

2015



# UNITED STATES COURTS FOR THE FIRST CIRCUIT

Annual Report



## **TABLE OF CONTENTS**

Foreword .....	1
Structure of the Federal Judiciary .....	2
Judges and Judicial Milestones .....	3
Judgeship Summary .....	3
Listing of Judges .....	4
Judicial Milestones and Other Highlights .....	8
Work of the Courts.....	11
Court of Appeals .....	11
Statistical Report for the Court of Appeals .....	11
Clerk’s Office.....	18
Office of the Staff Attorneys.....	18
Civil Appeals Management Program.....	19
Library.....	19
Bankruptcy Appellate Panel .....	21
Statistical Report for District Courts in the First Circuit .....	22
Report for the District of Maine.....	44
Probation & Pretrial Services Office, District of Maine.....	47
Report for the District of Massachusetts.....	48
Probation & Pretrial Services Office, District of Massachusetts .....	51
Report for the District of New Hampshire.....	53
Probation & Pretrial Services Office, District of New Hampshire .....	56
Report for the District of Puerto Rico.....	58
Probation & Pretrial Services Office, District of Puerto Rico .....	63
Report for the District of Rhode Island.....	64
Probation & Pretrial Services Office, District of Rhode Island.....	68
Statistical Report for Bankruptcy Courts in the First Circuit .....	70
Bankruptcy Court for the District of Maine.....	75
Bankruptcy Court for the District of Massachusetts.....	77
Bankruptcy Court for the District of New Hampshire.....	79

Bankruptcy Court for the District of Puerto Rico .....	81
Bankruptcy Court for the District of Rhode Island.....	83
Judicial Administration .....	85
The Judicial Conference of the United States .....	85
First Circuit Judges Serving on Judicial Conference Committees and Special Courts and Commissions .....	86
First Circuit Judicial Conferences.....	88
Business of the First Circuit Judicial Council.....	89
Members of the Judicial Council of the First Circuit .....	90
Listing of Court Unit Executives .....	91
Space and Facilities.....	93
Office of the Circuit Executive, Information Technology Department.....	95
Judicial Misconduct and Disability.....	96
Attorney Discipline.....	99
Fair Employment Practices Report .....	100
Work of the Federal Public Defender .....	101
Federal Public Defender for the District of Maine .....	101
Federal Public Defender for the Districts of Massachusetts, New Hampshire and Rhode Island. ....	102
Federal Public Defender for the District of Puerto Rico.....	104

## **Foreword**

**Susan J. Goldberg**  
**Circuit Executive**

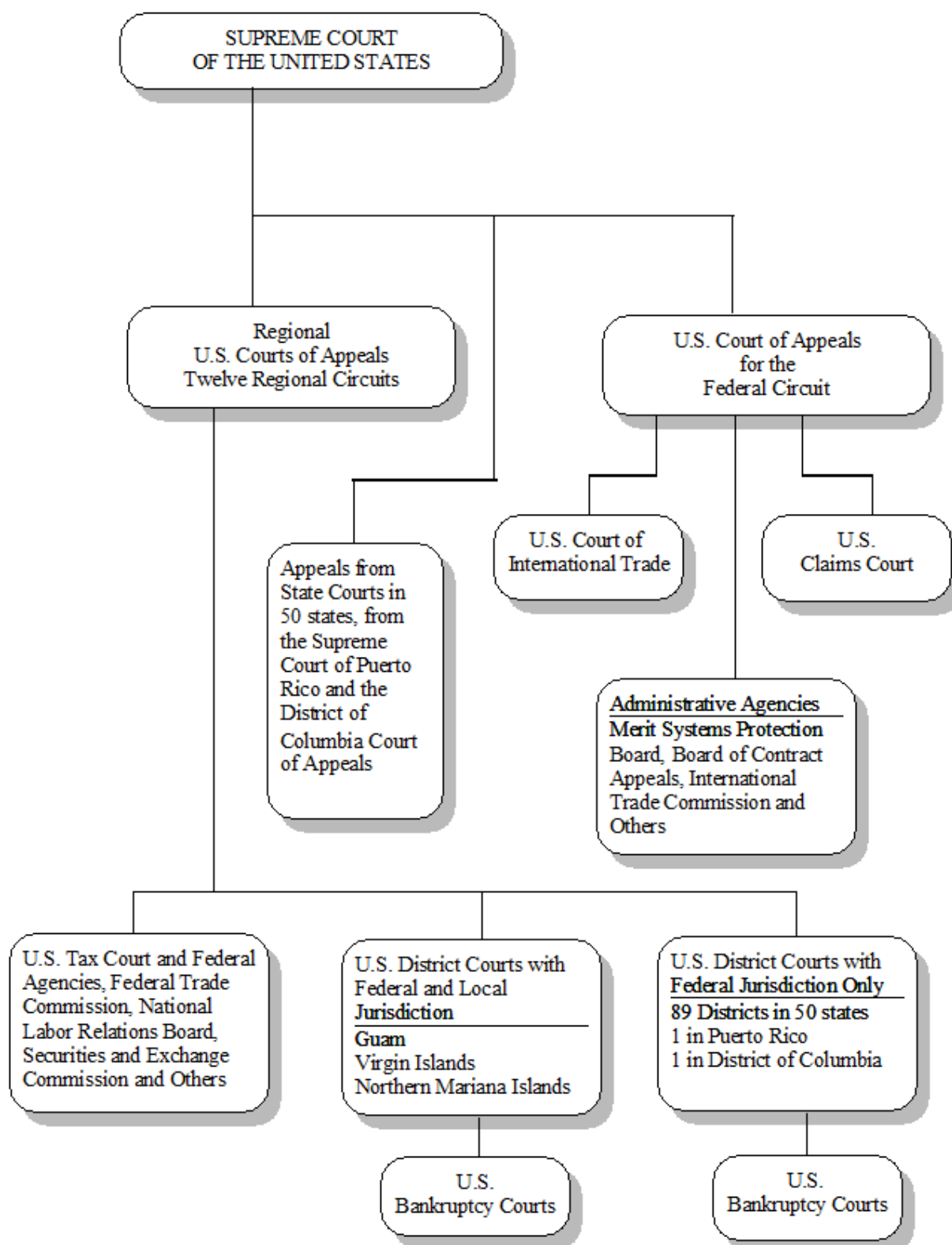
As illustrated in this Report, the courts of the First Circuit carry out their mission by delivering critical services to their various constituents in an efficient and effective manner. A review of the filing statistics, employment trends, building projects, technological advances, and other developments in each of the court units reveals the dedication and diligence of all the judges and employees of the First Circuit.

I would like to thank, in particular, those who provided the statistics and information contained 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 also provided extensive data and deserve thanks for their accuracy and efficiency.

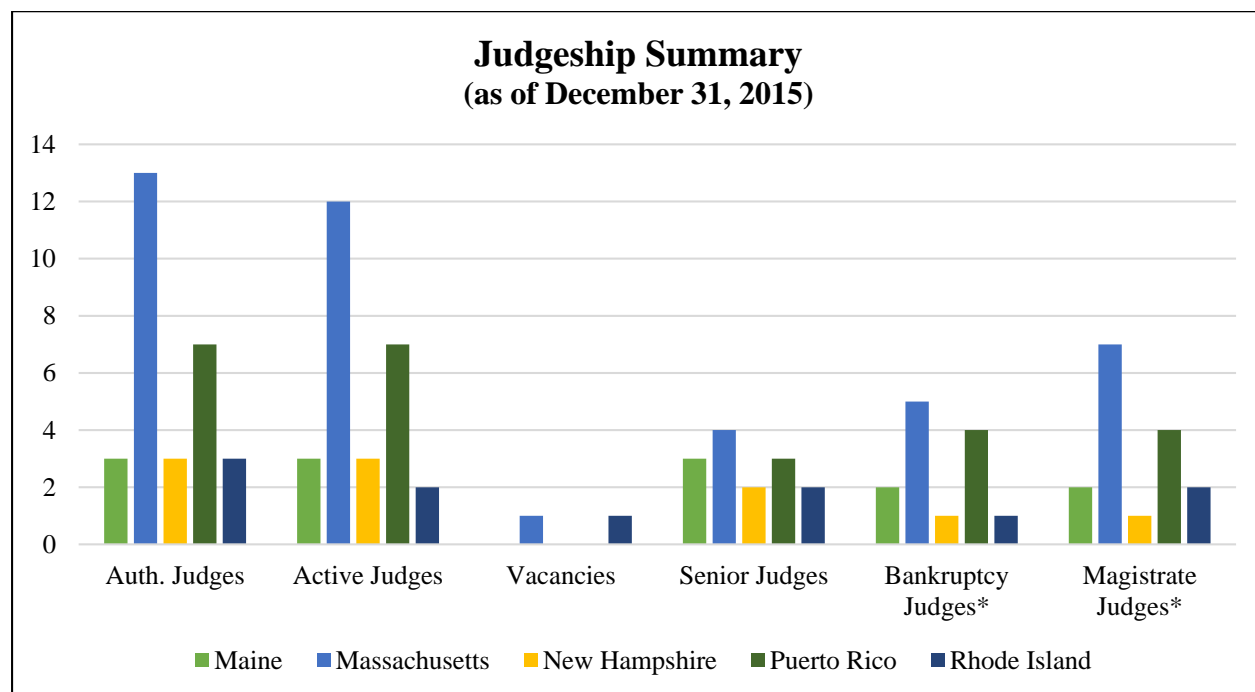
Special appreciation goes to the members of the Circuit Executive's Office staff who have done the yeoman's work pulling the Report together, including Florence Pagano, Michelle Dumas, Gina Riccio, Anastasia Dubrovsky and Evan FitzGerald. Finally, Anastasia Dubrovsky is further commended for a professional redesign of the Report's format.

Thank you for your interest in the courts of the First Circuit.

## Structure of the Federal Judiciary



### Judges and Judicial Milestones



Judgeship Summary (as of December 31, 2015)						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bankruptcy Judges*	Magistrate Judges*
Maine	3	3	0	3	2	2
Massachusetts	13	12	1	4	5	7
New Hampshire	3	3	0	2	1	2**
Puerto Rico	7	7	0	3	4	4
Rhode Island	3	2	1	2	1	2
<b>Total Dist. Ct.</b>	<b>29</b>	<b>27</b>	<b>2</b>	<b>14</b>	<b>13</b>	<b>16</b>
<b>Total Court of Appeals</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>-</b>	<b>-</b>
<b>Total 1st Cir.</b>	<b>35</b>	<b>33</b>	<b>2</b>	<b>18</b>	<b>13</b>	<b>16</b>

\* Does not include recalled judges.

\*\* Includes one part-time magistrate judge.

---

---

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

**(as of December 31, 2015)**

Honorable Jeffrey R. Howard, Chief

Honorable Juan R. Torruella  
Honorable Sandra L. Lynch  
Honorable O. Rogerie Thompson  
Honorable William J. Kayatta, Jr.  
Honorable David J. Barron

Honorable Bruce M. Selya  
Honorable Michael Boudin  
Honorable Norman H. Stahl  
Honorable Kermit V. Lipez

---

---

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

Honorable Nancy Torresen, Chief  
Honorable John A. Woodcock, Jr.  
Honorable Jon D. Levy

Honorable Gene Carter  
Honorable D. Brock Hornby  
Honorable George Z. Singal

---

---

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

Honorable Peter G. Cary, Chief  
Honorable Michael A. Fagone

---

---

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

Honorable John H. Rich, III  
Honorable John C. Nivison  
Honorable David M. Cohen (recalled)

---

---



---

---

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

Honorable Patti B. Saris, Chief  
Honorable William G. Young  
Honorable Nathaniel M. Gorton  
Honorable Richard G. Stearns  
Honorable George A. O'Toole  
Honorable F. Dennis Saylor, IV  
Honorable Denise J. Casper  
Honorable Timothy S. Hillman  
Honorable Indira Talwani

Honorable Mark G. Mastroianni  
Honorable Leo T. Sorokin  
Honorable Allison D. Burroughs  
Honorable Joseph L. Tauro  
Honorable Rya W. Zobel  
Honorable Mark L. Wolf  
Honorable Douglas P. Woodlock  
Honorable Edward F. Harrington  
Honorable Michael A. Ponsor

---

---

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

Honorable Melvin S. Hoffman, Chief  
Honorable Joan N. Feeney  
Honorable Henry J. Boroff

Honorable Frank J. Bailey  
Honorable Christopher J. Panos

---

---

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

Honorable Jennifer C. Boal, Chief  
Honorable Marianne B. Bowler  
Honorable Judith G. Dein  
Honorable David H. Hennessy  
Honorable M. Page Kelley

Honorable Katherine Robertson  
Honorable Donald B. Cabell  
Honorable Robert B. Collings (recalled)  
Honorable Kenneth P. Neiman (recalled)  
Honorable Jerome J. Niedermeier (recalled)

---

---

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

Honorable Joseph N. Laplante, Chief  
Honorable Paul J. Barbadoro  
Honorable Landya B. McCafferty

Honorable Joseph A. DiClerico, Jr.  
Honorable Steven J. McAuliffe

---

---

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

Honorable Bruce A. Harwood, Chief  
Honorable Michael J. Deasy (recalled)

---

---

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

Honorable Daniel Lynch  
Honorable Andrea K. Johnstone

---

---

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

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

---

---

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

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

---

---

---

---

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

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

Honorable Silvia Carreño-Coll  
Honorable Justo Arenas (recalled)

---

---

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

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

---

---

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

Honorable Diane Finkle

---

---

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

Honorable Lincoln D. Almond  
Honorable Patricia A. Sullivan  
Honorable Robert W. Lovegreen (recalled)

---

---

## **Judicial Milestones and Other Highlights**

### ***Court of Appeals***

On June 4, 2015, there was an official sitting of the Court of Appeals for Chief Judge Lynch's portrait ceremony.

On June 16, 2015, Judge Howard assumed the role of Chief Judge. The event was celebrated in November at the Rudman Courthouse in Concord, New Hampshire, in connection with a program held by the Federal Chapter of the New Hampshire Bar Association.

### ***Bankruptcy Appellate Panel***

This year, the Bankruptcy Appellate Panel (BAP) acknowledged the retirements of Chief Judge Hillman and Judge Kornreich.

In January, Judge Cary was appointed to the BAP. In February, Judge Deasy was reappointed to the BAP for a one-year term.

In August, Judge Feeney was appointed to serve as Chief Judge of the BAP for a four-year term.

### ***District of Maine***

In January, Judge Woodcock concluded his term as Chief Judge. Judge Torresen succeeded Judge Woodcock as Chief Judge.

In August, Judge Singal's portrait was presented to the Court in a ceremony hosted by the Court, the bar and his law clerks.

Chief Judge Torresen is a member of the University of Maine School of Law Board of Visitors. She served as District Court delegate to the Federal Judges Association.

Judge Hornby continued to serve on the Council of the American Law Institute. In 2015, he authored several articles, including "The Decline in Federal Civil Trials" in *Judicature* in Spring 2016 and select chapters of "Fables in Law" in *The Green Bag*.

Judge Singal is a panel member of the Federal Judicial Center's (FJC) Chief Judge Conference.

Chief Judge Torresen, Judge Hornby, Judge Singal, Judge Woodcock, Judge Levy, Magistrate Judge Rich and Magistrate Judge Nivison are members of the Maine State-Federal Judicial Council.

Judge Levy is a member of the American Bar Association (ABA) Standing Committee on Legal Aid and Indigent Defense and the University of Maine School of Law Board of Visitors. He was chair of the District's Criminal Law Committee and Biannual Conference Planning Committee. Judge Levy published "The Civil Jury: A Defining Element of Participatory Democracy" in the *Maine Bar Journal* and "The Brandeis/*Citizens United* Question" for Brandeis University's *Louis Brandeis 100: Then and Now* series.

Magistrate Judge Rich is a member of the District's Local Rules Advisory Committee. He served as Articles Editor to the *Federal Courts Law Review* and as co-chair of the standing Pro Bono Committee of the Maine Justice Action Group. He presented "Preserving & Collecting Evidence in the Digital Age" at the Maine State Bar Association's (MSBA) Annual Meeting and "Discovery Disputes" at its litigation seminar.

Magistrate Judge Nivison served on the District's Criminal Law Committee. He authored a chapter of *The Practical Guide to Evidence in Maine* and served as its co-editor. In April, Judge Nivison spoke at the National Association of Legal Secretaries' annual meeting. He provided training on conducting settlement conferences at the annual MSBA meeting in June and to a group of Maine state judges in October.

***District of Massachusetts***

In January, Judge Burroughs was sworn in as a district judge in Boston, and Judge Robertson and Judge Cabell were sworn in as magistrate judges in Springfield and Boston, respectively.

In January, Magistrate Judge Neiman retired. Magistrate Judge Neiman and Magistrate Judge Collings were recalled to serve in the District's Alternative Dispute Resolution (ADR) program. In June, Judge Woodlock assumed senior status.

On September 1, 2015, Senior Judge Harrington resumed active status as a mediator in the ADR program.

***District of New Hampshire***

Chief Judge Laplante served on the following committees: New Hampshire Supreme Court Access to Justice Commission (co-chair); New Hampshire Bar Association (NHBA) Committee on Cooperation with the Courts; New Hampshire Rules of Evidence Update Committee; and NHBA Kirby Award Committee. He taught statutory interpretation at Boston College (BC) Law School and University of New Hampshire (UNH) School of Law and served as panelist for a number of continuing legal education (CLE) programs, including the NHBA Bench-Bar Conference, the New Hampshire Federal Practice Section CLE, the New Hampshire Association for Justice "Here Come the Judges" program and an NHBA CLE on evidence.

Judge Barbadoro served as FJC faculty on Managing Complex Litigation and the Mid-Career Seminar for Judges. He taught at Dartmouth College's Tuck School of Business, spoke at Harvard Law School and judged BC Law School's moot court and UNH School of Law's oral arguments.

Judge McCafferty is a member of the Charles C. Doe Inns of Court and a New Hampshire Bar Foundation Honorary Fellow. She spoke

at UNH School of Law's "Introduction to the Legal Profession" program and the Federal Bar Association's (FBA) "Pathways to the Bench" seminar.

Judge DiClerico chaired and Judge McAuliffe served as member of the District's Security Committee.

Magistrate Judge Johnstone is a member of the NHBA Cooperation with the Courts Committee. She spoke at the "Pathways to the Bench" seminar and served as a judge for the UNH School of Law oral arguments. She was also a panelist at the Court's CLE on recent federal rule changes.

***District of Puerto Rico***

Chief Judge Delgado-Colón continued to serve on the Committee on Space and Facilities of the Judicial Conference of the United States (JCUS). Judge Gelpí and Judge Besosa continued to serve on the JCUS Committee on Audits and AO Accountability and the Committee on the Administration of the Bankruptcy System, respectively.

Chief Judge Delgado-Colón served as chair of the District's Facilities Security Committee. Judge Cerezo served as chair of the District's Committee on Educational Programs.

District and magistrate judges collaborated in the Interamerican University School of Law's Trial Advocacy Competition and the George Washington University School of Law's Estrella Trial Advocacy Competition.

***District of Rhode Island***

Judge Lisi assumed senior status in October.

***Bankruptcy Court  
for the District of Maine***

In April, Judge Kornreich retired, and Judge Fagone was sworn in as bankruptcy judge.

***Bankruptcy Court  
for the District of Massachusetts***

Judge Hillman retired in August.

Chief Judge Hoffman relocated from the Court's Central Division in Worcester to its Eastern Division in Boston.

Judge Panos was appointed bankruptcy judge in Worcester in September.

Judge Feeney served as co-chair of the M. Ellen Carpenter Financial Literacy Project, a joint Bankruptcy Court/Boston Bar Association (BBA) effort to promote financial literacy among high school students. The program includes a mock meeting of creditors and a hearing on a motion for relief from a stay to repossess an automobile, conducted by bankruptcy judges at the Court. Judge Feeney continued to serve on the board of the American Bankruptcy Institute (ABI) and co-authored the *Bankruptcy Law Manual*.

***Bankruptcy Court  
for the District of New Hampshire***

In February, Judge Deasy was recalled.

Chief Judge Harwood is a member of the Electronic Public Access Working Group.

Chief Judge Harwood and Judge Deasy spoke at ABI's Northeast Bankruptcy Conference. Chief Judge Harwood also spoke at the ABI's Annual Spring Meeting and its Winter Leadership Conference. Judge Deasy spoke at the Massachusetts Continuing Legal Education (MCLE) on bankruptcy.

***Bankruptcy Court  
for the District of Puerto Rico***

Chief Judge Lamoutte is a member of the District's Examination Committee. He attended the ABI Caribbean Insolvency Symposium, the Federal Bar Workshop, the ABI's Northeast Bankruptcy Conference, the FJC's Bankruptcy Judges Workshop, the Administrative Office of the U.S. Courts' (AO) District/Bankruptcy NextGen CM/ECF Forum, the Trial Advocacy Competition, the

Puerto Rico Bankruptcy Bar Workshop, the Interamerican Law School Moot Court Competition and the Colegio de Abogados de Puerto Rico Bankruptcy Workshop.

Judge Tester served as panelist at the ABI's Caribbean Insolvency Symposium and at its Northeast Bankruptcy Conference. He served as Group Leader at the Southern District of Florida Bankruptcy Bar Association and attended the National Workshop for Bankruptcy Judges and the combined District/Bankruptcy CM/ECF Next Gen Forum. Judge Tester participated as a moot court trial judge at the Interamerican University Trial Advocacy Competition.

Judge Cabán spoke at the ABI's Caribbean Insolvency Symposium and its Northeast Conference. She attended the AO's District/Bankruptcy NextGen CM/ECF Forum, FJC's Bankruptcy Judges Workshop, ABI's Winter Leadership Conference and the annual conventions of the National Conference of Bankruptcy Judges (NCBJ) and the Hispanic National Bar Association (HNBA). Judge Cabán was appointed to the Bankruptcy Judges Advisory Group and the FJC Education Committee for Bankruptcy Judges.

Judge Godoy was evaluator for the Interamerican University Trial Advocacy Competition and speaker at the ABI's Northeast Conference, at the Instituto Iberoamericano de Derecho Concursal in Argentina and at a bankruptcy seminar at the Puerto Rico Bar Association. He also attended the FJC's National Workshop for Bankruptcy Judges and its Kern-Medina seminar.

***Bankruptcy Court  
for the District of Rhode Island***

Judge Finkle is a member of the NCBJ and served on its Cost Containment Committee and its Bankruptcy Rules Committee.

**Work of the Courts****Court of Appeals**

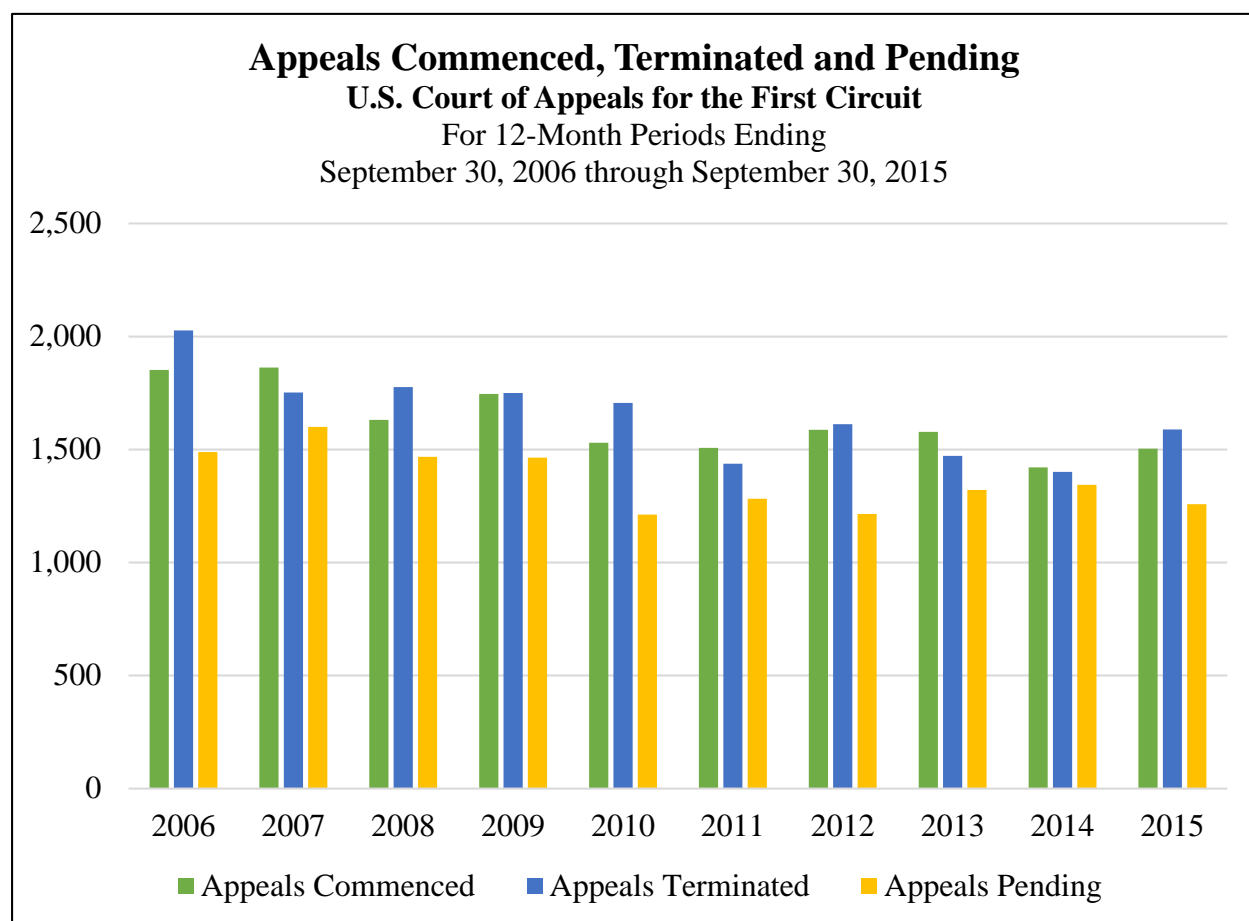
<b>Courts of Appeals Caseload Summary</b> Appeals Commenced, Terminated and Pending, by Circuit For the 12-Month Periods Ending September 30, 2014 and September 30, 2015									
<b>Circuit</b>	<b><u>Commenced</u></b>			<b><u>Terminated</u></b>			<b><u>Pending*</u></b>		
	<b>2014</b>	<b>2015</b>	<b>% Change</b>	<b>2014</b>	<b>2015</b>	<b>% Change</b>	<b>2014</b>	<b>2015</b>	<b>% Change</b>
<b>Total</b>	54,988	52,698	-4.2	55,216	53,213	-3.6	41,323	40,808	-1.2
<b>D.C.</b>	1,003	1,125	12.2	1,069	1,134	6.1	1,403	1,394	-0.6
<b>First</b>	1,421	1,504	5.8	1,401	1,589	13.4	1,343	1,258	-6.3
<b>Second</b>	5,044	4,416	-12.5	4,853	4,942	1.8	3,861	3,335	-13.6
<b>Third</b>	4,029	3,251	-19.3	3,521	3,315	-5.9	2,698	2,634	-2.4
<b>Fourth</b>	4,765	4,662	-2.2	4,872	4,499	-7.7	2,269	2,432	7.2
<b>Fifth</b>	7,886	7,443	-5.6	8,000	7,330	-8.4	4,717	4,830	2.4
<b>Sixth</b>	4,698	4,478	-4.7	4,778	4,654	-2.6	3,321	3,145	-5.3
<b>Seventh</b>	3,016	2,926	-3.0	3,085	2,842	-7.9	1,773	1,857	4.7
<b>Eighth</b>	2,927	2,952	0.9	2,904	2,978	2.5	1,537	1,511	-1.7
<b>Ninth</b>	12,061	11,870	-1.6	12,493	12,048	-3.6	13,886	13,708	-1.3
<b>Tenth</b>	1,986	1,956	-1.5	2,088	1,907	-8.7	1,162	1,211	4.2
<b>Eleventh</b>	6,152	6,115	-0.6	6,152	5,975	-2.9	3,353	3,493	4.2

\*Pending caseloads for 2014 as revised by the AO.

<b>Source of Appeals and Original Proceedings</b> <b>U.S. Court of Appeals for the First Circuit</b> For the 12-Month Periods Ending September 30, 2008 through September 30, 2015								
<b>Source</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>First Circuit Totals</b>	1,631	1,746	1,530	1,507	1,587	1,578	1,421	1,504
<b>Maine</b>	126	136	97	125	140	118	113	206
<b>Massachusetts</b>	582	614	509	518	516	497	418	506
<b>New Hampshire</b>	125	104	103	90	86	95	74	74
<b>Puerto Rico</b>	417	477	497	409	431	501	425	399
<b>Rhode Island</b>	103	104	73	91	98	89	94	61
<b>Bankruptcy</b>	31	53	37	29	27	35	29	34
<b>U.S. Tax Court</b>	3	7	8	6	5	4	4	3
<b>National Labor Relations Board</b>	4	4	7	5	10	4	5	11
<b>Administrative Agencies (Total)</b>	191	190	158	171	216	165	161	139
<b>Original Proceedings</b>	56	68	56	74	73	78	107	85

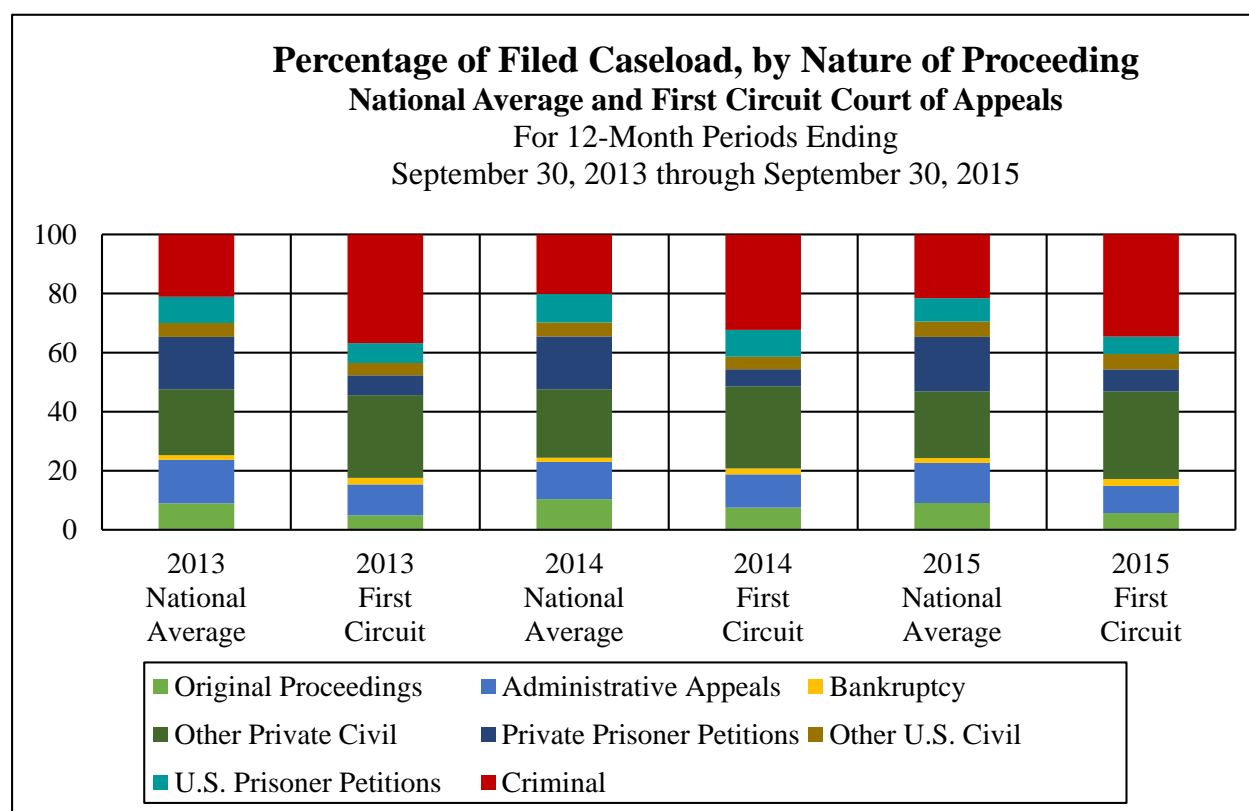
NOTE: Totals include reopened, remanded and reinstated appeals, as well as original appeals.





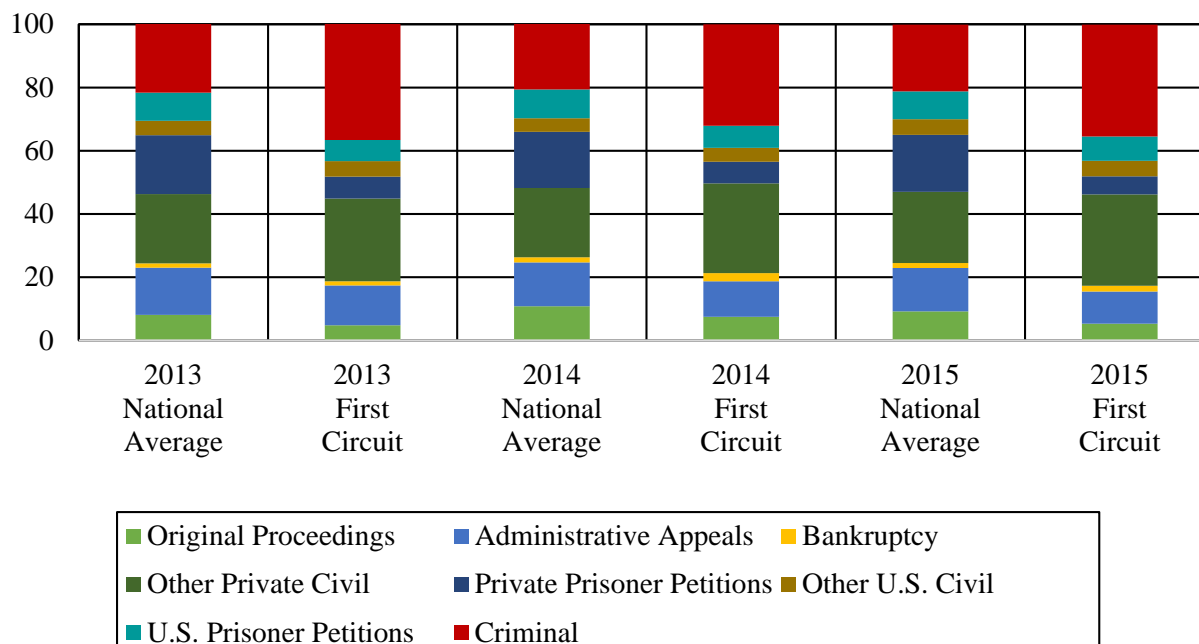
<b>Appeals Commenced, Terminated and Pending</b> <b>U.S. Court of Appeals for the First Circuit</b> For 12-Month Periods Ending September 30, 2006 through September 30, 2015										
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Appeals Commenced	1,852	1,863	1,631	1,746	1,530	1,507	1,587	1,578	1,421	1,504
Appeals Terminated	2,027	1,752	1,776	1,750	1,706	1,437	1,612	1,472	1,401	1,589
Appeals Pending*	1,489	1,600	1,464	1,466	1,212	1,282	1,225	1,321	1,343	1,258

\*Pending caseloads for 2008, 2009 and 2012 as revised by the AO.

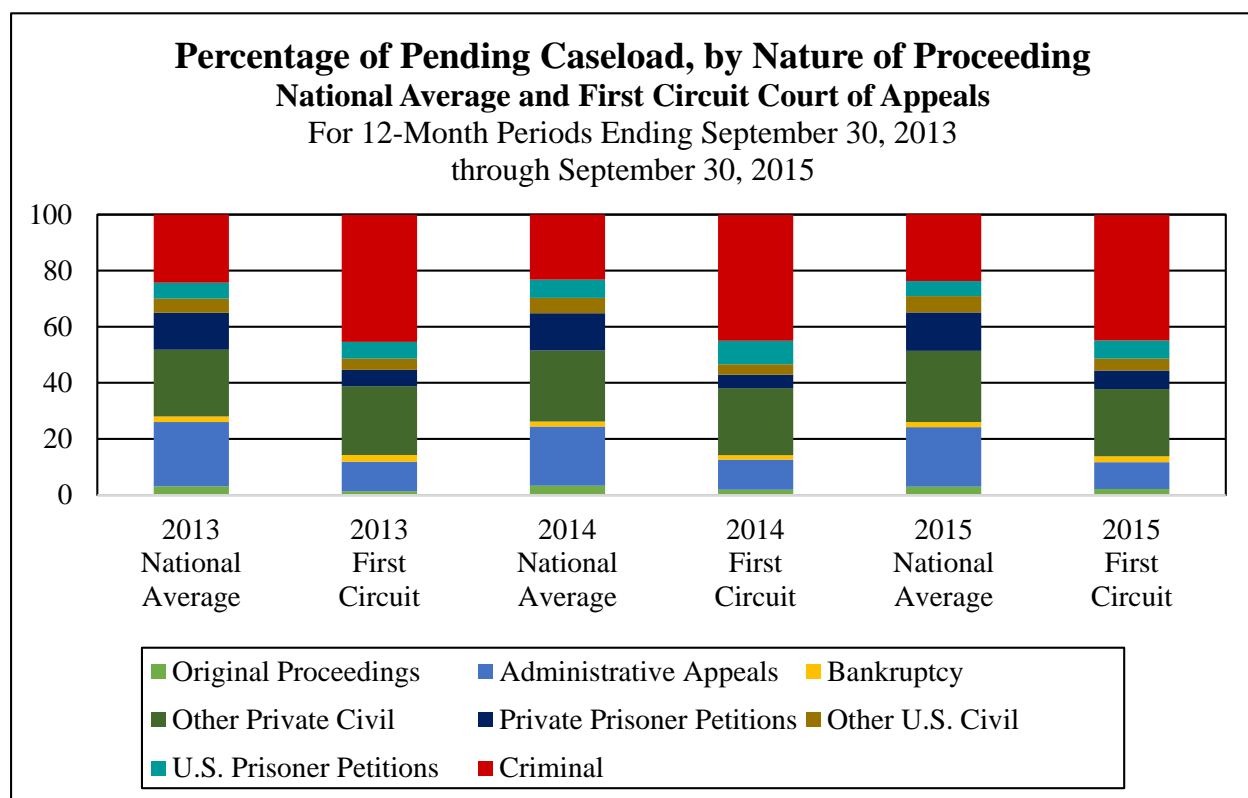


<b>Percentage of Filed Caseload, by Nature of Proceeding</b> <b>National Average and First Circuit Court of Appeals</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2015						
	2013		2014		2015	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
<b>Criminal</b>	21.1	36.8	20.0	32.2	21.6	34.7
<b>U.S. Prisoner Petitions</b>	8.9	6.7	9.7	9.1	7.9	5.9
<b>Other U.S. Civil</b>	4.7	4.2	4.7	4.2	5.2	5.2
<b>Private Prisoner Petitions</b>	17.7	6.7	17.9	5.8	18.4	7.4
<b>Other Private Civil</b>	22.3	28.0	23.2	27.8	22.6	29.7
<b>Bankruptcy</b>	1.6	2.2	1.4	2.0	1.6	2.3
<b>Administrative Appeals</b>	14.7	10.5	12.6	11.3	13.6	9.2
<b>Original Proceedings</b>	9.0	4.9	10.4	7.5	9.1	5.7

**Percentage of Terminated Caseload, by Nature of Proceeding**  
**National Average and First Circuit Court of Appeals**  
 For 12-Month Periods Ending September 30, 2013  
 through September 30, 2015



<b>Percentage of Terminated Caseload, by Nature of Proceeding</b> <b>National Average and First Circuit Court of Appeals</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2015						
	<b>2013</b>		<b>2014</b>		<b>2015</b>	
	<b>National Average</b>	<b>First Circuit</b>	<b>National Average</b>	<b>First Circuit</b>	<b>National Average</b>	<b>First Circuit</b>
<b>Criminal</b>	21.8	36.7	20.7	32.1	21.1	35.4
<b>U.S. Prisoner Petitions</b>	8.9	6.7	9.1	7.0	8.8	7.7
<b>Other U.S. Civil</b>	4.6	4.9	4.3	4.4	5.0	4.9
<b>Private Prisoner Petitions</b>	18.6	6.9	17.8	6.8	18.0	5.7
<b>Other Private Civil</b>	21.9	26.2	21.9	28.4	22.5	28.9
<b>Bankruptcy</b>	1.4	1.3	1.6	2.6	1.6	1.8
<b>Administrative Appeals</b>	14.9	12.6	13.9	11.2	13.7	10.2
<b>Original Proceedings</b>	8.1	4.8	10.8	7.5	9.2	5.3



<b>Percentage of Pending Caseload*, by Nature of Proceeding</b> <b>National Average and First Circuit Court of Appeals</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2015						
	<b>2013</b>		<b>2014</b>		<b>2015</b>	
	<b>National Average</b>	<b>First Circuit</b>	<b>National Average</b>	<b>First Circuit</b>	<b>National Average</b>	<b>First Circuit</b>
<b>Criminal</b>	24.1	45.0	23.1	45.0	23.8	44.8
<b>U.S. Prisoner Petitions</b>	5.7	6.2	6.5	8.6	5.4	6.5
<b>Other U.S. Civil</b>	4.9	3.9	5.6	3.9	5.8	4.2
<b>Private Prisoner Petitions</b>	13.1	5.8	13.2	4.6	13.7	6.6
<b>Other Private Civil</b>	23.6	24.5	25.3	23.5	25.4	24.0
<b>Bankruptcy</b>	2.0	2.3	1.8	1.6	1.8	2.1
<b>Administrative Appeals</b>	22.8	10.6	21.3	10.7	21.2	9.6
<b>Original Proceedings</b>	3.9	1.8	3.2	1.9	3.0	2.1

\*Pending caseloads for 2013 and 2014 as revised by the AO.

<b>U.S. Courts of Appeals</b> <b>Median Time Intervals in Months, by Circuit,</b> <b>For Cases Terminated After Hearing or Submission</b> For 12-Month Period Ending September 30, 2015 (From Filing of Notice of Appeals to Final Disposition)		
<b>Circuit</b>	<b># of Cases</b>	<b>Interval</b>
<b>National Average</b>	31,622	8.5
<b>D.C.</b>	511	13.8
<b>First</b>	914	13.0
<b>Second</b>	2,628	10.2
<b>Third</b>	2,118	8.4
<b>Fourth</b>	3,194	5.3
<b>Fifth</b>	4,045	9.4
<b>Sixth</b>	3,147	8.6
<b>Seventh</b>	1,588	7.2
<b>Eighth</b>	2,276	5.3
<b>Ninth</b>	6,551	14.1
<b>Tenth</b>	1,267	7.8
<b>Eleventh</b>	3,383	7.4

<b>Percentage of Terminations on the Merits</b> <b>National Average and First Circuit Court of Appeals</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015						
		<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>After Oral Hearing</b>	<b>1st Cir.</b>	34.1%	28.7%	26.0%	26.3%	29.1%
	<b>Nat'l</b>	25.1%	18.8%	18.3%	18.0%	19.0%
<b>After Submission</b>	<b>1st Cir.</b>	65.9%	63.7%	67.9%	66.0%	62.9%
	<b>Nat'l</b>	74.9%	74.0%	75.1%	74.5%	73.4%
<b>Disposed of by Consolidation</b>	<b>1st Cir.</b>	--	7.6%	6.1%	7.6%	8.0%
	<b>Nat'l</b>	--	7.2%	6.7%	7.4%	7.7%

### *Clerk's Office*

In January and February, the Clerk's Office continued operations with few interruptions during one of the most difficult winters in Boston's history. The Clerk's Office staff handled emergency and other matters remotely and rescheduled oral arguments. The Office kept the Intake Desk open to the public except on the most extreme days.

In March, there was a First Circuit Judicial Conference in Boston.

In June, the Clerk's Office and the Circuit Executive's Office hosted an AO eVoucher forum for the First Circuit Court of Appeals and the district courts to discuss implementation of an electronic system for Criminal Justice Act (CJA) vouchers.

In September, there was a unit executive meeting in Boston, attended by unit executives within the Circuit.

In October, the Court of Appeals held a sitting at the Roger Williams Law School. The Court also hosted a sitting of the Federal Circuit Court of Appeals at the Moakley Courthouse.

In fiscal year (FY) 2015, the Court of Appeals reported 1,504 filings, a 5.8% increase from the 1,421 filings in FY 2014. The Court reported an increase of 13.4% in case terminations, from 1,401 in FY 2014 to 1,589 in FY 2015. As for pending cases, there was a 6.3% decrease from 1,343 at the beginning of FY 2015, to 1,258 at the end of FY 2015. *See supra*, at 11.

For this same time period, Massachusetts (506) and Puerto Rico (399) represented the largest sources of appeals. The number of appeals from Maine, New Hampshire and Rhode Island were 206, 74 and 61, respectively. There were 139 appeals from administrative agencies, most of which were

from the Board of Immigration Appeals (113). The remaining cases were bankruptcy appeals (34) and original proceedings/miscellaneous applications (85). *See supra*, at 12.

In FY 2015, civil cases, including prisoner petitions, represented 48% of the appeals commenced in the Circuit; criminal appeals represented 35%. The remaining 17% consisted of agency appeals, bankruptcy appeals, original proceedings and miscellaneous applications. *See supra*, at 14. The median time interval in months for merit terminations of appeals was 13.0 months in FY 2015. *See id.* at 17.

### *Office of the Staff Attorneys*

The Office of the Staff Attorneys does research for the Court's judges. In 2015, the Office consisted of one (1) senior staff attorney, one (1) supervisory staff attorney, 15.5 to 18.5 staff attorneys (the fluctuation in numbers is due to temporary staff during the summer) and one (1) support staff.

The following numbers of matters were referred to the Staff Attorneys' Office for processing in 2015 (167 more than 2014):

January	127
February	180
March	144
April	145
May	199
June	233
July	191
August	169
September	180
October	194
November	211
December	233
<b>Total</b>	<b>2,206</b>

In addition, there were 116 pro se or social security submitted cases (three (3) fewer than in 2014) and 48 sua sponte summary dispositions assigned in counseled, briefed cases (44 fewer than in 2014).

The types of matters referred to the Office for research included applications for certificate of appealability, applications for leave to file second or successive habeas petitions, motions for summary affirmance or dismissal, mandamus petitions, *Anders* briefs, motions for stay or bail, § 1292(b) petitions and applications to file interlocutory appeals.

### ***Civil Appeals Management Program***

The First Circuit's Civil Appeals Management Program (CAMP) is governed by Local Rule 33.0. After a notice of appeal is filed in the Clerk's Office, the Court notifies the appellant of the program. The Clerk also notifies settlement counsel of all civil appeals considered eligible for the program.

Pursuant to the Local Rule, settlement counsel may direct counsel to attend a conference to consider settlement, the simplification of issues, and any other matters that may facilitate disposition of the proceeding. The Rule applies to civil appeals, except habeas corpus, prisoner petitions, pro se cases, National Labor Relations Board appeals, enforcement petitions and original proceedings. Generally, settlement counsel require pre-argument conferences in eligible cases, unless the settlement counsel determines that there is no reasonable likelihood of settlement.

Appellants are required to submit electronic copies of the orders, memoranda or opinions from which the appeal has been taken. If the parties choose, they may also file a confidential memorandum containing, *inter alia*, the history of settlement negotiations, the major points of error on appeal, factors which

may affect a party's chances of prevailing upon appeal and the terms and conditions upon which the case may reasonably be settled.

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

Conferences can last from a few hours to a full day or more. In special circumstances, a conference may be conducted by telephone but in-person conferences, which are much more likely to produce positive results, are preferred. After the initial conference, settlement counsel may conduct follow-up conferences, by telephone or in person.

When the process is complete, a report is filed with the Clerk's Office indicating whether the case settled. The substance of any conference discussions or other information is confidential.

Honorable Patrick J. King (ret.) mediates cases appealed from the Districts of Massachusetts, Rhode Island, Maine and New Hampshire. Honorable Charles A. Cordero (ret.) mediates cases appealed from the District of Puerto Rico.

In FY 2015, of the 338 cases that were opened, one or more conferences were held in 172 cases, which produced 70 settlements (approximately 41% of mediated cases).

### ***Library***

The First Circuit Library continued to serve the judges and staff of the Court of Appeals and the district and bankruptcy courts in Maine, New Hampshire, Massachusetts, Rhode Island and Puerto Rico.

There are four (4) libraries in the system: the Headquarters Library in the Moakley Courthouse, and satellite libraries in the federal courts in Concord, New Hampshire;

Providence, Rhode Island; and Hato Rey, Puerto Rico. Librarians in Boston provided service to chambers and court staff in Portland and Bangor, Maine, as well as to chambers and court staff in Springfield and Worcester, Massachusetts. The Satellite Librarian in Concord provided service to the bankruptcy court in Manchester, New Hampshire. The staff of the Hato Rey Library provided service to chambers and court staff in Old San Juan, Puerto Rico.

*Personnel:* In FY 2015, one (1) library technician in the Boston Library and one (1) satellite librarian in Concord, NH left their positions. Both vacancies were filled.

In addition to providing reference and research services and maintenance of print collections, staff of the Headquarters Library in Boston are responsible for all budget and financial operations of the system. On-board staff at the end of FY 2015, including the Circuit Librarian, was 11.8 and was distributed as follows: 7.8 in Boston; two (2) in Hato Rey; and one (1) each in Concord and Providence.

*Space Reduction:* The First Circuit Judicial Council's study of the First Circuit Libraries (space, law books and staffing), mandated by the JCUS, was completed in spring 2014. The Council decided that space in the Providence Satellite Library and the Boston Headquarters Library would be reduced. The Providence space-reduction project was completed in March 2015. The Boston Library space reduction is expected to be completed by September 2016.

*Legal Research Funds:* The law book allotment in FY 2015 was slightly higher than in FY 2014, but 24% lower than in FY 2011. The need for cancellations, less expensive alternatives and more efficient access using electronic resources continued. In FY 2015,

the Library added Circuit-wide access to two (2) new electronic databases, ProQuest Legislative Insight (compiled legislative histories) and Bloomberg Law.

*Projects/Events of Note:* Westlaw Classic was phased out in 2015, and the Library staff facilitated training for judges and staff on WestlawNext, the new platform.

In order to ensure internet sources cited in Court of Appeals opinions remain active and to address "link rot" (disappearance of web pages), the Concord Satellite Librarian completed and updated the Circuit's archival database of internet sources.

In preparation for its space reduction, the Boston Library's microform collection was reduced by about 50%. The titles disposed of are available through government websites or through Westlaw, Lexis/Nexis or HeinOnline.

The Satellite Librarians in Hato Rey and Providence assisted judges and clerks with ongoing historical projects.

Two (2) staff members attended the American Association of Law Libraries Annual Meeting held in July.

*Statistics:* In FY 2015, staff responded to nearly 4,800 reference questions. The Library circulated almost 2,000 print materials and submitted 163 requests for translations of decisions from the Puerto Rico Supreme Court and Puerto Rico Court of Appeals. The Library staff also distributed news and opinion summaries, including *Today's News* (230 recipients), *Today's U.S. Supreme Court* (230), *Daily Opinion Summaries of U.S. First Circuit Court of Appeals* (Findlaw) (160/638 via DCNH service), *U.S. Supreme Court Opinions Summaries* (Findlaw) (120), *Weekly Watch* (210) and *First Circuit Sentencing Guide* (175).



***Bankruptcy Appellate Panel***

The BAP, which employs a clerk, two (2) staff attorneys and a part-time case manager, is located at the John W. McCormack Post Office and Courthouse. The BAP generally conducts oral arguments in Boston, Massachusetts and typically travels to San Juan, Puerto Rico once a year, depending upon the caseload. In 2015, the BAP began working with the Office of the Circuit Executive on a planned move to the Moakley Courthouse.

In January, BAP members coached the Duberstein Moot Court Competition. In the spring, BAP members volunteered with the M. Ellen Carpenter Financial Literacy Program of the BBA and taught classes in

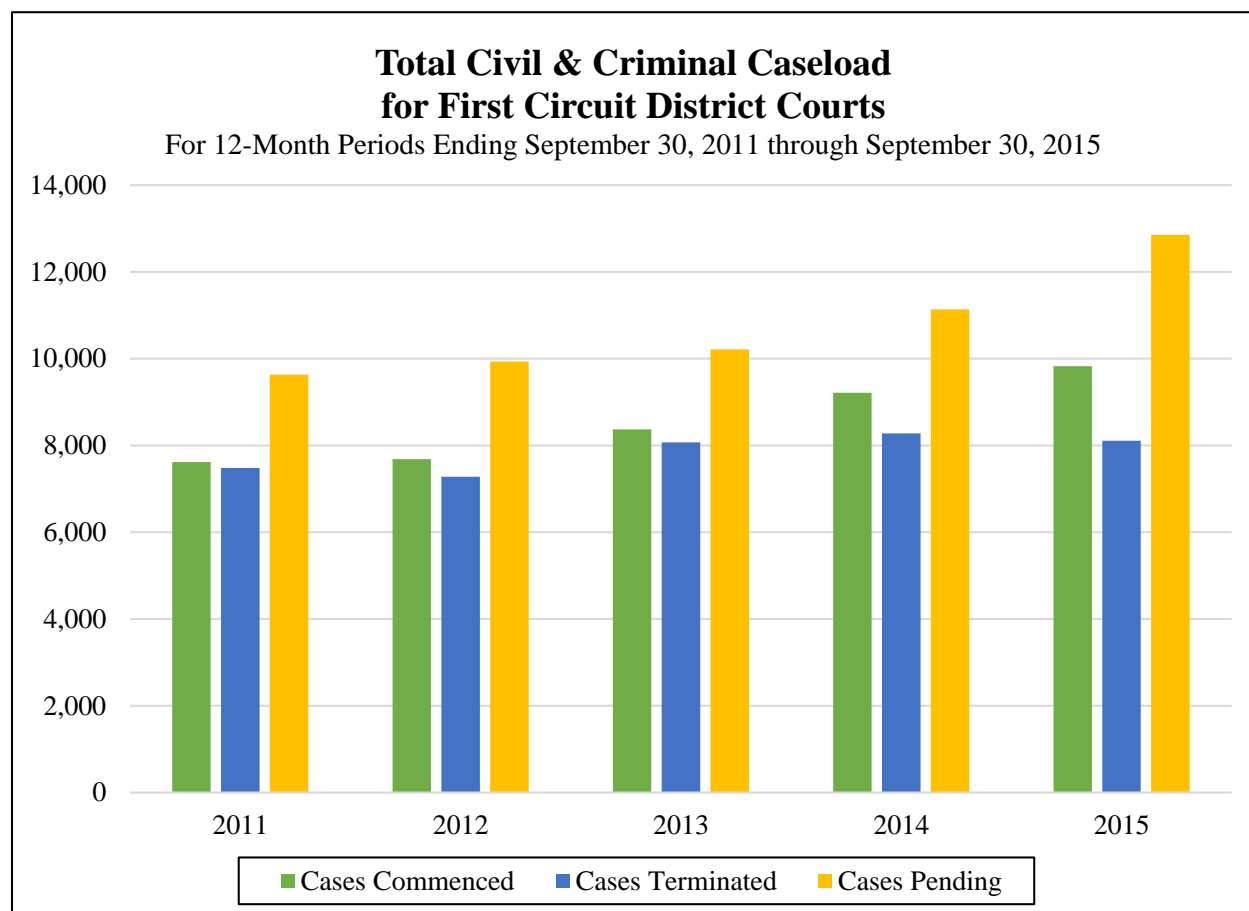
financial literacy at area high schools. BAP members also volunteered to serve on the Bankruptcy Court for the District of Massachusetts' Diversity Initiative Task Force and assisted with law clerk training at the Bankruptcy Court (D. Mass.) and U.S. District Court (D. Mass.). In November, Chief Judge Feeney and the Clerk conducted a bankruptcy appeals training for lawyers in conjunction with the FBA.

For the 12-month period ending September 30, 2015, the BAP experienced a 6.7% decrease in filings. For that same period, the BAP received approximately 55% of the appeals from the bankruptcy courts within the Circuit.

<b>U.S. Bankruptcy Appellate Panels</b> <b>Cases Commenced, Terminated and Pending, by Circuit</b> During the 12-Month Periods Ending September 30, 2014 and September 30, 2015									
	<b><u>Filed</u></b>			<b><u>Terminated</u></b>			<b><u>Pending*</u></b>		
	<b>2014</b>	<b>2015</b>	<b>% Change</b>	<b>2014</b>	<b>2015</b>	<b>% Change</b>	<b>2014</b>	<b>2015</b>	<b>% Change</b>
First Circuit	75	70	-6.7	76	74	-2.6	29	25	-13.8
Sixth Circuit	61	52	-14.8	60	49	-18.3	29	32	10.3
Eighth Circuit	52	48	-7.7	57	50	-12.3	18	16	-11.1
Ninth Circuit	627	460	-26.6	639	512	-19.9	283	231	-18.4
Tenth Circuit	83	66	-20.5	107	67	-37.4	25	24	-4.0
Total	898	696	-22.5	939	752	-19.9	384	328	-14.6

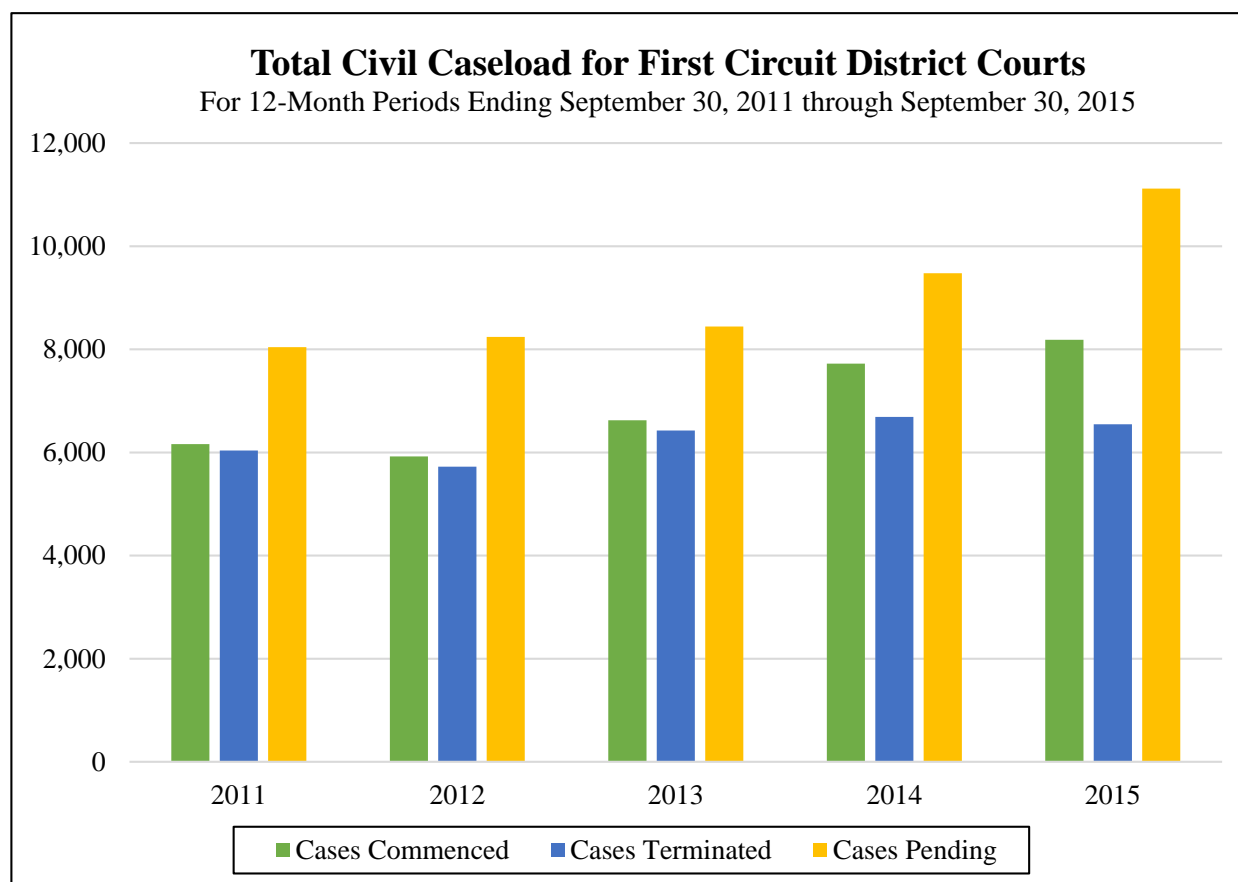
\* Pending caseloads for 2014 as revised by the AO.

### **Statistical Report for District Courts in the First Circuit**



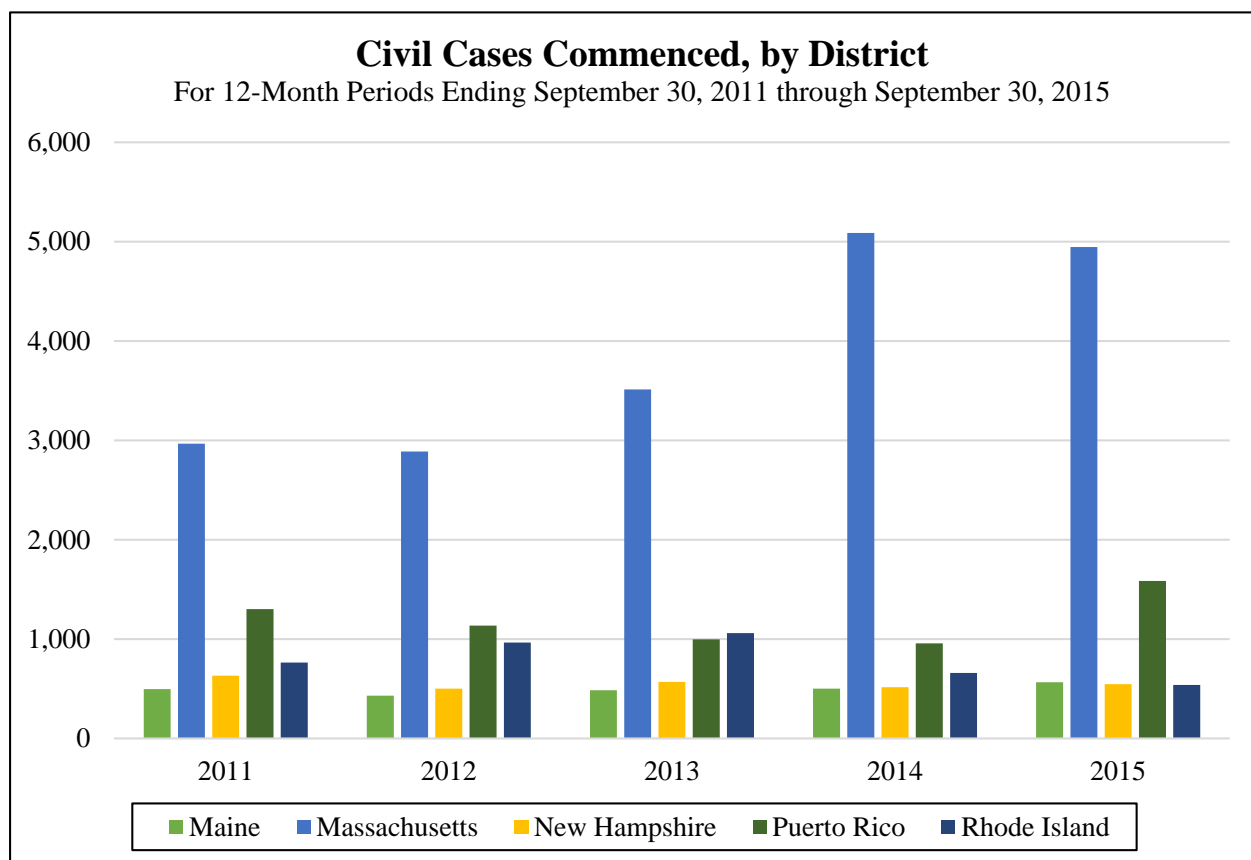
<b>Total Civil &amp; Criminal Caseload for First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	7,619	7,683	8,369	9,214	9,825
<b>Cases Terminated</b>	7,482	7,277	8,072	8,279	8,109
<b>Cases Pending*</b>	9,630	9,932	10,212	11,135	12,855

\*Pending caseloads for 2011, 2012, 2013 and 2014 as revised by the AO.

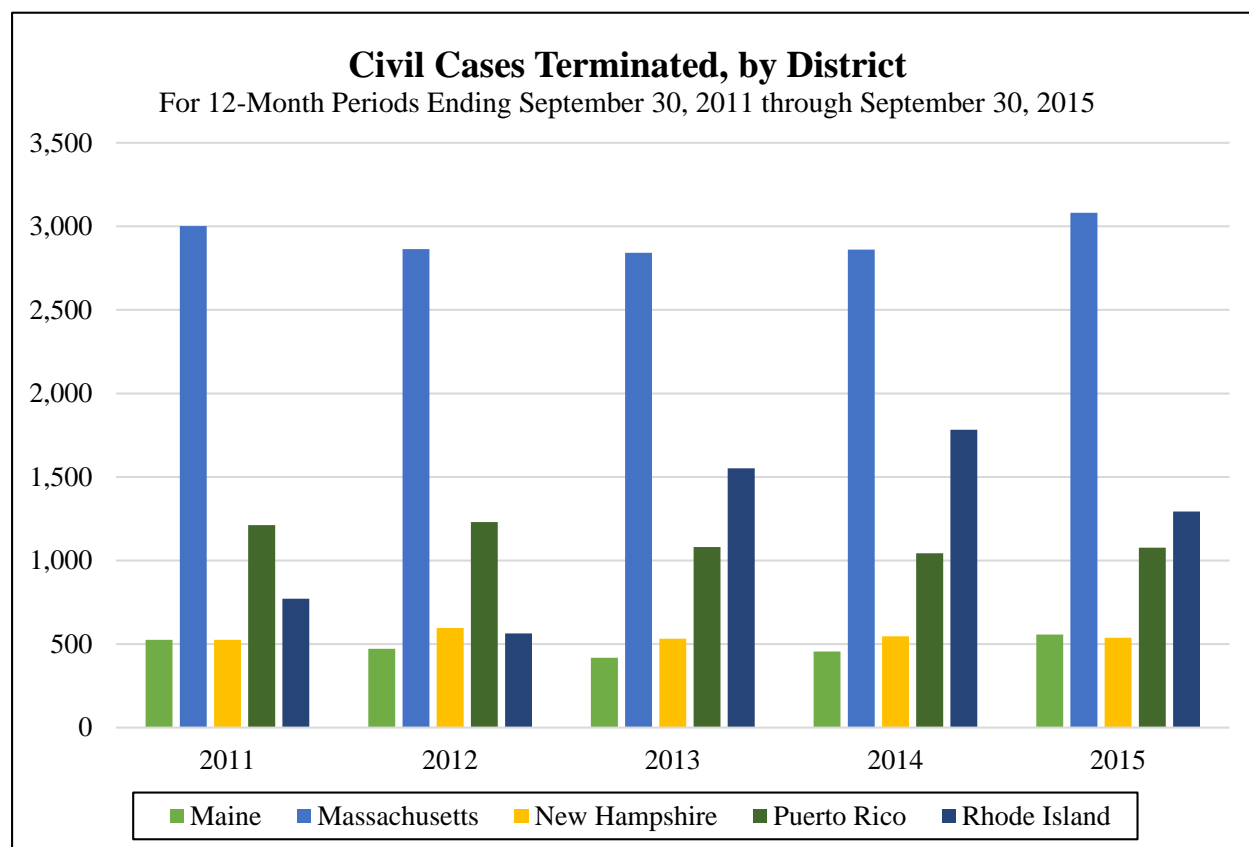


<b>Total Civil Caseload for First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	6,162	5,922	6,624	7,723	8,184
<b>Cases Terminated</b>	6,038	5,726	6,425	6,691	6,546
<b>Cases Pending*</b>	8,044	8,241	8,443	9,479	11,117

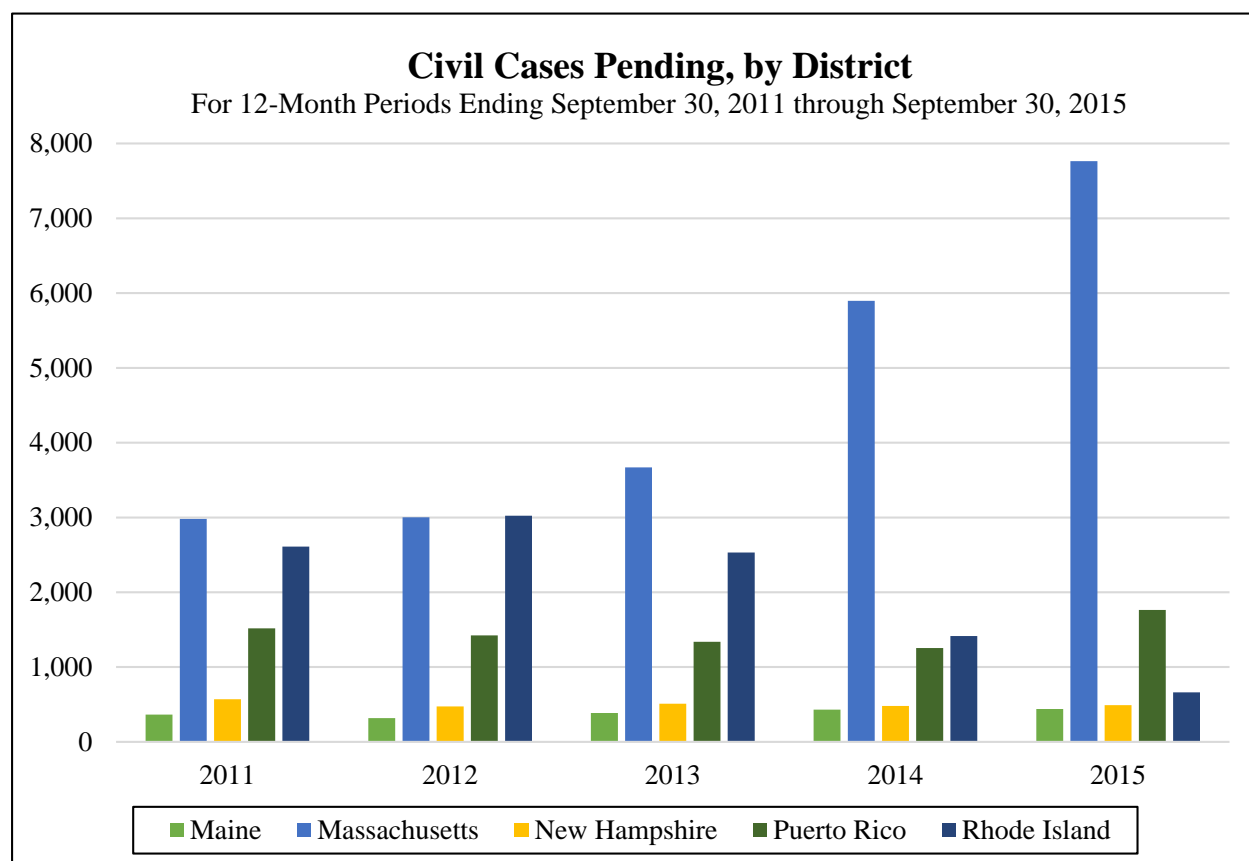
\*Pending caseloads for 2011, 2012, 2013 and 2014 as revised by the AO.



<b>Civil Cases Commenced, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	496	431	485	501	566
Massachusetts	2,968	2,888	3,513	5,088	4,947
New Hampshire	632	501	569	516	547
Puerto Rico	1,302	1,136	997	958	1,585
Rhode Island	764	966	1,060	660	539

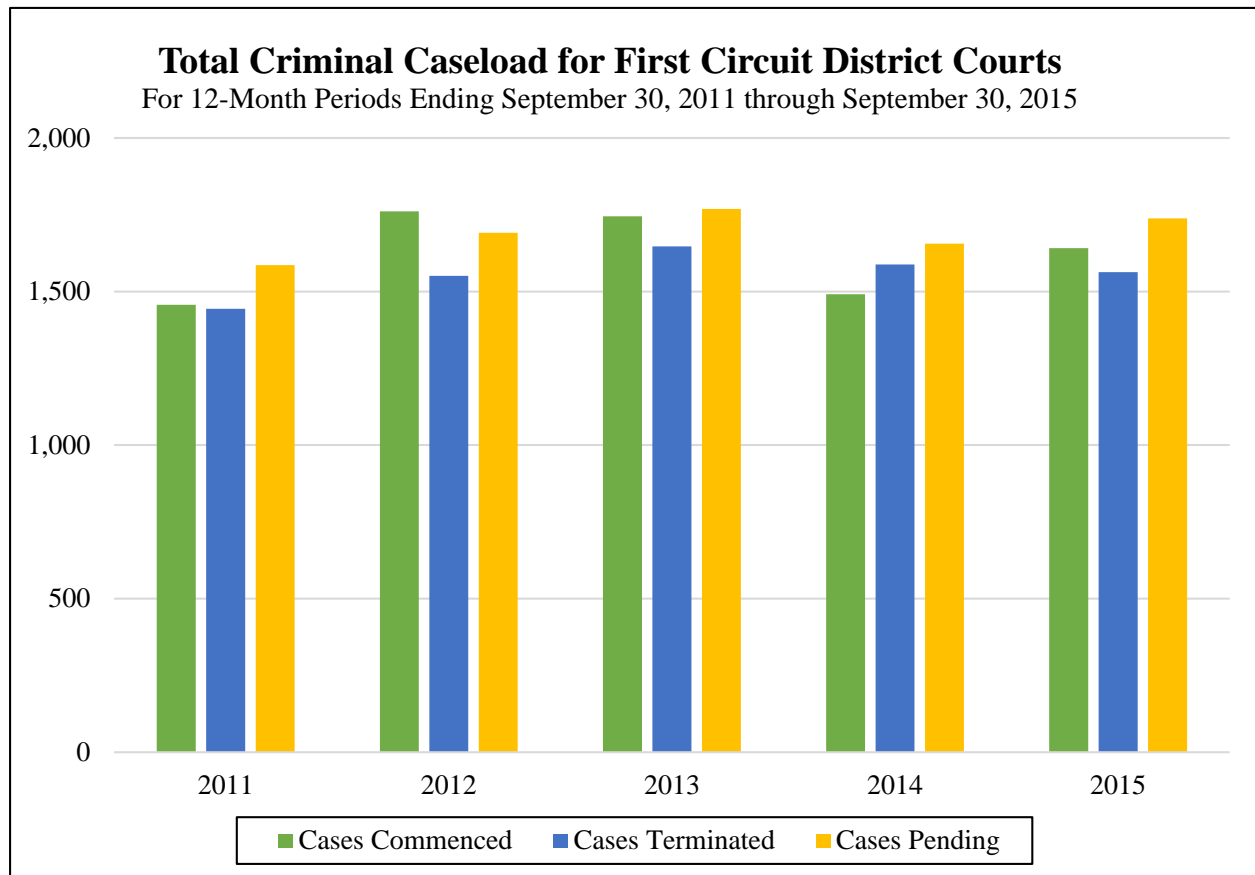


<b>Civil Cases Terminated, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	526	472	418	456	557
Massachusetts	3,002	2,864	2,842	2,861	3,081
New Hampshire	526	596	532	547	538
Puerto Rico	1,212	1,230	1,081	1,044	1,077
Rhode Island	772	564	1,552	1,783	1,293

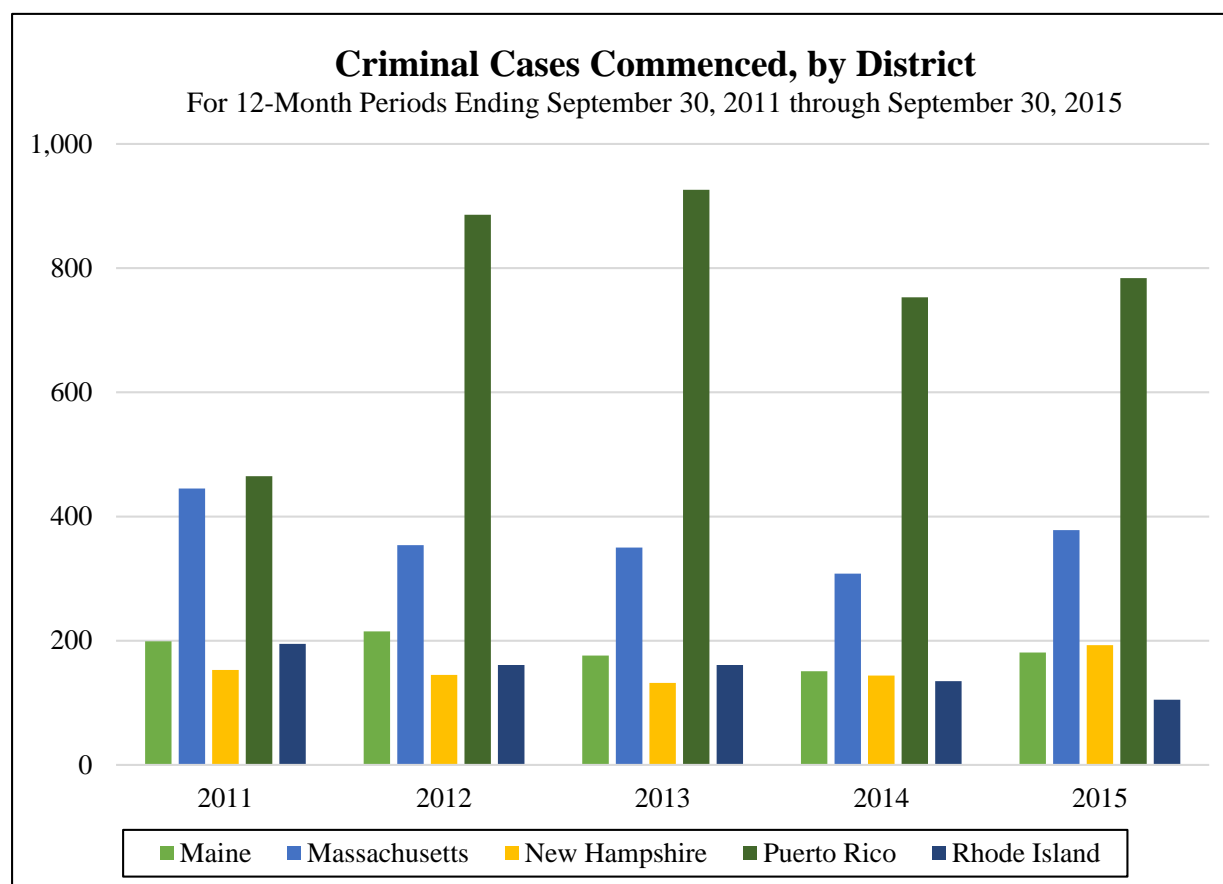


<b>Civil Cases Pending*, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	365	318	385	430	439
Massachusetts	2,981	3,002	3,669	5,898	7,764
New Hampshire	569	474	511	481	490
Puerto Rico	1,518	1,423	1,341	1,255	1,763
Rhode Island	2,611	3,024	2,537	1,415	661

\*Pending caseloads for 2011, 2012, 2013 and 2014 as revised by the AO.

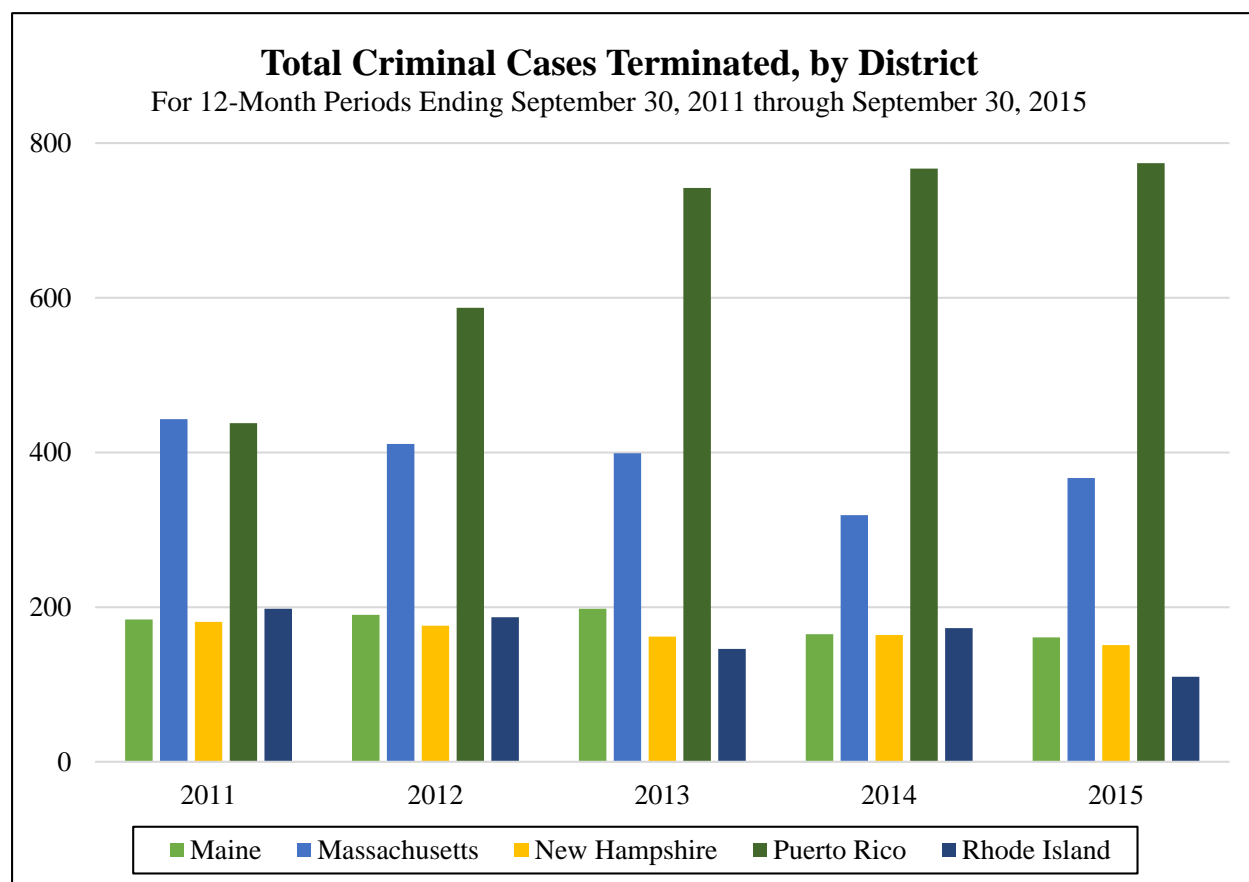


<b>Total Criminal Caseload for First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	1,457	1,761	1,745	1,491	1,641
<b>Cases Terminated</b>	1,444	1,551	1,647	1,588	1,563
<b>Cases Pending</b>	1,586	1,691	1,769	1,656	1,738

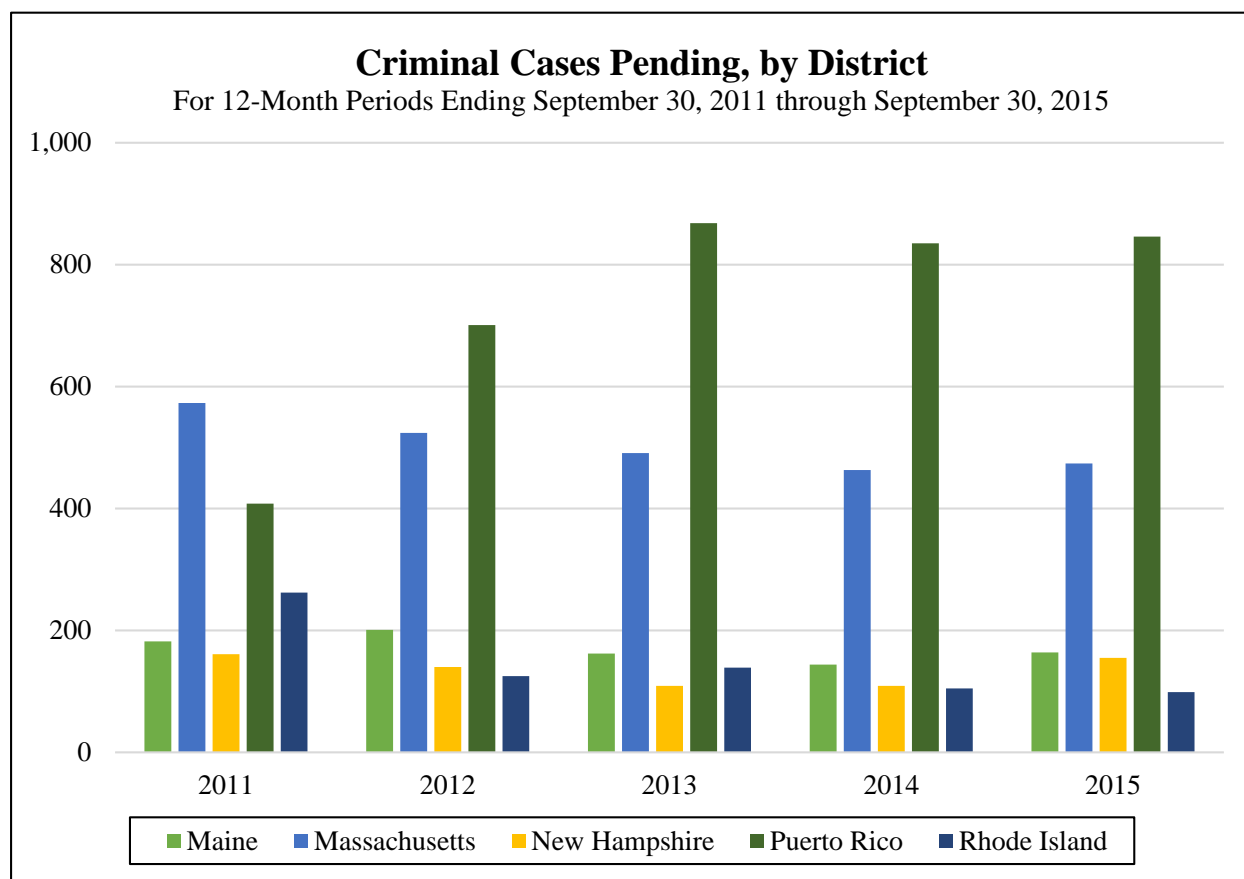


<b>Criminal Cases Commenced, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	199	215	176	151	181
Massachusetts	445	354	350	308	378
New Hampshire	153	145	132	144	193
Puerto Rico	465	886	926	753	784
Rhode Island	195	161	161	135	105

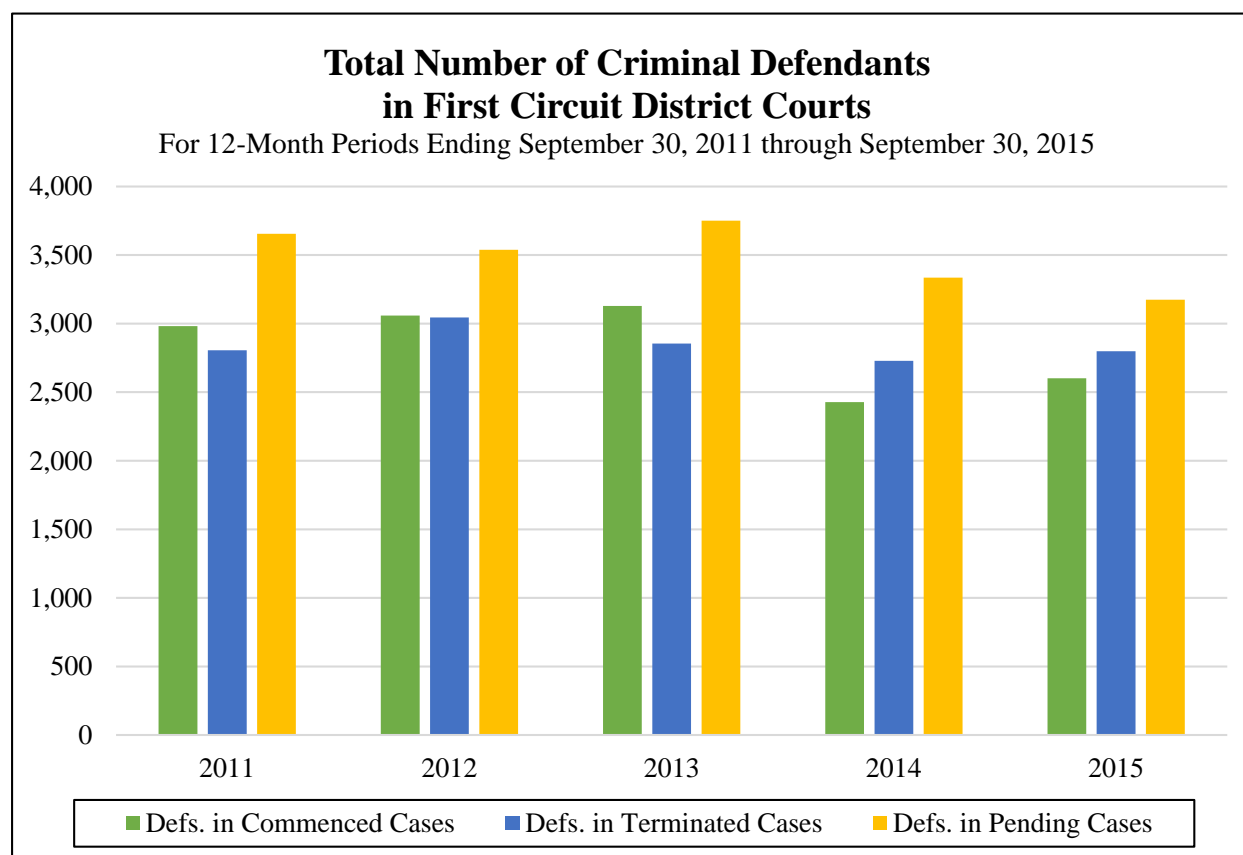




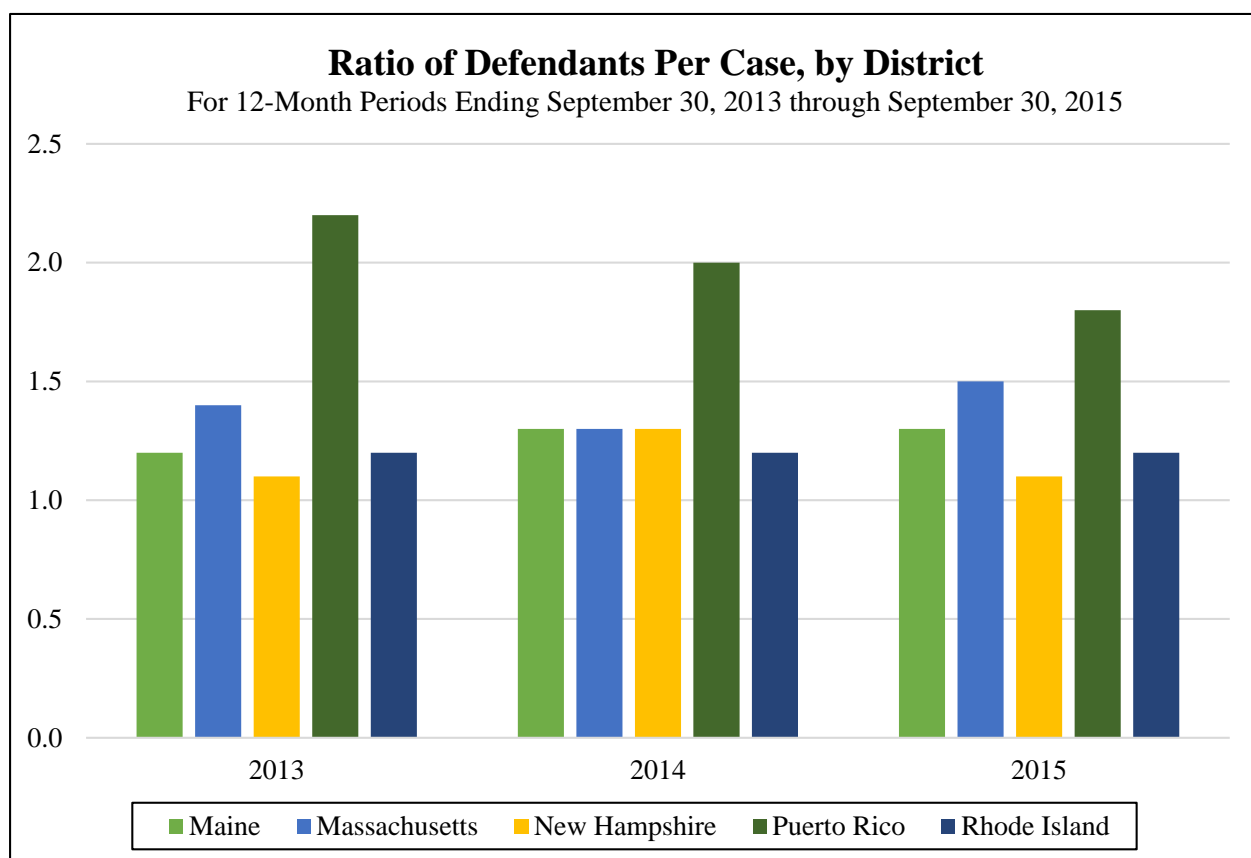
<b>Criminal Cases Terminated, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	184	190	198	165	161
Massachusetts	443	411	399	319	367
New Hampshire	181	176	162	164	151
Puerto Rico	438	587	742	767	774
Rhode Island	198	187	146	173	110



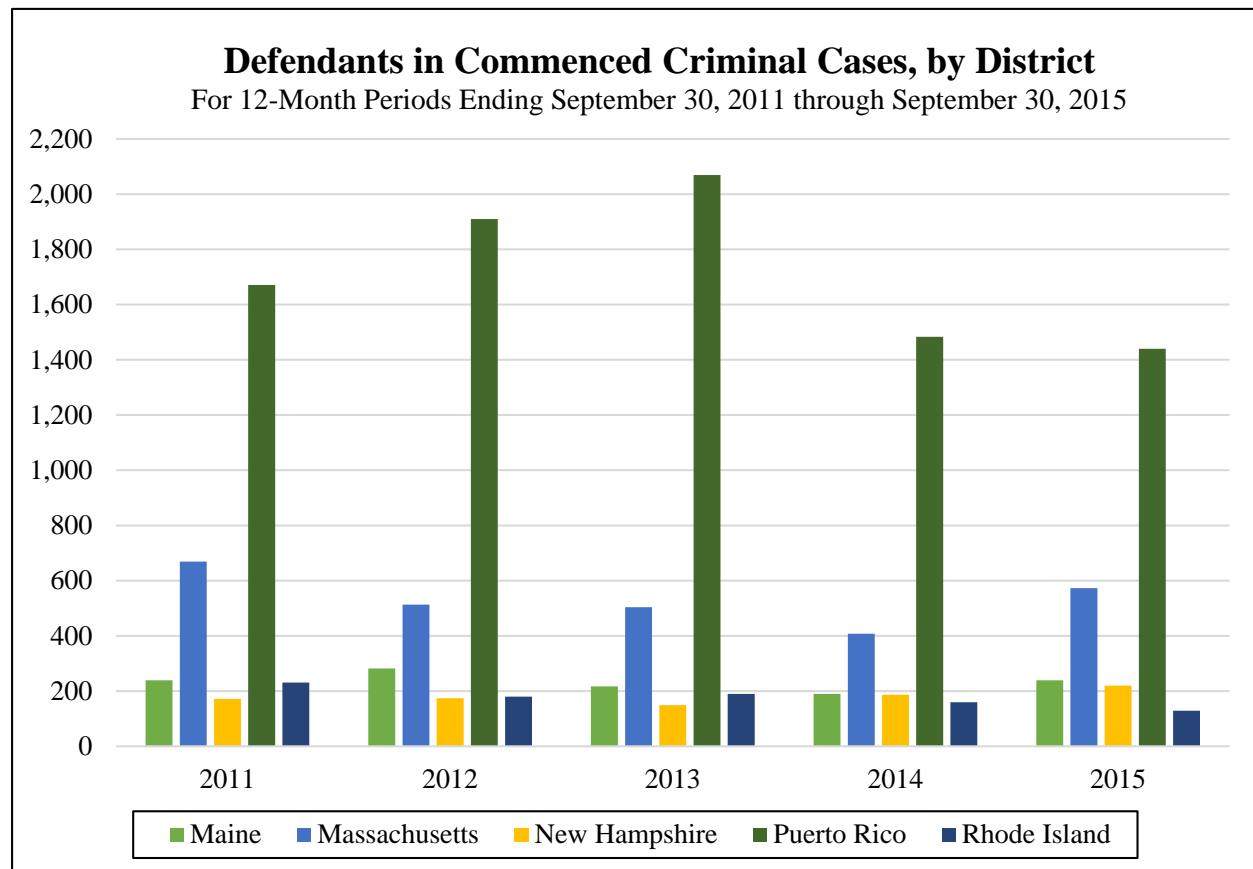
<b>Criminal Cases Pending, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	182	201	162	144	164
Massachusetts	573	524	491	463	474
New Hampshire	161	140	109	109	155
Puerto Rico	408	701	868	835	846
Rhode Island	262	125	139	105	99



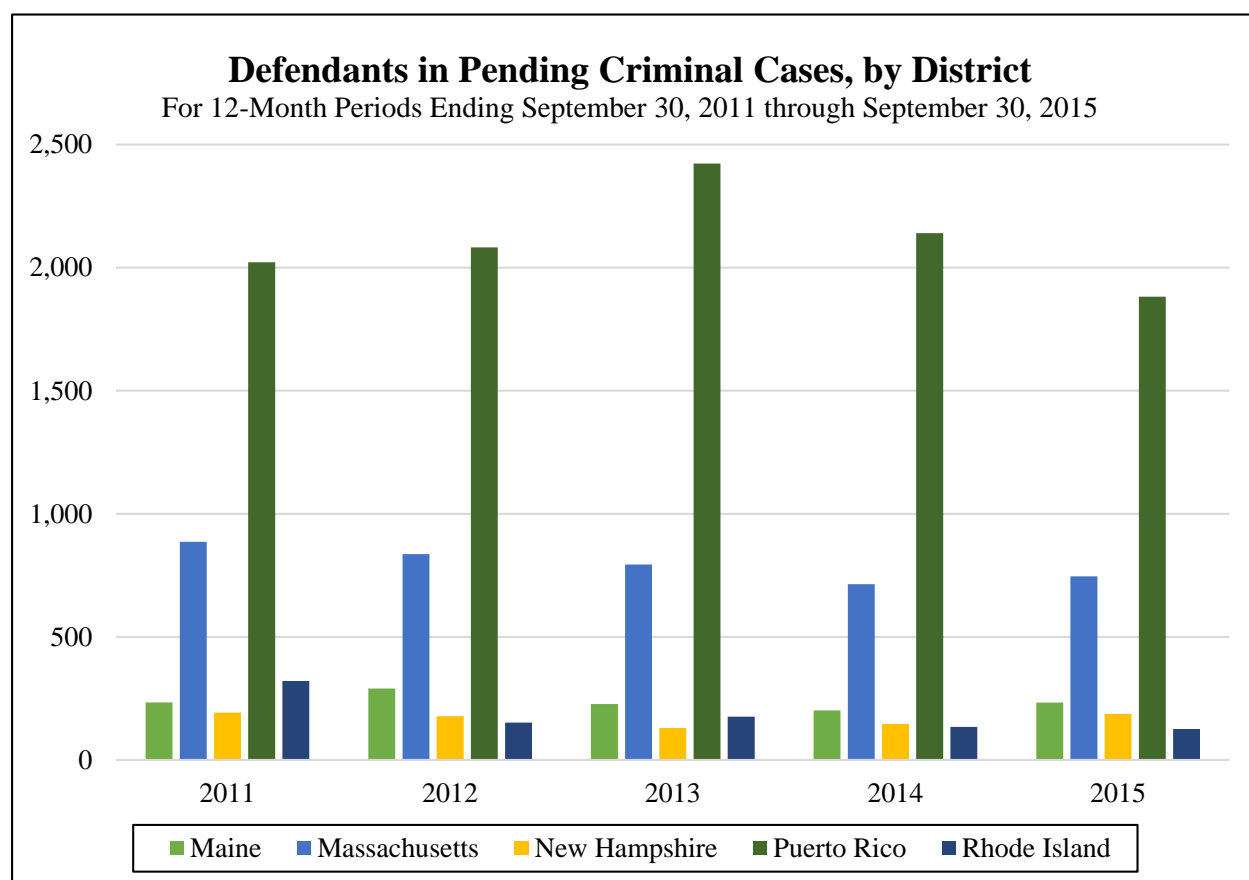
<b>Total Number of Criminal Defendants in First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>No. of Defendants Commenced Criminal Cases</b>	2,982	3,059	3,129	2,428	2,601
<b>No. of Defendants Terminated Criminal Cases</b>	2,806	3,045	2,855	2,795	2,799
<b>No. of Defendants Pending Criminal Cases</b>	3,655	3,538	3,750	3,335	3,174



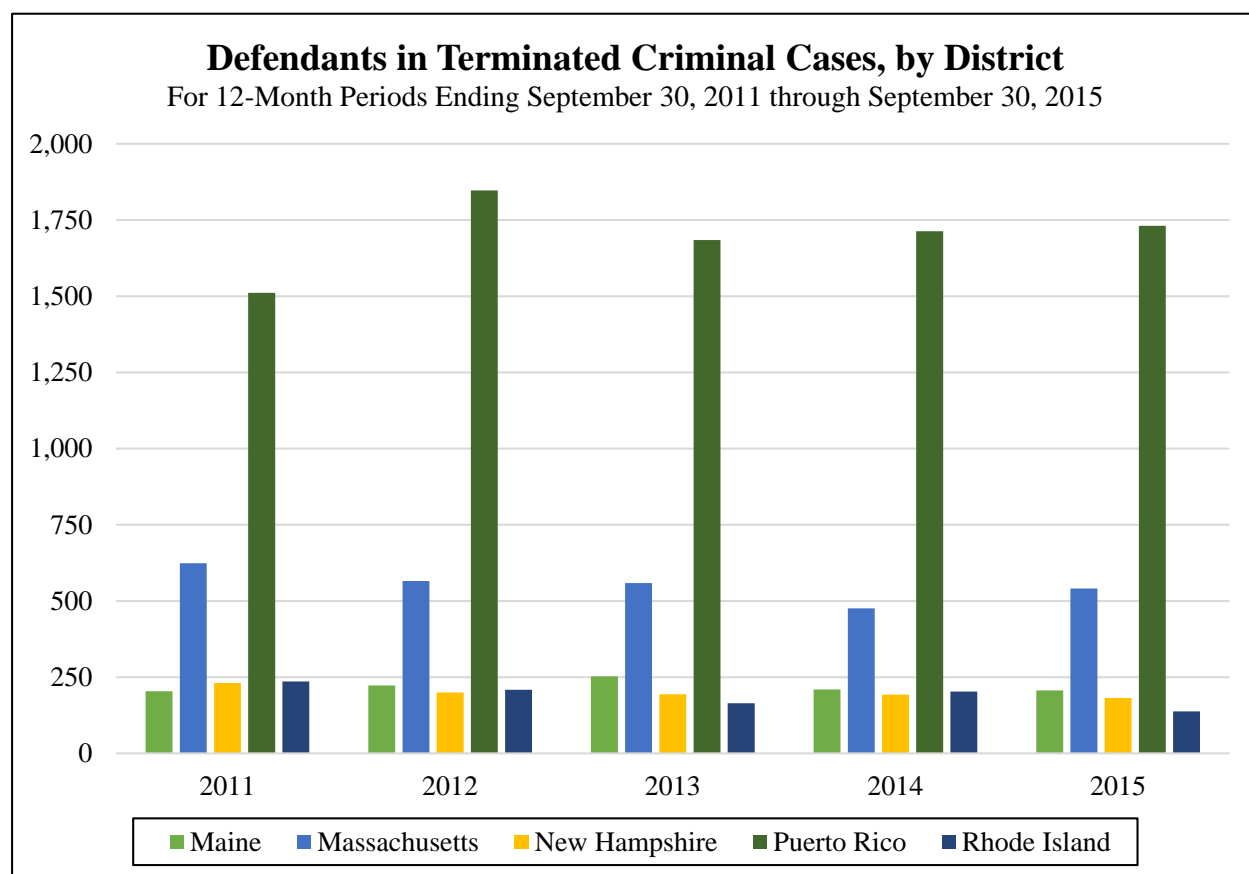
<b>Number of Criminal Cases and Defendants and Ratio of Defendants per Case, by District</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2015									
District	<u>2013</u>		Avg. No. of Defs./ Case	<u>2014</u>		Avg. No. of Defs./ Case	<u>2015</u>		Avg. No. of Defs./ Case
	Cases	Defs.		Cases	Defs.		Cases	Defs.	
Maine	176	217	1.2	151	190	1.3	181	239	1.3
Massachusetts	350	504	1.4	308	408	1.3	378	573	1.5
New Hampshire	132	149	1.1	144	187	1.3	193	220	1.1
Puerto Rico	926	2,069	2.2	753	1,483	2.0	784	1,440	1.8
Rhode Island	161	190	1.2	135	160	1.2	105	129	1.2



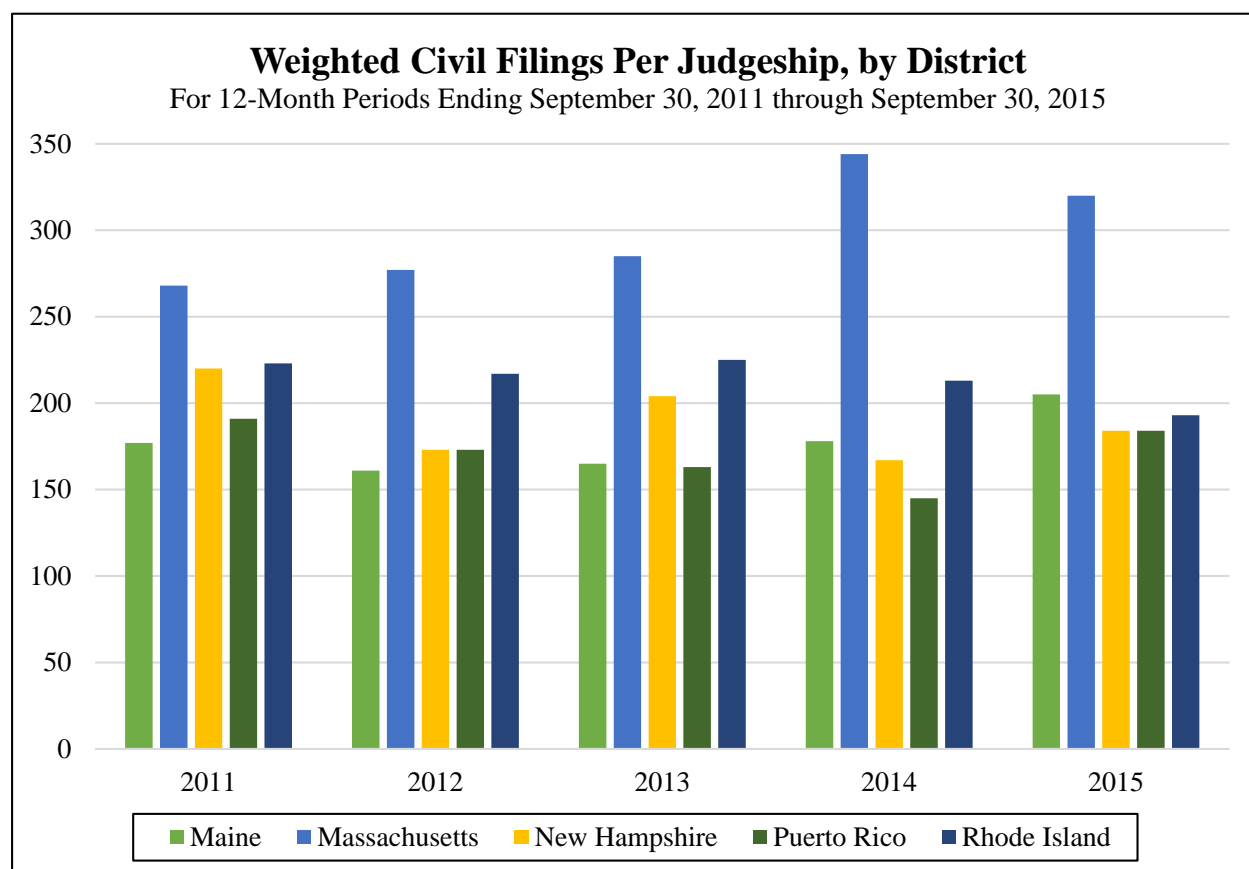
<b>Defendants in Commenced Criminal Cases, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	239	282	217	190	239
Massachusetts	669	513	504	408	573
New Hampshire	172	174	149	187	220
Puerto Rico	1,671	1,910	2,069	1,483	1,440
Rhode Island	231	180	190	160	129



<b>Defendants in Pending Criminal Cases, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	234	290	227	201	233
Massachusetts	886	836	794	714	746
New Hampshire	192	178	130	146	187
Puerto Rico	2,022	2,082	2,423	2,140	1,882
Rhode Island	321	152	176	134	126

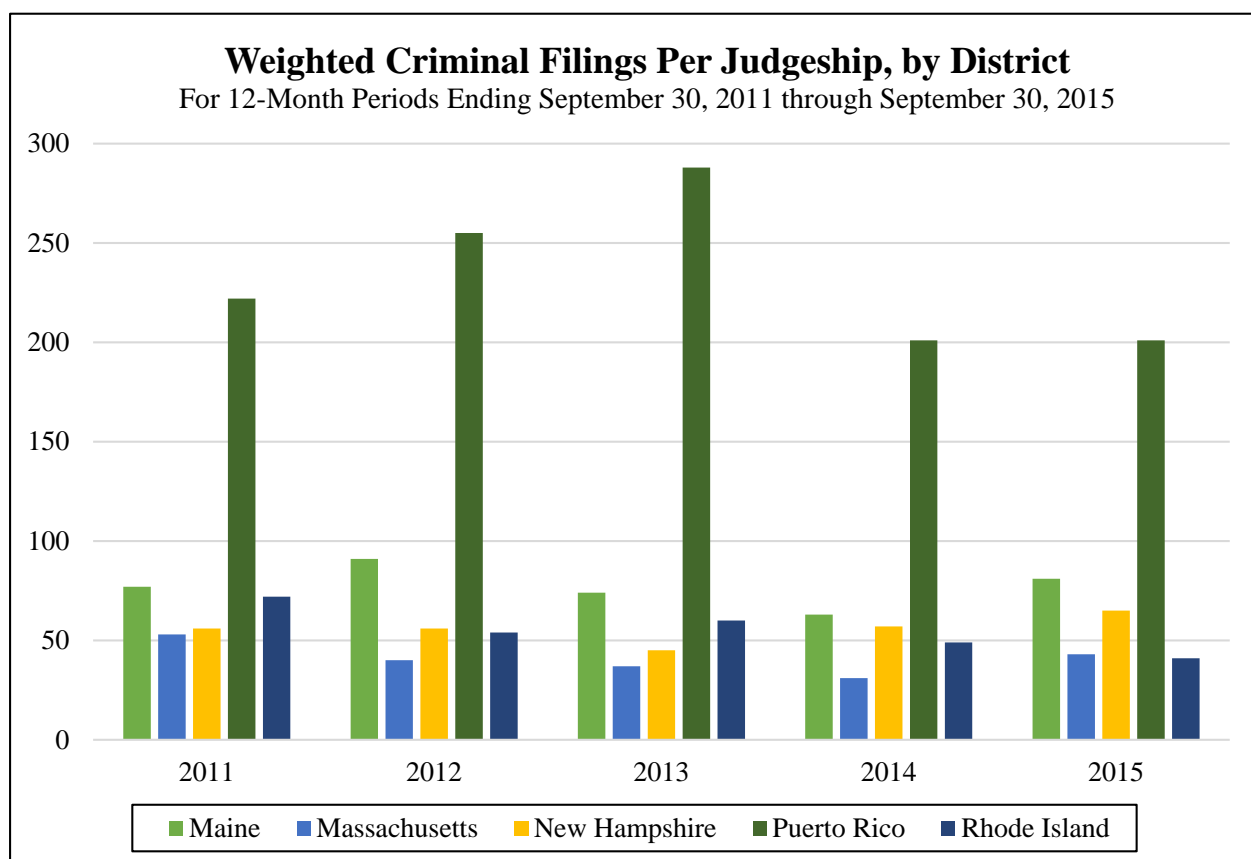


<b>Defendants in Terminated Criminal Cases, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	204	223	253	210	207
Massachusetts	624	566	559	476	541
New Hampshire	231	200	194	193	182
Puerto Rico	1,511	1,847	1,684	1,713	1,731
Rhode Island	236	209	165	203	138

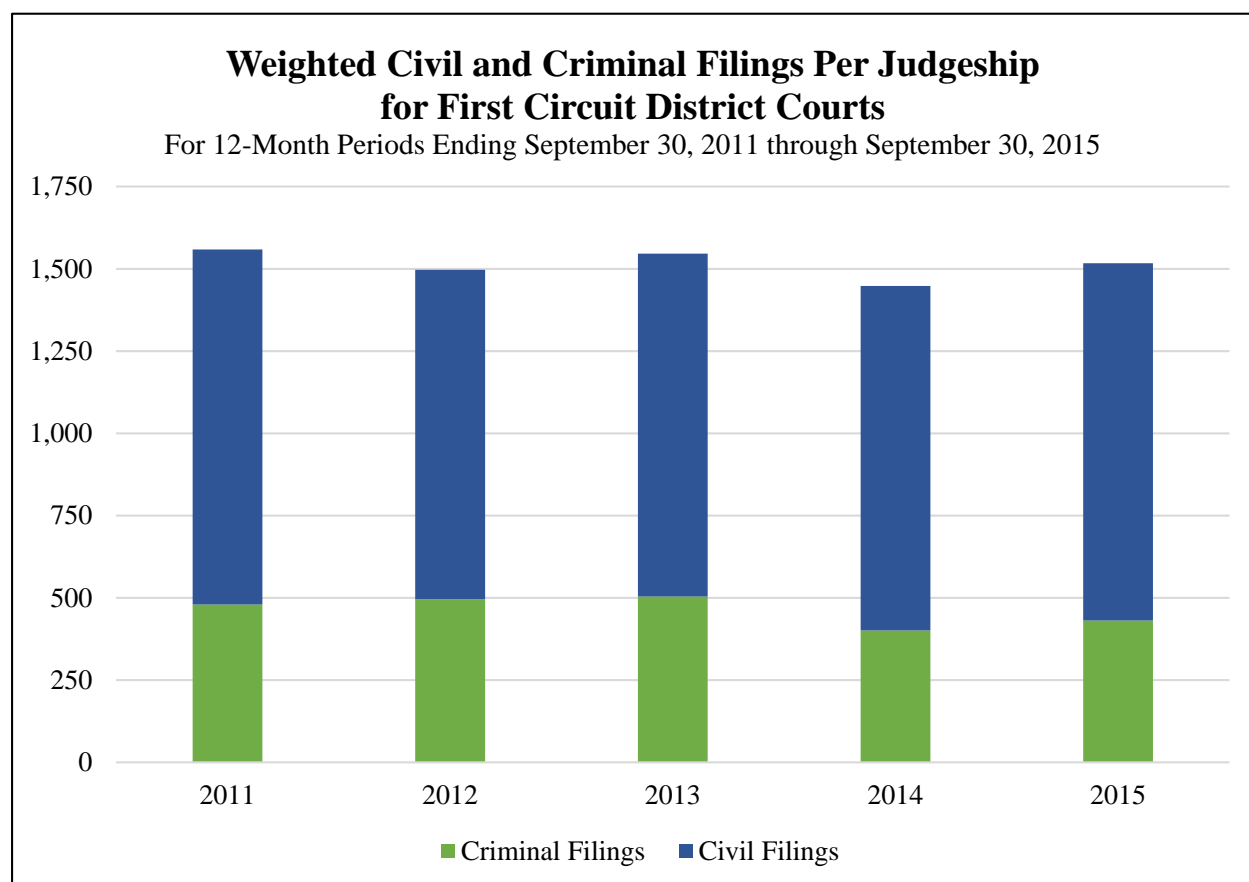


<b>Weighted Civil Filings Per Judgeship, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015						
District	Judgeships	2011	2012	2013	2014	2015
Maine	3	177	161	165	178	205
Massachusetts	13	268	277	285	344	320
New Hampshire	3	220	173	204	167	184
Puerto Rico	7	191	173	163	145	184
Rhode Island	3	223	217	225	213	193



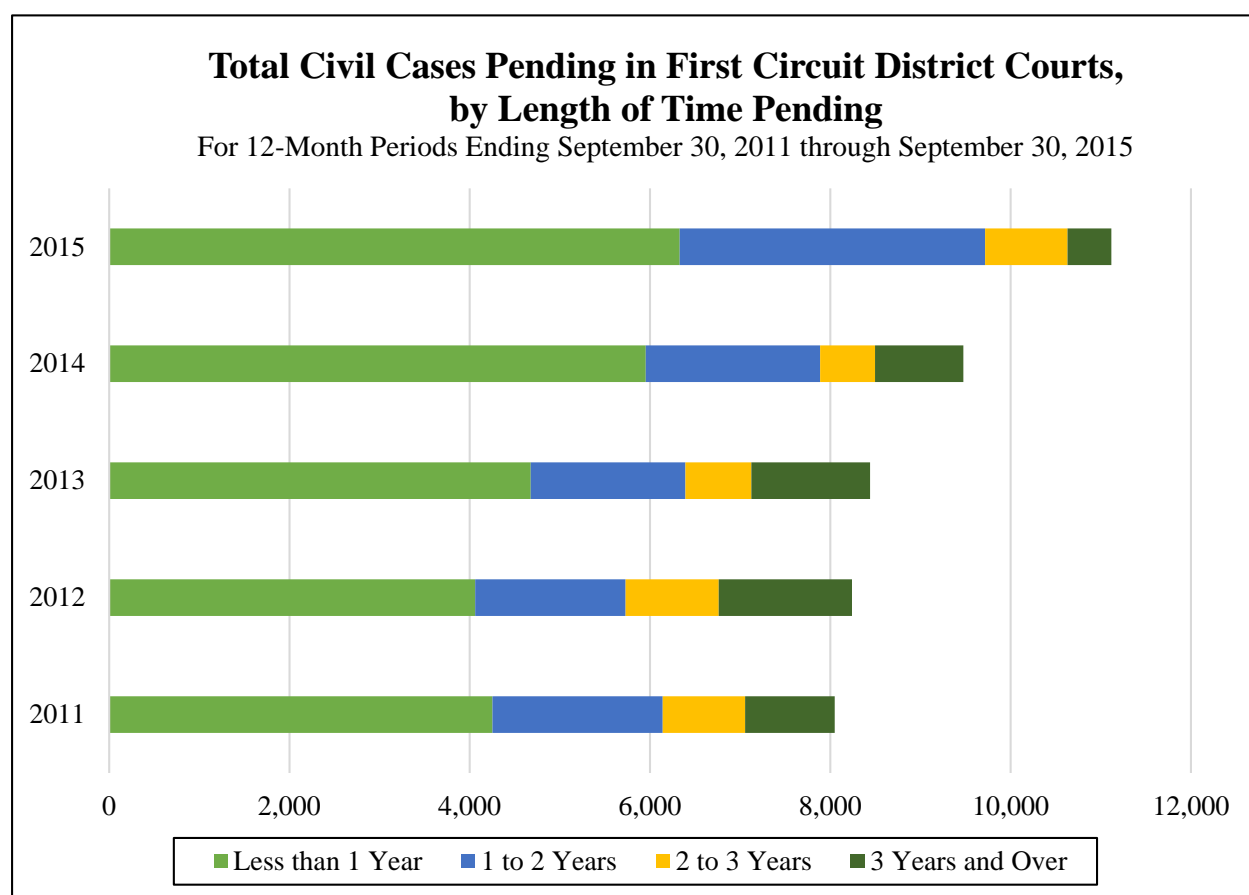


<b>Weighted Criminal Filings Per Judgeship, by District</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015						
District	Judgeships	2011	2012	2013	2014	2015
Maine	3	77	91	74	63	81
Massachusetts	13	53	40	37	31	43
New Hampshire	3	56	56	45	57	65
Puerto Rico	7	222	255	288	201	201
Rhode Island	3	72	54	60	49	41



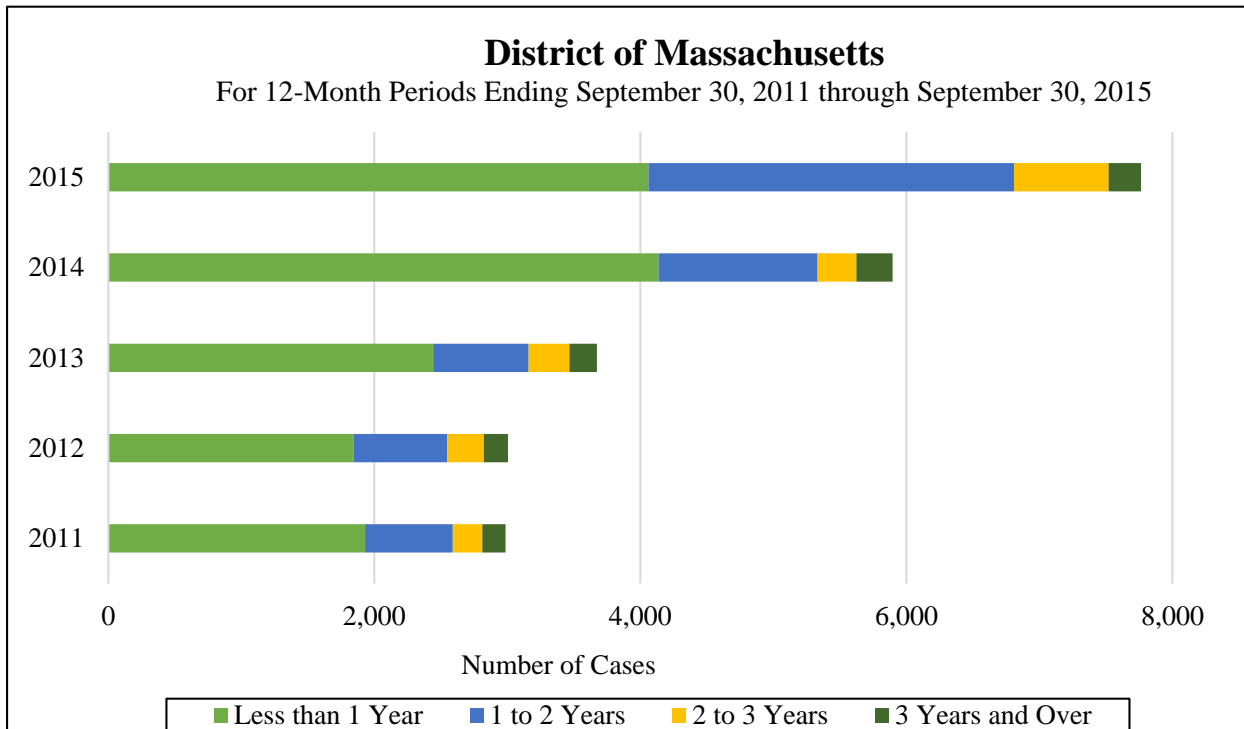
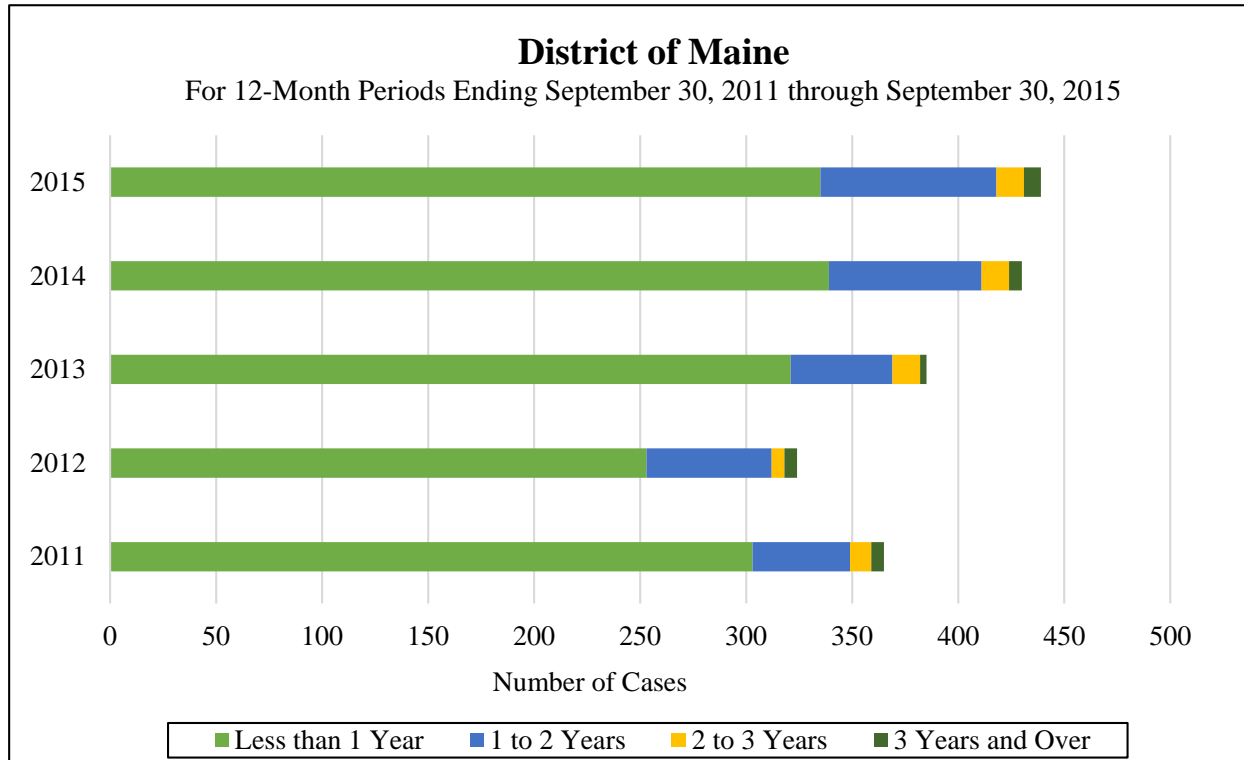
<b>Weighted Criminal and Criminal Filings Per Judgeship</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Civil Filings</b>	1,079	1,001	1,042	1,047	1,086
<b>Criminal Filings</b>	480	496	504	401	431
<b>Total Combined Filings</b>	1,559	1,497	1,546	1,448	1,517

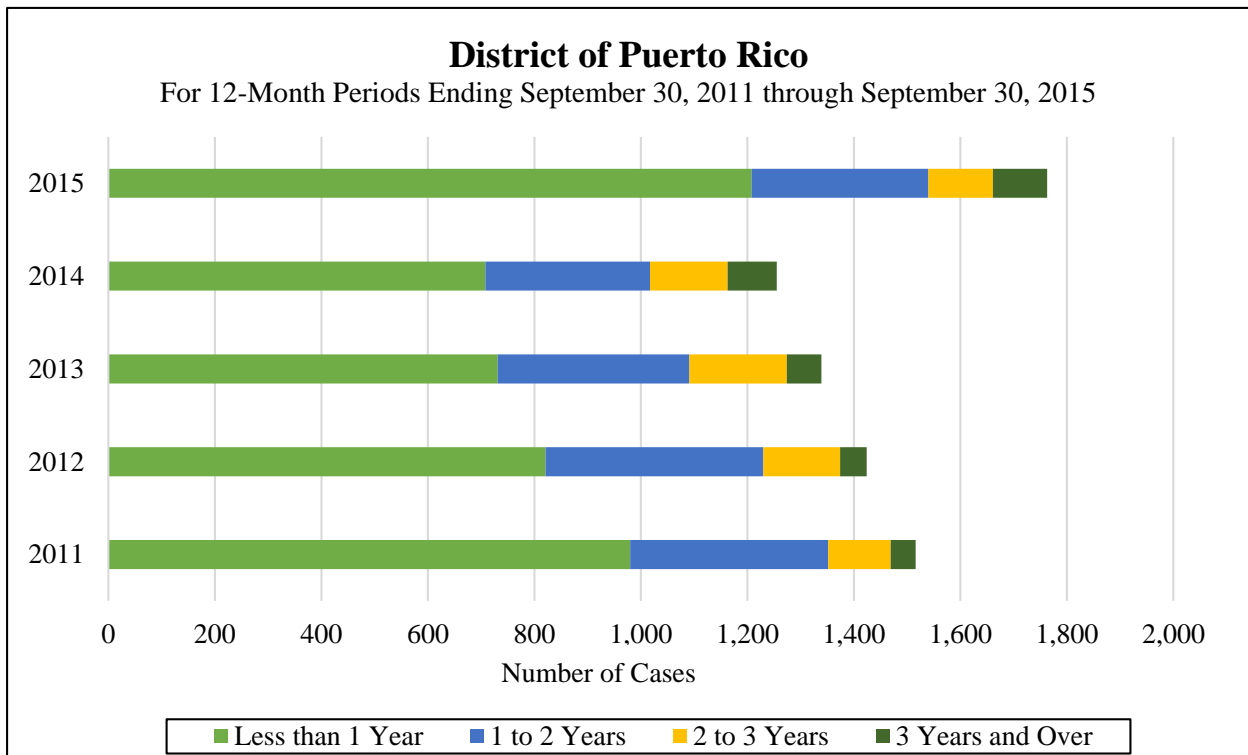
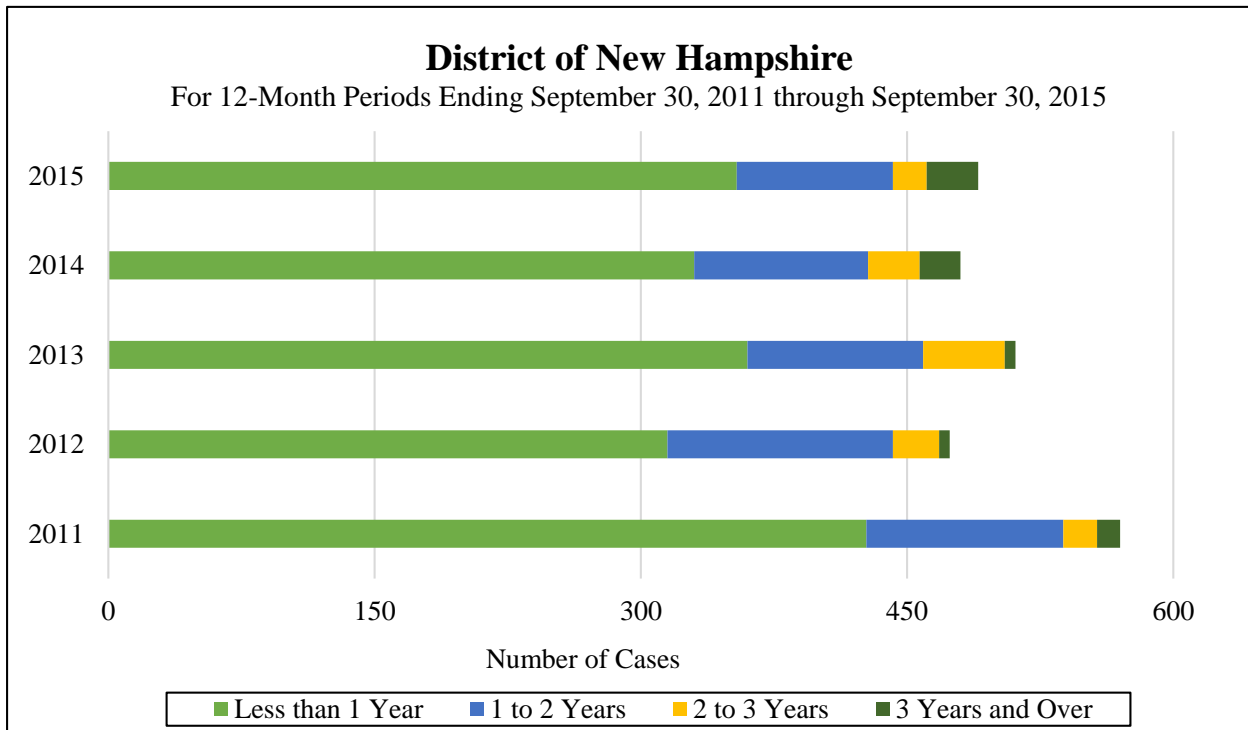
<b>Civil Cases Pending and Length of Time Pending, by District</b> For the 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>MAINE</b>					
<b>Less than 1 Year</b>	303	253	321	339	335
<b>1 to 2 Years</b>	46	59	48	72	83
<b>2 to 3 Years</b>	10	6	13	13	13
<b>3 Years and Over</b>	6	6	3	6	8
<b>MASSACHUSETTS</b>					
<b>Less than 1 Year</b>	1,930	1,845	2,443	4,138	4,061
<b>1 to 2 Years</b>	659	704	717	1,194	2,749
<b>2 to 3 Years</b>	223	274	306	293	710
<b>3 Years and Over</b>	174	182	207	271	244
<b>NEW HAMPSHIRE</b>					
<b>Less than 1 Year</b>	427	315	360	330	354
<b>1 to 2 Years</b>	111	127	99	98	88
<b>2 to 3 Years</b>	19	26	46	29	19
<b>3 Years and Over</b>	13	6	6	23	29
<b>PUERTO RICO</b>					
<b>Less than 1 Year</b>	980	821	731	708	1,208
<b>1 to 2 Years</b>	372	409	360	309	332
<b>2 to 3 Years</b>	117	144	183	146	121
<b>3 Years and Over</b>	47	50	65	92	102
<b>RHODE ISLAND</b>					
<b>Less than 1 Year</b>	612	827	821	437	371
<b>1 to 2 Years</b>	700	369	493	262	136
<b>2 to 3 Years</b>	546	583	183	128	51
<b>3 Years and Over</b>	753	1,234	1,035	587	103

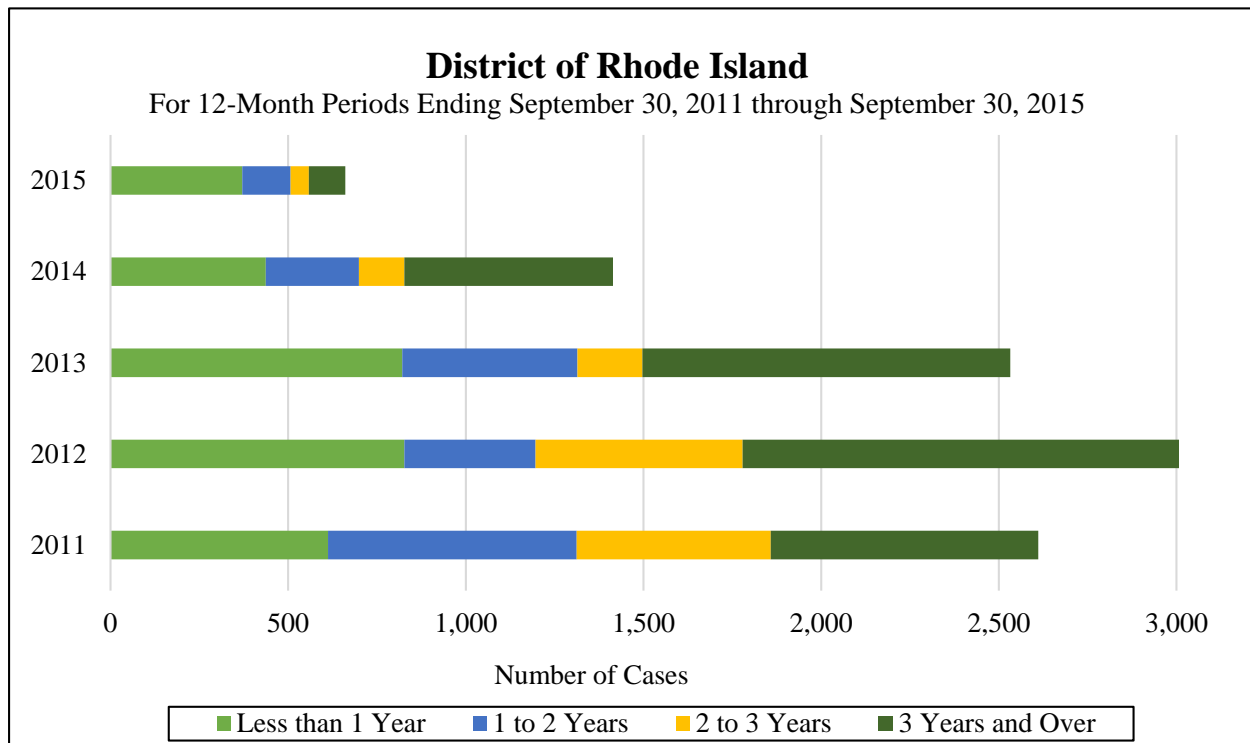


<b>Total Civil Cases Pending for First Circuit District Courts, by Length of Time Pending (and % Total)</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Less than 1 Year</b>	4,252 (52.8%)	4,061 (49.3%)	4,676 (55.4%)	5,952 (62.8%)	6,329 (56.9%)
<b>1 to 2 Years</b>	1,888 (23.5%)	1,668 (20.2%)	1,717 (20.3%)	1,935 (20.4%)	3,388 (30.5%)
<b>2 to 3 Years</b>	915 (11.4%)	1,033 (12.5%)	731 (8.7%)	609 (6.4%)	914 (8.2%)
<b>3 Years and Over</b>	993 (12.3%)	1,478 (17.9%)	1,316 (15.6%)	979 (10.3%)	486 (4.4%)

### Civil Cases Pending in First Circuit District Courts, by Length of Time Pending







**Report for the District of Maine**

In 2015, the District of Maine had three (3) district judges, three (3) senior judges, two (2) magistrate judges and 19 chambers staff. The Clerk's Office operated with 26 employees and four (4) court reporters.

In FY 2015, the District's weighted filings per judgeship increased by almost 19%. See supra, at 36-37. Civil case filings grew by nearly 13%, including a 29% increase in contract cases and a 27% increase in tort cases. Social Security appeals and personal injury/product liability cases decreased by 22% and 26%, respectively. An increase in felonies charged included a 125% increase in offenses involving controlled substances and a 47% increase in sex offenses.

Clerk Christa Berry is a member of the Local Rules Advisory Committee, Criminal Law Committee and Advisory Committee, as well as the AO Forms Working Group and the Human Resources (HR) Advisory Council. In 2015, she assisted the AO with two (2) district court management reviews.

**Conferences/Educational Programs**

The Court provided eVoucher trainings for the CJA panel.

In September, the Court hosted a naturalization ceremony, with 100 new citizens sworn in. Judge Levy presided with Chief Bankruptcy Judge Cary and Magistrate Judge Cohen.

In 2015, the Court hosted tours for the Maine Chapter of the FBA to discuss case management and courtroom technology.

**Local Rules/Procedures**

At the Local Rules Committee's recommendation, the District approved

changes to Local Rules 16.2 and 16.4, and the repeal of Local Rule 44.

**Information Technology**

The Court deployed new desktops with virtual desktops to allow the Court to mirror individual desktops in remote locations, while saving money on cyclical hardware replacement, providing for quick renewal of corrupted systems and permitting multiple users to log in to the same computer.

**Case Management**

In 2015, the Clerk's Office hired a case manager in both the Portland and Bangor offices. The Clerk's Office reviewed its Speedy Trial Plan and its Jury Plan, transitioned to Jury Management System 10 (JMS) and implemented the AJIS phone system for jurors, which allows individualized messages to be set for groups of jurors.

**Staff Training**

The implementation of eVoucher required staff training on the system.

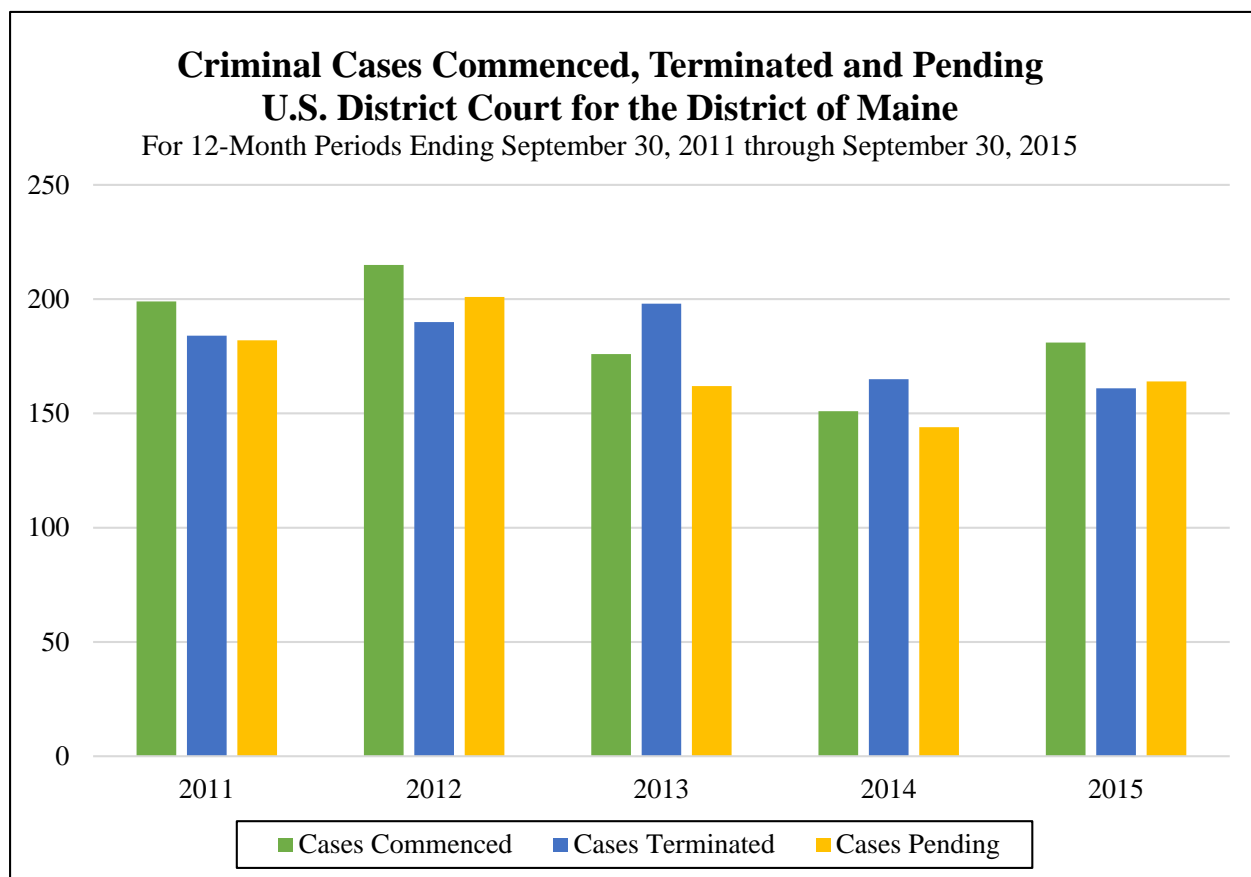
In November, the District was the first U.S. District Court to implement the Judiciary Integrated Financial Management System (JIFMS).

**Community Outreach**

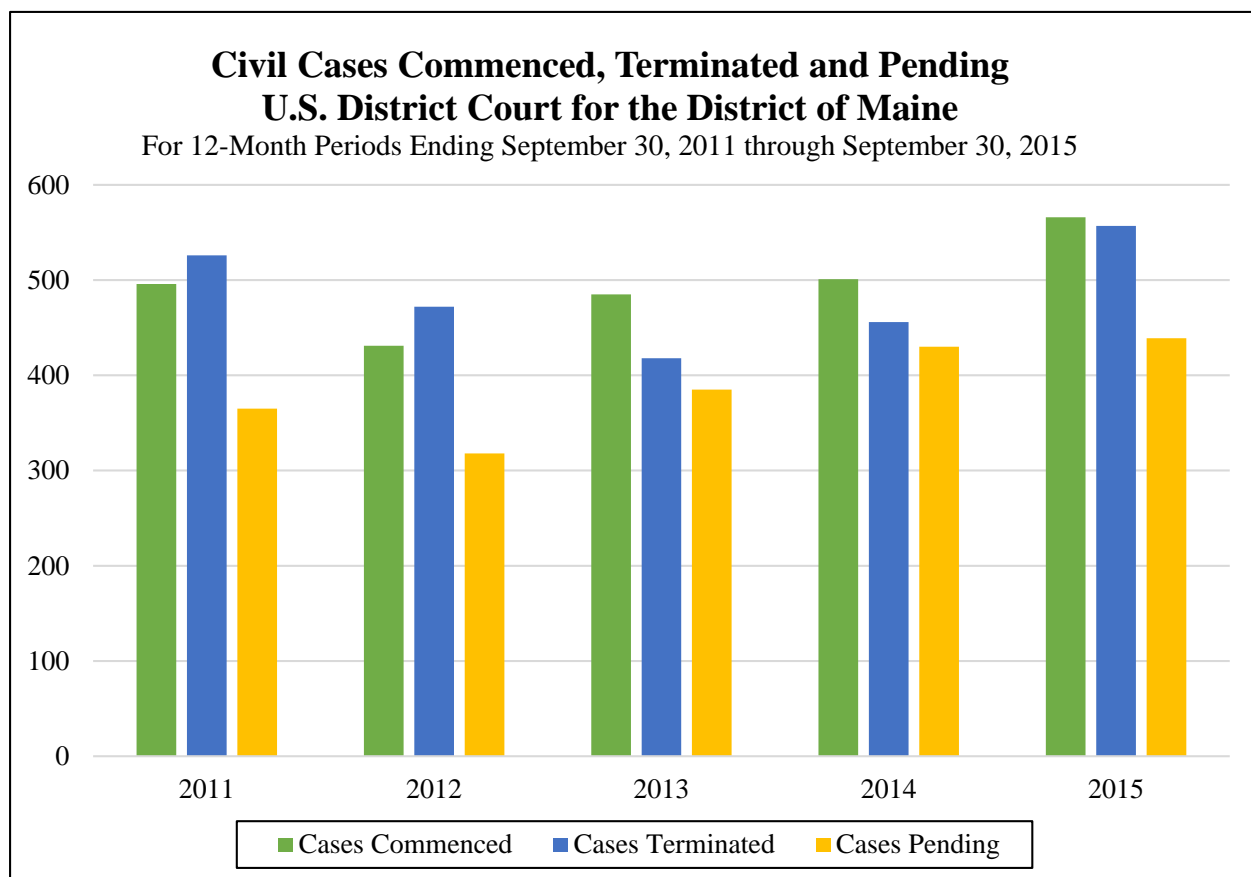
The Court hosted its Courtroom as Classroom Program and a practice for the Duberstein Moot Court Program.

In September, the Court celebrated the 90th anniversary of U.S. Probation in Maine.





<b>Criminal Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of Maine</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	199	215	176	151	181
<b>Cases Terminated</b>	184	190	198	165	161
<b>Cases Pending</b>	182	201	162	144	164

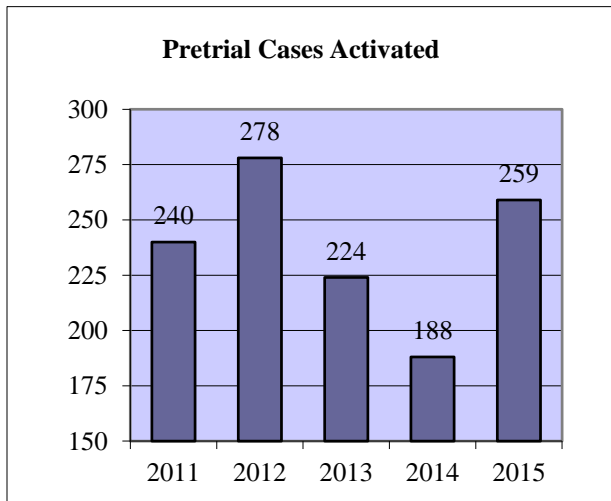


<b>Civil Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of Maine</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	496	431	485	501	566
<b>Cases Terminated</b>	526	472	418	456	557
<b>Cases Pending</b>	365	318	385	430	439

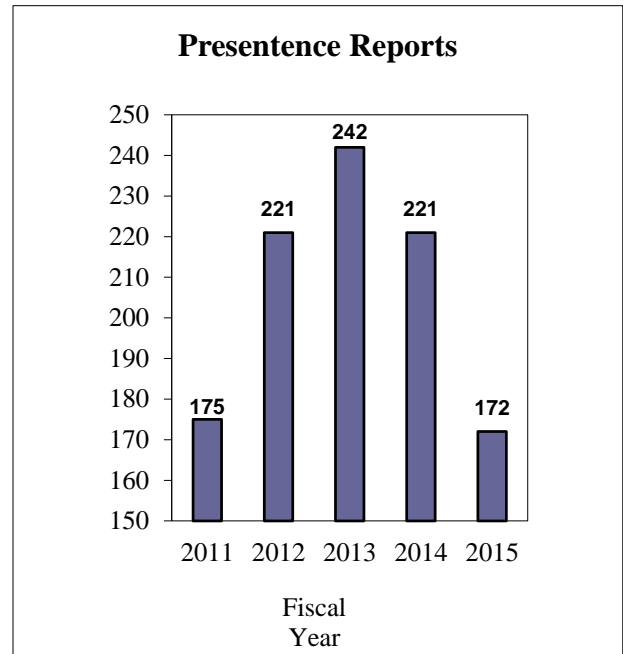
### Probation & Pretrial Services Office, District of Maine

The U.S. Probation & Pretrial Services Office in Portland underwent significant construction, including renovations to existing space, to provide efficient workspace for additional staff without increasing square footage.

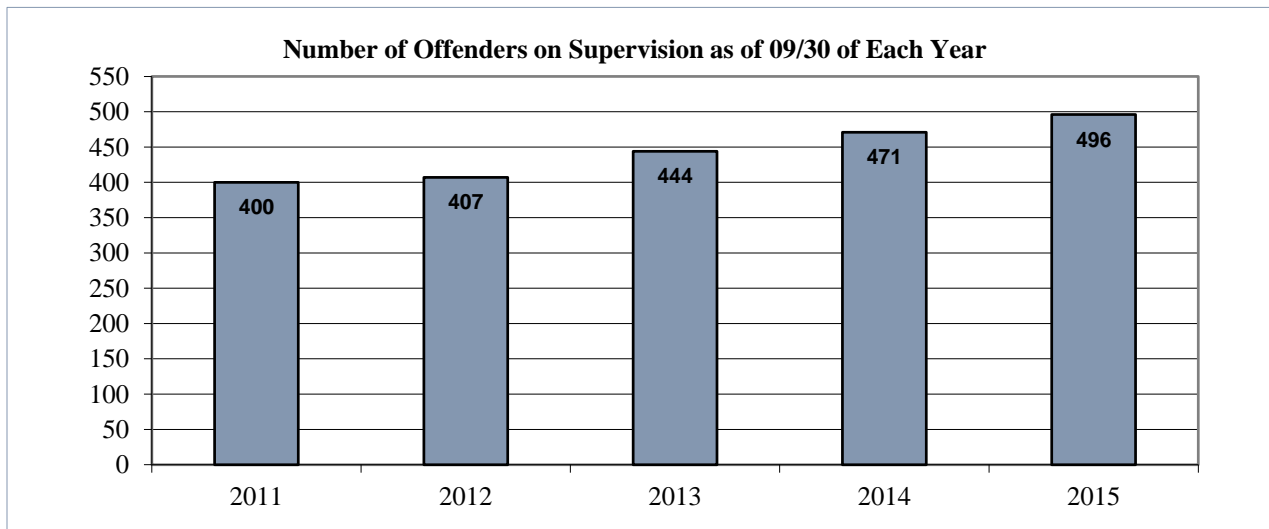
Pretrial cases increased to 259 cases, a 38% increase from FY 2014 (188).



Presentence investigations decreased to 172, a 22% decrease from FY 2014 and the lowest rate since 1999.



Post-conviction supervision continued to increase (5%). Post-conviction violations also increased slightly by (1%).



## **Report for the District of Massachusetts**

### **Community Outreach**

The District continued to support Discovering Justice's work with youth civics education. Judges and Clerk's Office staff participated in semi-annual mock trial events.

In April, the District hosted a delegation of attorneys and judges from Vietnam, providing a tour and courtroom presentation. In July, the District hosted a delegation of over 175 judges and lawyers from Australia.

*The Nelson Fellowship:* Twelve (12) students participated in the Fellowship, a summer program encouraging civic engagement and higher education. Participants met community leaders, visited colleges and were introduced to organizations that facilitate the college application process.

*The Lindsay Fellowship:* Eight (8) college students participated in the Lindsay Fellowship, named for the late Judge Lindsay. Fellows are assigned first to a judge and then to the U.S. Attorney's Office or the Federal Defender Program; they attend a research and writing program and compete in moot court.

*Philanthropy:* The Clerk's Office participated in a clothing drive, organized by the FBA's Younger Lawyers Division, to provide professional attire to low-income or homeless individuals for job interviews and training.

### **Reentry & Presentence Programs**

The District continued to offer two (2) reentry courts, Court Assisted Recovery Effort (CARE) and Reentry: Empowering Successful Todays and Responsible Tomorrows (RESTART), providing judicial oversight with the aim to reduce recidivism and to successfully reintegrate individuals, focusing

on employment, housing, and drug and mental health counseling.

The District instituted RISE (Repair, Invest, Succeed, Emerge), addressing the complex family and social issues surrounding drug abuse and drug-related crimes pre-sentencing.

### **Local Rules/Procedures**

In September, following a period of public comment and discussion with the Bankruptcy Court, the District Court amended Local Rule 203 regarding bankruptcy appeals.

In October, the Court issued General Order 15-1, concerning the appointment of counsel and motions for relief from a conviction or sentence based on *Johnson v. United States*, 135 S.Ct. 2551 (2015).

The District amended its CJA Plan (Gen. Order 15-2) and its Plan for Random Selection of Jurors (Gen. Order 15-3).

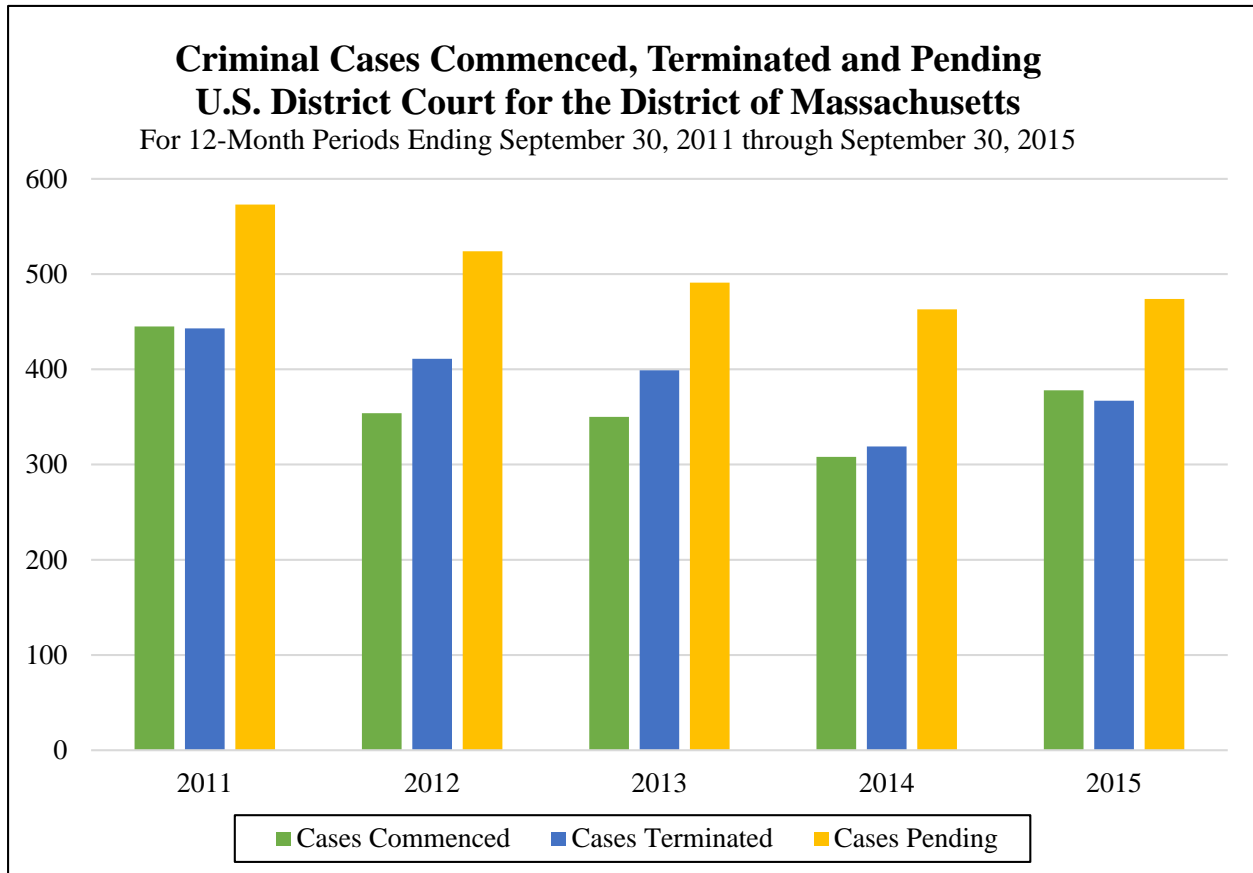
### **Operations**

The District closed three (3) multi-district litigation (MDL) matters and was assigned an additional MDL, totaling 11 pending MDLs, consisting of 5,137 pending member cases.

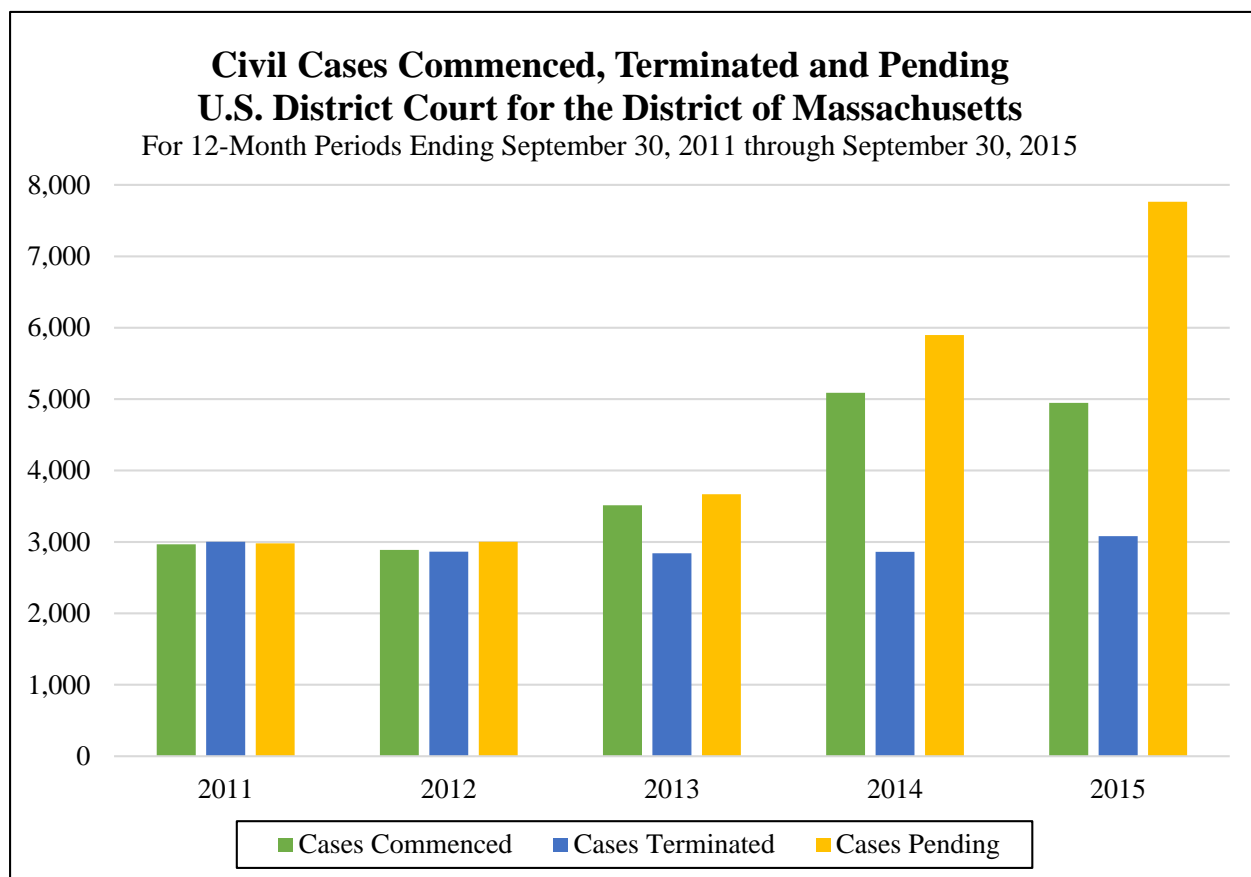
The District conducted 150 trials (73 civil and 77 criminal). Judges spent 2,385 hours conducting trials and 2,338 hours conducting other proceedings.

In connection with *United States v. Tsarnaev*, the Clerk's Office coordinated security, juror, media, victim and public logistics. Trial attendance exceeded 600 at times.

In July, the District selected Jessica Hedges as chair of the CJA Board.



<b>Criminal Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of Massachusetts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
Cases Commenced	445	354	350	308	378
Cases Terminated	443	411	399	319	367
Cases Pending	573	524	491	463	474



<b>Civil Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of Massachusetts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	2,968	2,888	3,513	5,088	4,947
<b>Cases Terminated</b>	3,002	2,864	2,842	2,861	3,081
<b>Cases Pending</b>	2,981	3,002	3,669	5,898	7,764

**Probation & Pretrial Services Office,  
District of Massachusetts**

*Pretrial Investigations:* In 2015, 612 new cases were activated (577 within the District and 35 transfers from other districts). Four (4) diversion cases were activated. Excluding illegal alien cases, 471 cases were subject to a release/detention hearing. Less than 50% (46.5%) were ordered detained, compared to 58% nationally, and 53.5% were released, compared to 42% nationally.

Of the 612 cases activated, 355 (58%) were interviewed. The national interview rate in 2015 was 55%.

*Pretrial Supervision:* In 2015, an average of 311 defendants were supervised at a time. Taking into account cases received and closed, the total number of defendants was 528. Supervision numbers by office were as follows: Boston, 289 (55%); Worcester, 80 (15%); Taunton, 72 (14%); Lawrence, 47 (9%); and Springfield, 40 (8%). Population by Pretrial Risk Assessment Score was: Category 5, 29 (5%); Category 4, 64 (12%); Category 3, 100 (19%); Category 2, 116 (22%); and Category 1, 219 (41%).

Officers monitored compliance with release conditions and proactively approached the Court to modify conditions as necessary, reporting 94 instances of noncompliance to the Court.

*Presentence Investigations:* In 2015, 483 cases were assigned to officers who conducted presentence investigations and prepared reports for the Court. Offense types included: drugs, financial, immigration, weapons, robbery, sex offenses, obstruction, tax and OUI offenses. Twenty-six (26) defendants were sentenced without presentence reports, primarily where the sentences imposed were time-served or a fine only.

Officers handled over 100 cases eligible for sentence reduction based on the retroactive application of Amendment 782, which reduced offense levels in the U.S. Sentencing Guidelines (USSG) drug quantity table and resulted in lower sentencing ranges for most drug trafficking offenses. Officers also handled case inquiries and resentencings resulting from the Supreme Court decision in *Johnson v. United States*, which declared part of the Armed Career Criminal Act (ACCA) unconstitutionally vague. Officers also continued to prescreen individuals to determine potential eligibility for participation in the Federal Bureau of Prisons' (BOP) Residential Drug and Alcohol Program.

*Post-Conviction Supervision:* In 2015, an average of 1,460 offenders were supervised at a time. Taking into account cases received and closed, the total number of offenders was 2,002. Supervision numbers by office were as follows: Boston, 630 (31%); Worcester, 376 (19%); Taunton, 316 (16%); Lawrence, 518 (26%); and Springfield, 162 (8%). Population by Post-Conviction Risk Assessment Score was: High, 217 (11%); Moderate, 456 (23%); Low/Moderate, 685 (34%); and Low, 644 (32%). Officers reported 1,012 instances of noncompliance to the Court.

Officers continued to connect offenders to necessary resources and programs, using contract and non-contract treatment services for substance abuse, mental health and sex offender treatment. Additional targeted services were also offered through the CARE and RESTART courts for chronic substance abuse and high-risk individuals, respectively. Officers continued to facilitate Moral Reconation Therapy (MRT), a cognitive behavioral therapy designed to address criminal thought processes and behaviors. The Courage to Change Interactive Journaling Program, a cognitive behavioral program designed to guide offenders in making

positive and lasting life changes, was utilized by officers. Likewise, increased emphasis was placed on STARR (Strategic Techniques Aimed at Reducing Rearrest).

*Space Initiatives:* The Office finalized plans to relocate and reconfigure its Lawrence Office space, with the move to new space expected in 2016.

*District Initiatives:* The Office continued a series of Boston Bar Association presentations for individuals under supervision, on topics including financial literacy, family law, housing, low-income benefits and CORI (criminal record) guidance. Continued initiatives included a third opiate epidemic panel discussion and a second BOP orientation session for convicted individuals and family members. The Office coordinated and hosted a Community Resources Fair for individuals under supervision and partnered with the Massachusetts Office of Community Corrections on a pilot program enabling individuals under federal post-conviction supervision to utilize the services and resources of local day reporting centers run by the Commonwealth.

The RISE Program was launched for pretrial defendants on release pending sentencing. Operated in collaboration with judges and representatives from the U.S. Attorney's Office and defense bar, RISE provides up to a year of intensive supervision, rehabilitative

services and restorative justice programming to eligible defendants on pretrial release.

*Training, Professional Development, & National Workgroups:* Staff participated in numerous training and professional development opportunities, including New Officer and Officer Response Tactics Instructor training at the National Training Academy, FJC programs (as participants and/or facilitators), the National Association of Pretrial Services Agencies Conference, the Federal Probation and Pretrial Officers Association Conference, a U.S. Sentencing Commission (USSC) National Seminar, a Federal Drug Sentencing Guidelines Amendment Reentry Conference and conferences focused on information technology, location monitoring, sex offenders and STARR. Locally, staff participated in trainings on financial investigations, leadership, gambling, gangs, structured writing, domestic violence, computer monitoring, safety and restorative justice. Officers continued to participate in national workgroups and the AO Advisory Council. The District hosted a regional USSC training and a regional Administrative Professionals Conference.

Chief Maloney served as chair of the Probation and Pretrial Services Office Chiefs Advisory Group.



**Report for the District of New Hampshire****Human Resources/Staffing**

Case Manager Maryanne Michaelis retired in January. Jennifer Sackos transitioned from executive assistant to case manager. Donna Esposito was hired as intake deputy. Intake Administrator Janice Boucher retired in July, after 30 years with the Court.

In March, Administrative Attorney Tracy Uhrin left; Administrative Deputy Clerk Matt Pennington was hired to replace her in June.

Systems Administrator Eric Swanson left in July. The District hired new IT staffers: Systems & Network Administrator David Crepeault and Programmer Analyst John “Scooter” LeMay.

**Conferences/Educational Programs**

The Federal Court Advisory Committee (FCAC) provided feedback to the District regarding issues of importance to federal practitioners, including amendments to the Local Rules, courtroom technology and eVoucher. The FCAC also reviewed expenditures from the Court’s library fund.

In November, the Court presented a CLE on mediation. In December, the Court presented a CLE on recent federal rule changes.

**Information Technology**

The District upgraded courtroom audio and video equipment. The Court implemented a daily calendar, installed public kiosks in the courthouse, automated case reports and launched an electronic criminal debt payment application through Pay.gov.

**Local Rules/Procedures**

In August 2015, the District implemented eVoucher. In the fall, the Court conducted a

self-audit using the AO Self-Assessment Tool (SAT). The Court amended its Local Rules in December.

**Staff Training**

In January, Richard Marshall from the FJC presented a training on “Memory Skills to Enhance Productivity.” In February, Alex Killie, Department of Homeland Security, provided an active shooter training. The Clerk’s Office conducted an active shooter drill and debriefing session.

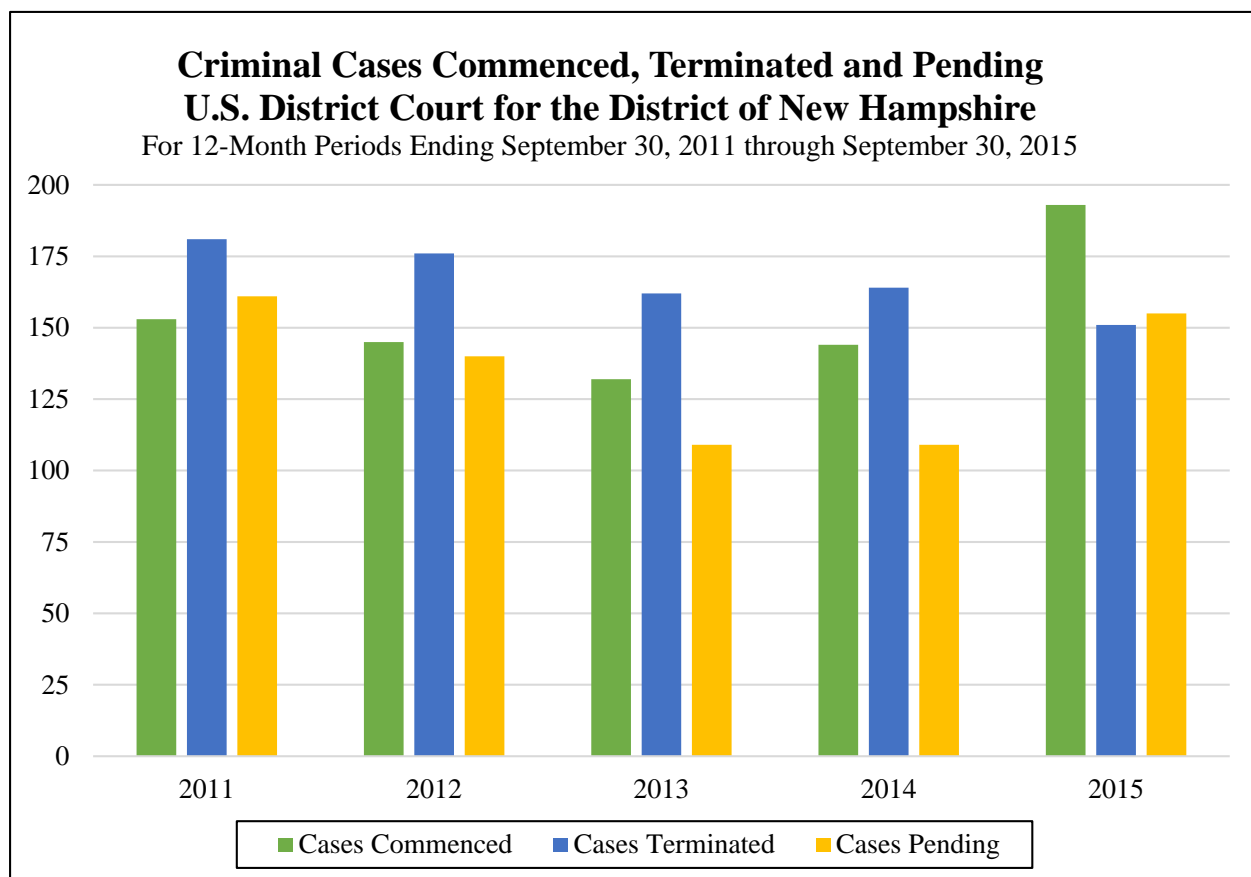
In April, Clerk Dan Lynch and Doug Bartlett of the Marshals Service reviewed mail-handling protocols. Local Fire Marshal Les Cartier participated, discussing hazardous materials and hazmat incident protocol.

In August, Paula Rogers, Training Specialist in the Northern District of Illinois and adjunct faculty for the FJC Education Division, provided training on preventing workplace harassment. In October, Federal Protective Service (FPS) Inspector Michael Plante and New Hampshire State Trooper Jeff Dade provided training to Clerk’s Office staff on handling bomb threats.

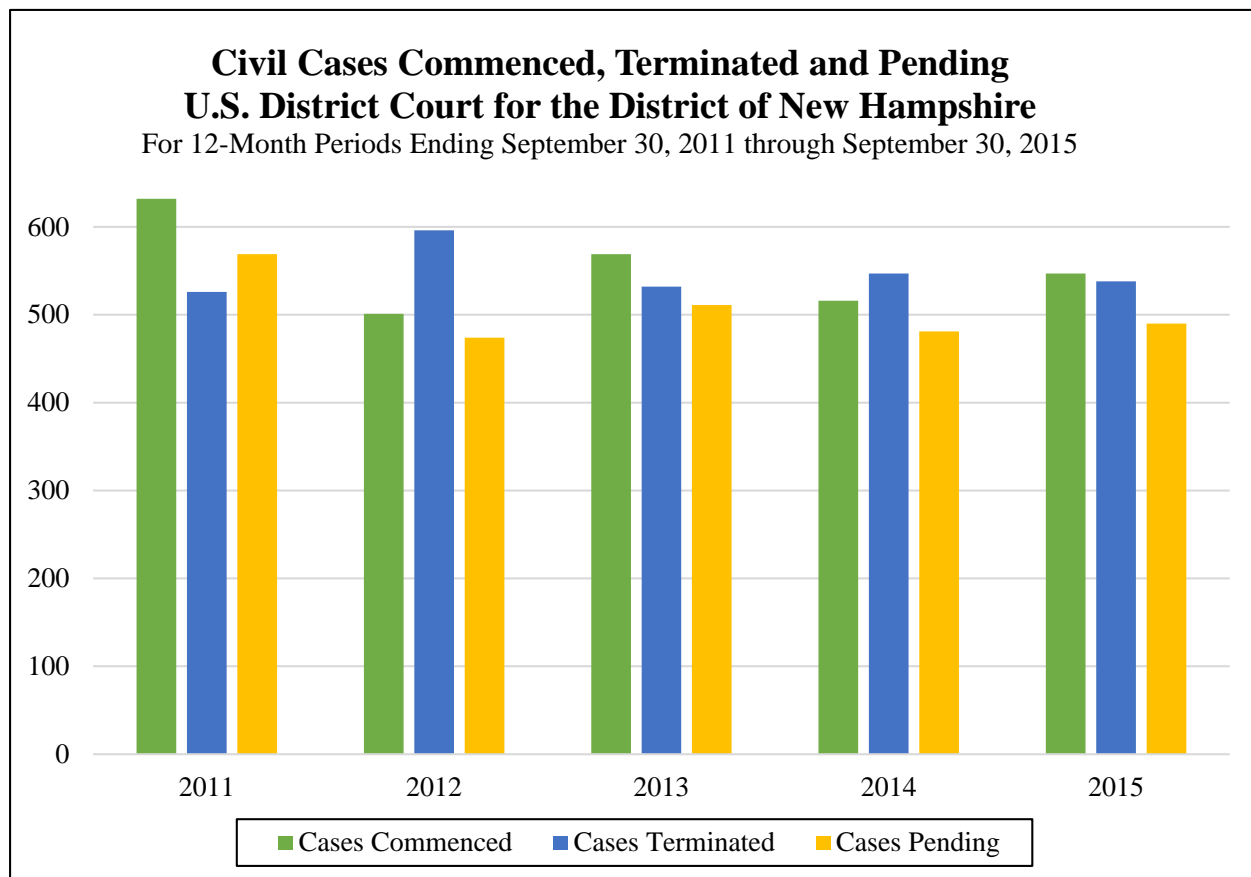
The IT staff provided quarterly office-wide technology training.

**Community Outreach**

The Court provided tours and educational programming for local and international groups, including students of the Osher Lifelong Learning Institute and foreign government officials.



<b>Criminal Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of New Hampshire</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	153	145	132	144	193
<b>Cases Terminated</b>	181	176	162	164	151
<b>Cases Pending</b>	161	140	109	109	155



<b>Civil Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of New Hampshire</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	632	501	569	516	547
<b>Cases Terminated</b>	526	596	532	547	538
<b>Cases Pending</b>	569	474	511	481	490

**Probation & Pretrial Services Office,  
District of New Hampshire**

*Human Resources:* Officer Tim Merna transferred to the Office from the District of Utah. Officer Riaka McCormick transferred to the Office from the District of Guam.

Officer Karin Kinnan retired in April 2015.

*Pretrial Services:* In FY 2015, pretrial activations (198) increased by 2% from FY 2014. The Office received 36 defendants for pretrial supervision. The District of New Hampshire's pretrial detention rate was 48.9% (excluding immigration cases), 8.6% lower than the national average of 57.5%

There were 23 pretrial supervision violation investigations in FY 2015, a 53% increase from FY 2014.

*Presentence Investigations:* A total of 226 presentence investigations were completed during FY 2015, a 52% increase from FY 2014 and the highest since FY 2010. FY 2015 saw a continuing upward trend in certain types of cases received by the Office, including multi-defendant prescription medication, immigration and sex-related cases. One hundred percent (100%) of presentence investigation reports were disclosed on time.

*Post-Conviction Supervision:* At the end of FY 2015, 341 cases were on active post-conviction supervision. The majority (86.4%) were on supervised release, with 44.7% of all supervision cases for drug offense convictions. The District had the seventh highest risk caseload: 41.5% of post-conviction supervision cases were high or moderate risk, compared to 28.3% nationally. The dynamic risk factors of those under supervision was fairly consistent with national averages, with the exception of substance abuse, which was significantly higher in the District (40%, compared to 24% nationally).

In FY 2015, 193 cases were closed from active supervision, 78 (40%) of which were closed due to revocation. Of those revoked, 53 (68%) were technical violations related to substance abuse, 16 (21%) were major violations and 9 (12%) were minor violations.

Fourteen (14) cases were terminated early from supervision, realizing savings of \$70,125.

*Treatment Services:* Treatment services costs in all categories increased in FY 2015. Post-conviction substance abuse treatment and testing costs increased by 10%, while post-conviction sex offender treatment costs increased by 11%. Sex offender treatment costs have increased steadily since FY 2012. Post-conviction mental health treatment increased by 62%.

The Office implemented Thinking for a Change, an integrated, cognitive behavioral program for offenders that includes cognitive restructuring and development of social and problem-solving skills.

Overall services rendered to pretrial defendants increased by 10% from FY 2014 to FY 2015.

*LASER Docket Program:* Since 2010, the District has operated the Law-Abiding, Sober, Employed, and Responsible (LASER) Docket, a cooperative program between the Court, the U.S. Attorney's Office, the Probation and Pretrial Services Office, the Marshals Service and the Federal Public Defender's Office. The LASER Docket offers treatment and sanction alternatives in an effort to address defendant/offender behavior, promote rehabilitation, reduce recidivism and ensure community safety. During FY 2015, six (6) pretrial defendants and four (4) post-conviction offenders were approved for the Program, bringing the total number of participants to 11. Finally, one (1) participant

graduated from the program, while one (1) participant was terminated.

*Space Reduction:* In support of the judiciary's space-reduction initiative, the Office relocated its privately-leased Manchester Satellite Office into the Norris Cotton Federal Building. By utilizing a modified integrated work initiative (IWI) design, the square footage was reduced.

*Information Technology:* The Office continued to share IT services with the Clerk's Office. The District achieved the following goals in FY 2015:

- Provided quarterly IT training for staff;
- Implemented Service Desk Plus, a help desk and project management solution;
- Worked with the AO, AT&T and staff to migrate IT equipment to Norris Cotton Federal Building;
- Implemented iSelf Report, allowing completion of risk assessments in a mobile environment; and
- Upgraded courtroom technology.

*Officer Safety:* The Officer Safety Program had a productive FY 2015. One (1) officer was certified as a Firearms Instructor. Firearms qualifications in May enhanced officers' weapon-handling skills and accuracy. In addition, the District utilized the New Hampshire Department of Corrections' monthly practice range sessions, providing officers with one-on-one training from the District's certified firearm instructors.

In June, instructors conducted an Oleoresin Capsicum (OC) presentation and training, providing updated information regarding OC, deployment and post-incident procedures.

*Training and Professional Development:* The Office staff participated in a number of national, regional, and local training seminars, as attendees and/or presenters, including:

- Procurement Training
- Group Crisis Intervention
- Sig Sauer Academy
- Writing for Clarity
- Southern NH University Drug Summit
- Medication Assisted Treatment
- National Strategic Planning Session
- Sexual Offenders & Physical Abusers
- Federal Drug Sentencing Guidelines Amendment Reentry Conference
- Active Shooter Security Training
- STARR Implementation Training
- 2015 USSG Training
- Evaluation Instrument Training
- Reducing Opioid-Related Harm
- Child Support Training
- Financial Investigation Training

*Recognition:* During FY 2015, on recommendations from the Employee Recognition Committee, the following staff were commended for outstanding work:

Sean Buckley (District Award, Sustained Superior Performance); Kelley West (District Award, Special Service/Exceeding Expectations); Steve Seero (District Award, Special Service/Exceeding Expectations); and Tim Brown (Chief's Award, Community Service/Public Relations).

## **Report for the District of Puerto Rico**

The United States District Court for the District of Puerto Rico operated with a Clerk's Office staff of 60 full-time employees, three (3) part-time employees and seven (7) interpreters, as of December 31, 2015. Chambers staff for district, senior district and magistrate judges totaled 39, including one (1) part-time pro se law clerk. The District had six (6) court reporters. Seven (7) active district judges, three (3) senior district judges and four (4) magistrate judges managed the Court's caseload.

### **Information Technology**

The District accomplished the following milestones in FY 2015:

*National Wireless Service:* The DCN WIFI, a wireless extension of the existing DCN wired LAN, was implemented, allowing users with assigned government laptops and/or tablets to connect from any area within the Clerk's Office and the Probation Office.

*Data Center Storage Expansion:* NetApp storage expansion units were installed to increase resources for archiving video, audio and photographs.

*Data Center Backup-to-Disk Storage Expansion:* Exagrid backup storage units were installed to increase backup-to-disk storage resources.

*Attorneys' WIFI in Courtrooms:* Courtroom WIFI access was completed, with more than 139 registered users as of December 2015.

*JMS:* JMS and e-Juror were upgraded. Jury Section staff received JMS refresher training.

*FTR Software Replacement:* Digital court record replaced software for recording court proceedings audio.

*Training Room:* Computers were replaced with new thin terminals.

*Training Program:* Staff trainings on Microsoft Word, computer security, remote connection and general computer training

were provided.

### **Court Technology**

As evidence presentation systems technology advanced, the District continued to solicit and award contracts for upgrades that improve on speed, reliability and image quality.

### **Space and Facilities**

In 2011, the General Services Administration (GSA) began to replace the air conditioning and electrical systems in the Courthouse and Federal Building, funded by the American Recovery and Reinvestment Act program. Although the initial project, as awarded, was terminated in 2015, GSA secured funds for completion of the restructured project. Construction will begin in September 2016.

The remodeling project of the Clerk's Office Annex at the José V. Toledo U.S. Courthouse, set for completion in April 2016, will consolidate and augment support personnel in the Old San Juan Courthouse.

The chambers of Judge García-Gregory underwent major renovations.

The judges' conference room is undergoing renovations, with a projected completion date of May 2016.

### **Facilities Security Committee**

The Court continued to address security concerns in the Courthouse and Federal Building. Its achievements included the continued progress of the Capitol Security Study and the Feasibility and Housing Study. Both studies aim to improve secure prisoner movement and limit judges' circulation paths.

With the Circuit, the AO conducted a Screening Station Study to design and construct a station at the Chardón Avenue entrance of the Hato Rey Federal Complex.

In November 2015, the FSC adopted the FPS's recommendation to add five (5) protective security officer posts, thereby increasing security.

**CLE Programs**

In December 2015, the Court sponsored a lecture on jury trials, attended by 800 members of the bar. Speakers included Charles R. Nesson, the William F. Weld Professor of Law at Harvard Law School and Founder and Director of the Berkman Center for Internet and Society, and Mark Tushnet, the William Nelson Cromwell Professor of Law at Harvard Law School.

**District Bar Examination**

The Court offered district bar examinations in April and October 2015 to 559 examinees, of which 202 passed. April and October passing rates were 33% and 39%, respectively. A total of 213 attorneys were admitted to practice in the District during 2015, including those who passed the test in previous years.

**Civil Pro Bono Program**

During FY 2015, 60 attorneys were selected to serve on the Civil Pro Bono Panel, of which four (4) were exempt pursuant to Local Civil Rule 83L(e). A total of 45 pro bono appointments were made.

**Naturalization Ceremonies**

The Court held 19 naturalization ceremonies in 2015, during which 1,463 persons were sworn in as new United States citizens.

**Human Resources**

The HR Department welcomed personnel from the Administrative Office of the Courts for the Commonwealth of Puerto Rico for a presentation on personnel recruitment, selection, classification and retention.

As part of a cancer awareness program, the HR Department sponsored a breast cancer screening event.

**Interpreting Services**

In August 2015, three (3) staff interpreters attended the AO's rater training event and the rating of the Federal Court Interpreter

Certification Examinations (FCICE). The interpreters also participated in a re-scoring session of some of the FCICEs.

The District's staff interpreters participated in the AO's training workshop, which included topics such as telephone interpreting, ethics for interpreters and interpreting procurement and contracting.

**Community Outreach**

The District participated in the job fairs of the law schools of the University of Puerto Rico and the Pontifical Catholic University. Clerk's Office staff and law clerks provided students with information as to professional opportunities in the judiciary.

Staff presented on the functions and responsibilities of the Clerk's Office to students of the University of Puerto Rico School of Law's federal practice clinic.

*Blood Drive:* The Clerk's Office sponsored two (2) blood drives with the participation of the Bankruptcy Court, the Probation and Pretrial Services Office and the Marshals Service.

*Truman Scholarship Foundation:* The Clerk continued to serve as chair of the Truman Scholarship Foundation for Puerto Rico.

**Training**

In 2015, a training coordinator position was created to enhance and promote ongoing training to judges, staff and attorneys.

The District's judges are committed to contributing to quality judicial and other educational programs, such as the Judicial Studies Institute (JSI) of the U.S. Department of Justice, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). The District hosts JSI-OPDAT visitors at least twice a year, including judges and magistrate judges from Central and South American countries.

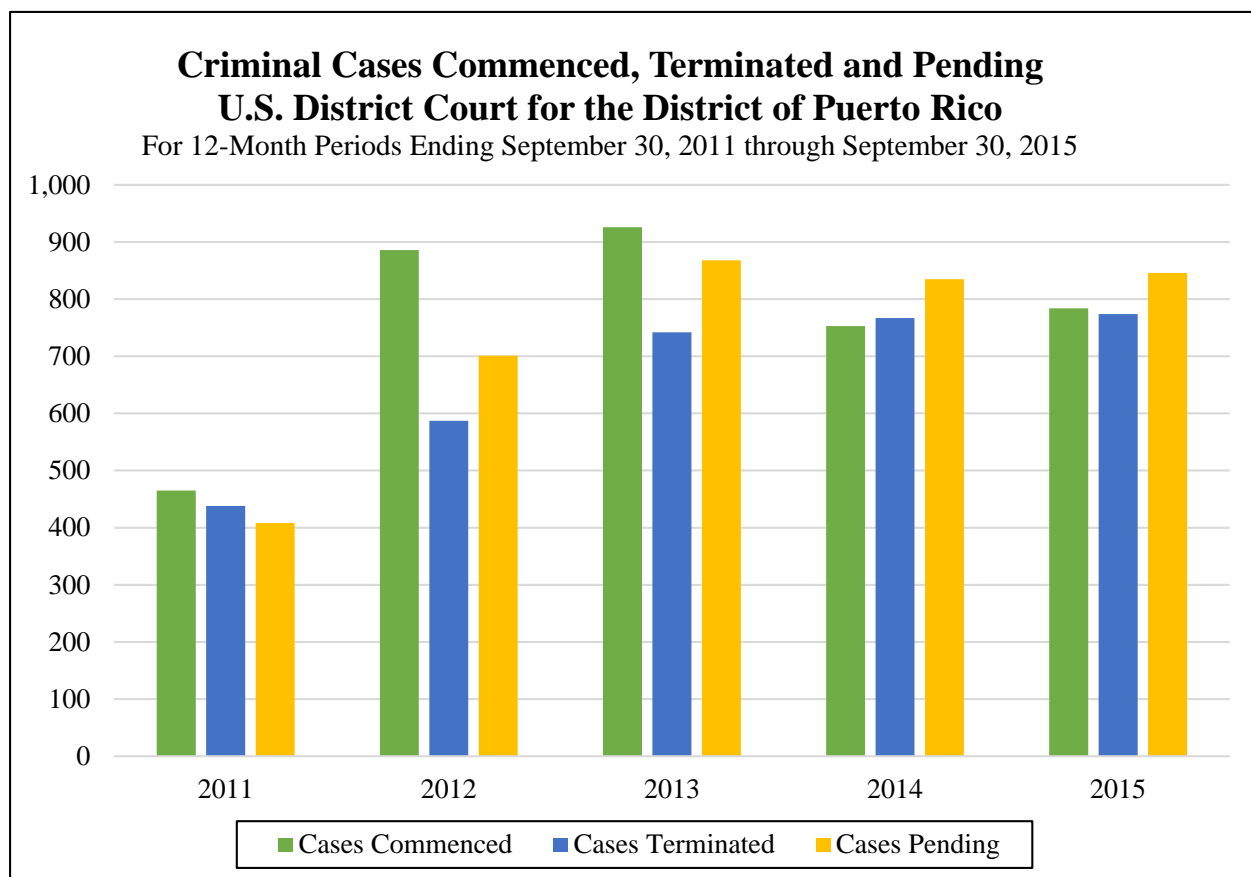
**CJA Committee**

Chief Judge Delgado-Colón and the CJA Committee undertook a comprehensive review of the District's CJA Mentoring Program. Since 2002, the Program has promoted quality representation to indigent criminal defendants pursuant to the CJA and the Local Plan. As a result of the review, the program was improved with the implementation of new requirements and more active participation of mentoring attorneys. The CJA Panel is composed of 85 attorneys who received an average of nine (9) appointments during 2015.

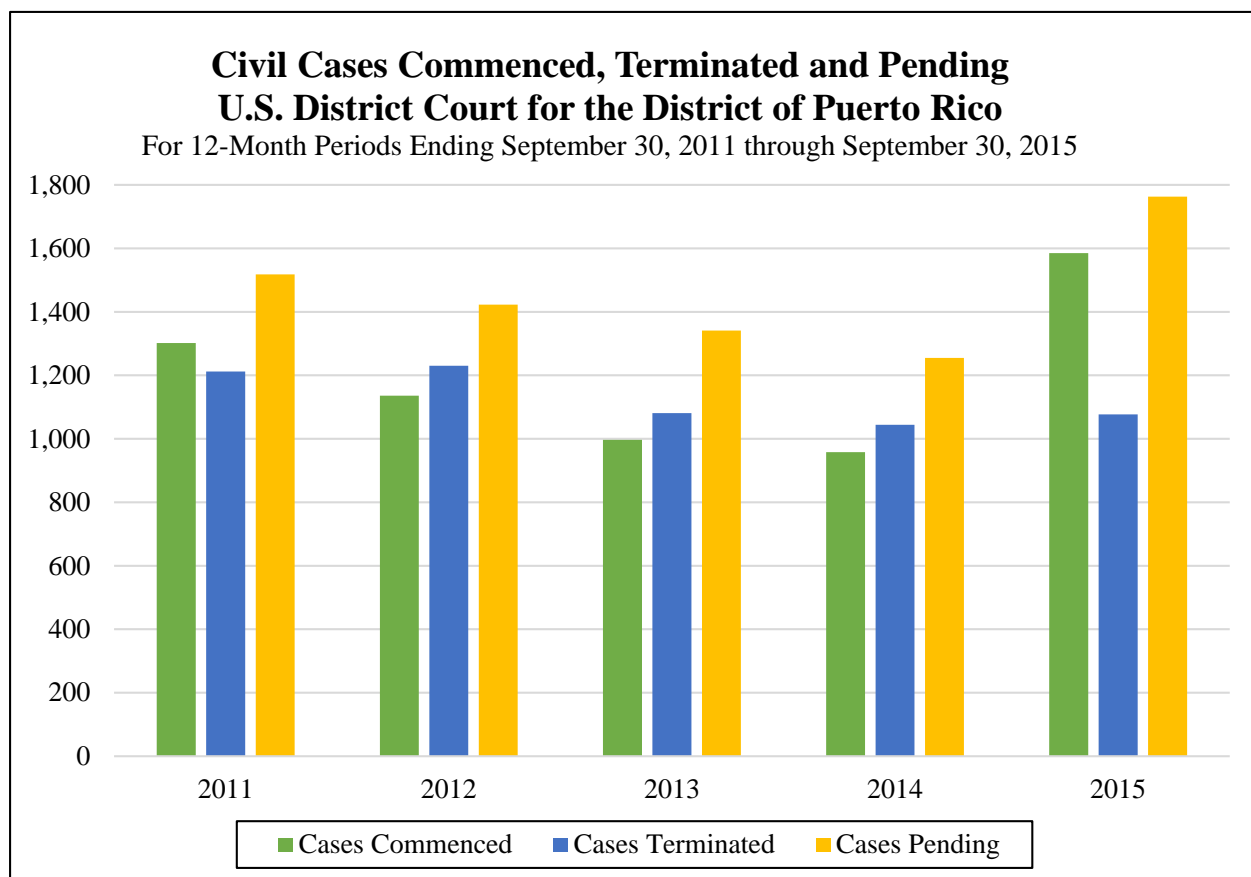
In March 2015, the Court migrated to eVoucher, which allows the electronic remittance of vouchers between the Court and the Court of Appeals. The Financial Integration function of eVoucher was activated in September 2015, providing an automatic interface with the system that issues payment to attorneys and service providers.

CJA staff continued to offer eVoucher trainings, including best billing practices, to the CJA Panel and service providers.





<b>Criminal Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of Puerto Rico</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	465	886	926	753	784
<b>Cases Terminated</b>	438	587	742	767	774
<b>Cases Pending</b>	408	701	868	835	846



<b>Civil Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of Puerto Rico</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	1,302	1,136	997	958	1,585
<b>Cases Terminated</b>	1,212	1,230	1,081	1,044	1,077
<b>Cases Pending</b>	1,518	1,423	1,341	1,255	1,763

### **Probation & Pretrial Services Office, District of Puerto Rico**

The Office remained committed to assisting offenders in leading law-abiding lives, ensuring community safety and aiding in the fair administration of justice. The Office was the first in the nation to have all of its supervision officers trained and implementing STARR, and one of the top districts in the use of Second Chance funds for reentry needs of offenders. The District was third in the nation in retroactive § 782 motion workload.

#### **Operations**

*Court Services:* Court Services had 31 full-time and one (1) part-time officers and one (1) task force probation officer, totaling 33 officers conducting pretrial and presentence investigations. Several officers transferred to the mainland, and one (1) officer was detailed to the National Training Academy.

Aided by the addition of several officers, the Division continued to respond to the increasing caseload. The Division also focused on core training and the development of evidence-based practices to enhance the quality of reports.

*Pretrial Services:* During FY 2015, 1,192 cases were opened, and the Office continued to report the highest number of activations in the Circuit. Controlled substances remained the most common offense type, followed by firearms and violent crimes.

*Supervision Division:* The workload of the Supervision Division continued to grow. In line with Judicial Conference policy, emphasis was placed on evidence-based practices. The Division continued to emphasize early terminations in qualifying cases and increase of supervision for higher-risk cases. Caseload distribution by risk level continued to be a focus in FY 2015.

<b>Supervision</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>% Change</b>
Pretrial Svcs. (and Diversion)	1,017	871	-16%
Post Conviction	2,693	2,898	8%

	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
Total Cases Closed	724	609	541
Cases Closed by Early Termination	164	138	91
Revocations	91	100	130
Revocation Rate	13%	16%	24%

#### **Presentence Investigation Reports**

<b>FY 2013</b>	1,429
<b>FY 2014</b>	1,527
<b>FY 2015</b>	1,564

*Community Outreach:* The Office continued community outreach efforts for at-risk youth, abused minors and disadvantaged communities.

#### **Organization**

*Human Resources:* Twelve (12) probation officers, three (3) operations support technicians and two (2) scanning technicians were hired. Five (5) staff members separated due to retirement, transfer or termination.

*Training and Conferences:* A total of 65 in-house employee training sessions were provided. Staff also participated in 49 training events outside of the District, including courses at the National Training Academy.

*Special Projects:* The Office converted closed and inactive paper files into electronic format and converted its file room into a multi-purpose conference room.

**Report for the District of Rhode Island**

In 2015, the United States District Court for the District of Rhode Island marked 2015 by celebrating its 225th Anniversary and embarking on a number of initiatives to broaden its role in the legal community. The District, in partnership with Roger Williams University School of Law and the Rhode Island Chapter of the FBA, continued its Litigation Academy, started a Deferred Sentencing Program to explore alternatives to incarceration, and launched a court history and education website.

**Events, Ceremonies and Programs**

*225th Anniversary Program:* The Court celebrated its 225th anniversary in June 2015, with a panel discussion on the past, present and future role of the Court by Senior Circuit Judge Selya, Chief Judge Saris of the District of Massachusetts and Dr. Gordon Wood, Professor of History Emeritus at Brown University.

*Attorney Admissions Program:* In January 2015, 82 attorneys attended the Court's Board of Bar Admissions program. The lectures, featuring judges and experienced practitioners, covered federal court practice/local rules, jurisdiction, criminal procedure and bankruptcy. Staff gave presentations on CM/ECF and courtroom technology. A bar admissions ceremony for new members was held in February 2015.

*CJA Panel Luncheon:* The Court held its annual luncheon in December for the District's CJA Panel and the Federal Public Defender Satellite Office. Chief Judge Smith gave an overview of the Court's Deferred Sentencing Program and First Circuit Case Budgeting Attorney Michael Andrews discussed case budgeting techniques.

*Deferred Sentencing Program:* In December 2015, the Court initiated its Deferred Sentencing Program, offering a blend of treatment, supervision and services after a guilty plea, in lieu of incarceration, to address offender behavior, rehabilitation and community safety. Participants attend monthly progress meetings with the presiding judge, prosecutor, defense counsel and probation officers.

*Litigation Academy:* The District, in partnership with Roger Williams University School of Law and the Rhode Island Chapter of the FBA, continued its Litigation Academy to improve attorneys' federal litigation skills. In May, the first program of 2015 focused on deposition skills, with 27 participants conducting mock depositions. A second Litigation Academy in October 2015 focused on direct and cross examinations, with 31 participants in a mock trial setting.

*Lawyers Without Rights:* The Court hosted the ABA exhibit "Lawyers Without Rights" in September and October 2015. The exhibit focused on Nazi persecution of Jewish lawyers and judges.

*Federal Civil Rules Changes Program:* In November 2015, Judge McConnell and Magistrate Judge Sullivan, with Patricia Rocha, Esq., hosted a CLE on changes to the Federal Rules of Civil Procedure, effective December 2015. Over 200 members of the bar attended the program.

*Special Naturalization Ceremonies:* The Court held two special naturalization ceremonies in 2015: July 2, at McCoy Stadium in recognition of Independence Day, with Judge McConnell presiding, and September 17, at Roger Williams National Memorial Park, in recognition of Citizenship

Day, with Magistrate Judge Sullivan presiding.

### **Human Resources**

In fall 2015, the District began to share an HR Department with Probation and Pretrial Services. The Department, consisting of the Court's HR Manager and the Probation and Pretrial Service Office's Personnel and Procurement Specialist, supports 95 staff members.

John Duhamel, calendar clerk to Judge Lisi, retired in December, after 14 years of service.

### **Case Management**

Since 2007, Judge Lisi has managed the *In re: Kugel Mesh* MDL case. By December, the pending caseload was reduced to 28 cases.

The Special Master, appointed to handle filings related to mortgage foreclosure cases, concluded her work in October 2015.

Chief Judge Smith continued to manage the *Loestrin 24 FE* MDL case, with 12 cases pending at the close of 2015.

*Case Management Initiatives:* The Court expanded the use of Pay.gov to receive fees for filing notices of appeal in criminal cases.

### **Information Technology**

In December, the Court announced its history and education website, featuring videos and

descriptions of programs and special events held at the Court and biographies of its judicial officers since its founding.

### **Space & Facilities**

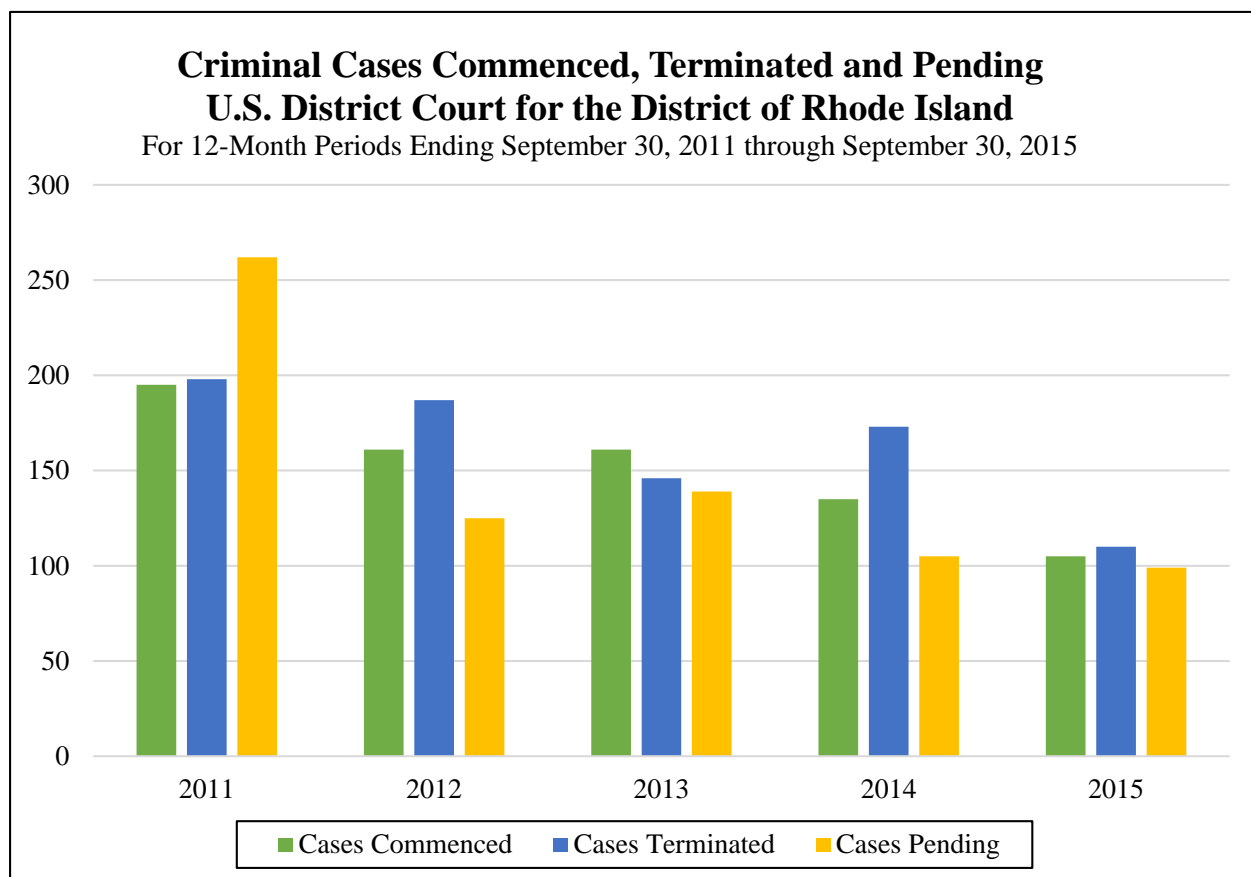
The First Circuit Satellite Library consolidated its space and relocated within the Courthouse. The attorney lounge area and the District's shared training area were moved to the Courthouse.

### **Other Accomplishments**

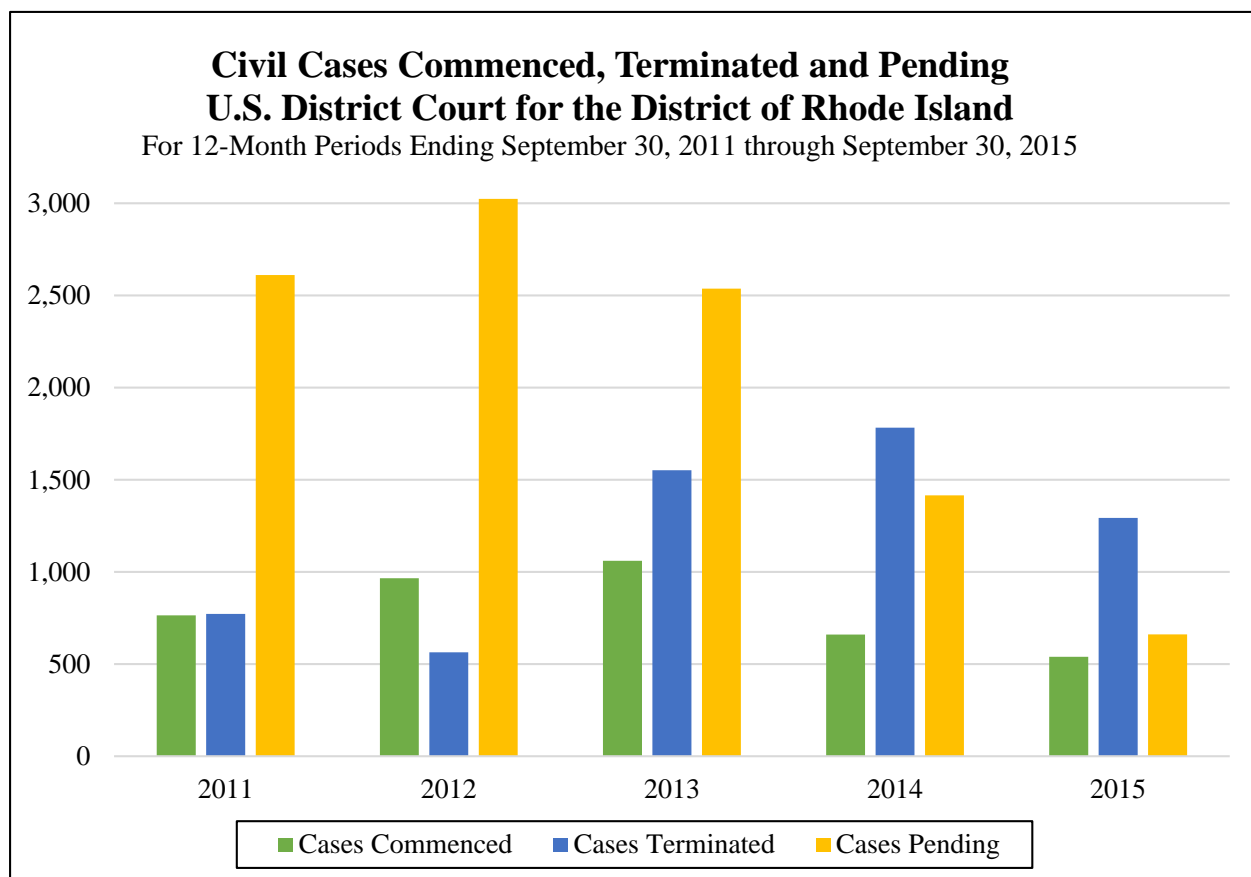
*Local Rules:* The Local Rules Review Committee performed its yearly review of proposals from the Court, the bar and the public and submitted a final report. The Court adopted 12 amendments, effective in December 2015.

*AJIS Aware:* To improve communication with jurors, the Court implemented the AJIS Aware telephone system, allowing the Court to provide jurors with information about their service and updates on deferrals and excusals.

*eVoucher:* The District converted to eVoucher in December. The Court created online training materials and demonstrated the program at its annual CJA luncheon.



<b>Criminal Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of Rhode Island</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	195	161	161	135	105
<b>Cases Terminated</b>	198	187	146	173	110
<b>Cases Pending</b>	262	125	139	105	99



<b>Civil Cases Commenced, Terminated and Pending</b> <b>U.S. District Court for the District of Rhode Island</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	764	966	1,060	660	539
<b>Cases Terminated</b>	772	564	1,552	1,783	1,293
<b>Cases Pending</b>	2,611	3,024	2,537	1,415	661

### Probation & Pretrial Services Office, District of Rhode Island

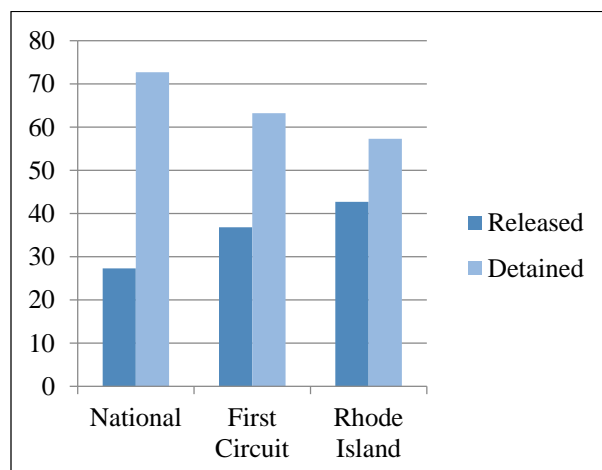
The Office added two (2) probation officers and two (2) temporary scanning technicians to handle the demands of an evidence-based organization and to fulfill its commitment to becoming a paperless environment.

In April, the AO conducted a financial audit and determined that the Office was in full compliance. In June, the AO and the Office conducted a program review, identifying one (1) finding in pretrial supervision, two (2) findings in post-conviction supervision and three (3) findings in location monitoring. The management team addressed these findings by educating and training the staff, creating new policies and implementing new practices.

#### Pretrial

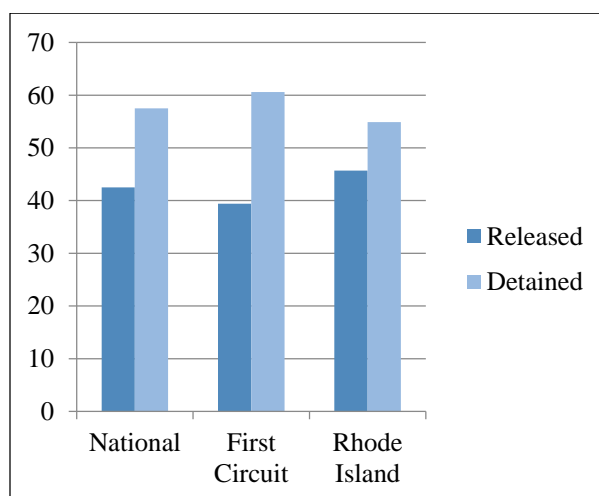
#### Release and Detention for the 12-Month Period Ending September 30, 2015

	Release Rate	Detention Rate
National	27.3%	72.7%
First Circuit	36.8%	63.2%
Rhode Island	42.7%	57.3%



#### Release and Detention for the 12-Month Period Ending September 30, 2015 (Excluding Immigration Cases)

All Cases	Release Rate	Detention Rate
National	42.5%	57.5%
First Circuit	39.4%	60.6%
Rhode Island	45.7%	54.9%



	2014	2015
Average Caseload	61	66*
New Investigations**	123	138

\* Includes 36 Location Monitoring/Global Positioning Satellite cases

\*\* Not including Rule 5

#### Presentence

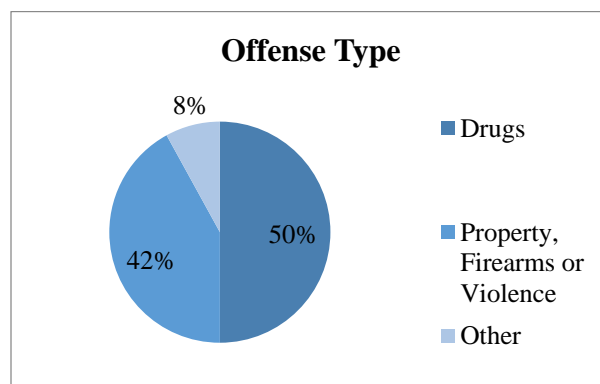
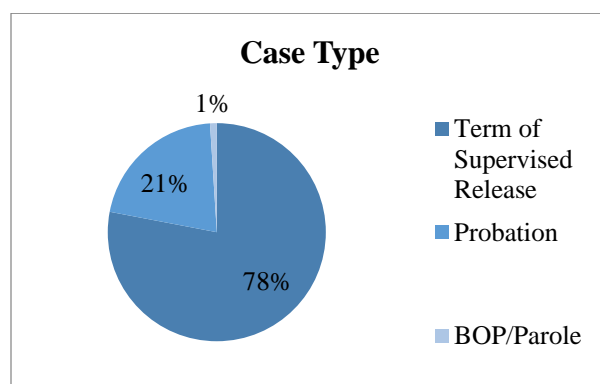
	2014	2015
Presentence Reports Completed	165	114

#### Post-Conviction

	2014	2015
Average RPI* Score, Rhode Island	4.24	4.13
Average RPI Score, National		3.73

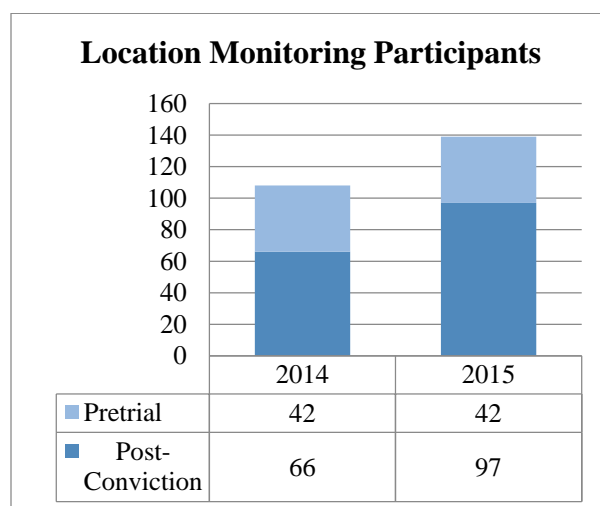
\* Risk Prediction Index





	2014	2015
<b>Revocation Rate, Rhode Island</b>	21.3%	25.2%
<b>Average RPI Score, National</b>		27.3%

*Location Monitoring Program:* In 2015, there were 139 location monitoring participants in the District, compared to 108 in 2014.



Use of location monitoring for modifications to conditions of release increased 250% in 2015. Twenty (20) modifications were made, compared to eight (8) in 2014.

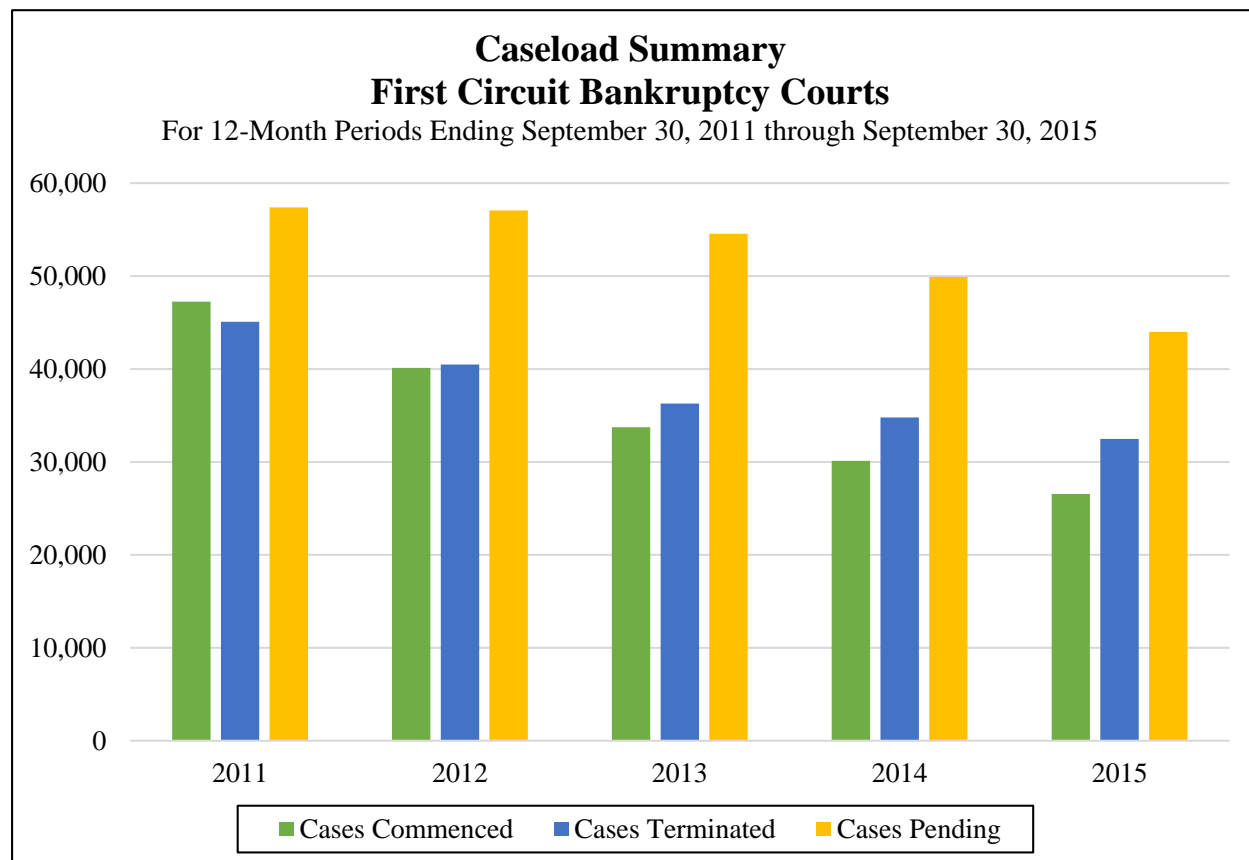
In April, the Location Monitoring Specialist and Supervising U.S. Probation Officer attended a location monitoring conference.

*Sex Offender Management:* The number of supervised sex offenders remained fairly constant. The Sex Offender Management Team gained a supervisor and a deputy chief. The Team maintained its relationships with the Marshal Service and local law enforcement. Three (3) officers attended a Crimes Against Children conference; two (2) officers attended an international training for the Association for the Treatment of Sexual Abusers; and one (1) officer was selected for and trained by the AO to provide technical assistance on management of sex offenders to districts across the country.

*MRT:* In April, the Office began co-facilitating weekly MRT groups, providing a systematic, cognitive behavioral treatment strategy designed to enhance self-image, promote growth of a positive, productive identity and facilitate moral reasoning development. Participants in MRT are referred via three (3) avenues: (1) as referrals from the HOPE Court; (2) as an approved graduated sanction to address non-compliant behavior; and (3) as an additional condition of probation/ supervised release.

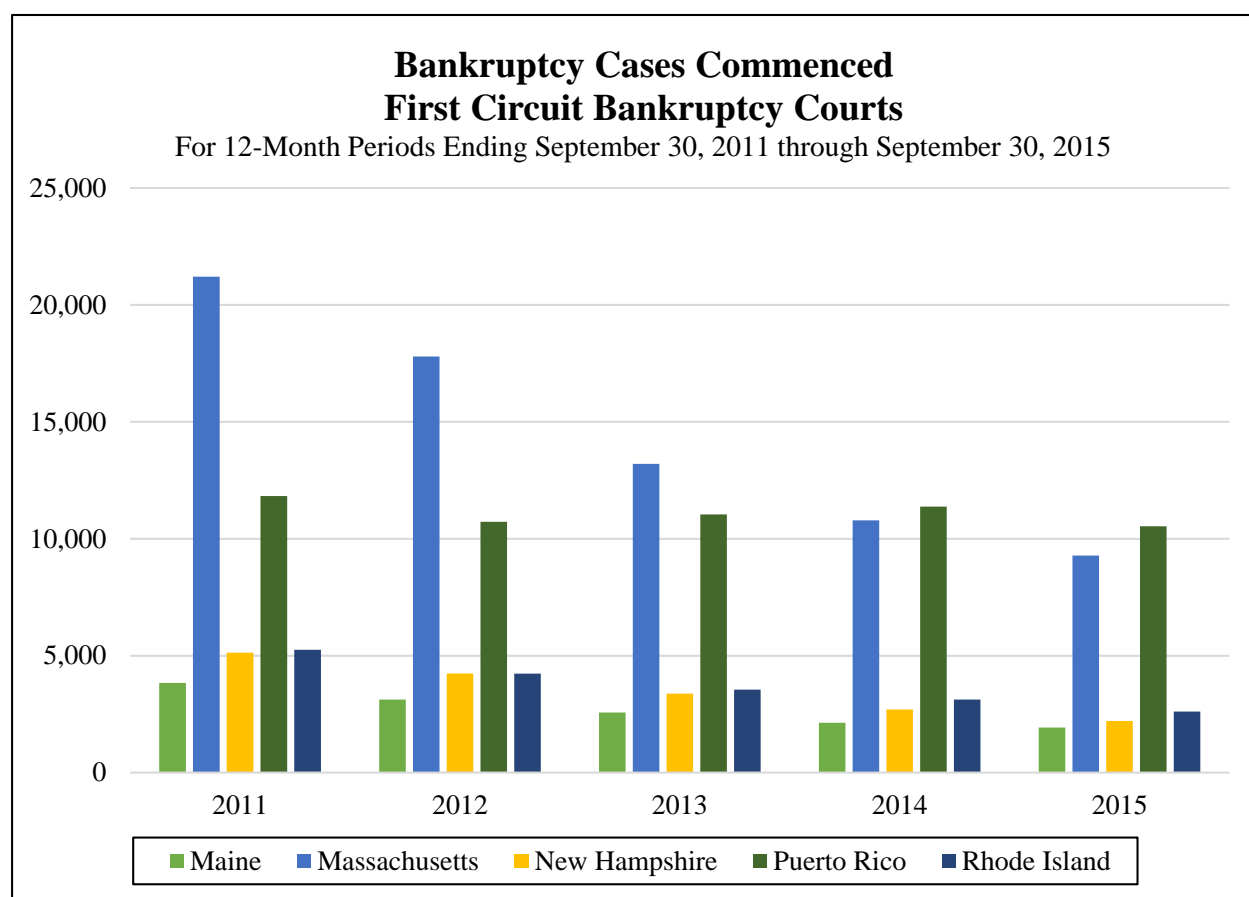
Currently, MRT has eight (8) active members: two (2) are HOPE Court participants; five (5) were referred as a graduated sanction in response to violation behavior; and one (1) was ordered to participate as a special condition of supervised release. As of the close of 2015, three (3) participants had completed the program.

### **Statistical Report for Bankruptcy Courts in the First Circuit**

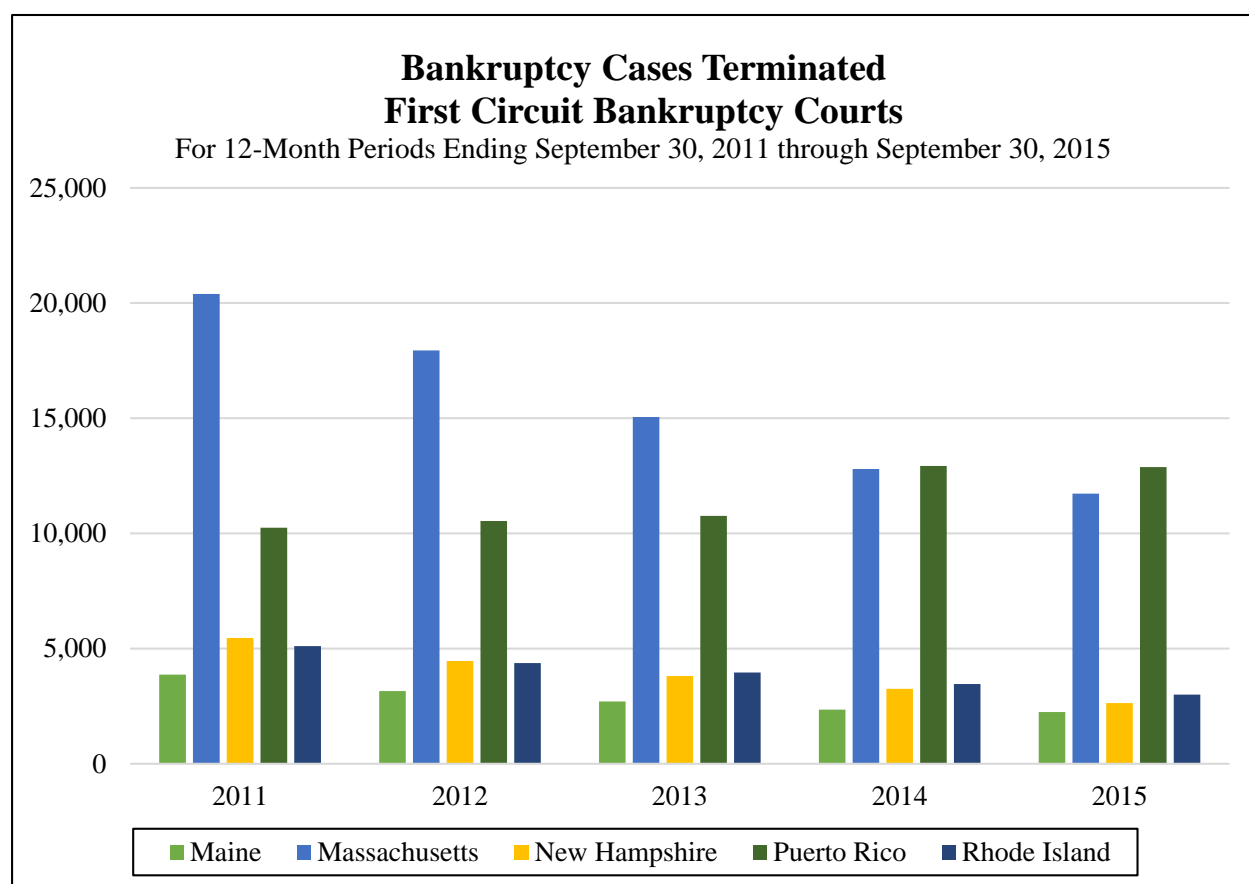


<b>Caseload Summary</b> <b>First Circuit Bankruptcy Courts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	47,252	40,122	33,742	30,129	26,565
<b>Cases Terminated</b>	45,075	40,475	36,288	34,783	32,484
<b>Pending Caseload*</b>	57,379	57,061	54,543	49,910	43,990

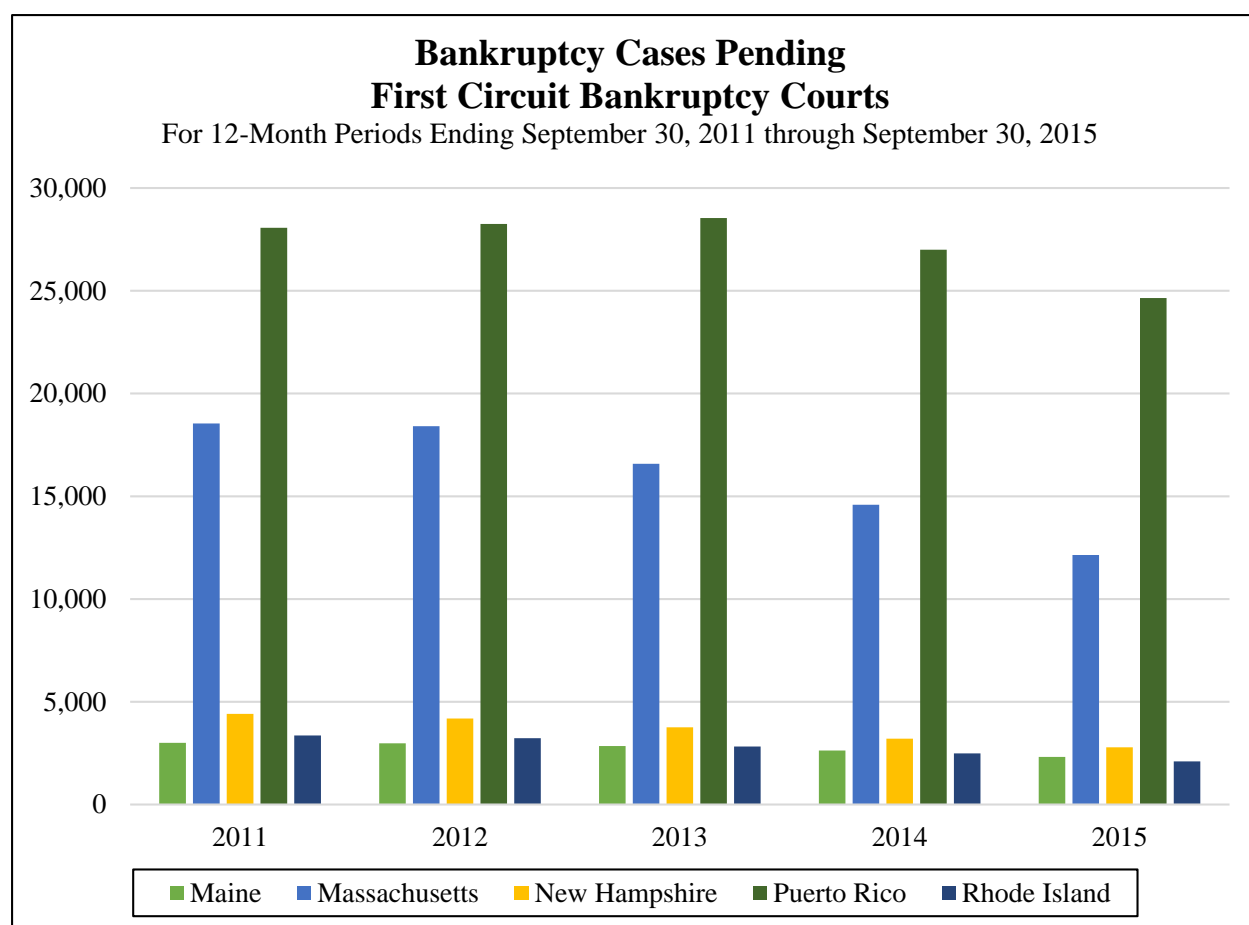
\*Pending caseloads in 2011, 2012, 2013 and 2014 as revised by the AO.



<b>Bankruptcy Cases Commenced</b> <b>First Circuit Bankruptcy Courts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	3,835	3,125	2,575	2,135	1,930
Massachusetts	21,208	17,793	13,201	10,789	9,280
New Hampshire	5,132	4,240	3,376	2,704	2,211
Puerto Rico	11,827	10,727	11,043	11,377	10,533
Rhode Island	5,250	4,237	3,547	3,124	2,611



<b>Bankruptcy Cases Terminated</b> <b>First Circuit Bankruptcy Courts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	3,867	3,152	2,705	2,352	2,244
Massachusetts	20,399	17,947	15,052	12,793	11,724
New Hampshire	5,459	4,463	3,810	3,254	2,633
Puerto Rico	10,245	10,542	10,764	12,926	12,882
Rhode Island	5,105	4,371	3,957	3,458	3,001



<b>Bankruptcy Cases Pending*</b> <b>First Circuit Bankruptcy Courts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
District	2011	2012	2013	2014	2015
Maine	3,003	2,976	2,847	2,630	2,316
Massachusetts	18,545	18,413	16,581	14,590	12,145
New Hampshire	4,412	4,189	3,755	3,205	2,783
Puerto Rico	28,062	28,252	28,538	26,995	24,646
Rhode Island	3,357	3,231	2,822	2,490	2,100

\* Pending caseloads for 2011, 2012, 2013 and 2014 as revised by the AO.

<b>Business Bankruptcy Filings, by Chapter</b> <b>First Circuit Bankruptcy Courts</b> For the 12-Month Period Ending September 30, 2015				
District	Chapter 7	Chapter 11	Chapter 12	Chapter 13
Maine	88	12	7	17
Massachusetts	277	77	12	36
New Hampshire	87	23	1	34
Puerto Rico	123	132	17	39
Rhode Island	80	6	0	4

<b>Non-Business Bankruptcy Filings, by Chapter</b> <b>First Circuit Bankruptcy Courts</b> For the 12-Month Period Ending September 30, 2015			
District	Chapter 7	Chapter 11	Chapter 13
Maine	1,518	1	286
Massachusetts	6,653	32	2,193
New Hampshire	1,567	1	498
Puerto Rico	4,220	25	5,997
Rhode Island	2,087	3	430

**Bankruptcy Court for the District of Maine****Human Resources/Staffing**

With the continuing decline of bankruptcy case filings nationally and in the District, the Bankruptcy Court has reduced the number of its employees by over 25% since 2012.

In 2015, the Bankruptcy Court began sharing IT resources with the District's Probation and Pretrial Services Office. The two court units shared an IT employee in Bangor and continued to explore the possibility of further IT sharing.

**Case Management**

Both bankruptcy judges in the District were active in an alternative dispute resolution program with the District Court. Judges from both courts acted as settlement judges and mediators. Additionally, Chief Judge Cary and Judge Fagone continued to assist informally with the settlement of bankruptcy disputes.

**Information Technology**

Consistent with national trends, the Bankruptcy Court continued to transition many of its IT programs and applications to

national servers. In 2015, this included the Court's single most important tool: CM/ECF.

With the other court units, the Bankruptcy Court joined in becoming one of the first two districts in the country to switch over to JIFMS, the judiciary's newest financial/accounting program.

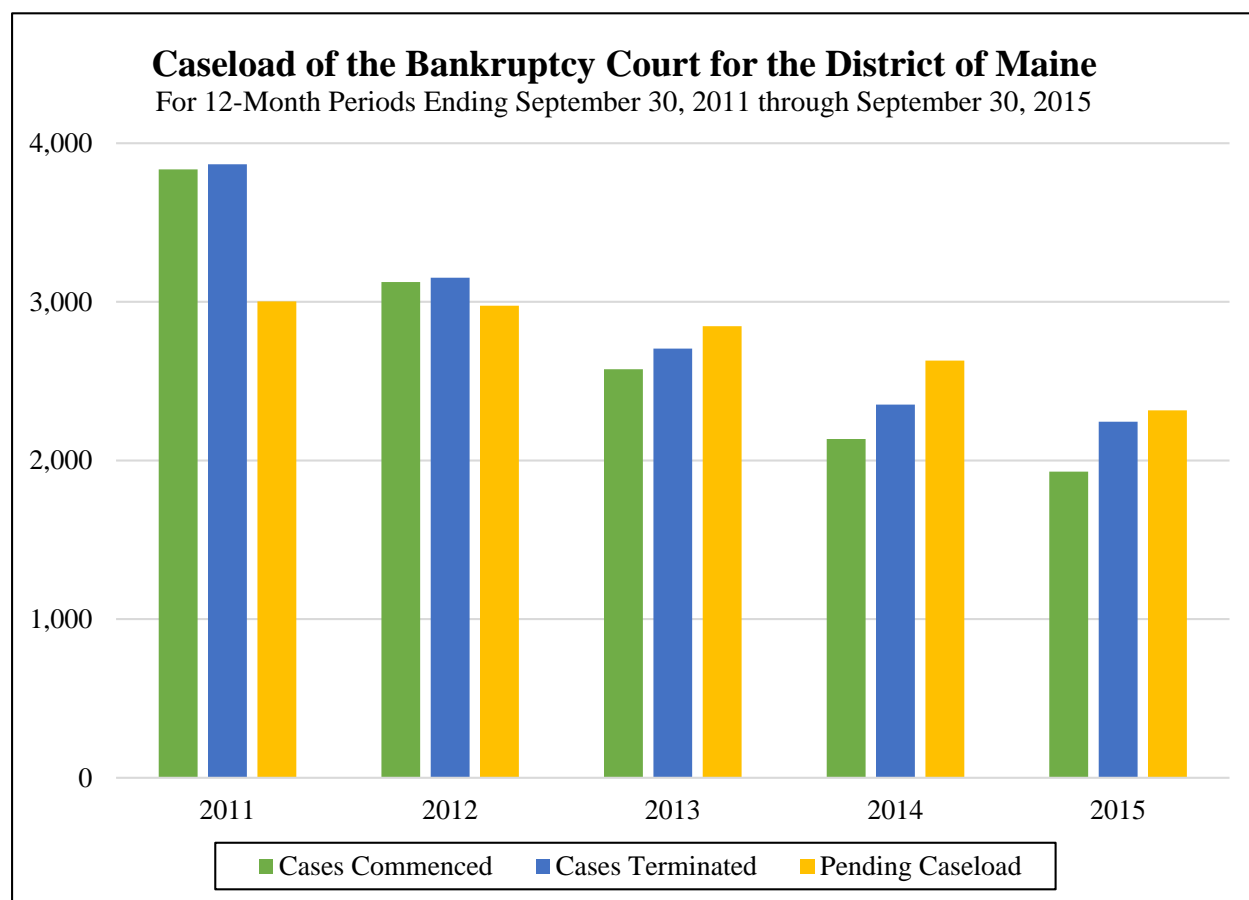
**Conferences/Training**

Chief Judge Cary and Judge Fagone continued the Court's tradition of holding "brown bag lunches" for members of the bar and public.

Court staff convened for an all-day training workshop, covering changes in the workplace, significant IT initiatives and other topics important to all staff.

**Community Outreach**

The Court has been active in a national financial literacy program. Through this outreach program, bankruptcy professionals, including judges, Clerk's Office staff and practicing attorneys, presented to young adults throughout Maine on issues of budgeting, saving, and obtaining and using credit responsibly.



<b>Caseload for the Bankruptcy Court for the District of Maine</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	3,835	3,125	2,575	2,135	1,930
<b>Cases Terminated</b>	3,867	3,152	2,705	2,352	2,244
<b>Pending Caseload*</b>	3,003	2,976	2,847	2,630	2,316

\* Pending caseload for 2013 as revised by the AO.



**Bankruptcy Court for the District of Massachusetts**

In 2015, case filings continued to follow the national downward trend that started in 2011. In calendar year 2014, 10,394 cases were filed in the District; in 2015, 9,171 cases were filed, a decrease of nearly 12%. While cases declined overall, pro se filings increased 5.2% from 2014. In 2015, there were 478 pro se filings: 237 chapter 7 cases; 237 chapter 13 cases and four (4) chapter 11 cases.

The Court's Pro Se Clerk meets regularly with bar groups in an effort to increase the availability of legal assistance for those unable to afford counsel and to develop a referral service. Informational sessions are available for pro se debtors and potential debtors, led by private attorneys who discuss the bankruptcy process and review the necessary forms to petition for bankruptcy.

In furtherance of the judiciary's space-reduction effort, the Court released storage space in the basement of the Donohue Building in Worcester and made plans to relocate its Boston finance office to existing space within the Clerk's Office, releasing additional space back to the GSA.

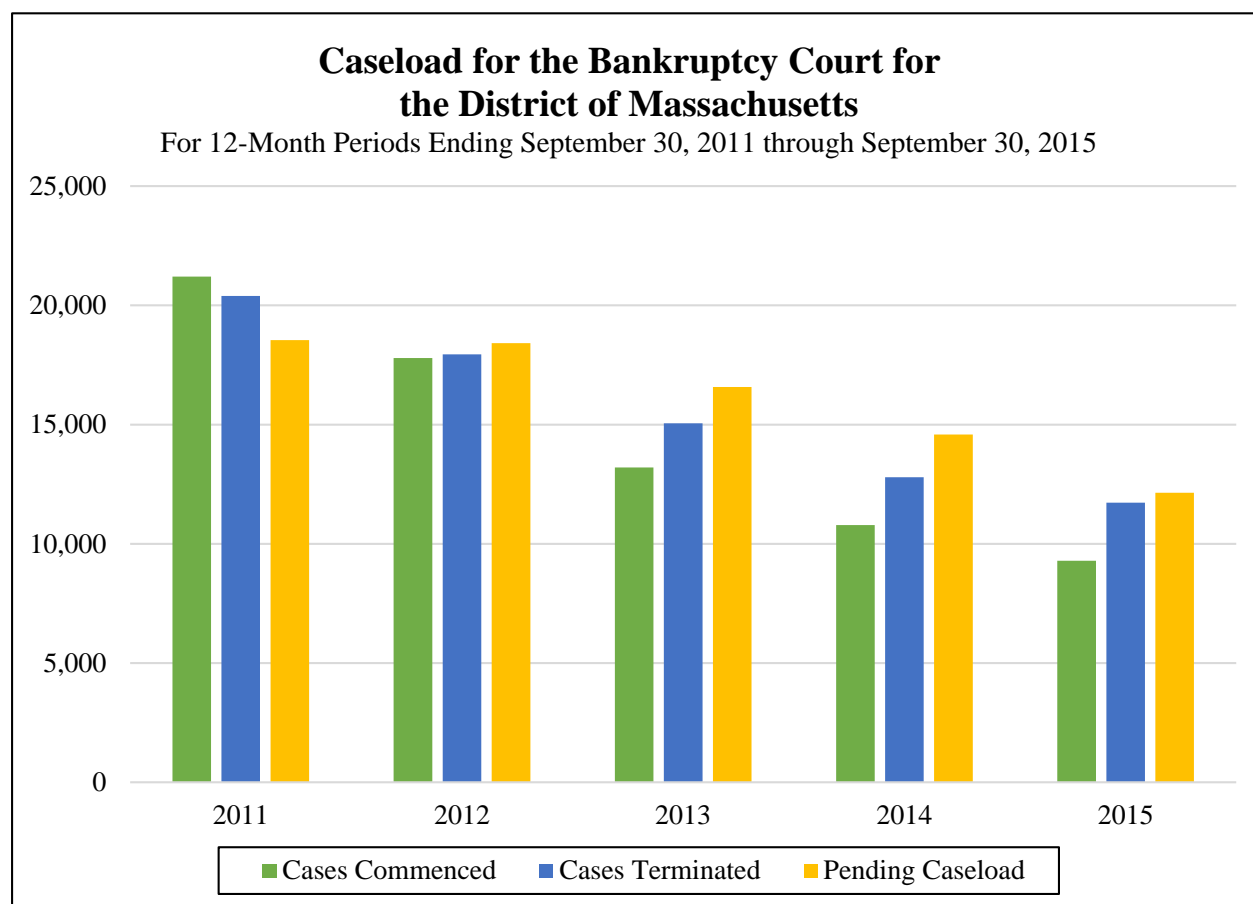
Continuing the Court's tradition of educational outreach, the bankruptcy judges and the Clerk participated in seminars, panel discussions and meetings throughout the year. The judges served as panelists on local, regional and national programs presented by entities such as MCLE, the BBA, the Practicing Law Institute, the NCBJ, the

National Association of Consumer Bankruptcy Attorneys, the ABI, Suffolk University School of Law and Western New England School of Law.

The Bankruptcy Court's Diversity Committee, which includes private attorneys and members of academia, works with local bar associations and affinity groups to increase the number of minority attorneys who practice bankruptcy law. Chaired by Judge Boroff and Judge Feeney, the Committee has secured scholarships for members of the affinity bars to attend events conducted by the Bankruptcy Section of the BBA. The Committee also sponsors a wine and cheese event each year.

The Court's Pro Bono Committee continued its efforts to increase the number of attorneys available to accept pro bono cases from people in financial distress. The Committee has members from across the Commonwealth, including representatives from legal service providers in Boston, Springfield, Worcester and the south coast area. Through the efforts of the Committee, the Court provides Spanish and Portuguese translations of much of the pro bono material on its website.

The Court's Attorney Advisory Committee, co-chaired by Chief Judge Hoffman and Judge Bailey, met quarterly to review and discuss proposed modifications and improvements to its Local Rules. A revised set of Local Rules is planned for June 2016.



<b>Caseload for the Bankruptcy Court for the District of Massachusetts</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	21,208	17,793	13,201	10,789	9,280
<b>Cases Terminated</b>	20,399	17,947	15,052	12,793	11,724
<b>Pending Caseload*</b>	18,545	18,413	16,581	14,590	12,145

\* Pending caseloads for 2011, 2012, 2013 and 2014 as revised by the AO.

<b><u>Bankruptcy Court for the District of New Hampshire</u></b>
--

**Bench/Bar Programs**

In September, the Court hosted the program, “Streamlining Procedures for Consumer Chapter 7 and Chapter 13. ”

**Internal Operating Procedures**

In March, the Court completed the Self-Assessment Training and the annual internal controls audit.

In June, the Court completed a four year cyclical audit for the period of July 1, 2011 through March 31, 2015, with no findings.

**Intra-District Activities**

The Bankruptcy Court, the District Court, and the Probation and Pretrial Services Office continued to meet regularly on administrative matters, with Chief Judge Harwood, District Chief Judge Laplante, court unit executives and their deputies in attendance, and with the other judges attending every other meeting. In cost-containment efforts, the District Court and the Bankruptcy Court continued to share in the area of procurement, and, in December 2015, the units also started sharing in the areas of human resources, information technology and budget management.

The Bankruptcy Court and the District Court approved the feasibility of co-locating the Bankruptcy Court to Concord in the summer of 2017. Co-location will have a cost savings of approximately \$680,000 annually.

**National and Local Education Training**

Employees attended numerous training programs, including New Circuit Unit

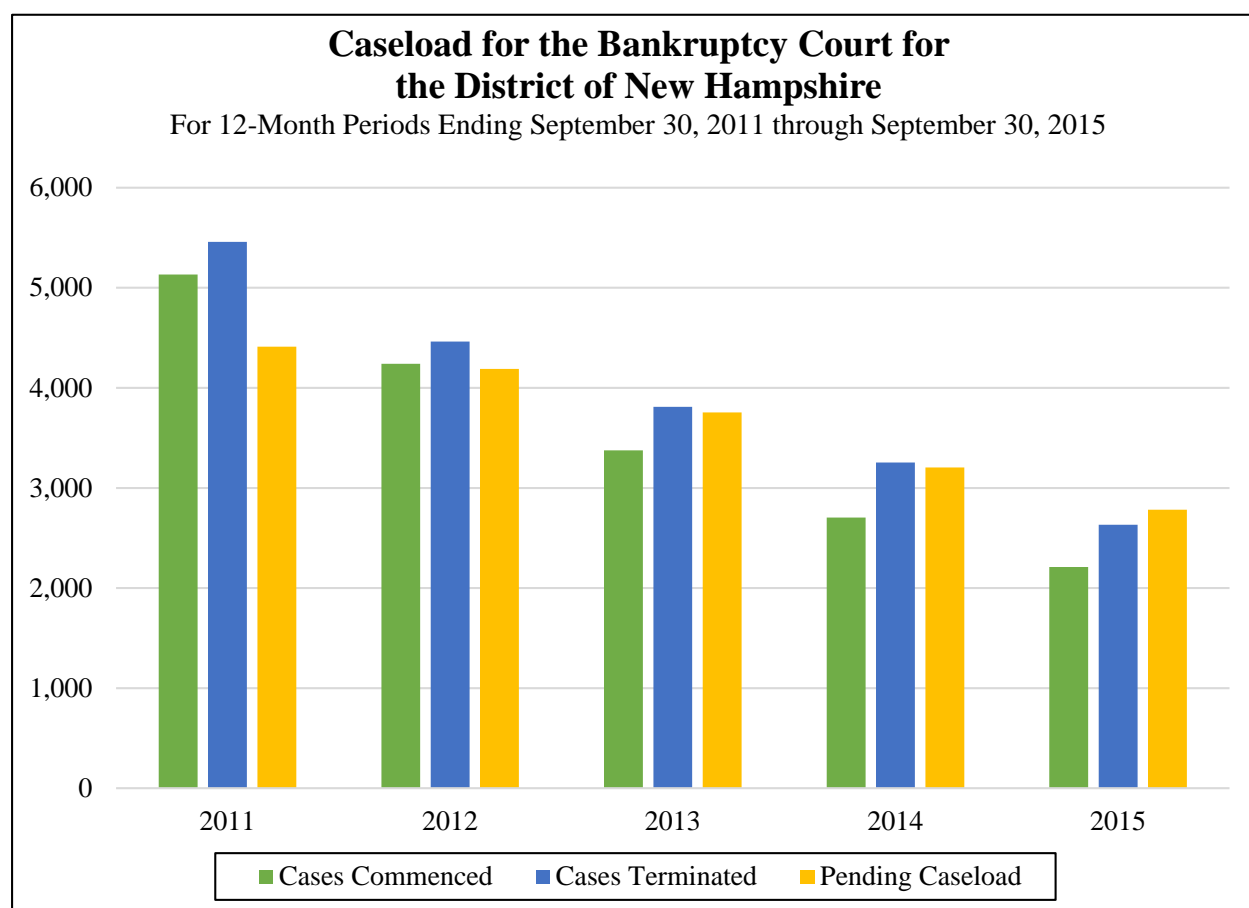
Executive (CUE)/Chief Deputy Training, HR Training, First Circuit CUE/Chief Deputy Conference, Contracting Officer Training, IT Conference, IBM Notes Administration, Pro Se Law Clerk Conference, Drupal Training, CMAssist Training, National Conference of Bankruptcy Clerks (NCBC) Conference, Operations Forum, HRMIS Leave Tracking Training and Contracting Officer Training.

**New National Programs**

The Bankruptcy Court implemented numerous automation initiatives to improve efficiency, productivity and services to the public. The Court migrated the CM/ECF case-filing system to central servers in Washington, D.C. The Court activated JFinSys, which improves budget management and compliance with financial stewardship regulations. The Court also developed a new Drupal website with improved content management capabilities and implemented CMAssist, a management/work flow system, to improve document quality review and routing efficiency.

**Statistical Information**

The Bankruptcy Court experienced a 20.1% decrease in total bankruptcy case filings in calendar year 2015, higher than the national decrease (-9.9%). The Court also experienced a 16.4% decrease in adversary proceeding filings, higher than the national decrease of 5.5%.



<b>Caseload for the Bankruptcy Court for the District of New Hampshire</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	5,132	4,240	3,376	2,704	2,211
<b>Cases Terminated</b>	5,459	4,463	3,810	3,254	2,633
<b>Pending Caseload*</b>	4,412	4,189	3,755	3,205	2,783

\* Pending caseload for 2011 as revised by the AO.

**Bankruptcy Court for the District of Puerto Rico****Community Outreach**

Judge Cabán served as chair of the Public Outreach Committee, a member of the HNBA's Liaison Committee for the NCBJ and a volunteer for CARE.

**Information Technology**

IT projects in 2015 included updating the sound system for three courtrooms, adding evidence presentation equipment, implementing audio streaming, upgrading the video conference equipment, and converting to the National IP Telephone system.

In conjunction with the District Court, a courtroom WIFI network was installed.

Forms Modification in CM/ECF was implemented in December.

**Case Management and Local Procedures**

The Uniform Procedures Committee was created to review and update procedures and to present proposed uniform procedures to the Court for evaluation and discussion. The Quality Control Program was developed, which included an internal audit of the documents referred to chambers.

**Educational Programs**

The Court participated in and conducted BAP Appeals Training, for members of the bar and the staff.

**Staff Training**

During 2015, training efforts included communication and team building exercises, as well as information security and ethics. The FJC conducted the Personality Temperament Instrument Workshop. Management and administrative staff took the Blackboard course Introduction to Project Management. The Employee Assistance Program Staff Consultant visited the Court to provide presentations to staff.

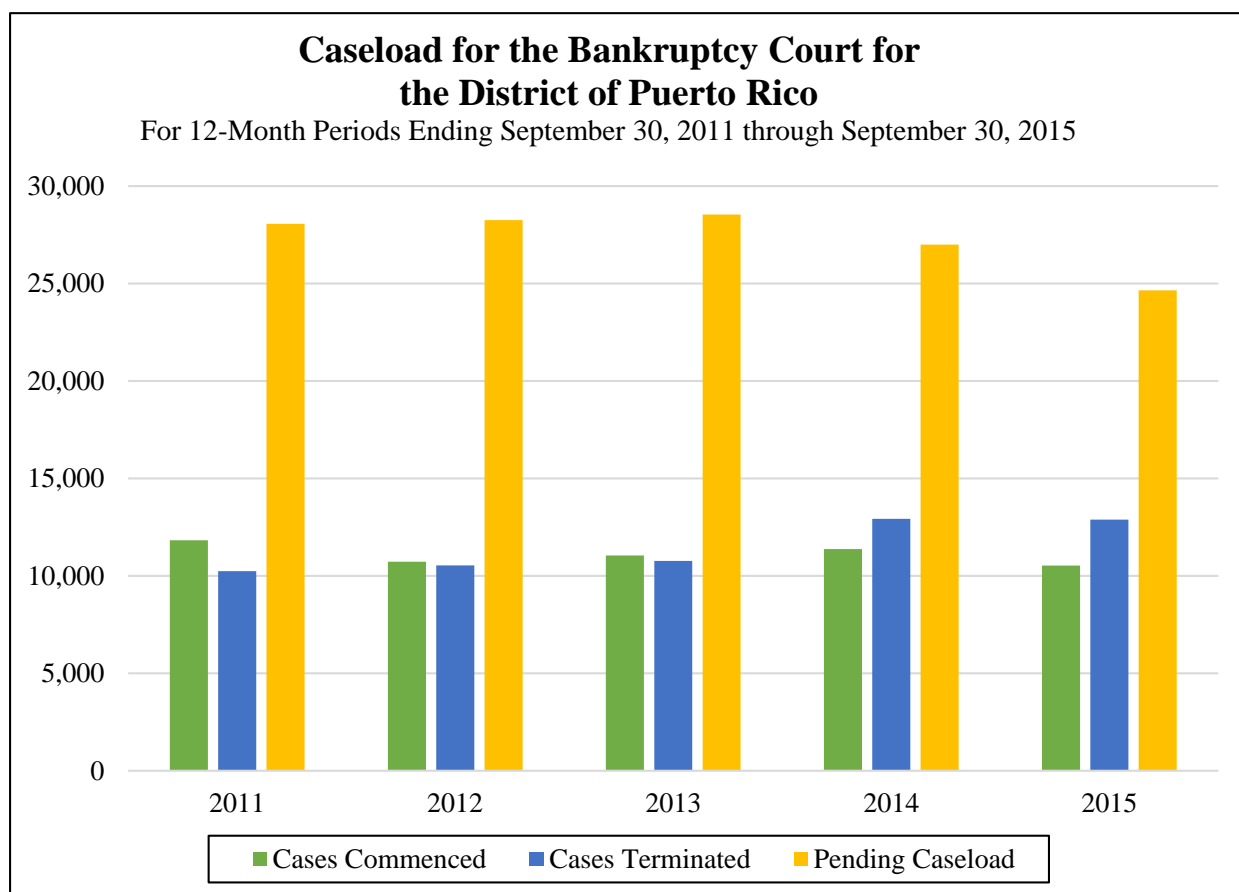
Court personnel participated in the National Conference of Bankruptcy Clerks and a Pro Se Conference. Judges and the Clerk, along with a group of employees, participated in the Operational Practices Forum.

**Construction Projects**

The Court liaised with GSA and ICS, Inc. during the design, construction, commissioning and inspection of a new fire alarm system for the Jose V. Toledo Courthouse and Federal Building.

**Statistics**

For FY 2015, there were 10,533 new bankruptcy filings, a 7.4% decrease from FY 2014. The filings by chapter were as follows: 4,343 chapter 7 cases, 157 chapter 11 cases, 17 chapter 12 cases and 6,016 chapter 13 cases.



<b>Caseload for the Bankruptcy Court for the District of Puerto Rico</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	11,827	10,727	11,043	11,377	10,533
<b>Cases Terminated</b>	10,245	10,542	10,764	12,926	12,882
<b>Pending Caseload*</b>	28,062	28,252	28,538	26,995	24,646

\* Pending caseloads for 2012, 2013 and 2014 as revised by the AO.

**Bankruptcy Court for the District of Rhode Island****Human Resources**

In October, Kristen Batty was promoted to Chief Deputy Clerk.

The Court renewed two (2) memoranda of understanding: one (1) for shared administrative services with the District Court, for procurement and Continuity of Operations Plan training services; and one (1) with the U.S. Bankruptcy Court in Delaware for quality control services.

**Conferences/Educational Programs**

Judge Finkle attended the Rhode Island Congressional Delegation and the FJC's Bankruptcy Judges' Workshop. She served as a panelist at the ABI's Northeast Bankruptcy Conference, the annual Rhode Island Bar Association Meeting and an MCLE program. She also served as a volunteer judge for the Rhode Island Urban Debate League.

The Court hosted the Rhode Island Bankruptcy Bar Annual Open Meeting in April. The Court conducted the Attorney Advisory Committee Meeting in September. In November, the Court provided a training on changes to bankruptcy forms.

**Local Rules/Procedures**

The Court revised its Local Rules on July 1 and December 1, 2015.

**Information Technology**

The Court migrated to the national IP phone system in September 2015.

In an effort to improve customer service, the Court launched its redesigned website in October. In addition, the Court created several videos for debtors in both English and Spanish.

The Court implemented a new electronic noticing program, enabling debtors to receive notice of case activity via email rather than by regular mail, providing quicker notice and saving costs.

The Court commenced work on the centralization of its ECF server, with completion anticipated in early 2016.

The Court set up an offsite backup vault at the AO datacenters to enhance its disaster recovery capability.

**Case Management**

The Operations staff prepared for the bankruptcy form changes that took effect on December 1, 2015. This involved updating ECF dictionary events, Local Rules, local forms and internal and external resource manuals, and providing training to the staff and to the bankruptcy bar.

The Court completed a cyclical audit in April, with no findings.

**Staff Training**

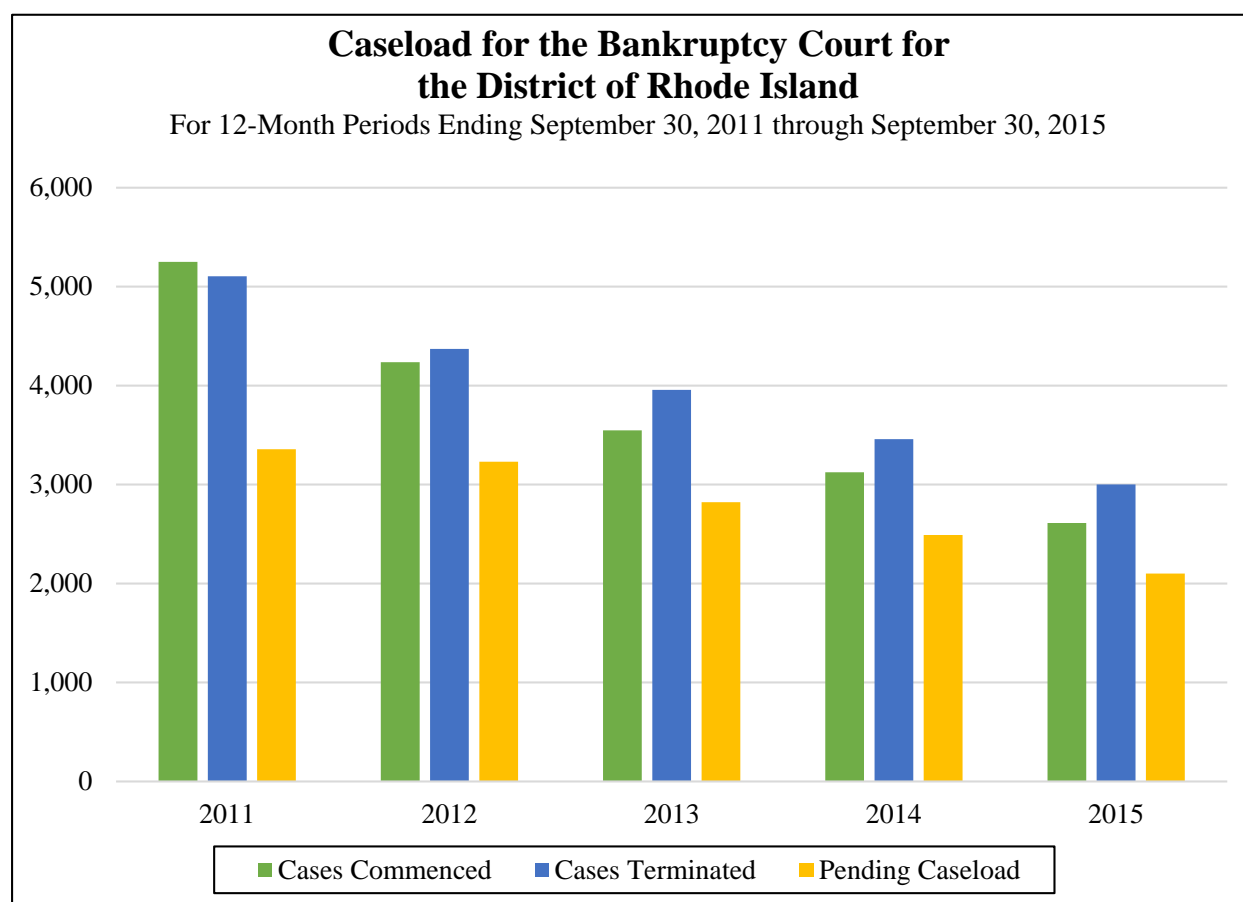
The three (3) court units in the District held a staff motivational training in June 2015.

Clerk of Court Susan Thurston attended the Contracting Officer Level 3 training.

Financial Administrator April Elderkin and Chief Deputy Kristen Batty completed a five-year study on Judicial Administration sponsored by the Michigan State University School of Criminal Justice.

In August, Clerk's Office staff attended the NCBC Conference. Chief Deputy Kristen Batty and Financial Administrator April Elderkin attended a training on the Self-Assessment Training Tool.

The Court offered a variety of training programs to staff on technical applications (MS Word, Drupal, Flare, Sharepoint) and soft skills and content-based training (HR topics, training resources, active shooter, occupant emergency planning) throughout the year.



<b>Caseload for the Bankruptcy Court for the District of Rhode Island</b> For 12-Month Periods Ending September 30, 2011 through September 30, 2015					
	2011	2012	2013	2014	2015
<b>Cases Commenced</b>	5,250	4,237	3,547	3,124	2,611
<b>Cases Terminated</b>	5,105	4,371	3,957	3,458	3,001
<b>Pending Caseload*</b>	3,357	3,231	2,822	2,490	2,100

\* Pending caseloads for 2011, 2012, 2013 and 2014 as revised by the AO.



## **Judicial Administration**

### **The Judicial Conference of the United States**

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

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

The Judicial Conference is statutorily required to make a comprehensive survey of the conditions of business in the courts of the United States; to prepare plans for the assignment of judges to or from courts of appeals or district courts, where necessary; to submit suggestions to the various courts to promote uniformity of management procedures and the expeditious conduct of court business; to exercise authority provided in Chapter 16 of Title 28 of the United States Code for the review of circuit council conduct and disability orders filed under that chapter; and to carry on a continuous study of the operation and effect of the general rules of practice and procedure in use within the federal courts, as prescribed by the Supreme Court pursuant to law. See 28 U.S.C. § 331.

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

At the March 2015 Judicial Conference, AO Director James C. Duff reported to the Conference on the judicial business of the courts and on matters relating to the AO. Judge Fogel spoke to the Conference about FJC programs and Chief Judge Saris reported on United States Sentencing Commission activities. Judge Smith, chair of the Committee on Space and Facilities, presented a report on space reduction efforts.

At the September 2015 Judicial Conference, Director Duff reported to the Judicial Conference on the judicial business of the courts and on matters relating to the AO. Chief Judge Saris reported on United States Sentencing Commission activities and Judge Fogel spoke to the Conference about FJC programs. Judge Hardiman, chair of the Committee on Information Technology, presented a special report on information technology security. Judge Sutton, chair of the Committee on Rules of Practice and Procedure, and Judge Campbell, chair of the Advisory Committee on Civil Rules, presented a special report on upcoming civil rules amendments.

**First Circuit Judges Serving on the Judicial Conference,  
Judicial Conference Committees, Special Courts and Commissions**  
[Generally, terms begin and expire on October 1 of the year noted.]

**MEMBERS OF THE JUDICIAL CONFERENCE**

			<u>Start Date</u>	<u>End Date</u>
Jeffrey R. Howard	CJ	New Hampshire	2015	2022
Paul J. Barbadoro	DJ	New Hampshire	2013	2017

**COMMITTEE ON AUDITS AND AO ACCOUNTABILITY**

			<u>Start Date</u>	<u>End Date</u>
Gustavo A. Gelpí	DJ	Puerto Rico	2013	2016

**COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM**

			<u>Start Date</u>	<u>End Date</u>
Francisco A. Besosa	DJ	Puerto Rico	2011	2017

**COMMITTEE ON CODES OF CONDUCT**

			<u>Start Date</u>	<u>End Date</u>
George Z. Singal	DJ	Maine	2011	2017

**COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT**

			<u>Start Date</u>	<u>End Date</u>
Joseph N. Laplante	DJ	New Hampshire	2012	2018

**COMMITTEE ON CRIMINAL LAW**

			<u>Start Date</u>	<u>End Date</u>
Jeffrey R. Howard	CJ	New Hampshire	2013	2015

**COMMITTEE ON DEFENDER SERVICES**

			<u>Start Date</u>	<u>End Date</u>
F. Dennis Saylor	DJ	Massachusetts	2009	2015
Landya McCafferty	DJ	New Hampshire	2015	2018

**COMMITTEE ON FEDERAL-STATE JURISDICTION**

			<u>Start Date</u>	<u>End Date</u>
Timothy S. Hillman	DJ	Massachusetts	2013	2016

**COMMITTEE ON FINANCIAL DISCLOSURE**

			<u>Start Date</u>	<u>End Date</u>
Rya W. Zobel	DJ	Massachusetts	2013	2016

**COMMITTEE ON INFORMATION TECHNOLOGY**

			<u>Start Date</u>	<u>End Date</u>
O. Rogerie Thompson	CJ	Rhode Island	2014	2017

**COMMITTEE ON INTERCIRCUIT ASSIGNMENTS**

			<u>Start Date</u>	<u>End Date</u>
Nathaniel M. Gorton	DJ	Massachusetts	2010	2016

**COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS**

			<u>Start Date</u>	<u>End Date</u>
Richard G. Stearns	DJ	Massachusetts	2014	2017

**COMMITTEE ON JUDICIAL RESOURCES**

			<u>Start Date</u>	<u>End Date</u>
Douglas P. Woodlock	DJ	Massachusetts	2011	2017

**COMMITTEE ON JUDICIAL SECURITY**

			<u>Start Date</u>	<u>End Date</u>
Steven J. McAuliffe	DJ	New Hampshire	2012	2015
Denise J. Casper	DJ	Massachusetts	2015	2017

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

			<u>Start Date</u>	<u>End Date</u>
George A. O'Toole	DJ	Massachusetts	2011	2017

**ADVISORY COMMITTEE ON EVIDENCE RULES**

			<u>Start Date</u>	<u>End Date</u>
John A. Woodcock, Jr.	DJ	Maine	2011	2017

**COMMITTEE ON SPACE AND FACILITIES**

			<u>Start Date</u>	<u>End Date</u>
Aida M. Delgado-Colón	DJ	Puerto Rico	2013	2016

**FOREIGN INTELLIGENCE SURVEILLANCE COURT**

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

**UNITED STATES SENTENCING COMMISSION**

			<u>Start Date</u>	<u>End Date</u>
Patti B. Saris	DJ	Massachusetts	2010	2015*

\*May continue to serve until reappointed, a replacement is named, or the end of the current Congress

### 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 circuit 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, a "workshop," is designed primarily for judicial officers. In addition to the judges, others who attend include the Circuit Executive, senior court personnel and representatives of the AO and the FJC. These conferences are organized by a committee of judges, appointed by the Chief Judge, with the assistance of the Circuit Executive and staff.

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

In planning the full-scale conference, the Judicial Council selects the approximate dates

for the conference and assigns one of the districts in the Circuit to act as a host district. The Chief Judge of the Circuit appoints a Planning Committee to organize and conduct the conference. This advance work is usually done one-and-a-half to two years prior to the conference.

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

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

A full-scale First Circuit Judicial Conference was held in Boston, Massachusetts on March 18 through March 20, 2015.

**Business of the First Circuit Judicial Council**

Circuit judicial councils were created by Congress in 1939, along with the AO 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 (1) district judge from each of the five (5) districts in the Circuit. Each judicial council has administrative responsibility for all courts in its circuit. It is authorized to “make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit . . . .” 28 U.S.C. § 332(d).

Council meetings in the First Circuit are generally held twice a year. In 2015, there were two Judicial Council meetings. The spring Council meeting, held on March 20, was held during the First Circuit Judicial Conference. The fall session was held on October 14. Both meetings were held in Boston, Massachusetts. Many matters were decided by mail vote between meetings.

One 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 actions taken by the Council during 2015 are provided at pages 93 and 94.

Another primary task of the Judicial Council is to review caseload statistics of individual courts and judges. The Council undertakes this task, in part, with a view towards providing additional help where assistance is required.

Other Judicial Council action taken during 2015 included: review of the federal judiciary's budget; adoption of continued Circuit-wide cost containment measures; review of courthouse construction projects and expenditures; review of juror utilization, trials and other court activity statistics; review of judicial vacancies; review of court security measures; review of privacy rules; and approval of bankruptcy judge assignments.

**Members of the Judicial Council of the First Circuit**  
as of December 31, 2015

Honorable Jeffrey R. Howard, Chief Judge	Court of Appeals
Honorable Juan R. Torruella	Court of Appeals
Honorable Sandra L. Lynch	Court of Appeals
Honorable O. Rogeriee Thompson	Court of Appeals
Honorable William J. Kayatta, Jr.	Court of Appeals
Honorable David J. Barron	Court of Appeals
Honorable Nancy Torresen	District of Maine
Honorable Denise J. Casper	District of Massachusetts
Honorable Joseph N. Laplante	District of New Hampshire
Honorable Pedro A. Delgado-Hernández	District of Puerto Rico
Honorable John J. McConnell, Jr.	District of Rhode Island

Observing Members

Honorable John H. Rich, III	District of Maine Magistrate Judge
Honorable Brian K. Tester	District of Puerto Rico Bankruptcy Judge

---

---

**COURT UNIT EXECUTIVES**

---

---

**FIRST CIRCUIT CLERKS OF COURT**

Margaret Carter  
*Court of Appeals*

Christa K. Berry  
*District of Maine*

Robert Farrell  
*District of Massachusetts*

Daniel Lynch  
*District of New Hampshire*

Frances Ríos de Morán  
*District of Puerto Rico*

David DiMarzio  
*District of Rhode Island*

---

---

**FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT**

Alec Leddy  
*District of Maine*

James Lynch  
*District of Massachusetts*

Bonnie L. McAlary  
*District of New Hampshire*

Maria de los Angeles González  
*District of Puerto Rico*

Susan M. Thurston  
*District of Rhode Island*

---

---

---

---

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

Karen-Lee Moody  
*District of Maine*

Christopher Maloney  
*District of Massachusetts*

Jonathan E. Hurtig  
*District of New Hampshire*

Eustaquio Babilonia  
*District of Puerto Rico*

Kurt E. O'Sullivan  
*District of Rhode Island*

---

---

**FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS**

David Beneman  
*District of Maine*

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

Eric A. Vos  
*District of Puerto Rico*

---

---



## Space and Facilities

### Space Reduction Initiative

In January 2014, the First Circuit Judicial Council approved a plan to pursue several space reduction measures to achieve the Circuit's target reduction of 26,255 square feet by the end of FY 2018. The Circuit has initiated several projects which will exceed the targeted reduction goal; 4,493 square feet have already been released.

### Court of Appeals

Minor alterations were designed to enhance the functionality of Chief Judge Howard's Boston chambers. The project is expected to be completed in the spring of 2016.

A project to reduce the Circuit's Headquarters Library in Boston by 6,100 square feet was initiated this year. Design is complete, and construction is expected to begin early in 2016 with completion slated for the fall.

In March 2015, the Providence Satellite Library relocated to a smaller space within the Providence Courthouse.

A design to add additional offices to the existing Clerk's Office space was completed in August. The project is expected to be completed in the spring of 2016.

Relocation of the BAP from the McCormack Building to the Moakley Courthouse was initiated this year. Occupancy is projected for all phases of work late in 2016.

### District of Maine

Restacking of the third floor of the Gignoux Courthouse to create new chambers space for Judge Singal was initiated. Upgrades to the associated courtroom, along with a secure path of travel, are included in this design. Occupancy is targeted for late 2016.

The leases governing both the Portland and Bangor Federal Defender's Offices expired this year. GSA is negotiating the replacement leases and, based on market surveys, it is likely the offices will remain where they are.

Minor alterations were made to Judge Carey's space in the Bankruptcy Court in Portland.

Alterations to the existing Probation Office space in Portland were completed this summer. The modifications allow for additional staff to be housed in the existing space footprint.

### District of Massachusetts

The District Court has initiated a project to create additional workspace within the existing footprint. A design intent plan has been created and construction is expected to begin in the spring of 2016.

Design plans have been created to allow the Bankruptcy Court to release approximately 1,300 square feet of space at the McCormack Building in Boston. This project is expected to be completed in February of 2016.

The Probation Office in Lawrence is being relocated to a new lease location at 439 South Union Street, Lawrence. Design documents are complete and construction is anticipated to begin in April 2016. Occupancy is anticipated in the fall of 2016.

### District of New Hampshire

The District and Bankruptcy Courts have agreed to co-locate operations in the Warren B. Rudman Courthouse in Concord. Redesign of the existing space is expected to begin early in 2016 and occupancy is anticipated in the summer of 2017.

The Probation Office in Manchester relocated from leased space to a smaller footprint in the Norris Cotton Federal Building in November.

A space plan has been developed to reduce the existing Federal Public Defender's Office space at 22 Bridge Street. The leasable square footage will be reduced by 2,150 square feet. Construction is expected to begin in the spring of 2016 and be completed in the fall.

### **District of Puerto Rico**

Two new prisoner movement elevators were completed this spring at the Nazario Courthouse in Hato Rey. This project improved circulation paths, and thus security, at the Courthouse.

Construction began on a project to enhance circulation of the magistrate courtroom floor at the Degetau Federal Building. A waiting area will be created from two (2) attorney conference rooms to allow enhanced security in the elevator lobby. The project is expected to be complete in the spring of 2016.

The Probation Office in Hato Rey will be relocated to smaller space in 2017. The design process for this project is underway and construction is anticipated to begin late in 2016.

A housing study was conducted this year to address space and security concerns at the Nazario Courthouse and Degetau Federal

Building. The final draft of the study recommends the addition of an annex to address the space concerns and create more secure circulation paths. The final plan will be reviewed by the Judicial Conference and GSA in 2016 for further action. A design intent plan for a new screening station for the main entrance of the Hato Rey campus was completed this year. The design will be submitted for funding approval early in 2016.

Actions were initiated this year to procure a new lease agreement for the Federal Public Defender's Office in Hato Rey. Occupancy of the new lease is expected late in 2018.

### **District of Rhode Island**

As part of the Circuit's space reduction plan, the District of Rhode Island agreed to relocate its attorney lounge and training room space to a smaller footprint in the Providence Courthouse. Construction of the new space was completed in June.

A project to enhance security at the Probation Office was funded this winter. Design started in February of 2016 and will be completed by May 2016. Construction will be completed in the late fall of 2016.

The Federal Public Defender's Office in Providence will be reduced by 750 square feet. Design is complete and construction is expected to conclude in February of 2016.

**Office of the Circuit Executive, Information Technology Department****National Projects**

The Circuit Executive's Office continued to work collaboratively on five (5) key cost-savings portfolios with the AO: telecommunications; hosting services; resource optimization; national identity management; and IT standards.

IT staff traveled to Texas to assist the AO in testing CM/ECF Next Generation software for appellate courts. The staff identified additional hosting needs and worked with the AO to create a national model. Within the Court of Appeals, CM/ECF and related programs (e.g., WebVote and ScanTracker) were centralized, a requisite precursor to transitioning to CM/ECF Next Generation.

The IT Department continued to work actively with the AO's Internet Protocol Telephony Advisory Group to assist the Office of Information Technology (OIT) with its national Voice Over IP Initiative.

**Circuit Projects**

Working with the AO, the Department completed Wide Area Network (WAN) diversity, providing two links to each building in the Circuit.

The IT Department participated in the AO's Log Management Project, undertaking, collecting, and analyzing technical and operational requirements.

Conversion to the National IP Telephone system (NIPT), which reduces the Circuit's telephone costs, continued in 2015. The Court of Appeals, Bankruptcy and District Court spaces in Puerto Rico were successfully converted to the NIPT system. With the conversion of its space in Puerto Rico, the First Circuit Court of Appeals became the first

court of appeals to have all of its sites converted to NIPT.

System core upgrades were completed, providing updated technology to accommodate growing courtroom technology needs, as well as a robust network architecture for increased multimedia demands. The Moakley Courthouse firewall was upgraded to increase cybersecurity.

In summer 2015, following a data breach at the Office of Personnel Management (OPM), the IT Department worked with the entire Circuit to ensure that its computer systems have adequate protection from cyber threats.

**Court of Appeals**

*Cost Savings Initiatives:* All video-conferencing systems were transferred to the National Video Teleconferencing Service (NVTCS), with point-to-point and multipoint conferencing and audio conference add-on capabilities to support desktop, portable roll-about and fixed conference room location configurations.

*IT Security:* The IT Department provided annual staff IT security training. In May, Dennis Helleur was promoted to IT Security Officer, a new position created by the AO.

*Court Updates:* Courtroom technology in the En Banc and Panel Courtrooms was upgraded to support special events.

The Department updated the Chambers Database, providing new functionalities to internal case tracking software for appellate judges. The software was implemented in additional judges' chambers in 2015.

### 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 and 353.

Both the complainant and the subject judge have the right to file a petition for Judicial Council review of a final order 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 28 U.S.C. § 354, the orders issued by the Judicial Council are "final and conclusive." 28 U.S.C. § 357(c).

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 Rules of Judicial-Conduct 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. The Judicial Conference amended the Rules of Judicial-Conduct in September 2015.

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

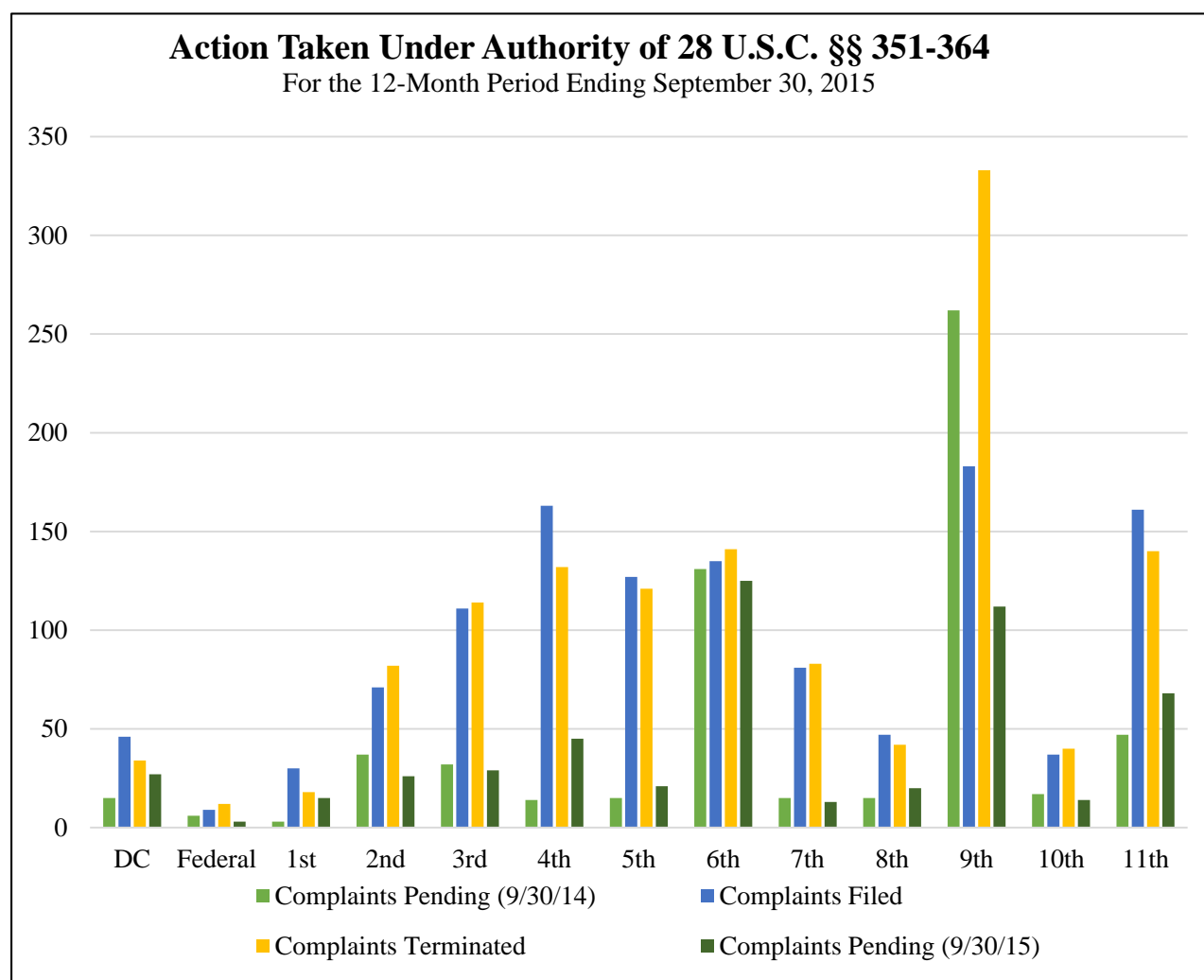
<b><u>Summary of First Circuit Complaints of Judicial Misconduct or Disability, 2015</u></b>	
Complaints Filed in 2015 (Calendar Year)	29
Orders of Dismissal Issued by Chief Judge	29*
Petitions for Review Filed with Judicial Council	7**
Orders of Dismissal Affirmed by Judicial Council	4***
Show Cause Orders Issued	0
Preclusion Orders Issued	0
Total No. of Complainants	22****

\* Nine (9) orders were issued on complaints filed in 2014.

\*\* One (1) petition was filed in a proceeding that had been initiated in 2014.

\*\*\* Two (2) Council orders were issued on complaints filed in 2014.

\*\*\*\* Three (3) complainants filed complaints against more than one judicial officer.



Action Taken Under Authority of 28 U.S.C. §§ 351-364 For the 12-Month Period Ending September 30, 2015													
Summary of Activity	Circuit												
	DC	Fed.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Pending (9/30/14)	15	6	3	37	32	14	15	131	15	15	262	17	47
Complaints Filed	46	9	30	71	111	163	127	135	81	47	183	37	161
Complaints Terminated	34	12	18	82	114	132	121	141	83	42	333	40	140
Complaints Pending (9/30/15)	27	3	15	26	29	45	21	125	13	20	112	14	68

<b>Attorney Discipline</b>
----------------------------

During 2015, the Court of Appeals for the First Circuit handled 27 attorney disciplinary cases under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement). Four (4) resulted in disbarment, 20 resulted in suspensions, two (2) were pending at the end of the year, and one (1) was terminated without action. Twenty-four (24) matters arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement, and the Court of Appeals initiated three (3) proceedings.

**Fair Employment Practices Report**

For the 12-Month Period Ending September 30, 2015

The First Circuit Court of Appeals 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 AO (the First Circuit EEO Plan).

On October 10, 1999, the Court adopted the Employment Dispute Resolution Plan (EDR Plan). 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, then amended in 2010 and 2012. The EDR Plan for the First Circuit Court of Appeals was amended in June 2010 and January 2013.

This narrative report reflects data collected from circuit and senior judges and chambers staff, the Circuit Executive's Office, the Bankruptcy Appellate Panel, the Clerk's Office, the Office of the Senior Staff Attorney, the Office of the Circuit Librarian (including Satellite Libraries throughout the Circuit) and the Court of Appeals Civil Appeals Management Program. 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, 2015, there were 175 Court of Appeals employees. Of those

employees, 74 (42%) were male and 101 (58%) were female; 144 (82%) were Caucasian and 30 (17%) were minorities. There were seven (7) African-American employees, 13 Hispanic employees and ten (10) Asian employees. One (1) employee declined to report his or her ethnicity.

**Significant Achievements**

There were 44 new appointments made during this reporting period. Of those new appointments, 18 were male and 26 were female; 30 were Caucasian, six (6) were Asian, five (5) were Hispanic and two (2) were African-American. One (1) employee declined to report his or her ethnicity.

During the reporting period, 18 employees were promoted. Of those employees, eight (8) were male and ten (10) were female; 15 were Caucasian, two (2) were Hispanic, one (1) was African-American and none were Asian.

**Training**

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 providing a list of resources for obtaining additional information. New court employees receive an orientation in which an EDR Plan is distributed and relevant information is provided.

**Complaints Process**

There were no claims filed under the EEO or EDR Plan during this reporting year.



## **Work of the Federal Public Defender**

### **Federal Public Defender for the District of Maine**

In 2015, case openings increased by 24%. The Office opened 60 “Drugs Minus Two” amendment cases and closed 106. The Office also opened 21 *Johnson* review cases and closed seven (7); and opened eight (8) *Johnson* Habeas cases and closed five (5).

	<b>CASES</b>			<b>APPEALS</b>		
	<b>Opened</b>	<b>Closed</b>	<b>Pending</b>	<b>Opened</b>	<b>Closed</b>	<b>Pending</b>
<b>2015</b>	224	246	101	6	7	4
<b>2014</b>	181	142	123	17	18	5

#### Milestones

The Office continued to operate at or below budget in all areas of its operation.

The Office continued to participate in a Shared Services Agreement with the other court units in the procurement and human resources shared functions.

The Office opened 11 cases for new participants in SWITCH drug court and closed nine (9), including three (3) successful graduates of the program. Until now, participation in the SWITCH program has been voluntary. District court judges may now impose a supervised release requirement that defendants who might be eligible for the program submit to an assessment of appropriateness and participate if accepted.

The District of Maine (including this Office) was one of the first districts to implement the

new Judiciary Integrated Financial Management System (JIFMS) in November 2015.

David Beneman served on the national Federal Defender Performance Measurements Steering Committee, a national initiative in conjunction with the AO, to develop a new staffing and budgeting model for Federal Defender offices.

David Beneman serves as the sole Federal Defender representative to the Judiciary Ad Hoc Study of Email and Collaboration Tools Replacement. The group is working with the AO on future alternatives to the judiciary-wide e-mail, calendaring and communication software and related technology.

David Beneman continues to serve on the District of Maine CJA Committee, Criminal Law Committee and Local Rules Committee.

**Federal Public Defender  
for the Districts of Massachusetts, New Hampshire and Rhode Island**

The Office's caseload in 2015, compared to previous years, was as follows:

<b><u>Massachusetts</u></b>						
	<b><u>Cases Opened</u></b>				<b><u>Cases Closed</u></b>	<b><u>Cases Pending</u></b>
	<b><u>Total</u></b>	<b><u>Pros'ns</u></b>	<b><u>Appeals</u></b>	<b><u>Other</u></b>		
FY 2010	504	232	20	252	439	401
FY 2011	454	236	21	197	453	402
FY 2012	540	223	29	288	547	395
FY 2013	469	193	12	264	487	377
FY 2014	423	218	16	189	448	352
FY 2015	579	248	26	305	552	409

<b><u>New Hampshire</u></b>						
	<b><u>Cases Opened</u></b>				<b><u>Cases Closed</u></b>	<b><u>Cases Pending</u></b>
	<b><u>Total</u></b>	<b><u>Pros'ns</u></b>	<b><u>Appeals</u></b>	<b><u>Other</u></b>		
FY 2010	147	94	11	42	155	99
FY 2011	150	95	8	47	143	106
FY 2012	154	101	1	52	162	98
FY 2013	142	96	10	36	146	94
FY 2014	165	111	1	53	170	89
FY 2015	225	131	6	88	195	119

<b><u>Rhode Island</u></b>						
	<b><u>Cases Opened</u></b>				<b><u>Cases Closed</u></b>	<b><u>Cases Pending</u></b>
	<b><u>Total</u></b>	<b><u>Pros'ns</u></b>	<b><u>Appeals</u></b>	<b><u>Other</u></b>		
FY 2010	149	124	14	11	138	106
FY 2011	150	114	14	22	132	124
FY 2012	156	105	3	48	172	108
FY 2013	139	97	4	38	144	103
FY 2014	124	85	2	37	136	91
FY 2015	196	62	2	132	196	91

These numbers reflect significant increases in cases opened and closed in all three (3) districts. The increase in New Hampshire, where opened cases are up more than 36% over 2014 and more than 58% since 2013, has been onerous because the Office lost an Assistant Federal Public Defender (AFPD), an

investigator and a secretary during sequestration. The Office is currently in the process of hiring an AFPD and a secretary for the New Hampshire office. In Rhode Island, prosecutions have continued to decline but the number of cases opened has grown, due to a quadruple increase in other types of cases.

Most of these (90) arose from the retroactive application of a reduction in the sentencing guidelines for drug cases.

In Massachusetts, the number of case-openings for new prosecutions increased by about 14%. The number of other cases rose by more than 60%. As in Rhode Island, this was largely due to the retroactive reduction in drug guidelines.

The Supreme Court's decision in *Johnson v. United States*, 135 S.Ct. 2551 (2015) has generated a large volume of work, especially for appellate attorneys and research and writing specialists. The Office is reviewing hundreds of cases in which defendants were sentenced under the Armed Career Criminal Act and career offender guidelines. This undertaking, combined with ongoing review of drug cases (under the retroactive reduction of the guidelines) and of cases potentially affected by the misconduct of two different state drug lab chemists, has generated a great deal of work.

The most time-consuming and high-profile case in the Office during FY 2015 was the capital prosecution of Dzhokhar Tsarnaev in the Boston Marathon bombing case. Jury selection began in January and lasted six (6) weeks. The trial was held between March 3 and May 15. CJA learned counsel Judy Clarke and David Bruck tried the case with Federal Public Defender Miriam Conrad and AFPDs Bill Fick and Tim Watkins. An investigator and a paralegal from the Office also worked on the investigation, preparation and presentation of the case.

AFPD Jennifer Pucci has worked with the District of Massachusetts on the planning and implementation of RISE, a new diversion program. The Office continued to staff a

similar program in New Hampshire and a reentry program in Massachusetts. One of the AFPDs, Olin Thompson, staffs the court sessions for the District of Rhode Island's HOPE Court, a reentry program.

A work measurement study conducted in 2014 resulted in the implementation last summer of a new staffing formula that significantly increased the Office's FTE cap. This formula relies upon a five-year average of weighted cases opened, which takes into account the varying complexity and time demands of types of cases. A review of weighted cases opened since April 1, 2014 shows an increase in both the number of cases opened and the average case weight. It appears that much of this can be attributed to the increasing number of sexual exploitation, human trafficking, and child pornography cases to which the Office has been assigned over the past year.

The increase in the maximum FTE enabled the Office to add an appellate AFPD and a research and writing specialist to the Boston office, restoring positions that were lost during sequestration. A total of four (4) new employees joined the Office this year: an AFPD, a paralegal, and two (2) research and writing specialists. The Office hopes to add several additional positions to manage its increased workload.

As in the past, the Office supported the CJA panels in each of the three districts by: 1) sponsoring educational programs; 2) sending out email updates on new developments in federal criminal law; and 3) providing informal advice. The Boston office also continued to run two e-mail list-serves, which remain popular and active. The Office also posted news, updates and resources on its website, [www.bostondefender.org](http://www.bostondefender.org).

## **Federal Public Defender for the District of Puerto Rico**

### Office Growth

Between FY 2013 and FY 2015, the Human Resources Office of the AO conducted a work measurement study of the local FDOs with an eye on cost containment. The Study's findings resulted in a hiring initiative which has increased the Office's staff by seven (7) new employees.

In addition, in August, the Court of Appeals approved the Federal Public Defender's request to hire three (3) additional attorneys.

### Information Technology

Upgrades to the Office's network and acquisition of new hardware and software have enabled employees to access the network's drives and their desktops from remote locations.

The Office has taken on IT responsibilities for the U.S. Virgin Islands' Federal Defender. This has required server replacement, updated workstations, new hardware and software, and remote access for system maintenance for St. Thomas and St. Croix.

### Criminal Caseload

In 2015, approximately 54% of the sentences imposed nationwide were below the prescribed Guideline Range, compared with 32% in Puerto Rico. In addition, nationally, 21% of the defendants received a sentence of five (5) years or greater; in Puerto Rico, 36% of the defendants received a sentence of five (5) years or greater. The mean sentence, nationwide, was 51 months and the median sentence was 30 months. The same statistics

in Puerto Rico were 72 and 61 months, respectively.

In 2015, 35.7% of the District of Puerto Rico's criminal defendants commenced were charged with drug offenses and 28.3% were charged with firearms offenses. Nationally, these statistics were 32% and 10.2%, respectively.

The Office was called upon to litigate approximately 2,200 U.S.S.C Amendment 782 matters. In reviewing applications, the U.S. Attorney's Office for Puerto Rico litigated approximately 60% of these matters.

### Assistance to the CJA Panel

During FY 2015, the Federal Public Defender has made great progress with Panel coordination. The Chief Defender is a member of the CJA Panel Committee, and the Office has worked closely with the CJA Panel Representative to design and deliver training programs. Recently, the Office hosted the Assessment Team from the Defender Services Office (DSO). The preliminary assessment showed that the Panel is pleased with the increase in training and support from the Federal Defenders.

The Office has hosted trainings on a number of topics, including Sentencing, Motions Writing, Use of Investigators, Child Pornography Defenses, Story Telling in Memos and Trials, and DSO Resources. The Office has been working closely with Michael Andrews, the Case Budgeting Attorney from the First Circuit, in order to promote case budgeting in the District of Puerto Rico.