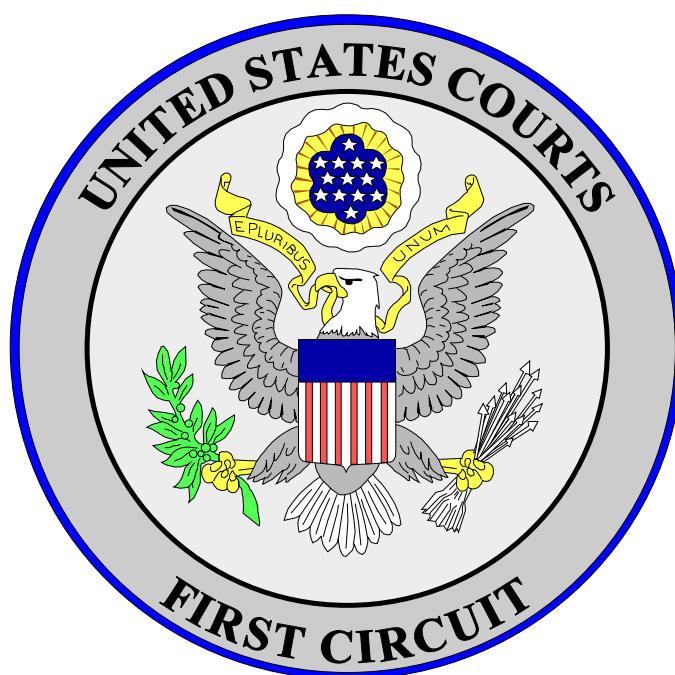


# UNITED STATES COURTS FOR THE FIRST CIRCUIT



2009  
ANNUAL REPORT

**United States Courts for the  
First Circuit**

**2009 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. . . . .	8
Narrative Reports of the Districts	
District of Maine. . . . .	11
District of Massachusetts. . . . .	21
District of New Hampshire. . . . .	41
District of Puerto Rico. . . . .	60
District of Rhode Island. . . . .	71
Narrative Reports of the Federal Public Defenders	
Federal Public Defender for the District of Maine. . . . .	83
Federal Public Defender for the Districts of Massachusetts, New Hampshire, and Rhode Island. . . . .	85
Federal Public Defender for the District of Puerto Rico. . . . .	88
Narrative Reports on Matters of Judicial Administration	
Judicial Conference of the United States: March and September 2009. . . . .	91
First Circuit Judicial Conferences. . . . .	92
Business of the First Circuit Judicial Council. . . . .	93
Space and Facilities. . . . .	94
Automation and Technology. . . . .	97
Judicial Misconduct and Disability . . . . .	100
Attorney Discipline. . . . .	103
History and Notable Events. . . . .	104
2009 Fair Employment Practices Report. . . . .	105
Other Matters of the Court	
Judgeship Summary. . . . .	108
First Circuit Judges serving on United States Judicial Conference Committees, Special Courts and the Board of the Federal Judicial Center. . . . .	109
Judges serving on the Judicial Council of the First Circuit. . . . .	111
Judges and Unit Executives: New appointments, elevations, senior status, and retirements. . . . .	112
Judges serving on the United States Court of Appeals for the First Circuit. . . . .	113
Listing of Judges and Court Unit Executives. . . . .	114

## TABLE OF CONTENTS (continued)

### Statistical Reports

United States Court of Appeals for the First Circuit. . . . .	123
United States Bankruptcy Appellate Panels.. . . .	134
First Circuit District Courts Summary.. . . .	136
District of Maine. . . . .	159
District of Massachusetts.. . . .	161
District of New Hampshire. . . . .	163
District of Puerto Rico.. . . .	165
District of Rhode Island.. . . .	167
First Circuit Bankruptcy Courts Summary. . . . .	169
District of Maine. . . . .	175
District of Massachusetts.. . . .	178
District of New Hampshire. . . . .	181
District of Puerto Rico.. . . .	184
District of Rhode Island.. . . .	187

**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 Michelle Dumas, Daley Gruen, Leslee Nelson and Florence Pagano 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.



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

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

**CLERK'S OFFICE**

This was a year of transition for the Clerk's Office. At the end of 2009, Clerk of Court Richard Cushing Donovan left the Clerk's Office for a new position after eight years of dedicated service with the United States Court of Appeals for the First Circuit. He was succeeded by Margaret Carter, formerly the Chief Deputy Clerk.

In February 2009, the Clerk's Office began making Court of Appeals opinions available by RSS feed (Rich Site Summary) format. The transition to RSS feed made it possible for the court to disseminate opinions broadly without the difficulties associated with email distribution.

In April 2009, the Court of Appeals relieved the district courts of the responsibility for printing and transmitting the full paper record in counseled cases. On or about the same time, the Court amended its local rules and issued a notice giving guidance to counsel as to what documents should typically be included in the appendix.

On October 13, 2009, the Clerk's Office implemented electronic case filing (ECF) on a voluntary basis. With the implementation of ECF, attorneys became able to file documents from their home or office 24 hours a day. They also became able to serve documents on other ECF filers through the electronic filing system.

The implementation of ECF was greeted enthusiastically by attorneys. The Clerk's Office provided training in the form of Electronic Learning Modules and a CM/ECF User's Guide. In addition, the Clerk's Office and the Court's Information Technology Department provided Help Desk support.

Shortly after going live on ECF, numerous Clerk's Office staff members attended the 2009 Appellate CM/ECF Symposium sponsored by the Administrative Office of the United States Courts. This event provided an opportunity for court staff to learn lessons from the experience of other circuits. In addition, court staff from the First Circuit participated in some of the presentations.

Other changes in 2009 included additional local rule amendments. The requirements for the appearance of law students were modified, the size of the Advisory Committee on Rules was adjusted, and changes were made to the bar admission procedures. Additional minor changes in the court's local rules were made to be consistent with national time computation amendments and amendments to the rules governing certificates of appealability in habeas appeals.

In FY 2009, the Court of Appeals reported 1,746 filings, compared with 1,631 filings for FY 2008. This represented a 7.1 % increase in filings. The court also reported a 1.5 % decrease in terminations, and a .3% decrease in pending cases, from FY 2008 to FY 2009.



For this same time period, Massachusetts represented the largest source of appeals (614), and Puerto Rico represented the second largest source (477). The number of appeals from Maine, New Hampshire and Rhode Island were 136, 104, and 104, respectively. There were 190 appeals from Administrative Agencies, most of which were from the Board of Immigration Appeals (173). The remaining cases were bankruptcy appeals (53) and original proceedings (68).

In FY 2009, civil cases (including prisoner petitions) represented 50% of the appeals commenced in the First Circuit and criminal appeals represented 32% of the appeals commenced. The Court's median time from the filing of a notice of appeal to final disposition was 12.2 months in FY 2009, which was the same as the national median time.

**OFFICE OF THE STAFF ATTORNEYS**

The Office of the Staff Attorneys does research for the judges of the Court of Appeals. During 2009, the office consisted of one senior staff attorney, one supervisory staff attorney, 19 attorneys (5 part-time, 14 full-time), and two support persons.

The following numbers of matters were referred by the Clerk's Office to the Staff Attorneys' Office for processing in 2009:

January	174	July	185
February	162	August	192
March	249	September	187
April	215	October	206
May	244	November	199
June	184	December	203

Total: 2400

This is 110 more referrals than in 2008.

In addition, there were 163 pro se or social security submitted cases (29 more than in 2008) and 162 or so sua sponte summary dispositions in counseled, briefed cases (10 more than in 2008).

Among the types of matters referred to the Staff Attorneys' Office for research were: applications for certificate of appealability, motions for summary affirmance, applications for leave to file second or successive habeas petitions, motions for summary affirmance or dismissal, mandamus petitions, Anders briefs, 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 appellant is required to file a Docketing Statement both with the Clerk and Settlement Counsel in the form required by Local Rule 3(a). The Clerk also notifies Settlement Counsel of all civil appeals considered eligible for the program.

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

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

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

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

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

The major points of error that are the focus of the appeal; and

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

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

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

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

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

In FY 2009, of the 427 cases that were opened, one or more conferences were held in 262 cases, which produced 95 settlements or approximately 36.3 percent of the mediated cases.

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

The BAP, which employs the Clerk, two staff attorneys, and a part-time case manager is located at the Moakley Courthouse and conducts oral arguments in the First Circuit courtrooms in Boston, Massachusetts and San Juan, Puerto Rico. During 2009, the BAP approved the plans for its new space in the John W. McCormack Post Office and Court House at Post Office Square in Boston. Starting in October 2010, the BAP will occupy an office suite on the ninth floor and hold oral arguments at the bankruptcy court two floors above.

In August 2009, the BAP said goodbye to Judge Carlo (Bankr. D. P.R.) on the occasion of his retirement. By the end of 2009, the BAP had twelve panel members.

During 2009, the Clerk attended several conferences hosted by the AO, spoke at various bar association events, and volunteered as a teacher for the M. Ellen Carpenter Financial Literacy Program sponsored by the Boston Bar Association. The BAP Case Manager joined the AO's Methods Analysis Program for Appellate Records Working Group as the BAP representative. The office successfully participated in and completed the work measurement formula overhaul.

In October 2009, the BAP held its administrative meeting in Boston. In the course of the meeting, and after considering the remarks of Chief Judge Lynch and the Circuit Executive, the BAP judges agreed to take steps aimed at speeding case dispositions and reducing costs, including increasing the number of decisions rendered without oral argument (when appropriate) and limiting law clerk travel.

For the 12-month period ending December 2009, the BAP experienced a 30 percent decrease in case filings. That decline, however, followed a year in which it experienced a 46.4 percent increase. During 2009, the BAP received approximately 53 percent of the appeals from the bankruptcy courts within the circuit. The BAP continues to draw the majority of its cases from Massachusetts.

## **FIRST CIRCUIT LIBRARIES**

### **Overview**

The First Circuit Library system provides library services to the judges and court 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 First Circuit system: the Headquarters Library, located in the Moakley U.S. Courthouse in Boston, and Satellite Libraries in the District courthouses in Concord, New Hampshire; Providence, Rhode Island; and Hato Rey, Puerto Rico. There is no Satellite Library in Maine. The Boston library provides services for chambers and court staff in Portland and Bangor. It also provides services to chambers and court staff in Springfield and Worcester, Massachusetts. The Satellite Librarian in Concord provides services for the New Hampshire Federal Bankruptcy Court located in Manchester, New Hampshire. The staff of the Hato Rey library provides services for chambers and court staff located in the federal courthouses in Old San Juan and Ponce, Puerto Rico.

All judges and court staff have access to the Boston Headquarters' Library and the three Satellite Libraries. The Boston library is open to members of the practicing bar, *pro se* litigants and the general public. The Satellite Libraries are closed to non-court patrons, unless special permission is authorized by a judge of the court.

### **Personnel**

In 2009, 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. Ten staff members worked full time. One staff member in the Boston library worked 30 hours per week. The entire staff worked as a team, providing services Circuit-wide. Each librarian is responsible for providing first level, "local" services to the judges and court staff within their geographic location and also are called upon to provide outreach services to judges and court staff throughout the Circuit.

As part of the Court Compensation Study implementation, the Circuit Librarian and other library staff received training on performance management. The Circuit Librarian drafted a Performance Management Plan for the First Circuit Libraries. It was discussed with the staff at two staff meetings and adopted in October, 2009. In conjunction with the new Performance Management Plan, the Circuit Librarian began a review of all library position descriptions with the goal of updating the tasks and responsibilities of staff. In addition, a Staff Training Assessment Survey was conducted.

The Circuit Librarian and Deputy Circuit Librarian participated in the *Circuit Librarians' Leadership Conference: Lessons from Lincoln* held in Gettysburg, Pennsylvania. The Circuit Librarian also participated in a Circuit Librarians' Strategic Planning meeting held in Chicago, Illinois. This meeting addressed critical issues facing the Circuit Library program in the fast changing environment of legal information delivery. Lastly, the First Circuit Librarian was appointed to a three year term on the Information Technology Advisory Council and the Electronic Public Access Working Group.

### **Lawbook Funds**

The First Circuit Libraries law book allocation increased by approximately 9% in FY2009. The law book allocation provides funds for both print and electronic resources for library and chambers collections. The increase, coupled with voluntary cancellations in library and chambers print collections, provided funds to purchase additional electronic resources accessible to chambers Circuit wide. These included *United States Law Week*, *Encyclopedia Britannica Online*, *J-Stor (Arts & Science Collection IV)* and *JTS Online*. The Circuit Librarian was able to approve most requests from chambers for new titles and provide initial collections for new judges in the Circuit. Most savings originated in cancellations of print reporters and treatises no longer needed by chambers or the libraries.

### **Selected Statistics**

Below are FY 2009 statistics reflecting the work performed by the staff of the four libraries in the system and the frequency with which the library facilities were used:

- “In library” use of the Boston library totaled 3078, including 1283 were visits by individuals from the federal courts and other federal agencies, and 1795 visits by attorneys, pro se litigants or others.
- The Providence Satellite library recorded 432 “in library” uses by judges or court staff and 6 visits by attorneys given permission to use the library. The Concord and Hato Rey satellites did not record library visits during FY 2009.
- The Boston Library’s Public Access computers were used 814 times by judicial interns or other court staff and 796 times by public users (pro se litigants, attorneys, and other individuals). The Boston library is the only library generally open to the public.
- Reference questions answered by the four libraries via email, in-person or telephone
 

taking 10 minutes or less to provide the answer:	2189
taking 10 minutes to 1 hour to provide the answer:	679
taking over 1 hour to provide the answer:	274

**NARRATIVE REPORTS  
OF THE DISTRICTS**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**DISTRICT COURT**

In 2009, the criminal caseload in the District of Maine decreased by 22%, and the civil caseload grew by more than 160%, largely due to an increase in the number of social security appeals. The district again ranked first in the Circuit and in the U.S. for the fewest number of cases pending for three years or more.

Judge John A. Woodcock, Jr. succeeded Judge George Z. Singal as Chief Judge in January of 2009.

In September, Judge D. Brock Hornby received the 27<sup>th</sup> Annual Edward J. Devitt Distinguished Service to Justice Award. The Devitt Award is bestowed annually and recognizes Article III judges whose careers have been exemplary based on their contributions to the administration of justice, advancement of the rule of law and the improvement to society as a whole.

In recognition of Judge Hornby's service, Justice Anthony Kennedy wrote:

"From the early days of the Republic, the Courts have been one of our most important instruments for teaching respect for the law and the Constitution. Courts succeed in this mission only if their judges exemplify the law's ideals. One of the federal judges who does this in a splendid way is Judge Brock Hornby. By his life and his work, by his scholarship and dedication, by a splendid judicial demeanor that demonstrates devotion to the law and confirms his own dignity and decency, Judge Brock Hornby is a model for all judges. He was fortunate to work with Judges John Wisdom, Edward Gignoux, and Frank Coffin, all of them distinguished judges -- and all recipients of the Devitt Award. They would be immensely proud, but not surprised, that Judge Hornby learned from their example, fulfilled their expectations, and honored this Nation's best traditions."

Also during 2009, Magistrate Judge Kravchuk worked with Probation and Pretrial Services as the presiding judge of SWiTCH, an intensive program for offenders on supervised release. During twice monthly sessions, participants present oral reports on their activities. In addition, Alec Leddy, Clerk of the Bankruptcy Court, offered the participants information on how to deal with credit related issues. A local comedian, who is also an ex-offender and a SWiTCH participant, shared with the group a powerpoint presentation about alternatives to incarceration.

On December 15, 2009, a delegation of seven Korean judges and five clerks spent the day at the district court in Bangor. The delegation met with Chief Judge Woodcock, and heard presentations from the Clerk's Office, the U.S. Attorney and the Federal Public Defender. The

Korean judges and clerks were especially interested in learning about the American jury trial system. Their trip followed Chief Judge Woodcock's visit to Korea in September to learn about that country's judicial system.

Throughout 2009, the judges and the clerk continued to serve the judiciary nationally in the following capacities:

- Chief District Judge John A. Woodcock, Jr., served on the Committee on the Budget;
- District Judge George Z. Singal, chaired the Committee on Judicial Resources;
- District Judge D. Brock Hornby chaired the Committee on the Judicial Branch;
- Magistrate Judge Margaret J. Kravchuk served as a member of the Magistrate Judges Advisory Group, and the Magistrate Judge Education Committee; and
- Clerk, Linda Jacobson, served on the District Court Advisory Group and the Federal Judicial Center's Clerk's Advisory Committee.

### **Court Administration**

The Local Rules Advisory Committee (LRAC) lost its longstanding Chair when Chuck Harvey passed away in April 2009. Leonard Langer, a long-time member and contributor to the LRAC, took over as Chair. The Committee met at the Maine State Bar Association Annual Meeting in January with Chief Judge Woodcock and Magistrate Judge Rich, and plan to make this an annual LRAC meeting.

The LRAC subcommittee on Criminal Local Rules was formed in the spring, consisting of two existing Committee members and three active criminal practitioners. The mandate of this subcommittee was to draft a new local rule regarding sealed documents in criminal matters. New Local Rule 157.6, effective December 1, 2009, resulted.

The CJA Panel Selection Committee began accepting applications for a new CJA panel in early April. After a thorough review of the applications, the Committee submitted a list of proposed panel members to the Court. The Clerk's Office began appointing counsel from the newly formed CJA Panel in July.

### **Continuity of Operations Planning**

In 2009, the Chief Deputy Clerk developed a comprehensive Continuity of Operations Plan (COOP) for the District Court. In November, the Clerk of Court and members of the Clerk's Office attended a continuity of operations seminar attended by staff members from the First, Second and Third Circuits. The purpose of the seminar was to identify and discuss precautions courts can take to prepare for a disaster or pandemic. In 2010, the Clerk's Office will test and improve its COOP by conducting tabletop exercises in coordination with the U.S. Probation Office, the U.S. Bankruptcy Court and the Federal Defender's Office.

Tools like the remote desktop application, JPORT, and virtual private networks provide convenience and increased access to perform the vital functions of the court from locations outside the office. To that end, the ability to remotely access office desktop computers was



increased by providing each employee with a VPN account and JPORT training. One of the goals in 2010 is to expand the ability to remotely access the office computers by installing failover infrastructure to ensure that all employees can remotely access their desktops if the network is down at one of the Court's offices.

### **Court History**

In July 2009, the District honored Judge Conrad K. Cyr in a special portrait ceremony in Bangor. The Court also hosted a ceremony to remember Judge Clifford and to receive a donated portrait of Judge Clifford from Robert Checkoway. Sadly, in 2009, Judge Frank M. Coffin passed away. Judges and staff alike were very fortunate to hear from Judge Coffin one last time when he spoke at Judge Clifford's portrait ceremony just five weeks before he died.

Also in 2009, the Clerk's Office began compiling biographies of the judges who have sat in the District. Photographs of all the district judges were also reframed and placed in a history room in the Gignoux Courthouse with all of the magistrate judges and clerks.

Over the summer, Samantha Grover, an intern in the District Court, created a permanent display dedicated to Judge Edward Thaxter Gignoux in the entrance of the courthouse in Portland.

### **Construction Project**

In April 2009, GSA announced that \$52.82 million of the stimulus funding awarded to Maine through the American Recovery and Reinvestment Act (ARRA) would go to renovations, repairs and energy efficiency at the Margaret Chase Smith Federal Building and United States Courthouse. One of the goals of the ARRA project in Bangor is to recapture the postal service space on the first floor and to redesign and secure the entry. It will be one of only three federal buildings to have a geothermal heating and cooling system. Additional work will include new windows, a new elevator, new electrical, fire protection and ADA compliancy.

Teng & Associates, Inc., an architectural firm based in Chicago, was contracted to do the design work. Simultaneously, renovation plans for the District Court included the Clerk's Office, the District Judge's chambers, the Magistrate Judge's chambers, and the addition of a new Magistrate Judge's courtroom and a new jury assembly room. GSA has advised that a contractor will be selected by the end of January 2010 and that work will start in the spring. The estimated time for completion is 39 months.

The Gignoux Courthouse underwent several renovation projects during 2009. The third floor jury room for Courtroom 1 was transformed into offices for two law clerks; the third floor conference room became the jury room for Courtroom 1, with the installation of an additional restroom; and Judge Coffin's former chambers was totally renovated for Judge Hornby (when he transitions to senior status in 2010).

## **Operations**

Operations experienced many transitions in 2009. Three new case managers were hired in Portland and two Portland case managers resigned. Eileen Carver, from USCA Judge Cyr's office, joined the Bangor staff as an Intake/Court Support Specialist; Jenn Gray began training on case management for Chief Judge Woodcock; and Jury Administrator, Devon Richards, was cross-trained in case management for Magistrate Judge Rich. The success of this training was in part attributed to "boot camp" case manager training, given by Sr. Case Manager Julie Walentine. The training "boot camp" was filmed for the FJC's Court-to-Court program and aired on the FJTN in December, with many members of the Clerk's Office participating.

The Clerk's Office formed a Mapping Committee to address the need for review and accuracy of the existing maps located in the Procedures Manual (Procman) on the Intranet. The Committee, led by Lindsey Caron, identified outdated maps and distributed them to various Committee members and Clerk's Office staff for review and updating. Maps were revised and placed back on the Procman, or identified as unnecessary and removed from the Procman.

Finally, at the request of the Clerk, a group was formed to review and provide comments to the Clerk for updating the Clerk's Manual Section 3 (criminal cases) and Section 9 (intake).

## **Finance/Budget**

In May 2009, the District underwent an extensive cyclical audit, which included examination of financial records and practices, procurement procedures, internal controls, leave administration, CJA payment processing, and other administrative areas. The auditor's report concluded that there were no findings or recommendations. The audit period examined was January 1, 2006 through March 31, 2009 and marked the first time in recent memory that the district court produced a perfect audit.

Early in 2009, the District of Maine hired a new Financial and Procurement Specialist, Ryan Doil. Ryan has provided valuable input into improving property management practices, coordinating space and facilities activities in Portland, managing the procurement of furniture and supplies, as well as handling CJA payment processing.

Sarah McNamara, Financial and Budget Administrator, participated in Judiciary-wide/mentoring activities during 2009, including:

- Presenter of "Best Practices – Finance" at 2009 Financial Forum in San Diego (March 2009);
- Continuing Member of Financial Policy Subcommittee tasked with rewriting the Guide to Judiciary Policies and Procedures (Volume 13: Finance and Budget);
- Mentor to USDC, District of Delaware, for CCAM implementation (June 2009);
- Developed and presented FASTER FAS4T (with team), a WebEx for judiciary finance staff (October 2009);
- ICE assessment meeting (August 2009); and
- Presenter/trainer at Budget Fundamentals Workshop (November 2009).

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## Information Technology/Systems Automation

In 2009, Systems undertook several major projects:

First, the District purchased network switches and installed them in both court locations to comply with requirements for the next generation of the District Court Network (DC). These switches provide the infrastructure necessary for the high order network management required to take advantage of VoIP and other converged services that will be implemented in the Judiciary's NETWORKX upgrade. The switches improved the existing infrastructure, both in management and control of the network traffic and overall network performance, ensuring improved network connectivity for all court units on the local and wide area networks. Bangor experienced the most improved connectivity.

Second, the Clerk's Office began deployment of a new information technology tool called SharePoint. SharePoint is software that allows users to collaborate, share and organize documents and resources from a central website. The Clerk's Office will use SharePoint to improve information management and associated productivity, collaboration and performance. The mission is to provide standards and training to address the needs of information management, collaboration, improved workflows and document retention. A multi-phased approach has been developed to deploy SharePoint, which will include training for all staff. Systems launched a new IT Help Desk ticket system in late December as an introduction to SharePoint for the staff. This site, along with other useful links, will foster knowledge management for all staff and will begin the transition of our current Intranet site into SharePoint.

Additional project accomplishments for 2009 included:

- Removal of excess equipment and hard drives;
- Setup and deployment of "clean" laptops for use in the jury rooms;
- Customization, converting and updating of forms;
- Development of a 5-year technology plan;
- Installation of upgraded hardware and software in all courtrooms;
- Maine Criminal Debt Query shared with the nation, created by Kevin Beaulieu;
- Installation of audio mute switches in all courtrooms;
- Creation of electronic signature files;
- Training for twork switches, SQL database, dictionary, next generation operating and server systems;
- Conducted remote access training; and
- Development of detailed COOP documentation.

Finally, the District of Maine upgraded the CM/ECF system from Version 3.2.2 to Version 4.0.3 in 2009. This upgrade implemented many new features and provided solutions for over 100 database modification requests. The major changes included a new user interface for case opening and docketing, the ability to generate announcement emails directly from the ECF

system, and the requirement for counsel to check a box during the login process indicating that they are aware of, and will comply with, redaction rules.

In accordance with an agreement between the Administrative Office of the United States Courts and the Department of Justice Executive Office for United States Attorneys, the District of Maine went live with a program, which allows CM/ECF criminal data to be transferred to the Department of Justice Victim Notification System (VNS). Software on the VNS server merges criminal data received from district courts with data from other DOJ sources, and then generates notices to victims about cases for which victims have an interest. Data is automatically transmitted nightly from one server to another. The District of Maine Clerk's Office staff worked very closely with staff from the District of Maine United States Attorney's Office to accomplish this task.

Another major accomplishment implemented in CM/ECF in 2009 was the introduction of civil electronic transfers between districts. With the implementation of this functionality, courts no longer have to send or receive court documents in paper format. The new electronic transfer process can be thought of as electronically "copying" the case in the sending court to a new case in the receiving court. This is accomplished through an extraction process in which the transferring court's civil case file, including all of the attached documents, are dumped into the receiving court's CM/ECF system, saving valuable time and effort for both the sending and receiving courts.

### **Jury Administration**

In 2009, the District implemented a new master jury wheel. The District of Maine also created a detailed and complete jury procedures manual that provides step-by-step instructions for all stages of jury administration, and assisted court staff with performing backup functions when required.

In 2009, the percentage of jurors not selected, serving or challenged (NSSC) was 25%. The District of Maine remains well below the national average and well below the Judicial Conference's goal of 30% or less NSSC. Comparatively, the national average of jurors NSSC for the 2009 calendar year was 39.6%. The First Circuit average of NSSC for 2009 was 50.9%.

### **Human Resources**

The District of Maine continues to share day-to-day human resources services with the Bankruptcy Court and has been doing so since October of 2007. The District of Maine implemented the HRMIS Leave Tracking System effective March 16, 2009. Because the District was in one of the first waves of courts to implement this AO-sponsored system, staff have provided feedback to the AO surrounding updates and enhancements to the system. Additional AO initiatives included HR Access training for all staff and chambers, on-line PCO Reporting (Payroll Certifying Officer's Report), termination of paper checks and other AO-issued documentation, and the finalization of the clean-up of data and rollout of eOPF (Electronic Official Personnel Folders).

In December 2009, Diane Aube concluded her two-year term with the Human Resources Advisory Group (HRSAG) representing the First Circuit. As a member of the HRSAG, Diane attended and assisted the Administrative Office with facilitation of its first HR Academy held in August of 2009. Finally, during 2009, the Clerk's Office developed a performance management plan and conducted training for staff in preparation for the new salary progression rates, which will take effect in the fall of 2010.

### **Training and Development**

The U.S. District Court, along with the U.S. Bankruptcy Court and U.S. Probation and Pretrial Services, participated in a three-part learning and development program facilitated by Nancy Ansheles of Catalyst and Company. The first session in January was a discussion of Stephen Covey's principles in his book "The Seven Habits of Highly Effective People," and their practical application to not only our work life but also our home life. The second session in March was based on the book "The Five Dysfunctions of a Team." The ensuing discussion offered participants an opportunity to move from thinking in terms of ourselves to thinking about how we each influence our team, and the positive role that individuals can make on a team. The final session in May included a discussion of Covey's Habits 4, 5, and 6 and how "trust" is established personally and within the organization as a whole.

Throughout the year, the Clerk's Office staff also provided in-house training in such areas as SharePoint, HRMIS, H1N1 Awareness, Performance Management Plan and the Code of Conduct.

### **Community Outreach**

In June and July 2009, students from the University of Southern Maine's Upward Bound Program, a program promoting college admission for disadvantaged Maine high school students, participated in mock trials and interviewing/mentoring sessions with members of the bar and summer associates from Portland area law firms.

The Court hosted many stages of the Maine High School Mock Trial Competition held in USDC courtrooms over seven days in November and December. Over 300 students, parents and advisors took part in these events.

Ninety-two new members of the bar were admitted during 2009 at four attorney admission ceremonies, and hundreds of new citizens were sworn in at over a dozen citizenship ceremonies held in USDC courtrooms.

## **BANKRUPTCY COURT DISTRICT OF MAINE**

### **Operations**

After experiencing an increase in the number of pro se petitions, the bankruptcy court hired an Intake Clerk in the Portland office. The Court hired Amy Rydzewski, a bankruptcy paralegal, as a full-time Intake Clerk to cover case openings and proofs of claim for cases originating in both office locations.

In the spring of 2009, the Court installed the QC Editor Plus program developed by the bankruptcy court in NY-W. The Court's Data Quality Administrator, Cheryl Dubois, trained the Case Administrators in April and all CAs were on board by mid-May. Cheryl reports that automating the QC process was a huge time-saver, in addition to making it easier to track case events.

### **Information Technology**

The Maine Bankruptcy Court migrated its information technology infrastructure from Novell to a Windows Active Directory environment in 2009. The Court also invested local funds in an upgrade to its switching gear in preparation for the installation of a new VOIP telephone service and enhanced DCN capabilities. The Court hired a full-time desktop support person in the Bangor divisional office, whose duties had previously been covered by IT staff in Portland.

### **Conferences**

Portland, Maine, home to the Bankruptcy Court's main office, was the location of a combined First and Second Circuit Bankruptcy Conference in May 2009. The Court hosted staff from the bankruptcy courts in both circuits for a two-day training session led by staff from other courts and by the Administrative Office.

As it has in recent years, the Bankruptcy Court sent a large contingent of staff to national training meetings put on by the National Conference of Bankruptcy Clerks (St. Petersburg, FL), the Administrative Office, and the Federal Judicial Center. The Court also conducted its own 1.5-day offsite training meeting, facilitated by FJC staff. One hundred percent of both Chambers and Clerk's Office staff participated.

### **Caseload**

There were 3,873 new bankruptcy cases filed in calendar year 2009 in Maine, the vast majority of which were filed under Chapter 7. This represented an increase of just under 30% from filings in 2008. The single largest jump, on a percentage basis, was in Chapter 11 cases,

which, at 53 new cases in 2009, represented an increase of 165% over 2008. Most of these new Chapter 11 cases were single asset real estate entities located in Maine's cities.

### **Building and Construction**

In Portland, where the Court is located in leased space, a new lease was signed by GSA following the expiration of the Court's original lease. The new lease included an allowance for tenant improvements, the planning for which was begun in 2009 with an expectation that the work will be completed in 2010. In Bangor, a new conference room and intake counter in the Clerk's Office were planned, with construction expected in 2010.

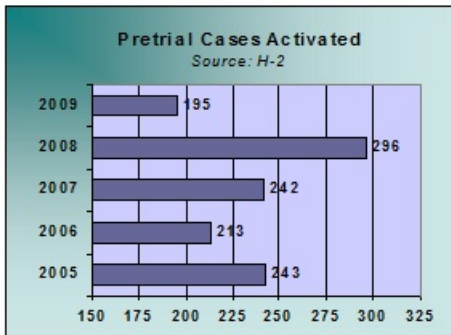
### **PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF MAINE**

Although the pretrial workload continued to shrink, the increase in post-conviction supervision cases resulted in a small increase in overall workload and funding. The office continued to reshape the staff to meet the needs of the increased and changing workload, and to continue an aggressive approach to working remotely.

In 2009, with the assistance of the Circuit and IT staff from both the District and Bankruptcy Courts, the office resolved the network performance issues. The final piece of the overall plan, to reconfigure the local network structure, will be implemented in the spring of 2010.

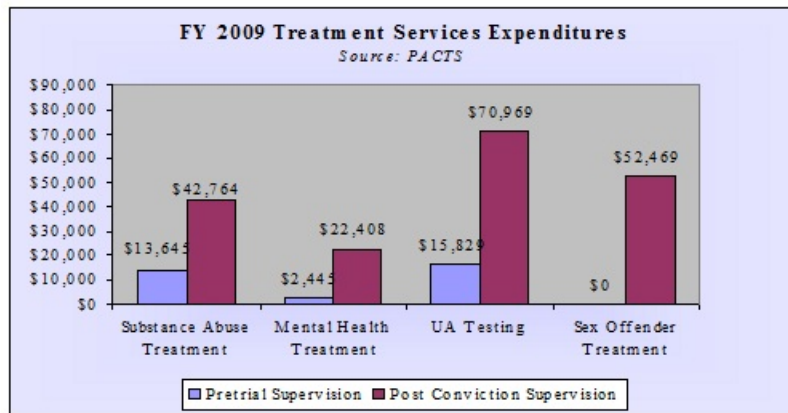
Officers and administrative staff continued to bring a variety of programming to defendants and offenders and to refine these programs throughout the year. With the assistance of the Muskie Institute at the University of Southern Maine, staff began the process of comparing those offenders involved in the SWiTCH (re-entry court) program with those in a pre-defined control group. As SWiTCH neared its one year anniversary in December 2009, the Office looked forward to the first graduation. In October 2009, the District held its first annual Safety Academy for all officers and officer assistants. This two-day program took officers through a comprehensive series of skill development sessions involving verbal techniques, defensive tactics, real-life scenarios, and tactical firearms training. Officers Scott Hastings and Bob Jeffrey arranged this academy and provided a much needed opportunity to practice these critical skills.

Throughout the year, the office also prepared to move the Portland office to a new location in the fall of 2009. At the same time, the Bangor office was undergoing a significant renovation which allowed for the consolidation of space into the main office. This project was funded primarily by the Circuit. Ultimately, a new IT server room, a conference room, and a state-of-the-art urinalysis testing facility were constructed in the Bangor office. This testing facility was the prototype for the Portland office as well, and provided an opportunity to develop the construction plans for Portland. The move of the Portland office was completed in November 2009.



U.S. Probation & Pretrial Services - District of Maine (FY 09)

In FY 2008, the District of Maine supervised a total of 432 offenders. In FY 2009, there was a slight increase to 443 offenders, which resulted in a 2.55% growth. The District was able to drastically decrease its revocation rates in FY 2009 to 26% of the total cases closed, as compared to FY 2008 (35%) and FY 2007 (34%).



FY 2009 TOTAL EXPENDITURES	
Salaries	\$1,976,591.00
Treatment Services (including electronic monitoring & UA Testing)	\$237,209.40
Operations	\$190,998.57
Equipment & Furniture	\$46,029.71
Telecommunications	\$51,512.35
<b>TOTAL</b>	<b>\$2,647,527.92</b>



**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**DISTRICT COURT**

The United States District Court for the District of Massachusetts has thirteen (13) authorized district judges, two senior district judges and seven (7) authorized full-time magistrate judges.

**Judicial Accomplishments**

Judge Patti B. Saris sat with Court of Appeals for the First Circuit, by designation, and continued to serve as the Vice President of Security and Planning for the Federal Judges' Association. Judge Saris continued to serve as a member of the Judicial Conference Committee on the Budget.

Judge Nancy Gertner was honored by the Wellesley Center for Research on Women for her work partnering with the Wellesley Centers for Women's International Initiatives to Promote the Human Rights of Women and Children. In addition, Wellesley Centers for Women launched the "Nancy Gertner Human Rights Paper Collection." Judge Gertner was appointed to the American College of Trial Lawyer's Federal Criminal Procedure Committee for 2009-2010. Judge Gertner continued to teach sentencing at the Yale Law School which she has done since 1998.

Judge Michael A. Ponsor assumed the Chairmanship of the Judicial Conference's Space and Facilities Committee in October 2009. The position gave him a key role in the development of policy relating both to construction of new courthouses and to renovations of existing facilities. Under the leadership of Judge Ponsor, and with the assistance of Magistrate Judge Kenneth P. Neiman, Bankruptcy Judge Henry J. Boroff, and the local GSA staff, the construction "punch list" for the Springfield courthouse was completed. The end of 2009 saw the start of plans to complete the fourth chambers space in the Springfield courthouse, which should be ready for occupancy in 2011.

Magistrate Judge Leo T. Sorokin received the Boston Bar Association's Citation for Judicial Excellence in recognition for his active involvement in reentry initiatives both in and outside the District of Massachusetts. Magistrate Judge Sorokin spoke at conferences sponsored by the American Bar Association, the Boston Bar Association, Massachusetts Continuing Legal Education, the Federal Judicial Center and Duke University Law School regarding Criminal Law issues, Reentry Initiatives, Alternative Dispute Resolution, Internet Evidence in Civil Cases and Business Litigation.

In addition to those noted above, other judges served on the following:

Judge Richard G. Stearns ..... Committee on Judicial Security  
Judge F. Dennis Saylor, IV ..... Committee on Defender Services  
Senior Judge Edward F. Harrington..... Committee on the Administration  
of the Bankruptcy System  
Magistrate Judge Marianne B. Bowler..... Committee on International Judicial Relations

### **Alternate Dispute Resolution**

The Alternative Dispute Resolution (ADR) Program continued to play a vital role in pre-trial resolution of a broad range of civil matters during 2009. A total of 254 cases were referred to the ADR Program, and 193 were mediated in the same year. Senior Judges Morris E. Lasker and Edward F. Harrington mediated the cases, assisted in large part by the magistrate judges in Boston, Worcester, and Springfield. In addition to the mediations conducted by judges, the Court's volunteer ADR Panel members mediated a small number of cases.

### **Caseload Statistics**

The total number of trials held by district judges declined 20% from 261 in 2008 to 217 this past year. The total number of jury and non-jury trials started during this period decreased 15.3% from 137 in 2008 to 116 in 2009. Despite the decline in number, the District of Massachusetts still ranked fourth in the nation for 110 cases terminated in which a jury and non-jury trial was held, and third in the nation for percent of cases terminated that reached trial (3.8%).

The total in-court hours for district judges fell 9.9%, from 6,076 in 2008 to 5,406 in 2009. Hours on trial decreased 12% in 2009 (3,449 hours in 2008 to 3,033 in 2009). The total number of in-court hours spent on matters other than trials decreased from 2,627 in 2008 to 2,372 in 2009, a drop of 9.6%.

Even with a decrease of in-court hours, the District of Massachusetts continued to be above the national average of trial hours reported by district judges in 2009. District judges in Massachusetts averaged 233 trial hours per judge, compared to 210 nationally.

### **Civil Cases**

During 2009, 2,818 new civil cases were filed in the District of Massachusetts and 2,870 civil cases were terminated. At year's end, 2,878 civil cases were pending. Civil case filings underwent a slight increase of .3%, from 2,808 in 2008 to 2,818 in 2009. This increase was below the national trend which showed an increase in filings of 4.9% for 2009.

## **Criminal Cases**

The District of Massachusetts opened 354 criminal cases in 2009 involving 526 criminal defendants. A total of 415 criminal cases and 576 criminal defendants were closed in 2009. At year's end, 533 criminal cases and 856 criminal defendants were pending. Criminal case filings remained relatively stable (.2% decrease from 355 in 2008 to 354 in 2009.) However, the number of new criminal defendants in 2009 increased 7.8% (from 488 in 2008 to 526 in 2009). This is above the national average of a 5.2% increase.

Increased criminal filings occurred in the categories of other drug offenses, property offenses, firearms and explosives, and fraud. For the second consecutive year, fraud and non-marijuana drug cases accounted for the majority of new criminal case filings. Categories of criminal cases that displayed an overall decline in filings were marijuana, embezzlement, forgery and counterfeiting.

## **Criminal Justice Act**

The recommendations of the Criminal Justice Act (CJA) Board for changes to the existing CJA panels of attorneys in Boston, Worcester, Springfield and the new panel for *habeas corpus* cases for the 2008 application process were approved by the District Court judges. The CJA Board was reconstituted and approved by the Court. Judge Gertner was designated as the new liaison for CJA matters and Attorney Peter Krupp was appointed as the new Chair of the CJA Board. He replaced Attorney Charles Rankin who had served on the Board since 1993 and as its Chair from 1996 through 2009. The other new members of the CJA Board included attorneys Victoria M. Bonnilla-Argudo, Roberto M. Braceras, J.W. Carney, Patricia Garin, John P. Pucci, Edward P. Ryan, Jr., A. Hugh Scott, Kathy B. Weinman, William M. White, Jr., and Federal Public Defender Miriam Conrad. In addition to Judge Gertner, the other District Court liaisons to the CJA Board were Magistrate Judge Leo T. Sorokin and Helen M. Costello, Operations Manager.

The District's Plan for Implementing the Criminal Justice Act of 1964, As Amended 18 U.S.C. §3006 (the Plan) was revised in 2009. The amended Plan was approved by the First Circuit Council on August 1, 2009 and became effective September 1, 2009. In addition to amending the Plan, the Clerk's Office implemented a new software program for the assignment of counsel to indigent defendants. Among the goals of the program, implemented on August 1, 2009, are maximizing the random assignment and equitable distribution of cases to panel attorneys, as well as providing more reliable statistical information. The *CJA Assignment Protocol* was promulgated to provide guidance on the use of the new CJA Assignment Program.

National hourly rates for CJA panel attorneys and maximum compensation rates for appointed cases were increased in 2009. A new reference document on travel guidelines for CJA appointed attorneys was prepared and posted on the CJA page of the Court's website. These guidelines provided information to private attorneys authorized to travel on government

funds. There were 935 CJA vouchers processed by the Clerk's Office in 2009. This represented a decrease of 177 vouchers (15.92%) from 2008. The total dollar amount of CJA payments in 2009 decreased by \$248,284.00.

Year	CJA Payments	Number of CJA Vouchers	Average Payment per Voucher
2000	\$ 2,743,582.00	1072	\$ 2,559.31
2001	\$ 2,396,304.00	979	\$ 2,447.71
2002	\$ 2,803,948.00	1019	\$ 2,751.67
2003	\$ 4,217,041.00	995	\$ 4,238.23
2004	\$ 4,619,226.00	986	\$ 4,684.81
2005	\$ 5,783,294.00	1156	\$ 5,002.85
2006	\$ 5,872,955.00	1231	\$ 4,770.88
2007	\$ 4,662,262.00	1005	\$ 4,639.07
2008	\$ 4,676,603.00	1112	\$ 4,205.58
2009	\$ 4,428,319.00	935	\$ 4,736.17

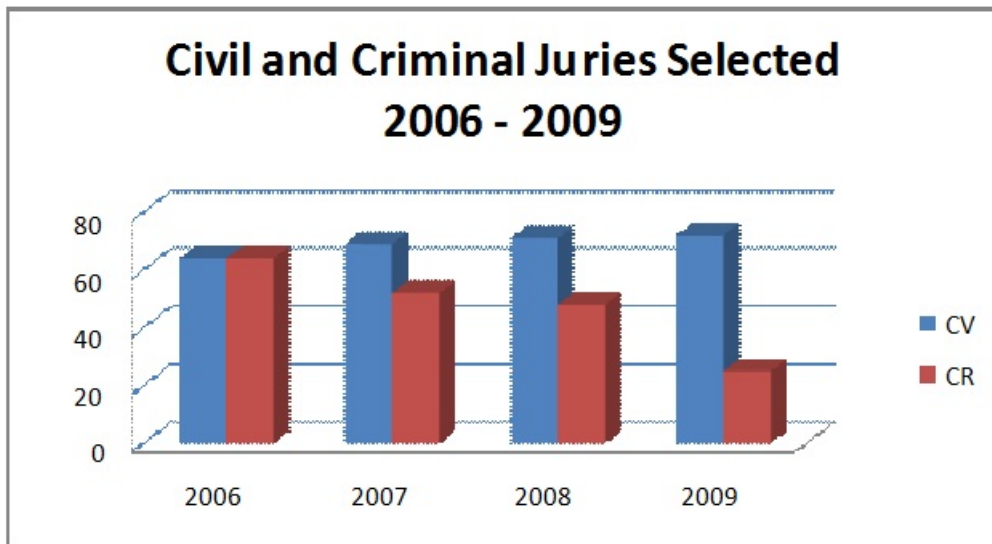
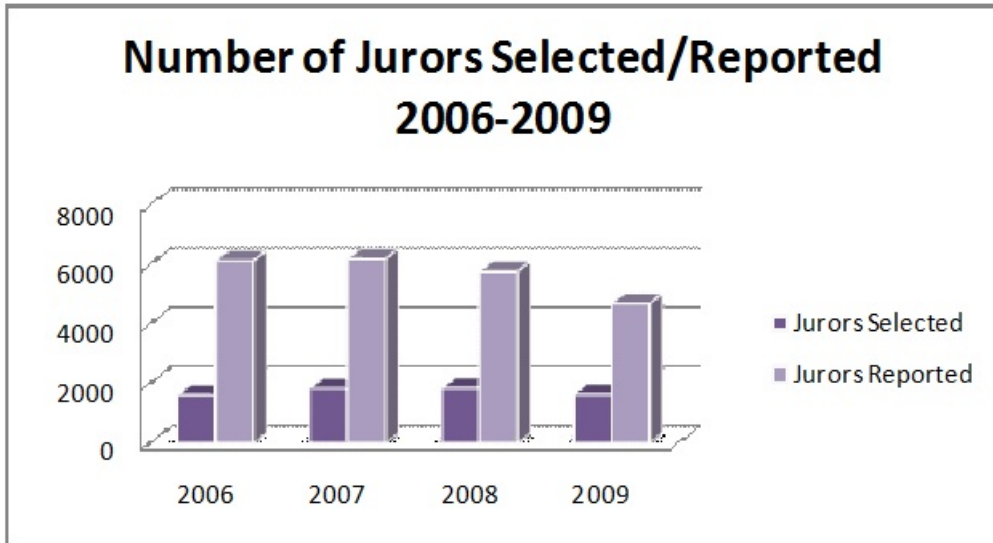
### Interpreter Services

Court interpreters were provided by the Court for 391 cases in FY 2009. Of those, 301 or (76%) were for the Spanish language. The remaining 90 or (24%) required interpreters for (9) other languages, from Albanian to Vietnamese. A total of \$91,347 was spent on interpreting services in FY 2009, a decline of \$4,209, (4%) from 2008, when \$95,556 was expended for interpreting services.

### Jury

The Court modified its Jury Plan to conform to the requirements of the Judicial Administration and Technical Amendments Act of 2008. This revised Plan was effective as of March 3, 2009.

A total of 34.9% of petit jurors present for jury selection in the District of Massachusetts in 2009 were "not selected, serving or challenged on the first day of jury service." This was an increase from the Court's 32.1% reported in 2008, but is below the national average for 2009 of 40.1%. The Judicial Conference had set an approved utilization goal of 30% or less for 2009.



## Civil Cases

The two year pilot project for the random assignment of newly filed civil cases to magistrate judges, pending consent, entered its second year in 2009. The Court entered General Order 09-3 in March, making modifications to the manner in which cases filed by *pro se* litigants are processed. These modifications were intended to help *pro se* litigants understand the effects of and opportunity to consent to magistrate judge assignment.

### Nelson Fellowship

The judges of this Court welcomed its largest class of Nelson Fellows to date in 2009. Eighteen students from the city schools in Boston, Worcester and Springfield participated in an eight week educational summer program. During the program, the Fellows attended two educational sessions: one on writing and speech, and the other a survey of civil rights. For the first time, the Fellows from Worcester and Springfield were able to participate in the educational sessions via teleconferencing and/or videoconferencing. The Worcester and Springfield Fellows also traveled to Boston to participate in many of the program's field trips.

### Office of the Clerk

In 2009, the Clerk's Office for the District of Massachusetts operated with a staff of eighty (80) employees and fourteen (14) court reporters. Offices are located at 1 Courthouse Way in Boston, 300 State Street in Springfield and 595 Main Street in Worcester. The Clerk's Office provides record keeping, case management, automation, financial and other support services for the District Court. Its operating budget for fiscal year 2009 was \$9,430,440 for salaries, automation and administrative expenses. This total represented a 3% increase over the fiscal year 2008 allotment.

### Official Court Reporters

As indicated in the table below, the court reporter in-court hours logged during 2009 decreased 14.71% from 2008. The total number of original transcript pages produced decreased 18.3% in 2009. Each reporter averaged 366 hours in court and 7,356 original transcript pages in 2009.

OFFICIAL COURT REPORTERS			
	2007	2008	2009
In-Court Hours	6,438	6,437	5,490
Original Transcript Pages Produced	114,644	138,356	113,038

### Pro Se Staff Attorneys

The Pro Se Staff Attorneys continued to provide support to the district court judges in civil cases in which a plaintiff seeks *in forma pauperis* status and/or is proceeding *pro se*. In 2009, prisoners (and other detained persons) filed 412 lawsuits in the District of Massachusetts. Approximately 200 additional cases were filed by non-prisoner indigent plaintiffs.

The Pro Se Staff Attorneys also continued to assist in the administration of the Court's *pro bono* program for civil cases. *Pro bono* appointments were made in 9 cases in 2009. After working in conjunction with attorneys and/or representatives from Bingham McCutchen LLP, Foley Hoag LLP, Goodwin Procter LLP and Ropes & Gray LLP, the Court revised the *pro bono* program, effective May 1, 2009, to include a direct assignment panel.

In May 2009, the Court held a reception to introduce the new *pro bono* program and recognized the following firms that participated in the direct assignment panel:

Bingham McCutchen LLP  
Bromberg & Sunstein  
Choate, Hall & Stewart  
Day Pitney LLP  
Dechert LLP  
DLA Piper  
Fish & Richardson PC  
Foley & Lardner LLP  
Foley Hoag LLP  
Goodwin Procter LLP  
Goulston & Storrs PC

McDermott Will & Emery LLP  
Mintz Levin Cohn Ferris Glovsky & Popeo PC  
Nixon Peabody LLP  
Nutter McClennen & Fish LLP  
Ropes & Gray LLP  
Seyfarth Shaw LLP  
Sherin & Lodgen LLP  
Skadden, Arps, Slate, Meagher & Flom LLP  
Sullivan & Worcester LLP  
Todd & Weld LLP  
Wilmer Cutler Pickering Hale and Dorr LLP

## **Reentry Programs**

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

Magistrate Judge Leo T. Sorokin continued to preside over the Court Assisted Recovery Effort (CARE). The Court Assisted Recovery Effort helps defendants create and maintain sober, employed and law abiding lives. Success in the program promotes both public safety and rehabilitation. CARE involves closer supervision of a defendant and higher expectations than regular supervision, but it also offers 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 its second graduation in June, 2009.

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

On March 3, 2009 this Court authorized the Probation Office and Magistrate Judge Timothy Hillman to begin a reentry court program for high risk ex-offenders in the Eastern and Central Divisions. The Western Division began its own RESTART program in December. RESTART is modeled after Magistrate Judge Leo Sorokin's nationally 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 twelve recently released defendants on supervised release, and is focused on issues such as employment, housing, and drug and mental health counseling. Magistrate Judge Kenneth P. Neiman and Magistrate Judge Hillman share responsibility for the program.

## **In Memoriam**

Sadly, our Court family greatly diminished in 2009. The Court suffered three tremendous losses with the passing of District Judge Reginald C. Lindsay, Senior District Judge Morris E. Lasker and William L. Ruane, Jr., Chief Deputy Clerk.

On March 12, Judge Reginald C. Lindsay passed away after a lengthy illness. Judge Lindsay served this Court with distinction since his appointment by President Bill Clinton in 1993. At the time of Judge Lindsay's death, Chief Judge Mark L. Wolf said: "Judge Lindsay proved again that a great judge must be a great man. His journey from being an African-American youth in segregated Alabama to becoming a federal judge in Boston has been compelling evidence of the enduring integrity of our nation's promise of equal opportunity for all. Reg Lindsay's distinguished work as a judge made a unique contribution to our nation's commitment to guaranteeing Equal Justice Under Law. Judge Lindsay's influence as an inspiring role model and mentor for disadvantaged youth assures that he will have a vibrant, living legacy." Judge Lindsay was also one of the leaders of the Nelson Fellowship. His invaluable contributions to that program will be sorely missed.

November brought the sudden, very unexpected death of Chief Deputy Clerk William L. Ruane, Jr. Bill served this office since 1975, starting his career with the court as a jury clerk. In 1988, he was promoted to Chief Deputy Clerk, the position he held until his death. Bill enjoyed his colleagues and his work. His wife, Kathleen said: "To be able to head off to work every day for nearly 34 years without a complaint made him a very lucky man." Chief Judge Mark L. Wolf called Bill "the model of the humble, invaluable public servant." Above and beyond his career with the Court, Bill was a dedicated father and an accomplished athlete. He never missed a chance to attend his children's sporting events, no matter the season or the weather. While attending Belmont High School, Bill played football and baseball. He was proud of the no-hitter he pitched for the varsity baseball team in 1971. After graduating from high school, he attended Boston College on a full athletic scholarship, earning a degree in marketing.

Senior District Judge Morris E. Lasker passed away on December 25 after a brief illness. Judge Lasker was born in Hartsdale, N.Y., on July 17, 1917, attended The Horace Mann School in New York City, graduated in 1938 from Harvard College (Phi Beta Kappa) and from the Yale School of Law in 1941. Judge Lasker had a storied career, beginning with a stint as a staff attorney for a United States Senate committee charged with investigating military contracts for the federal government. After the outbreak of World War II, Judge Lasker joined the military, and was discharged in 1946 as a Major in the Air Force. After working in private practice for many years in New York City, Judge Lasker was appointed as a District Judge for the Southern District of New York. In 1983, Judge Lasker took senior status, and then in 1994 transferred to this District to be close to his children and grandchildren. Judge Lasker handled a wide range of cases in both the Southern District of New York and the District of Massachusetts. Some of the parties appearing before him in civil and criminal matters were Clifford Irving, the author of the bogus Howard Hughes autobiography, convicted entrepreneur Ivan Boesky, Angela Davis, the Girl Scouts of America and the comic group Monty Python. Judge Lasker was also instrumental in improving the conditions of the New York City prison known as "the Tombs."



In 1963, for the 25th anniversary report of his Harvard class, Judge Lasker wrote: "Have I moved the world? No - except as we all do, I have participated."

## **BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS**

In February, Frank J. Bailey joined the Court in Boston bringing it to its full complement of five judges. In October, the headquarters office in Boston returned to an old location, the refurbished John W. McCormack Post Office and Courthouse at 5 Post Office Square. The Clerk's Office and chambers occupy the entire 11<sup>th</sup> floor. The judges conduct hearings in the three historic, and now electronic, courtrooms on the Milk Street side of the 12<sup>th</sup> floor. The thorough renovation of the building revitalized its art deco character while providing an entirely new mechanical infrastructure and modernizing its heating, ventilation and air conditioning (HVAC) systems.

In calendar year 2008, there were 16,535 cases filed in the Bankruptcy Court for the District of Massachusetts, while in 2009 there were 20,966 cases filed, an increase of 26.8 %. This follows an increase of 20.7 %, from 2007 to 2008. To address these dramatic increases in the caseload, the Clerk's Office created a Team Leader for each session in Boston to assist the case administrators.

Filings by pro se, or unrepresented debtors, continued to be high, with 1,003 pro se filings in 2008 and 868 in 2009. The pro se law clerk has been actively involved throughout the state in organizing a response from the private bar to the desperate need of these people for legal assistance. The Team Leader met with many bar groups and individual attorneys in an effort to develop some sort of referral service and legal safety net. Informational sessions for pro se debtors and potential debtors in Boston, Worcester and Springfield were organized. These sessions were led by private attorneys who discussed the bankruptcy process and reviewed the myriad of paperwork needed to file a bankruptcy petition. One of the purposes of these sessions was to show people how complex a bankruptcy case may be and to encourage them to seek legal counsel.

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 Practising Law Institute, the National Association of Consumer Bankruptcy Attorneys, and the American Bankruptcy Institute.

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

Judge Joan N. Feeney served on the Judicial Conference's International Judicial Relations Committee. She also served on the board of the American Bankruptcy Institute and is

the coauthor of the West treatise “Bankruptcy Law Manual.” Recently, she was elected the President of the National Conference of Bankruptcy Judges. Judge Feeney continued to serve as the co-chair of the M. Ellen Carpenter Financial Literacy Project, a joint Bankruptcy Court/Boston Bar Association effort to promote financial literacy among high school juniors and seniors throughout the Commonwealth. The program has five, one-hour modules, the last of which is a visit to the Bankruptcy Court for a mock Meeting of creditors and a hearing on a Motion for Relief from the Stay to repossess an automobile. All five bankruptcy judges have held these mock hearings. Judges Feeney, Hillman and Bailey conducted the mock hearings in Boston while Chief Judge Henry Boroff conducted the mock hearing in Springfield and Judge Joel Rosenthal conducted the mock hearing in Worcester.

## **PROBATION OFFICE DISTRICT OF MASSACHUSETTS**

For the past few years, the Office has focused on change, growth, and identifying opportunities to maximize productivity, efficiency, service to the community, and effective use of resources. To that end, numerous practices have been re-evaluated, adjusted, abolished, or newly implemented to advance the goals of the District. Primary goals included: Striving to conduct objective investigations and provide reports with verified information and recommendations; endeavoring to ensure offender compliance with court-ordered conditions through community-based supervision and partnerships; striving to protect the community by managing risk through proactive interventions; and working to promote the fair, impartial, and just treatment of defendants and offenders.

The Office encouraged staff participation on national committees, such as the probation officer advisory group to the Sentencing Commission; the Federal Judicial Center programs; and national workgroups focused on presentence issues, evidence based practices, sex offenders, and search and seizure. Such national involvement allowed staff the opportunity to share their expertise, shape national policy, and ultimately bring cutting edge policy and procedural developments back to the District.

The 2009 workload in the Presentence Unit was comparable in scope to recent years, while the Supervision Unit caseload grew slightly. Given stable workload and staffing, the Unit was able to focus its energies on further development of offender-based initiatives, such as workforce development and the CARE program for substance abusers. Notably, CARE completed its third full year of operation and was evaluated through a research study completed by Northeastern University. The study found that CARE participants were 2.6 times more likely to be successful than the comparison group of similarly situated offenders under regular supervision, where success was defined as being sober, law abiding, and employed. Buoyed by that success, the Unit initiated the RESTART re-entry program for high risk offenders in the Boston and Springfield offices and have also worked on evidence-based practices, such as motivational interviewing and cognitive behavioral therapy.

## **Presentence Unit**

In 2009, Probation Officers assigned to the Presentence Investigation Unit conducted investigations and prepared comprehensive reports for the Court, which included detailed analysis of guideline applications. The Presentence Unit focused on training and development of newer officers; provision of internship opportunities; increased efficiency through IT advancements; ancillary Court projects; and national initiatives.

The Unit continued to work to increase efficiency in 2009 through PACTS (Probation and Pretrial Automated Case Tracking System), a database and officer resource which has historically been utilized primarily by the Supervision Unit. In January of 2009, the Unit began to track officer investigation assignments through PACTS and, throughout the year, made increased use of PACTS by continuing to document case continuances and home inspections using PACTS' chronological record feature. Officers and clerical staff also continued to utilize the PACTS document imaging module to upload documents into the system for electronic storage and to access case documents already in the system. In addition, the Unit introduced PSX, a new PACTS module for officers to prepare presentence reports, and to draw existing, needed information from the database. PSX will be pilot tested in a few select districts and the Unit has requested to participate in the pilot. Through these efforts, the Unit has made appreciable strides in improving efficiency, streamlining operational systems, and making effective use of the resources and technology.

The Unit also continued to handle cases returned to the Court for resentencing, pursuant to the Crack Cocaine Amendment of 2008. Although the number of motions and resentencings was significantly less than in 2008, officers continued to prepare revised documentation and attend resentencings pursuant to the Court's procedural orders.

In 2009, the Unit also began to incorporate evidence based practices into the presentence process. This issue is being evaluated at a national level via a presentence workgroup and the District of Massachusetts is represented in that workgroup by Supervisor Iris Golus. Senior Officer Jennifer Sinclair continued as the First Circuit representative on the Probation Officer Advisory Group to the Sentencing Commission.

In 2009, cases were assigned using the "case weighting" system that was implemented in 2003. Cases are weighted and assigned based on factors including, but not limited to, degree of difficulty as measured by the number of prior criminal history cases per defendant (25 or more prior cases); complexity of financial cases (10 or more counts of conviction or a large number of victims); and degree of difficulty of offense conduct based on the number of defendants involved in the case (six or more defendants).

A total of 515 cases were assigned during 2009. Included in this total were 77 cases (12 more than in 2008) deemed "difficult," while an additional 11 cases (1 fewer than in 2008) were characterized as so difficult they resulted in an assignment waiver for the assigned officer. (A waiver is awarded for exceptionally difficult cases, i.e., 50 or more prior criminal history cases or an offense conduct assignment for a case with 12 or more defendants.) The assignment waiver allows the officer to receive one less case for that monthly assignment period, as long as

staffing levels and workload volume allow for such consideration. Cases with the most complex offense conducts are assigned primarily to the Presentence Unit's Sentencing Guideline Specialists. However, leadership responsibility for offense conduct preparation is also assigned to other veteran officers when multiple-defendant cases need to be assigned in close proximity.

In 2009, 11 presentence reports (4 fewer than in 2008) were prepared in cases where the United States Sentencing Guidelines did not apply (Class B or C Misdemeanors and Infractions). Most of these cases involved Motor Vehicle Offenses (Operating Under the Influence of Alcohol; Refusal to Submit to a Breathalyzer) that occurred on National Park Service Lands.

Note: The total number of orders for presentence investigations received by the Probation Office continues to be directly related to the number of prosecutions undertaken and/or completed by the U.S. Attorney's Office in any given year.

In 2009, 11 investigations were assigned in cases where defendants filed a motion pursuant to 18 U.S.C. § 3582(c)(2) to have their sentence reduced based on the retroactive crack cocaine amendment to the Sentencing Guidelines that became effective in March 2008. This number was down significantly from the 264 such investigations assigned in 2008, as most eligible defendants filed these motions as soon as the amendment became retroactive.

In 2005, the Presentence Unit began to assist the Supervision Unit in preparing collateral criminal history investigation reports ("collaterals") requested by other districts. Collaterals were assigned to the Presentence Unit and the Supervision Unit on a rotating basis beginning in July 2005, and the units have shared this responsibility, to varying degrees, since that time. The Boston Presentence Unit maintained exclusive responsibility for collateral preparation from January through May 2009, at which time, due to workload demands, the Supervision Unit resumed preparation of all collaterals. From January 2009 through May 2009, 57 collateral investigations were assigned to the Boston Presentence Unit.

## PRESENTENCE UNIT STATISTICS

Total Defendants Sentenced:	<b>510</b>		
Total Defendants Sentenced >= 1 Month:	<b>447</b>		
Average Jail Sentence >= 1 Month:	<b>68.35</b>	Median Jail Sentence >= 1 Month	<b>51.00</b>
Percentage Sentenced >= 1 Month	<b>87.65%</b>		
Total Defendants Sentenced Between 1 - 6 Months (Split-Type-CTC, Home Det., Probation):	<b>30</b>	Percentage Sentenced Between 1 - 6 Months	<b>5.88%</b>
Total Defendants Sentenced to Probation:	<b>44</b>	Percentage Sentenced to Probation	<b>8.63%</b>
Total Career Offenders and ACC:	<b>94</b>	Percentage Career Offenders and ACC:	<b>18.43%</b>
Average Sentence for Career Offenders and ACC:	<b>116.13</b>	Median Sentence for Career Offenders and ACC:	<b>106.00</b>
Average Jail (Months - Excluding Career Offenders):	<b>55.63</b>	Median Jail (Months - Excluding Career Offenders):	<b>41.00</b>
Average Time to Disposition	<b>177.97</b>	Median Time to Disposition	<b>115.00</b>
Average Time to Disposition (No Cooperation):	<b>150.74</b>	Median Time to Disposition (No Cooperation)	<b>111.00</b>
Number of Cases with Safety Valve:	<b>67</b>	Percentage of Cases with Safety Valve:	<b>13.14%</b>
Total Departures UP:	<b>5</b>	Percentage of Departures UP:	<b>0.98%</b>
Total Departures DOWN *	<b>95</b>	Percentage of Departures DOWN:	<b>18.63%</b>
Total Cases Outside Advisory System Above	<b>8</b>	Percentage of Cases Outside Advisory System Above	<b>1.57%</b>
Total Cases Outside Advisory System Below *	<b>253</b>	Percentage of Cases Outside Advisory System Below	<b>49.61%</b>
Number of Guilty Pleas:	<b>482</b>	Percentage of Guilty Pleas	<b>94.51%</b>
		Percentage of Pleas Excluding Career Offenders:	<b>81.74%</b>
Total Cases Cooperation	<b>46</b>	Percentage Downward Departure With Cooperation:	<b>9.02%</b>
Number of Downward Departures Without Cooperation	<b>55</b>	Percentage Downward Departure Without Cooperation:	<b>10.20%</b>
Average Sentence With Cooperation	<b>37.63</b>	Median Sentence With Cooperation	<b>24.00</b>
Average Sentence Without Cooperation	<b>66.55</b>	Median Sentence Without Cooperation	<b>60.00</b>

\* Nineteen of these cases include downward departures and reductions pursuant to 18:3553(a) factors.

## Supervision Unit

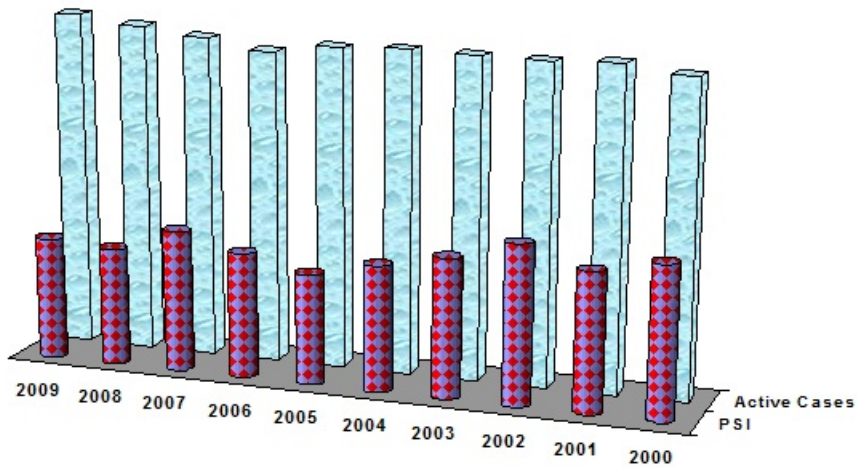
Officers assigned to the Supervision Unit are responsible for the supervision of persons conditionally released to the community by the courts, the Parole Commission, the Federal Bureau of Prisons, the State Department Prison Exchange and military authorities. Officers recommend and implement conditions of release and monitor offenders' compliance with those conditions. Officers also worked with offenders to facilitate their reintegration into the community as law-abiding and productive members of society. Officers carried out these responsibilities by assessing the risks, needs and strengths of each offender and determined the appropriate level of supervision. Officers used skills from various disciplines to simultaneously monitor and, as necessary, control and correct offender behavior.

The desired outcomes and goals of supervision are defined as: (1) the execution of the sentence and the protection of the community by reducing the risk and recurrence of crime and maximizing offender success during the period of supervision and beyond; and (2) the successful completion of the term of supervision, during which the offender commits no new crimes is held accountable for victim, family, community and other court-imposed responsibilities, and prepares for continued success through improvements in his or her conduct and condition.

In order to reduce recidivism rates, the Unit continued to utilize programs that incorporated evidence based principles such as CARE, RESTART, and Motivational Interviewing, and expanded the programming which included cognitive behavioral therapy (CBT). CBT is a psychotherapeutic approach that aimed to influence dysfunctional emotions, behaviors and cognitions through a goal-oriented, systematic procedure. CBT treatments had received empirical support for efficacious treatment of a variety of clinical and non-clinical problems, including mood disorders, anxiety disorders, personality disorders, eating disorders, substance abuse disorders, and psychotic disorders. In 2010, the Unit will discontinue the current risk assessment instrument (RPI) which is a static assessment tool, and incorporate a dynamic risk/needs instrument (Post Conviction Risk Assessment) which will assist our officers in assessing risk, need, and responsivity issues.

The ability to obtain necessary programming was enhanced this year with the passing of the Second Chance Act, which aims to reduce recidivism, rebuild ties between offenders and their families, support evidence based practices, protect the public, and assist offenders in establishing a self-sustaining life. With the passing of the Act, the Director of the Administrative Office became authorized to "contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community authorized by the Act, including 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."

### Active Cases & Presentence Reports Fiscal Year 2000 - 2009



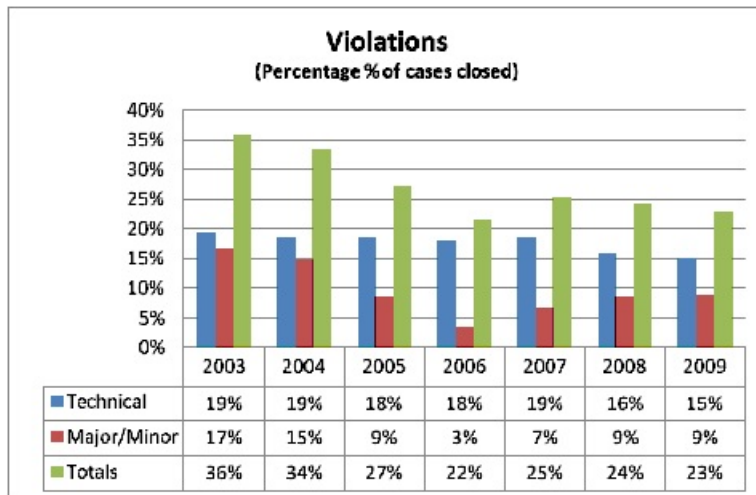
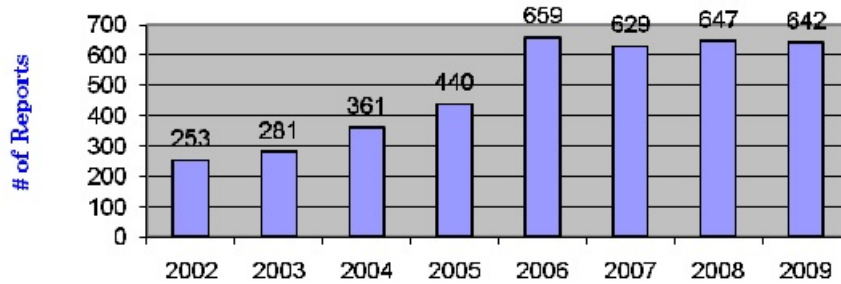
	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
PSI	476	458	551	488	431	489	542	620	540	592
Active Cases	1313	1282	1252	1215	1244	1255	1246	1242	1250	1223

### Active Supervision Summary Information

Total Active Cases as of 03/03/2010	<b>1307</b>
Total number of Offenders Employed*:	<b>890</b> 68%
Unemployed:	<b>188</b> 14%
Unemployed/Excused	<b>201</b> 15%
Training Referral	<b>18</b> .01%
* Percent Employed is based on Dept. of Labor standards to insure consistency between values calculated here and those published by the DOL.	
Employed = $\frac{\text{Employed}}{[\text{Caseload}] - [\text{Unemployed Excused}] - [\text{Training/Referral}]}$	

Education Level at Start of Supervision		
Education Description	Total	Percentage
Doctorate	2	0.2%
Voc/Apprentice Grad	8	0.6%
No level	9	0.7%
Associate Degree	15	1.1%
Some College	16	1.2%
Master's Degree	27	2.1%
Unknown	102	7.8%
Bachelor's Degree	104	8.0%
Graduate Equivalency	205	15.7%
No HS Diploma or GED	332	25.4%
High School Diploma	486	37.2%

**Number of Violation Reports**





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

### **Staffing**

In Fiscal Year 2009, U.S. Pretrial Services maintained offices in the courthouses in Boston, Worcester, and Springfield. Throughout the year, Pretrial Services operated at full staffing level of sixteen full time employees, as determined by the Office of Probation and Pretrial Services' workload formula for FY 2009. One student intern was hired for a three-month period during the summer of 2009.

The office located in the Harold D. Donohue Federal Building and Courthouse in Worcester continued to be staffed by Pretrial Services Officer, Vangie Cuascut. The pretrial services office located in the Springfield courthouse (opened in the fall of 2008) was staffed by Pretrial Services Officer, Irma Garcia-Zingarelli, and Pretrial Services Technician, Michael Primeau.

The office located in the John Joseph Moakley U.S. Courthouse in Boston continued to be staffed by Chief Pretrial Services Officer, John Riley, Supervising Pretrial Services Officer, Basil Cronin, Drug and Alcohol Treatment Specialist, Judith Oxford, Home Confinement/Location Monitoring Specialist, Gina Affsa, Pretrial Services Officers, September Brown, Thomas O'Brien, Christopher Moriarty, and Toland Gladden, Pretrial Services Officer Assistant, Eric Gray, Budget and Procurement Manager, Laura Segal, Data Quality Analyst, Marlene White, and Pretrial Services Clerk, Suzanne Schroeder.

### **Human Resources**

In 2007, the District Clerk, the United States Probation Office and Pretrial Services reviewed the deliver of human resources concluded that a combined effort would serve staff in a more efficient and cost effective manner. To that end, Pretrial Services hired a Human Resource Technician, Janelle Cole. The duties and responsibilities of this position are shared between Pretrial Services, the Clerk's Office and the U.S. Probation Office. In 2008, the position was enhanced to Human Resource Assistant. Pretrial continued to fully fund this position in 2009. The Human Resource Assistant is located in the Clerk's Office and is under the supervision of the Human Resource Manager.

### **Internships**

In Fiscal Year 2009, this agency's student internship program, which began in 2005, benefitted from the participation of one paid student intern, Chioma Akukwe, who had been accepted at Boston College Law School. Ms. Akukwe, was of invaluable assistance in the creation of the Defendant Workforce Development Program. Ms. Akukwe participated in all phases of a pretrial services' approach to all criminal matters from the initial appearance and interview process through release and supervision of conditions of release.

## **Training**

Training remains a top priority. Employee participation in training programs locally, regionally, and nationally equips officers and support staff with the necessary knowledge, skills and abilities to perform their duties at the highest level. Pretrial Services Officers are required to receive a minimum of 40 hours annually of formal training and continuing education. Officers participated in both in-district safety training programs as well as safety training events with the districts of Maine, New Hampshire, Connecticut, and Rhode Island. During 2009, pretrial officers completed 15 hours of officer response tactics and, for those officers opting to carry the Oleoresin Capsicum (OC) Spray, an additional 8 hours of OC training was completed. Free training space was provided by the U.S. Coast Guard Training Facility on Atlantic Avenue in Boston, as well as the State Police Training Academy in New Braintree, MA.

Support staff, as a well as officers, attended a wide variety of training events in 2009. These included quarterly training for this district's (and region's) Critical Stress Incident Management (CISM) team; financial training for both new FAS<sup>4</sup>T users as well as a financial forum for budget staff; an Information Technology Forum; a five-week web-based (webinar) substance abuse training series produced by the Federal Judicial Center; Defendant Workforce Development Training; and internal training for urine collection, sweatpatch application procedures, and chain of custody procedures.

## **Budget and Facilities**

Pretrial Services for the District of Massachusetts received \$1,809,819 in total funding in FY 2009. This represented a 3% decrease over the FY2008 allotment (\$1,880,366). Allotments are disbursed into four categories: Personnel, General Operations, Law Enforcement and Information Technology. Personnel funding represented the largest budget allotment, 75.4%, in 2009 (\$1,364,836). The 3% decrease in 2009 was largely attributable to a reduction in the personnel budget.

The FY 2009 Law Enforcement allotment was greater in FY 2009 than in FY 2008. This allotment (Alternatives to Detention) represented 16.3% of the total in 2009 (\$295,089 in FY 2009 compared to \$258,421 in FY 2008). The Law Enforcement budget funds all substance abuse costs, electronic surveillance, including global positioning, voice identification monitoring, drug and alcohol detection, and all travel and training costs.

General operations which funds office supplies, office equipment (non-automation), maintenance agreements, as well a maintenance projects, represented 3.5% of the FY 2009 allotment. This allotment decreased slightly in FY 2009 (\$63,306 in FY 2009 compared to \$67,391 in FY 2008).

The allotment for Information Technology in FY 2009 was \$86,588, which represented 4.8% of 2009 funding. This represented an increase over FY 2008 (\$86,588 in FY 2009 compared to \$76,518 in FY 2008). From this fund, this office completed cyclical automation

purchases, including a new software program and scanning device, and contributed to shared projects and purchases.

### **Policy and Procedures**

The Attorney Pilot Project, initiated in January 2004, which required all defendants prior to the pretrial services interview to acquire access to defense counsel, continued in FY 2009. The interview rates in 2009 reached 60.8%, which came close to the national average of 61%.

In cases where defendants, on advice of counsel, declined to be interviewed, or access to defendants was delayed pending the authorization to interview, investigative reports were provided. In FY 2009, pretrial services officers submitted bail reports, interview or no interview, in 84% of all new cases. Reports on a defendant's criminal history were submitted in 100% of the cases activated.

The document imaging project, commenced in 2008, was expanded in 2009 by the training of all line officers. The ultimate goal of the document imaging program is to make the free flow of information between Pretrial Services and Probation more efficient. Further, the reduction of paper files will reduce and eventually eliminate the need for space to store files.

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

### **Electronic Monitoring, Testing, Treatment (Contract Services)**

Electronic monitoring continued to play an important role in the release of defendants viewed as posing substantial non-appearance and/or safety risks. During the course of FY 2009, Pretrial Services supervised a total of 109 defendants released on electronic monitoring (62 released in FY 2009 and 47 carried over from prior fiscal years). Fifty-one electronic monitoring cases were closed in 2009. This produced an average daily caseload of 51 defendants on electronic monitoring. The average length of time a defendant spent on electronic monitoring in FY 2009 was 327 days. An additional 44 defendants were released under a curfew condition which was supervised by use of a computer-based voice recognition system. In FY 2009, pretrial services expended \$71,009 in electronic monitoring and voice recognition services. In FY 2009, the daily per defendant cost of detention was \$67.79. The daily cost of electronic monitoring per defendant in FY 2009 was \$3.18. The cost of detaining 51 defendants in FY 2009 would have been just over \$1.13 million.

Submitting to substance abuse testing is an extremely valuable condition of pretrial release. In FY 2009, urinalysis was conducted at the three court locations (Boston, Worcester and Springfield), as well as at contracted private facilities (drug treatment programs). During FY 2009, 1,172 urine samples were obtained from defendants by Non Instrumented Drug Testing Devices (NIDTs) or, hand held units. An additional 945 samples were sent to the national laboratory for analysis. This office continued to utilize a third tool for detecting drug

use, a sweat patch. In FY 2009, 73 sweat patches were applied. Of the 945 urine samples sent to the national laboratory for analysis, 174 (18%) tested positive for narcotics.

During FY 2009, Pretrial Services continued the practice of “piggybacking” U.S. Probation Offices’ Blanket Purchase Agreements by contracting for both outpatient and inpatient substance abuse and mental health treatment. In FY 2009, pretrial services also continued to piggyback the Bureau of Prisons contract for services at the Community Resource for Justice and the BOP halfway house, for temporary housing. In FY 2009, a total of 74 defendants participated in inpatient/outpatient substance abuse programs and outpatient mental health. Pretrial Services expended a total of \$254,265 for treatment services and costs associated with urine testing (collection and supplies).

### **Caseload Data**

In the District of Massachusetts, a total of 538 new cases were activated during Fiscal Year 2009. After adjusting for cases dismissed or defendant’s returned to state custody (no release/detention issue), immigration cases and cases transferred out of the District (removed), 425 cases were subject to a release/detention hearing. There were 172 defendants detained (40.5%) and 253 defendants released (59.5%). The national detention rate in FY 2009 was 53.2% and the release rate was 46.8%.

Over the course of FY 2009, a total of 1,585 cases were open. Of these cases, 794 were on release status (50%). These figures include cases remaining open and carried over from previous fiscal years. The cost of pretrial supervision nationally in FY 2009 was \$6.38 per day per defendant.

In FY 2009, Pretrial Services Officers recorded 176 instances of non-compliance, a rate of 22%. Of the 176 instances of non-compliance reported, 66 resulted in violation reports submitted to the Court which translates into an overall violation rate of 8%. Pretrial Services officers strive to bring a non compliant defendant back into compliance before the non-compliance rises to the level of a violation. The national average for instances of non-compliance in 2009 was 10%, with 12% of those resulting in violation reports. The major categories of violations were: 14 violations of electronic monitoring (21%); 25 violations of a drug or alcohol related condition of release (39%); 13 violations of the statutory conditions of release (20%); and 13 violations of other factors (20%).

### **Pretrial Diversion**

In 2008, Pretrial Services and the United States Attorneys Office agreed to resume the use of the Pretrial Diversion Program in the District of Massachusetts. At the end of FY 2007, Pretrial Services had five (5) diversion cases. In FY 2008, nine (9) pretrial diversion cases were opened which placed this district second in the First Circuit for pretrial diversion activations. In FY 2009, an additional four (4) diversion cases were opened.

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

**DISTRICT COURT**

For the District of New Hampshire, 2009 included changes in personnel and technological improvements. In June of 2009, the District of New Hampshire welcomed home Associate Justice David H. Souter who retired from the United States Supreme Court after 19 years of service. Justice Souter now maintains a full-time chambers in the Warren B. Rudman U.S. Courthouse and frequently assists the U.S. Court of Appeals for the First Circuit with its caseload.

Also in 2009, Magistrate Judge James R. Muirhead announced his retirement effective May 2010 after nearly 15 years of service on the federal bench. Thus, the search for the District's next full-time magistrate judge commenced. In September, the Judicial Conference approved the re-establishment of the clerk/magistrate judge position in the district, which will be filled by Daniel J. Lynch, Chief Deputy Clerk.

There were also a number of staff changes in the District of New Hampshire in 2009. Joyce Roy retired after dedicating over 30 years of service to the court as a case manager. Frank Clough was promoted to Assistant Director of IT and Tia Hooper was promoted from Operations Generalist to Procurement Specialist. A number of employees had milestone service anniversaries: Janice Boucher, 15 years; Barbara Bammarito, 10 years; Sandra Berry, 5 years. With 2009 marking his 25th anniversary with the court, James R. Starr became the longest serving Clerk of Court for the District of New Hampshire. Nancy Davis, who served as a part-time pro se career law clerk, resigned in April and Natalie Duval was hired to perform that role. Finally, Susan Flanders, Hilary Goodnow and Lianne Lavigne were hired as temporary deputy clerks to assist with a long-standing historical project and to assist the operations group.

As duties assigned to personnel evolved, a significant amount of training was provided to the court's employees. Staff attended the following training sessions in 2009: Courtroom Technology Training (Jim Chiavaras), Lotus Notes Training (Barbara Bammarito, Frank Clough), IT Conference (Barbara Bammarito, Frank Clough, Dionis Espailat), management courses through the University of New Hampshire (Frank Clough), judicial administration course work through Michigan State University (Dan Lynch), Train-the-Trainer on Performance Management and Human Resources Academy and Training (Tom Van Beaver), Dreamweaver and Photoshop (Kristie Trimarco), and CM/ECF Operations Forum (Dan Lynch, Gail Adams, Kristie Trimarco).

In the area of human resources, the District of New Hampshire dedicated a significant amount of time developing its Performance Management Plan. Full implementation of the Plan, including the discretionary step system for pay increases, will begin in October 2010. The Court also modified and updated its Plan for the Random Selection of Grand and Petit Jurors, as well as its Management Plan for the Effective Utilization of Court Reporters, both of

which were approved by the First Circuit Judicial Council in 2009. Finally, the Court improved both its Policy Regarding Reasonable Use of Court Equipment and its Telework Policy, and began to focus on improvements to its COOP preparedness.

In addition, the Courthouse History Project, which prepares displays of events with national or local significance, served as the primary focal point of public facility improvements. The hallways and conference rooms outside the courtrooms on the third floor were dedicated to national historical events depicting our nation's quest to pursue liberty and freedom. Large displays were rolled out in the hallways explaining the history behind and significance of General Washington's crossing of the Delaware River, the creation of the Declaration of Independence, President Lincoln's Emancipation Proclamation and the Battle of Gettysburg, and the battle for women's suffrage and the civil rights movement. Conference rooms were filled with additional pieces related to the main topics in the hallway, such as the individual drafters of the Declaration of Independence and New Hampshire's Civil War era Fighting Fifth Regiment. The first floor theme focused on New Hampshire events and figures. United States postage stamp art depicting significant New Hampshire citizens and symbols were added to the walls of the jury assembly room. Artwork and stories about The Old Man of the Mountain and Concord Coaches were the first New Hampshire pieces displayed in the main hallway.

The District continued its tradition of outreach to the public and bar in 2009. The Federal Practice Section of the New Hampshire Bar Association hosted an open forum with District Judge Joseph N. Laplante in April. In October 2009, the Federal Practice Section also hosted an open forum for law clerks serving in the District of New Hampshire. Topics of discussion ranged from the value of oral argument, effective pleadings, and specific local pleading practice issues pertaining to the impact of the Supreme Court's decisions in Twombly and Iqbal.

In addition to outreach with the New Hampshire bar, the District of New Hampshire had the opportunity to interact with prosecutors from Qatar. Through an exchange program offered by the Office of Prosecutorial Development of the United States Department of Justice and the State of Qatar Office of Public Prosecution, five Qatari prosecutors visited Concord during February of 2009. The visit was organized by First Assistant United States Attorney Michael Gunnison of the District of New Hampshire. As part of their visit to Concord, the prosecutors met with Chief Judge Steven J. McAuliffe and Judge Laplante.

In addition to participating in the development of the Federal Practice Institute, the Federal Court Advisory Committee ("FCAC") continued to act as a sounding board on many issues facing the court and functioned as a liaison between the bench and bar on issues of importance to federal practitioners. During 2009, FCAC members raised concerns or made suggestions on behalf of members of the bar on topics ranging from court facilities to court practices and procedures, including: the courthouse art and history project; courthouse security; continuing legal education initiatives; library fund expenditures; and public outreach. Although three member's terms expired in 2009, Cathy Green, Esq. and Debra Weiss Ford, Esq. both agreed to serve another three year term. After serving two terms, W. Scott J. O'Connell, Esq. stepped down from the FCAC and Mark E. Howard, Esq. agreed to serve in his place.

The Local Rules Subcommittee, Chaired by Gretchen Leah Witt, Esq., also played an integral role in reviewing and making recommendations on proposed amendments to the District Court's Local Rules in 2009. In addition to filing deadline changes resulting from the time-computation amendments to the federal rules, the most noteworthy changes to the local rules included prohibiting represented parties from filing pro se pleadings without prior leave of court, unless the pleading relates to the status of counsel; requiring disclosure statements when a party is a Limited Liability Corporation; requiring members of the District's bar to maintain active membership in good standing in a state bar; specifying that departure motions based on substantial assistance remain sealed for either five years or the completion of any term of imprisonment, whichever is longer; requiring the clerk of court to retain possession of exhibits until the conclusion of the appeal period or resolution of any appeal; and amending the Sample Discovery Plan (Civil Form 2) to require that parties establish a deadline for identifying unnamed parties whom the defendant claims are at fault on a state law claim pursuant to DeBenedetto v. CLD Consulting Engineers, Inc., 153 N.H. 793 (2006).

The District's CJA Panel continued to accept a large portion of court appointments in 2009. Donald A. Kennedy, Esq. was re-elected as a member of the CJA Panel Selection Committee. Lawrence A. Vogelman, Esq. served as the District's CJA Representative. The Federal Defender assembled two CLE training sessions in 2009. The Federal Defender presented a training in February on Recent Firearms Cases, Identity Theft and Experts. In December, the Federal Defenders also conducted a CLE on Drug Court Update; Practice Issues in Drug Cases and Drug Offense Related Legislation; Comprehensive Review of Mandatory Minimum Sentences; Forfeiture Basics; and Panel Session on Federal Criminal Litigation and Experiences with the BOP. Attendees received CLE credits from the New Hampshire Bar Association.

Also in 2009, Judge Laplante assembled a team to pursue the creation of a drug court program in the District. The team included members from the Clerk's Office and the Probation and Pretrial Services Office, as well as attorneys from the Offices of the United States Attorney and Federal Public Defender, CJA Panel and private practice. The group met over a number of months in an effort to develop the parameters of a drug court program and visited re-entry programs in other districts. The team contracted with the National Drug Court Institute to conduct a full-day seminar in September. During the seminar, the Institute provided the background information, best practices and operational focus needed to plan and implement a drug treatment program. In the spring of 2010, Judge Laplante will implement one of the only pre-sentencing federal drug court programs in the nation.

In 2009, the IT Department first focused on improving the court's technological COOP preparedness in the event of a court closure due to natural or man-made disaster. Over forty COOP designated laptops were deployed to court staff. IT personnel provided training on how to connect from a remote location in order to work effectively during an emergency. In further support of the COOP initiative, a DFS server was placed at the John Joseph Moakley U.S. Courthouse in Boston. This server was established to be a Domain Controller, DNS server, and a DFS replication server. In addition to the off-site DFS server, the court's terminal server was rebuilt in an effort to be more accommodating to remote access by court users. IBM blade systems were chosen to replace all Dell servers in the future. The blade systems offer lower energy consumption, include integrated high capacity SANs, and cost significantly less than Dell servers and blades.

All court system backups were migrated from tape to disk. Because the disk backup system is faster and has a larger capacity, the District can now backup three times more information that it could previously. In addition to the servers, all user desktops were backed up to a 10 terabyte storage server.

The IT Department also introduced staff to a new technology called ISYS. This technology allows users to perform a text search of emails and local and network folders with the click of a mouse. The software is completely customizable based on the users needs and searches for words in documents, names of documents, and emails.

After years of planning, the District implemented an intranet site in June of 2009. With Kristie Trimarco and Eric Swanson serving as the project leader, this site was constructed for the purpose of placing the Court's numerous policies, procedures and contact information in one organized location. This new site was also added to the J-Net and made available to other federal courts in 2009.

With an eye toward improving internal control processes, the IT Department moved its inventory tracking to a new database. The new system has improved accuracy while at the same time simplifying the process of separating duties. It is a web-based solution that uses Bluetooth scanners attached to a court BlackBerry, which allows staff to immediately scan an item into the database regardless of its location in the courthouse.

Courtroom-specific technology initiatives were also a priority during 2009. The new HD video conferencing system upgrade, which began in 2008, was tested and fully implemented. This new system provided significant improvements in audio quality and connectivity reliability, and it has decreased the number of internal help desk calls received by the IT Department. The audio portion of this project has also prepared the court to implement FTR in all courtrooms, which is scheduled to take place during 2010. The District also added a new real time network for the court reporters. This new network provides a more reliable system with less interference than the old legacy system through the use of an individual real time network in each courtroom.

Staff in the Probation and Pretrial Office also saw improvements in technology. Programmer Analyst Eric Swanson played a key part in the national rollout of the OPERA system, which is a web-based solution that allows Probation and Pretrial staff to access offender information from outside of the office. Because of his efforts on this national project as well as other local projects, Eric was awarded the first ever Innovation Award given by the District of New Hampshire in 2009.

The encryption of all drives on laptops used by Probation and Pretrial staff enhanced the overall security of offender information and led to the use of ATLAS, a database of all criminal records, and PACTS, a defendant information system. Probation and pretrial also saw the introduction of CCAM web and a new drug call-in system, both of which are web-based applications. CCAM web allows Probation staff to query offender fine and restitution information through a webpage. The new drug call-in system allows Probation and Pretrial greater access to reports that provide drug call-in information.



The District of New Hampshire's CM/ECF system was upgraded to version 3.2.2 during 2009. It is anticipated that the court will go live on a 4.x version of CM/ECF during the spring of 2010. Finally, in June of 2009, the Court completed its efforts to upload its historical paper bar discipline files into CM/ECF.

During 2009, civil filings decreased by 16%, while criminal filings increased by 56%. The District Judges presided over 13 jury trials during 2009. The District hosted twelve naturalization ceremonies in 2009. In all, 974 new citizens were naturalized and 159 name changes were processed. The District of New Hampshire also conducted two public bar admission events in 2009 admitting 153 new bar members in 2009.

Finally, the staff of this District continued their charitable contributions in 2009. Staff again participated in the Ocean National Bank Rock 'N Race, which helped to raise money for Concord Hospital's Payson Cancer Center. Deputy Clerks Kathy DuPont and Charli Pappas co-organized Daffodil Days for the American Cancer Society, selling bouquets of daffodils to raise money for that organization. In December, 46 court staff (including members of Circuit Judge Jeffrey R. Howard's chambers) participated in "Operation Santa Clause," by either donating money, shopping for gifts, wrapping presents, and/or delivering packages to needy families in the area. In all, 17 children were sponsored by the District and provided gifts from "Santa" in 2009.

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

In 2009, the Court continued to benefit from CM/ECF, the program that enables attorneys to file court papers remotely by electronic means and from FAS4T as the accounting system. The court also utilized the conference call system Court Call and the automated court recording system FTR Gold.

During the course of 2009, the Court reported a 34.3% increase in case-filings, which yielded a total of 5,122 cases filed. Current filings were projected to once again pass 5,000 cases for the calendar year. This will likely constitute the largest number of cases filed in any year in the District of New Hampshire other than 2005 (which year was artificially inflated by the rush of filings intended to avoid the new restrictions of BAPCPA).

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

### **District Overview**

The U.S. Probation & Pretrial Services Office for the District of New Hampshire is a combined office located in the Warren B. Rudman U.S. Courthouse, Concord, New Hampshire. Since 1997, the District has also operated a small sub-office in the Norris Cotton Federal Building in Manchester, New Hampshire. This office is situated in Hillsborough County (where the greatest number of federal offenders reside) and was, until recently, used on a rotating, as-needed basis by officers. However, as a result of the change in the organizational structure and the increasing number of offenders living in the greater Manchester/Nashua area, an Officer-in-Charge and one supervision officer have been assigned to the Manchester office on a permanent basis.

The Office serves the U.S. District Court for the District of New Hampshire. Investigative services in the form of pretrial services reports and presentence investigation reports are one aspect of the Office's responsibilities to the Court. Supervision services of pretrial defendants and post-conviction offenders (i.e., probationers and supervised releasees) are the second aspect of the Office's responsibilities. The Office also supervises parolees and military parolees under agreement with the U.S. Parole Commission, and provides investigative and supervision services to the U.S. Attorney's Office for its Pretrial Diversion Program. The Office is responsible for all such matters in the State of New Hampshire.

### **Administrative Services**

The Chief Probation Officer is the unit executive responsible for all administrative functions, personnel, and budget. The Deputy Chief and Administrative Officer report directly to the Chief. The Office is organized by its major functions: court investigations and supervision services. The Court Investigations Unit conducts all pretrial interviews and attends initial appearances, while the Supervision Unit is responsible for the day-to-day supervision of all active pretrial and post-conviction cases. Although each officer is assigned to an individual unit, it is the Office philosophy that, because the District is small by national standards, every officer serves the Court best if he or she is able to perform all of the major functions of the office. The Deputy Chief is essentially the operations manager of both units, with a supervisor as the head of each unit. The Drug and Alcohol Treatment Specialist administers the Office's contracts with treatment providers, in addition to carrying out other treatment related responsibilities and maintaining a caseload. Two clerical support staff members are assigned to each of the Supervision and Court Investigation Units. The Data Quality Analyst provides clerical support to the supervision unit and performs other duties. Each unit also has a part-time student intern. The Office also shares a six member automation unit with chambers and the Clerk's Office, and pays the salary of one of the unit's full-time staff members and a temporary part-time staff member.

Additionally, a management team consisting of the Chief, Deputy Chief, Administrative Officer, two Unit Supervisors, and the Officer-in-Charge, addresses all management issues, including inter-unit cooperation, resource allocation and planning, intra-office communication, training and automation needs, and other issues having an office-wide impact. The management team strives to improve the quality of services provided to the Court and to the public, and to become more efficient. The Office's management team continued to address a number of issues, including implementing new initiatives in the supervision unit, assessing the workload impact of the new federal halfway house, managing a fluctuating caseload, and evaluating the success of the new organizational structure implemented the previous year.

### **Personnel Changes and Highlights**

The following personnel changes occurred during FY 2009.

- Eric Swanson, an Automation Support Specialist, transferred to the U.S. District Court on December 19, 2008.
- Kathleen Nasta, a part-time Community Resource Specialist, resigned on February 5, 2009.
- Erin Bouchard was hired as a Community Resource Specialist on April 13, 2009 and resigned on July 10, 2009.
- Matt DiCarlo was promoted from a Probation Officer Assistant to a U.S. Probation Officer on May 11, 2009.
- Sandra Karner, a U.S. Probation Officer, resigned on May 13, 2009.

### **Teleworking Program**

The District of NH has had a Teleworking policy for the past several years which allows staff (primarily employees completing presentence investigations) to perform their official duties and responsibilities away from the traditional workplace, most often at home when management finds it reasonable and consistent with the mission of the Office. The District's experience has demonstrated that the benefits of the policy outweigh its costs. During FY 2009, four staff members participated in the District's Telework Program (for a total of 392 days). This was a decrease from seven members in the prior fiscal year.

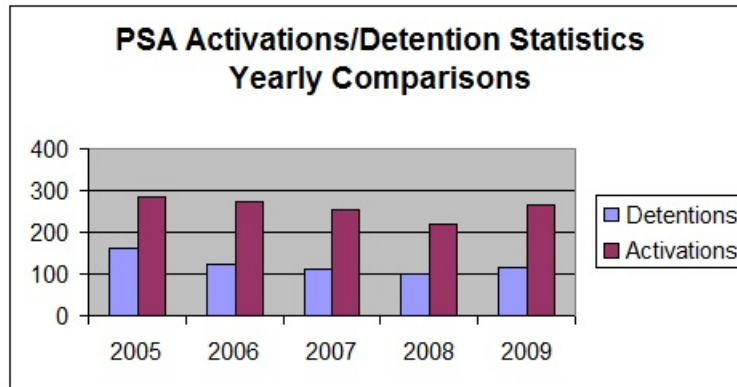
### **Court Investigations Unit**

During FY 2009, the Court Investigations Unit continued as the single source of presentence and pretrial investigations for the Court. Officers honed their investigative techniques and writing skills to obtain increased proficiency in both elements of their core job functions. Furthermore, officers became more adept at PACTS data entry and document scanning/uploading.

In addition, during FY 2009, larger arrest groups were targeted by the U.S. Attorney's Office and federal law enforcement. There were at least four occasions when the Investigations Unit processed arrest groups containing ten or more defendants. The Unit was able to effectively manage these larger groups because of the Office's change to a bifurcated work model. Lastly, the transition to a two-unit organizational structure was also instrumental in providing officers with the foundation to cope with personnel changes and shifts in the workload.

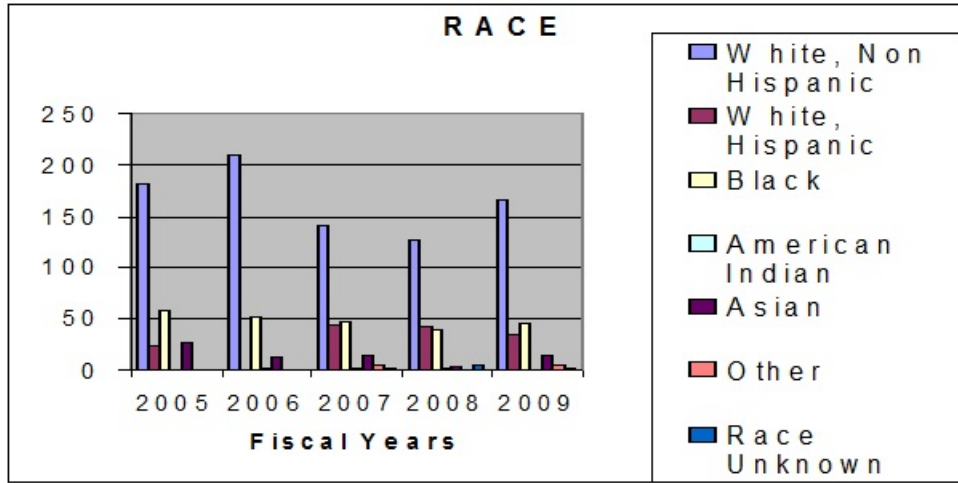
**Pretrial Investigation Caseload**

FY 2009 ended with a total of 266 case activations, a 19% increase from FY 2008. The following graph, which also includes detentions, depicts pretrial case activations over the last five fiscal years.



**Profile of Pretrial Defendants**

The most common pretrial defendant in the District of New Hampshire is that of a White, Non-Hispanic single male, between the ages of 18 to 25, who does not have a high school degree or GED, and is charged with a drug offense. This profile differs from the average defendant in FY 2008 who was older (between the ages of 26 and 30) and who had a high school diploma. In reviewing the 266 case activations in the District of NH, 166 (62.41%) were White Non-Hispanic, 34 (12.78%) were White Hispanic, 45 (16.92%) were Black, 14 (5.26%) were Asian, 5 (1.88%) were Other and 2 (.75%) individuals' race was unknown. Two-hundred eighteen (81.95%) were U.S. citizens, 21 (7.89%) were legal aliens, 20 (7.52%) were illegal aliens, and 7 (2.63%) individuals' status was unknown.



**Sex and Age Range**

No juveniles were prosecuted in this District in 2009. Fifty-five (20.68%) of the pretrial defendants were males between the ages of 18-25, while 7 (2.63%) in that age group were females; 42 (15.79%) were males between ages 26-30 while 9 (3.38%) were females; 31 (11.65%) were males between the ages of 31-35, while 6 (2.26%) were females; 30 (11.28%) were males between the ages of 36-40, while 10 (3.76%) were females; 20 (7.52%) defendants were males between the ages of 41-45, while 6 (2.26%) were females; and 19 (7.14%) were males between the ages 46-50, while 4 (1.50%) were females. Finally, 18 (6.77%) were males over age 50, while 8 (3.01%) were females in that age group. There was one male defendant whose age was unknown.

**Marital Status**

There were 49 (18.42%) defendants who were married; 112 (42.11%) were single; 22 (8.27%) were cohabiting; 28 (10.53%) were divorced; 10 (3.76%) were separated; 4 (1.50%) were widowed; and 41 (15.41%) whose marital status was unknown.

**Education**

Eighty-two of the pretrial defendants (30.83%) had no high school diploma or GED; 74 (27.82%) had graduated from high school; 28 (10.53%) had a G.E.D.; 5 (1.88%) attended vocational training; 9 (3.38%) had an associate's degree; 15 (5.64%) had a bachelor's degree; 5 (1.88%) had a master's degree; 3 (1.13%) had a doctorate degree; and 45 (16.92%) individuals' educational status was unknown.

**Charged Offenses**

One-hundred fifteen (43.23%) of pretrial defendants were charged with drug offenses. Seventy-two individuals (27.07%) were charged with a property offense; 29 (10.90%) were charged with firearms/weapons offenses; 23 (8.65%) were charged with violent offenses; 6 (2.26%) were charged with sex offenses; 5 (1.88%) were charged with immigration offenses;

and 5 (1.88%) were charged with public order offenses. There were 11 (4.14%) additional defendants charged with other types of crimes.

**Pretrial Diversion**

Pretrial Diversion cases are initiated by the United States Attorney via a request for investigation submitted in letter form to the U.S. Probation Office. The U.S. Probation Officer/student intern then begins the diversion investigation which results in a written report and recommendation to the U.S. Attorney. If approved by all parties, an agreement is signed and supervision is provided by the U.S. Probation Office. In general, cases range from theft of government property to Social Security fraud. In Fiscal Year 2009, the diversion program saw a slight increase in activated cases from the previous year (from three to five).

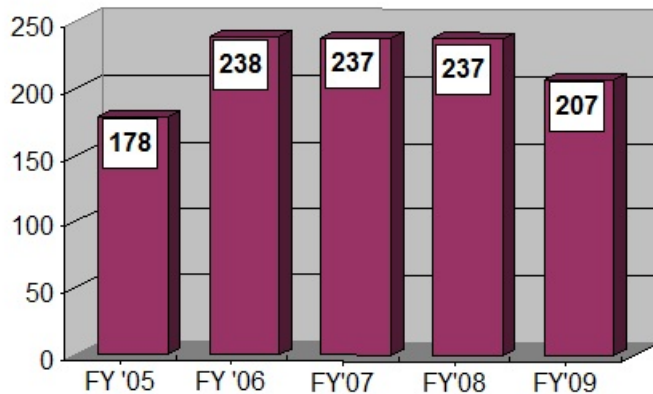
**Detention Rate**

The District’s detention rate for the year ending September 30, 2009 was 48.5% which was a decrease from the 2008 rate of 49.8%. The District’s 2009 rate was significantly lower than the national rate of 66.0% for the same time period. This Office continues to keep the Court informed of alternatives to detention, such as location monitoring and home detention, and submits such recommendations when appropriate.

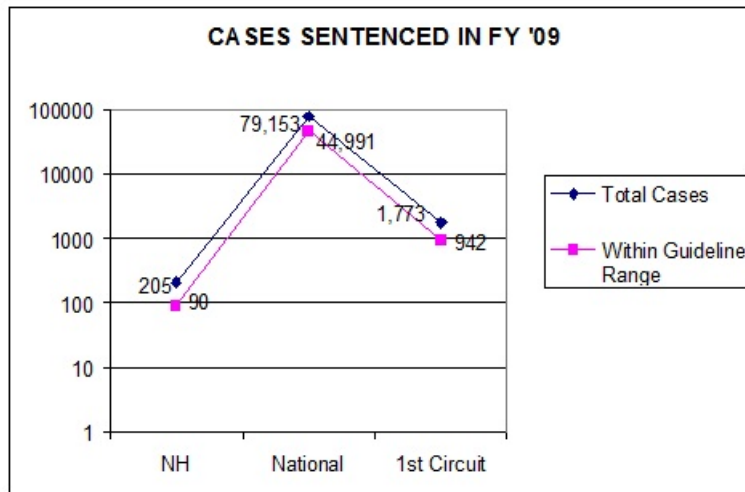
**Presentence Investigations and Sentencing Issues**

A total of 207 presentence investigation reports were completed during FY 2009, a 13% decrease from the number of reports completed in FY 2008. As shown in the following chart, the number of investigations in FY 2009 decreased from the previous three years.

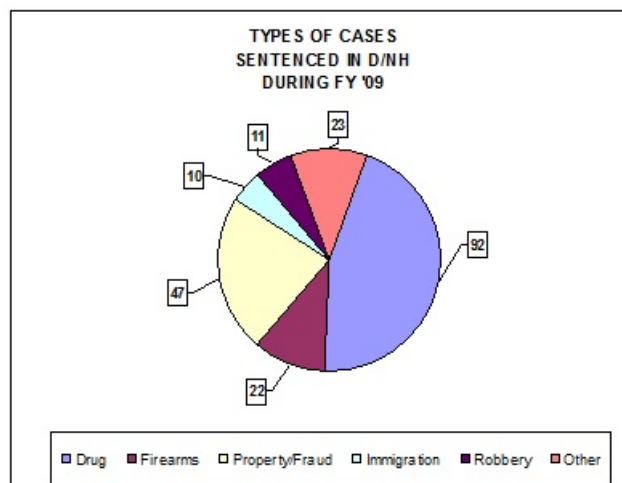
**Presentence Investigations Completed  
FY '05 to FY '09**



The Court sentenced 205 defendants during FY 2009, as opposed to the 223 in FY 2008. One-hundred seventy-five (175) defendants were sentenced to prison; 28 of those individuals were sentenced to up to 12 months imprisonment; 37 defendants were ordered to serve between 13 and 24 months imprisonment; 30 defendants were ordered to serve between 25 and 36 months imprisonment; 30 defendants were ordered to serve between 37 and 60 months; and 38 defendants were ordered to serve more than 60 months imprisonment. Only 30 defendants received a probationary sentence; of that number, 13 individuals received a probation-only sentence, while 17 defendants received a sentence of probation with some type of confinement.



Forty-five percent (45%) of cases sentenced in this District were drug cases. Property/fraud offenses were the second highest category (23%). Firearm offenses accounted for 11% of the cases sentenced; immigration cases were 5%, and robbery cases accounted for 5% of all cases sentenced.



Guilty pleas accounted for 97.6% of the cases sentenced during FY 2009, compared to the national average of 96.3% and the First Circuit average of 94.9%. In the District of N.H., 2.4% of the defendants proceeded to trial, as compared to the national average of 3.7% and the First Circuit average of 5.1%. Male defendants accounted for 82.4% of the total number of defendants sentenced in this District.

	<b>Plea</b>	<b>Trial</b>	<b>Total Cases</b>
<b>NH</b>	200 (97.6%)	5 (2.4%)	205
<b>National Average</b>	78,398 (96.3%)	2,972 (3.7%)	81,370
<b>1st Circuit</b>	1,692 (94.9%)	90 (5.1%)	1,782

Despite the Supreme Court rulings in the *Booker/Fanfan* cases, 43.9% of all cases in the District of New Hampshire were sentenced within the advisory guideline range. This figure has remained relatively unchanged over the last few years. On the national level, 56.8% of all cases were sentenced within the range while 53.1% of all First Circuit cases were sentenced within the range. In the District of N.H., there was one case (0.5%) sentenced by way of an upward departure and four cases (2.0%) sentenced above the range based on *Booker/3553* factors.

Downward departures represented the largest percentage of cases sentenced below the range in this District (24.9%), as compared to the national average of 12.5% and the First Circuit average of 11.8%. In addition, .5% of the cases involved downward departures for other reasons; 16.6% of the cases involving a sentence below the guideline range for *Booker/18* U.S.C. § 3553 factors; and .5% for other reasons below the guideline range. The chart below provides a view of guideline sentencing issues for this District, the First Circuit and nationally.

In the District of New Hampshire, sixteen criminal cases were appealed during FY 2009. Five of the cases were appealed based on the sentence only; five were appealed based on the sentence and conviction; and six cases were appealed for conviction only. The following chart compares the District of New Hampshire to the First Circuit and the national average.

	<b>Sentence Only</b>	<b>Sentence and Conviction</b>	<b>Conviction Only</b>	<b>Total Cases</b>
<b>NH</b>	5 (31.3%)	5 (31.3%)	6 (37.5%)	16 (.2%)
<b>National Average</b>	5,006 (57.1%)	1,501 (17.1%)	2,267 (25.8%)	8,774 (100%)
<b>1st Circuit</b>	59 (32.4%)	50 (27.5%)	73 (40.1%)	182 (2.1%)



**Pretrial Supervision**

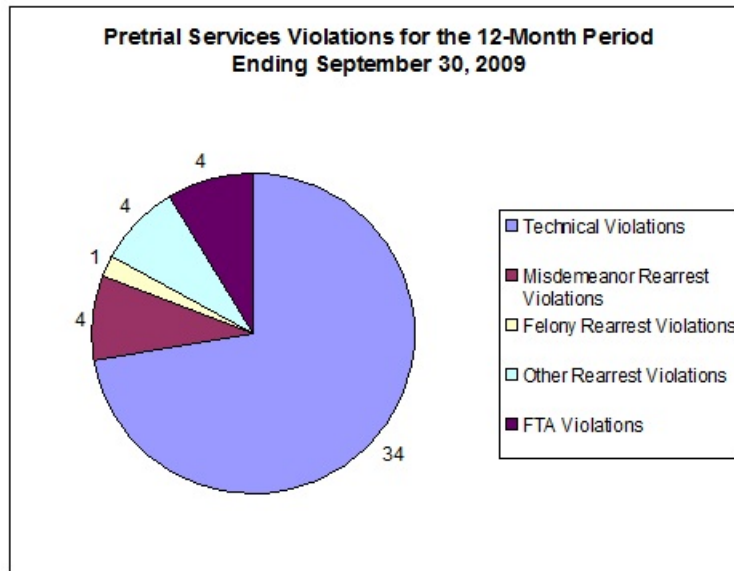
The majority of pretrial cases received for supervision included conditions for drug testing and treatment, and mental health treatment.

**Drug/Alcohol Treatment Services and Expenditures**

Costs for drug and alcohol treatment for pretrial defendants in FY 2009 was \$124,219. The District received defendant co-payments totaling \$15,851, resulting in a total cost of services to the District of \$108,368. The Office also had total costs of \$6,696 in mental health treatment, which was an increase from FY 2008.

**Pretrial Violations**

There were forty-seven pretrial violations filed during this past fiscal year. The vast majority of the violations were technical in nature.



**Post Conviction Supervision Services**

**Caseload**

In FY 2009, the post-conviction caseload reached an all-time high of 292 cases, an increase of approximately 5 % from the previous year. Federal law, 18 U.S.C. §§ 3564(c) and 3583(e)(1), permits the court to terminate terms of probation in misdemeanor cases at any time and terms of supervised release or probation in felony cases at the expiration of one year of supervision if satisfied that such action is warranted by the conduct of an offender and is in the

interest of justice. Officers are encouraged to consider the suitability of early termination as soon as the offender is statutorily eligible and has achieved the goals of supervision. In FY 2009, twenty-three offenders received an early termination of supervision, or approximately 19% of the total cases closed for the year. Supervision officers continued to aggressively manage caseloads by identifying low risk cases that might meet criteria for early termination and other cases that would be appropriate for a “step-down” to low risk status. Officers utilize the “working smart” concept by applying the majority of time and resources to the higher risk cases (i.e., offenders who have RPI scores of 3 or higher, and those with targeted risk/need factors or specific third party risk issues not considered by the RPI). Conversely, offenders with RPI scores of 0 to 2 who do not present targeted risk factors are viewed as low risk and require limited and/or reduced supervision strategies.

The percentage of offenders on supervised release was 86.6%, (a 4% increase from the prior year), 13% were on probation (a decrease of 17% from the previous year), and .4% were on other types of supervision (i.e., parole, special parole, mandatory release, military parole, and Bureau of Prisons cases). Drug offenses represented 47% of the total caseload (down from 53%), followed by property offenses at 20%, down from 22% during FY 2008. Firearm offenses were next at 14%, down slightly from 15% the previous year. Sex offenses increased to 5% from 3%.

### **Supervision Outcomes**

Reliable national and district data are now available for determining post-conviction supervision outcomes. A “successful completion” outcome is defined as those cases whose original term of supervision expired on their full term date, were terminated via an early termination or completed their term after an extension. Correspondingly, an “unsuccessful” completion is a case whose term of supervision was closed due to revocation. The information detailed below is for the District of New Hampshire, the First Circuit, and the nation. Violations are classified as either technical, minor or major in nature. In the District of New Hampshire, 122 cases were closed during FY 2009. In the First Circuit, 1,329 cases were removed from supervision. Nationally, 49,429 offenders were removed from supervision during the same time frame. Of the total number of cases that were closed, the number of cases closed due to revocation were 35 in the District of N.H., 325 in the First Circuit, and 13,474 across the nation. The District of New Hampshire, therefore, had a successful termination rate of 71.3%. Correspondingly, the success rates for the First Circuit and nationally were 75.5% and 72.7%, respectively. Violations are categorized pursuant to the rules found in the U.S. Sentencing Guideline Manual at USSG § 7B1.1.

There was a decrease in the number of revocations in the District during FY2009 (35 as opposed to 39 during FY 2008) resulting in a revocation rate of 28.7%. Of those 35 revocations, 18 were technical in nature (51.5%) while 4 were considered “major violations” (11.5%) and 13 minor violations (37 %).

**Treatment Services Expenditures**

Treatment services continued to be the District’s second highest expense. As in FY 2008, the District’s expenses in this area continued to rise. Despite the concerted efforts of supervision unit officers to collect co-payments from offenders, this cost rose significantly in FY 2009, and the District needed to request \$40,000 in supplemental funds to cover necessary treatment costs (\$30,000 for substance abuse treatment, \$5,500 in mental health treatment, and \$4,500 for sex offender treatment). The downward turn in the economy also impacted co-payments collected from defendants/offenders.

The following table reflects the breakdown by category of the treatment services provided by the Office from FY 2006 to FY 2009:

<b>TREATMENT SERVICES</b>				
	<b><u>2006</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>	<b><u>2009</u></b>
Drug Aftercare	\$142,054.00	\$187,281.00	\$204,522.00	\$227,642.00
Pretrial Services	\$79,066.00	\$122,336.00	\$122,507.00	\$113,719.00
Electronic Monitoring	\$5,338.00	\$5,153.00	\$5,564.00	\$12,998.00
Mental Health	\$19,396.00	\$31,183.00	\$16,333.00	\$30,307.00
<b>TOTALS</b>	<b>\$245,854.00</b>	<b>\$345,953.00</b>	<b>\$348,926.00</b>	<b>\$384,666.00</b>

**Fines and Restitution Collection**

During the past fiscal year, there were 52 restitution cases with two of the cases being revoked. The amount of restitution collected during FY 2009, \$84,991.29, was less than the previous year (\$139,080); however, the number of cases making regular payments increased to 84% (42 out of 50 cases), compared to only 64% the previous fiscal year. Thirteen cases had a fine payment obligation and fine payments totaled \$26,764. This was an increase over the previous year’s total of \$7,734. The percentage of fine cases making regular payments increased from 82% to 92%. Collection of the special assessment remained challenging this past fiscal year; however, progress was made with an increase in the amount collected (\$5,078.80), and an increase in the percentage of special assessment cases making regular payment from 55% to 60%. The largest portion of these collections continued to come from the collection of outstanding restitution.

The Supervision Unit's goal is for 90% of those on supervision, with an outstanding financial debt, will be able make monthly payments. Over this past fiscal year, the Office came closer to that goal than in past years. In FY 2009, 70% of offenders on supervision with a debt made a monthly payment, compared to 60% in FY 2008. The Unit continues to monitor each offender's financial situation so that any windfall profits may be secured on behalf of the victim, in the case of restitution, or the Court, in the event of a fine.

### **Defendant/Offender Workforce Development Program**

As part of this District's initiative to implement new programs, the U.S. Probation Office received a grant of \$29,075 from the Office of Probation and Pretrial Services. The Defendant/Offender Workforce Development (DOWD) Team realized that many offenders/defendants did not have the educational/vocational/employment readiness skills to compete in the job market. Therefore, the Team determined that funding educational/individual skills training programs would assist offenders in their attempts to re-enter society. One of the major efforts undertaken by the DOWD Team involved establishing a Career Skills Education Program (CSEP), a full-time, intensive, 90 hour immersion program. Eight individuals were identified by U.S. Probation and referred to the program. The students participated in five modules with instructors and were then tested on their knowledge and skills from each lesson. The modules covered employment and life skills topics such as interviewing, ethical dilemmas in the workplace, resume writing, teamwork, effective communication styles and professional etiquette. The modules were taught through the use of computers which enabled the students to develop/enhance their basic computer skills. CSEP proved to be a successful endeavor with all eight students graduating from the program. The youngest student was twenty-nine years old and the oldest student was fifty-three years old. In addition, the students represented various ethnic and socioeconomic backgrounds. After graduating from the program, four students found jobs.

In addition to the Workforce Development Program, one individual completed a three-month CISCO networking class, internet portal management class, a video programming and automated voice messaging for businesses class; two other individuals graduated from a Computer Aided Machine Operator Class; one individual graduated from an eight week Culinary Arts class; and one individual graduated from an eight week welding training program.

The District also developed a partnership with NH Works, a one-stop career center, in New Hampshire. With only one referral necessary, NH Works can help the individual access welfare benefits, learn resume writing and interview skills, attend training classes, and receive job placement services.

With the sharp decline in the employment rate, finding a job for offenders has been particularly challenging. As a result, the District's unemployment rate has also increased; however, it has remained steady with the state and federal rate.

	Dec 2008	Jan 2009	Feb 2009	March 2009	April 2009	May 2009	June 2009
U.S.	7.2%	7.6%	8.1%	8.5%	8.9%	9.4%	9.5%
NH	4.3%	5.2%	5.7%	6.2%	6.3%	6.5%	6.4%
District	7.2%	8.4%	9.6%	10.3%	11.2%	11.9%	13.1%

\*\*Information retrieved from the Bureau of Labor Statistics and PACTS.

**Starr Initiative**

In May 2009, Chief U.S. Probation Officer Thomas Tarr, Deputy Chief U.S. Probation Officer Cathy Battistelli and four officers from the supervision unit attended the week long Research to Results (R2R) Conference that was held and hosted by the Eastern District of Michigan U.S. Probation Department. The District was introduced to an evidence based practice research project titled Strategic Techniques Aimed at Reducing Re-arrest (STARR) implemented by the Office of Probation and Pretrial Services (OPPS). The STARR training was aimed at both the post-conviction and pretrial services supervision units and was originally developed based on research from Drs. Christopher Trotter, James Bonta, Don Andrews and Paul Gendreau.

As a follow-up to the training in Detroit, in July 2009, management and staff attended a Cognitive Behavioral Therapy Exposure and Skills Training taught by Michael Torch, MA, LADC, CCS. The District was provided with an overview of the cognitive behavioral therapy (CBT) model and was taught to utilize the techniques. Finally, at the end of September 2009, staff and Supervising U.S. Probation Officer James Bernier took a four- week Cognitive Behavioral Therapy (CBT) online course through Brown University Distance Learning Program, Center for Alcohol and Addiction Studies.

**Hampshire House**

The Bureau of Prisons contracts with residential re-entry centers to provide assistance to inmates who are nearing release. Hampshire House, under the direction of its parent non-profit agency Community Resources for Justice, opened its doors on April 1, 2009. Hampshire House has a bed capacity for six females and twenty-four males. This district has been a key partner with Hampshire House and officers attend weekly program review team (PRT) meetings at the facility. There were fifty-six arrivals at Hampshire House, from April 1, 2009 to September 30, 2009, of which there were seven program failures, seven offenders from Vermont, seven probationers, and four individuals transferred to Coolidge House. Seventeen offenders were released from Hampshire House with employment and one individual was released to a shelter.

### **Pilot Drug Court Program**

In January 2009, this Office, in conjunction with U.S. District Judge Joseph Laplante, members of the U.S. Attorney's Office, the Federal Defender's Office, the CJA Panel, the U.S. District Court Clerk's Office, and the U.S. Marshal Service, convened a committee to evaluate the implementation of an alternative sentencing program for drug addicted defendants. The group held monthly meetings, observed existing Drug Court programs in the Districts of Massachusetts and Maine, obtained policies from other federal programs and arranged for a one day training program conducted by the Executive Director of the National Drug Court Institute. The working group then established policies and procedures for a "front end" program, which would allow defendants to receive a reduced sentence at completion. This type of a program is one of the first in the country and is expected to be implemented during the next fiscal year.

### **Department of Information Technology**

Barbara Bammarito, the Director of Department of Information Technology (IT), continued to work closely with the Probation Office in the area of technology improvement. A committee was formed to develop the policy, procedures, and business practices needed to have an electronic document management system in lieu of paper files. Eleven staff members volunteered to be on the EPPS Committee: DCUSPO Cathy Battistelli; SUSPO Kevin Lavigne; USPOs Dan Gildea, Paul Daniel, Janice Benard, Karin Hess, and Matt DiCarlo; DQA Doris Hood; Probation Clerk Specialist Wendy Fosher; Senior Probation Clerk Tammy Greenwood; and Systems Technology Administrator John Sideris. As a result of the group's ongoing efforts, the office is now scanning/uploading documents in every new case and hopes to be a paperless office within the next two years.

Additional IT goals include implementing an electronic reporting system (ERS) by installing kiosks in the Concord and Manchester offices. The ERS kiosk will reduce paper costs and eliminate the need for filing, scanning and entering data from monthly supervision reports. Offenders will be enrolled in the system through a fingerprint scanner. After answering a series of questions, the offender then has the ability to send an email to his/her respective officer. The Office also hopes to utilize a web based reporting program sometime during the next fiscal year. In addition, the Office plans on implementing a new digital pen project which will allow officers to complete forms using the digital pen and automatically upload the information.

Finally, in an effort to share resources, the Probation Office provided \$20,391.26 during the fiscal year to assist the IT Department in the purchase of items for the benefit of the Court as a whole, and paid for an additional part-time Automation Support Specialist.

### **Training**

Officer safety training and events continued unabated in 2009. In October 2008 and July 2009, officers attended a non-lethal ammunition training which included an interactive cover course and scenario-based exercises. An Officer Response Tactics class was held in March 2009 and in June 2009. Both of these sessions included officer response techniques,

including tactical movement with a firearm. Semi-annual Firearms Re-qualification was held in May and September 2009.

The District of New Hampshire co-sponsored a fall training event with the District of Rhode Island in October 2008 which emphasized wellness and teamwork. The staff from both districts considered this program to be an overwhelming success. During 2009, the Office staff underwent additional automation and PACTS training. Staff also participated in several Federal Judicial Center (FJC) programs via the Federal Judicial Television Network (FJTN) and webex classes. In total, staff received 1,950 hours of training during this past fiscal year, which included sending two new officers to the National Training Academy at FLETC.

**Budget**

The Office’s budget increased by 4% over FY 2008. Salaries and contractor fees accounted for the majority of that change. Treatment expenditures also increased. The table below provides details in each of the budget categories:

<b>EXPENDITURES</b>				
	<b><u>2006</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>	<b><u>2009</u></b>
Salaries/Contractor Fees	\$1,695,047.00	\$1,739,858.00	\$1,905,223.00	\$2,028,294.00
Operations	\$73,621.00	\$85,601.00	\$132,276.00	\$92,659.00
Treatment Services	\$245,854.00	\$299,826.00	\$348,926.00	\$380,532.00
Furniture & Equipment	\$7,651.00	\$14,004.00	\$46,011.00	\$9,275.00
Telecommunications	\$23,885.00	\$33,313.00	\$38,322.00	\$33,622.00
Automation	\$52,818.00	\$92,702.00	\$31,304.00	\$57,296.00
<b>TOTALS</b>	<b>\$2,098,876.00</b>	<b>\$2,265,304.00</b>	<b>\$2,502,062.00</b>	<b>\$2,601,678.00</b>

**Employee Recognition**

During FY 2009, and consistent with the recommendations of the year’s peer-based Employee Recognition Committee, Chief Thomas K. Tarr delivered the District’s Award for Exceeding Expectations to Kelley West and Janice Benard.

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

**DISTRICT COURT**

In 2009, the United States District Court for the District of Puerto Rico operated with a Clerk's Office staff of 63 employees and seven (7) interpreters. Chambers staff for district, senior district and magistrate judges comprised an additional 46 employees, including two pro se law clerks, and eight (8) court reporters. The Clerk's Office is located at the Federico Degetau Federal Building at 150 Chardón Street in San Juan, with a satellite office located at the José V. Toledo United States Courthouse in historic Old San Juan. Seven active Article III judges, three senior judges, and four magistrate judges manage the Court's caseload.

**Legal Education Programs**

Under the direction of the Honorable Carmen C. Cerezo, who presides over the Committee of Educational Programs, the Court sponsored several Continuing Legal Education seminars featuring lectures by nationally renowned speakers. The Court hosts these events at least twice a year to members of the bar free of charge.

In August 2009, approximately 500 attorneys attended two days of lectures offered by nationally renowned experts: Professor Michael Graham, from the University of Miami School of Law and author of the 5-volume Handbook of Federal Evidence, lectured on "Selected Challenges to Prosecution Evidence"; Mr. Kenneth Withers, Director of Judicial Education and Content for The Sedona Conference, offered a lecture on "Electronic Discovery in Civil Litigation"; Professor Orin Kerr, from the George Washington University Law School, gave an "Overview on Fourth Amendment Law"; and Professor Jordan M. Steiker, the Robert M. Parker Chair in Law and Co-director of the Capital Punishment Center at the University of Texas at Austin School of Law, lectured on the "U.S. Supreme Court 2008-09 Term in Review: Developments in Constitutional and Criminal Law."

In December 2009, the Court sponsored lectures on the topics of: Prosecuting and Defending Criminal Conspiracy Cases, by Paul Marcus, Haynes Professor of Law at the College of William and Mary in Virginia; Computer Crimes, by Orin S. Kerr, Professor at George Washington University Law School; and, Federal Civil Procedure, by A. Benjamin Spencer, Associate Professor of Law and Alumni Faculty Fellow at the Washington and Lee School of Law.

**Personnel**

On December 29, 2009, the Court mourned the passing of Judge Gilberto Gierbolini who retired in 2004. Judge Gierbolini dedicated most of his life to public service in different capacities. He was on active military duty during both WWII and the Korean War. He worked at the University of Puerto Rico, and also served as Assistant United States Attorney, Superior Court Judge, Solicitor General for the Commonwealth of Puerto Rico, and Chairperson of the Puerto Rico State Election Commission, among other influential positions. Judge Gierbolini



was appointed to the bench on February 20, 1980, by President Jimmy Carter. He served as Chief Judge from 1991 to 1993, and assumed senior status on December 27, 1993, until his retirement. Judge Gierbolini helped found the Museum of Puerto Rican Music (“Museo de la Música Puertorriqueña”) in Ponce, which is attached to the Institute of Puerto Rican Culture (“Instituto de Cultura Puertorriqueña”).

### **District Bar Examination**

The Court offered two district bar examinations, in April and October 2008, to 456 examinees, of which 147 passed. A total of 191 attorneys were admitted to practice in the District during calendar year 2009.

### **Naturalization Ceremonies**

During calendar year 2009, the Court held 21 naturalization ceremonies during which 1,192 persons were sworn in as new United States citizens. Among the new citizens were natives of 20 countries which included Argentina, Canada, Chile, China, France, India, Jordan, Palestine, Spain, Tunisia, and Vietnam.

### **Information Technology**

The District developed a Criminal Justice Act (CJA) Attorney Assignment System that uses one screen to generate an email submitting the complaint or indictment to the assigned attorney. A new Calendar System and a Chambers Electronic Organizer (CEO) System has proven useful for chambers and case managers. Also, a new Tax Lien Database was created to keep track of all tax liens filed in the Court, and a new Naturalization Application (NATZ) was implemented. A Ticket Request System has been created to keep track of procurement and support requests by chambers and Clerk’s Office staff. Installation and configuration of the eJuror System was also successfully completed.

The telephone system was replaced district-wide (including the U.S. Probation Office) with a Voice Over Internet Protocol (VoIP) System. This entailed installation of new data cables (Cat6) in some of the judges chambers and the Clerk’s Office. The District served as a pilot court for implementation of a Quality of Service (QOS) system for the new VoIP telephone system. The Vehicle Reservation System, the Electronic Monitoring Payment Coupon Application, several PACTS reports, the Violation Database, the Arrest Assignment System, and the Duty Assignment Calendar were also implemented for the U.S. Probation Office.

### **Space and Facilities**

A programmatic priority of the Clerk was to refurbish district judge courtrooms in coordination with the courtroom technology Evidence Presentation Systems’ upgrades. The work included the refurbishing of the millwork, and the illuminated ceilings. Ceilings and walls were painted and new carpeting installed. New furniture was purchased to complement the

restoration. The work was entirely accomplished with local funds from cyclical maintenance and significant savings were achieved through direct contracting and close contract monitoring.

The jury rooms in the district judge courtrooms were also refurbished with the addition of kitchenettes, as well as fresh paint, carpet or tiles, and furniture.

Other projects initiated were: new specialized air conditioner for the systems computer room; replacement of tiles in Grand Jury witness rooms; tenant alteration work to install conduits in two magistrate judge chambers to install kitchenettes; refurbishing of several district judge chambers' bathrooms; replacement of wall base and chair rail in two magistrate judge chambers; bookshelves refurbishing in one district judge chambers; refurbishing of a district judge chambers' kitchenette; and, replacement of systems furniture in the Clerk's Office satellite office in Old San Juan.

### **Courtroom Technology**

In 2009, installation of modernized systems began in the first of seven district courtrooms with the last courtroom having its system upgraded in February 2010. Video signals were upgraded to High Definition quality; audio transmissions were upgraded to digital audio; wiring was replaced; additional conduits were installed; additional infrared signals were installed or relocated to enhance the interpreters' signal to defendants wireless headsets; larger touch panel menus with dual function as evidence display were added; a wired solution to the interpreting system was added to the wireless system; options of sidebar with music, white noise, or silence, were added or enhanced; backup battery power of systems (for protection of memory and equipment) were incorporated; integrated wireless microphone for Jury selection was added; new microphones were installed at all locations; monitors were replaced with larger flat panel displays at each location and flat panel TV's for spectator area; new speakers, including new ceiling speakers, were installed; audio streaming of proceedings to chambers was added; telephone conferencing abilities was enhanced; color laser printer for full printing of evidence displays was added; interactive whiteboard with integrated projector was added; and room view software to provide web-based technical support was added.

### **Outreach**

The Court hosted a moot court on May 1, 2009, and hosted 39 first year students from the Interamerican University School of Law. The students prepared appellate arguments as part of their Legal Research, Writing and Analysis course. Students made oral arguments for both sides of an appeal before three-judge panels composed by U.S. District Judges Daniel R. Domínguez and Francisco A. Besosa, and retired U.S. District Judge Héctor M. Laffitte. This proved to be a meaningful educational experience to our future practitioners, who were enthusiastically engaged in "real life" appellate advocacy.

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

### **Information Technology**

During the first quarter of 2009, the Information Technology Division of the Bankruptcy Court worked with Space and Facilities, GSA and several vendors on the installation of the infrastructure required for the data network, the telephone switch and the sound system at the Ponce Courthouse. All required equipment was purchased, installed and ready by the end of April 2009. In May 2009, all hardware and software applications, including local applications, were operational.

Also in 2009, the network operating systems were moved from Novell to Active Directory. A Network Technician, Ervin Soto, was hired for the Ponce Courthouse. The telephone system replacement project planning process with the AO and Newcomb & Boyd consultants started. The CM/ECF system was upgraded to version 3.3, and the Court Calendar Replacement Project from Vcal to CHAP was implemented.

### **Case Management**

The major accomplishment during this fiscal year was the opening of the Southwestern Divisional Office in Ponce. The Court developed, revised, and implemented procedures for operating this division, and trained existing personnel for backup functions as necessary. Also, the staff was committed to the successful transition to the divisional office. This effort in training was extended to both offices as a result of the hiring of new and additional personnel. There was also significant participation of the case management teams in the research, training and testing of two projects: CHAP and Automatic Closing.

### **Educational Training**

Training was provided to improve technical skills in the areas of Word Perfect, MS Word, Judiciary Online University (JOU) and the Judiciary Enterprise Network Information Exchange (JENIE). Also, training was provided to improve soft skills, such as: accountability, motivation, leadership, communication, team building, managing multiple projects, stress management, and mental attitude. Policy related training was given to the clerk's office, supervisors and management on sexual harassment, ethics and IT Security. Several programs were given to the operational area on CM/ECF, ECR, Chapter 11, providing legal advice and judge trustee assignment. These programs were developed and conducted internally. Court personnel also participated in training programs such as: Train the Trainer, Workshop for Experienced and New Courts Supervisors, CM/ECF and HSGS & PERL Programming, COOP Workshop, CHAP Application Training, and CH7 Assets & CH 11 & Adversary Training Overview.

### **Construction Projects**

There were two construction projects during this fiscal year: the completion of the Clerk's Office facilities in the Southwestern Divisional Office in March 2009, and the completion of the design phase of the interior alteration of the first floor facilities of the Clerk's Office in Old San Juan.

### **Special Conferences Programs**

Judge Enrique Lamoutte attended the CM/ECF Working Group, the National Workshop for Bankruptcy Judges, the Bankruptcy Operations Forum, the Bankruptcy Appellate Panel Meeting (and hearings), the CM/ECF Working Group and the Local Federal Bar Examination Committee; Judge Sara de Jesús attended the Workshop for Bankruptcy Judges and the Seminar on Amendment to Rules on Appeals; and Judge Brian Tester attended the National Workshop for Bankruptcy Judges, the ABI Regional Seminar, the Bankruptcy Appellate Panel meeting, the FRG Next Generation CM/ECF, and the annual meeting of the Association of Bankruptcy Judicial Assistants

### **Involvement in New National Programs**

Judge Enrique Lamoutte participated in the CM/ECF Working Group. Judge Sara de Jesús and Carlos Mergal, Assistant Systems Manager, participated in the Next Generation CM/ECF Chambers Functional Requirement Group (FRG).

### **Statistics**

There were 11,036 new bankruptcy filings for calendar year 2009, an overall 25% increase over calendar year 2008. The increase by chapter was as follows: for Chapter 7 cases, 48%; for Chapter 11 cases, 12%; and for Chapter 13 cases, 2%. There was a decrease of 12% in new Chapter 12 bankruptcy filings for the same period.

Also, during FY 2009, a reconciliation of the pending caseload in conjunction with the Statistical Division of the Administrative Office was undertaken.

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

The U.S. Probation and Pretrial 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 Fiscal Year 2009, the Office remained committed to assisting defendants and offenders, and ensuring the protection of the community, while assisting the Court in the fair administration of justice.

## **Operations**

In 2009, the Court Services Division in the District of Puerto Rico operated with seventeen (17) full-time U.S. Probation Officers conducting pretrial and presentence investigations and preparing bail and Presentence Investigation Reports (PSI's), plus a part-time officer solely conducting presentence investigations, an Assistant U.S. Probation Officer, one (1) Case Administrator, six (6) Support Specialists, and one (1) Probation Technician. Within the unit, Senior Probation Officers continued to discharge their ancillary duties as trainers and mentors. Three (3) of these are specialists, and another of the senior officers remained Training Specialists.

The Division has an Assistant Deputy Chief U.S. Probation Officer and three (3) Supervising U.S. Probation Officers, who conducted investigations as needed, mainly related to retroactive crack cocaine cases and special investigations for the judicial officers. These cases reflected 22.6% of the investigations in the Division.

Further, the Court Services Division's Case Administrator remained instrumental in keeping the daily court calendar for the units, receiving electronic notifications via CM/ECF, maintaining an electronic assignment, record keeping and tracking system of all investigation assignments within the Court Services Division. The Case Administrator also continued to maintain the Electronic Submission System of the Bureau of Prisons, as well as the U.S. Sentencing Commission.

## **Pretrial Services Investigations**

In 2009, cases activated (statistically opened), amounted to 915. The District continued to report the highest activations in the First Circuit, with 42.8% of the total cases activated.

Additionally, ten (10) Pretrial Diversion cases were activated during this period, again the highest in the First Circuit, with 38% of the total activated. Out of the 915 cases activated, 904 (98.8%) were arrested by law enforcement agencies and the remaining were provided verbal notice (6), or issued a summons (3), or a writ (1). Staff interviewed 882 (96.4%) of the total cases activated, and submitted 898 (98.1%) pre-bail reports to the Court, with the corresponding recommendations to the Judicial Officer.

## **Case Profile**

The most frequent types of offenses for the District remain to be narcotics, controlled substances and marihuana, representing 53.2% of the total. This was a 3.8% increase from last fiscal year. Weapons and firearms charges amounted to 4.37% (1% more than last fiscal year), and immigration cases increased from 10.8% to 17.7%. These cases continued to account for the high percentage of defendants who remained detained without bail. Property related cases (6.5%) decreased almost 10% from last fiscal year, whereas sex offense cases increased slightly from 1.12% to 1.96%.

**Workload**

This year, detention recommendations increased by 6.8%, with financial recommendations to the Court decreasing by 6.8%. Pretrial Services made recommendations in 871 cases, 95.2% of the cases activated. The U.S. Attorney’s Office made recommendations in 94.8% of the cases.

**Pretrial Services Release and Detention**

From the total of 915 cases activated, dismissals, transfers-out, and cases that were later converted to diversion cases were excluded for a total of 878 cases. There was a 12.9% decrease in defendants released from the previous fiscal year.

**Presentence Investigations**

The PSI referrals remained constant throughout Fiscal Year 2009. The Unit completed 702 investigations, to include 689 presentence investigation reports, ten (10) modified presentence reports, and three (3) supplemental reports to the Bureau of Prisons, as reflected in PACTS. The number of PSI’s assigned within the Unit allowed the officers time to adequately complete the presentence investigations, which varied from extensive and time consuming drug conspiracies to weapons/firearms, sex offenders, immigration and fraud cases.

The following reflects the Presentence Investigation Reports prepared over the last three (3) years:

<i>Presentence Investigation Reports</i>	
Fiscal Year 2007	626
Fiscal Year 2008	688
Fiscal Year 2009	699

**Personnel**

During Fiscal Year 2009, both the Probation Officer Assistant (POA) and Probation Technician provided a broad range of administrative support to the Court Services team of Probation Officers. The Supervision Division was composed of one (1) Assistant Deputy Chief, four (4) supervisors, 30 regular/specialist officers, and 12 administrative support staff. The Division completed the implementation of the compliant/low risk case management program by incorporating the compliant low risk pretrial defendants. The main objective with this caseload continued to be to facilitate a more effective supervision of cases that require intensive monitoring and/or specialized social/rehabilitation services, and to provide an incentive for the defendant/offender to maintain compliance with the release conditions and move toward a pro-social lifestyle. At the end of FY 2009, there were 254 cases (66

defendants) in this program, a significant increase from FY 2008 when there were 123 post-conviction supervision only cases. The goal is to have approximately 20% of the total caseload (approximately 400) in this program, which is more cost-effective than a case under active supervision.

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

During Fiscal Year 2009, a total of \$1,192,870.00, was originally assigned to the Law Enforcement Fund. After reprogramming, the amount assigned was \$1,166,367.00.

#### **Treatment Services**

The Drug Aftercare Program is divided into two (2) categories: Outpatient and Residential Treatment. During Fiscal Year 2009, an average of 29 clients were served per month among all of the outpatient treatment providers. An average of ten (10) male clients benefitted monthly from inpatient treatment. However, the number of female clients referred to residential treatment decreased. Also, a new contract was awarded for Pretrial clients to benefit from Halfway House, the residential re-entry center. During this period, an average of two (2) clients were served monthly.

#### **Job Placement**

As an administrative measure to improve effective supervision of defendants/offenders, the District of Puerto Rico created a pilot project composed of a team of one (1) certified Offender Workforce Development Specialist, and four (4) participants, including two (2) members of the managerial staff. In the next fiscal year, the District will involve all officers in the defendants/offenders workforce development program. This team has been working in the development of partnerships with public and private entities, such as the Puerto Rico Department of Labor and a community college. The plan is to link this program to the Second Chance Act Program to assist defendants/offenders in the development of skills and assist them in the process of searching, obtaining and retaining a job and/or vocational training.

#### **Outpatient Mental Health and Sex Offender Treatment Services**

In the year 2009, an average of ten (10) pretrial offenders and twenty-two (22) post conviction offenders benefitted from mental health treatment on a monthly basis. Also, on a monthly basis during Fiscal Year 2009, an average of one (1) pretrial offender and twenty-four (24) post conviction offenders benefitted from sex offender treatment.

#### **Drug Testing Program**

The Drug Testing Program represents one of the most reliable tools for the supervision and monitoring of substance use and abuse by defendants/offenders. The U.S. Probation Officers conduct random testing in the field. However, most collections are conducted in the office by a technician following a color-coded random system. This program is governed by a Four Phase Program, which requires a minimum of three (3) tests with less than 24 hours notice

per month during Phase I; a minimum of two (2) such tests monthly during Phase II; and a minimum of one (1) test monthly during Phase III, pursuant Monograph 109.

### **Location Monitoring Program**

In 2009, the Location Monitoring Program (LM) had a daily average of 107 cases. Two of the units in the Supervision Division were designated for the management of this caseload, and an additional specialist was promoted and assigned to this caseload. Four additional officers were trained and entrusted with LM supervision, bringing the number of officers trained in the program to eleven, plus two specialists.

The improvements made to the LM program in 2009 permitted compliance with guidelines issued by the Administrative Office that limits the caseload for specialists to 26-30 cases. It was also possible to augment field visits, and expedite administrative duties such as invoice reviews, and resolve issues with inventory and supplies.

### **PACTS**

The District continued to maximize the PACTS System giving emphasis to the development of customized reports and applications for the benefit of the Office. The PACTS System was upgraded to the Version 5.6 and the staff was trained on the new features and enhancements and the benefit of the Electronic Learning Modules tool to learn the PACTS application.

The Data Quality Team composed by the DQA, management, deputies, supervisors, and support staff emphasized the quality and integrity necessary to maintain uniformity, avoid duplication of work and to minimize data entry errors. The pre-implementation stage of the PACTS Document Imaging was developed.

During FY 2009, the District worked jointly with the Systems Department to continue creating new reports for both the Court Services and Supervision Divisions, such as, Quality Control/Staffing/Workload/Cost Containment Reports, Management Reports, Clinical Services Reports, Post Conviction Supervision Reports, Court Services Reports and Bail Supervision Reports.

Various computer applications were created extracting the information from PACTS for the benefit of the Court Services and Supervision Units. Some of these new technology advances included:

1. **E-Designate Validation Tool:** Allows the support specialist to verify the data entered in PACTS in order to upload the case in the E-Designate Application in a timely manner.
2. **Sentence Date Reconciliation Tool:** Used by the Data Quality Analyst to validate the sentence data entered in PACTS with the CM/ECF Application. It is a useful



tool for data analysis reflecting sentences entered correctly, incorrectly, sentences not found and unmatched sentences.

3. **Court Services Arrests Assignment Application:** The main objective of the Arrest Assignment web-based application is to assign arrests based on the actual number of arrest interviews that are assigned during the year. Officers with less interviews are listed at the top of the list, and as the number of assigned interviews increases, their name is moved down the list. The system keeps precise statistics on the arrests. In addition, it automatically sends the officer an e-mail notification with the arrest assignment information.
4. **Drug Phase Assignment Application:** Offers the officers the ability to assign a client to a respective drug phase according to placement criteria. Facilitates the submission of the enrollment agreement. Views all drug test results locally and nationally and generates the color-coded urinalysis calendar.
5. **Mobile Blackberry Application:** Since January 2009, the PACTS Mobile Blackberry application has provided the officers with a tool to meet the demand required by:
  - Providing automated functionality to help perform administrative duties electronically;
  - Providing electronic access to client information while in the field; and,
  - Streamlining and enhancing investigation and supervision activities in Probation and Pretrial Services Offices.
6. **Supervision Duty Assignment Application:** Allows the receptionist to assign Supervision Duty. It automatically sends the officer on duty an e-mail notification with the duty assignment information.

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

During Fiscal Year 2009, officers in the District were offered 34 hours of Defensive Tactics Training, including the 16 hours required by the Administrative Office. There were eight Hazardous Incident Reports filed.

The Probation Office also conducted two re-qualifications and two initial firearms qualifications. Fifty-one officers were qualified and authorized to carry duty-issued firearms during the fiscal year.

### **Community Outreach**

The Office remains committed to impacting the community and helping prevent drug use and crime, specifically among youth. The Community Outreach Program, composed of

four volunteer officers, conducted three outreach activities during Fiscal Year 2009. Public and private schools, together with other youth organizations, were visited and over 245 youth and 12 teachers were impacted. The Office continued to sponsor “El Hogar del Niño”, a non-profit organization that provides shelter for young girls by paying tuition and assisting with other financial needs of the institution.

## **Administration**

### **Budget Allotment Profile Fiscal Year 2009 - U.S. Probation and Pretrial Office**

The U.S. Probation Office received a total of \$7,722,423.00 which was allotted as \$5,897,554.00 in salaries, \$256,073.00 in operation expenses, \$1,312,870.00 in law enforcement expenses, and \$212,518.00 in the automation fund. Also, \$43,408.00 was received in the new Automation Law Enforcement fund.

The Office continued to receive automation support from the Office of the Clerk’s Systems Department. This year, \$144,250.00 was transferred to the Clerk’s Office from the salary allotment to cover for this service. The Office also assigned \$168,290.00 for training.

## **Organization**

### **Human Resources**

During 2009, there were two voluntary retirements and a resignation of the U.S. Probation Officer Assistant. Also, the Office recruited four U.S. Probation Officers. The Office was staffed by a total of 59 officers and 29 support staff, for a total of 88 employees.

### **Training and Conferences**

During fiscal year 2009, a total of 86 training sessions were facilitated resulting in a total of 7,565 staff hours. All 88 employees (100% of staff) participated in at least one training this fiscal year. Among the training provided were: Defensive Tactics and Safety, Firearms Training, Internet Policy Training, Staff Wellness and Resiliency, Stress Management, TSP Orientation, Motivational Intervention, Sexual Offender Conference, Initial Probation and Pretrial Training, In-House New Officer’s Orientation, Sentencing Guidelines & Amendments, Drug Treatment Counseling, PACTS, Imaging, PTR, First Aid, Leadership Institute, New Appraisal and Step Increase System, and the DOWD Conference.

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

**DISTRICT COURT**

2009 was a dynamic year for the United States District Court for the District of Rhode Island. The Court hosted a number of ceremonial and educational events throughout the year, embarked on a number of important initiatives, and saw two long-serving members of the Court family take retirement.

**Courthouse Ceremonies**

In 2009, the Court held a number of ceremonies and events. On February 6, 2009, the Court held its annual Attorney Admissions ceremony for new members of the bar of the Court. Chief Judge Lisi presided over the ceremony in the historic courtroom, and 131 attorneys were sworn in as members of the federal bar.

The Court, along with the local chapter of the Federal Bar Association, also welcomed William Suter, the Clerk of the Supreme Court of the United States. On May 6, 2009, Mr. Suter met with Court staff and conducted an admissions ceremony for 83 newly admitted members of the Bar of the Supreme Court of the United States.

The Court also held two important swearing-in ceremonies for the District's new United States Attorney and United States Marshal in the Courthouse's historic courtroom in November 2009. Peter Neronha took the ceremonial oath to become the United States Attorney for the District of Rhode Island on November 9, 2009, and Steven G. O'Donnell was sworn in as the District of Rhode Island's new United States Marshal on November 13, 2009.

**Educational Events**

The Board of Bar Admissions for the United States District Court conducted its annual lecture series for prospective federal bar members in January 2009. The lectures, presented by experienced members of the federal bar, covered a wide range of topics: civil procedure, criminal procedure, professional conduct, bankruptcy, evidence, CM/ECF, and courtroom technology. One hundred thirty-three attorneys attended the lecture series in 2009.

The Court also hosted the Federal Practice Series in March, April, and May of 2009. These CLE events were co-sponsored by the Federal Bench/Bar Committee of the Rhode Island Bar Association, the Rhode Island Superior Court, and the Federal Bar Association, and covered different areas of practice of interest to the federal bar of the district. The 2009 series featured panels comprised of federal and state judicial officers and covered Admiralty Law, Federal and State Employment Law, and Federal and State Criminal Sentencing.

The Court also organized, along with a subcommittee of the Federal Bench/Bar Committee of the Rhode Island Bar Association, a "University Symposia" series on legal topics of interest to both attorneys and non-attorneys. Chief Judge Lisi participated in the first of these University Symposia, a discussion of music piracy and illegal file sharing, that was held on

April 23 at the Rhode Island School of Design. The Court hosted the next installment of the series on September 24, which was a discussion of Rhode Island and federal judicial selection procedures. The final University Symposium was held on November 17 at Providence College, and discussed the basics of immigration law with a United States Immigration Judge and two attorneys specializing in immigration law.

At the close of the year, the Court held its annual luncheon for Criminal Justice Act Panel attorneys on December 22, 2009 in the Jury Assembly Room of the Courthouse. The Panel heard a presentation from Michael Simoncelli of the Clerk's Office on the Court's new CJA time tracking worksheets, and Dr. Barry Wall spoke on "Common Mental Health Issues Impacting Criminal Proceedings."

### **Staff Notes**

The Court held its annual Employee Appreciation Program on September 23, 2009. Mara Martinelli, Carrie Mosca, and Julie Realejo received five-year service awards, and John Etchells, Susan Feeley, Paul Goodale, and Chief Judge Lisi received fifteen-year service awards.

Court staff also participated in a number of training activities during 2009. They attended Code of Conduct Training at the United States Bankruptcy Court in Providence; the FCCA Conference in Detroit, Michigan; COOP/Pandemic Flu Training in Boston, Massachusetts; The First and Second Circuit IT Conference in Hauppauge, NY; Performance Management Training in Washington, DC; ICE Training in San Antonio, TX; the HR Academy in Washington, DC; First Circuit HR Meeting in Boston, MA; and the CM/ECF Forum in Washington, DC.

Court employees also participated in a Fitness Incentive Program from October through December of 2009. Staff participated in individual or planned group exercise activities, with a goal of exercising three days per week (Monday through Friday), for thirty minutes per day, for three months.

### **Case Management**

The District embarked on a number of case management initiatives in 2009. The Clerk's Office created a new Magistrate Judges' Procedures Manual, and completely revised the Intake Case Management Manual. Case Management CM/ECF Administrator Paula Farrell Pletcher also created a number of interactive captivate training modules for attorney and staff education on CM/ECF topics.

The Court also upgraded its CM/ECF system by installing release version 3.2.3 on November 30, 2009 to ensure that the Court's CM/ECF system was up-to-date with the time changes in the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, effective December 1, 2009. In addition, the Court also began testing on CM/ECF version 4.0.3, for release in 2010. Lastly, the Court became a part of the Department of Justice's

Victim Notification System, which alerts victims of hearings, changes of plea, and sentencings as they are posted on the Court's CM/ECF system.

### **Human Resources**

The Court unveiled its new compensation strategy and performance appraisal process for the Court, which went into effect on October 1, 2009. Jill Connolly, the Court's Human Resources Specialist, developed an intranet site for Court employees to access benefits, compensation, and policy information. She also led training sessions to help employees navigate the new E-Service/E-OBP program, and established a benefits and policy orientation program for new employees.

The Court also saw two long-time members of the Court family take retirement in 2009: Senior District Judge Ernest C. Torres, after twenty years on the bench, took inactive status in April 2009, and James Webb, a Courtroom Technology/Facilities Specialist retired after 38 years of federal service in January 2009. The Court also welcomed Kerrie Jackson as an Operations Support Clerk in November 2009.

### **Space/Facilities & Information Technology**

The Information Technology Staff of the Court started the Court's extensive courtroom technology upgrade project in 2009. Federal Court practitioners were surveyed by the Clerk's Office regarding their use of technology in the courtroom, and the final design (by Newcomb and Boyd) was approved and the award for the project (to Tritech Communications) was made during 2009. In preparation for the installation of this new courtroom technology in 2010, preliminary infrastructure work (which included extensive work on the jury boxes in the courtrooms) and updates were performed on Courtrooms 1, 2, 3, and 4.

The Court also decided to improve the public website with the assistance of students from Worcester Polytechnic Institute. The students began this redesign process by surveying the bar and the public regarding their use of the website, and talked with Court staff about possible improvements to the website. The students, in conjunction with the Court's IT Department, ultimately incorporated these findings and suggestions into the design of the new website.

### **Other Achievements**

Local Rules: The Court revised its Local Rules on two different occasions in 2009. The Court finished its regular Local Rules review process in the summer of 2009, and issued a new set of court rules in October 2009 that included a number of minor rule amendments. The Court then issued another revision in December 2009 that brought the Local Rules into conformity with amendments to the Federal Rules in regard to time calculations.

Process Servers: The Court issued credentials to the Federal Process Servers for the first time beginning in 2009. Identification cards were issued to 28 federal process servers for the District of Rhode Island.

Jury Administration: The District of Rhode Island had an extraordinary 19.9% of its jurors not selected, challenged, or serving on the first day of empanelment. This percentage was not only an improvement over the Court's 2008 rate (31.6%), but it also surpassed both the First Circuit rate (49.8%) and the national rate (40.1%).

Donations/Volunteer Work: Court members donated over \$6,000 to the Combined Federal Fund in 2009, and the Court also collected winter coats, scarves, hats, and gloves to donate to Amos House, a nonprofit group offering assistance to the poor and homeless, during the holiday season. Court employees also participated in the Power Lunch Program through VIPS (Volunteers in Providence Schools) and read to 2<sup>nd</sup> grade students every Thursday during the school year, while others served in a weekly mentor program at the San Miguel School.

District Court Statistical Caseload Profile Summary of  
12-Month Period Ending September 30, 2009

Total Filings (Civil & Criminal, Including Criminal Case Transfers)	1,239
Civil Filings	1057
Criminal Cases	164
Terminations	677
Cases Pending	2416
Trials (criminal/civil)	20 (10 per active Judgeship)
Median Time for Civil Cases	10.6 months
Median Time for Criminal Felony Cases	8.1 months
Median Time for Civil Cases Measured from Filing to Trial	19.0 months
Civil Cases Three Years or Older	282

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

### **Programs and Accomplishments**

#### **Local Rules**

The Court, working with its Attorney Advisory Committee, published for comment several local rules and form changes, as well as the production of a new local rules book, which took effect on April 1 and December 1, 2009, respectively.

#### **CM/ECF Upgrade to Version 3.3**

The Court successfully completed its upgrade to Version 3.3 of CM/ECF on March 5, 2009, and to Version 3.3.2 on October 16, 2009. Among other changes, comprehensive privacy modifications were made to ensure that attorneys redact sensitive information regarding their clients.

#### **Electronic E-Filing Registration and Training Program**

The Bankruptcy Court published over 20 online training modules for the CM/ECF system. This project successfully eliminated the need for exhaustive four hour training sessions, and provided access to training 24 hours a day/7 days a week. Additionally, the Court successfully converted its manual CM/ECF registration process to a completely on-line electronic process.

#### **Launched New Internal Forum and Updated Intranet site**

This year, the Court launched a new internal forum, which has greatly facilitated communication between employees, as well as a redesigned intranet site and self-help HR page where employees can learn about their benefits.

#### **Employee Engagement Program**

During the year, the Clerk's office embarked on an employee engagement program to evaluate the overall health of the organization and its human resource capability. The program will continue into 2010 with a focus on management excellence and action plans.

#### **Technological Improvements**

Court customers became able to listen to court hearings the very next day on the docket, under a program known as Court Talk. In addition, the Court's employees can view courtroom proceedings live on their desktop computers. This technology allows case managers to monitor matters of interest without having to be present in court. Finally, a new electronic proceeding

memo system was created which integrates with CM/ECF, making it more efficient for the courtroom deputy to prepare cases and calendars for hearing.

### **National Committee Participation Federal Judicial Center Bankruptcy Courtroom Study**

Clerk of Court Susan Thurston served as a steering group member in designing and implementing the FJC's Bankruptcy Courtroom study project.

### **2008-2009 FAST Financial Forum Conferences**

During 2008 and 2009, Clerk of Court Susan Thurston served as faculty at four separate Financial Forum conferences designed to provide up-to-date financial training to court staff throughout the country. Ms. Thurston's program was on "*How to Conduct an Internal Controls Evaluation.*"

### **National Space and Security Circuit Based Training Program**

Clerk of Court, Susan Thurston, served as faculty on this national training program to update court unit executives and court space and facility specialists on the judiciary's space and security programs, including the new circuit rent budgets, occupancy agreements, asset management plans, space assignment and rent validation, security, property management, tenant alterations, cyclical maintenance, and courtroom technology.

### **Education Programs Attorney Education Training**

The Court and its Attorney Advisory Committee partnered with the Rhode Island Bar Association to provide bankruptcy training to attorneys who agreed to participate in the Volunteer Lawyer program, which provides pro bono service for bankruptcy cases. On April 30, 2009, 70 attorneys attended the training seminar, which was held at the Rhode Island Bar Association headquarters. All 70 attorneys agreed to take at least one pro bono case this year.

### **National Conference of Bankruptcy Clerks**

Seven Clerk's Office staff attended the National Conference of Bankruptcy Clerk's conference in St. Petersburg, Florida to participate in national bankruptcy and judiciary related educational classes.

### **Financial Forum in San Diego, California**

In addition to the Clerk of Court, who served as faculty, three administrative staff attended this financial training program in 2009.



## **9<sup>th</sup> Bankruptcy Operational Practices Forum**

Chief Deputy Gail Kelleher and two operations staff attended the 9th annual Bankruptcy Operations Forum in Texas, to participate in a national training focused on improving electronic filing, quality control, bankruptcy processes, calendaring and the future of CM/ECF.

## **2009 Space Projects**

Both the courtroom and conference room were outfitted with public wireless availability. This improvement was crucial as it caters to the ever growing technological needs of the many attorneys and specialists who enter the courtroom. In addition, the Court's information technology specialist built a new storage network making data available all the time from two servers in one location.

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

### **Employee Recognition Ceremony**

On September 18, 2009, the Court held its annual employee recognition ceremony. Among other awards, Amy Geraghty Seale, who was promoted to Operations Supervisor this year, was presented with the 2009 Sustained Superior Performance Award for her 17 years of exceptional performance and service. This year, Amy Geraghty Seale was nominated in the Administrative Employee of the Year category. The Rhode Island Bankruptcy Court was recognized for achieving a 50% participation in the NCBC. The Rhode Island Bankruptcy Court was awarded the highest platinum award for attaining a 99% participation rate and as well as an increase in dollar amount raised.

## **Milestone Anniversaries**

Chief Deputy Gail Kelleher celebrated her 30th anniversary with the Rhode Island Bankruptcy Court this year, while case managers Carolyn Sweeney and Christine Lanni each achieved 15 years of dedicated service.

## **Personnel News**

Dina Fortes was hired as an ECF Case Administrator, Janet Tessier was hired as a Public Information Specialist and Abigail Sneed was hired as Law Clerk. Amy Geraghty Seale was promoted to Operations Supervisor and Katherine Flaherty was promoted to ECF Case Administrator. Jeff Dana, Law Clerk to Judge Votolato, left the Court for private practice. Jennifer Morro, ECF Case Administrator, left the Court to work for a local law firm.

## **Statistics**

During Calendar Year 2009, there were 5,040 total filings (all Chapters); 4,385 Chapter 7 Cases; 21 Chapter 11 Cases; 1 Chapter 12 Case; and 633 Chapter 13 Cases. This reflects an increase of 17% over 2008. There were 4,625 terminations and 2,033 cases pending.

## **PROBATION & PRETRIAL SERVICES**

### **DISTRICT OF RHODE ISLAND**

## **Staffing**

The District of Rhode Island continued to have a combined office for both probation and pretrial services. During Fiscal Year 2009, the seventeen-member staff consisted of the Chief, two supervisors, nine 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, which was entered into with the District Court in FY 07, continued to yield significant accomplishments. Of the authorized personnel, 11% was allocated for pretrial services, 46% was for post-conviction supervision, 14% was for presentence work, and 29% was for organizational and automation factors.

## **Training**

Despite a busy workload, extensive training occurred during FY 2009 and the officers and supervisors in the units averaged well in excess of the required 40 hours of training. The District made greater use of the PEI program of the Federal Judicial Center and participated in a variety of local and national training efforts. As a whole, staff engaged in over 1,000 hours of training. Training topics included a national IT Assist; several safety and firearms programs; Testifying Skills; HRMIS familiarization; and Sentencing Guidelines.

## **Space and Equipment**

The Probation Office maintains 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 cellblock, the Magistrate Judges' chambers, courtrooms and Clerk's Office staff are conveniently located in the same building on the second floor. The Office is fortunate to be housed in Courthouse space in which Court Security Officers, along with metal detectors, are available. Pretrial Services defendant interviews are conducted in one of three locations - the Probation Office, the cell block interview room, and the local prison facility housing the defendant.

## **Coordination with Other Court Personnel**

The Chief Probation Officer maintains frequent personal contact with the District and Magistrate Judges. Formal and informal meetings are held to ensure that the Court remains completely satisfied with the services provided. The Chief and Deputy Chief maintain frequent contact with the two Magistrate Judges and their staff as well as 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. The District prides itself on positive, open communication with other agencies. The COOP Plan and the OEP were updated in preparation to address any serious safety issues, if needed.

**Treatment Services**

A number of defendants supervised by the Pretrial Services Unit required 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 case remains pending, these defendants have been able to reside in the community.

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

	2004	2005	2006	2007	2008	2009
Pretrial Services Expenditures	\$15,339	\$30,722	\$22,668	\$24,535	\$47,855	\$80,601

During FY 2009, the District allocated \$13,077 for electronic monitoring expenses, \$109,305 for drug treatment and testing, and \$180,871 for mental health treatment. The Probation Office purchased substance abuse and mental health treatment services from the following providers: MAP; CODAC; Bridgemark Addiction Recovery Services; Spectrum Health Services, Inc.; Gosnold Treatment Center; Phoenix House of New England; SSTAR; Behavioral Medicine and Health Associates; Fellowship Health Resources, Inc.; Kent Center; Gateway Healthcare, Inc.; and Adcare Hospital. If so ordered by the Court, the defendants participate in out-patient substance abuse treatment. If warranted, residential drug treatment is provided to include inpatient detoxification, and a full range of long-term residential treatment services. Further, out-patient mental health treatment is also available to include psychiatric evaluations, medication monitoring, mental health assessments, mental health counseling, and sex offender counseling. Most urinalysis testing occurred via a Memorandum of Understanding with the Eastern District of Virginia Probation Office. Specimens were sent for testing in their on-site laboratory. On-site test cups supplied by a variety of vendors are utilized. Confirmation testing was provided by Scientific Testing Laboratories. Further, the District utilizes G4S for electronic monitoring contracting and Verizon for officers' BlackBerry devices.

**Workload Trends**

**Arrests**

During fiscal year 2009, there were a total of 222 cases activated. Pretrial services reports with recommendations were prepared in 99.5% of the cases processed.

## Statistical Summary

A statistical summary of the pretrial services workload for the past year is provided below :

1.	Total Cases Activated	222
2.	Defendants Released on Bond	58
3.	Defendants Under Supervision as of 9/30/09	71
4.	Pretrial Cases Closed	150
5.	Average Number of Days Detained	283
6.	Release Rate (Excluding Immigration)	31.4%
7.	Cases with Violations	12

## Post Conviction Supervision

During FY 2009, this unit supervised 353 offenders on probation, parole, and supervised release. Well over half of the offenders had special conditions for substance abuse treatment. Many also had conditions for mental health treatment and conditions for community service.

Of the cases supervised, 38% were for serious drug offenses, 19% were for firearms offenses, and 8% for other violent offenses. Twenty-five cases were revoked from supervision for a revocation rate of 14%. This office collected almost \$1.85 million in restitution, fines and special assessments.

## Presentence Reports

The District Court referred 141 guideline presentence reports. The largest category of primary offense was drug cases (37%); fraud was second (16%); and firearms third (11%); 96.2% of cases resulted from a plea of guilt; 3.8% resulted from trial; and 47.3% of 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. Working with the District of New Hampshire, an active firearms and safety program was maintained. In addition to routine training and qualifications, the firearms training included low, light situations, scenario-based situations, simulation, and firearms familiarization. All officers 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 staff members. This team trained throughout the year and respond to situations as needed.

**NARRATIVE REPORTS  
OF THE  
FEDERAL PUBLIC DEFENDERS**

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

### Summary

As the Federal Public Defender's Office began accepting cases on October 1, 2006, 2009 marked the third full year of client representation. A total of 140 cases were opened and 135 cases closed in 2009. The Office came in under budget and there was one staff resignation.

### Cases

<b>OFFICE LOCATION</b>	<b>PENDING 12/31/08</b>	<b>CASES OPENED 2009</b>	<b>CASES CLOSED 2009</b>	<b>PENDING 12/31/09</b>
Portland	45	93	89	49
Bangor	29	47	46	30
<b>TOTAL</b>	74	140	135	79

### Appeals

During 2009, there were 15 appeals filed and 8 appeals closed.

### SWiTCH Program

The reentry program for the District (entitled Success with the Court's Help, or SWiTCH) had its first graduate in December, 2009. This graduate moved through the year-long program without incident or set back after years of drug and alcohol abuse and criminal conduct. He credited the program with assisting him to stay sober and rebuild his family relationships. He remains sober today and has been a guest at subsequent graduation celebrations.

### Budget

The financial audit of the initial 39 months of the operation, through March 31, 2009, resulted in "no findings, no recommendations" — a fact that was noted as "exemplary" by Theodore Lidz, Assistant Director, Office of Defender Services in his letter of congratulations.

### Staffing

Staff changes in 2009 included the hiring of two half-time investigators, Spencer Tracy in Bangor and Rebecca Cohen in Portland. Dividing the position between the two offices resulted in

more consistent investigator coverage for each office, as well as considerable savings in travel costs.

Assistant Federal Defender Eric Vos left in November, 2009, to join the Training Branch of the AO in Washington, DC. This vacant position was filled when the Office hired J. Hilary Billings, an experienced trial attorney who has practiced in Maine for 25 years.

The computer systems support was provided by Brian Brunelle from the CT office, who traveled to Maine for inspection, testing, installing and upgrading of the equipment.

The Office continued to participate in the extern program of the University of Maine School of Law and hosted a third-year student for both the winter and fall terms of 2009. The Office also hosted a Vanderbilt University Law School graduate for the summer months.

All staff members had access to ongoing job training and, in 2009, every member of the organization attended at least one training event.

### **CJA and CLE**

The Office provided Continuing Legal Education (CLE) to the CJA panel. During 2009, training sessions were held in both Portland and Bangor. Multiple intensive half day courses were conducted for the newer panel attorneys, each of whom was required to complete these training sessions to qualify for panel work. Additional areas of training events included crimes of violence, drug cases, firearms issues, departures and variances, conspiracy law, and federal sentencing.

### **National Work**

David Beneman remained the Federal Defender representative for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Circuits on the Defender Services Advisory Committee (DSAG), and was also active on several sub-Committees.



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

In FY 2009, the Boston office relocated from 408 Atlantic Avenue, the Williams Coast Guard building, to 51 Sleeper Street. The Office was relocated over Labor Day weekend, into a new office in a small, private building steps from the federal courthouse. Barbara Manford, Kelly McQuillan, and Shawna Kelliher all worked tirelessly to make sure that the project moved smoothly. Support from the Circuit on this project is greatly appreciated.

More recently, the Office has been working to expand the Rhode Island office space, also with Shawna coordinating this project.

The District Court has established two new re-entry programs, known as RESTART, for defendants on supervised release who present a high risk of recidivism. The Boston program, which began in May, 2009, is staffed by Assistant Federal Public Defender (“AFPD”) Oscar Cruz. Later in the year, a similar program began in Springfield, staffed by Page Kelley, AFPD, and Paralegal Ramou Sarr, who also provided assistance for the Boston program. Catherine Byrne, AFPD, along with paralegal Michael Gibbons, continued to devote considerable energy to the Court Assisted Recovery Endeavor (“CARE”) program, which provides intensive supervision of defendants with substance abuse problems. CARE has been a national model for courts aiding drug-addicted defendants. Other courts also are exploring RESTART as they consider setting up similar programs. The AFPDs and paralegals meet and speak frequently with AFPDs and Federal Public Defenders from other districts to provide advice and assistance as they contemplate such reentry efforts.

The AFPDs in Massachusetts continued to spend a great deal of time on cases brought under 18 U.S.C. § 4248, the statutory provision for civil commitment of individuals designated as sexually dangerous persons (SDP). Three of these cases went to trial in FY 2009.

As in the past, the Boston office supported the CJA panels in each of the three districts by: 1) issuing a quarterly newsletter with relevant practice information, case summaries, etc.; 2) sponsoring educational programs for panel lawyers; and 3) assisting panel lawyers who contact this Office for advice. The Boston office also continued to run two e-mail list-serves, and along with the CJA Board, continued to host a series of seminars for CJA attorneys on various topics in federal criminal defense, both in Boston and in Springfield. During FY 2009, the topics covered included sentencing advocacy, Supreme Court developments, use of experts, challenges to forensic evidence, and issues relating to police interrogation in the wake of Montejo v. Louisiana, 130 S.Ct. 23 (2009). The New Hampshire office presented well-received training programs. In Rhode Island, where the CJA panel is small and the CJA Plan calls for the Federal Defender Office to take 75% of the appointed cases, support for the CJA panel has been more informal.

During the summer of 2009, the Massachusetts CJA Plan was revised to include a new protocol for appointing counsel in Boston, which began in August 2009. The implementation of this protocol has increased the percentage of cases going to the FPD, rather than CJA lawyers. The old plan called for the Office to represent 50 to 60% of indigent clients, a figure which did not

seem realistic, given the fact that the Boston division of the Court typically had appointed this Office to represent 35 to 40% of those defendants. The new system has increased the percentage of indigent defendants whom the Boston office represents to more than 50%.

The overall volume of new cases for Fiscal Year 2009, compared to previous years, was as follows:

Massachusetts

	<u>Cases Opened</u>				<u>Pending</u>	
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	10/1/04:	
FY 2005	200	85	32	83	10/1/05	205
FY 2006	389	185	42	162	10/1/06	310
FY 2007	351	133	38	180	10/1/07	283
FY 2008	417	143	26	248	10/1/08	316
FY 2009	404	175	36	193	10/1/09	336

New Hampshire

	<u>Cases Opened</u>				<u>Pending</u>	
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	10/1/04:	
FY 2005	187	133	11	43	10/1/05	127
FY 2006	139	84	7	48	10/1/06	103
FY 2007	166	119	4	43	10/1/07	98
FY 2008	221	137	13	71	10/1/08	119
FY 2009	158	136	3	19	10/1/09	107

Rhode Island

	<u>Cases Opened</u>				<u>Pending</u>	
	<u>Total</u>	<u>Pros'ns</u>	<u>Appeals</u>	<u>Other</u>	10/1/04:	
FY 2005	142	87	18	37	10/1/05	76
FY 2006	140	70	29	41	10/1/06	91
FY 2007	137	71	22	44	10/1/07	69
FY 2008	182	80	8	94	10/1/08	91
FY 2009	158	128	6	24	10/1/09	94

The numbers above reflect an overall 12% decline in cases opened for all three of the Districts. This appears to be due primarily to the “bubble” created by the crack re-sentencing cases that were handled in FY 2008. If the crack cases were excluded, there was a 15.2% increase in cases opened.

Excluding crack cases, the Boston office opened 21.4% more cases in FY 2009 than in FY 2008. The Providence office opened 39.6% more cases in FY 2009 than in FY 2008, not counting the crack cases. It appears that, without the crack cases, the Concord, New Hampshire office still saw a decline of 28.5% in cases opened. The bulk of the decrease was in “other” cases, while only one fewer prosecution case than in FY 2008 was opened. The records show that the New Hampshire office handled 33 crack cases in FY 2008; however, records from the U.S. Sentencing Commission show 92 crack reduction motions were filed in New Hampshire, and 48 were allowed. This suggests that more than 33 of these cases may have been handled, but were opened in a different category.

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

This report highlights the more salient events in FY 2009 for the Office of the Federal Public Defender for the District of Puerto Rico.

**Staffing and Facilities**

In Fiscal Year 2009, the Office increased personnel by hiring an Investigator, Ms. Jannette Lopez, who replaced Mr. Jose Cordero. He returned to the U.S. Prison Bureau. Mr. Efrain Aldea was hired as a Clerical Assistant to increase the administrative capability and Mr. Jose B. Velez and Thomas J. Trebilcock were employed as Research and Writing Specialists.

**Criminal Case Statistics**

Beginning in the fiscal year, it was estimated that approximately 1,000 cases would be opened and 1,003 would be closed. These estimates were not met, and at the close of FY 2009, the real numbers were 800 opened cases and 870 closed.

**Immigration, Narcotics, Firearms and Fraud**

As in other years, criminal charges involving illegal immigration, narcotics, illegal firearms and fraud cases continued to be the largest categories of crimes that the Office represented. More than 247 immigration cases were opened and closed. In the area of crack cocaine retroactive amendments, 55 cases were opened and 114 closed. Narcotics cases followed with 47 cases opened and 49 cases closed. Fraud represented the fourth largest category of cases, with 23 cases opened.

**Death Penalty Prosecutions**

An average of two to three new death penalty eligible cases every year have been handled by this Office. These cases require the attention of three to four of the Assistant Defenders each. More than one attorney is assigned to each case. Due to the size of the staff and the number and complexity of the non-death penalty cases, remedial measures like these must be instituted to ensure that clients are represented competently. The attorneys split their time between death penalty and non-death penalty cases.

### **Continuing Legal Education**

During Fiscal Year 2009, a major investment was made in a new sound system and computer system for the main conference room in the Office. This will assist in the presentation of seminars. A monthly seminar continued to be held for CJA panel members.

### **Conclusion**

The Office of the Federal Public Defender for the District of Puerto Rico's legal and support staff now numbers thirty-one. This Office is the only office in the First Circuit with open death penalty eligible cases. As in the past, the FPD represented a defendant in the majority of the federal criminal cases in the District.

**NARRATIVE REPORTS  
ON MATTERS OF  
JUDICIAL ADMINISTRATION**

**THE JUDICIAL CONFERENCE OF THE UNITED STATES  
MARCH AND SEPTEMBER 2009**

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

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

The statutory responsibilities assigned to the Judicial Conference are to:

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

28 U.S.C. § 331.

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

At the March 17, 2009 Judicial Conference, Mr. James C. Duff, Director of the Administrative Office of the United States Courts (AO), reported to the Conference on the judicial business of the courts and on matters relating to the AO. Judge Rothstein spoke to the Conference about Federal Judicial Center (FJC) programs, and Judge Hinojosa reported on Sentencing Commission activities. Judge Julia Smith Gibbons, Chair of the Committee on the Budget, presented a report on judiciary appropriations and other budget matters.

At the September 15, 2009 Judicial Conference, Mr. Duff reported to the Conference on the judicial business of the courts and on matters relating to the AO. Judge Rothstein spoke to the Conference about FJC programs, and Judge Hinojosa reported on United States Sentencing Commission activities. Judge Gibbons presented a report on judiciary appropriations and other budget matters.

## 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 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 full-scale conference is scheduled for May 2010 in Boston, Massachusetts.



## **BUSINESS OF THE FIRST CIRCUIT JUDICIAL COUNCIL**

Circuit judicial councils were created by Congress in 1939, along with the Administrative Office of the United States Courts and circuit judicial conferences, to assist in the management of the courts. The Chief Judge of the Circuit presides over the Council, and its membership consists (in this Circuit) of all the active judges of the Court of Appeals and one district judge from each of the five Districts in the Circuit. Each Circuit Judicial Council has administrative responsibility for all Courts in its Circuit. It is authorized to:

make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit . . . .

28 U.S.C. § 332(d).

Council meetings in the First Circuit are generally held twice a year. In 2009, the Council meetings took place on April 7 and October 6. Many matters are decided by mail vote between meetings.

A principle task of the Judicial Council involves the consideration of complaints of judicial disability or misconduct. An explanation of the Council's role in these matters and a summary of final action taken by the Council during 2009 is provided at pages 100 and 101. In addition, at the September 2009 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 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 2009 included: approval of changes to the local rules of the First Circuit Bankruptcy Appellate Panel; various cost reduction measures; review of courthouse construction projects and expenditures; review of juror utilization, trials and other court activity statistics; review of court security measures; review of privacy rules, and the approval of bankruptcy judge assignments.

## **SPACE AND FACILITIES**

### **Introduction**

This report covers the activities of the space and facilities group within the Circuit Executive's Office during the period between January and December, 2009.

In October, the Court of Appeals for the First Circuit and the District of Massachusetts participated in long range Asset Management Plan strategy sessions. Initial reports indicated a need for additional staff space for both the COA Clerk and USDC Clerk's offices. In addition, it is anticipated that one resident Circuit Judge's chamber and one non-resident Senior Circuit Judge's chamber will be required in the Moakley Courthouse before 2015.

### **Court of Appeals**

A replacement for Judge Selya was nominated in 2009. The project to accommodate the replacement judge was approved in 2008 and the lease process was initiated. Occupancy in the new space at One Financial Plaza in Providence, Rhode Island is anticipated in the fall of 2010.

The formal design process and preparation of the construction drawings were completed for the Bankruptcy Appellate Panel in 2009. Occupancy of the space at the J.W. McCormack Post Office and Courthouse building is anticipated in the fall of 2010.

Sound systems in the En Banc and Panel Courtrooms of the Moakley Courthouse were upgraded this year. Video conferencing equipment was also included as part of this upgrade.

The process to relocate the Settlement Counsel office in San Juan into leased space began late in 2009. This relocation became necessary to allow for the construction of a new District Court Courtroom. Occupancy is expected in the winter of 2010/2011.

### **District of Maine**

The Bangor renovation project remained ongoing. In addition to "B" funds for the Magistrate Chambers and Courtroom, this building was also the recipient of ARRA funds. The project includes energy efficient improvements, such as geothermal heat, new windows, and fire/life safety upgrades. Project completion is anticipated in Spring 2013.

The lease renewal process commenced for the Bankruptcy Court space in Portland. It is anticipated that a new lease will be signed early in 2010 which will maintain the Court's existing location. Minor alterations to increase space efficiency are planned once the space is formally secured.

The Probation Office in Portland was relocated to newly renovated space at 400 Congress Street in November of 2009. This location is situated closer to the Courthouse and provides for more efficient, flexible space.

The Probation Office renovations in Bangor were completed in September 2009. This renovation consolidated offices and allowed for the release of space from the overall square footage.

### **District of Massachusetts**

Design was initiated for the 4th Chambers in Springfield MA. Occupancy is anticipated for Spring of 2011.

Renovations to the Bankruptcy Court's space at the J.W. McCormack Post Office and Courthouse were completed in the fall of 2009. The Bankruptcy Court relocated to the new space in October.

Space actions were implemented to relocate the Probation Office in Plymouth to Taunton. This relocation was initiated to allow the Probation Office to better serve its constituency. Occupancy is anticipated in the spring of 2010.

Renovations to the Probation Office space in Lawrence were completed in October. This project included the creation of an interview room and also increased the efficiency of the restroom facilities.

Actions were initiated to relocate the Probation Office in Worcester to leased space. Occupancy is anticipated for February 2012.

The Federal Public Defender in Boston successfully relocated to new space in the summer of 2009.

### **District of Puerto Rico**

The Nazario Courthouse & Degetau Federal Building received \$99,374,000 in ARRA funds. The scope of work for this location will include complex wide energy efficiency and HVAC upgrades, advanced metering of all incoming utilities, and enhancements to plumbing fixtures. The project is anticipated to be awarded in 2010 and is scheduled to conclude in 2014.

The Senior Judge's Chamber "B" project approved for the Toledo Courthouse in 2008 was expanded in 2009 to include the build-out of a second chamber. The bid numbers for this project allowed this inclusion with no financial impact to the Courts.

Construction commenced for the Bankruptcy Court Clerk's Office relocation to new space in the Toledo Courthouse in Old San Juan. Occupancy is anticipated in the summer of 2010. The Bankruptcy Court also successfully moved into the Ferre Post Office and Courthouse in Ponce.

An evidence presentation system was implemented in the 5th Floor courtroom of the Toledo Courthouse

**District of Rhode Island**

Design services to update the ceiling in Bankruptcy Courtroom in Providence commenced. The ceiling replacement is scheduled to be completed by September 2010.

Space actions were initiated to expand the existing space envelope of the Federal Public Defender's Office in Providence. The project is anticipated to be completed by August 2010.

**District of New Hampshire**

Expansion of the Probation Office in Manchester, New Hampshire was initiated. Occupancy is anticipated in the winter of 2010/2011.

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

**National Projects**

**Committee on Information Technology (CIT) Mobility Subcommittee**

The staff in the Information Technology Department (IT) of the Circuit Executive's Office took part in the Committee on Information Technology's Ad Hoc Mobility Committee which created mobility training and information for judges across the nation.

**Telecommunications Focus Group**

The IT staff also took part in the AO Deputy Director's Telecommunications Focus Group to determine long term direction on voice, video and data organizational impacts on the business and processes of the judiciary as a whole.

**Networx Contract**

The IT staff was the Court representative on the Source Selection Advisory Committee to select the FTS2001 replacement contract. This contract resulted in an award to AT&T for voice and data systems for the federal courts nationally.

**Circuit Projects**

**Infrastructure Upgrades**

The Circuit advised and assisted on many aspects of infrastructure upgrades this year. There was a heavy emphasis on creating viable electrical, computer room, and network foundations for the next generation of the Data Communications Network (DCN). Since the network will support voice, video and computer data converged on the same network, it is important that the infrastructure is of high quality and state of the art.

The IT staff worked with the Space & Facilities staff within the Circuit Executive's Office to combine the architectural expertise with technical skills to assist with the infrastructure needs of the Courts within the First Circuit. New construction and major renovations that allowed for new infrastructure were the McCormack Building in Boston and the new Probation Office at 400 Congress Street in Portland, Maine.

The IT Department coordinated and advised several efforts within the Circuit to design, engineer, procure and deploy new network designs that not only shared hardware, but also allowed logical segmentation of Court units. The IT staff from multiple Court units took part in a collaborative effort to create a highly efficient, logically segmented network in the Old San Juan, Ponce, and Bangor buildings.

### **Voice over IP/Pilot Programs**

The IT Department assisted various Courts in the Circuit with analyzing the existing systems to improve the network while also preparing for the voice systems. As part of this effort, the First Circuit played a strong role in the Office of Information and Technology's (OIT's) Quality of Service (QoS) Pilot Program. Participation in this pilot was critical in supporting the voice installations that were under way for all of the court units in the District Court of Puerto Rico (Old San Juan, Hato Rey and Ponce) and in the District of Massachusetts (Springfield, Worcester, McCormack/Boston). This pilot allowed voice prioritization using Quality of Service so phone calls could remain high quality while sharing the DCN data network. The ability to participate in the pilot allowed unprecedented regional voice designs by the AO and the feedback from this pilot has helped guide the approach nationally that will support voice technologies in courts throughout the judiciary for years to come.

### **Circuit IT Conference**

The Circuit co-hosted the First, Second and Third Circuits' IT Conference on August 3-7, 2009, on Long Island, New York.

### **Court of Appeals Projects**

#### **WebVote**

The Court of Appeals had numerous technical achievements in 2009. A new web based voting program was unveiled to turn the paper process of overnight shipping case files into an automated process of circulation. Judges and staff can now work on these matters anytime, anywhere, including through remote access. The WebVote application is accessible via BlackBerry and will be expanded for other matters that circulate similarly throughout the Court. Jim DeHart developed the new system and has been nominated for a Director's Award because of its outstanding innovation and affect on the Court's business.

#### **Document Tracking Manager**

The Court moved to mandatory electronic case filing from the public. This transition from paper to electronic filing went extremely well. With the transition to paperless filing, the existing paper oriented processes were no longer useful to track the work of the Court at hand. The IT Department worked with the Clerk's Office to develop a program that tracked this electronic paper movement from person to person (desk to desk). The system was named Document Tracking Manager (DTM) and performs automatic distribution of incoming electronic filings (virtual folders on each person's desk) in cases that are calendared or argued and distributes interoffice communication. It simultaneously notifies Case Managers and Clerk's Office legal staff, and allows for tracking of what has been reviewed. One of the more useful features has been the ability of the Clerk's Office to communicate about these filings from anywhere at any time.

This system also assists Court business by automating the electronic delivery of court records to the originating Courts (mandates), as well as automated electronic delivery of orders and opinions to internal Court chambers. The Staff Attorneys are also able to receive electronic notification of matters referred through this system. This process was done previously in paper and mailings before this Document Tracking System was developed by IT staff.

### **Advanced Query**

The IT Department recognized the need for Court staff to quickly obtain the most frequently referenced information in the CM/ECF database, such as originating court dates, trial judge, filing dates, record on appeal, etc. Previously, court employees had to log in to CM/ECF to search through several screens, or run multiple reports, in order to find the information for which they were looking. IT staff developed a tool called “Advanced Query,” which provides staff a quick method to obtain information. The tool is case number driven, and is being expanded to allow searches by case title, party and attorney.

### **Courtroom Technology**

The Courtroom in the Old San Juan building was updated with the latest courtroom technology, including sound systems and video conferencing.

## 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.

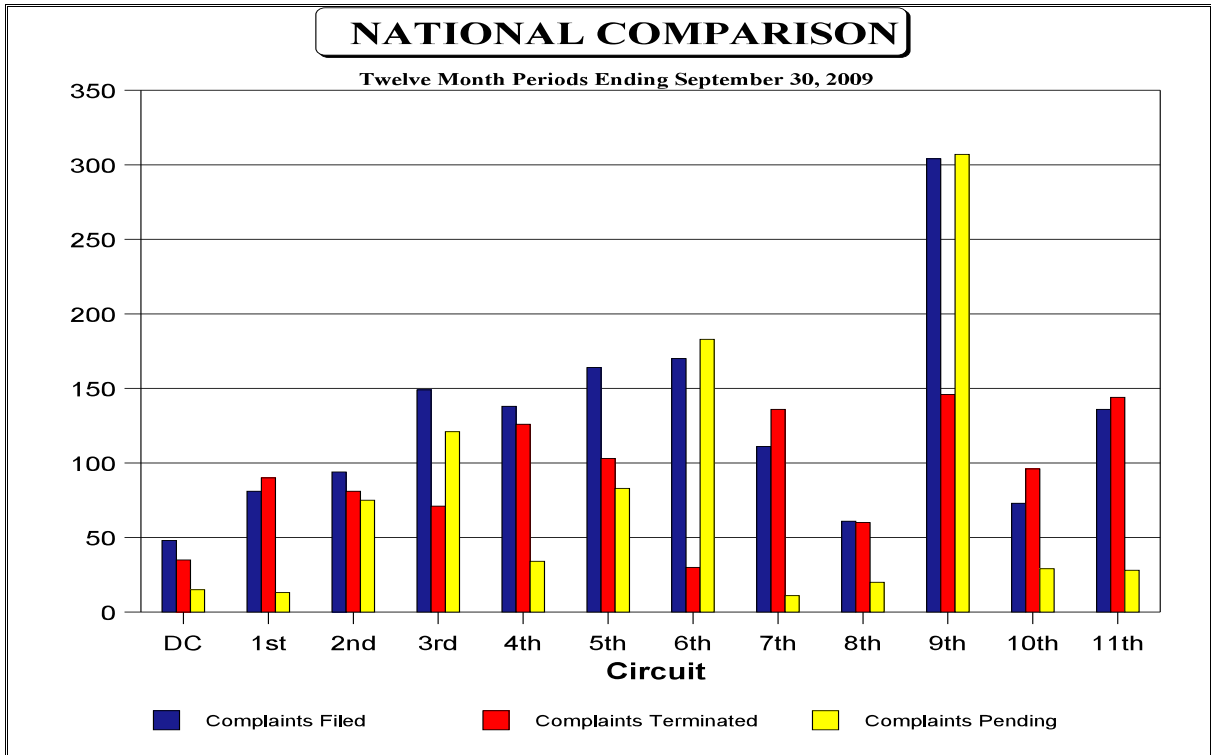
Pursuant to 28 U.S.C. § 352(d) and the Rules of Judicial Misconduct, the Chief Judge annually designates two review panels to act for the Judicial Council on petitions for review. This amendment was adopted in response to a provision of the Judicial Improvements Act of 2002 that explicitly authorized 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, 2009**

Complaints Filed in 2009 (calendar year)	25
Orders of Dismissal Issued by Chief Judge (9 of the orders were issued in 2010)	25
Petitions for Review filed with Judicial Council (2 of the petitions were filed in 2010)	8
Orders of Dismissal Affirmed by Judicial Council (8 of the Council orders were issued in 2010)	8
Show Cause Orders Issued	1
Preclusion Orders Issued (in 2010)	1
Total No. of Judges Charged in 2009	21

**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, 2009**

Summary of Activity	Circuit											
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Filed	48	81	94	149	138	164	170	111	61	304	73	136
Complaints Terminated	35	90	81	71	126	103	30	136	60	146	96	144
Complaints Pending	15	13	75	121	34	83	183	11	20	307	29	28

## **ATTORNEY DISCIPLINE**

During 2009, 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 of which resulted in disbarment and 13 of which resulted in suspensions. One of these proceedings was initiated by the Court of Appeals; 18 of them arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement, and one was initiated by the United States District Court.

## HISTORY AND NOTABLE EVENTS

On January 5, 2009, District Judge John A. Woodcock, Jr., became Chief Judge of the District of Maine; on February 1, 2009, Magistrate Judge Judith G. Dein, District of Massachusetts, became Chief Magistrate Judge; and on October 16, 2009, Bankruptcy Judge Enrique S. Lamoutte became Chief Bankruptcy Judge in the District of Puerto Rico.

On January 30, 2009, Frank J. Bailey was sworn in as Bankruptcy Judge for the District of Massachusetts. Judge Bailey was appointed on December 24, 2008.

On January 31, 2009, Magistrate Judge Joyce London Alexander retired from the District of Massachusetts; and on August 31, 2009, Bankruptcy Judge Gerardo Carlo-Altieri retired from the District of Puerto Rico.

On March 12, 2009, District Judge Reginald C. Lindsay, District of Massachusetts, passed away; on December 7, 2009, Circuit Judge Frank M. Coffin, Court of Appeals, passed away; and on December 25, 2009, District Judge Morris E. Lasker, District of Massachusetts, passed away.

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

**FOR THE PERIOD: OCTOBER 1, 2008 - SEPTEMBER 30, 2009**

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

On October 10, 1999, the Court adopted the Employment Dispute Resolution Plan (“EDR Plan”) for the First Circuit Court of Appeals. The EDR Plan is intended to provide court employees with the rights and protections of the Model EDR Plan adopted by the Judicial Conference of the United States in March 1997.

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, 2009, there were 123 Court of Appeals employees. Of those employees, 42 (34%) were male and 81 (66%) were female; 107 (87%) were Caucasian and 14 (11%) were minorities. There were 3 African-American employees, 7 Hispanic employees, 4 Asian employees, and 2 Not Reported.

**SIGNIFICANT ACHIEVEMENTS**

There were 29 new appointments made during this reporting period. Of those new appointments, 14 were male and 15 were female; 26 were Caucasian, 2 were Asian, and 1 was Hispanic.

During the reporting period, 16 employees were promoted. Of those employees, 7 were male and 9 were female; 15 were Caucasian, and 1 was Asian.

## **TRAINING**

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

An Anti-Discrimination and Civility Statement is posted in each clerk's office throughout the Circuit. The Circuit Executive's Office also provides materials to judges and court employees describing their rights and responsibilities with respect to workplace and employment issues and provides a list of resources for obtaining additional information. New court employees receive an orientation in which an EDR Plan is distributed and relevant information is provided.

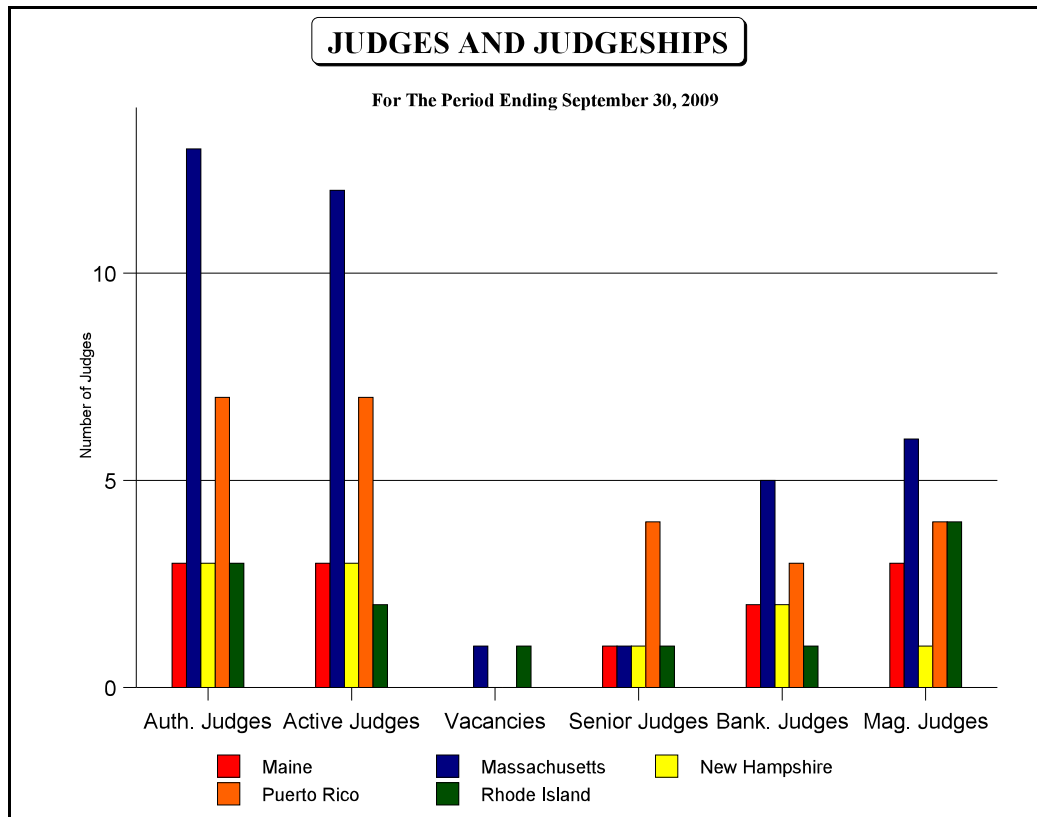
## **COMPLAINTS PROCESS**

There was one complaint filed during this reporting year.

**OTHER MATTERS  
OF THE COURT**

## JUDGES AND JUDGESHIPS

### Judgeship Summary



<b>JUDGES AND JUDGESHIPS</b>						
For the Period Ending September 30, 2009						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank. Judges	Mag. Judges
Maine	3	3	0	1	2	3
Massachusetts	13	12	1	1	5	6
New Hampshire	3	3	0	1	2	1
Puerto Rico	7	7	0	4	4	4
Rhode Island	3	2	1	1	1	4
<b>Total Dist. Ct.</b>	<b>28</b>	<b>28</b>	<b>2</b>	<b>8</b>	<b>14</b>	<b>18</b>
Total Court of Appeals	6	5	1	2	–	–
<b>Total 1<sup>st</sup> Circuit</b>	<b>34</b>	<b>33</b>	<b>3</b>	<b>10</b>	<b>14</b>	<b>18</b>



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

**2009**

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

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CJ: Circuit Judge  
DJ: District Judge

MJ: Magistrate Judge  
BJ: Bankruptcy Judge

SJ: Senior Judge

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

**2009**

Richard G. Stearns	DJ	Massachusetts	Committee on Judicial Security
Michael A. Ponsor, Chair	DJ	Massachusetts	Committee on Space and Facilities
William E. Smith	DJ	Rhode Island	Committee on Information Technology

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CJ: Circuit Judge  
DJ: District Judge

MJ: Magistrate Judge  
BJ: Bankruptcy Judge

SJ: Senior Judge

**JUDICIAL COUNCIL OF THE FIRST CIRCUIT**

**2009**  
**(as of December 31, 2009)**

Honorable Sandra L. Lynch, Chief Judge	Court of Appeals
Honorable Juan R. Torruella	Court of Appeals
Honorable Bruce M. Selya	Court of Appeals
Honorable Michael Boudin	Court of Appeals
Honorable Kermit V. Lipetz	Court of Appeals
Honorable Jeffrey R. Howard	Court of Appeals
Honorable John A. Woodcock, Jr.	District of Maine
Honorable Patti B Saris	District of Massachusetts
Honorable Steven J. McAuliffe	District of New Hampshire
Honorable Gustavo A. Gelpi	District of Puerto Rico
Honorable Mary M. Lisi	District of Rhode Island

Observing Members

Honorable William C. Hillman	District of Massachusetts Bankruptcy Judge
Honorable Margaret Kravchuk	District of Maine Magistrate Judge

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

**NEW APPOINTMENTS**

District of Massachusetts                      Bankruptcy Judge Frank J. Bailey

**REAPPOINTMENTS**

None

**ELEVATED TO CHIEF**

District of Maine                              District Judge John A. Woodcock, Jr.  
District of Massachusetts                      Magistrate Judge Judith G. Dein  
District of Puerto Rico                              Bankruptcy Judge Enrique S. Lamoutte

**SENIOR STATUS**

None

**RETIREMENTS**

District of Massachusetts                      Magistrate Judge Joyce London Alexander  
District of Puerto Rico                              Bankruptcy Judge Gerardo Carlo-Altieri

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

**(as of December 31, 2009)**

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

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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 Gene Carter

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

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

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

Honorable Margaret Kravchuk  
Honorable John H. Rich, III

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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

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

Honorable Henry J. Boroff, Chief  
Honorable William C. Hillman  
Honorable Joan N. Feeney  
Honorable Joel B. Rosenthal  
Honorable Frank J. Bailey

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

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

Honorable Marianne B. Bowler  
Honorable Leo T. Sorokin  
Honorable Timothy S. Hillman

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

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

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

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

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

Honorable James R. Muirhead

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

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

Honorable Salvador E. Casellas  
Honorable Daniel R. Dominguez  
Honorable Jay A. Garcia-Gregory  
Honorable Aida M. Delgado-Colón  
Honorable Gustavo A. Gelpi  
Honorable Francisco A. Besosa

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

Honorable Enrique S. Lamoutte, Chief  
Honorable Sara E. De Jesús  
Honorable Brian K. Tester

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

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

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

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

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

Honorable Arthur N. Votolato, Chief

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

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

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**COURT UNIT EXECUTIVES**

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**CIRCUIT EXECUTIVE**

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

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**FIRST CIRCUIT CLERKS OF COURT**

Margaret Carter  
*Court of Appeals*

Linda L. Jacobson  
*District of Maine*

Sarah Allison Thornton  
*District of Massachusetts*

James R. Starr  
*District of New Hampshire*

Frances Rios de Moran  
*District of Puerto Rico*

David DiMarzio  
*District of Rhode Island*

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**FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT**

Alec Leddy  
*District of Maine*

James Lynch  
*District of Massachusetts*

George A. Vannah  
*District of New Hampshire*

Celestino Matta-Mendez  
*District of Puerto Rico*

Susan M. Thurston  
*District of Rhode Island*

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**FIRST CIRCUIT CHIEFS OF PROBATION**

Karen-Lee Moody  
*District of Maine*

John Bocon  
*District of Massachusetts*

Thomas K. Tarr  
*District of New Hampshire*

Eustaquio Babilonia  
*District of Puerto Rico*

Barry J. Weiner  
*District of Rhode Island*

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**FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES**

John R. Riley  
*District of Massachusetts*

Eustaquio Babilonia  
*District of Puerto Rico*

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**FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS**

David Beneman  
*District of Maine*

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

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

## **STATISTICAL REPORTS**

**STATISTICS**  
**COURT OF APPEALS**

**U.S. COURT OF APPEALS NATIONAL COMPARISON**  
**APPEALS COMMENCED, TERMINATED AND PENDING**  
**DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2008 & 2009**

CIRCUIT	COMMENCED			TERMINATED			PENDING*		
	2008	2009	Percent Change	2008	2009	Percent Change	2008	2009	Percent Change
TOTAL	61,104	57,740	-5.5	59,096	60,508	2.4	53,332	50,564	-5.2
DISTRICT OF COLUMBIA	1,307	1,097	-16.1	1,285	1,361	5.9	1,569	1,305	-16.8
FIRST	1,631	1,746	7.1	1,776	1,750	-1.5	1,468	1,464	-0.3
SECOND	6,904	5,747	-16.8	6,434	6,816	5.9	6,163	5,094	-17.3
THIRD	4,054	3,750	-7.5	3,990	3,997	0.2	3,647	3,400	-6.8
FOURTH	5,185	5,311	2.4	4,671	5,282	13.1	3,314	3,343	0.9
FIFTH	7,667	7,246	-5.5	8,086	7,355	-9.0	5,038	4,929	-2.2
SIXTH	4,853	4,859	0.1	4,781	4,812	0.6	4,450	4,497	1.1
SEVENTH	3,307	3,337	0.9	3,281	3,435	4.7	2,272	2,174	-4.3
EIGHTH	3,022	3,113	3.0	3,103	3,140	1.2	1,962	1,935	-1.4
NINTH	13,577	12,211	-10.1	12,373	12,818	3.6	17,913	17,306	-3.4
TENTH	2,226	2,328	4.6	2,385	2,376	-0.4	1,700	1,652	-2.8
ELEVENTH	7,371	6,995	-5.1	6,931	7,366	6.3	3,836	3,465	-9.7

\*Pending caseloads for 2008 revised by the Administrative Office of the United States Courts.

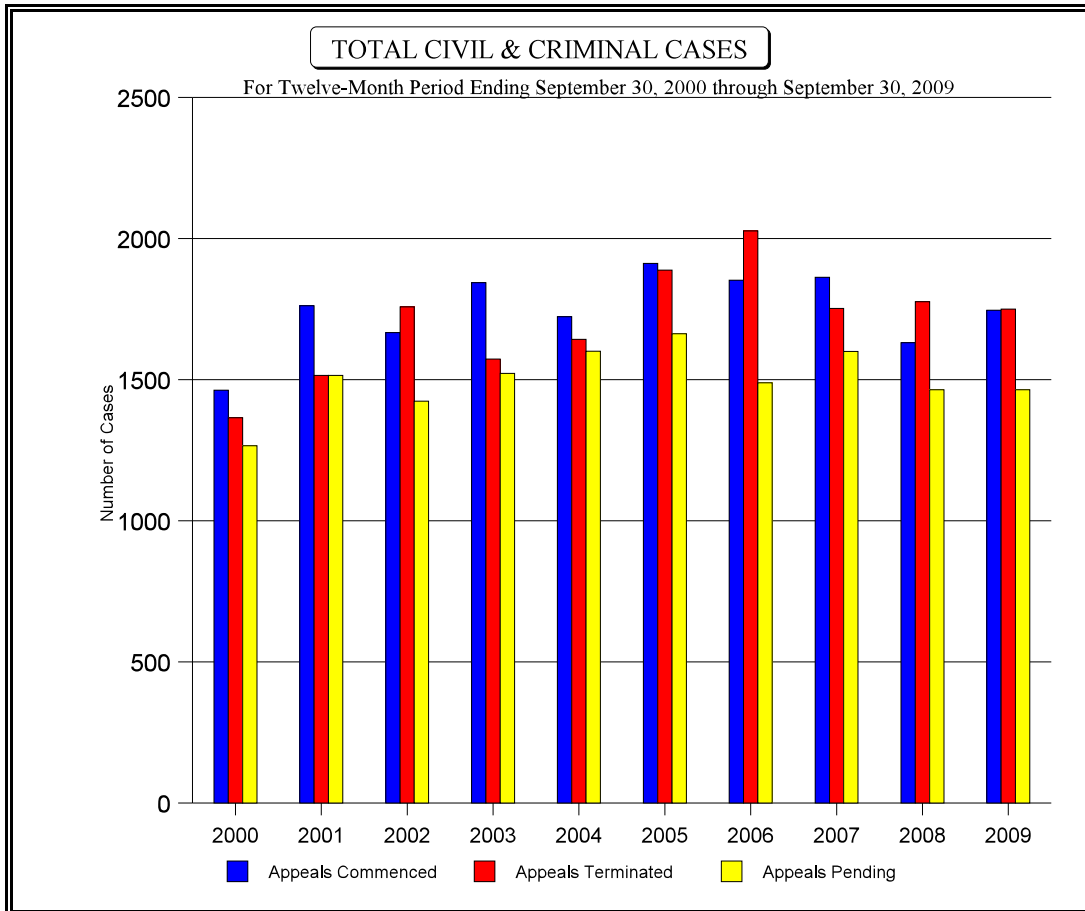
**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT**  
**SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS FOR THE**  
**12-MONTH PERIODS ENDING SEPTEMBER 30, 2002 - 2009**

SOURCE	2002	2003	2004	2005	2006	2007	2008	2009
<b>FIRST CIRCUIT TOTALS</b>	<b>1,667</b>	<b>1,844</b>	<b>1,723</b>	<b>1,912</b>	<b>1,852</b>	<b>1,863</b>	<b>1,631</b>	<b>1,746</b>
MAINE	115	141	143	171	132	120	126	136
MASSACHUSETTS	621	635	578	602	610	621	582	614
NEW HAMPSHIRE	96	117	121	118	98	94	125	104
PUERTO RICO	524	574	510	506	518	563	417	477
RHODE ISLAND	134	122	116	131	139	141	103	104
BANKRUPTCY	35	36	19	31	27	24	31	53
U.S. TAX COURT	3	5	4	5	5	3	3	7
NLRB	10	3	4	11	6	10	4	4
ADMINISTRATIVE AGENCIES, TOTAL	82	153	164	260	239	239	191	190
ORIGINAL PROCEEDINGS	60	66	72	93	89	61	56	68

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



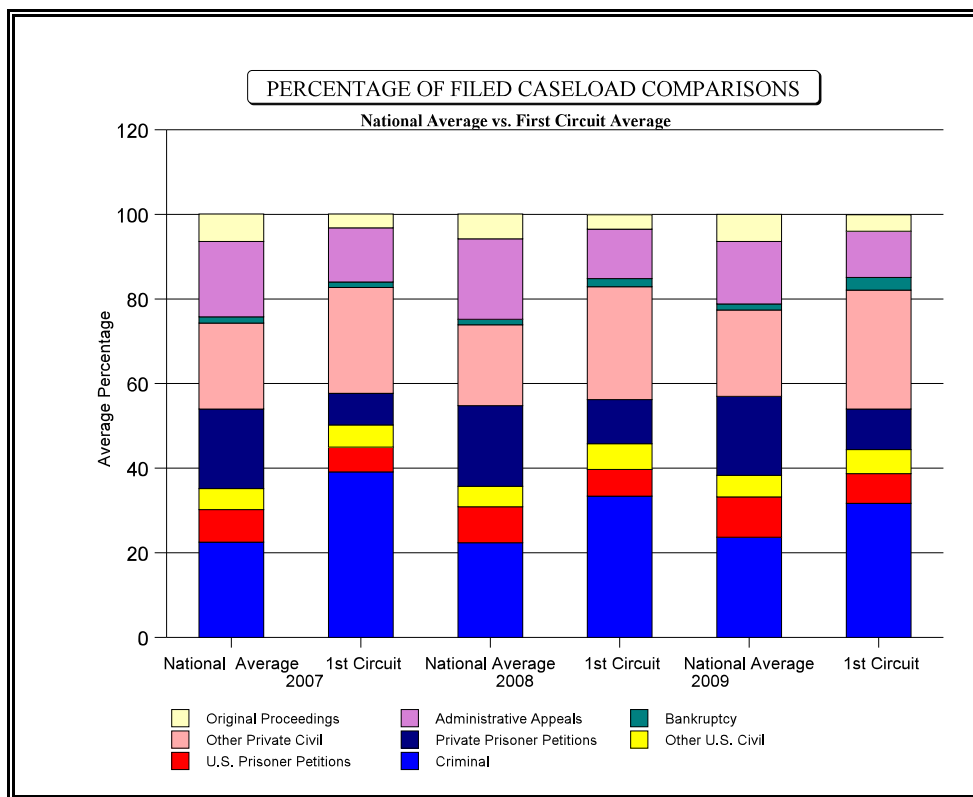
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
 APPEALS COMMENCED, TERMINATED AND PENDING  
 DURING THE 12-MONTH PERIODS ENDING  
 SEPTEMBER 30, 2000 THROUGH SEPTEMBER 30, 2009



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
 COMPARISON 2000 - 2009

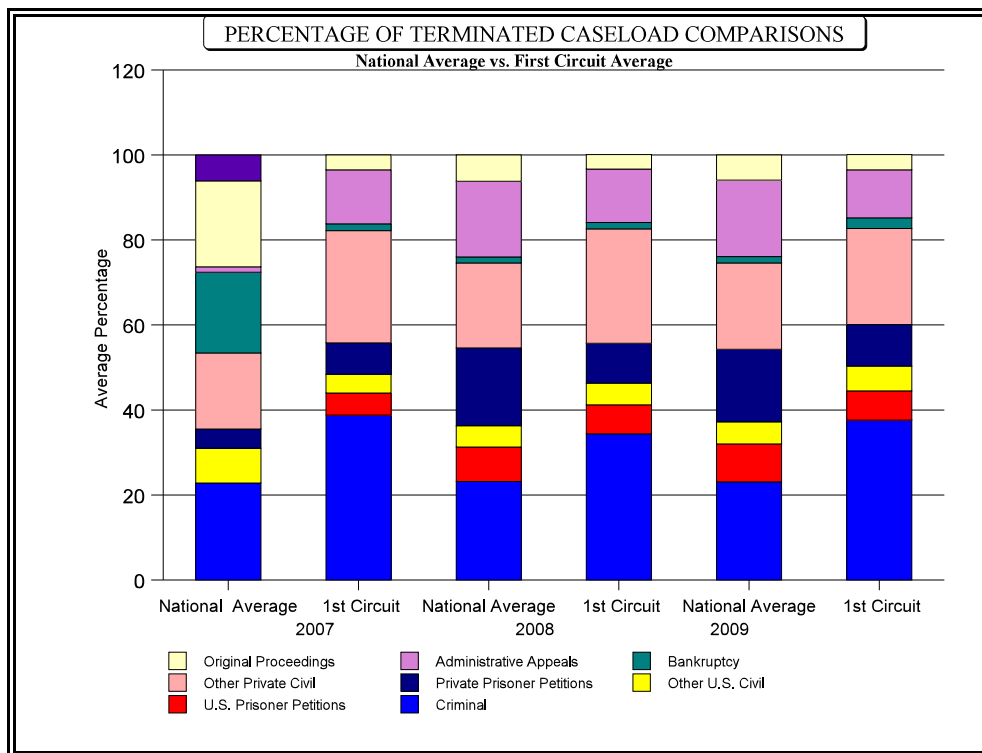
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
APPEALS COMMENCED	1,463	1,762	1,667	1,844	1,723	1,912	1,852	1,863	1,631	1,746
APPEALS TERMINATED	1,365	1,515	1,758	1,573	1,643	1,888	2,027	1,752	1,776	1,750
APPEALS PENDING	1,266	1,515	1,424	1,522	1,619	1,663	1,489	1,600	1,464	1,464

## CIRCUIT COMPARISON FOR FILED CASELOAD



FILED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2007 THROUGH 2009						
	2007		2008		2009	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	22.5	39.1	22.4	33.4	23.7	31.7
U.S. PRISONER PETITIONS	7.7	5.9	8.5	6.3	9.5	7.0
OTHER U.S. CIVIL	5.0	5.2	4.8	6.1	5.1	5.7
PRIVATE PRISONER PETITIONS	18.8	7.5	19.1	10.4	18.7	9.6
OTHER PRIVATE CIVIL	20.3	25.0	19.1	26.7	20.4	28.1
BANKRUPTCY	1.5	1.3	1.3	1.9	1.4	3.0
ADMINISTRATIVE APPEALS	17.8	12.8	19.0	11.7	14.8	10.9
ORIGINAL PROCEEDINGS	6.5	3.3	5.9	3.4	6.4	3.9

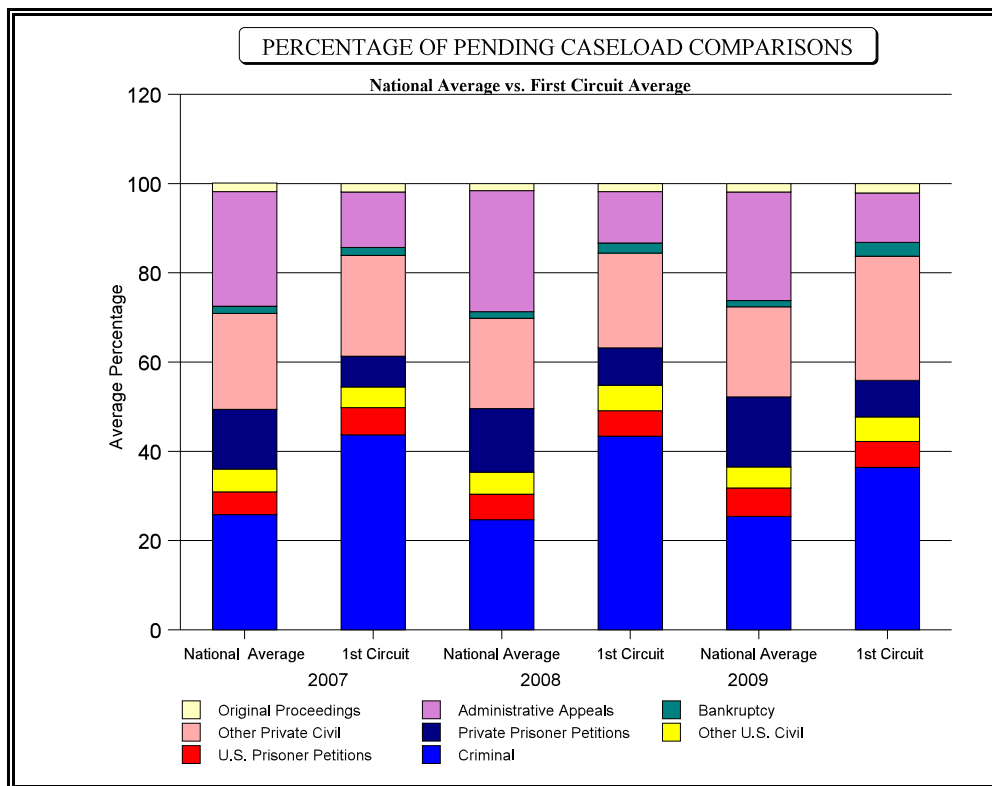
## CIRCUIT COMPARISON FOR TERMINATED CASELOAD



### TERMINATED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2007 THROUGH 2009

	2007		2008		2009	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	22.8	38.8	23.2	34.4	23.1	37.6
U.S. PRISONER PETITIONS	8.2	5.2	8.1	6.8	8.9	6.9
OTHER U.S. CIVIL	4.5	4.4	5.0	5.1	5.2	5.8
PRIVATE PRISONER PETITIONS	17.9	7.4	18.3	9.4	17.1	9.8
OTHER PRIVATE CIVIL	19.0	26.4	20.0	26.9	20.3	22.6
BANKRUPTCY	1.3	1.6	1.4	1.5	1.5	2.5
ADMINISTRATIVE APPEALS	20.2	12.7	17.8	12.6	18.0	11.3
ORIGINAL PROCEEDINGS	6.1	3.5	6.2	3.4	5.9	3.6

## CIRCUIT COMPARISON FOR PENDING CASELOAD



### PENDING CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2007 THROUGH 2009

	2007		2008		2009	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	25.8	43.7	24.7	43.4	25.4	36.4
U.S. PRISONER PETITIONS	5.1	6.1	5.7	5.7	6.4	5.8
OTHER U.S. CIVIL	5.1	4.6	4.9	5.7	4.7	5.5
PRIVATE PRISONER PETITIONS	13.4	6.9	14.3	8.4	15.7	8.2
OTHER PRIVATE CIVIL	21.5	22.6	20.2	21.2	20.2	27.8
BANKRUPTCY	1.6	1.8	1.5	2.3	1.4	3.1
ADMINISTRATIVE APPEALS	25.7	12.4	27.1	11.5	24.3	11.1
ORIGINAL PROCEEDINGS	1.9	1.9	1.6	1.8	1.9	2.1

## FIRST CIRCUIT TYPES OF CASES COMPARED TO NATIONAL AVERAGE

PERCENT OF TOTAL COMMENCED						
	2007		2008		2009	
	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit	National Average	1 <sup>st</sup> Circuit
CRIMINAL	22.5	39.1	22.4	33.4	23.7	31.7
U.S. PRISONER PETITIONS	7.7	5.9	8.5	6.3	9.5	7.0
OTHER U.S. CIVIL	5.0	5.2	4.8	6.1	5.1	5.7
PRIVATE PRISONER PETITIONS	18.8	7.5	19.1	10.4	18.7	9.6
OTHER PRIVATE CIVIL	20.3	25.0	19.1	26.7	20.4	28.1
BANKRUPTCY	1.5	1.3	1.3	1.9	1.4	3.0
ADMINISTRATIVE APPEALS	17.8	12.8	19.0	11.7	14.8	10.9
ORIGINAL PROCEEDINGS	6.5	3.3	5.9	3.4	6.4	3.9

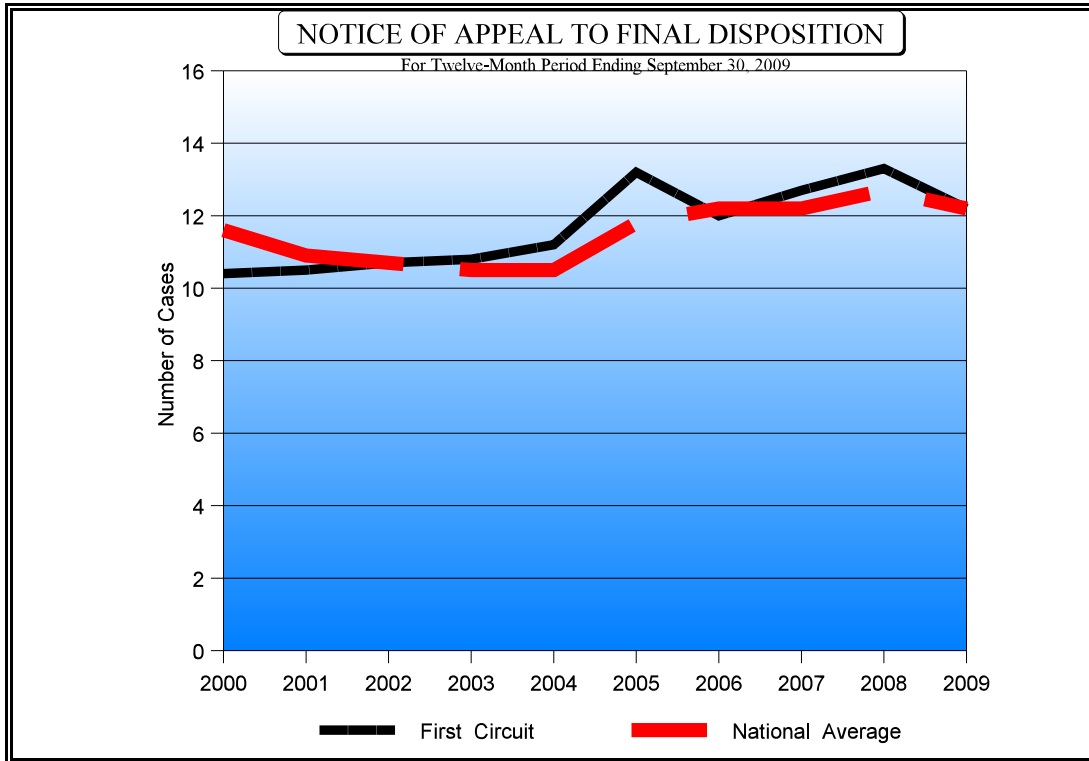
■ NATIONAL AVERAGE

■ FIRST CIRCUIT

UNITED STATES COURT OF APPEALS  
 MEDIAN TIME INTERVALS IN MONTHS FOR CASES  
 TERMINATED AFTER HEARING OR SUBMISSION,  
 BY CIRCUIT DURING THE  
 TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2009

	# OF CASES	INTV
TOTAL	<b>22,459</b>	<b>12.2</b>
DISTRICT OF COLUMBIA	<b>373</b>	<b>11.7</b>
FIRST	<b>850</b>	<b>12.2</b>
SECOND	<b>1,635</b>	<b>16.9</b>
THIRD	<b>1,817</b>	<b>13.1</b>
FOURTH	<b>2,435</b>	<b>8.2</b>
FIFTH	<b>3,035</b>	<b>11.0</b>
SIXTH	<b>1,826</b>	<b>14.7</b>
SEVENTH	<b>1,374</b>	<b>10.6</b>
EIGHTH	<b>1,716</b>	<b>10.9</b>
NINTH	<b>3,373</b>	<b>17.9</b>
TENTH	<b>1,263</b>	<b>10.3</b>
ELEVENTH	<b>2,762</b>	<b>8.9</b>

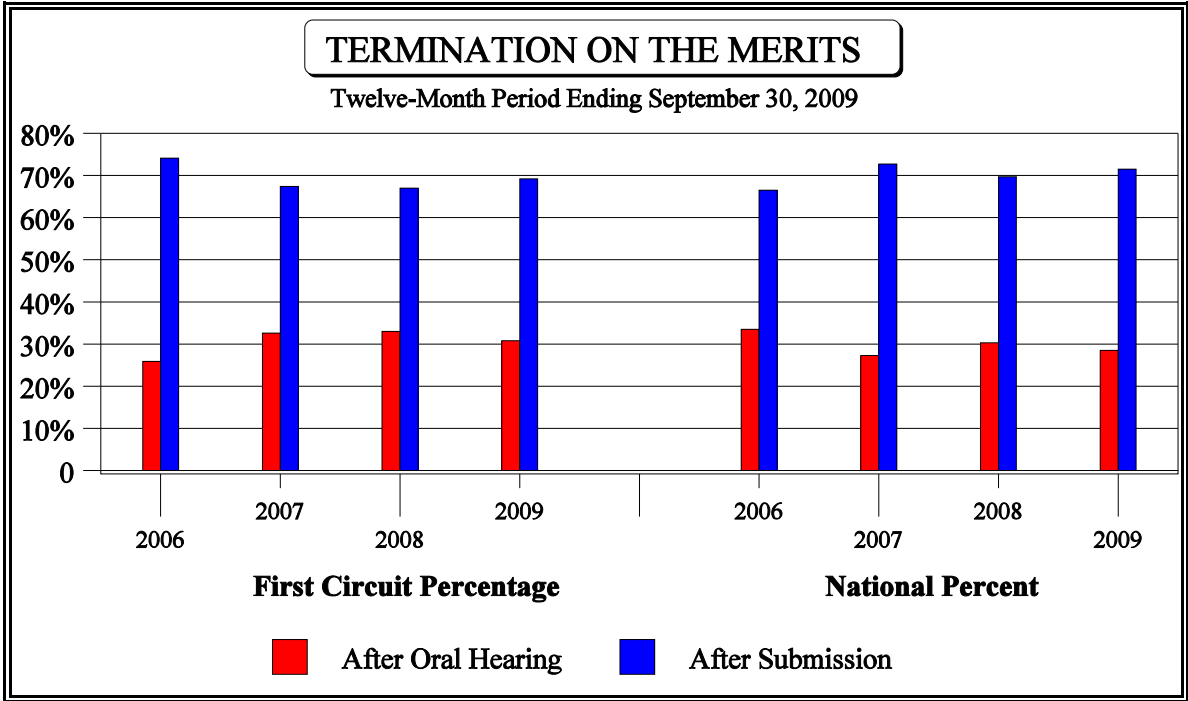
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
 COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD  
 DISPOSITION TIME FROM 2000 - 2009



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
 COMPARISON 2000 - 2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
FIRST CIRCUIT	10.4	10.5	10.7	10.8	11.2	13.2	12.0	12.7	13.3	12.2
NATIONAL AVERAGE	11.6	10.9	10.7	10.5	10.5	11.8	12.2	12.2	12.7	12.2

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT  
COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD  
DISPOSITION 2006 THROUGH 2009**



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

	FIRST CIRCUIT PERCENTAGES				NATIONAL PERCENTAGES TOTALS			
	2006	2007	2008	2009	2006	2007	2008	2009
AFTER ORAL HEARING	25.9%	32.6%	33.0%	30.8%	33.5%	27.3%	30.3%	28.5%
AFTER SUBMISSION	74.1%	67.4%	67.0%	69.2%	66.5%	72.7%	69.7%	71.5%

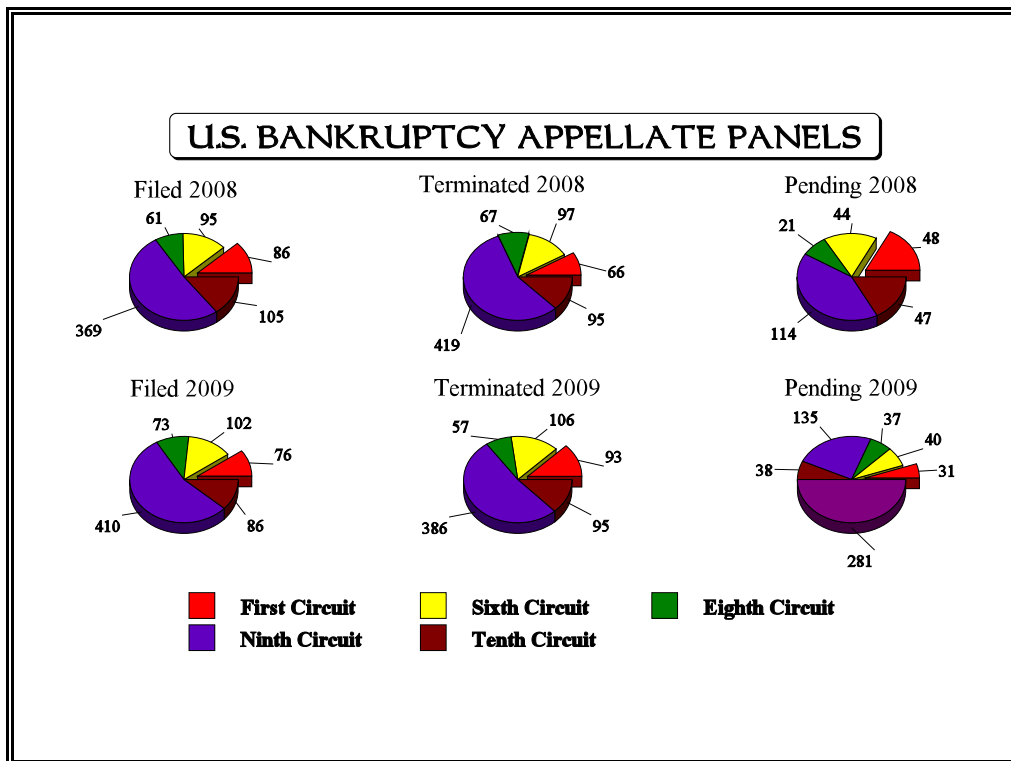


**STATISTICS**

**U.S. BANKRUPTCY**

**APPELLATE PANELS**

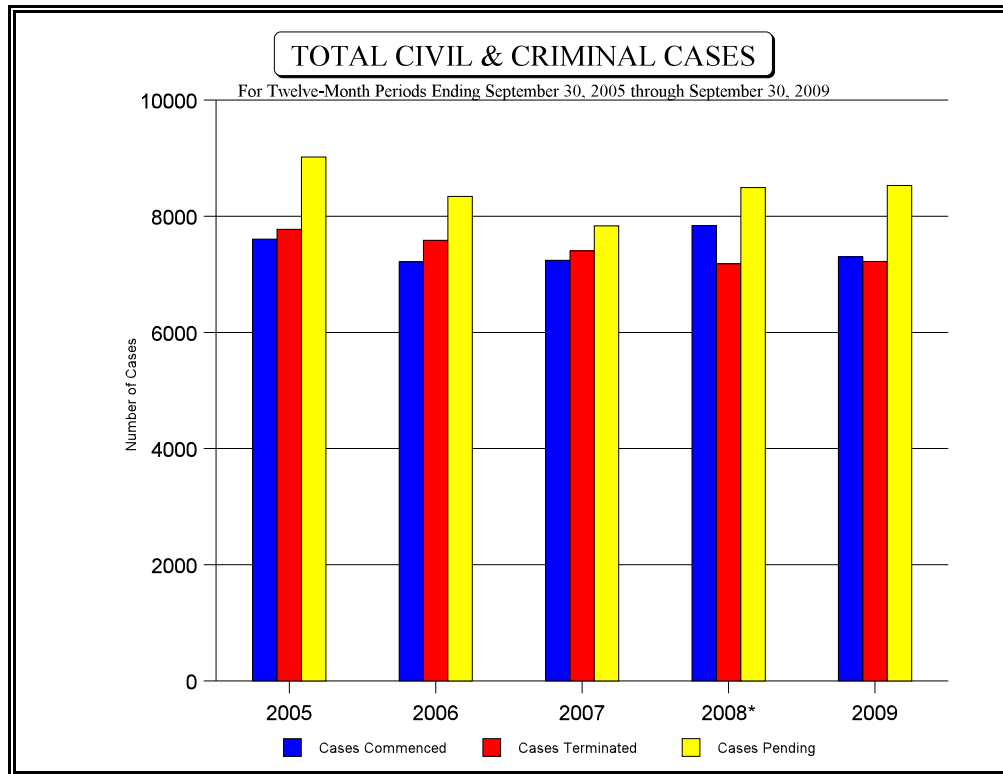
U.S. BANKRUPTCY APPELLATE PANELS  
APPEALS FILED, TERMINATED AND PENDING BY CIRCUIT



U.S. BANKRUPTCY APPELLATE PANELS DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2008 AND 2009									
	Filed			Terminated			Pending		
	2008	2009	% Change	2008	2009	% Change	2008	2009	% Change
FIRST CIRCUIT	86	76	-11.6	66	93	40.9	48	31	-35.4
SIXTH CIRCUIT	95	102	7.4	97	106	9.3	44	40	-9.1
EIGHTH CIRCUIT	61	73	19.7	67	57	-14.9	21	37	76.2
NINTH CIRCUIT	369	410	11.1	419	386	-7.9	114	135	18.4
TENTH CIRCUIT	105	86	-18.1	95	95	0.0	47	38	-19.1
TOTAL	716	747	4.3	744	737	-0.9	274	281	2.6

**STATISTICS**  
**FIRST CIRCUIT**  
**DISTRICT COURTS**

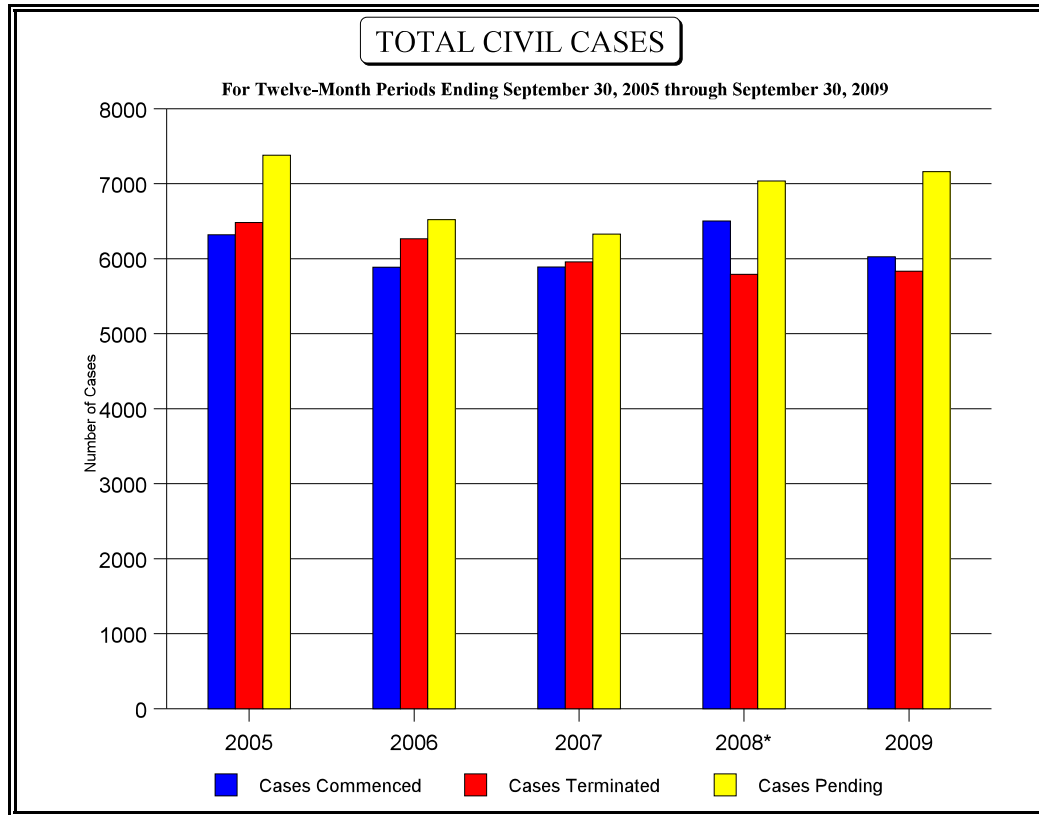
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL & CRIMINAL CASES FROM 2005 THROUGH 2009					
	2005	2006	2007	2008*	2009
CASES COMMENCED	7,605	7,214	7,242	7,840	7,301
CASES TERMINATED	7,773	7,584	7,403	7,180	7,222
CASES PENDING	9,018	8,341	7,833	8,493	8,530

\*Pending caseload for 2008 revised by the Administrative Office of the U.S. Courts.

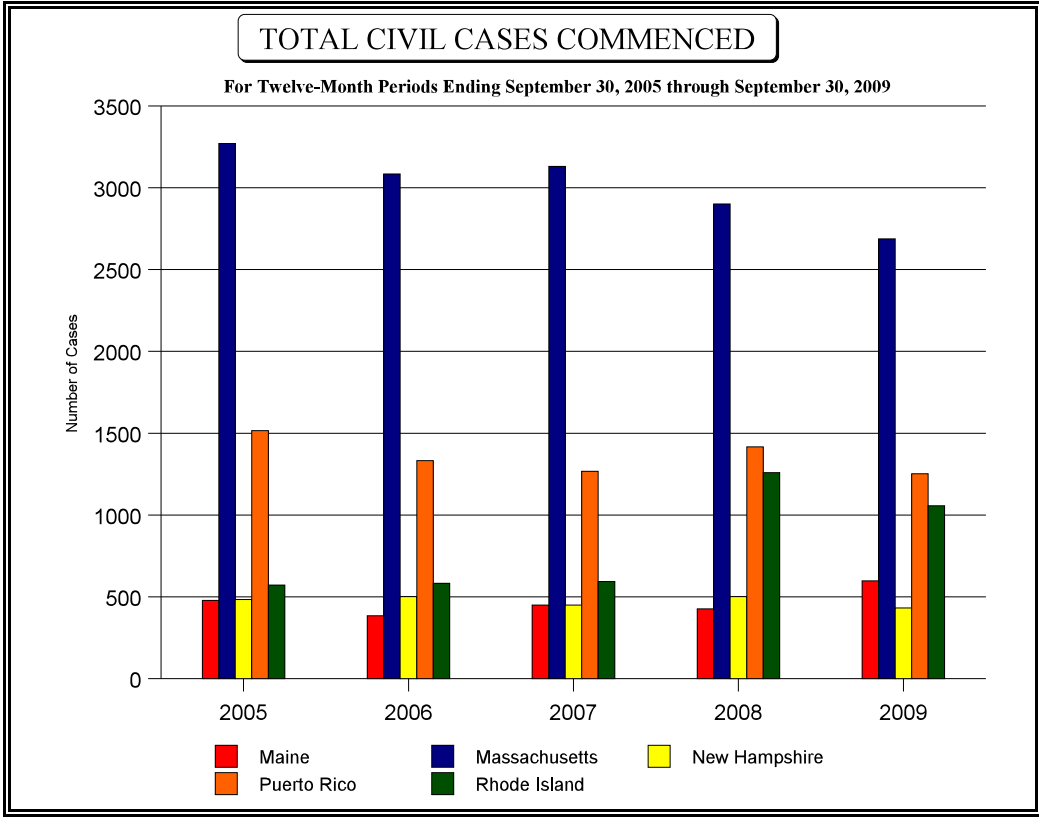
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL CASES FROM 2005 THROUGH 2009					
	2005	2006	2007	2008*	2009
CASES COMMENCED	6,319	5,887	5,890	6,504	6,027
CASES TERMINATED	6,483	6,267	5,959	5,794	5,835
CASES PENDING	7,382	6,521	6,328	7,038	7,162

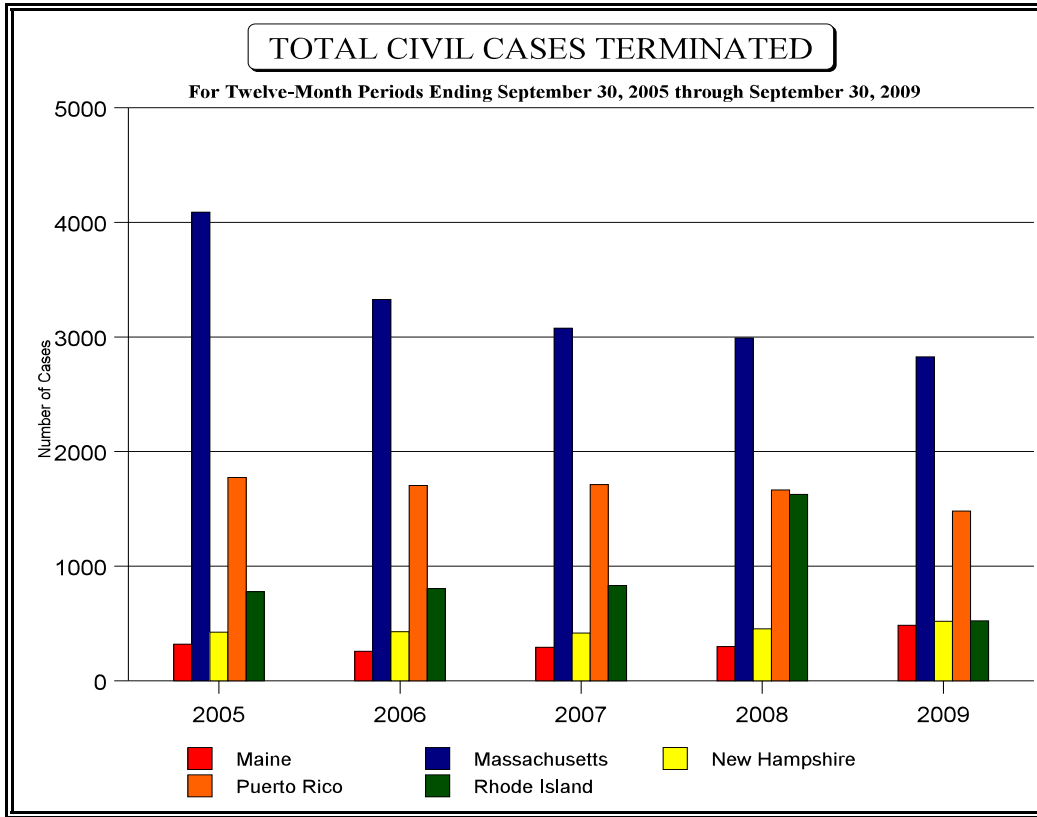
\*Pending caseload for 2008 revised by the Administrative Office of the U.S. Courts.

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



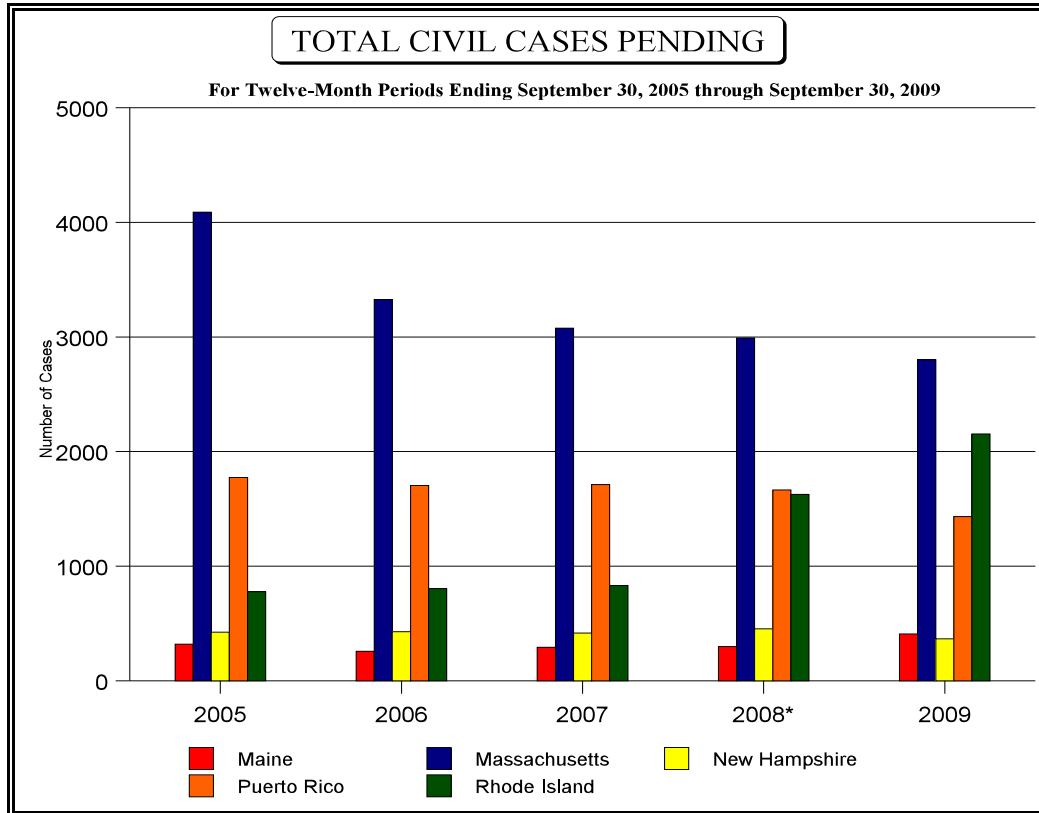
CIVIL CASES COMMENCED FROM 2005 THROUGH 2009					
DISTRICTS	2005	2006	2007	2008	2009
MAINE	478	385	449	427	598
MASSACHUSETTS	3,270	3,085	3,131	2,901	2,688
NEW HAMPSHIRE	483	501	450	501	432
PUERTO RICO	1,516	1,333	1,267	1,416	1,252
RHODE ISLAND	572	583	593	1,259	1,057

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES TERMINATED FROM 2005 THROUGH 2009					
DISTRICTS	2005	2006	2007	2008	2009
MAINE	511	430	409	421	485
MASSACHUSETTS	3,189	3,397	3,266	2,985	2,826
NEW HAMPSHIRE	577	495	461	464	519
PUERTO RICO	1,641	1,400	1,259	1,461	1,482
RHODE ISLAND	565	545	564	463	523

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS

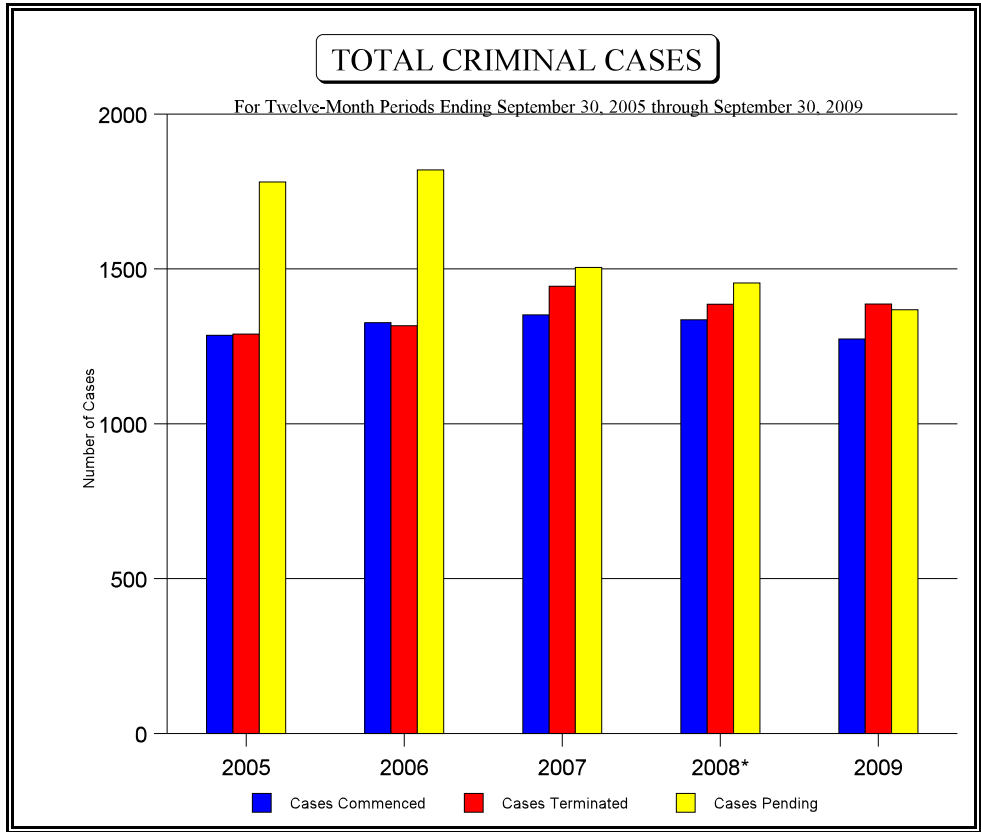


CIVIL CASES PENDING FROM 2005 THROUGH 2009					
DISTRICTS	2005	2006	2007	2008*	2009
MAINE	320	257	293	299	409
MASSACHUSETTS	4,088	3,327	3,076	2,992	2,801
NEW HAMPSHIRE	424	428	417	454	367
PUERTO RICO	1,773	1,704	1,711	1,666	1,432
RHODE ISLAND	777	805	831	1,627	2,153

\*Total civil cases pending in 2008 revised by the Administrative Office of the United States Courts.



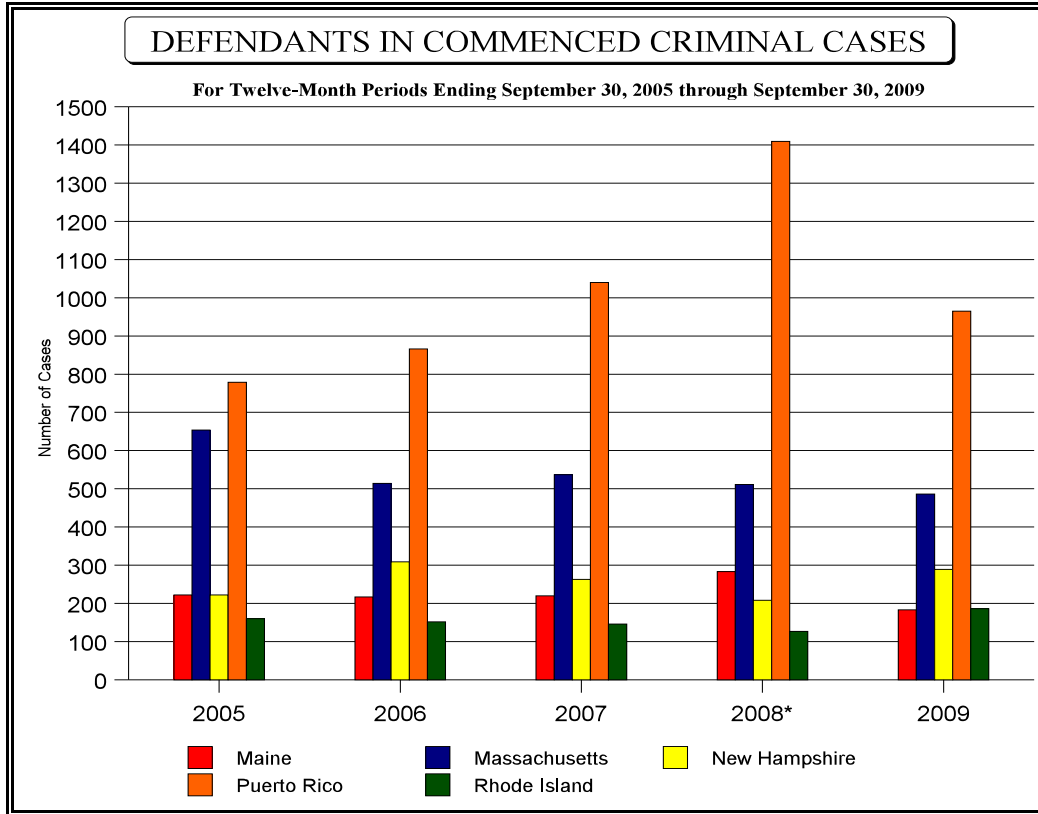
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CRIMINAL CASES FROM 2005 THROUGH 2009					
	2005	2006	2007	2008*	2009
CASES COMMENCED	1,286	1,327	1,352	1,336	1,274
CASES TERMINATED	1,290	1,317	1,444	1,386	1,387
CASES PENDING	1,781	1,820	1,505	1,455	1,368

\*Total criminal cases pending in 2008 revised by the Administrative Office of the United States Courts.

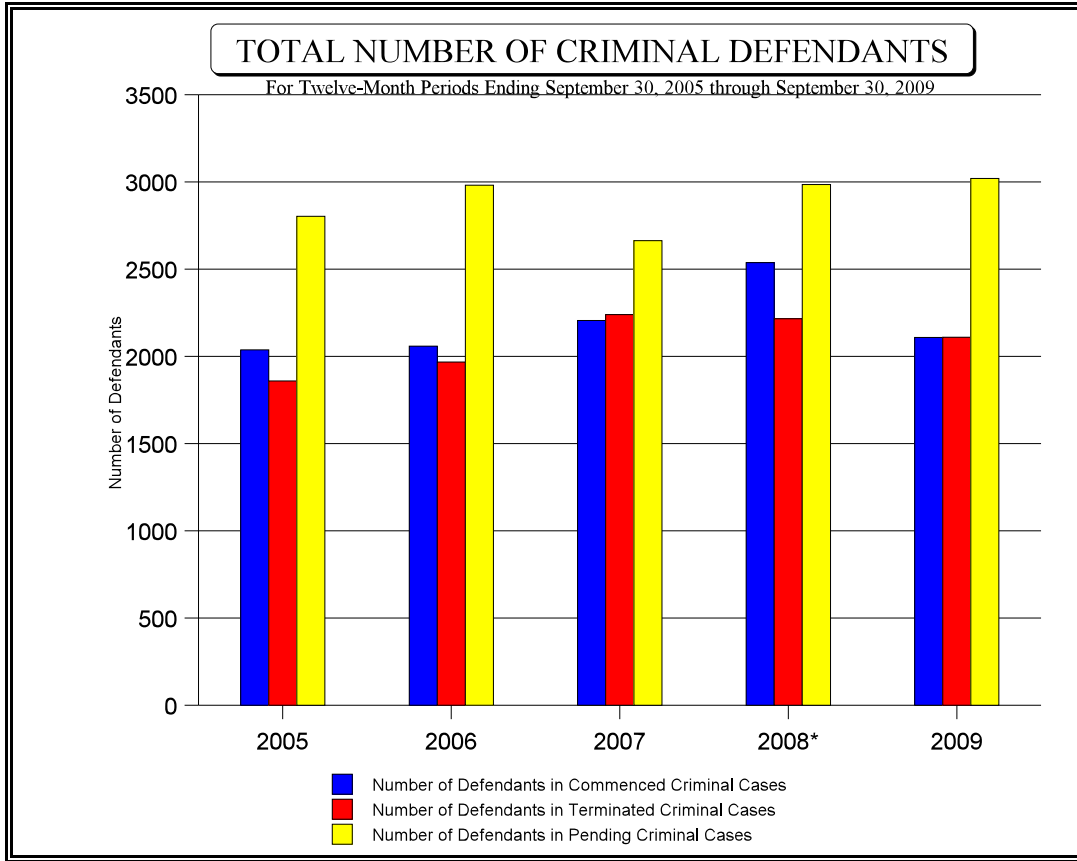
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN COMMENCED CRIMINAL CASES FROM 2005 THROUGH 2009					
DISTRICTS	2005	2006	2007	2008*	2009
MAINE	222	217	220	283	183
MASSACHUSETTS	654	514	537	511	486
NEW HAMPSHIRE	222	309	263	208	289
PUERTO RICO	779	866	1,040	1,409	965
RHODE ISLAND	160	152	146	127	186

\*Total number of defendants in pending criminal cases in 2008 revised by the Administrative Office of the United States Courts.

**TOTAL CASELOAD COMPARISON  
FIRST CIRCUIT DISTRICT COURTS**

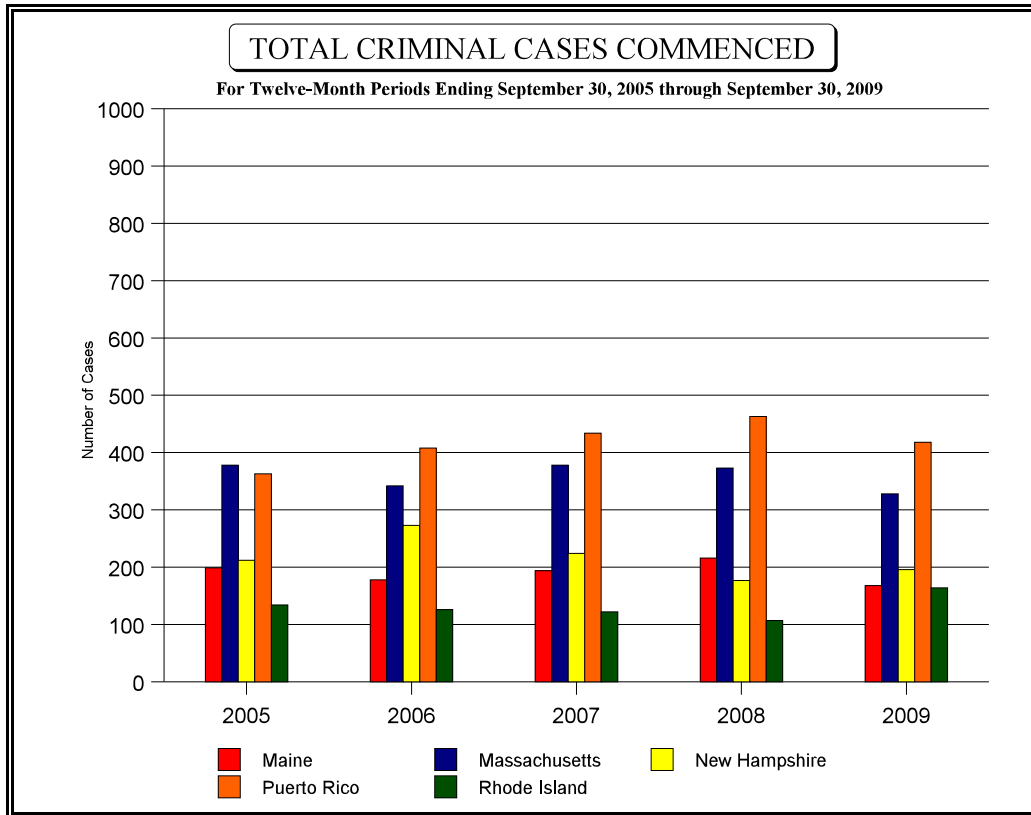


**TOTAL NUMBER OF CRIMINAL DEFENDANTS  
FROM 2005 THROUGH 2009**

	2005	2006	2007	2008*	2009
NUMBER OF DEFENDANTS IN COMMENCED CRIMINAL CASES	2,037	2,058	2,206	2,538	2,109
NUMBER OF DEFENDANTS IN TERMINATED CRIMINAL CASES	1,859	1,967	2,239	2,216	2,110
NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES	2,803	2,981	2,663	2,985	3,020

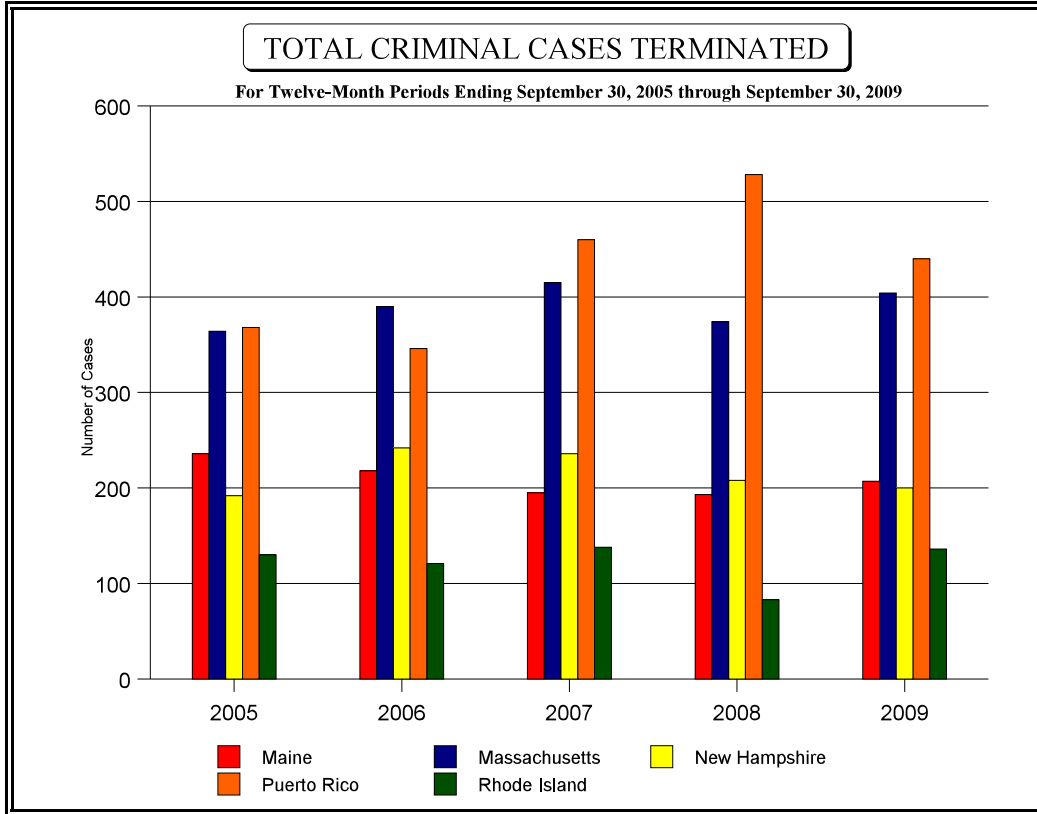
\* Total number of defendants in pending criminal cases in 2008 revised by the Administrative office of the United States Courts.

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



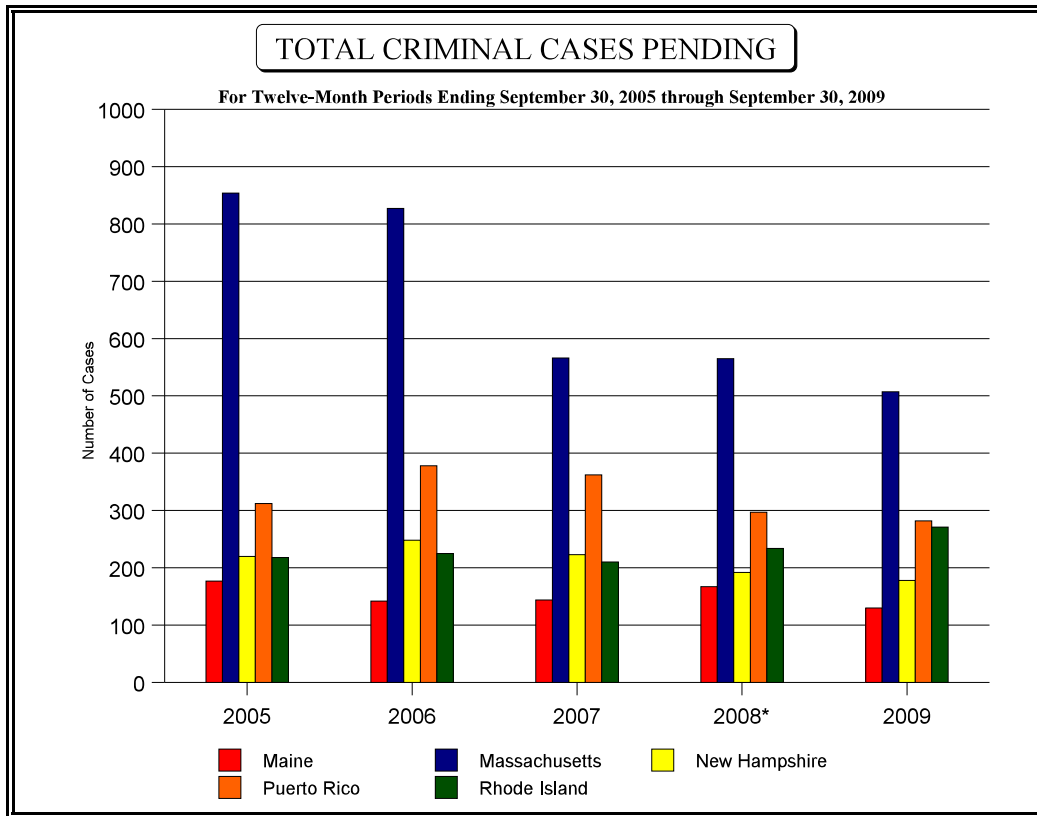
CRIMINAL CASES COMMENCED FROM 2005 THROUGH 2009					
DISTRICTS	2005	2006	2007	2008	2009
MAINE	199	178	194	216	168
MASSACHUSETTS	378	342	378	373	328
NEW HAMPSHIRE	212	273	224	177	196
PUERTO RICO	363	408	434	463	418
RHODE ISLAND	134	126	122	107	164

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES TERMINATED FROM 2005 THROUGH 2009					
DISTRICTS	2005	2006	2007	2008	2009
MAINE	236	218	195	193	207
MASSACHUSETTS	364	390	415	374	404
NEW HAMPSHIRE	192	242	236	208	200
PUERTO RICO	368	346	460	528	440
RHODE ISLAND	130	121	138	83	136

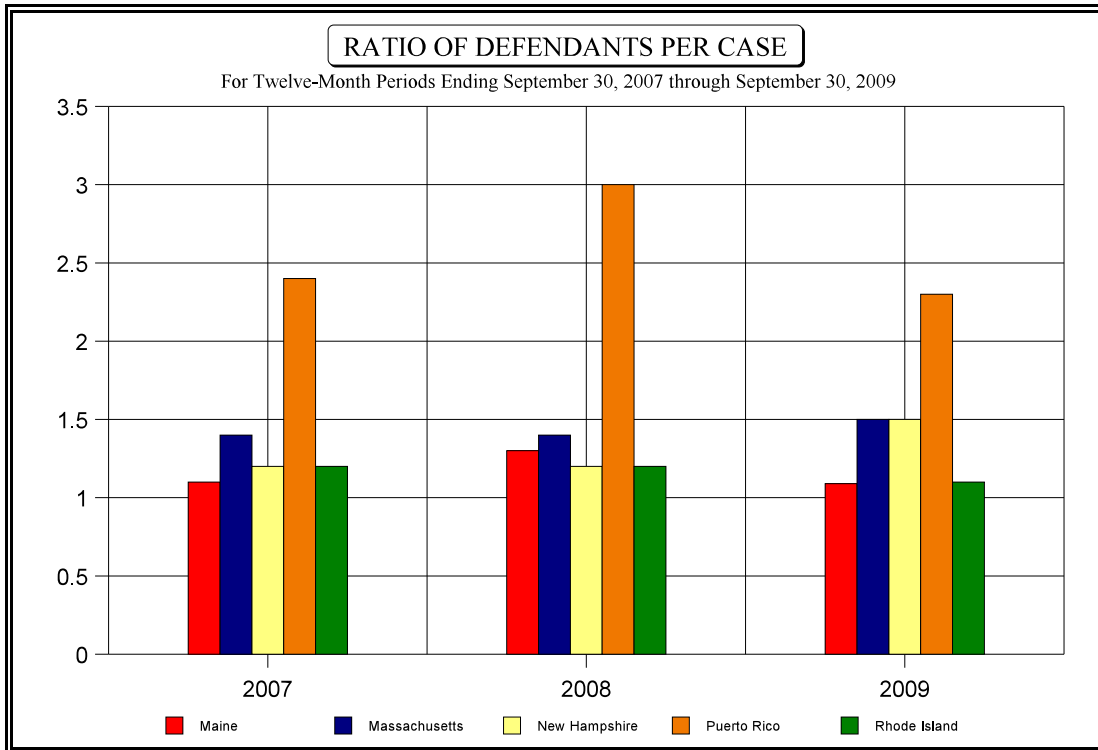
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES PENDING FROM 2005 THROUGH 2009					
DISTRICTS	2005	2006	2007	2008*	2009
MAINE	177	142	144	167	130
MASSACHUSETTS	854	827	566	565	507
NEW HAMPSHIRE	220	248	223	192	178
PUERTO RICO	312	378	362	297	282
RHODE ISLAND	218	225	210	234	271

\* Criminal cases pending in 2008 revised by the Administrative Office of the United States Courts.

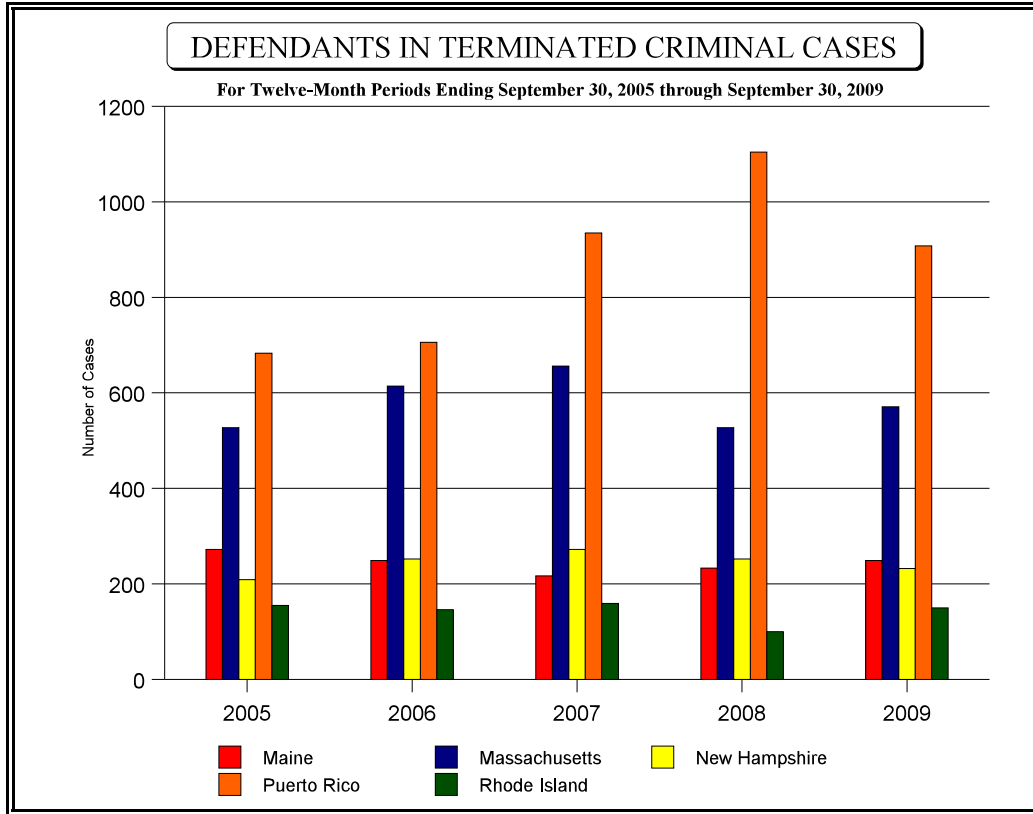
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



### NUMBER OF CRIMINAL CASES FILED AND RATIO OF DEFENDANTS PER CASE 2007-2009

	<u>2007</u>		<u>Average Number of Defs. per case</u>	<u>2008</u>		<u>Average Number of Defs. per case</u>	<u>2009</u>		<u>Average Number of Defs. per case</u>
	<u>Cases</u>	<u>Def.</u>		<u>Cases</u>	<u>Def.</u>		<u>Cases</u>	<u>Def.</u>	
MAINE	194	220	1.1	216	283	1.3	168	183	1.09
MASSACHUSETTS	378	537	1.4	373	511	1.4	328	486	1.5
NEW HAMPSHIRE	224	263	1.2	177	208	1.2	196	289	1.5
PUERTO RICO	434	1,040	2.4	463	1,409	3.0	418	965	2.3
RHODE ISLAND	122	146	1.2	107	127	1.2	164	186	1.1

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS

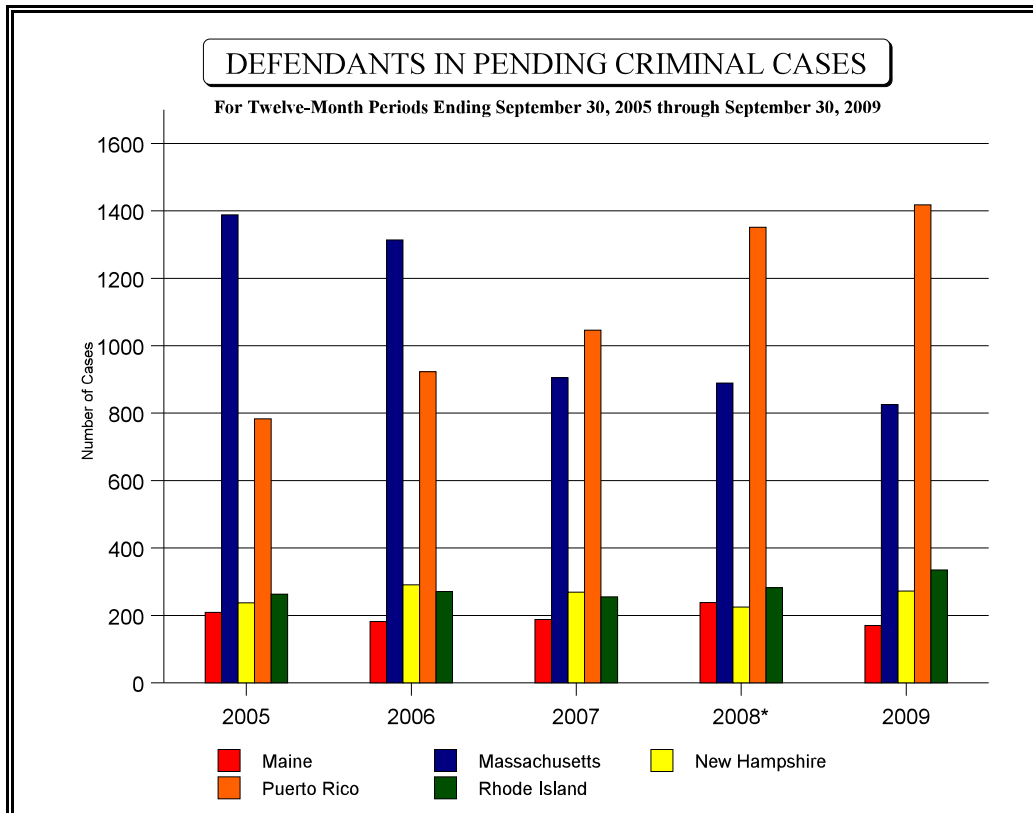


### DEFENDANTS IN TERMINATED CRIMINAL CASES FROM 2005 THROUGH 2009

DISTRICTS	2005	2006	2007	2008	2009
MAINE	272	249	217	233	249
MASSACHUSETTS	527	614	656	527	571
NEW HAMPSHIRE	209	252	272	252	232
PUERTO RICO	683	706	935	1,104	908
RHODE ISLAND	155	146	159	100	150



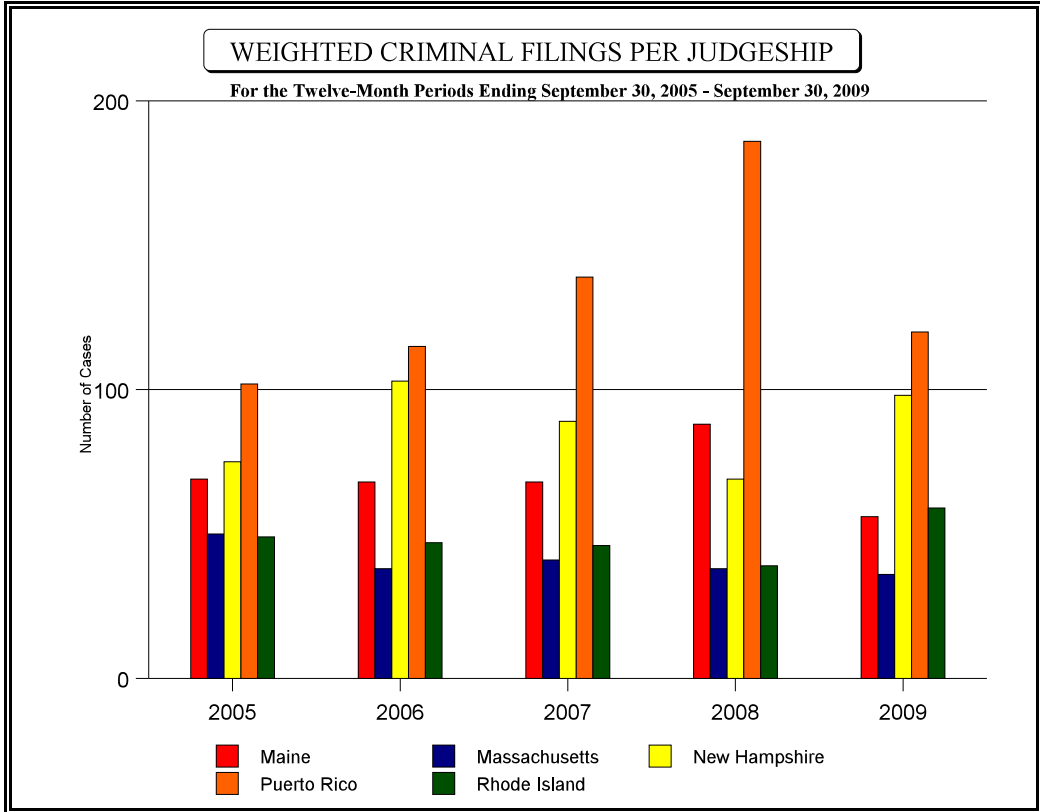
## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN PENDING CRIMINAL CASES FROM 2005 THROUGH 2009					
DISTRICTS	2005	2006	2007	2008*	2009
MAINE	209	182	188	238	170
MASSACHUSETTS	1,388	1,314	905	889	825
NEW HAMPSHIRE	237	291	269	225	272
PUERTO RICO	783	923	1,046	1,351	1,418
RHODE ISLAND	263	271	255	282	335

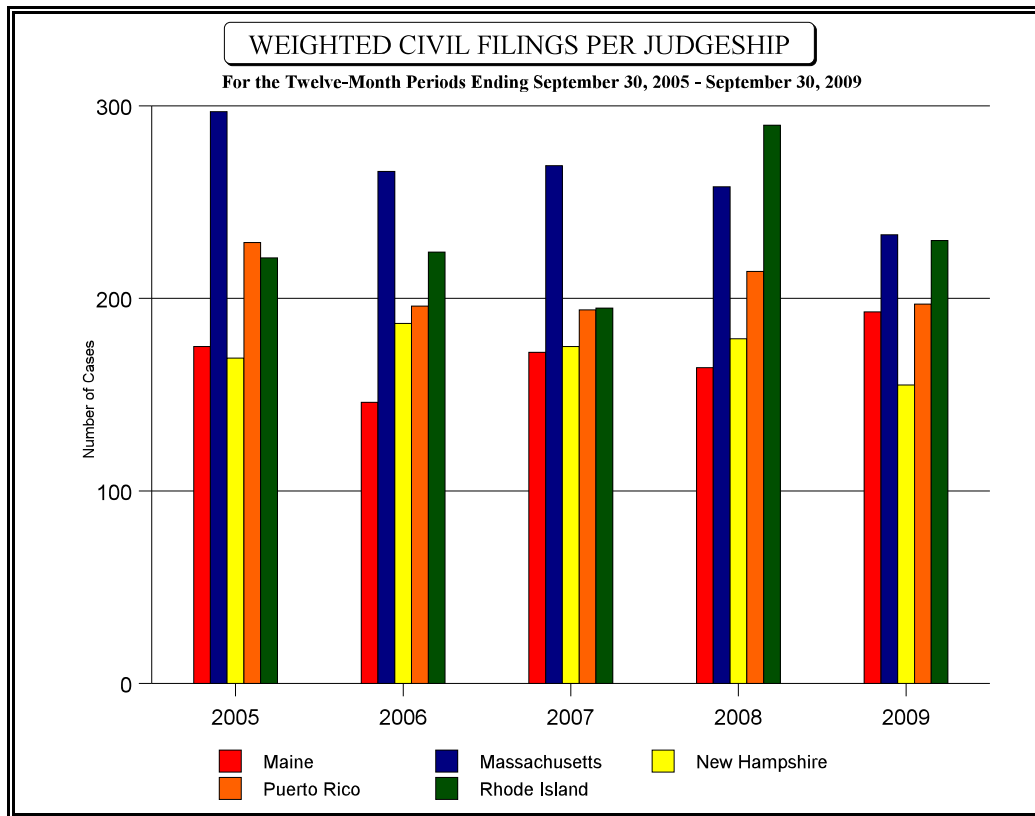
\* Total number of defendants in pending criminal cases in 2008 revised by the Administrative Office of the United States Courts.

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



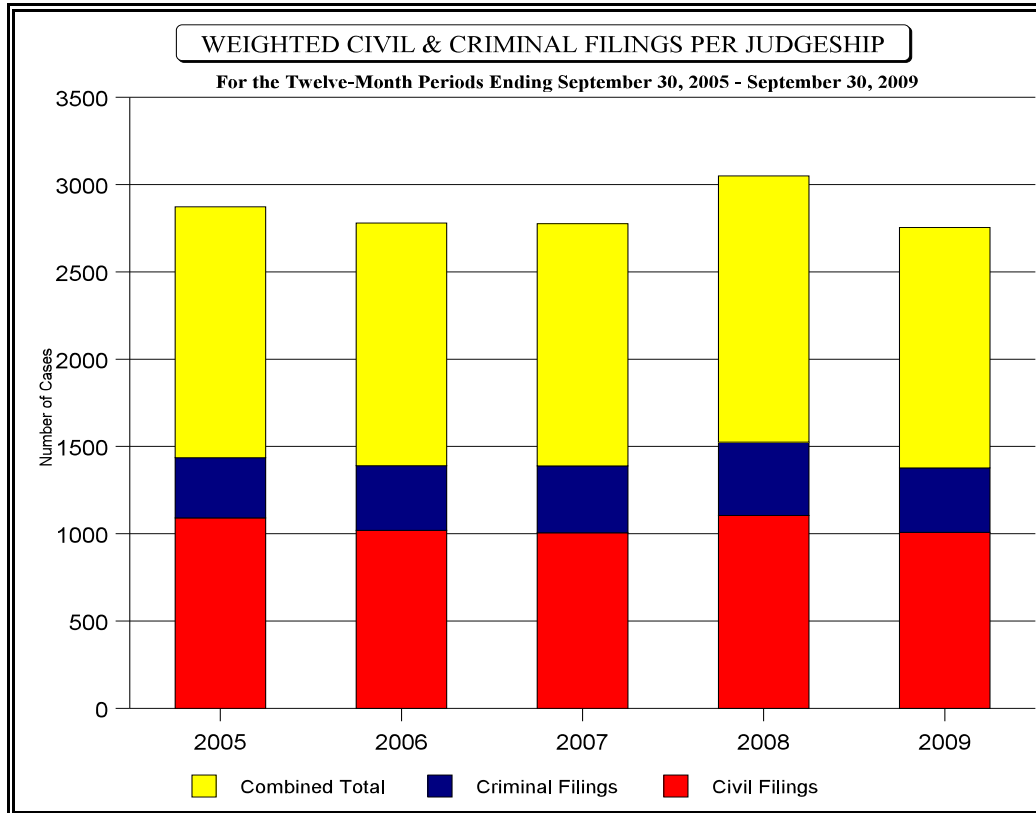
WEIGHTED CRIMINAL FILINGS PER JUDGESHIP FROM 2005 THROUGH 2009						
DISTRICTS	JUDGESHIPS	2005	2006	2007	2008	2009
MAINE	3	69	68	68	88	56
MASSACHUSETTS	13	50	38	41	38	36
NEW HAMPSHIRE	3	75	103	89	69	98
PUERTO RICO	7	102	115	139	186	120
RHODE ISLAND	3	49	47	46	39	59

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



WEIGHTED CIVIL FILINGS PER JUDGESHIP FROM 2005 THROUGH 2009						
DISTRICTS	JUDGESHIPS	2005	2006	2007	2008	2009
MAINE	3	175	146	172	164	193
MASSACHUSETTS	13	297	266	269	258	233
NEW HAMPSHIRE	3	169	187	175	179	155
PUERTO RICO	7	229	196	194	214	197
RHODE ISLAND	3	221	224	195	290	230

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS

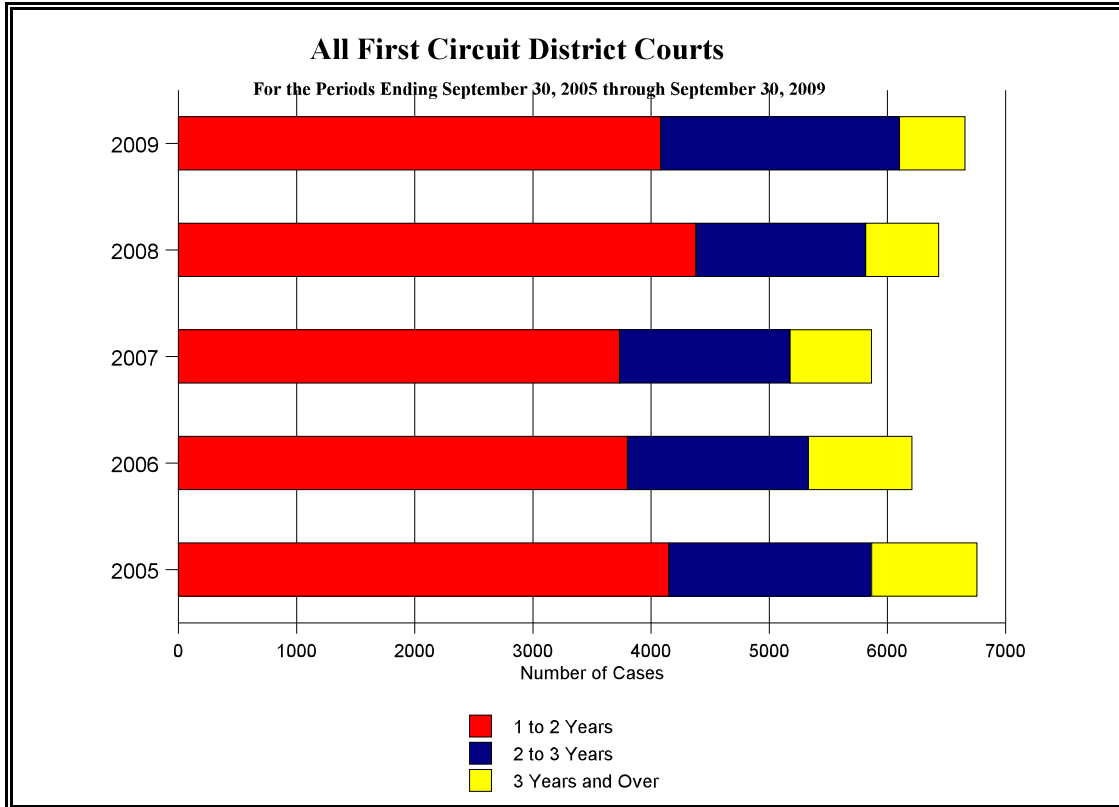


WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP					
WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP					
FROM 2005 THROUGH 2009					
	2005	2006	2007	2008	2009
CIVIL FILINGS	1,091	1,019	1,005	1,105	1,008
CRIMINAL FILINGS	345	371	383	420	369
COMBINED TOTAL	1,436	1,390	1,388	1,525	1,377

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

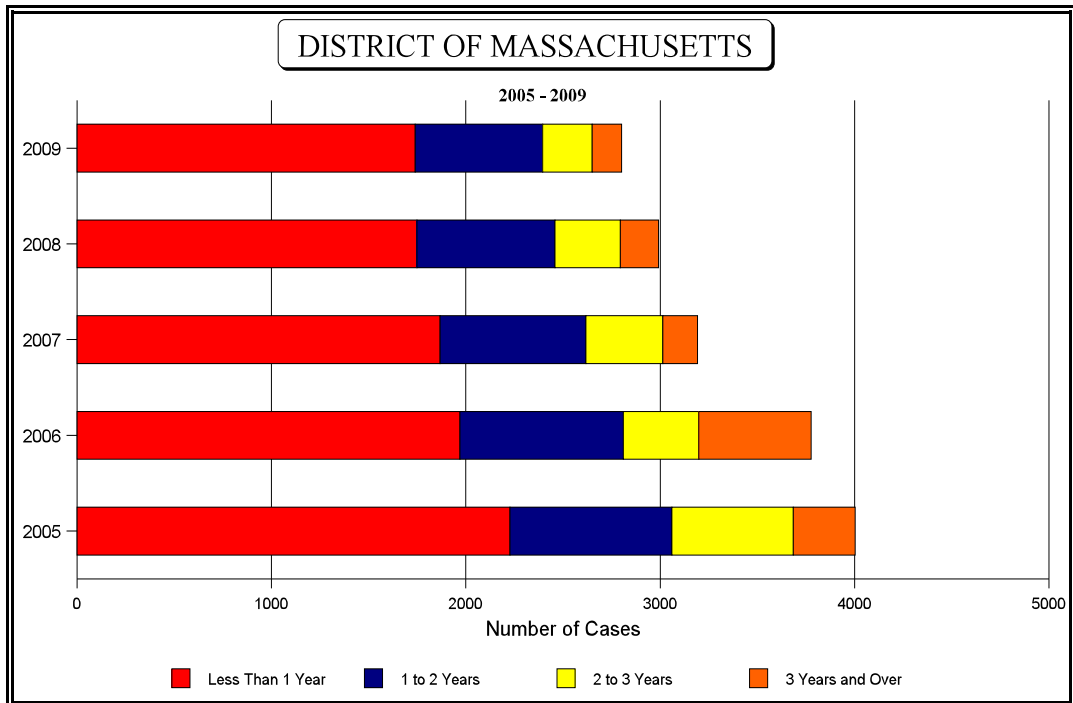
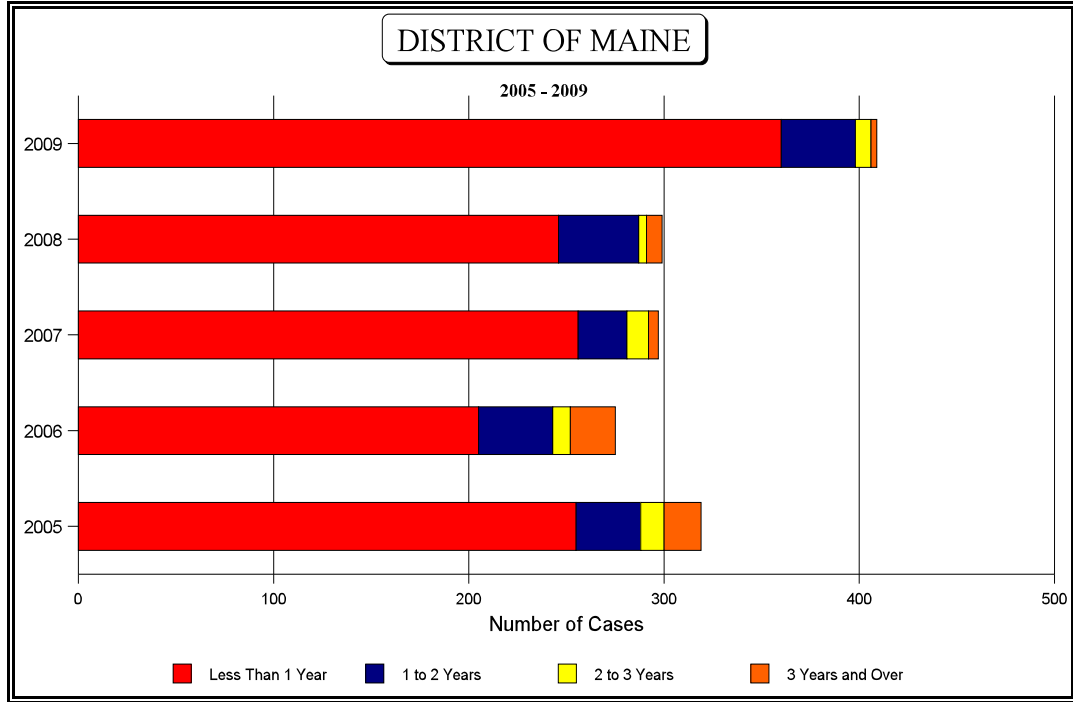
CIVIL CASES PENDING AND LENGTH OF TIME PENDING FOR THE PERIODS ENDING SEPTEMBER 30, 2005 THROUGH SEPTEMBER 30, 2009					
	2005	2006	2007	2008	2009
<b>DISTRICT OF MAINE</b>					
LESS THAN 1 YEAR	255	205	256	246	360
1 TO 2 YEARS	33	38	25	41	38
2 TO 3 YEARS	12	9	11	4	8
3 YEARS AND OVER	19	23	5	8	3
<b>DISTRICT OF MASSACHUSETTS</b>					
LESS THAN 1 YEAR	2,227	1,970	1,867	1,749	1,739
1 TO 2 YEARS	833	841	751	710	656
2 TO 3 YEARS	625	388	395	336	255
3 YEARS AND OVER	318	577	179	197	151
<b>DISTRICT OF NEW HAMPSHIRE</b>					
LESS THAN 1 YEAR	273	304	286	318	250
1 TO 2 YEARS	83	87	99	100	87
2 TO 3 YEARS	39	26	20	23	18
3 YEARS AND OVER	29	13	12	13	12
<b>DISTRICT OF PUERTO RICO</b>					
LESS THAN 1 YEAR	1,009	956	925	968	848
1 TO 2 YEARS	433	425	461	389	371
2 TO 3 YEARS	186	178	198	210	155
3 YEARS AND OVER	145	147	128	99	58
<b>DISTRICT OF RHODE ISLAND</b>					
LESS THAN 1 YEAR	387	365	398	1,098	882
1 TO 2 YEARS	333	141	109	197	872
2 TO 3 YEARS	28	274	63	44	117
3 YEARS AND OVER	36	35	264	288	282

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

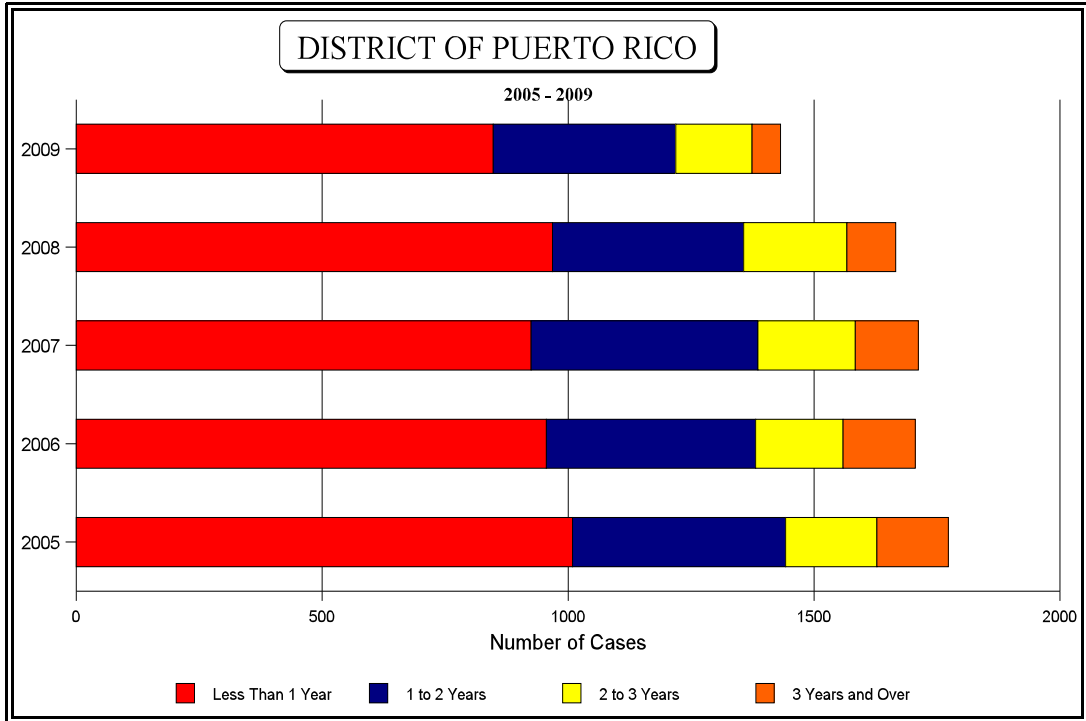
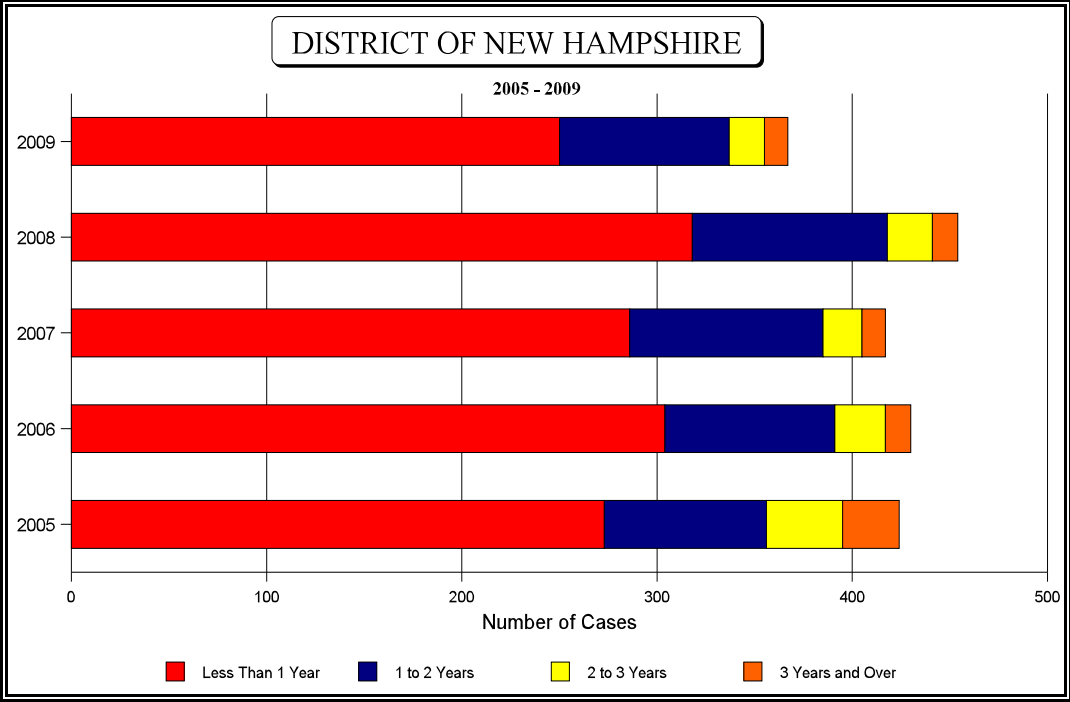


CIVIL CASES PENDING AND LENGTH FROM 2005 THROUGH 2009					
	2005	2006	2007	2008	2009
LESS THAN 1 YEAR	4,151 (56.8%)	3,800 (54.3%)	3,732 (57.8%)	4,379 (62.2%)	4,079 (57%)
1 TO 2 YEARS	1,715 (23.5%)	1,532 (21.9%)	1,445 (22.4%)	1,437 (20.4%)	2,024 (28.3%)
2 TO 3 YEARS	890 (12.2%)	875 (12.5%)	687 (10.7%)	617 (8.8%)	553 (7.7%)
3 YEARS AND OVER	547 (7.5%)	795 (11.4%)	588 (9.1%)	605 (8.6%)	506 (7.1%)

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

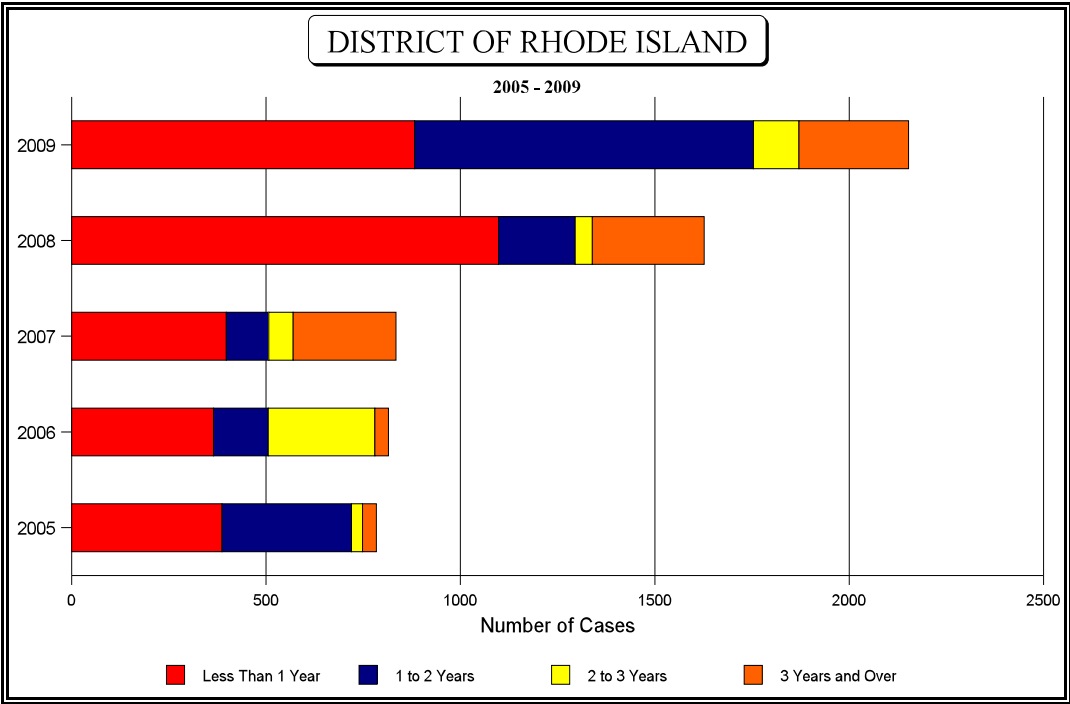


# COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



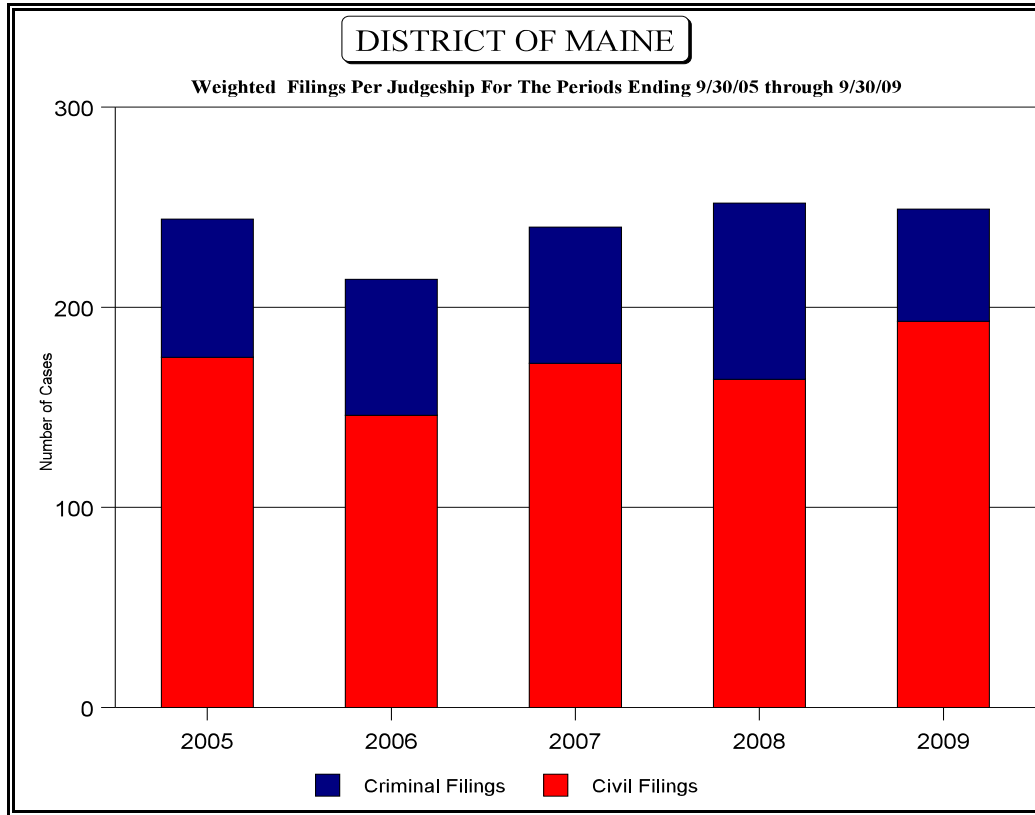


COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



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

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



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

1789 • 1

1978 • 2

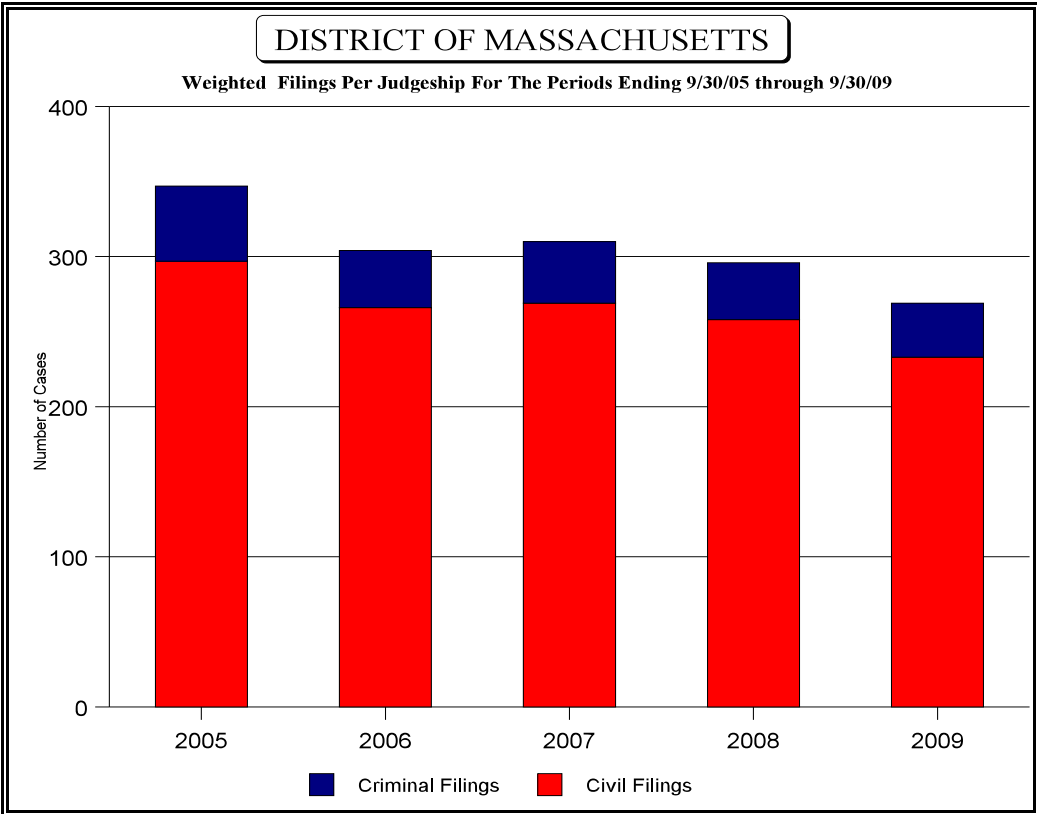
1990 • 3

### DISTRICT OF MAINE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2005 - 2009

	2005	2006	2007	2008	2009
CIVIL FILINGS	175	146	172	164	193
CRIMINAL FILINGS	69	68	68	88	56
TOTAL FILINGS	244	214	240	252	251

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

## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



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

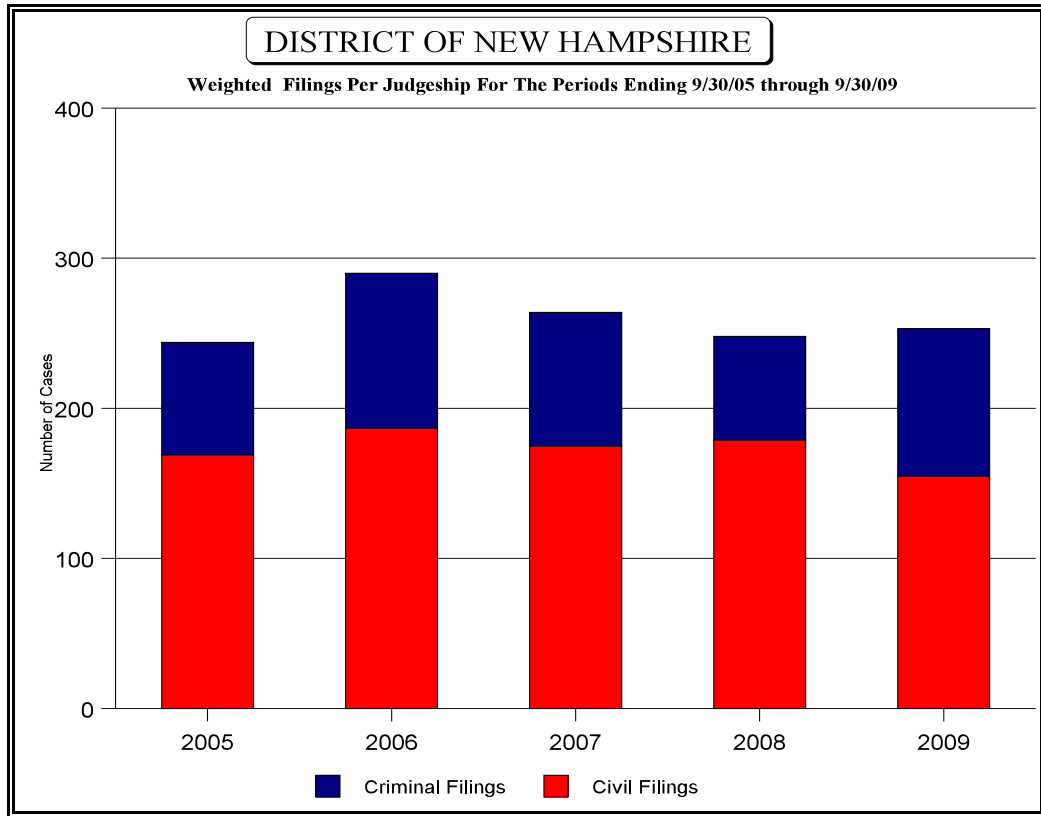
1789 • 1      1922 • 2      1938 • 4      1938 • 4  
1961 • 6      1978 • 10      1984 • 12      1990 • 13

**DISTRICT OF MASSACHUSETTS  
WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING  
SEPTEMBER 30, 2005 - 2009**

	2005	2006	2007	2008	2009
CIVIL FILINGS	297	266	269	258	233
CRIMINAL FILINGS	50	38	41	38	36
TOTAL FILINGS	347	304	310	296	272

**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

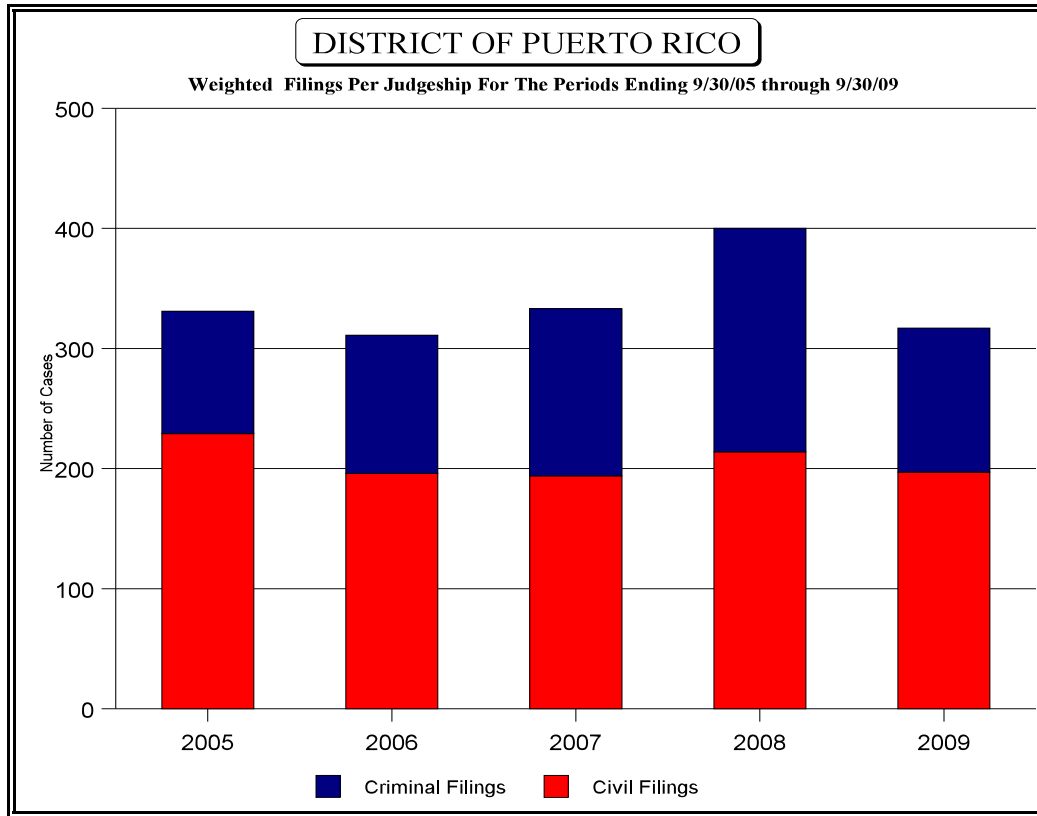
### DISTRICT OF NEW HAMPSHIRE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2005 - 2009

	2005	2006	2007	2008	2009
CIVIL FILINGS	169	187	175	179	155
CRIMINAL FILINGS	75	103	89	69	98
TOTAL FILINGS	244	290	264	248	256

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



## TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



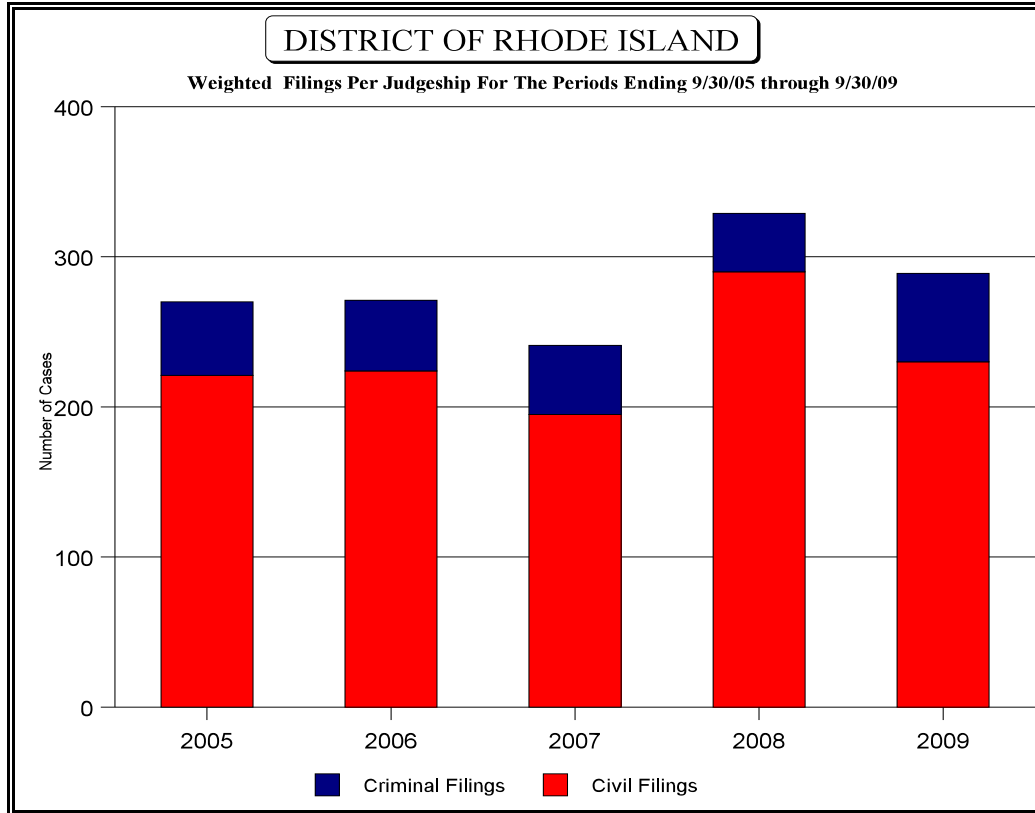
### United States District Court for the District of Puerto Rico Authorized Judgeships

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

DISTRICT OF PUERTO RICO WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2005 - 2009					
	2005	2006	2007	2008	2009
CIVIL FILINGS	229	196	194	214	197
CRIMINAL FILINGS	102	115	139	186	120
TOTAL FILINGS	331	311	333	400	320

**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

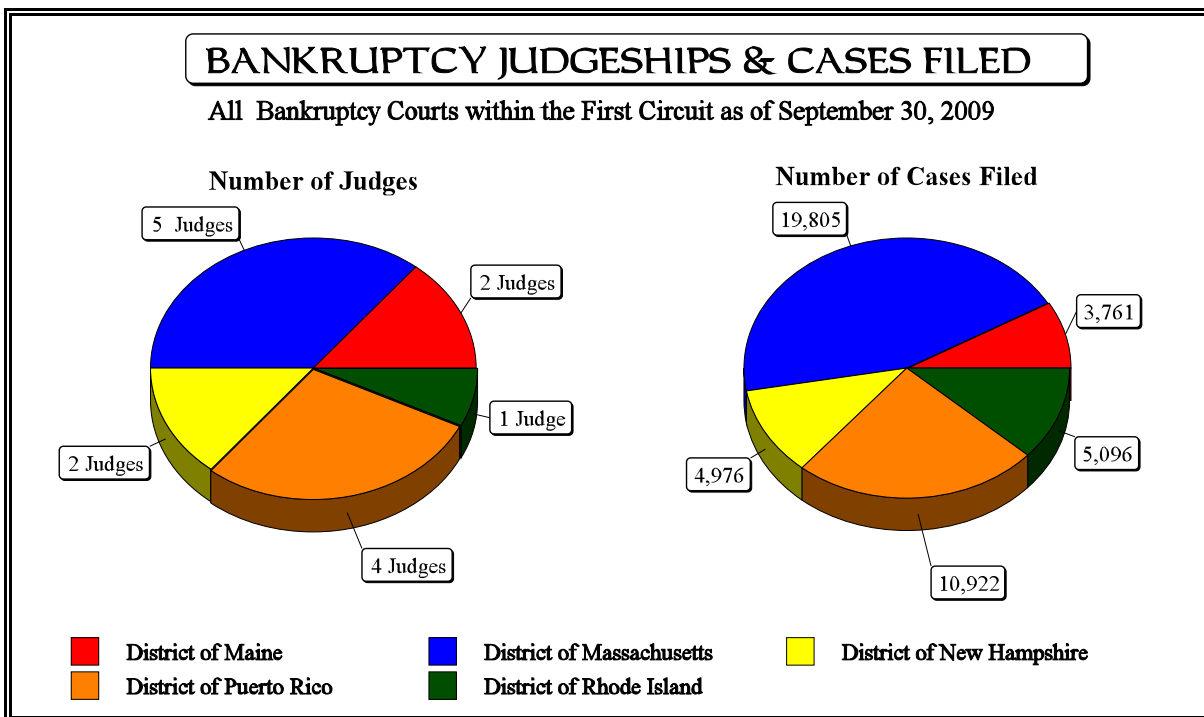
1984 • 3

### DISTRICT OF RHODE ISLAND WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2005 - 2009

	2005	2006	2007	2008	2009
CIVIL FILINGS	221	224	195	290	230
CRIMINAL FILINGS	49	47	46	39	59
TOTAL FILINGS	270	271	241	329	290

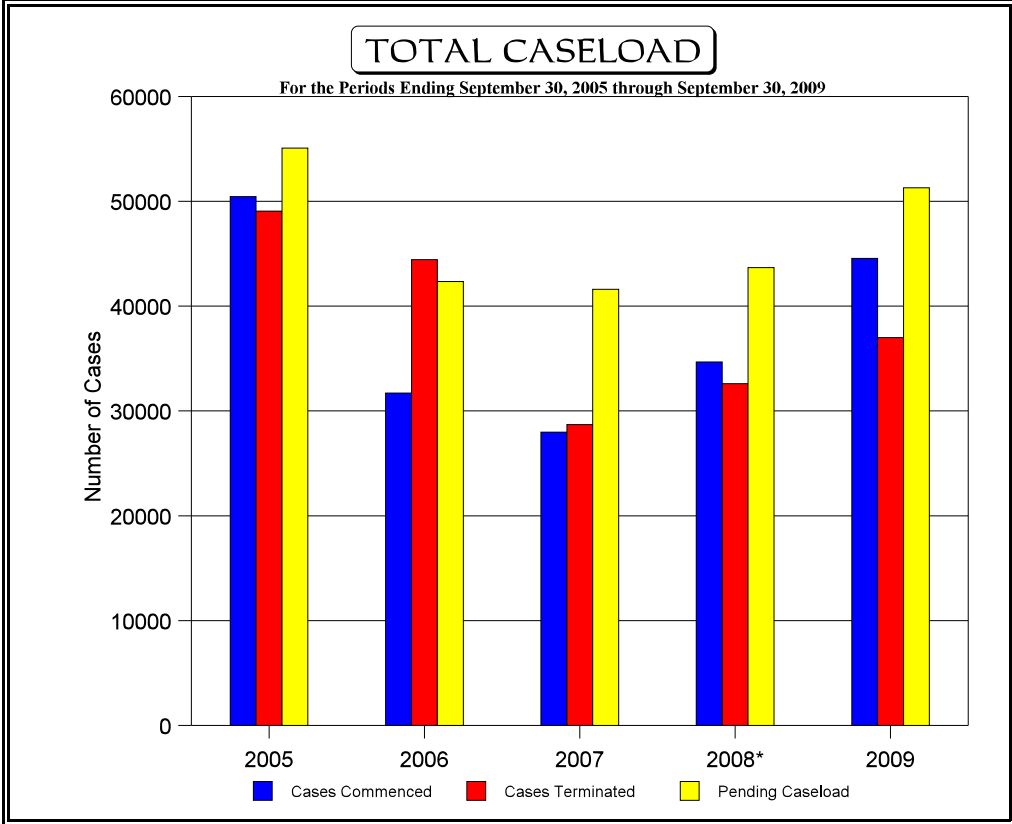
**STATISTICS**  
**FIRST CIRCUIT**  
**BANKRUPTCY COURTS**

# BANKRUPTCY CASELOAD SUMMARY



NUMBER OF BANKRUPTCY JUDGES AND CASES FILED DURING THE TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2009		
	<b>Number of Judges</b>	<b>Cases Filed</b>
DISTRICT OF MAINE	2	3,761
DISTRICT OF MASSACHUSETTS	5	19,805
DISTRICT OF NEW HAMPSHIRE	2	4,976
DISTRICT OF PUERTO RICO	4	10,922
DISTRICT OF RHODE ISLAND	1	5,096
<b>FIRST CIRCUIT TOTALS</b>	<b>14</b>	<b>44,560</b>

## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

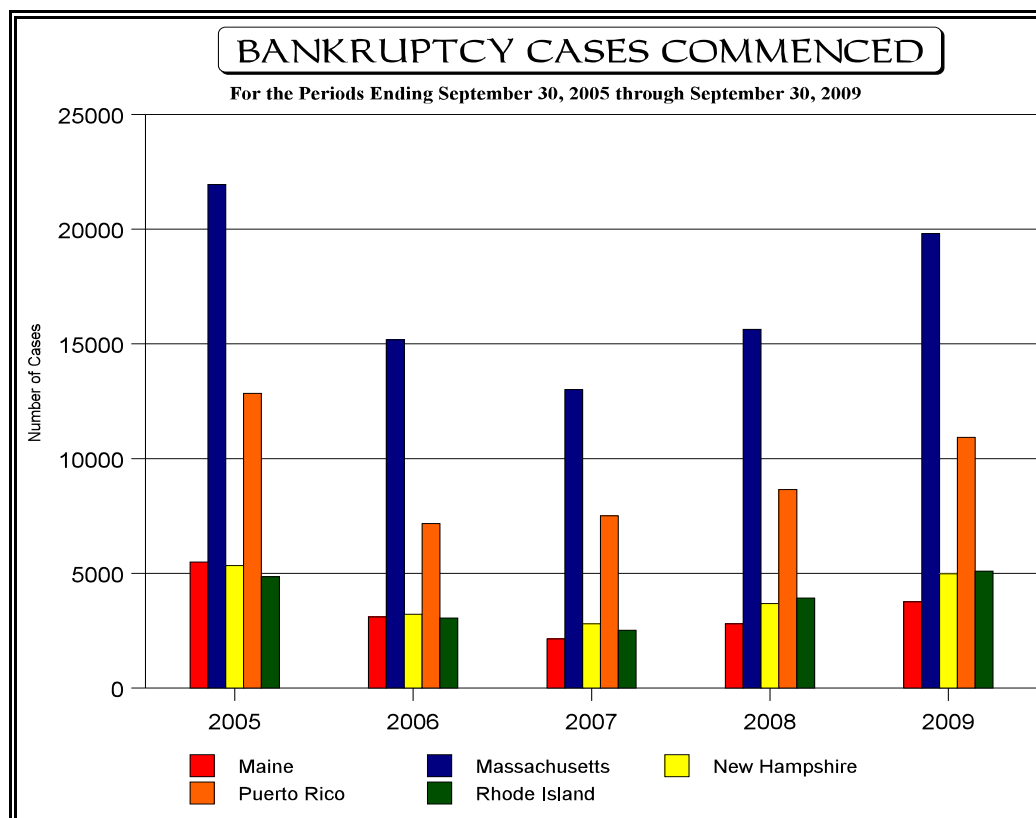


**Authorized Judgeships. . . . . 14**

TOTAL BANKRUPTCY CASES 2005 - 2009					
	2005	2006	2007	2008*	2009
CASES COMMENCED	50,451	31,705	27,981	34,676	44,560
CASES TERMINATED	49,064	44,429	28,709	32,597	37,006
PENDING CASELOAD	55,070	42,356	41,599	43,678	51,287

\*Pending caseload in 2008 revised by the Administrative Office of the United States Courts.

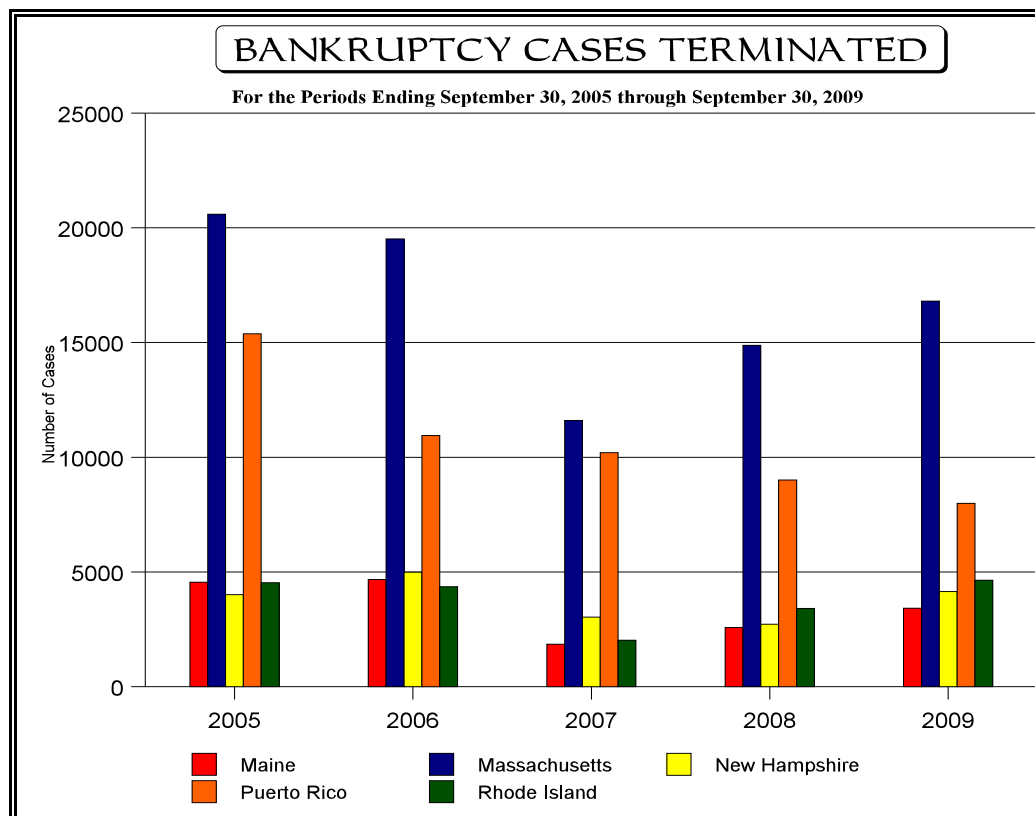
## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



### BANKRUPTCY CASES COMMENCED FROM 2005 THROUGH 2009

DISTRICTS	2005	2006	2007	2008	2009
MAINE	5,489	3,096	2,143	2,800	3,761 (8.4%)
MASSACHUSETTS	21,952	15,181	13,011	15,636	19,805 (44.4%)
NEW HAMPSHIRE	5,341	3,214	2,804	3,676	4,976 (11.2%)
PUERTO RICO	12,844	7,167	7,502	8,645	10,922 (24.5%)
RHODE ISLAND	4,855	3,047	2,521	3,919	5,096 (11.4%)

## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

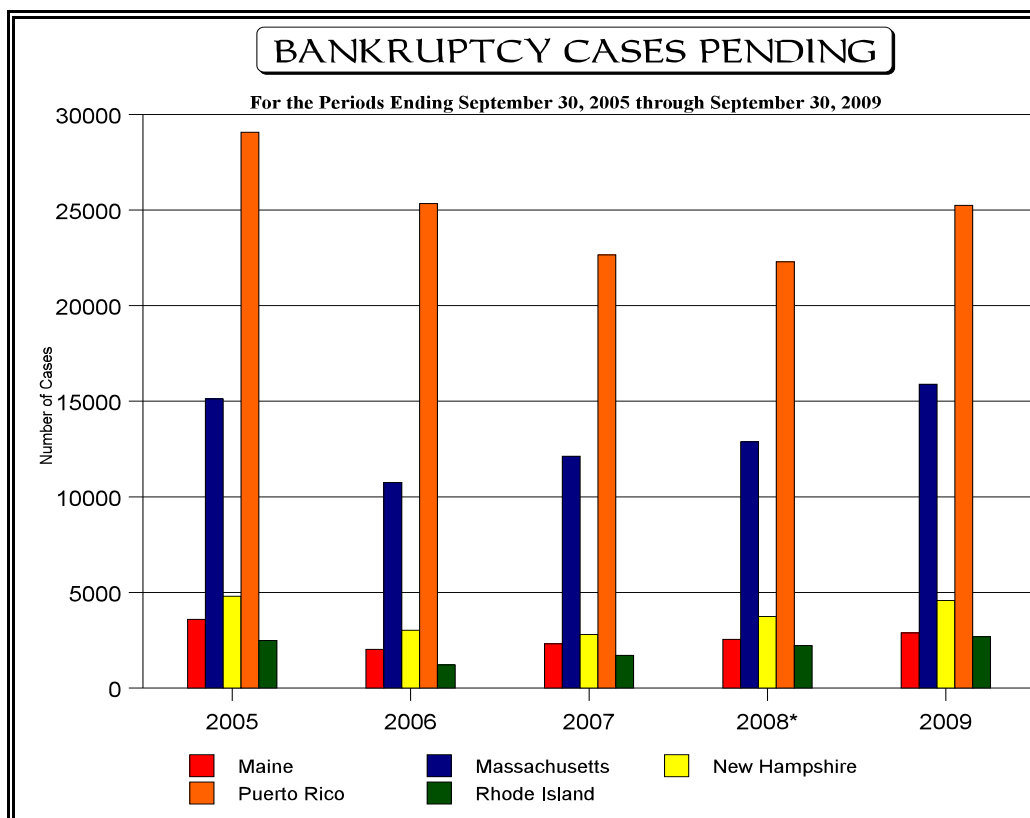


### BANKRUPTCY CASES TERMINATED 2005 - 2009

DISTRICTS	2005	2006	2007	2008	2009
MAINE	4,548	4,666	1,848	2,573	3,418
MASSACHUSETTS	20,593	19,518	11,600	14,880	16,809
NEW HAMPSHIRE	4,008	4,986	3,033	2,726	4,150
PUERTO RICO	15,384	10,943	10,204	9,007	7,994
RHODE ISLAND	4,531	4,361	2,024	3,411	4,635



## BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS

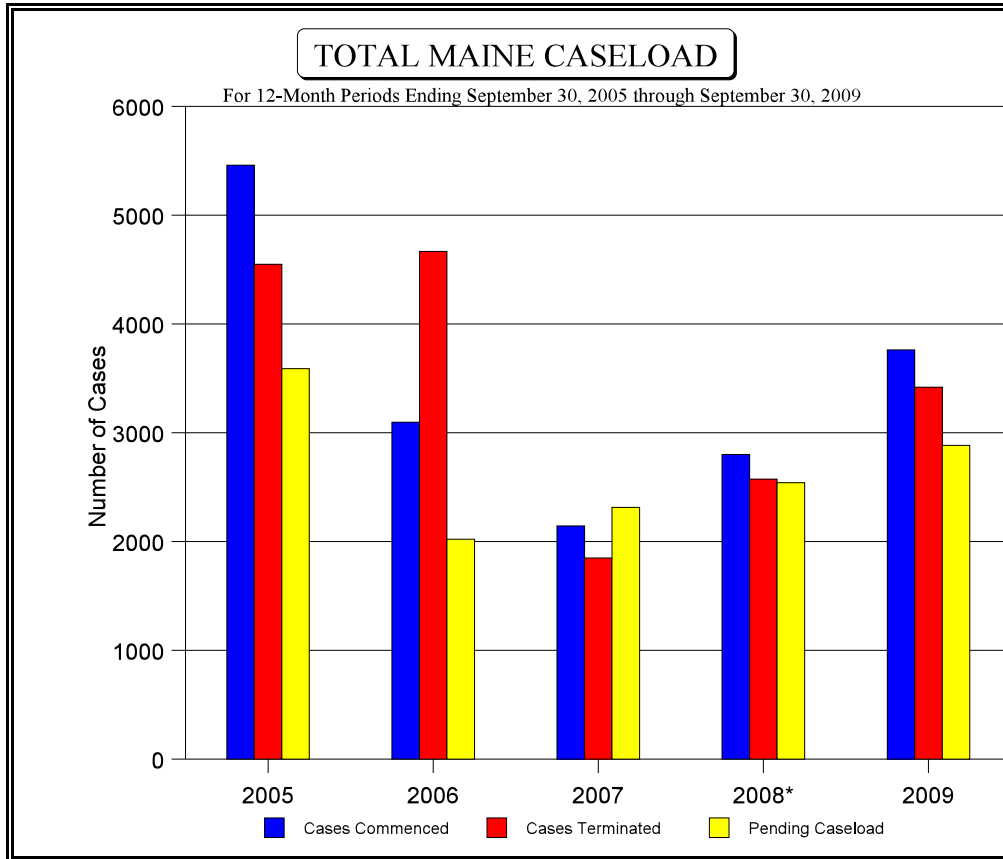


BANKRUPTCY CASES PENDING 2005 - 2009					
DISTRICTS	2005	2006	2007	2008*	2009
MAINE	3,590	2,021	2,313	2,540	2,883
MASSACHUSETTS	15,126	10,753	12,119	12,875	15,890
NEW HAMPSHIRE	4,797	3,026	2,798	3,748	4,578
PUERTO RICO	29,075	25,343	22,658	22,296	25,250
RHODE ISLAND	2,482	1,213	1,710	2,219	2,686

\*Pending caseload in 2008 revised by the Administrative Office of the United States Courts.

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

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE



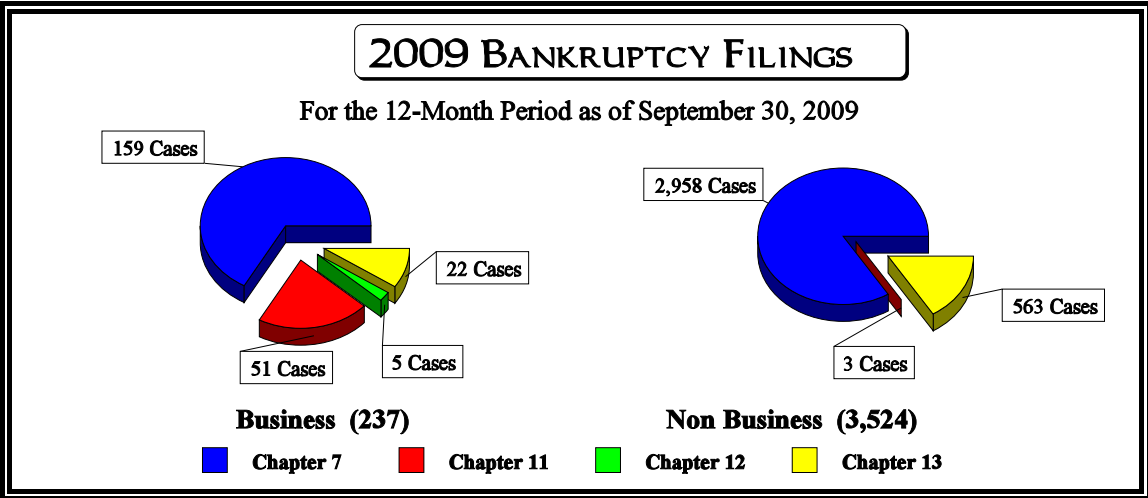
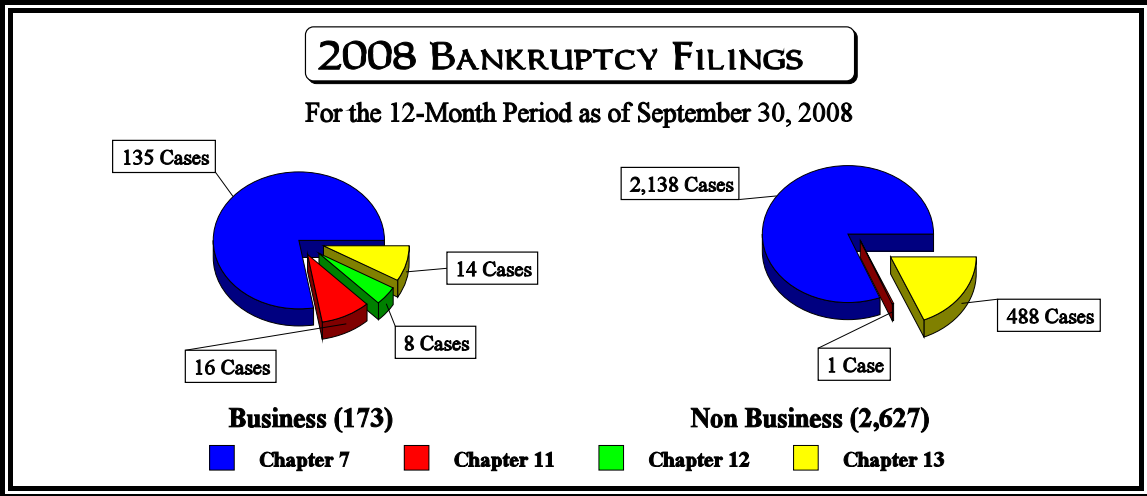
**Authorized Judgeships. . . . . 2**

### TOTAL BANKRUPTCY CASES 2005 - 2009

	2005	2006	2007	2008*	2009
CASES COMMENCED	5,459	3,096	2,143	2,800	3,761
CASES TERMINATED	4,548	4,666	1,848	2,573	3,418
PENDING CASELOAD	3,590	2,021	2,313	2,540	2,883

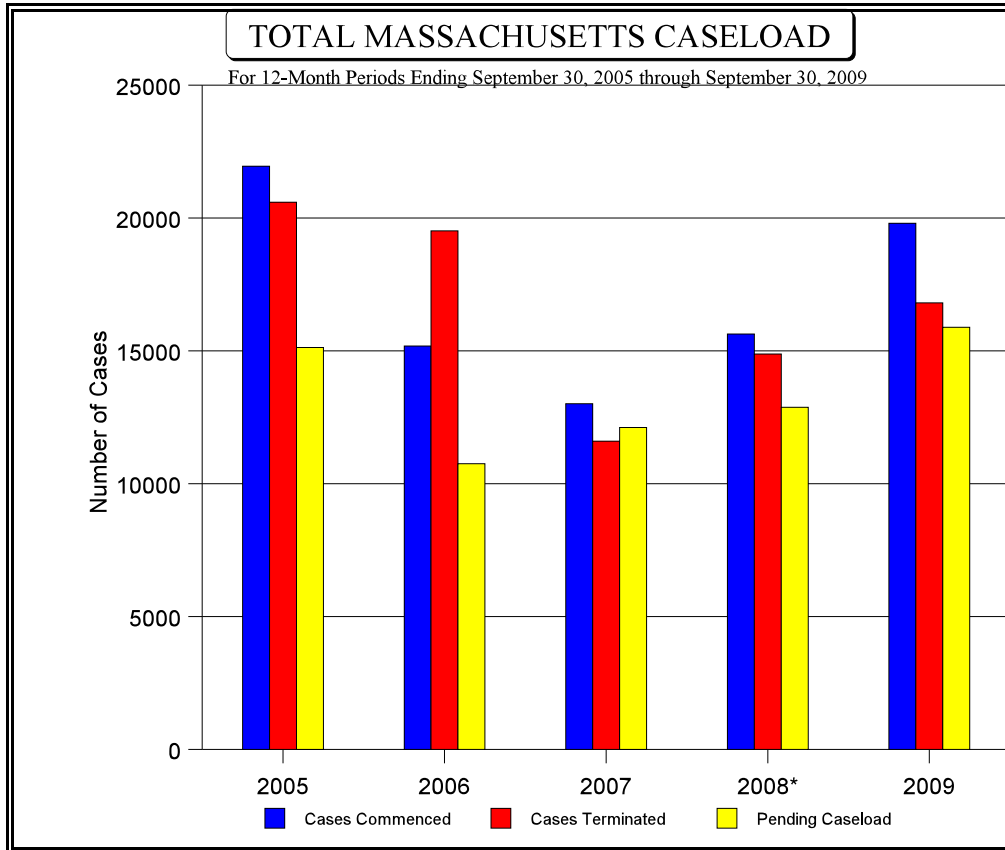
\*Pending caseload in 2008 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE



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

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MASSACHUSETTS



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

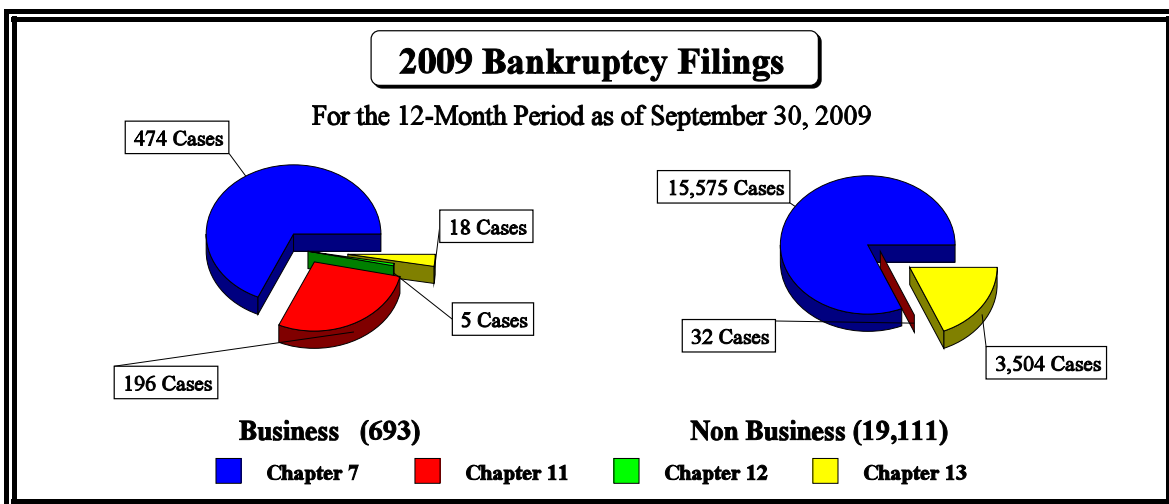
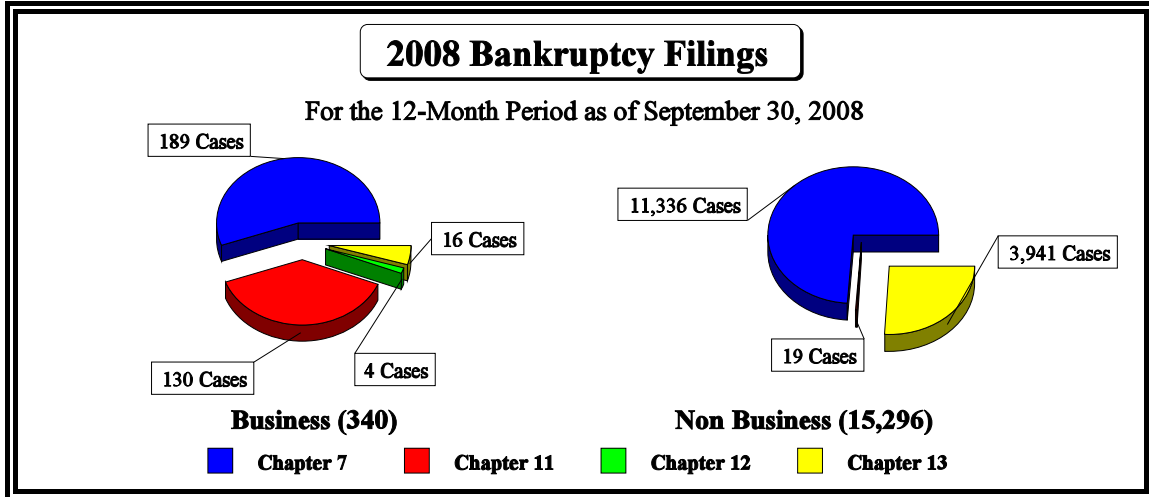
### TOTAL BANKRUPTCY CASES 2005 - 2009

	2005	2006	2007	2008*	2009
CASES COMMENCED	21,952	15,181	13,011	15,636	19,805
CASES TERMINATED	20,593	19,518	11,600	14,880	16,809
PENDING CASELOAD	15,126	10,753	12,119	12,875	15,890

\*Pending caseload in 2008 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY

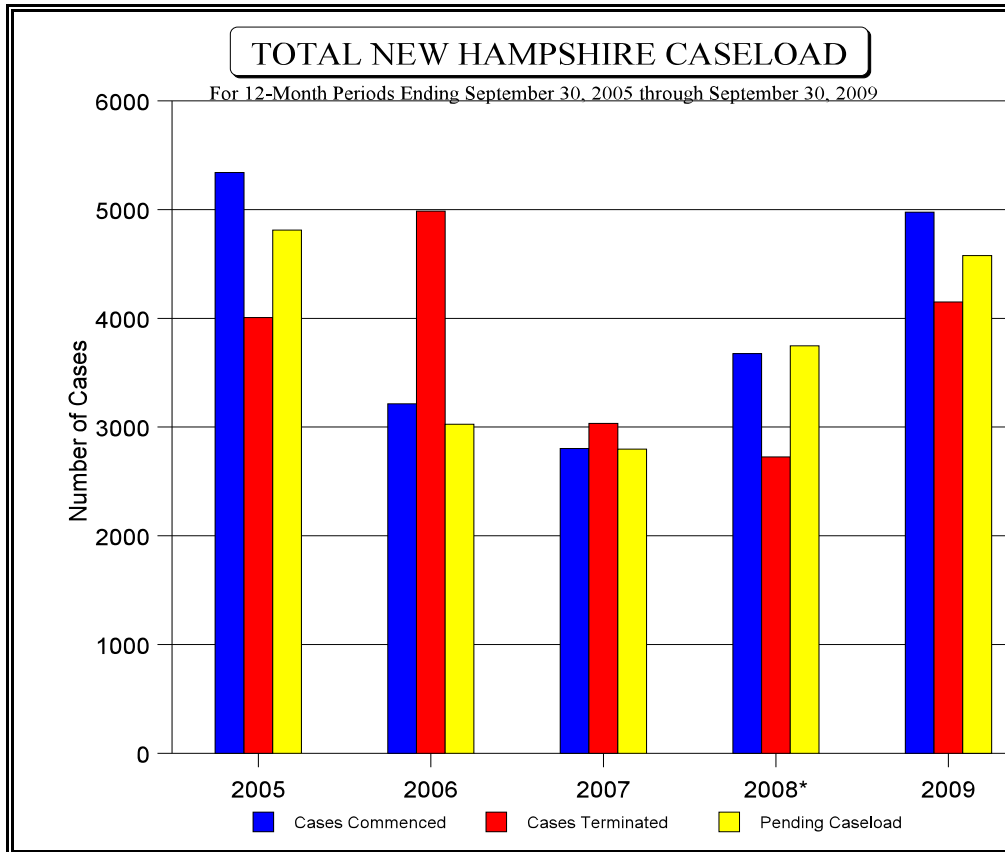
## DISTRICT OF MASSACHUSETTS



**STATISTICS**  
**U.S. BANKRUPTCY COURT**  
**DISTRICT OF**  
**NEW HAMPSHIRE**



**BANKRUPTCY CASELOAD SUMMARY  
DISTRICT OF NEW HAMPSHIRE**



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

**TOTAL BANKRUPTCY CASES  
2005 - 2009**

	2005	2006	2007	2008*	2009
CASES COMMENCED	5,341	3,214	2,804	3,676	4,976
CASES TERMINATED	4,008	4,986	3,033	2,726	4,150
PENDING CASELOAD	4,812	3,026	2,798	3,748	4,578

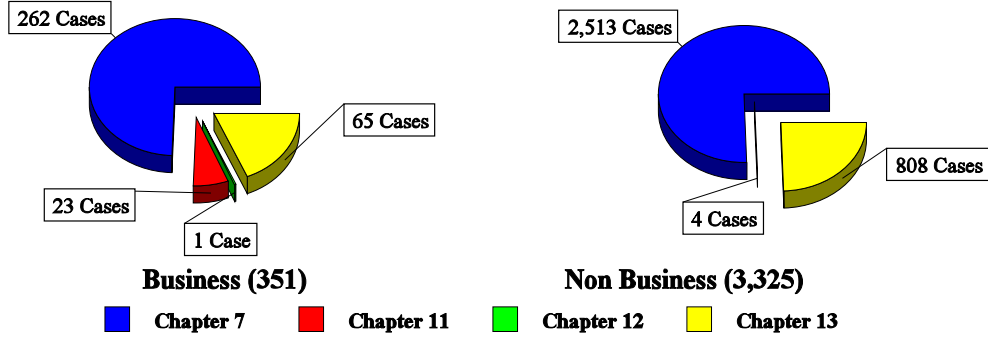
\*Pending caseload in 2008 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY

## DISTRICT OF NEW HAMPSHIRE

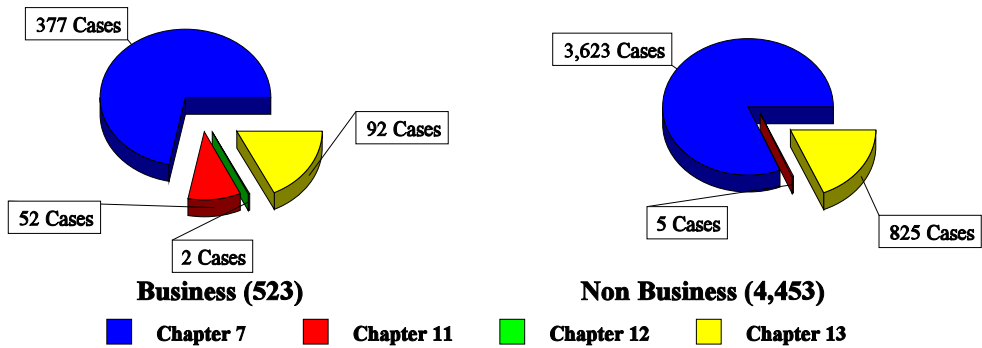
### 2008 Bankruptcy Filings

For the 12-Month Period as of September 30, 2008



### 2009 Bankruptcy Filings

For the 12-Month Period as of September 30, 2009

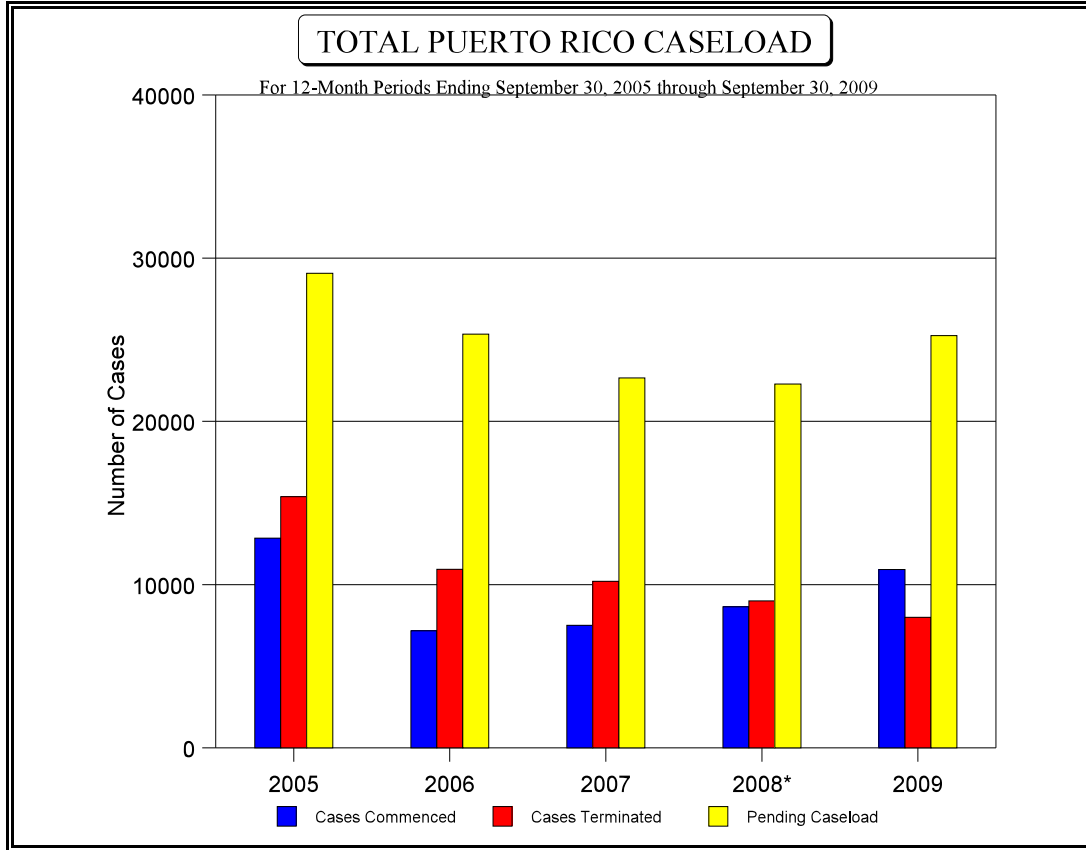


**STATISTICS**

**U.S. BANKRUPTCY COURT**

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

## BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO

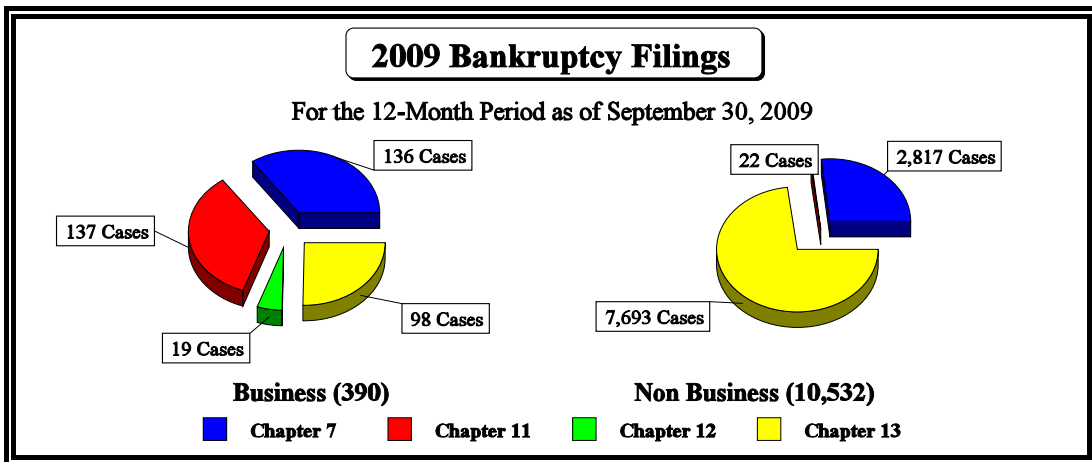
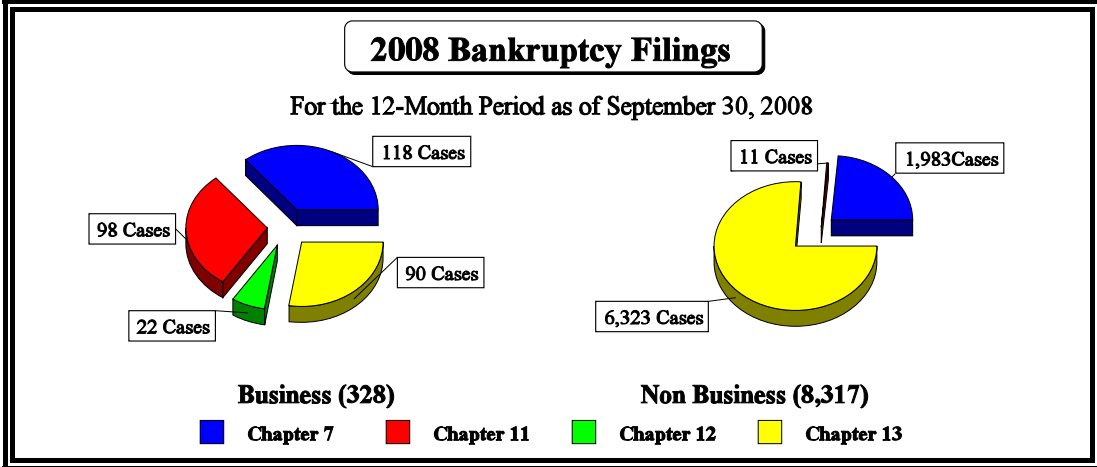


**Authorized Judgeships. . . . . 4**

TOTAL BANKRUPTCY CASES 2005 - 2009					
	2005	2006	2007	2008*	2009
CASES COMMENCED	12,844	7,167	7,502	8,645	10,922
CASES TERMINATED	15,384	10,943	10,204	9,007	7,994
PENDING CASELOAD	29,075	25,343	22,658	22,296	25,250

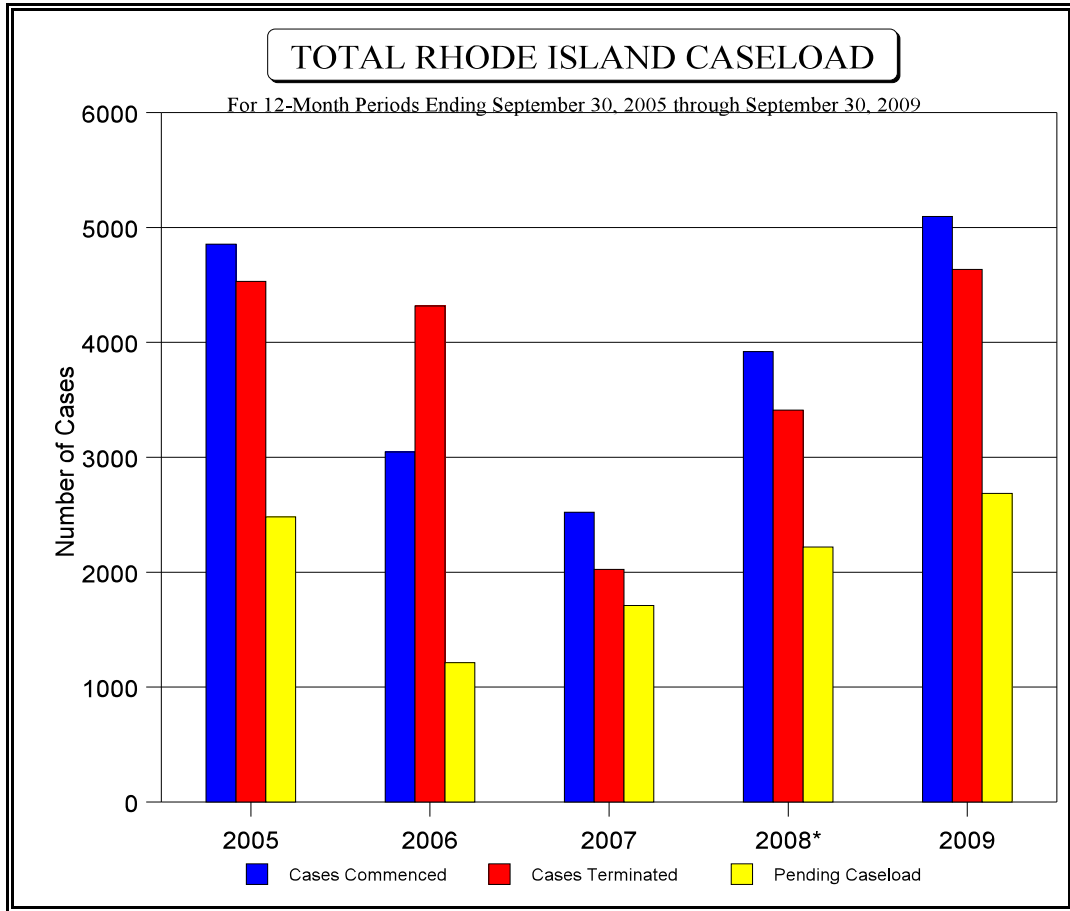
\*Pending caseload in 2008 revised by the Administrative Office of the United States Courts.

# 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**

<b>TOTAL BANKRUPTCY CASES 2005 - 2009</b>					
	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008*</b>	<b>2009</b>
<b>CASES COMMENCED</b>	4,855	3,047	2,521	3,919	5,096
<b>CASES TERMINATED</b>	4,531	4,316	2,024	3,411	4,635
<b>PENDING CASELOAD</b>	2,482	1,213	1,711	2,219	2,686

\*Pending caseload in 2008 revised by the Administrative Office of the United States Courts.

# BANKRUPTCY CASELOAD SUMMARY DISTRICT OF RHODE ISLAND

