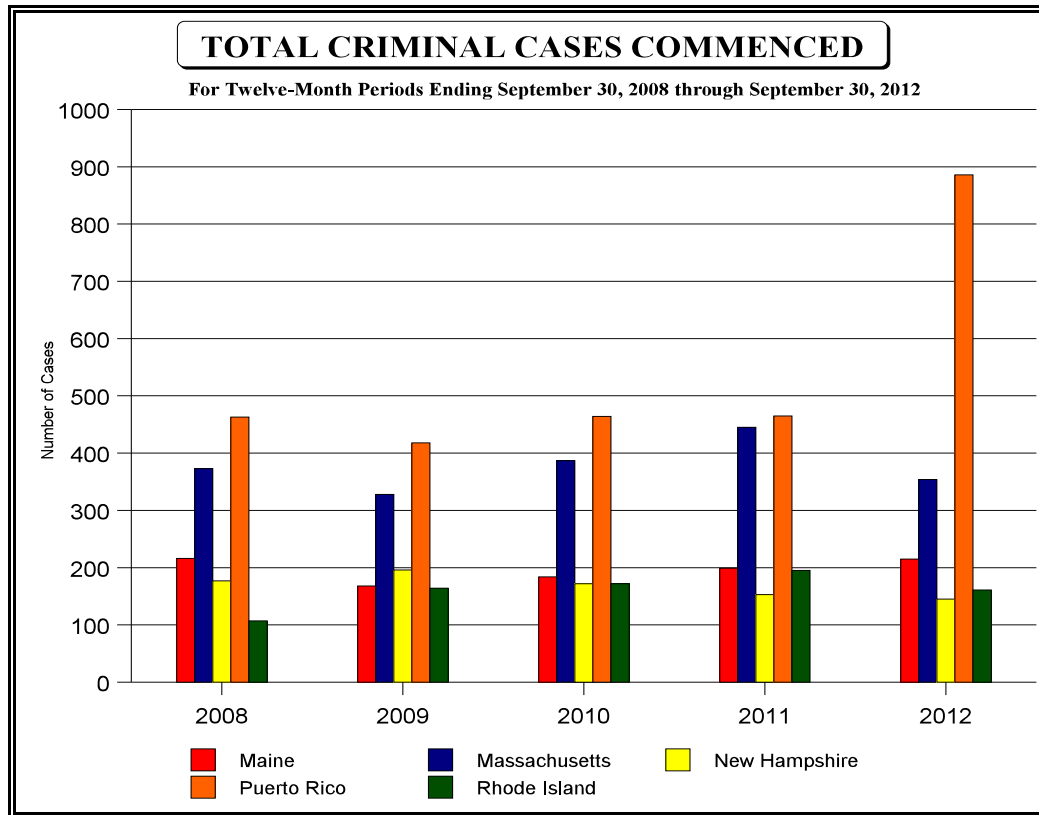
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### TOTAL NUMBER OF CRIMINAL DEFENDANTS FROM 2008 THROUGH 2012

	2008	2009	2010	2011	2012
NUMBER OF DEFENDANTS IN COMMENCED CRIMINAL CASES	2,538	2,109	2,647	2,982	3,059
NUMBER OF DEFENDANTS IN TERMINATED CRIMINAL CASES	2,216	2,110	2,141	2,806	3,045
NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES	2,985	3,016	3,479	3,655	3,538

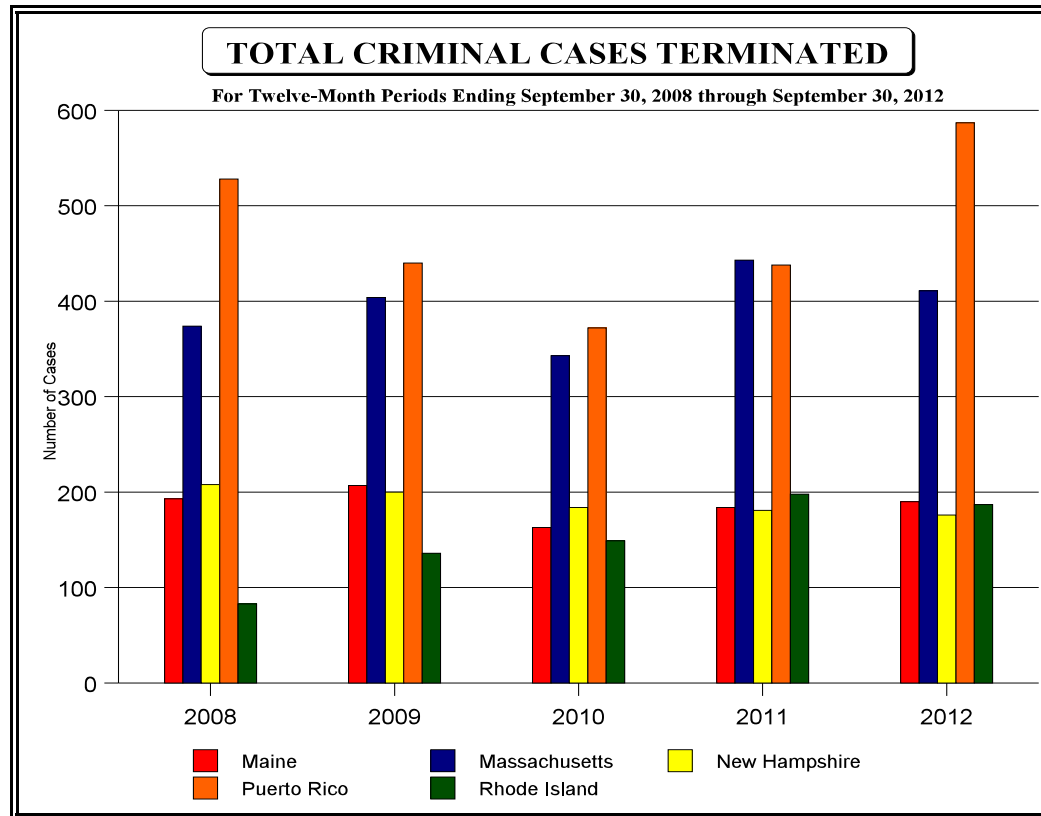
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### CRIMINAL CASES COMMENCED FROM 2008 THROUGH 2012

DISTRICTS	2008	2009	2010	2011	2012
MAINE	216	168	184	199	215
MASSACHUSETTS	373	328	387	445	354
NEW HAMPSHIRE	177	196	172	153	145
PUERTO RICO	463	418	464	465	886
RHODE ISLAND	107	164	172	195	161

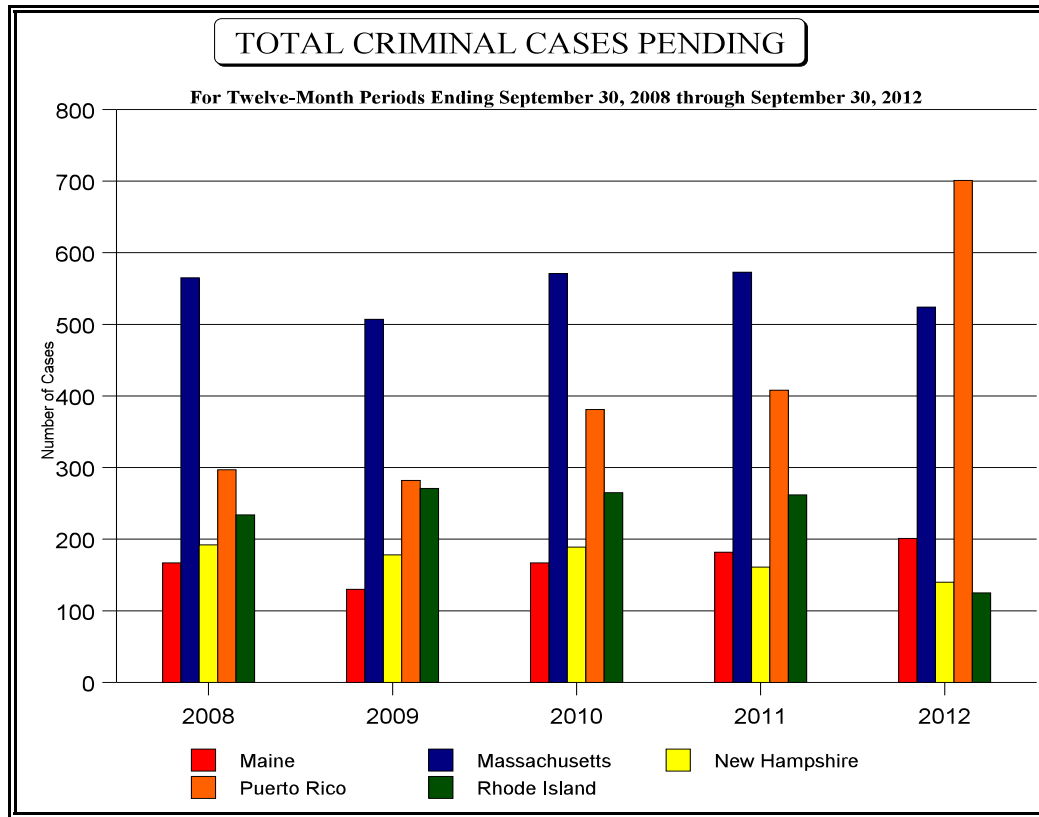
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### CRIMINAL CASES TERMINATED FROM 2008 THROUGH 2012

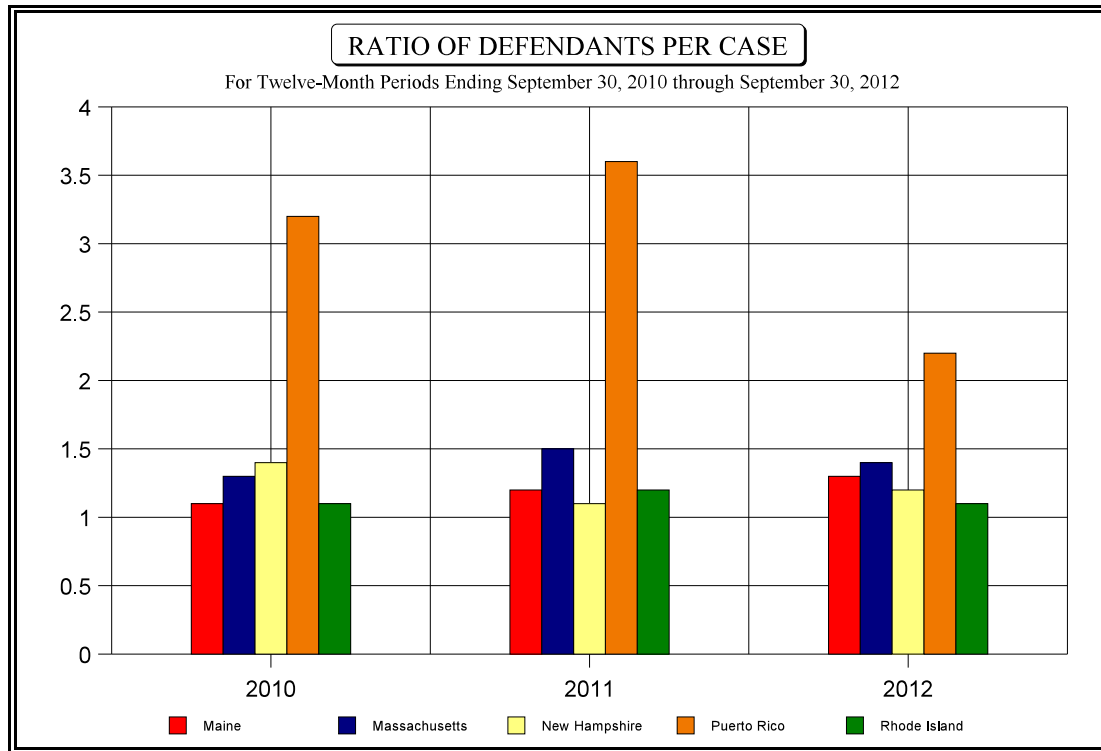
DISTRICTS	2008	2009	2010	2011	2012
MAINE	193	207	163	184	190
MASSACHUSETTS	374	404	343	443	411
NEW HAMPSHIRE	208	200	184	181	176
PUERTO RICO	528	440	372	438	587
RHODE ISLAND	83	136	149	198	187

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES PENDING FROM 2008 THROUGH 2012					
DISTRICTS	2008	2009	2010	2011	2012
MAINE	167	130	167	182	201
MASSACHUSETTS	565	507	571	573	524
NEW HAMPSHIRE	192	178	189	161	140
PUERTO RICO	297	282	381	408	701
RHODE ISLAND	234	271	265	262	125

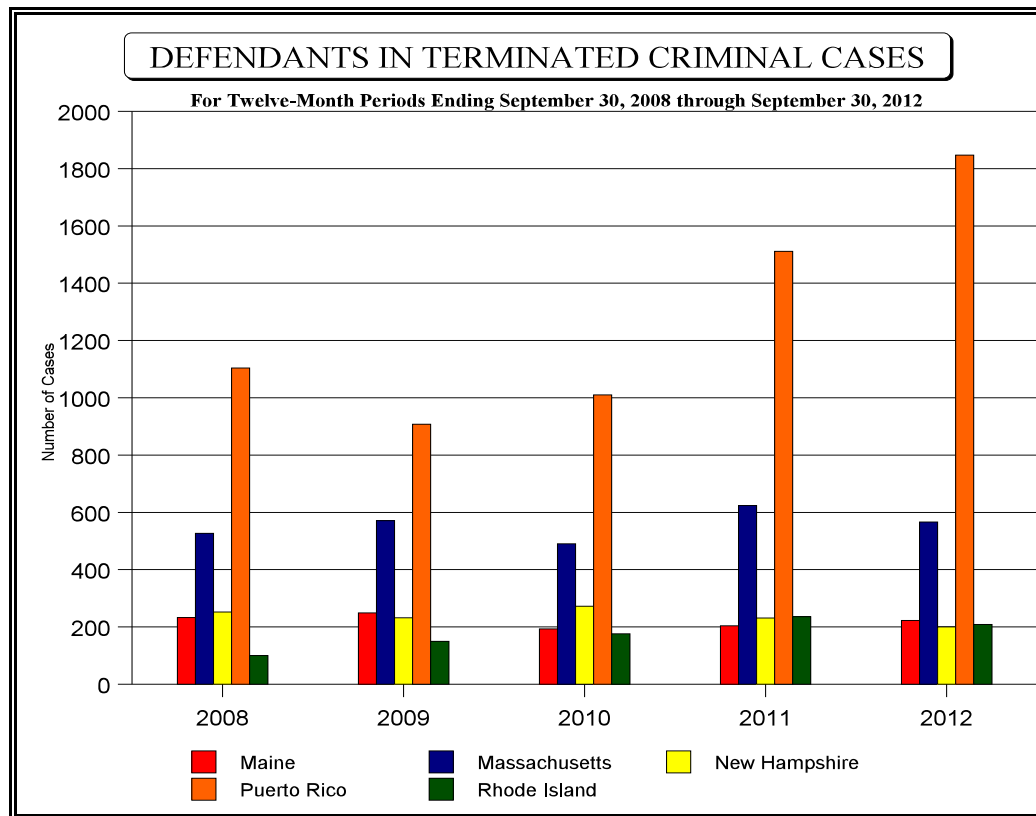
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### NUMBER OF CRIMINAL CASES FILED AND RATIO OF DEFENDANTS PER CASE 2010-2012

	<u>2010</u>		Average Number of Defs. per case	<u>2011</u>		Average Number of Defs. per case	<u>2012</u>		Average Number of Defs. per case
	Cases	Def.		Cases	Def.		Cases	Def.	
MAINE	184	205	1.1	199	239	1.2	215	282	1.3
MASSACHUSETTS	387	507	1.3	445	669	1.5	354	513	1.4
NEW HAMPSHIRE	172	234	1.4	153	172	1.1	145	174	1.2
PUERTO RICO	464	1,505	3.2	465	1,671	3.6	886	1,910	2.2
RHODE ISLAND	172	196	1.1	195	231	1.2	161	180	1.1

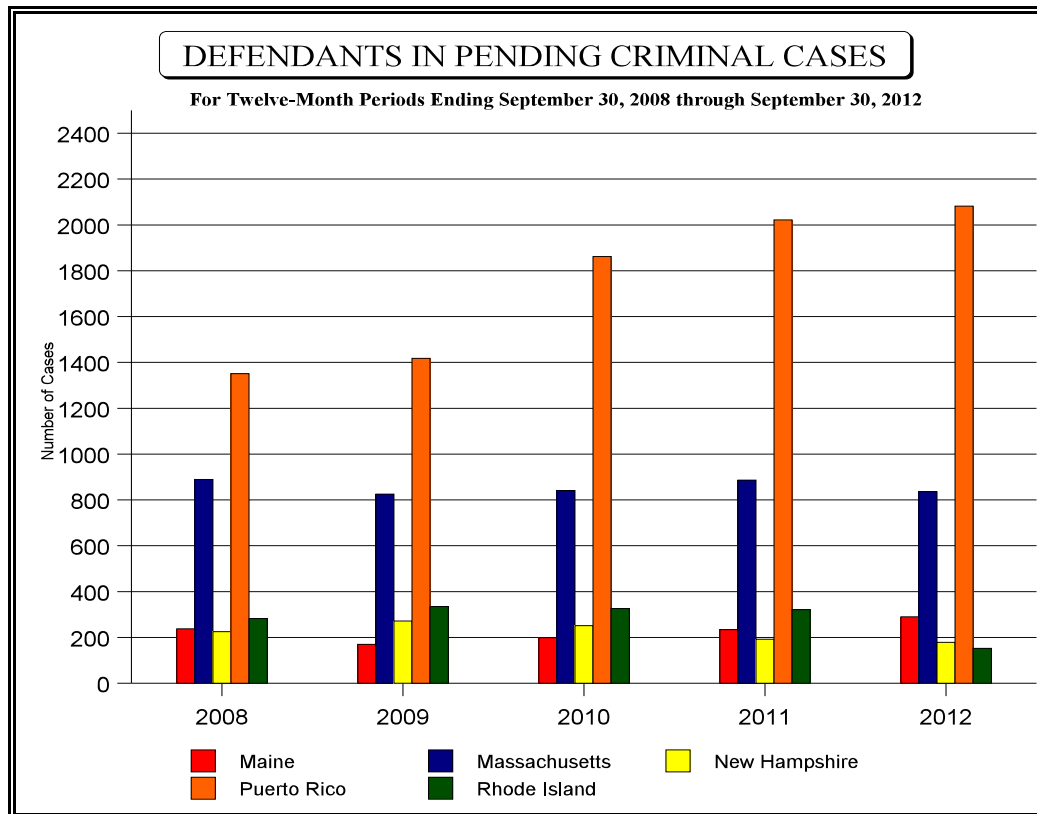
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN TERMINATED CRIMINAL CASES FROM 2008 THROUGH 2012					
DISTRICTS	2008	2009	2010	2011	2012
MAINE	233	249	193	204	223
MASSACHUSETTS	527	571	490	624	566
NEW HAMPSHIRE	252	232	272	231	200
PUERTO RICO	1,104	908	1,010	1,511	1,847
RHODE ISLAND	100	150	176	236	209



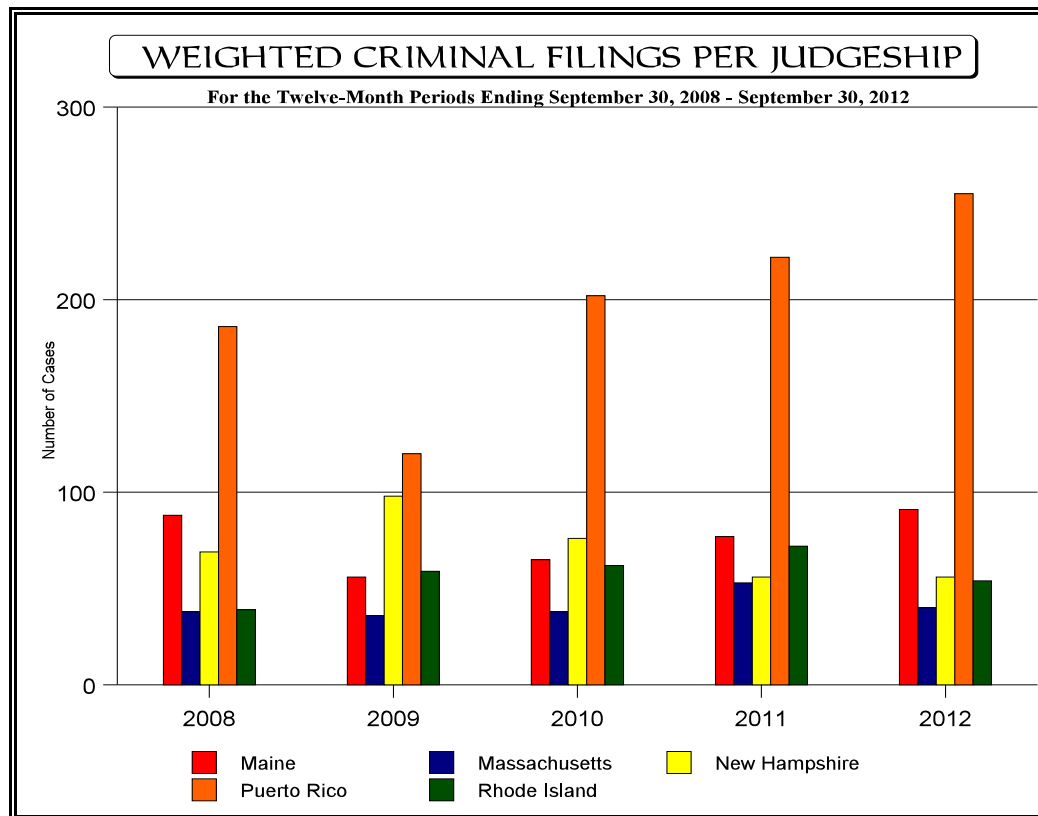
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### DEFENDANTS IN PENDING CRIMINAL CASES FROM 2008 THROUGH 2012

DISTRICTS	2008	2009	2010	2011	2012
MAINE	238	170	199	234	290
MASSACHUSETTS	889	825	841	886	836
NEW HAMPSHIRE	225	272	251	192	178
PUERTO RICO	1,351	1,418	1,862	2,022	2,082
RHODE ISLAND	282	335	326	321	152

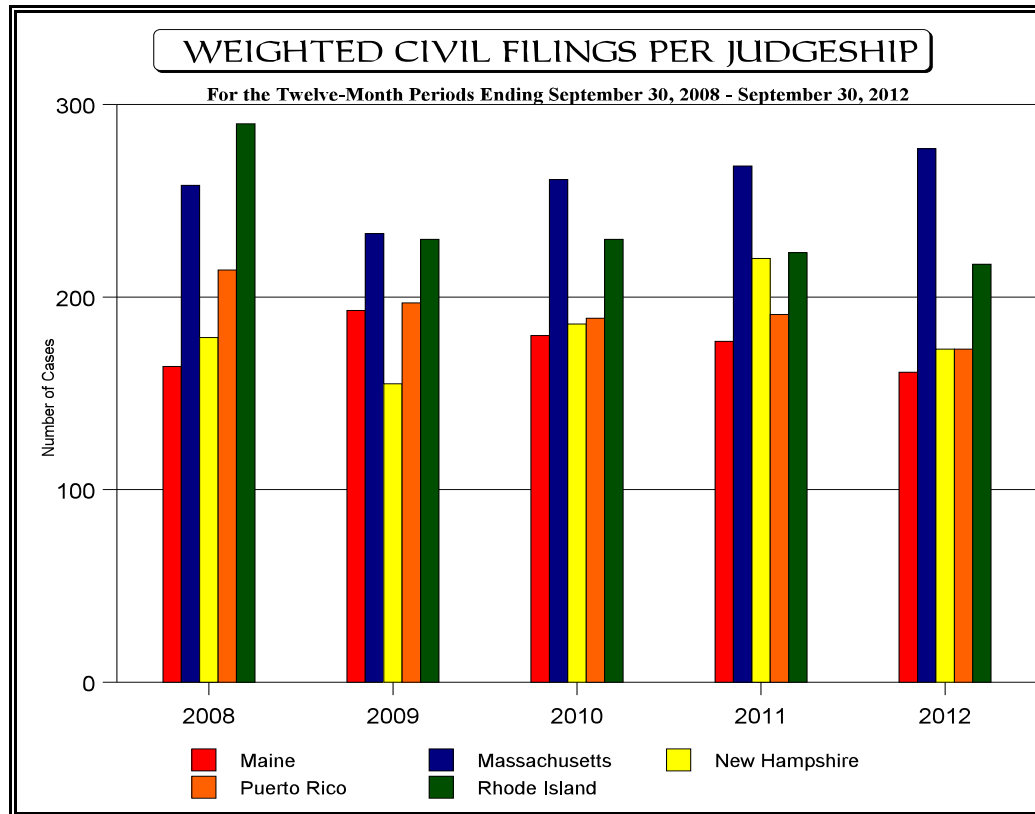
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### WEIGHTED CRIMINAL FILINGS PER JUDGESHIP FROM 2008 THROUGH 2012

DISTRICTS	JUDGESHIPS	2008	2009	2010	2011	2012
MAINE	3	88	56	65	77	91
MASSACHUSETTS	13	38	36	38	53	40
NEW HAMPSHIRE	3	69	98	76	56	56
PUERTO RICO	7	186	120	202	222	255
RHODE ISLAND	3	39	59	62	72	54

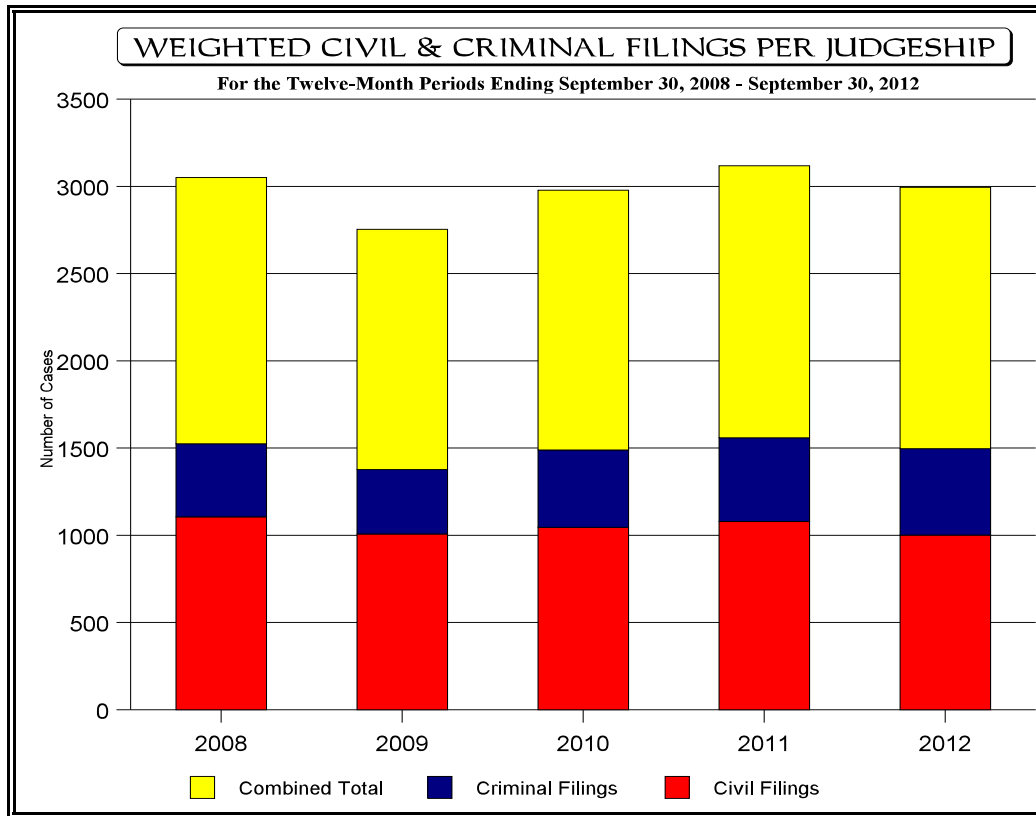
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### WEIGHTED CIVIL FILINGS PER JUDGESHIP FROM 2008 THROUGH 2012

DISTRICTS	JUDGESHIPS	2008	2009	2010	2011	2012
MAINE	3	164	193	180	177	161
MASSACHUSETTS	13	258	233	261	268	277
NEW HAMPSHIRE	3	179	155	186	220	173
PUERTO RICO	7	214	197	189	191	173
RHODE ISLAND	3	290	230	230	223	217

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



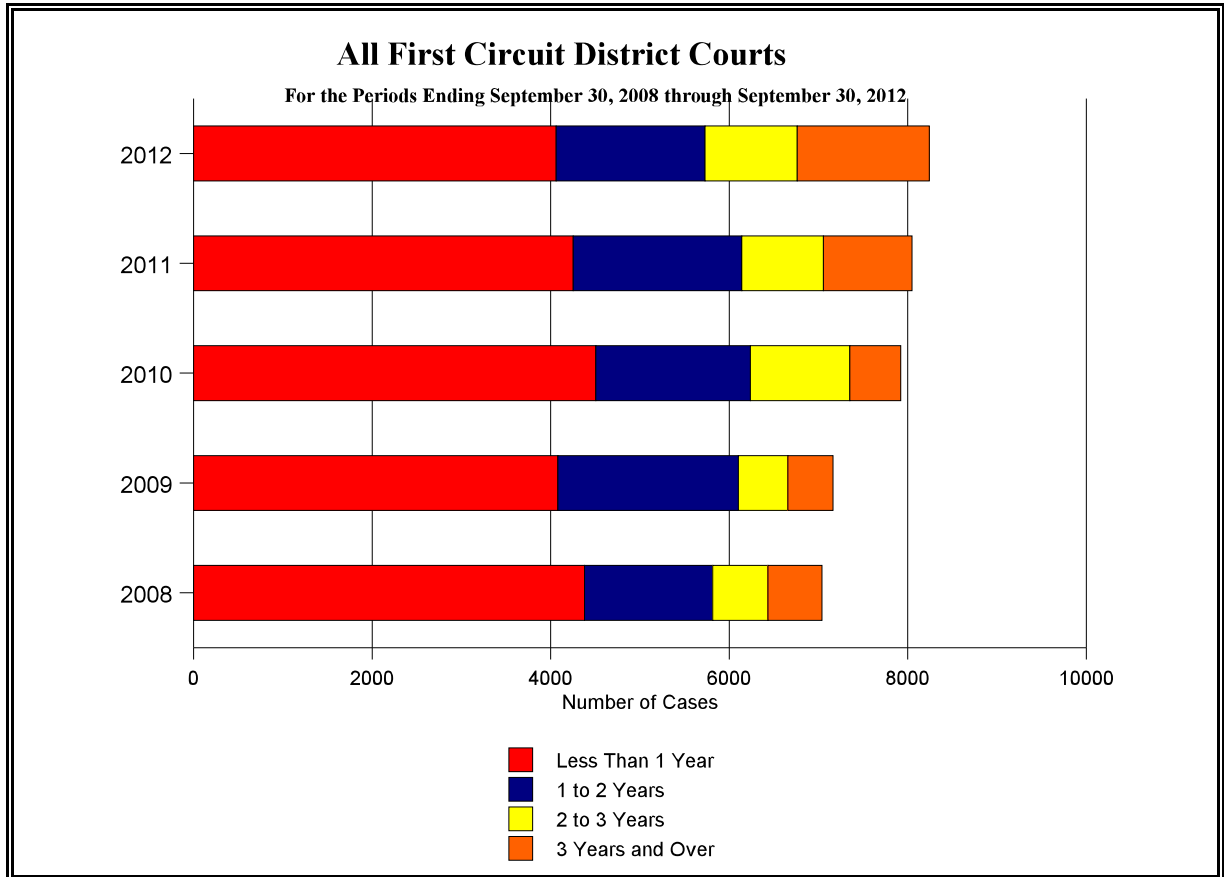
### WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP FROM 2008 THROUGH 2012

	2008	2009	2010	2011	2012
CIVIL FILINGS	1,105	1,008	1,046	1,079	1,001
CRIMINAL FILINGS	420	369	443	480	496
COMBINED TOTAL	1,525	1,377	1,489	1,559	1,497

## 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, 2008 THROUGH SEPTEMBER 30, 2012					
	2008	2009	2010	2011	2012
<b>DISTRICT OF MAINE</b>					
LESS THAN 1 YEAR	246	360	332	303	253
1 TO 2 YEARS	41	38	46	46	59
2 TO 3 YEARS	4	8	11	10	6
3 YEARS AND OVER	8	3	6	6	6
<b>DISTRICT OF MASSACHUSETTS</b>					
LESS THAN 1 YEAR	1,749	1,739	1,946	1,930	1,845
1 TO 2 YEARS	710	656	659	659	704
2 TO 3 YEARS	336	255	247	223	274
3 YEARS AND OVER	197	151	166	174	182
<b>DISTRICT OF NEW HAMPSHIRE</b>					
LESS THAN 1 YEAR	318	250	360	427	315
1 TO 2 YEARS	100	87	70	111	127
2 TO 3 YEARS	23	18	26	19	26
3 YEARS AND OVER	13	12	7	13	6
<b>DISTRICT OF PUERTO RICO</b>					
LESS THAN 1 YEAR	968	848	902	980	821
1 TO 2 YEARS	389	371	334	372	409
2 TO 3 YEARS	210	155	144	117	144
3 YEARS AND OVER	99	58	45	47	50
<b>DISTRICT OF RHODE ISLAND</b>					
LESS THAN 1 YEAR	1,098	882	964	612	827
1 TO 2 YEARS	197	872	625	700	369
2 TO 3 YEARS	44	117	685	546	583
3 YEARS AND OVER	288	282	345	753	1,234

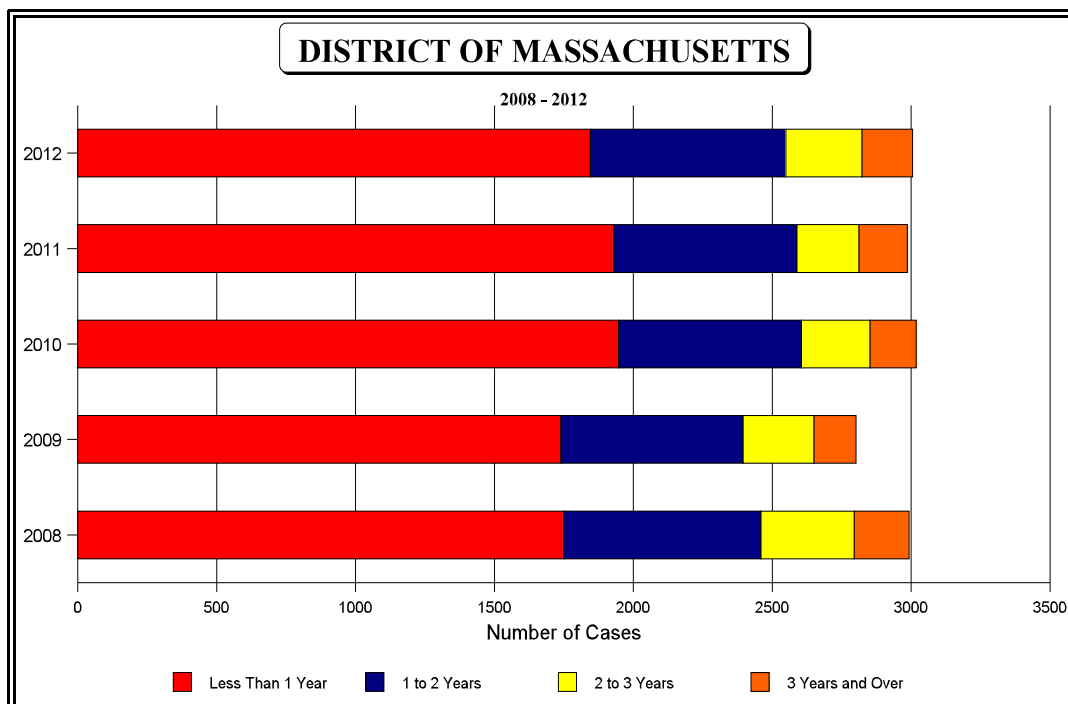
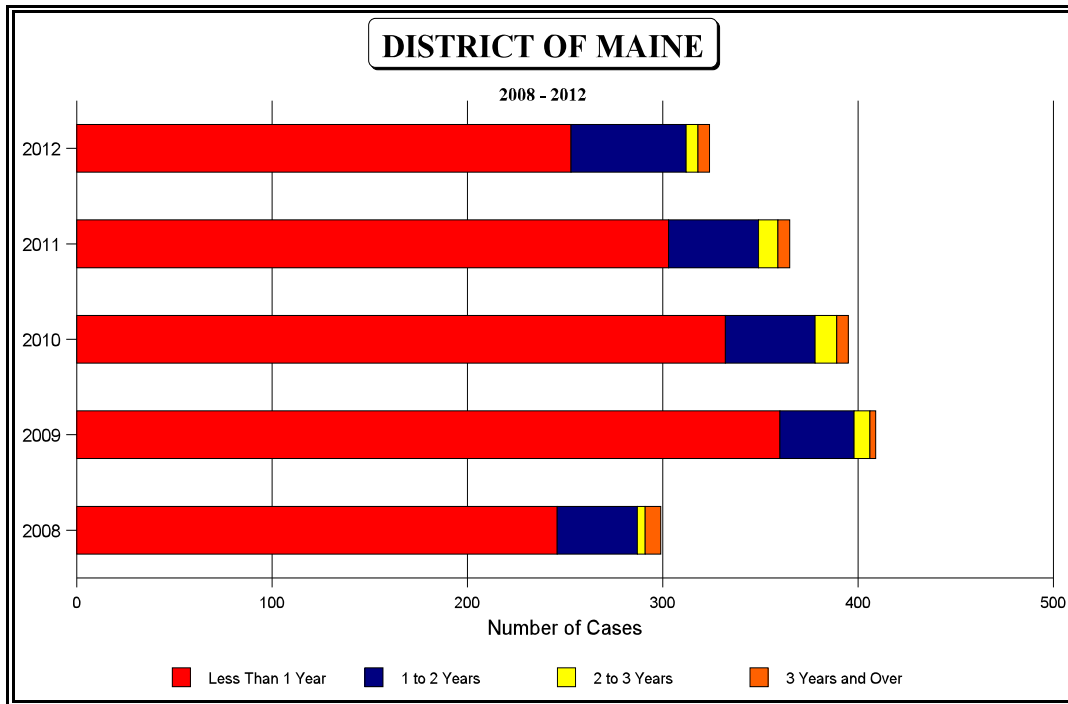
## COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



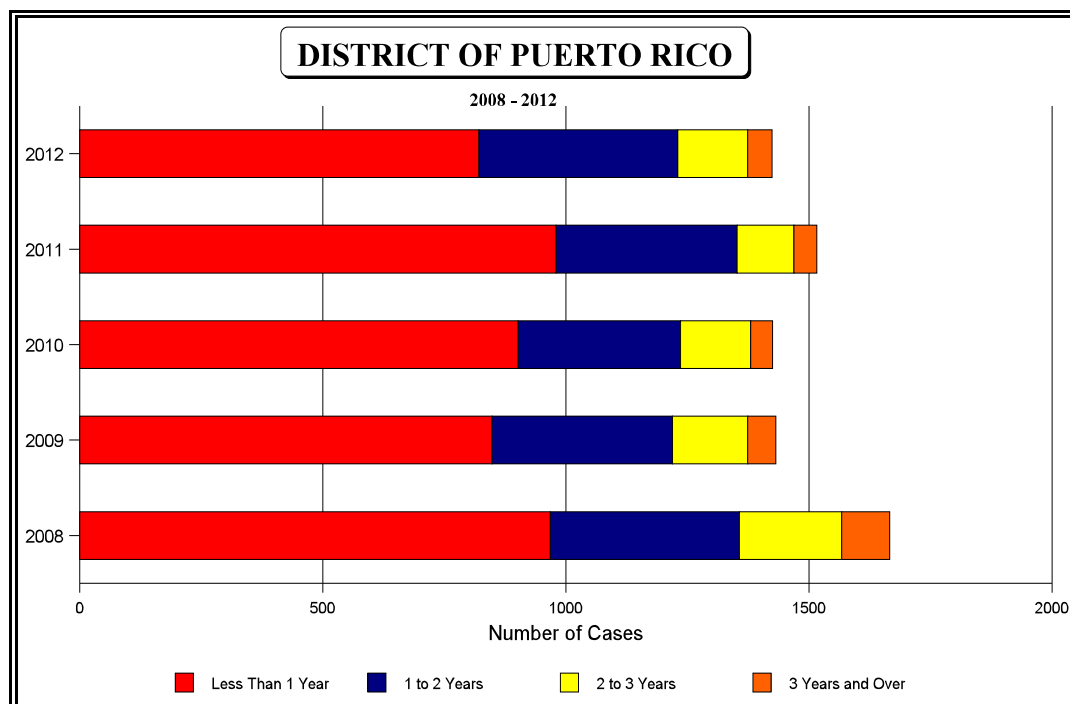
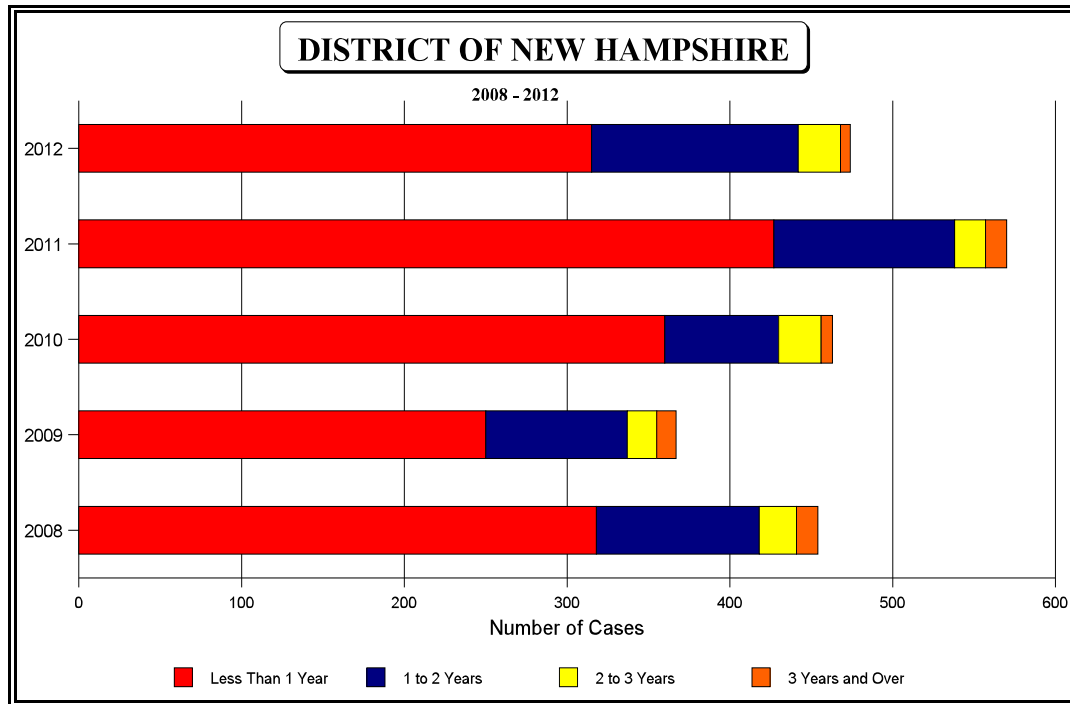
### CIVIL CASES PENDING AND LENGTH FROM 2008 THROUGH 2012

	2008	2009	2010	2011	2012
LESS THAN 1 YEAR	4,379 (62.2%)	4,079 (57%)	4,504 (56.9%)	4,252 (52.8%)	4,061 (49.3%)
1 TO 2 YEARS	1,437 (20.4%)	2,024 (28.3%)	1,734 (21.9%)	1,888 (23.5%)	1,668 (20.2%)
2 TO 3 YEARS	617 (8.8%)	553 (7.7%)	1,113 (14.1%)	915 (11.4%)	1,033 (12.5%)
3 YEARS AND OVER	605 (8.6%)	506 (7.1%)	569 (7.2%)	993 (12.3%)	1,478 (17.9%)

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

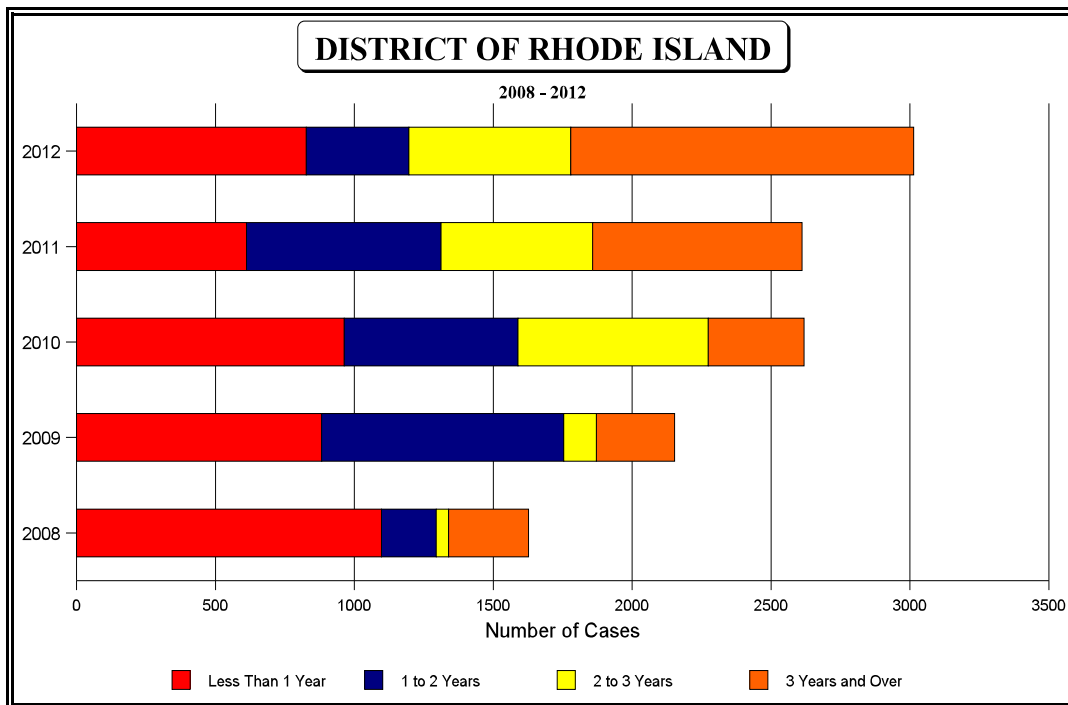


## COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



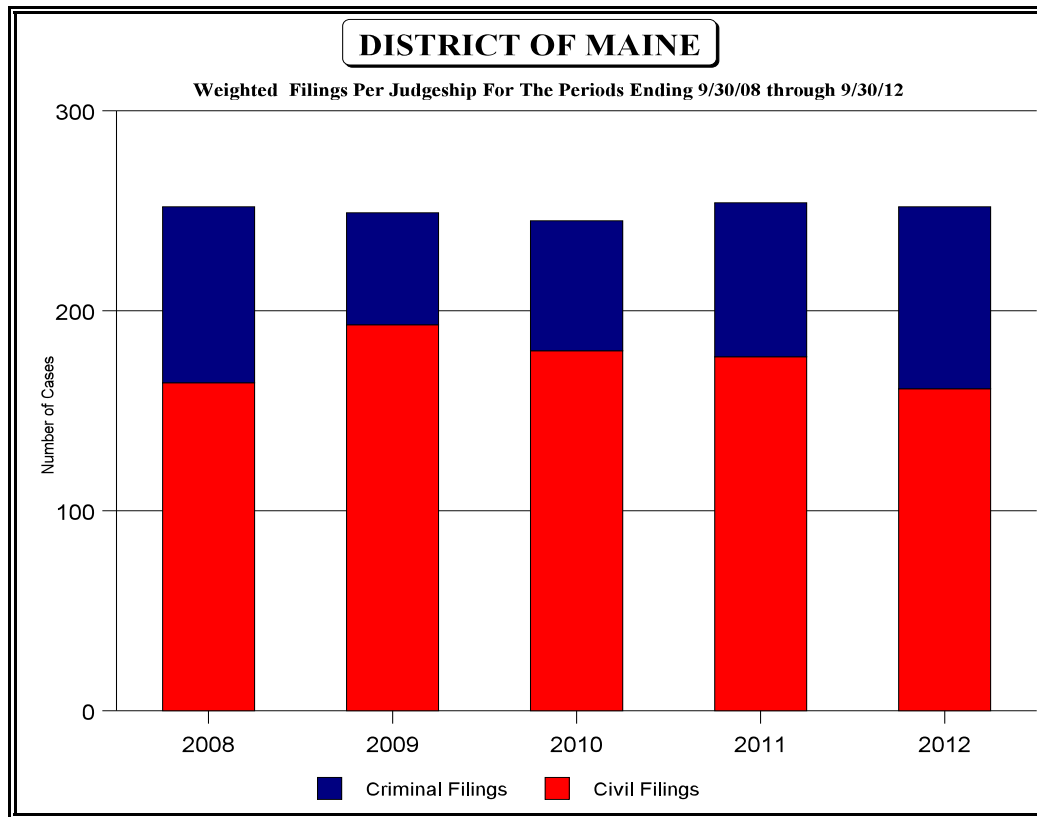


## COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



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

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



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

1789 • 1

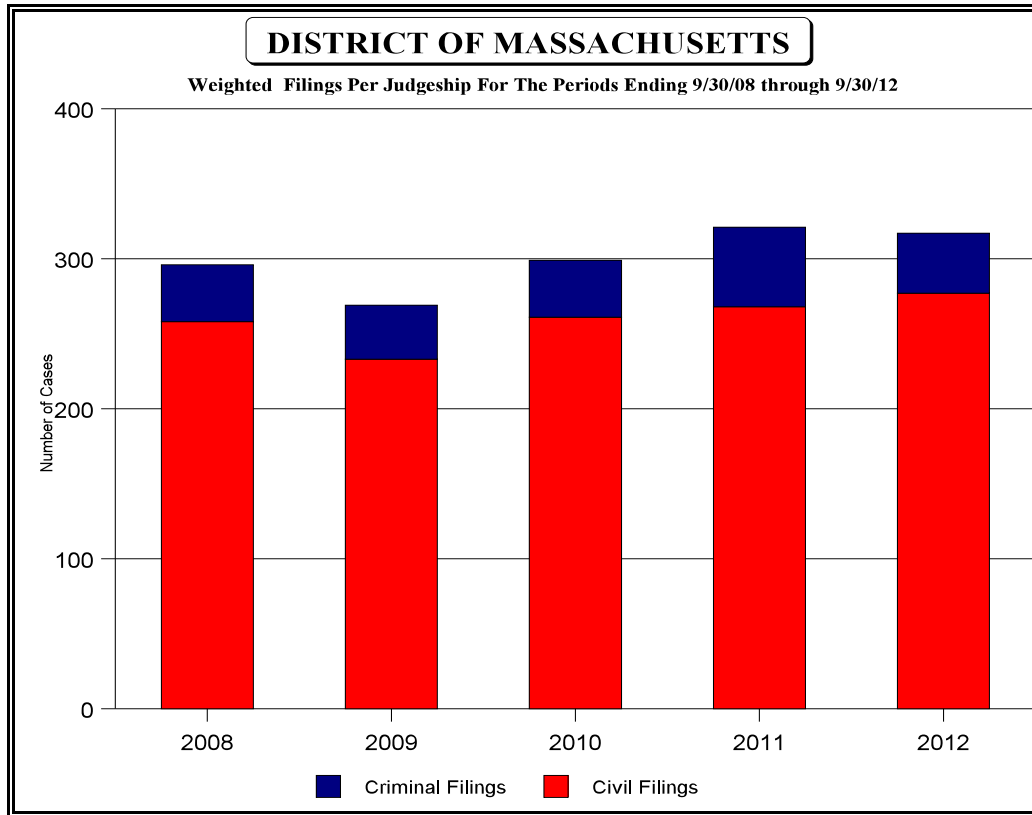
1978 • 2

1990 • 3

DISTRICT OF MAINE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2008 - 2012					
	2008	2009	2010	2011	2012
CIVIL FILINGS	164	193	180	177	161
CRIMINAL FILINGS	88	56	65	77	91
TOTAL FILINGS	252	251	245	254	252

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

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



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

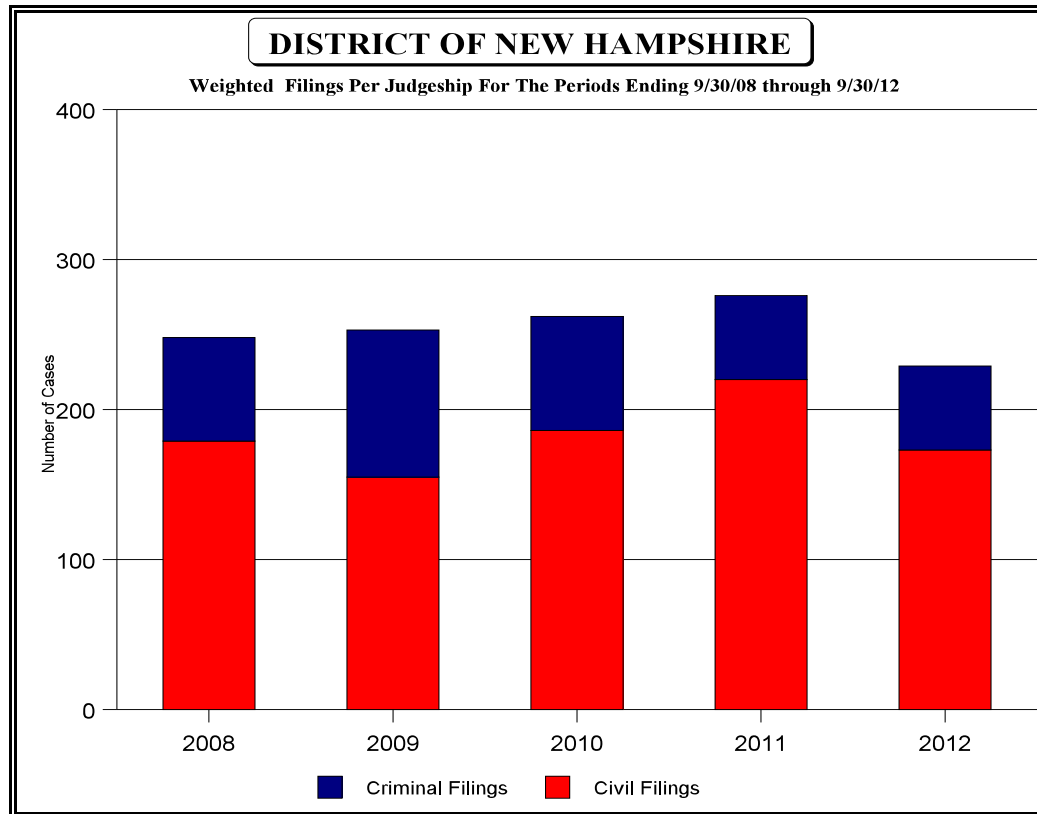
1789 • 1      1922 • 2      1938 • 4      1938 • 4  
1961 • 6      1978 • 10      1984 • 12      1990 • 13

### DISTRICT OF MASSACHUSETTS WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2008 - 2012

	2008	2009	2010	2011	2012
CIVIL FILINGS	258	233	261	268	277
CRIMINAL FILINGS	38	36	38	53	40
TOTAL FILINGS	296	272	299	321	317

**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

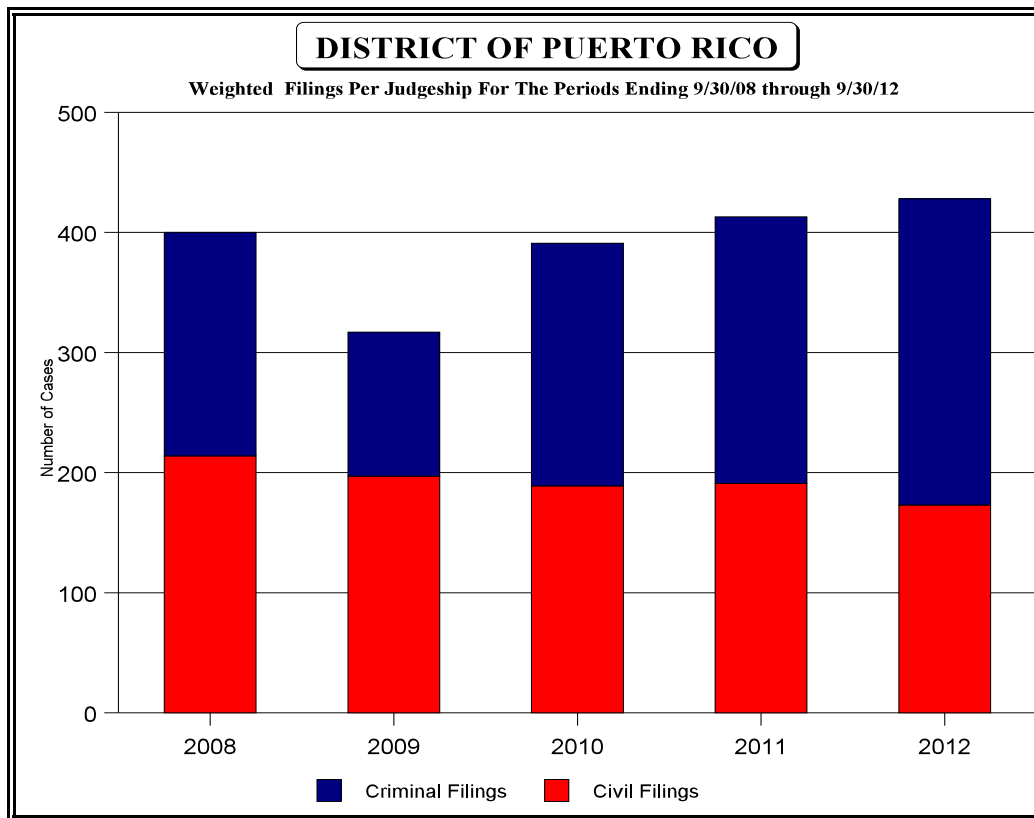
### DISTRICT OF NEW HAMPSHIRE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2008 - 2012

	2008	2009	2010	2011	2012
CIVIL FILINGS	179	155	186	220	173
CRIMINAL FILINGS	69	98	76	56	56
TOTAL FILINGS	248	253	262	276	229

**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

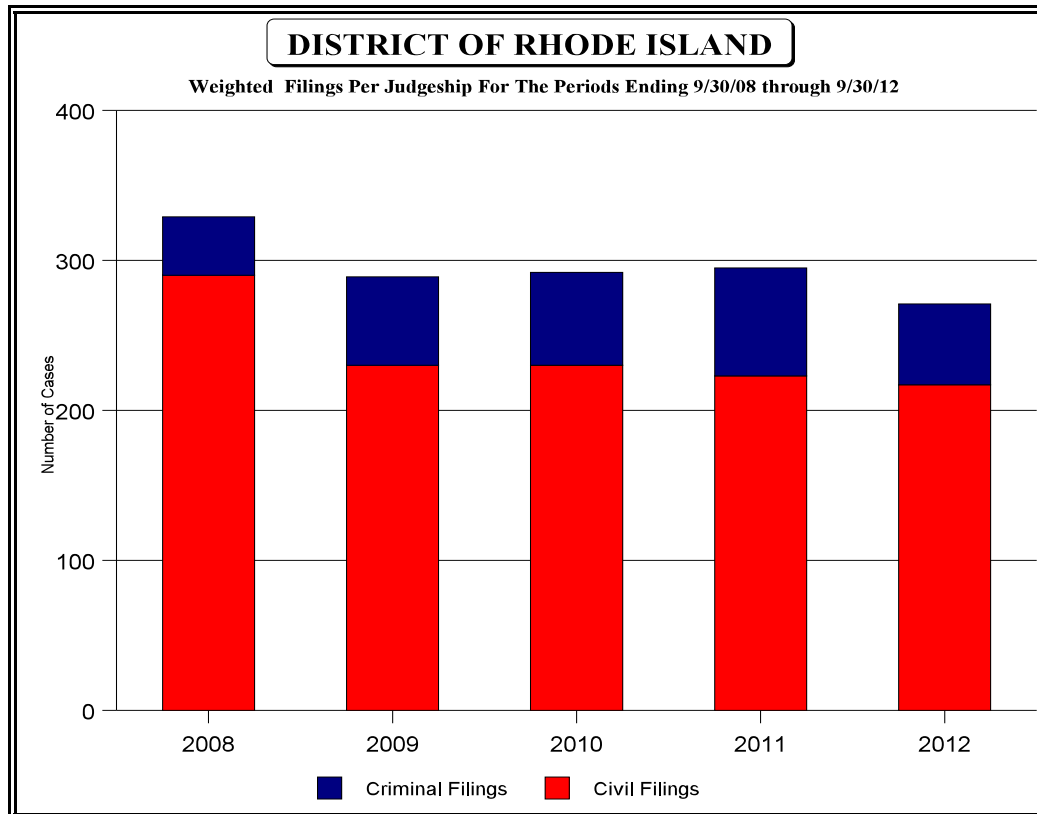
1970 • 3

1978 • 7

DISTRICT OF PUERTO RICO WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2008 - 2012					
	2008	2009	2010	2011	2012
CIVIL FILINGS	214	197	189	191	173
CRIMINAL FILINGS	186	120	202	222	255
TOTAL FILINGS	400	317	391	413	428

**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, 2008 - 2012

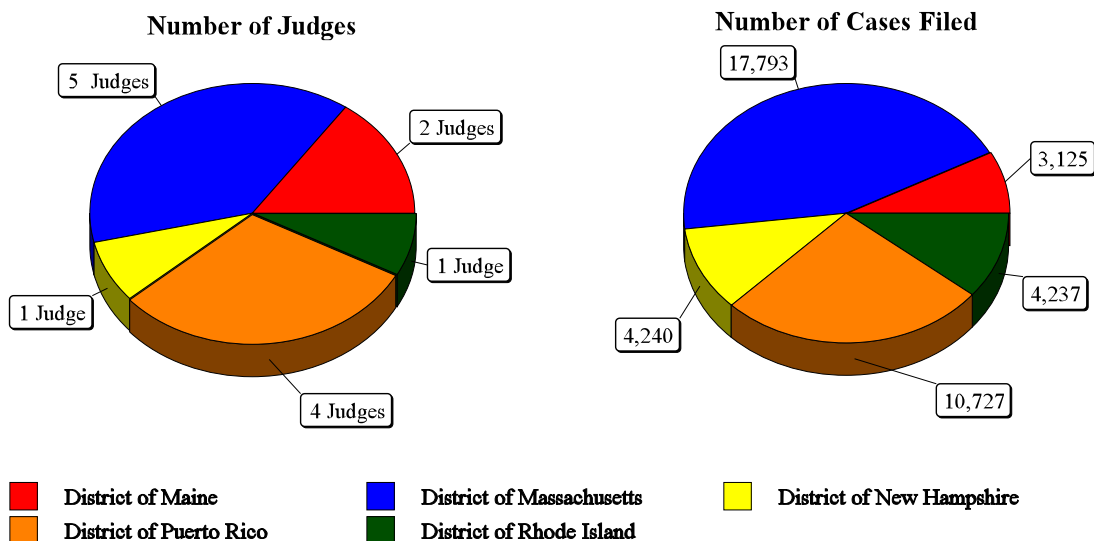
	2008	2009	2010	2011	2012
CIVIL FILINGS	290	230	230	223	217
CRIMINAL FILINGS	39	59	62	72	54
TOTAL FILINGS	329	289	292	295	271

**STATISTICS**  
**FIRST CIRCUIT**  
**BANKRUPTCY COURTS**

## BANKRUPTCY CASELOAD SUMMARY

### BANKRUPTCY JUDGESHIPS & CASES FILED

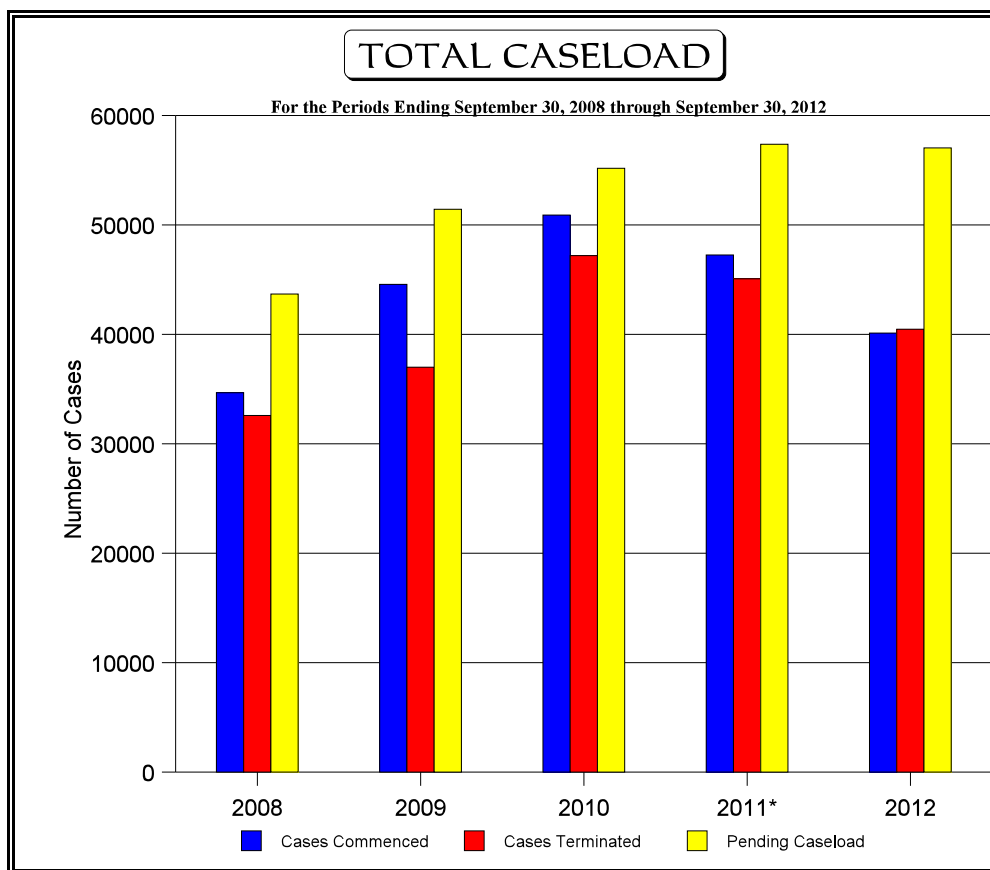
All Bankruptcy Courts within the First Circuit as of September 30, 2012



### NUMBER OF BANKRUPTCY JUDGES AND CASES FILED DURING THE TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2012

	Number of Judges	Cases Filed
DISTRICT OF MAINE	2	3,125
DISTRICT OF MASSACHUSETTS	5	17,793
DISTRICT OF NEW HAMPSHIRE	1	4,240
DISTRICT OF PUERTO RICO	4	10,727
DISTRICT OF RHODE ISLAND	1	4,237
FIRST CIRCUIT TOTALS	13	40,122

## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



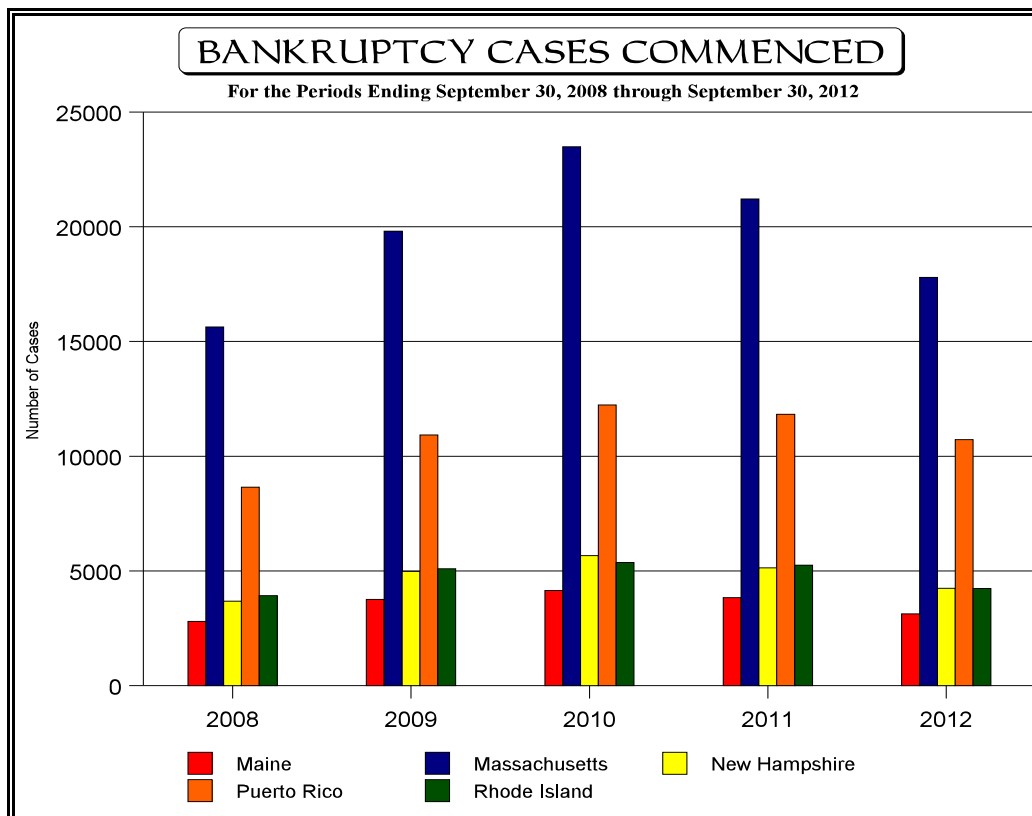
**Authorized Judgeships. . . . . 13**

### TOTAL BANKRUPTCY CASES 2008 - 2012

	2008	2009	2010	2011*	2012
CASES COMMENCED	34,676	44,560	50,902	47,252	40,122
CASES TERMINATED	32,597	37,006	47,199	45,075	40,475
PENDING CASELOAD	43,678	51,434	55,183	57,379	57,036

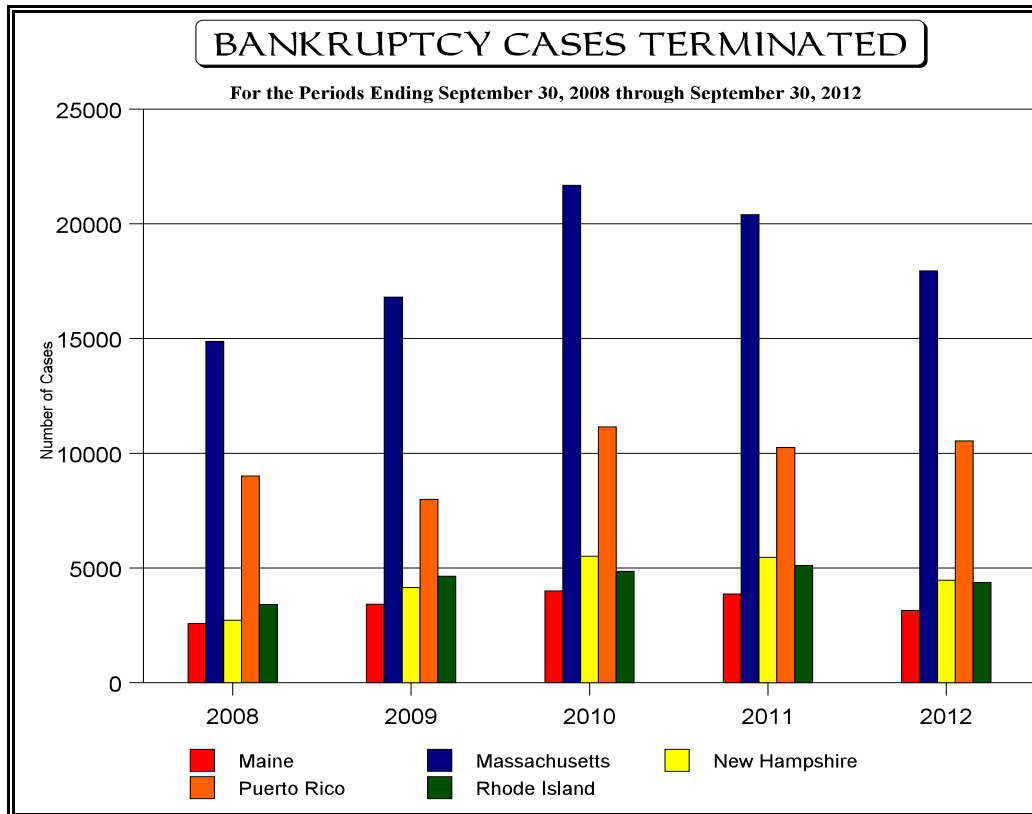
\*Pending caseload in 2011 revised by the Administrative Office of the United States Courts.

## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES COMMENCED 2008 -2012					
DISTRICTS	2008	2009	2010	2011	2012
MAINE	2,800	3,761	4,149	3,835	3,125 (-18.5%)
MASSACHUSETTS	15,636	19,805	23,485	21,208	17,793 (-16.1%)
NEW HAMPSHIRE	3,676	4,976	5,671	5,132	4,240 (-17.4%)
PUERTO RICO	8,645	10,922	12,232	11,827	10,727 (-9.3%)
RHODE ISLAND	3,919	5,096	5,365	5,250	4,237 (-19.3%)

## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

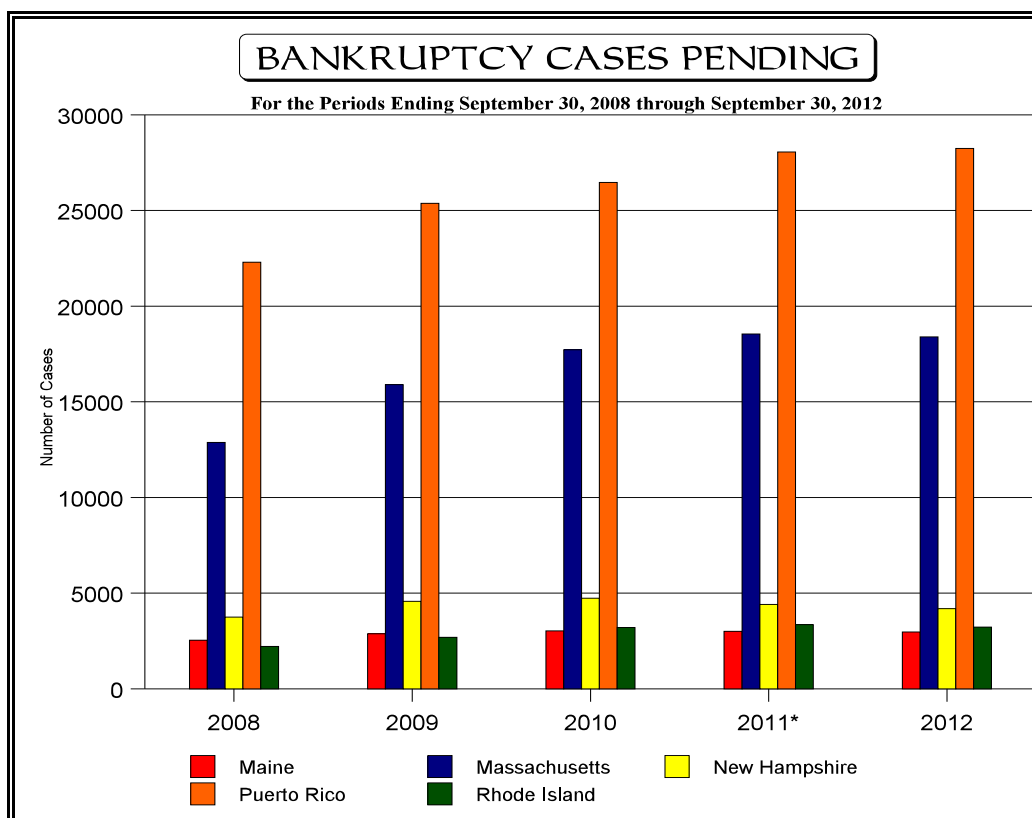


### BANKRUPTCY CASES TERMINATED 2008 - 2012

DISTRICTS	2008	2009	2010	2011	2012
MAINE	2,573	3,418	3,999	3,867	3,152
MASSACHUSETTS	14,880	16,809	21,676	20,399	17,947
NEW HAMPSHIRE	2,726	4,150	5,516	5,459	4,463
PUERTO RICO	9,007	7,994	11,153	10,245	10,542
RHODE ISLAND	3,411	4,635	4,855	5,105	4,371



## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



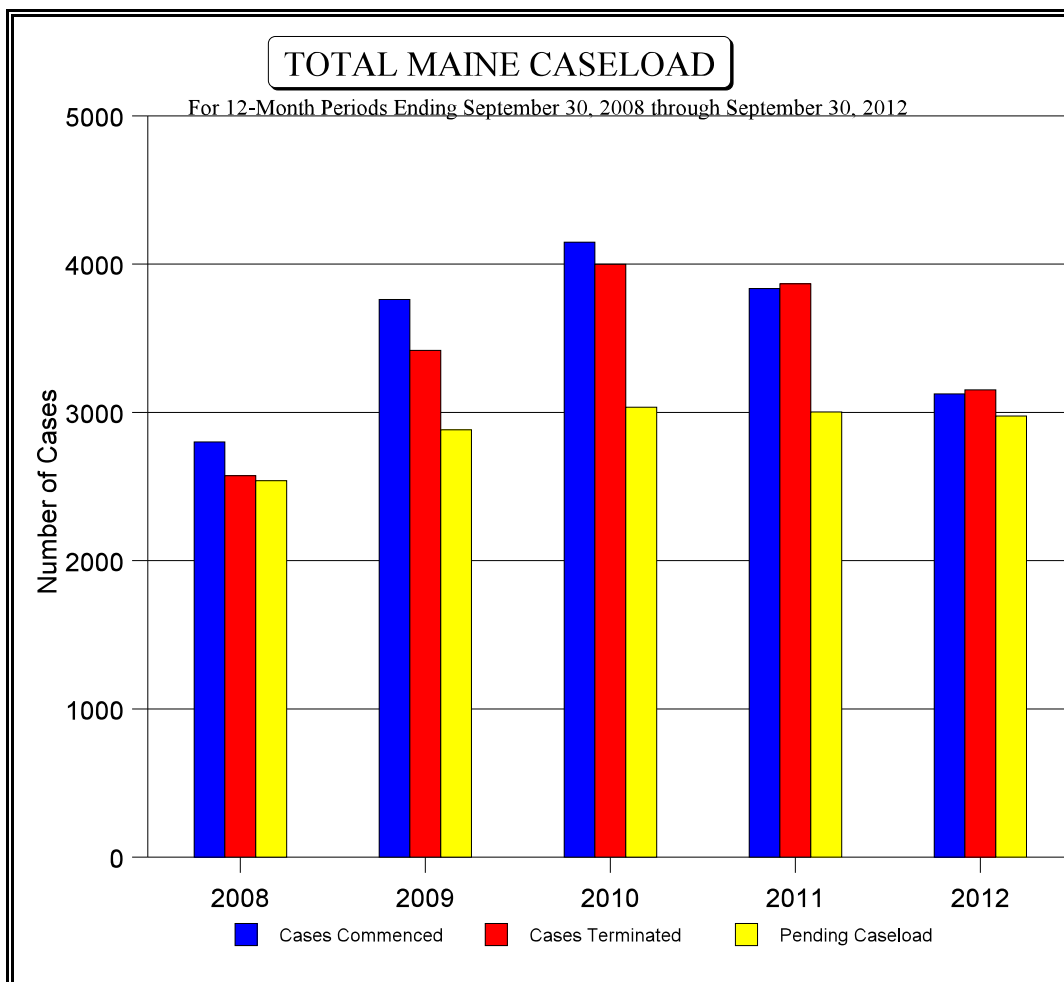
BANKRUPTCY CASES PENDING 2008 -2012					
DISTRICTS	2008	2009	2010	2011*	2012
MAINE	2,540	2,883	3,035	3,003	2,976
MASSACHUSETTS	12,875	15,904	17,725	18,545	18,401
NEW HAMPSHIRE	3,748	4,578	4,738	4,412	4,189
PUERTO RICO	22,296	25,374	26,475	28,062	28,247
RHODE ISLAND	2,219	2,695	3,210	3,357	3,223

\*Pending caseload in 2011 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**

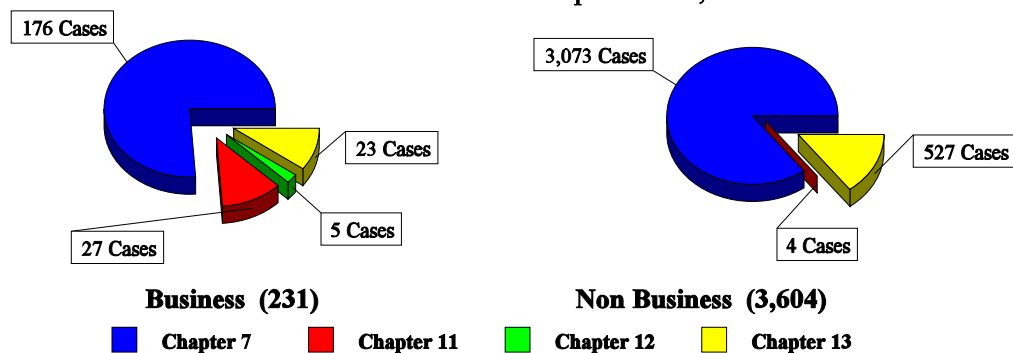
### TOTAL BANKRUPTCY CASES 2008 - 2012

	2008	2009	2010	2011	2012
CASES COMMENCED	2,800	3,761	4,149	3,835	3,125
CASES TERMINATED	2,573	3,418	3,999	3,867	3,152
PENDING CASELOAD	2,540	2,883	3,035	3,003	2,976

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE

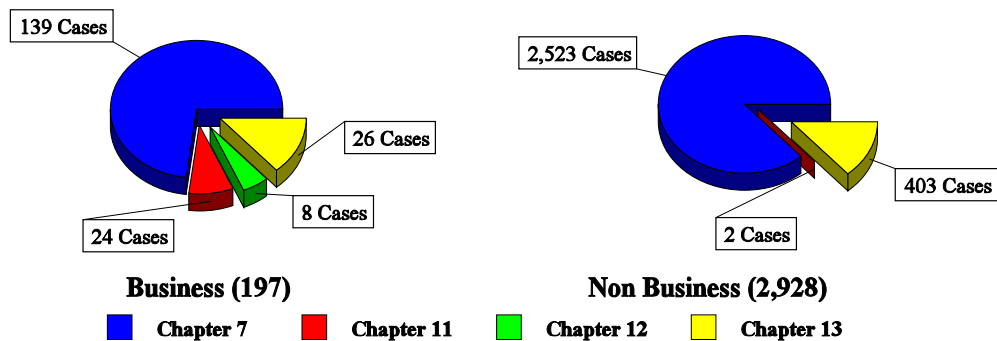
### 2011 Bankruptcy Filings

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



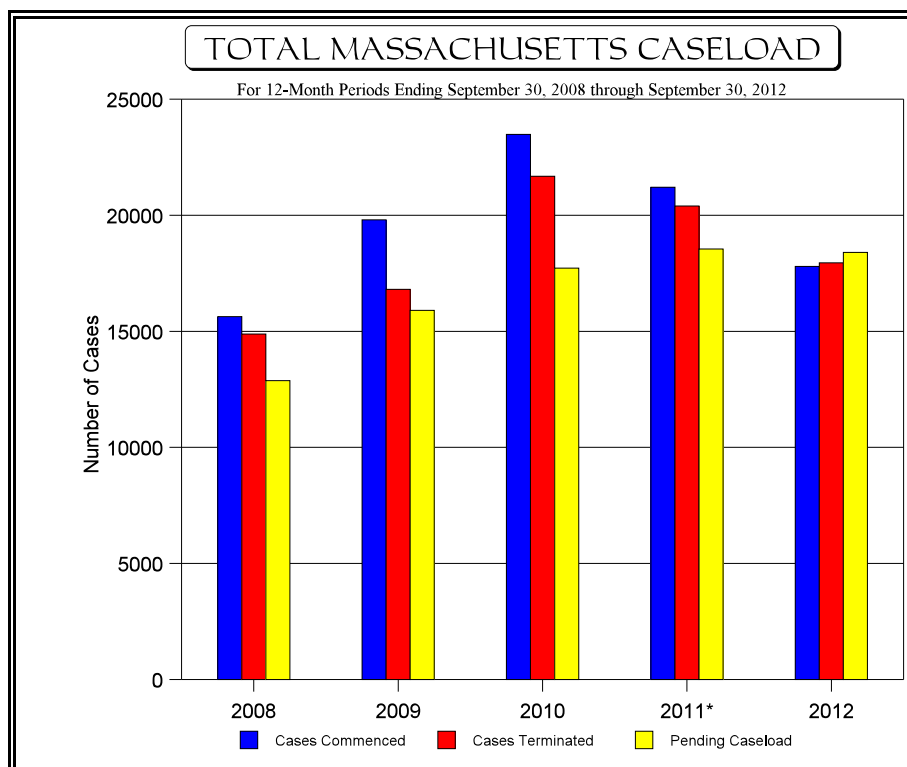
### 2012 Bankruptcy Filings

For the 12-Month Period as of September 30, 2012



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

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MASSACHUSETTS



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

### TOTAL BANKRUPTCY CASES 2008 - 2012

	2008	2009	2010	2011*	2012
CASES COMMENCED	15,636	19,805	23,485	21,208	17,793
CASES TERMINATED	14,880	16,809	21,676	20,399	17,947
PENDING CASELOAD	12,875	15,904	17,725	18,545	18,401

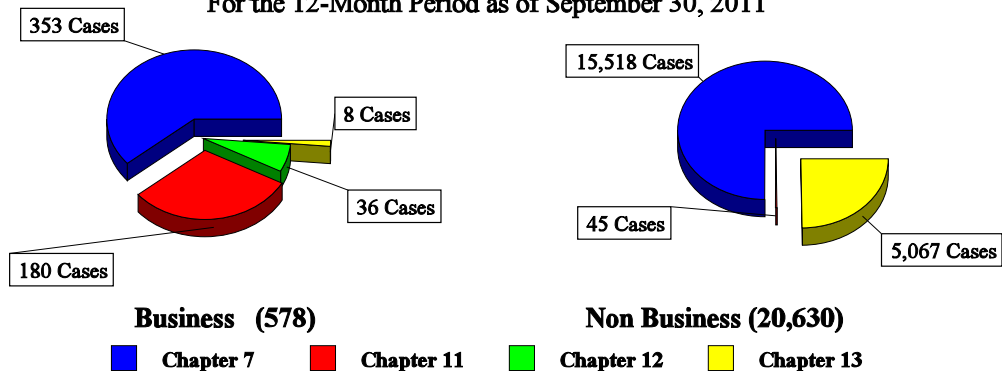
\*Pending caseload in 2011 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF MASSACHUSETTS

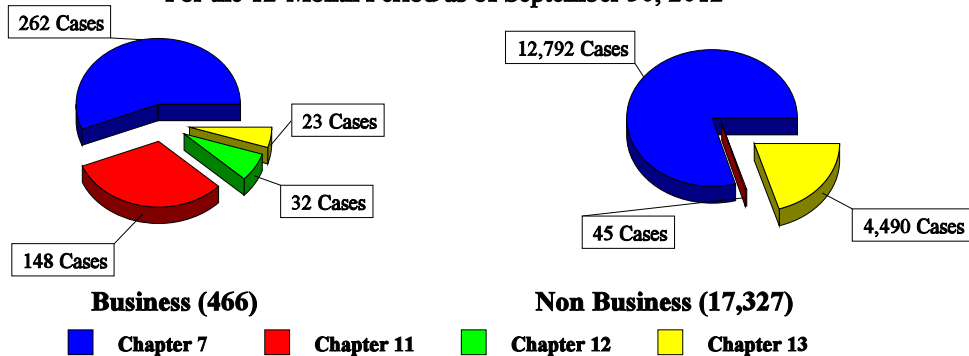
### 2011 Bankruptcy Filings

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



### 2012 Bankruptcy Filings

For the 12-Month Period as of September 30, 2012



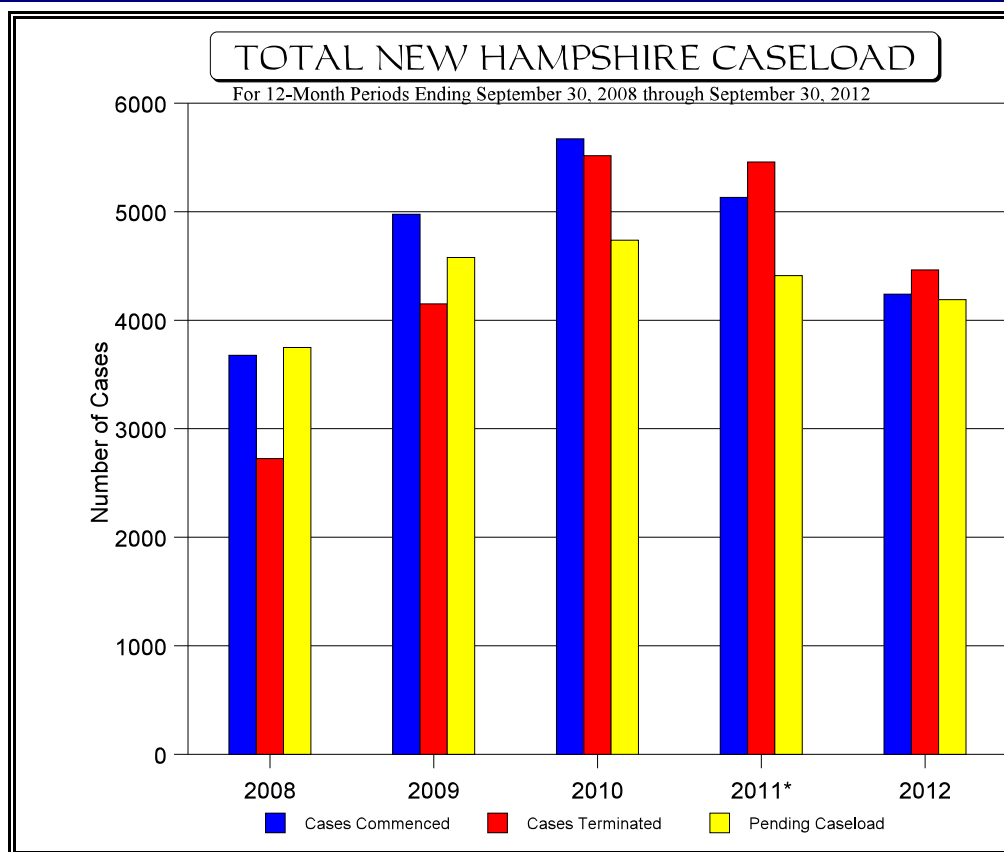
**STATISTICS**

**U.S. BANKRUPTCY COURT**

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



## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF NEW HAMPSHIRE



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

### TOTAL BANKRUPTCY CASES 2008 - 2012

	2008	2009	2010	2011*	2012
CASES COMMENCED	3,676	4,976	5,671	5,132	4,240
CASES TERMINATED	2,726	4,150	5,516	5,459	4,463
PENDING CASELOAD	3,748	4,578	4,738	4,412	4,189

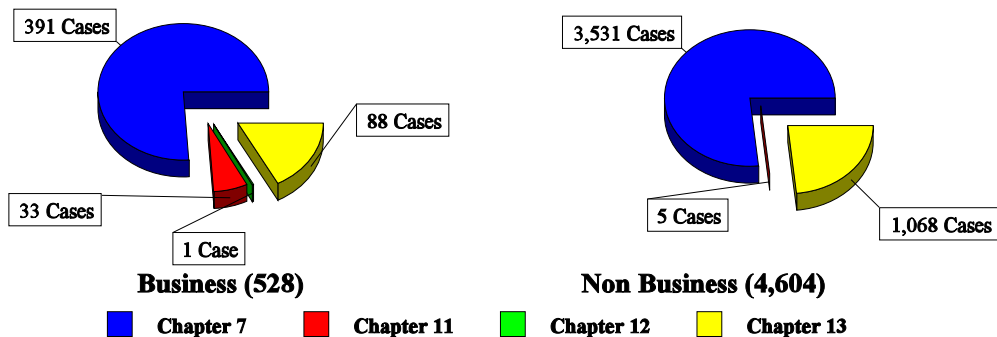
\*Pending caseload in 2011 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF NEW HAMPSHIRE

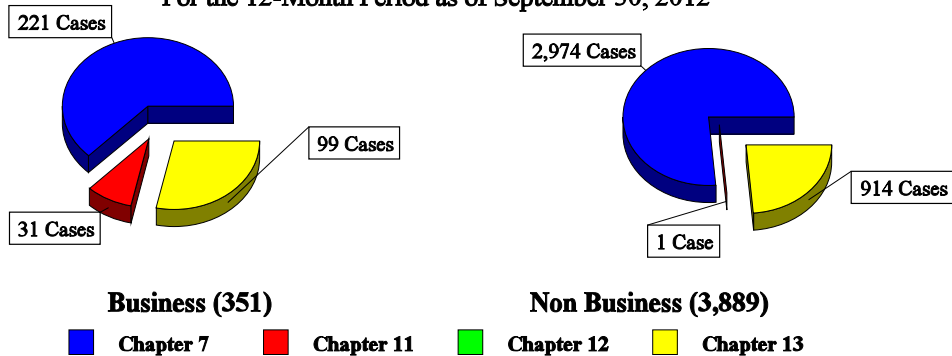
### 2011 Bankruptcy Filings

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



### 2012 Bankruptcy Filings

For the 12-Month Period as of September 30, 2012

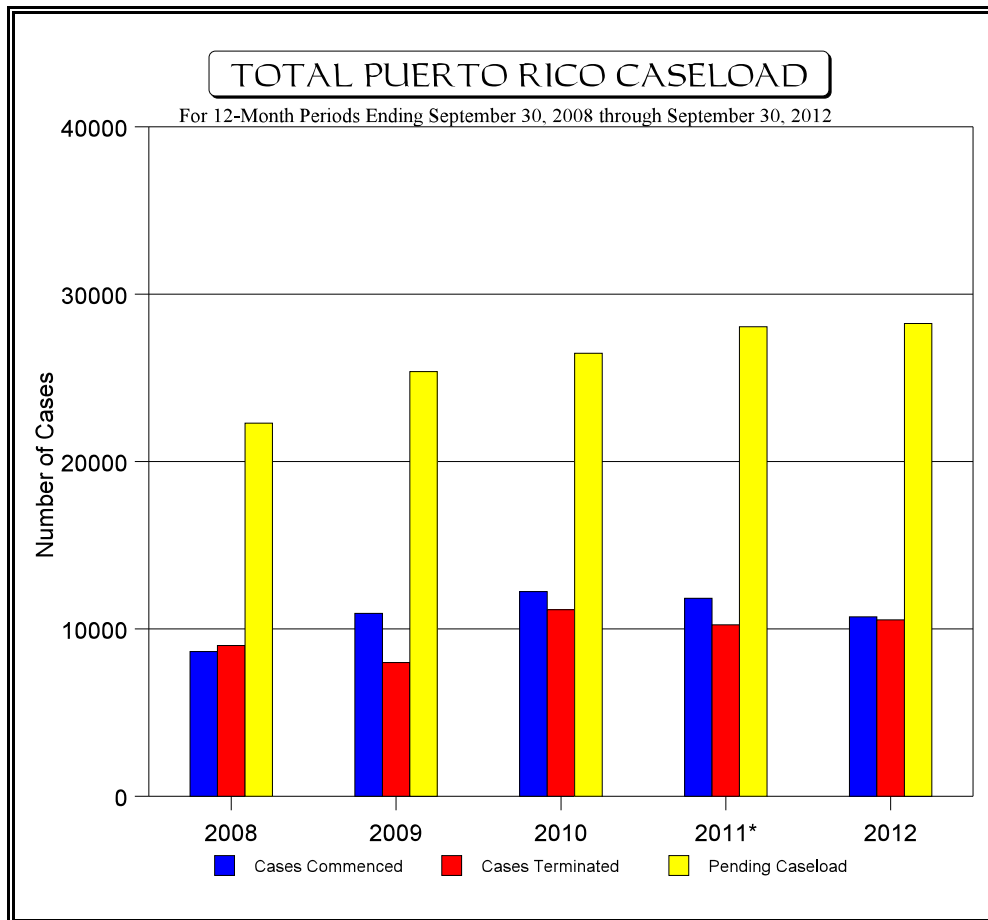


**STATISTICS**

**U.S. BANKRUPTCY COURT**

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

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO



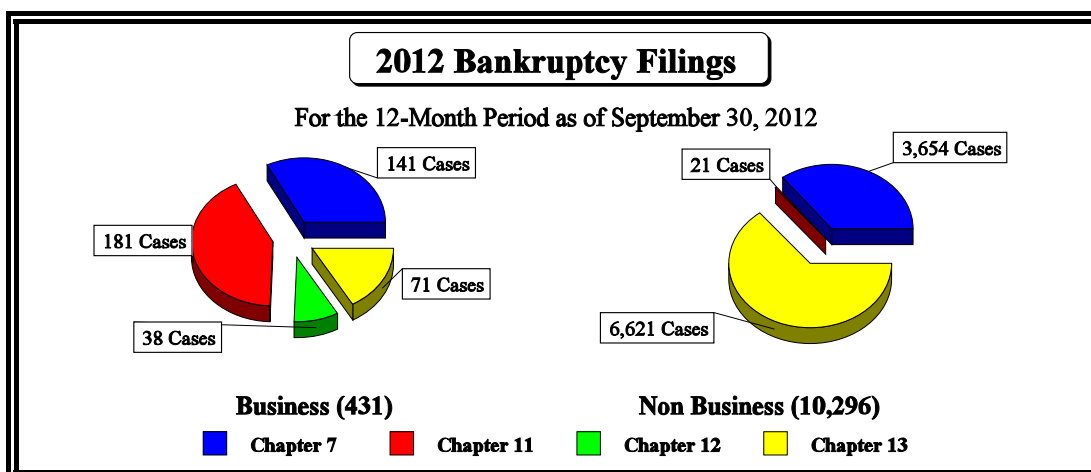
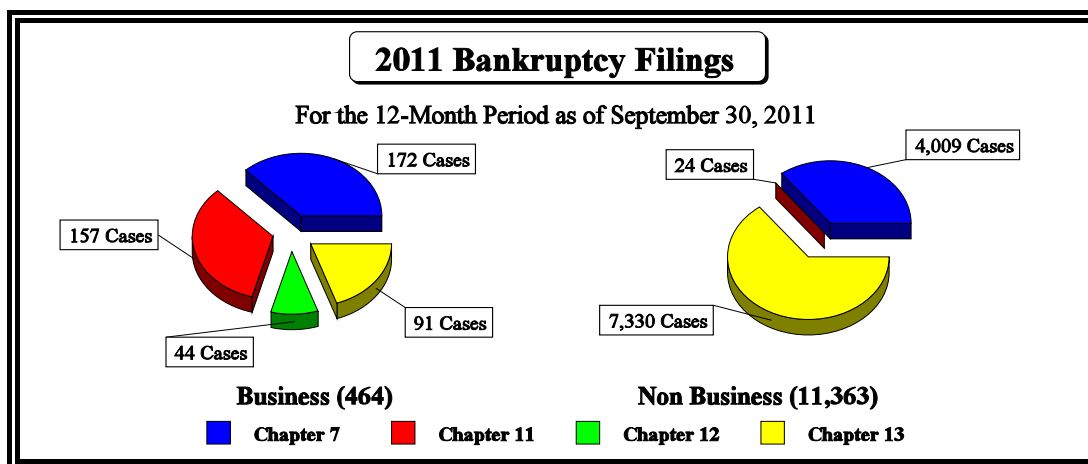
**Authorized Judgeships. .... 4**

### TOTAL BANKRUPTCY CASES 2008 - 2012

	2008	2009	2010	2011*	2012
CASES COMMENCED	8,645	10,922	12,232	11,827	10,727
CASES TERMINATED	9,007	7,994	11,153	10,245	10,542
PENDING CASELOAD	22,296	25,374	26,475	28,062	28,247

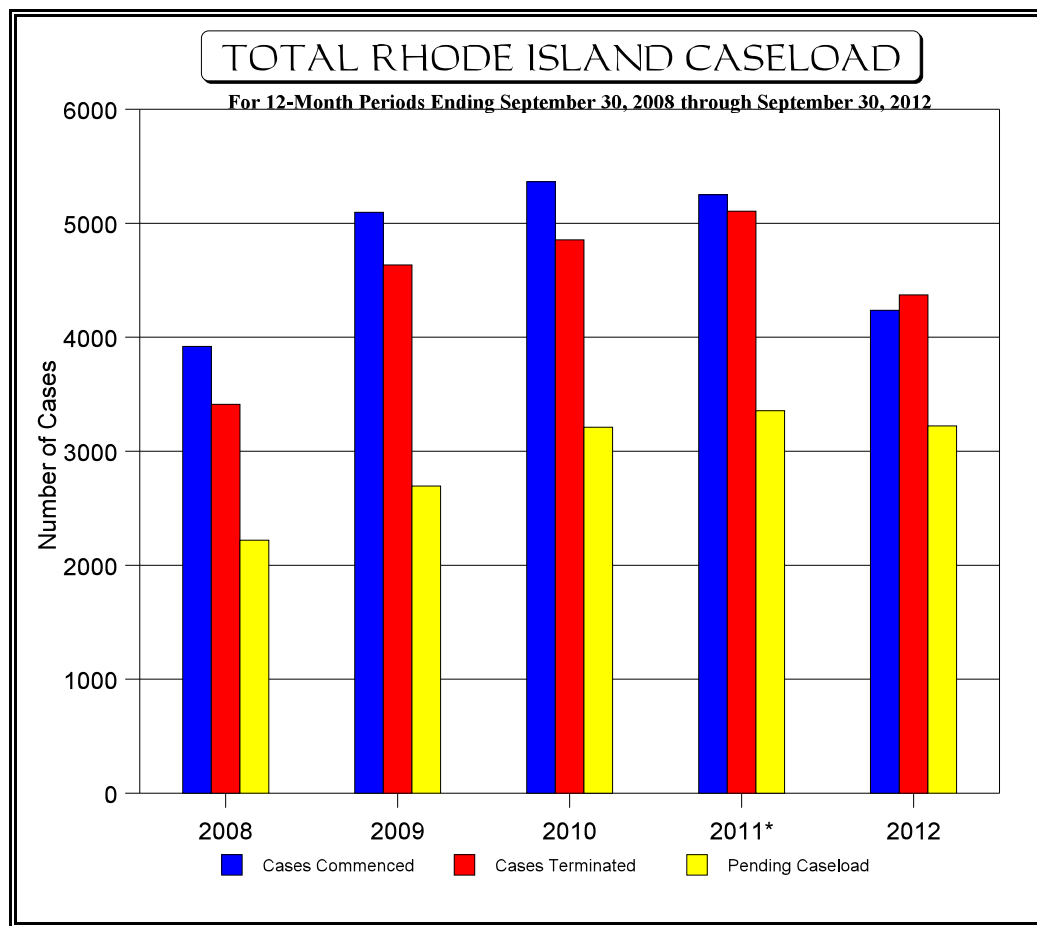
\*Pending caseload in 2011 revised by the Administrative Office of the United States Courts.

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO



**STATISTICS**  
**U.S. BANKRUPTCY COURT**  
**DISTRICT OF**  
**RHODE ISLAND**

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF RHODE ISLAND



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

### TOTAL BANKRUPTCY CASES 2008 - 2012

	2008	2009	2010	2011*	2012
CASES COMMENCED	3,919	5,096	5,365	5,250	4,237
CASES TERMINATED	3,411	4,635	4,855	5,105	4,371
PENDING CASELOAD	2,219	2,695	3,210	3,357	3,223

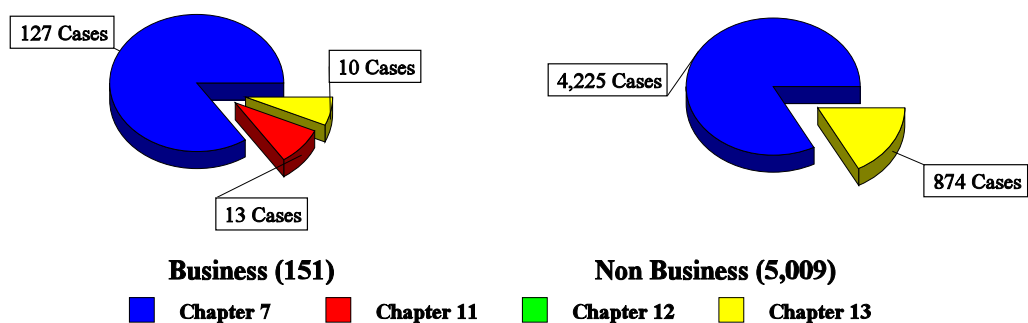
\*Pending caseload in 2011 revised by the Administrative Office of the United States Courts.

## BANKRUPTCY CASELOAD SUMMARY

### DISTRICT OF RHODE ISLAND

#### 2011 Bankruptcy Filings

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



#### 2012 Bankruptcy Filings

For the 12-Month Period as of September 30, 2012

