

UNITED STATES COURTS  
FOR THE  
FIRST CIRCUIT

2016 Annual Report



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## **Foreword**

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

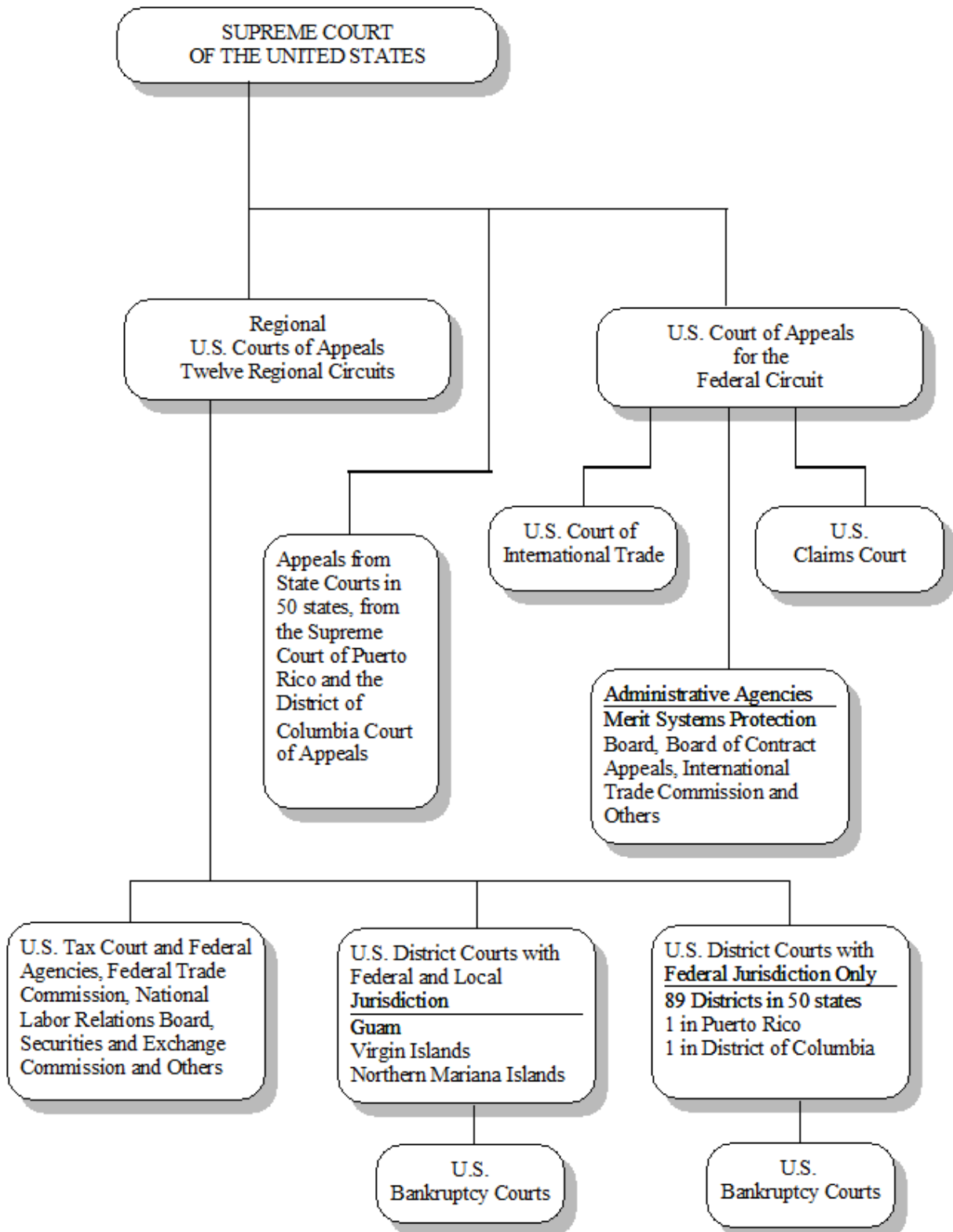
As illustrated in this Report, the courts of the First Circuit carry out their mission by delivering critical services to their various constituents in an efficient and effective manner. A review of the filing statistics, employment trends, building projects, technological advances, and other developments 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 (AO) also provided extensive data and deserve thanks for their accuracy and efficiency.

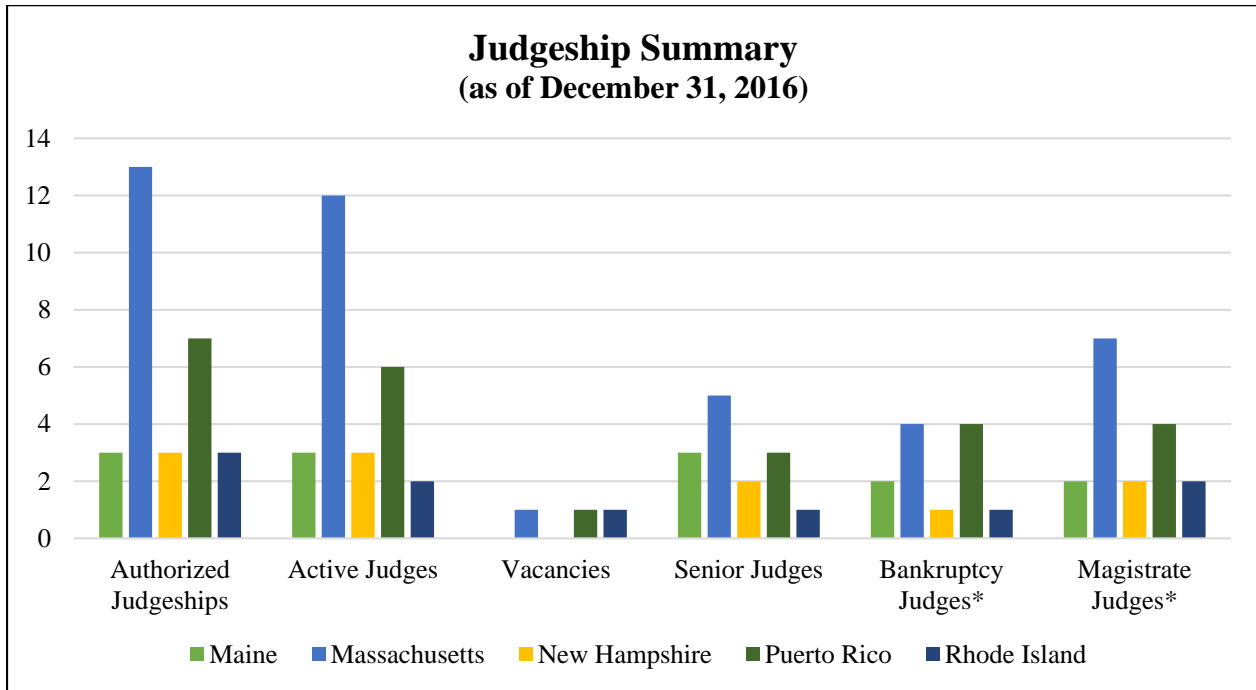
Special appreciation goes to the members of the Circuit Executive's Office staff who have done the yeoman's work pulling the Report together, including Michael Caughron, Anastasia Dubrovsky, Michelle Dumas, Melissa Kraus, James Nagelberg, Jessica Pace, Florence Pagano, and Gina Riccio.

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

**Structure of the Federal Judiciary**



**Judges and Judicial Milestones**



<b>Judgeship Summary</b> (as of December 31, 2016)						
Districts	Authorized Judgeships	Active Judges	Vacancies	Senior Judges	Bankruptcy Judges*	Magistrate Judges*
Maine	3	3	0	3	2	2
Massachusetts	13	12	1	5	4	7
New Hampshire	3	3	0	2	1	2**
Puerto Rico	7	6	1	3	4	4
Rhode Island	3	2	1	1	1	2
<b>Total Dist. Ct.</b>	<b>29</b>	<b>26</b>	<b>3</b>	<b>14</b>	<b>12</b>	<b>17</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>32</b>	<b>3</b>	<b>18</b>	<b>12</b>	<b>17</b>

\* Does not include recalled judges.

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

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

**(as of December 31, 2016)**

Honorable Jeffrey R. Howard, Chief

Honorable Juan R. Torruella

Honorable Sandra L. Lynch

Honorable O. Rogeriee 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

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**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

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

Honorable Peter G. Cary, Chief

Honorable Michael A. Fagone

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**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)

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**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

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**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

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**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)

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**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

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

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

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

Honorable Daniel Lynch  
Honorable Andrea K. Johnstone

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

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

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

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

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

Honorable Camille Vélez-Rivé  
Honorable Bruce J. McGiverin

Honorable Marcos E. Lopez  
Honorable Silvia Carreño-Coll

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**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

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

Honorable Diane Finkle

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

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

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## Judicial Milestones and Other Highlights

### *Court of Appeals*

On July 28, 2016, Judge Cyr passed away.

### *Bankruptcy Appellate Panel*

In April and September, the Judicial Council appointed Judge Fagone and Judge Panos to the Bankruptcy Appellate Panel (BAP), respectively. In February, the Council approved the reappointment of Judge Deasy to the BAP for a one-year term.

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 Boston Bar Association (BBA) and taught classes in financial literacy at area high schools. BAP members volunteered on the Bankruptcy Court for the District of Massachusetts' Diversity Initiative Task Force and assisted with law clerk training at the bankruptcy and district courts in Massachusetts. Chief Judge Feeney and the Clerk conducted several seminars on bankruptcy appellate practice, including for the BBA and the American Bankruptcy Institute (ABI).

### *District of Maine*

In July, Judge Woodcock advised President Obama that he intends to take senior status in June 2017.

The Court hosted a ceremony to accept a portrait of Senator and former Judge George J. Mitchell in July. In August, Judge Hornby's portrait was presented to the Court by the bar at a reception hosted by his law clerks.

Chief Judge Torresen oversaw the District's rehabilitative drug court program, SWiTCH (Success with the Court's Help). She also served as a delegate to the Federal Judges

Association and as a member of the University of Maine School of Law Board of Visitors.

Judge Hornby continued to serve on the Council of the American Law Institute. He participated in a panel discussion at a Mid-Career Seminar for U.S. District Judges, spoke on Judicial Excellence at the 25th National Educational Conference of the Association of Administrative Law Judges, and gave a presentation at a meeting of the Judicial Conference Committee on the Judicial Branch. Judge Hornby also authored several articles, including "Federal Judges and Public Attention," in *Judicature* (Autumn 2016), and "Chief Justices of the United States in Maine," in *The Green Bag* (Spring 2016).

Judge Singal continued to serve as Chair of the Court Security Committee. He joined the Federal Judicial Center (FJC) Board of Directors and served as a faculty member at FJC training seminars for new chief judges.

Judge Levy chaired the District's Criminal Law Committee and its 2016 Biannual Conference Planning Committee. He served as a member of the District's Security Committee and the University of Maine School of Law Board of Visitors. In April, Judge Levy participated on a panel and spoke at Brandeis University about his paper, "The Brandeis/Citizens United Question," for the *Louis Brandeis 100: Then and Now* series.

Magistrate Judge Rich served as the Articles Editor to the Federal Courts Law Review and as the Vice Chair of the Maine Justice Action Group, where he also served as Co-Chair of the standing Pro Bono Committee. In Spring 2016, he and Maine Supreme Court Justice Andrew Mead addressed the Maine Legislature on Access to Justice Day. He served as a member of the District's Local Rules Advisory Committee and the Advisory Board to the Cleaves Law Library in Portland.

Magistrate Judge Nivison served on the District's Criminal Law Committee. He also served as a faculty member for the Maine College of Trial Advocacy and as an adjunct assistant professor at Thomas College in Waterville, teaching a course in sports law.

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

### *District of Massachusetts*

In May, Judge O'Toole attended "Terrorism Trials and Investigations: A U.S.-U.K. Transatlantic Dialogue," an invitation-only conference sponsored by the New York University School of Law and the Strauss Center for International Security and Law of the University of Texas.

In November 2016, Judge O'Toole served as a panelist on the AO-produced "Knowledge Seminar: An Inside Look at the Jury Experience," which addressed the role of the jury in protecting the rights of Americans in criminal and civil cases.

In January, Judge Zobel received the First Golden Gavel Award presented by the American College of Trial Lawyers, Massachusetts Chapter, honoring the Judge for treating all counsel and litigants with an exemplary level of civility and courtesy.

Chief Magistrate Judge Boal served as a member of the AO's Magistrate Judge Advisory Group.

### *District of New Hampshire*

Chief Judge Laplante served on the following committees: New Hampshire Supreme Court Access to Justice Commission (co-chair); New Hampshire Rules of Evidence Update Committee; and New Hampshire Bar Association (NHBA) Kirby Award Selection

Committee. He taught statutory interpretation at Boston College Law School and served as a panelist for a number of continuing legal education (CLE) programs, including the Legal Services Corporation Access to Justice Conference, the Catholic Medical Center Summit on the Management of the Opioid Crisis, the NHBA Mid-Winter Meeting panel on technological advances, the NHBA Bench-Bar Conference, the 2016 Federal Practice Institute, the New Hampshire Association for Justice's "Here Come the Judges" program, the NHBA Evidence CLE, the NHBA Leadership Academy, the NHBA Unbundled / Limited Representation CLE, and the Nashua Bar Association Brown Bag Lunch presentation on "Ethics and Access to Justice."

Judge Barbadoro was appointed Chair of the Judicial Conference Executive Committee. He also taught at Dartmouth College's Tuck School of Business, spoke at Harvard Law School, and judged Boston College Law School's moot court and the University of New Hampshire (UNH) School of Law's oral arguments. In September, he received the New Hampshire Bar Foundation's Frank Rowe Kenison Award.

Judge McCafferty launched the District's educational outreach program, which provides monthly educational programming for eighth-grade students; an interactive "You Be the Judge" program for high school students; naturalization ceremonies at high schools and the New Hampshire Statehouse attended by students during Constitution Week; and an annual seminar for teachers. She also joined the Board of Trustees for the New Hampshire Institute for Civics Education, served as a member of the Charles C. Doe Inn of Court, and participated in the Federal Bar Association (FBA) Open Forum Luncheon with UNH School of Law students; Boston College Law School's moot court finals; UNH School of Law's "Introduction to Legal Professionalism" class; and the ethics session of the 2016 Federal Practice Institute. Judge

McCafferty also spoke at Hillside Middle School about women leaders and career pathways.

In March, Judge DiClerico received the NHBA's Distinguished Service to the Public Award at the Mid-Year Meeting. Judge DiClerico also chaired the District's Security Committee.

Judge McAuliffe served as a member of the Court's Security Committee and as a panelist at the 2016 Federal Practice Institute.

Magistrate Judge Johnstone served as a member of the NHBA's Committee on Cooperation with the Courts and became a member of the Daniel Webster-Batchelder Inn of Court. She served as a panelist on federal rule amendments at the 2016 Federal Practice Institute, a member of the UNH School of Law Dean Search Committee, and a judge for the UNH School of Law's moot court program.

Clerk/Magistrate Judge Lynch served on the Death Penalty and Pro Se Law Clerk Staffing Formula Steering Group and on the NHBA's Committee on Cooperation with the Courts. He taught as an adjunct professor at Michigan State University's Judicial Administration Master's Program, and was a guest speaker at Nashua Community College and at high schools throughout the state.

#### ***District of Puerto Rico***

On June 1, 2016, Judge Fusté retired.

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

Chief Judge Cary served as a member of and/or was involved in the following groups/committees: ABI; American Board of Certification (Certified in Business and Consumer Bankruptcy Law); the BAP; Credit Abuse Resistance Education (CARE); the Board of Cleaves Law Library; Cumberland

Bar Association; Gignoux Inn of Court; Maine State Bar Association; National Conference of Bankruptcy Judges (NCBJ). He also served as Treasurer of the Maine State-Federal Judicial Council.

Judge Fagone served as a member of and/or was involved in the following groups/committees: ABI Board of Directors and Audit Committee; Advisory Board for the ABI Northeast Regional Conference; John Waldo Ballou Inn of Court; Local Bankruptcy Rules Committee; CARE; Endowment for Education Committee of the NCBJ; and Maine State-Federal Judicial Council.

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

Judge Boroff, the presiding bankruptcy judge in Springfield, retired in July. Pending the appointment of his successor, Chief Judge Hoffman, Judge Bailey, and Judge Panos assumed responsibility for managing the caseload in the Western Division. In December, the First Circuit Court of Appeals announced the selection of Elizabeth D. Katz as the next bankruptcy judge in Springfield.

Chief Judge Hoffman served as an associate editor of *The American Bankruptcy Law Journal*, and both he and Judge Feeney were members of the editorial advisory board.

Judge Feeney served as co-chair of the M. Ellen Carpenter Financial Literacy Project, a joint Bankruptcy Court/BBA effort to promote financial literacy among high school students.

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

In 2016, the First Circuit Judicial Council reappointed Judge Deasy to serve as a recall judge through March 15, 2017. Judge Deasy also continued to serve on the BAP.

Chief Judge Harwood served as a member of the AO's Electronic Public Access Working

Group.

Chief Judge Harwood and Judge Deasy spoke at ABI's Northeast Bankruptcy Conference. Chief Judge Harwood spoke at the ABI's Annual Spring Meeting and its Winter Conference, and attended the FJC Workshop for Bankruptcy Judges and the NCBJ Annual Meeting and Conference.

Chief Judge Harwood and Judge Deasy attended the American College of Bankruptcy's Consumer Forum. Judge Deasy served as a judge during practice rounds for moot court teams competing in the annual Duberstein Moot Court Competition.

In October, Judge Deasy received the Justice William A. Grimes Award for Judicial Professionalism at the NHBA Luncheon.

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

Chief Judge Lamoutte attended the FJC's Law and Society Seminar, Conference for Bankruptcy Court Chief Judges, and Bankruptcy Judges Workshop; the AO's Operational Practices Forum; the Interamerican University's "XII Congreso del Caribe Sobre Derecho de Quiebra"; and the NCBJ. Chief Judge Lamoutte also served as a member of the District's Examination Committee.

Judge Tester served as the Co-Judicial Chair and a panelist at the ABI Caribbean Insolvency Symposium, attended the National Workshop for Bankruptcy Judges, and participated in several seminars, including the Georgia State Bar Association's Chapter 12 Bankruptcy Conference, the Bankruptcy Operational Practices Forum, the Hudson Valley Bankruptcy Bar Association Seminar, and the FJC Electronic Discovery Seminar. Judge Tester participated as a moot court trial judge at the Interamerican University Trial

Advocacy Competition. Judge Tester delivered lectures on the federal court system to law students.

Judge Cabán spoke at the ABI's Caribbean Insolvency Symposium and Northeast Conference. She attended the AO's District/Bankruptcy NextGen CM/ECF Forum, the FJC's Bankruptcy Judges Workshop, and the NCBJ and Hispanic National Bar Association (HNBA) conventions. Judge Cabán served as a moot court judge for the ABI and the HNBA, and as a member of the Bankruptcy Judges Advisory Group and the FJC Education Committee for Bankruptcy Judges.

Judge Godoy served as an evaluator for the Interamerican University Trial Advocacy Competition and a speaker at the ABI's Caribbean Insolvency Symposium, the Colegio de Abogados de Puerto Rico's Bankruptcy Workshop, and the Academia Judicial. He also served as a speaker at the ABI's Northeast Bankruptcy Conference, a moderator and vice president of the academic program for the XII Congreso Instituto Iberoamericano de Derecho Concursal and the II Congreso del Caribe Sobre Derecho de Quiebra, and as a speaker and contributor to the e-Congreso Internacional de Derecho de la Insolvencia. He also attended the NCBJ Conference, the FJC's Bankruptcy Judges Workshop, the AO's Bankruptcy Operational Practices Forum, and Legal Outreach's Law & Justice Institute.

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

Judge Finkle served as a member of the BAP, as well as the NCBJ, 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, 2015 and September 30, 2016									
Circuit	<b><u>Commenced</u></b>			<b><u>Terminated</u></b>			<b><u>Pending*</u></b>		
	2015	2016	% Change	2015	2016	% Change	2015	2016	% Change
<b>Total</b>	52,698	60,357	14.5	53,213	57,744	8.5	40,662	43,275	6.4
<b>D.C.</b>	1,125	1,197	6.4	1,134	1,173	3.4	1,394	1,418	1.7
<b>First</b>	1,504	1,704	13.3	1,589	1,472	-7.4	1,256	1,488	18.5
<b>Second</b>	4,416	4,640	5.1	4,942	4,661	-5.7	3,337	3,316	-0.6
<b>Third</b>	3,251	3,618	11.3	3,315	3,344	0.9	2,634	2,908	10.4
<b>Fourth</b>	4,662	6,411	37.5	4,499	6,234	38.6	2,432	2,609	7.3
<b>Fifth</b>	7,443	8,664	16.4	7,330	7,899	7.8	4,828	5,593	15.8
<b>Sixth</b>	4,478	5,242	17.1	4,654	4,857	4.4	3,116	3,501	12.4
<b>Seventh</b>	2,926	3,382	15.6	2,842	3,360	18.2	1,777	1,799	1.2
<b>Eighth</b>	2,952	3,665	24.2	2,978	3,088	3.7	1,511	2,088	38.2
<b>Ninth</b>	11,870	11,473	-3.3	12,048	11,798	-2.1	13,659	13,334	-2.4
<b>Tenth</b>	1,956	2,338	19.5	1,907	2,228	16.8	1,210	1,320	9.1
<b>Eleventh</b>	6,115	8,023	31.2	5,975	7,630	27.7	3,508	3,901	11.2

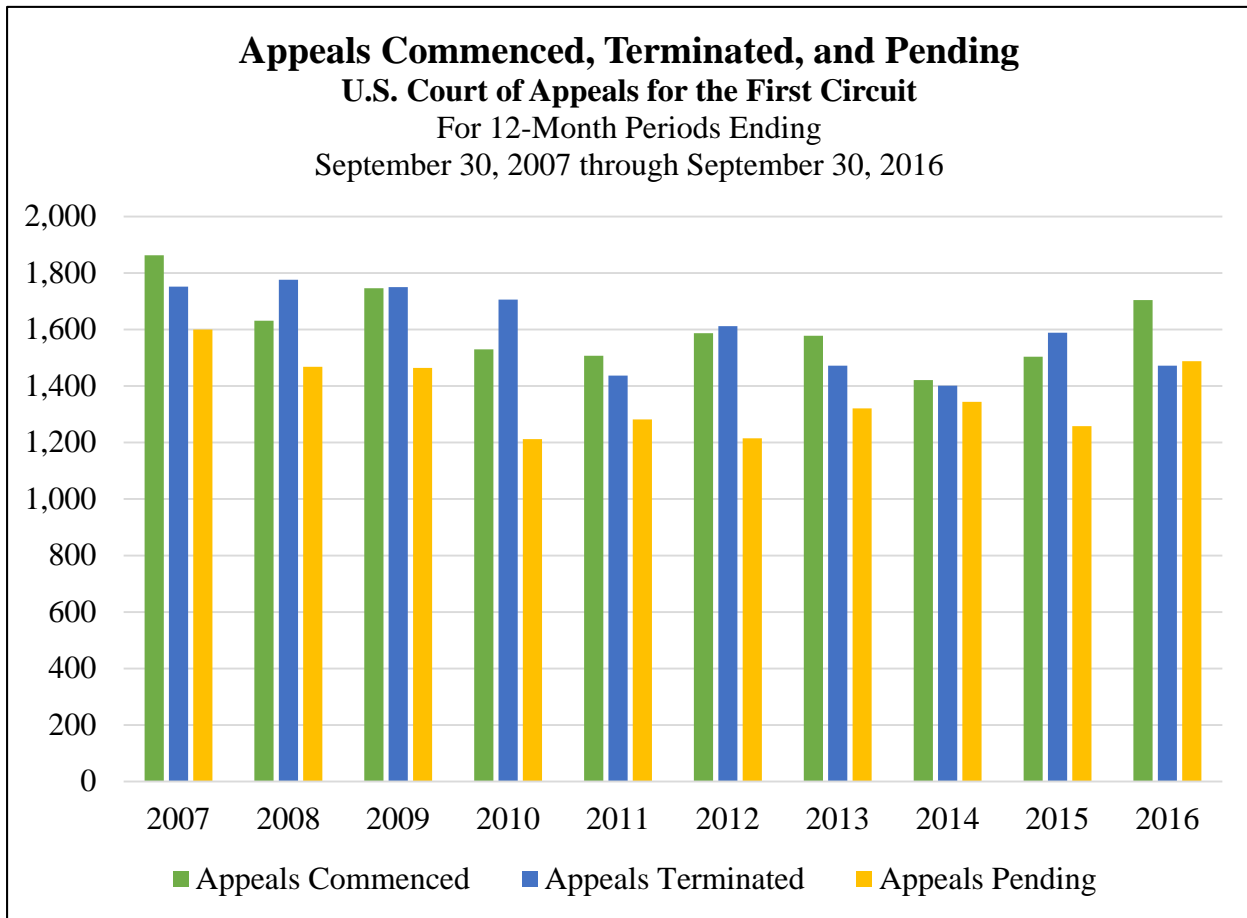
\*Pending caseloads for 2015 as revised by the AO.



<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, 2009 through September 30, 2016								
<b>Source</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>First Circuit Totals</b>	1,746	1,530	1,507	1,587	1,578	1,421	1,504	1,704
<b>Maine</b>	136	97	125	140	118	113	206	117
<b>Massachusetts</b>	614	509	518	516	497	418	506	499
<b>New Hampshire</b>	104	103	90	86	95	74	74	86
<b>Puerto Rico</b>	477	497	409	431	501	425	399	461
<b>Rhode Island</b>	104	73	91	98	89	94	61	45
<b>Bankruptcy</b>	53	37	29	27	35	29	34	28
<b>U.S. Tax Court</b>	7	8	6	5	4	4	3	4
<b>National Labor Relations Board</b>	4	7	5	10	4	5	11	8
<b>Administrative Agencies (Total)</b>	190	158	171	216	165	161	139	105
<b>Original Proceedings*</b>	68	56	74	73	78	107	85	363

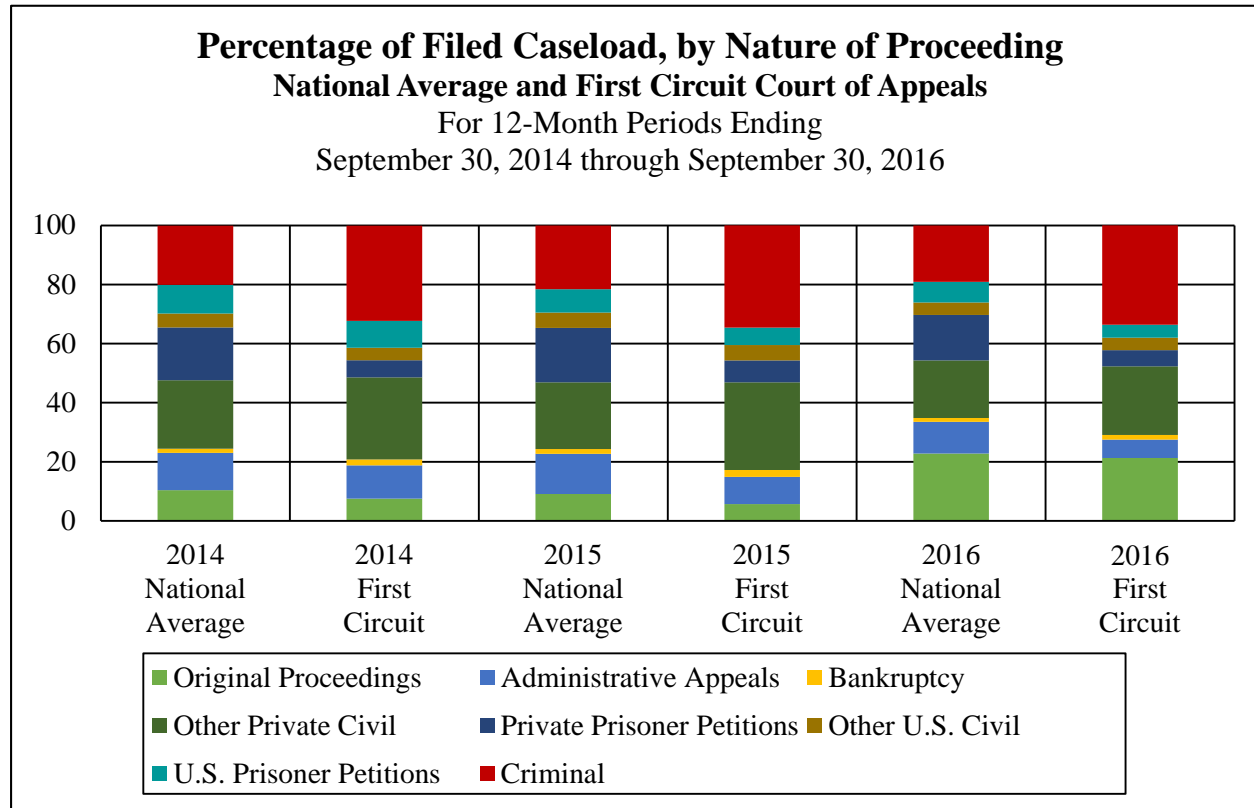
NOTE: Totals include reopened, remanded, and reinstated appeals, as well as original appeals.

\*Beginning in 2014, miscellaneous applications are included in this category.



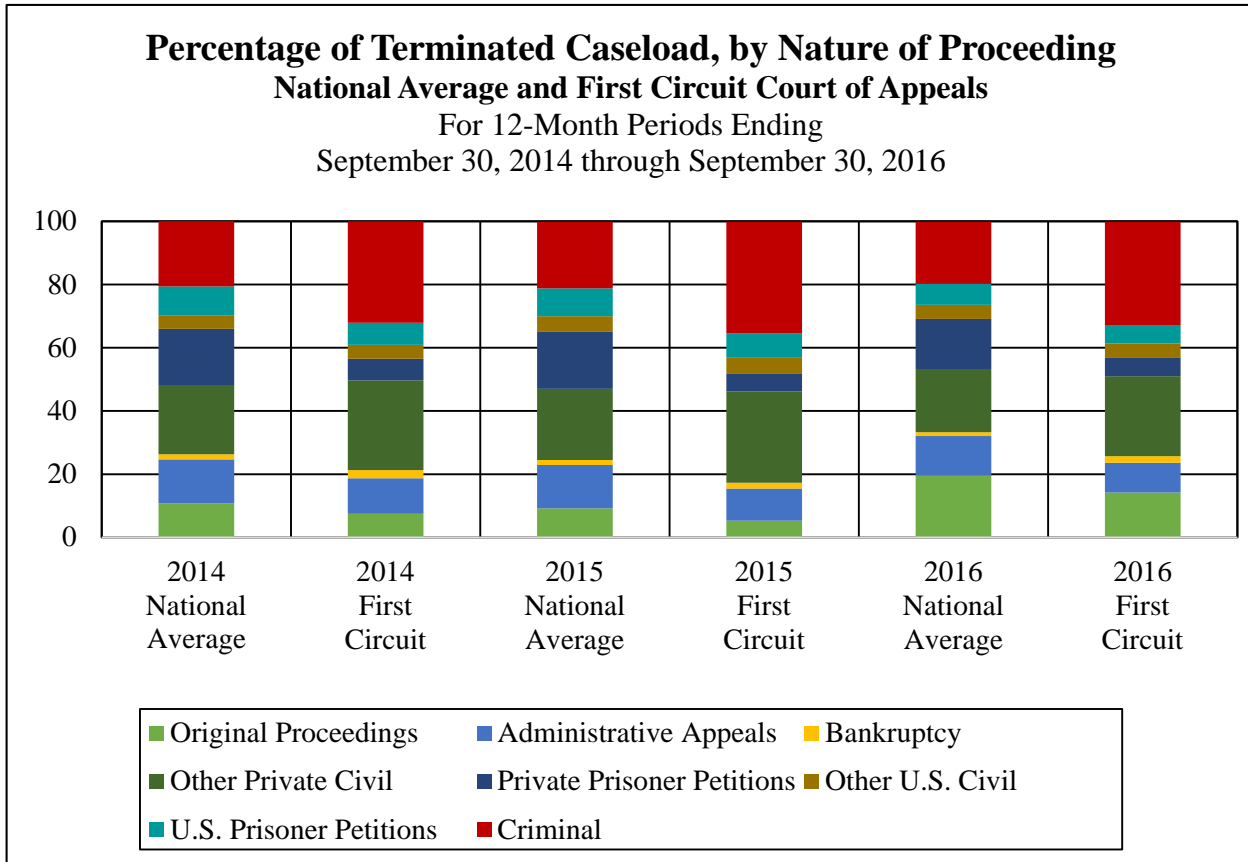
<b>Appeals Commenced, Terminated, and Pending</b> <b>U.S. Court of Appeals for the First Circuit</b> For 12-Month Periods Ending September 30, 2007 through September 30, 2016										
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Appeals Commenced	1,863	1,631	1,746	1,530	1,507	1,587	1,578	1,421	1,504	1,704
Appeals Terminated	1,752	1,776	1,750	1,706	1,437	1,612	1,472	1,401	1,589	1,472
Appeals Pending*	1,600	1,464	1,466	1,212	1,282	1,225	1,321	1,343	1,256	1,488

\*Pending caseloads for 2008, 2009, 2012, and 2015 as revised by the AO.



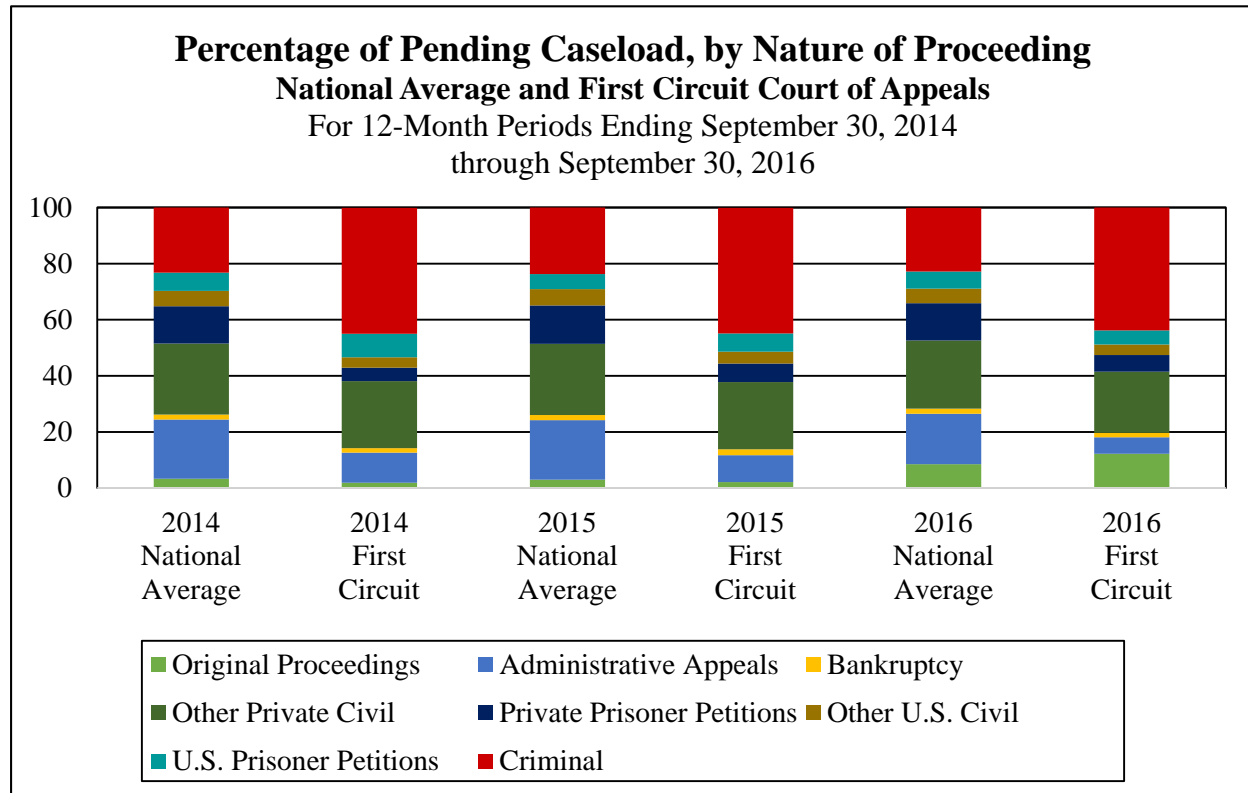
### Percentage of Filed Caseload, by Nature of Proceeding National Average and First Circuit Court of Appeals For 12-Month Periods Ending September 30, 2014 through September 30, 2016

	2014		2015		2016	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
<b>Criminal</b>	20.0	32.2	21.6	34.7	19.1	33.7
<b>U.S. Prisoner Petitions</b>	9.7	9.1	7.9	5.9	7.0	4.4
<b>Other U.S. Civil</b>	4.7	4.2	5.2	5.2	4.2	4.2
<b>Private Prisoner Petitions</b>	17.9	5.8	18.4	7.4	15.4	5.5
<b>Other Private Civil</b>	23.2	27.8	22.6	29.7	19.5	23.2
<b>Bankruptcy</b>	1.4	2.0	1.6	2.3	1.3	1.6
<b>Administrative Appeals</b>	12.6	11.3	13.6	9.2	10.7	6.2
<b>Original Proceedings and Miscellaneous Applications</b>	10.4	7.5	9.1	5.7	22.8	21.3



### Percentage of Terminated Caseload, by Nature of Proceeding National Average and First Circuit Court of Appeals For 12-Month Periods Ending September 30, 2014 through September 30, 2016

	2014		2015		2016	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
<b>Criminal</b>	20.7	32.1	21.1	35.4	19.7	32.9
<b>U.S. Prisoner Petitions</b>	9.1	7.0	8.8	7.7	6.6	5.6
<b>Other U.S. Civil</b>	4.3	4.4	5.0	4.9	4.5	4.4
<b>Private Prisoner Petitions</b>	17.8	6.8	18.0	5.7	15.8	6.0
<b>Other Private Civil</b>	21.9	28.4	22.5	28.9	20.0	25.3
<b>Bankruptcy</b>	1.6	2.6	1.6	1.8	1.2	2.1
<b>Administrative Appeals</b>	13.9	11.2	13.7	10.2	12.6	9.4
<b>Original Proceedings and Miscellaneous Applications</b>	10.8	7.5	9.2	5.3	19.5	14.2



### Percentage of Pending Caseload\*, by Nature of Proceeding National Average and First Circuit Court of Appeals For 12-Month Periods Ending September 30, 2014 through September 30, 2016

	2014		2015		2016	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
<b>Criminal</b>	23.1	45.0	23.8	44.7	22.7	43.8
<b>U.S. Prisoner Petitions</b>	6.5	8.6	5.4	6.5	6.1	5.0
<b>Other U.S. Civil</b>	5.6	3.9	5.8	4.1	5.2	3.8
<b>Private Prisoner Petitions</b>	13.2	4.6	13.7	6.7	13.3	5.9
<b>Other Private Civil</b>	25.3	23.5	25.4	24.0	24.3	21.8
<b>Bankruptcy</b>	1.8	1.6	1.8	2.1	1.8	1.6
<b>Administrative Appeals</b>	21.3	10.7	21.2	9.6	18.0	5.9
<b>Original Proceedings and Miscellaneous Applications</b>	3.2	1.9	2.9	2.1	8.5	12.2

\*Pending caseloads for 2014 and 2015 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, 2016 (From Filing of Notice of Appeals to Final Disposition)		
<b>Circuit</b>	<b># of Cases</b>	<b>Interval</b>
<b>National Average</b>	36,547	7.4
<b>D.C.</b>	570	11.7
<b>First</b>	941	10.8
<b>Second</b>	2,622	10.8
<b>Third</b>	2,246	6.7
<b>Fourth</b>	4,874	4.0
<b>Fifth</b>	4,484	8.8
<b>Sixth</b>	3,250	8.3
<b>Seventh</b>	2,098	5.8
<b>Eighth</b>	2,419	5.3
<b>Ninth</b>	6,709	15.2
<b>Tenth</b>	1,571	6.7
<b>Eleventh</b>	4,763	4.4

<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, 2012 through September 30, 2016						
		<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>After Oral Hearing</b>	<b>1st Cir.</b>	28.7%	26.0%	26.3%	29.1%	26.1%
	<b>Nat'l</b>	18.8%	18.3%	18.0%	19.0%	16.3%
<b>After Submission</b>	<b>1st Cir.</b>	63.7%	67.9%	66.0%	62.9%	68.2%
	<b>Nat'l</b>	74.0%	75.1%	74.5%	73.4%	76.8%
<b>Disposed of by Consolidation</b>	<b>1st Cir.</b>	7.6%	6.1%	7.6%	8.0%	5.7%
	<b>Nat'l</b>	7.2%	6.7%	7.4%	7.7%	6.9%

### *Clerk's Office*

In 2016, the Clerk's Office implemented new financial automated systems, including: the Judiciary Integrated Financial Management System (JIFMS); Cash Register; Check Capture; and eVoucher. The latter system is of particular benefit to the bar because it enables Criminal Justice Act (CJA) attorneys to manage their appointments; record services, time, and expenses; submit vouchers; and track the status of vouchers electronically.

Changes were also made to the Clerk's Office physical space. Renovations included a new conference room and three new offices, made possible by the implementation of CM/ECF and the reduced need for records storage space.

In the spring, the Clerk's Office helped to facilitate three criminal appellate practice seminars in San Juan, Puerto Rico; Boston, Massachusetts; and Portland, Maine. Speakers included Judge Lipez, Judge Kayatta, First Circuit court staff, and practitioners.

In April, the Clerk attended and served as a facilitator at an AO-sponsored Financial Forum. In May, Clerk's Office staff attended a symposium on CM/ECF NextGen.

In December, significant changes to the Federal Rules of Appellate Procedure went into effect, including a reduction in the word limits for briefs and the conversion of page limits to word limits for other filings. The changes required a minor edit to Local Rule 35.0(b) to make the rule consistent with these amendments.

In fiscal year (FY) 2016, the Court of Appeals reported 1,704 filings, a 13.3% increase from the 1,504 filings in FY 2015. The large spike in filings was primarily due to the high number of applications for leave to file a second or successive motion to vacate sentence based on the Supreme Court's

holding in Johnson v. United States, 135 S. Ct. 2551 (2015). The Court reported a 7.4% decrease in case terminations, from 1,589 in FY 2015 to 1,472 in FY 2016. Pending cases increased 18.5% in FY 2015 to 1,488 in FY 2016. See supra, at 12.

For this same time period, Massachusetts (499) and Puerto Rico (461) represented the largest sources of appeals. The number of appeals from Maine, New Hampshire, and Rhode Island were 117, 86, and 45, respectively. There were 105 appeals from administrative agencies, most of which were from the Board of Immigration Appeals (83). The remaining cases were bankruptcy appeals (28) and original proceedings and miscellaneous applications (363). See supra, at 13.

In FY 2016, civil cases, including prisoner petitions, represented 37.3% of the appeals commenced in the First Circuit; criminal appeals represented 33.7%. The remaining 29.1% consisted of administrative agency appeals, bankruptcy appeals, original proceedings, and miscellaneous applications. See supra, at 15. The Court's median time interval in months for merits terminations of appeals was 10.8 months in FY 2016. See supra, at 18.

### *Office of the Staff Attorneys*

The Office of the Staff Attorneys conducts research for the Court's judges. In 2016, the Office consisted of one (1) senior staff attorney, one (1) supervisory staff attorney, 16-19 staff attorneys (the fluctuation in numbers was due to temporary summer staff), and one (1) support staff.

The following numbers of matters were referred by the Clerk's Office to the Staff Attorneys' Office for processing in 2016 (134 less than in 2015):

January	170
February	147
March	166
April	187
May	156
June	82
July	254
August	185
September	201
October	149
November	208
December	167
<b>Total</b>	<b>2,072</b>

In addition, there were 156 pro se or social security submitted cases (40 more than in 2015) and 26 sua sponte summary dispositions assigned in counseled, briefed cases (22 fewer than in 2015).

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 Local 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 requires pre-argument conferences in eligible cases, unless settlement counsel determines that there is no reasonable likelihood of settlement.

Appellants are required to submit electronically 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 any 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 2016, of the 201 cases that were opened, one or more conferences were held in 176 cases, which produced 50 settlements (approximately 28% 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 2016, one (1) staff member in the Boston Library left their position. The position was not filled.

In addition to providing reference and research services and maintenance of print collections, staff of the Headquarters Library are responsible for all budget and financial operations of the system. On-board staff at the end of FY 2016, including the Circuit Librarian, was 10.3 and was distributed as follows: 6.8 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 Judicial Conference of the United States (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 currently scheduled to be completed by the second half of FY 2017.

*Legal Research Funds:* The law book allotment in FY 2016 was slightly higher than in FY 2015 due to a higher judge count. The need for cancellations, less expensive alternatives, and more efficient access using electronic resources continued.

*Projects/Events of Note:* In June, after a brief closure to move the collection to storage and prepare for construction, the Headquarters Library reopened in temporary space. When complete, the new library space will be approximately 37% smaller.

In August, the Circuit Librarian and two (2) staff members attended the first Federal Court Library Conference. The conference resulted in the creation of six (6) working groups that will study and make recommendations for the implementation of the Federal Court Library Program's five (5)-year strategic plan. The First Circuit Library is represented on two (2) of the working groups.

*Statistics:* In FY 2016, staff responded to approximately 5,600 reference questions. The Library circulated almost 2,000 print materials and submitted 185 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* (235 recipients); *Today's U.S. Supreme Court* (235); *Daily Opinion Summaries of U.S. First Circuit Court of Appeals* (Findlaw) (212); *U.S. Supreme Court Opinions Summaries* (Findlaw) (212); *Weekly Watch* (212); and *First Circuit Sentencing Guide* (177).

***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 Court House. The BAP's move back to the Moakley Courthouse is scheduled to be completed in the fall of 2017. The BAP generally conducts oral arguments in Boston,

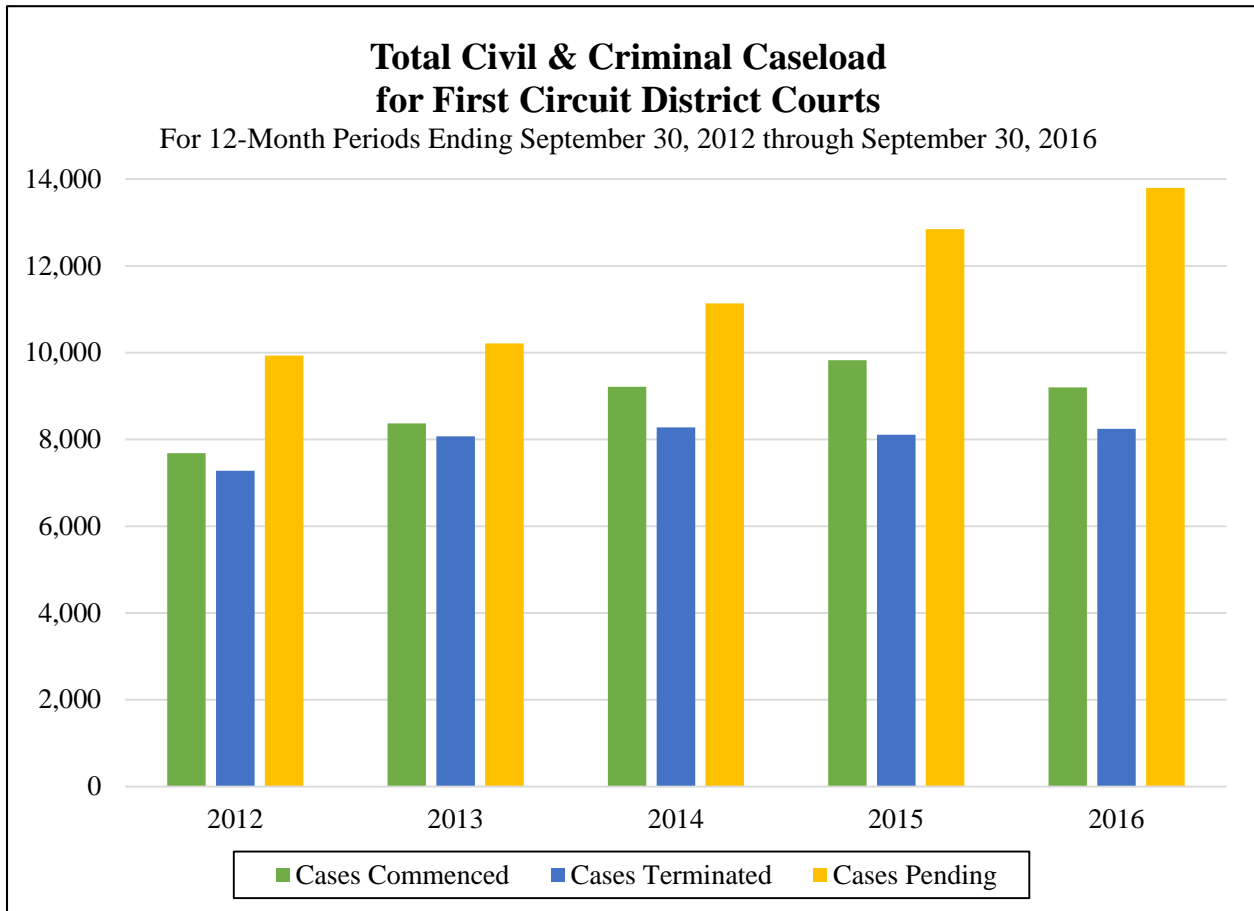
Massachusetts and typically travels to San Juan, Puerto Rico once a year, depending upon the caseload.

For FY 2016, the BAP experienced a 7.1% decrease in case 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, 2015 and September 30, 2016									
	<u>Filed</u>			<u>Terminated</u>			<u>Pending*</u>		
	2015	2016	% Change	2015	2016	% Change	2015	2016	% Change
First Circuit	70	65	-7.1	74	69	-6.8	18	14	-22.2
Sixth Circuit	52	58	11.5	49	47	-4.1	32	43	34.4
Eighth Circuit	48	35	-27.1	50	36	-28.0	15	14	-6.7
Ninth Circuit	460	429	-6.7	512	444	-13.3	228	213	-6.6
Tenth Circuit	66	48	-27.3	67	61	-9.0	24	11	-54.2
<b>Total</b>	<b>696</b>	<b>635</b>	<b>-8.8</b>	<b>752</b>	<b>657</b>	<b>-12.6</b>	<b>317</b>	<b>295</b>	<b>-6.9</b>

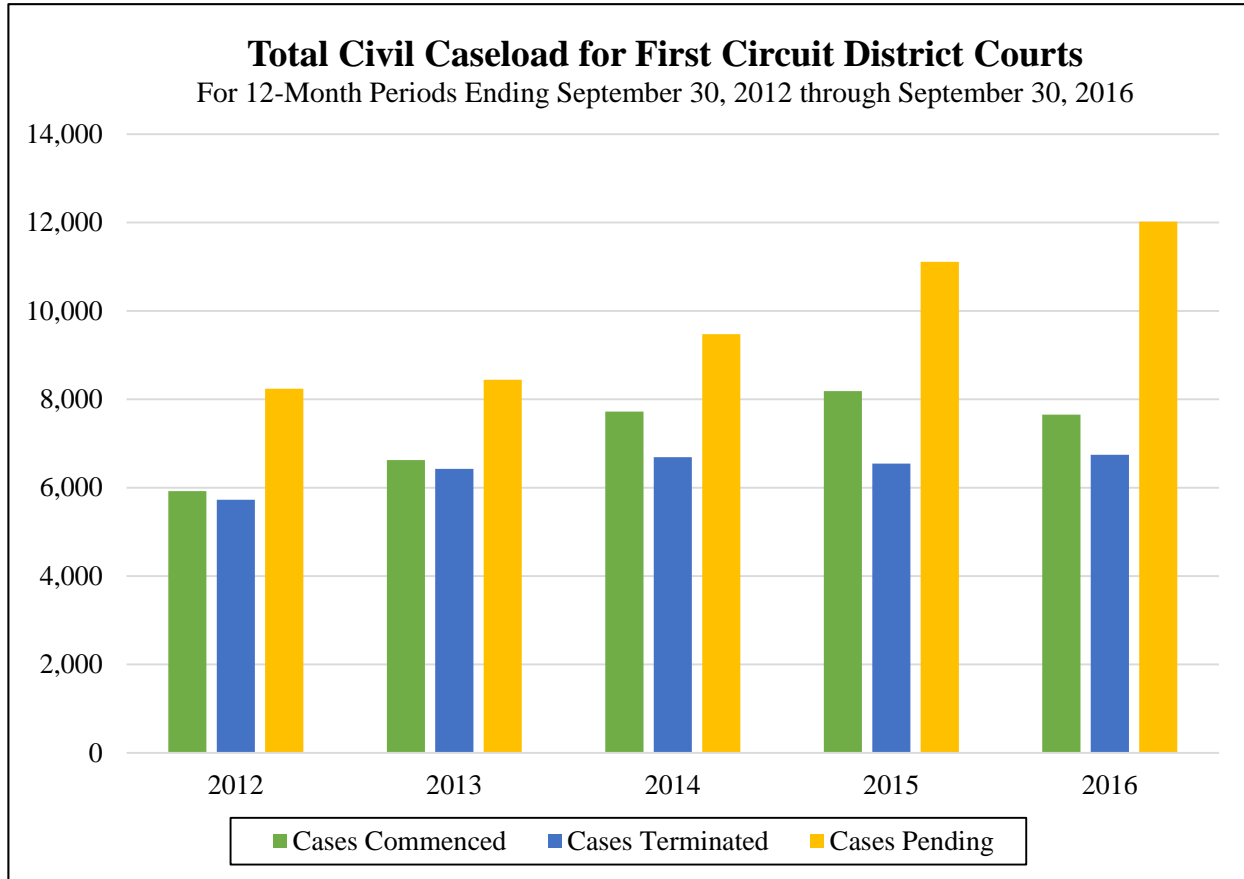
\* Pending caseloads for 2015 as revised by the AO.

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



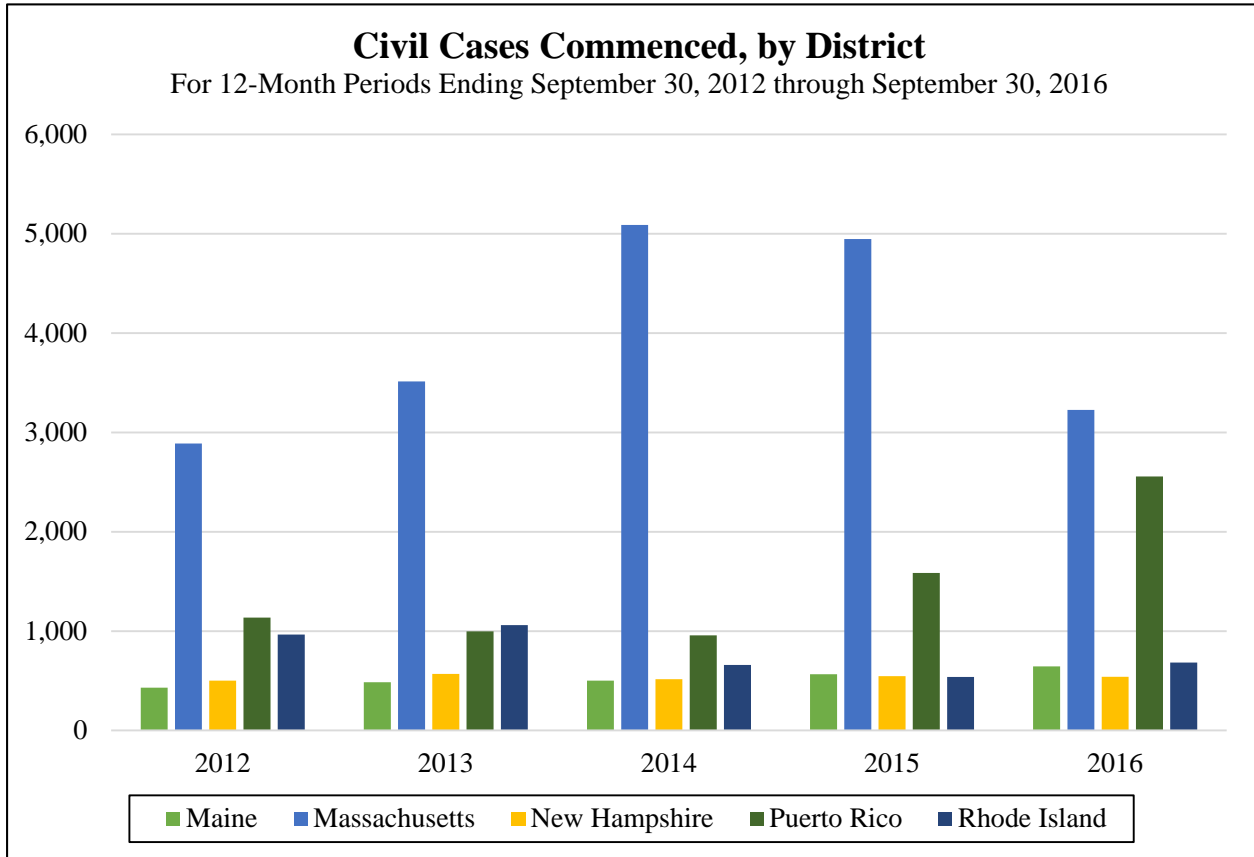
<b>Total Civil &amp; Criminal Caseload for First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	7,683	8,369	9,214	9,825	9,198
<b>Cases Terminated</b>	7,277	8,072	8,279	8,109	8,246
<b>Cases Pending*</b>	9,932	10,212	11,135	12,848	13,799

\*Pending caseloads for 2012, 2013, 2014, and 2015 as revised by the AO.

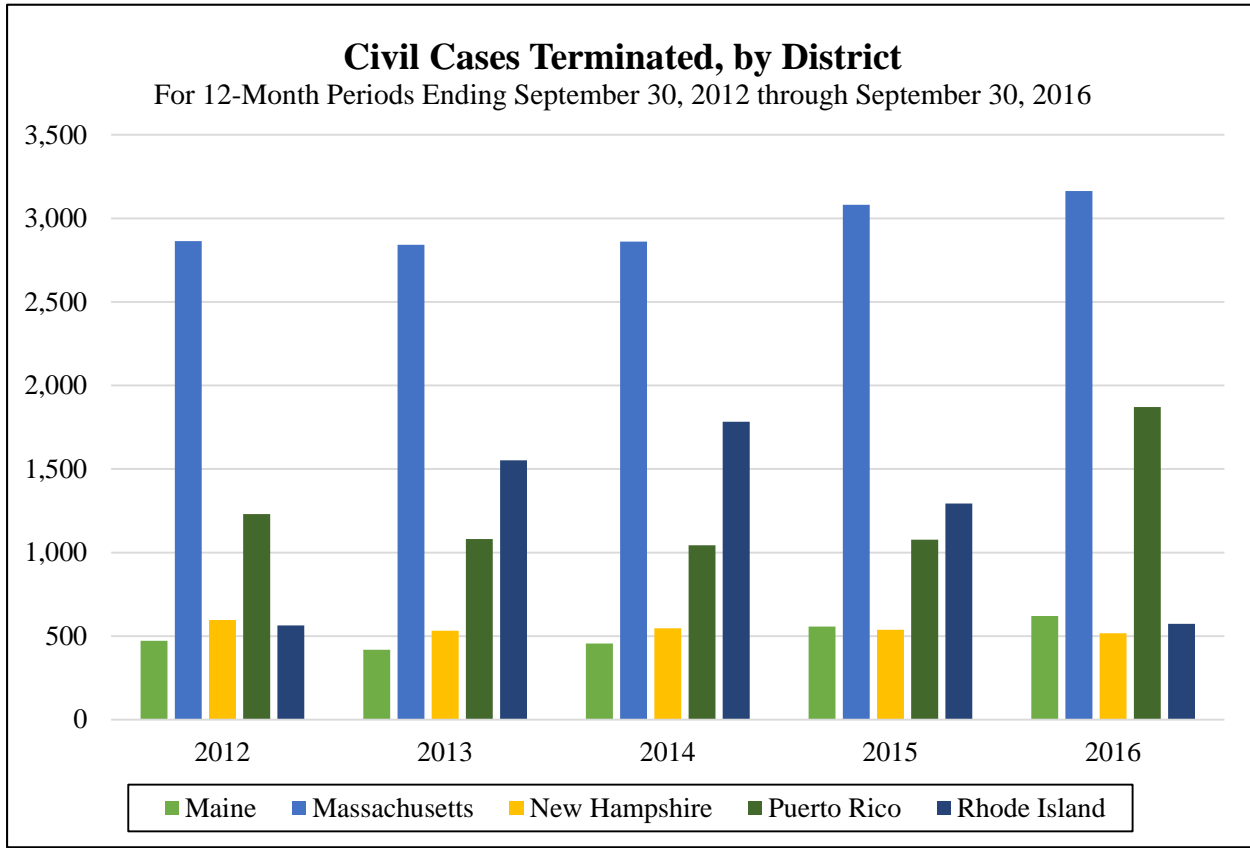


<b>Total Civil Caseload for First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	5,922	6,624	7,723	8,184	7,652
<b>Cases Terminated</b>	5,726	6,425	6,691	6,546	6,744
<b>Cases Pending*</b>	8,241	8,443	9,479	11,110	12,018

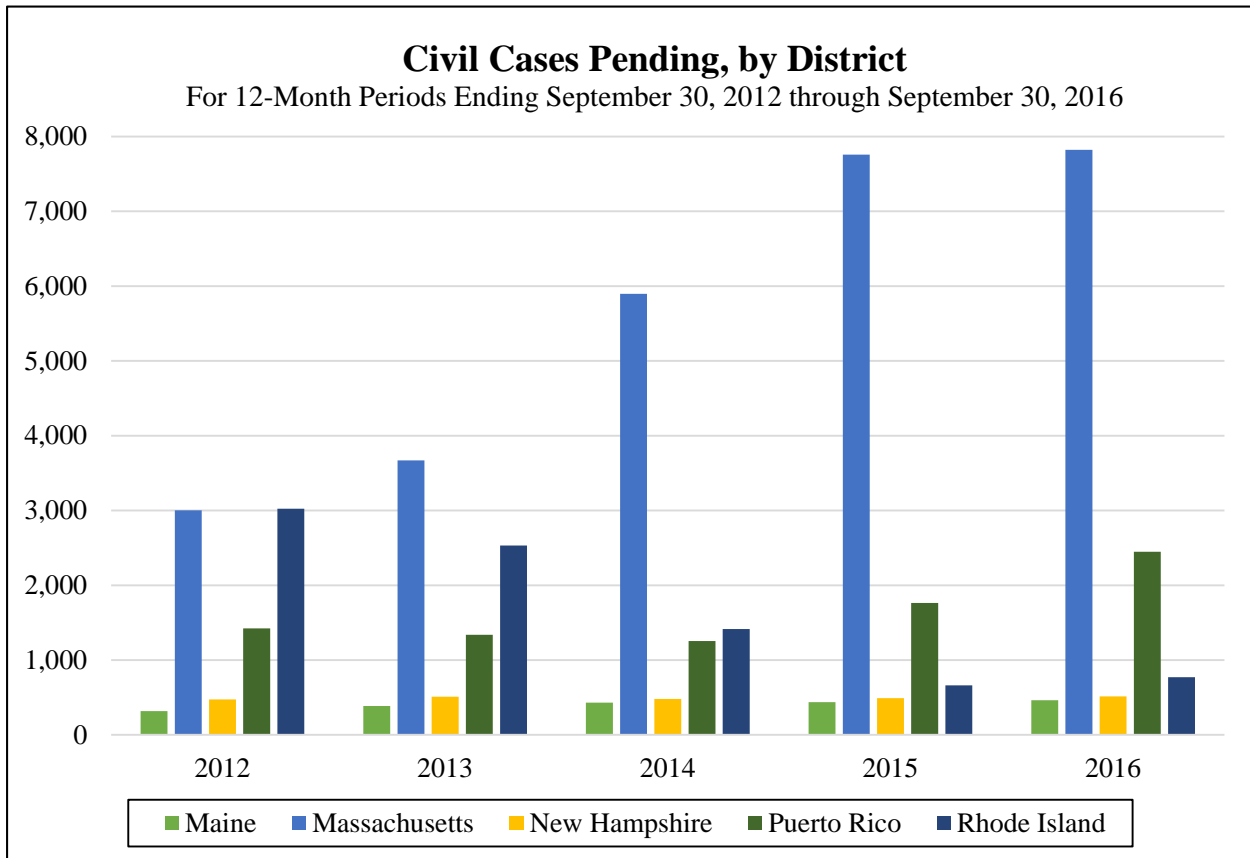
\*Pending caseloads for 2012, 2013, 2014, and 2015 as revised by the AO.



<b>Civil Cases Commenced, by District</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
District	2012	2013	2014	2015	2016
<b>Maine</b>	431	485	501	566	645
<b>Massachusetts</b>	2,888	3,513	5,088	4,947	3,226
<b>New Hampshire</b>	501	569	516	547	541
<b>Puerto Rico</b>	1,136	997	958	1,585	2,556
<b>Rhode Island</b>	966	1,060	660	539	684

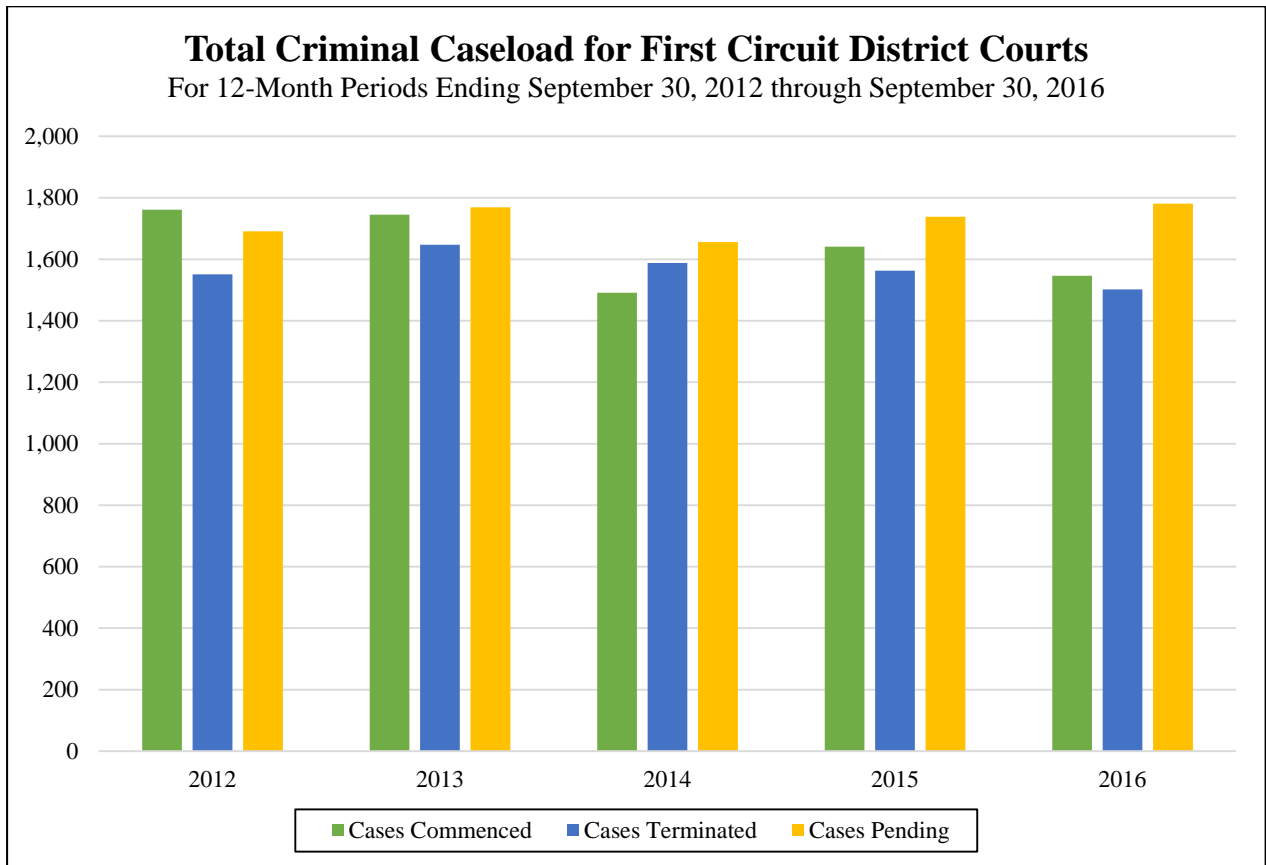


<b>Civil Cases Terminated, by District</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
<b>District</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Maine</b>	472	418	456	557	620
<b>Massachusetts</b>	2,864	2,842	2,861	3,081	3,163
<b>New Hampshire</b>	596	532	547	538	517
<b>Puerto Rico</b>	1,230	1,081	1,044	1,077	1,871
<b>Rhode Island</b>	564	1,552	1,783	1,293	573



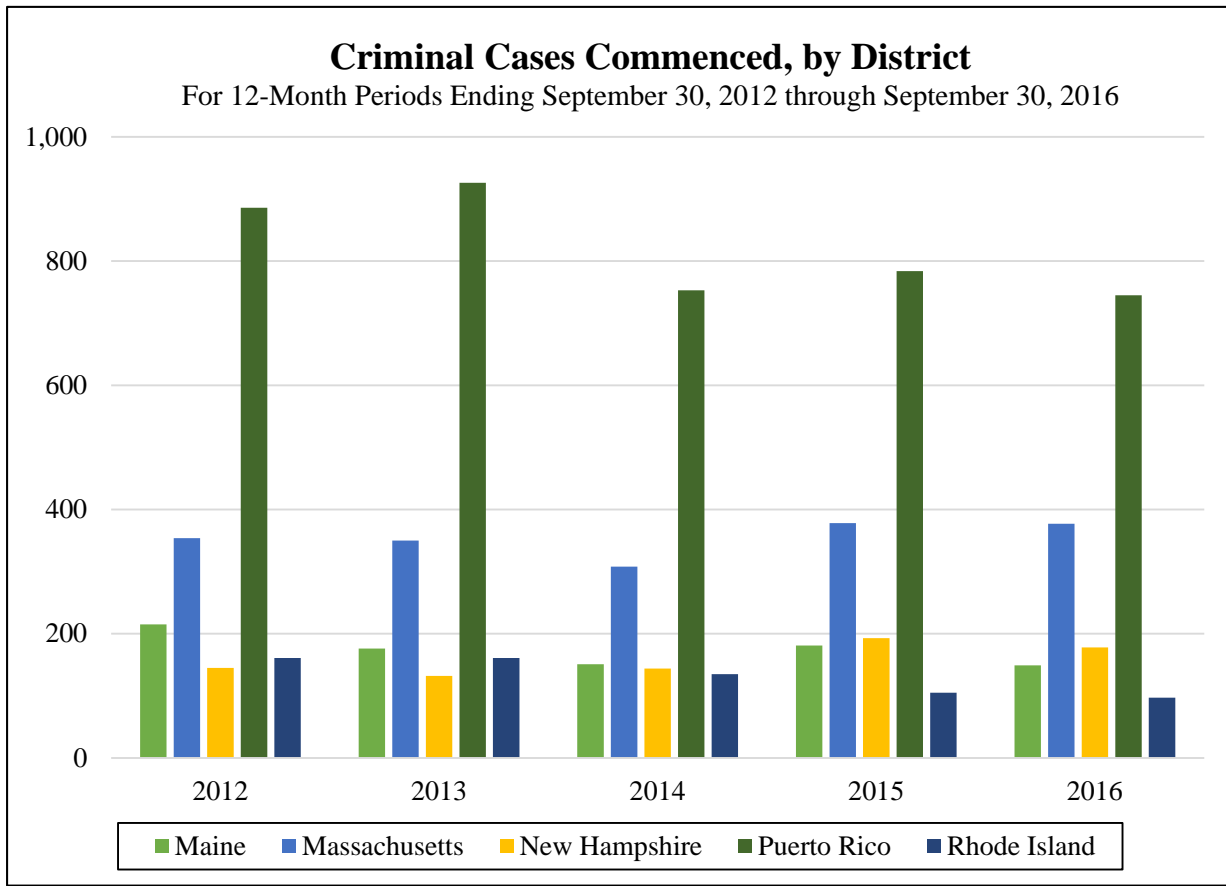
<b>Civil Cases Pending,* by District</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
District	2012	2013	2014	2015	2016
Maine	318	385	430	437	462
Massachusetts	3,002	3,669	5,898	7,758	7,821
New Hampshire	474	511	481	490	514
Puerto Rico	1,423	1,341	1,255	1,764	2,449
Rhode Island	3,024	2,537	1,415	661	772

\*Pending caseloads for 2012, 2013, 2014, and 2015 as revised by the AO.

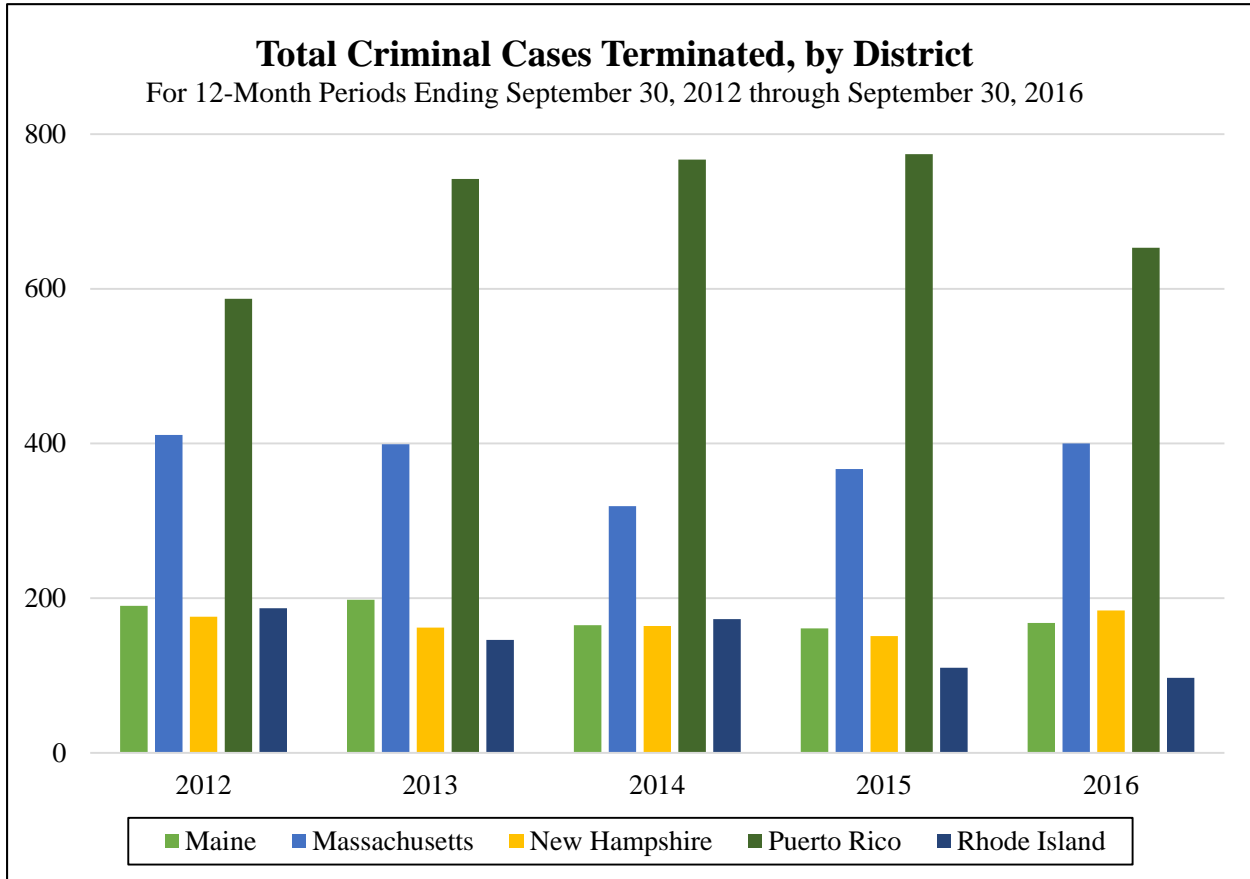


Total Criminal Caseload for First Circuit District Courts For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	2012	2013	2014	2015	2016
<b>Cases Commenced</b>	1,761	1,745	1,491	1,641	1,546
<b>Cases Terminated</b>	1,551	1,647	1,588	1,563	1,502
<b>Cases Pending</b>	1,691	1,769	1,656	1,738	1,781

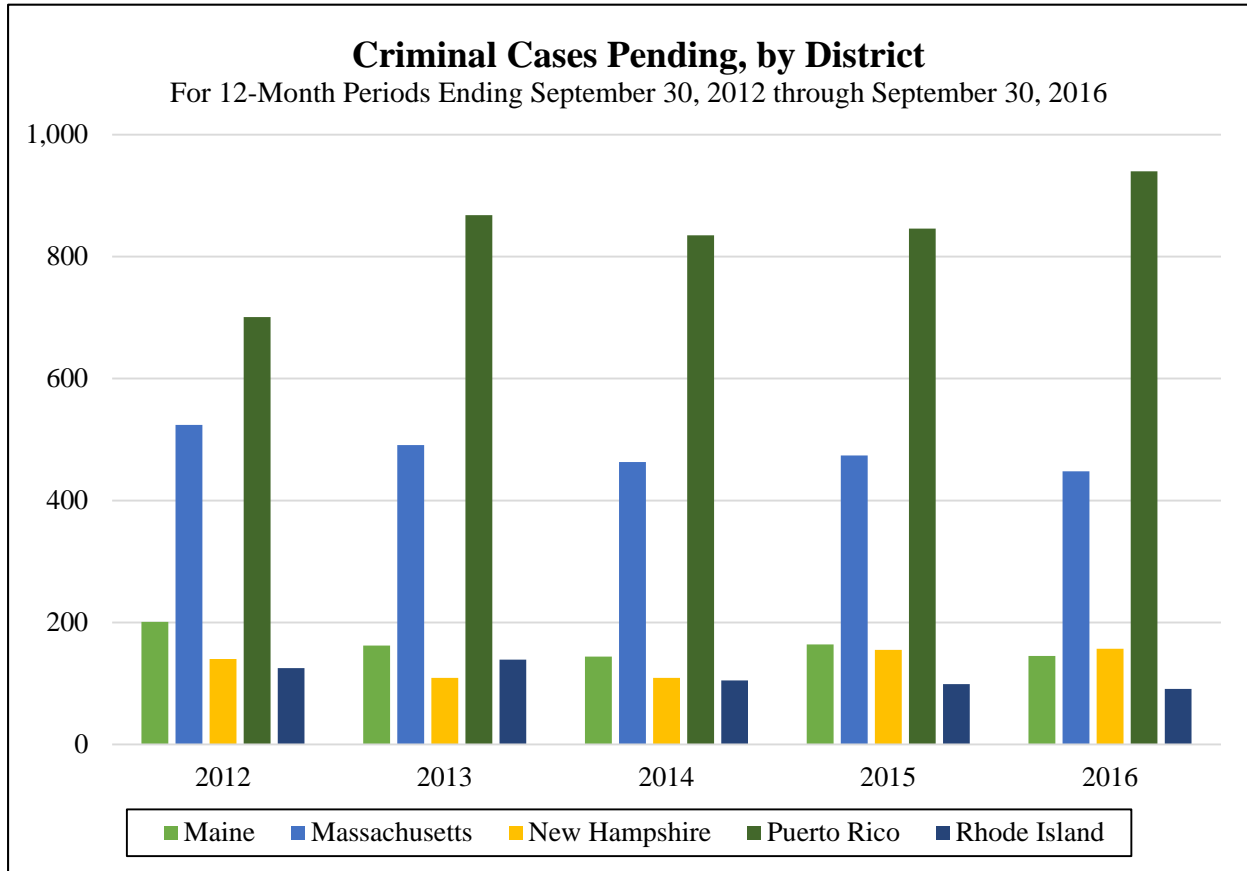




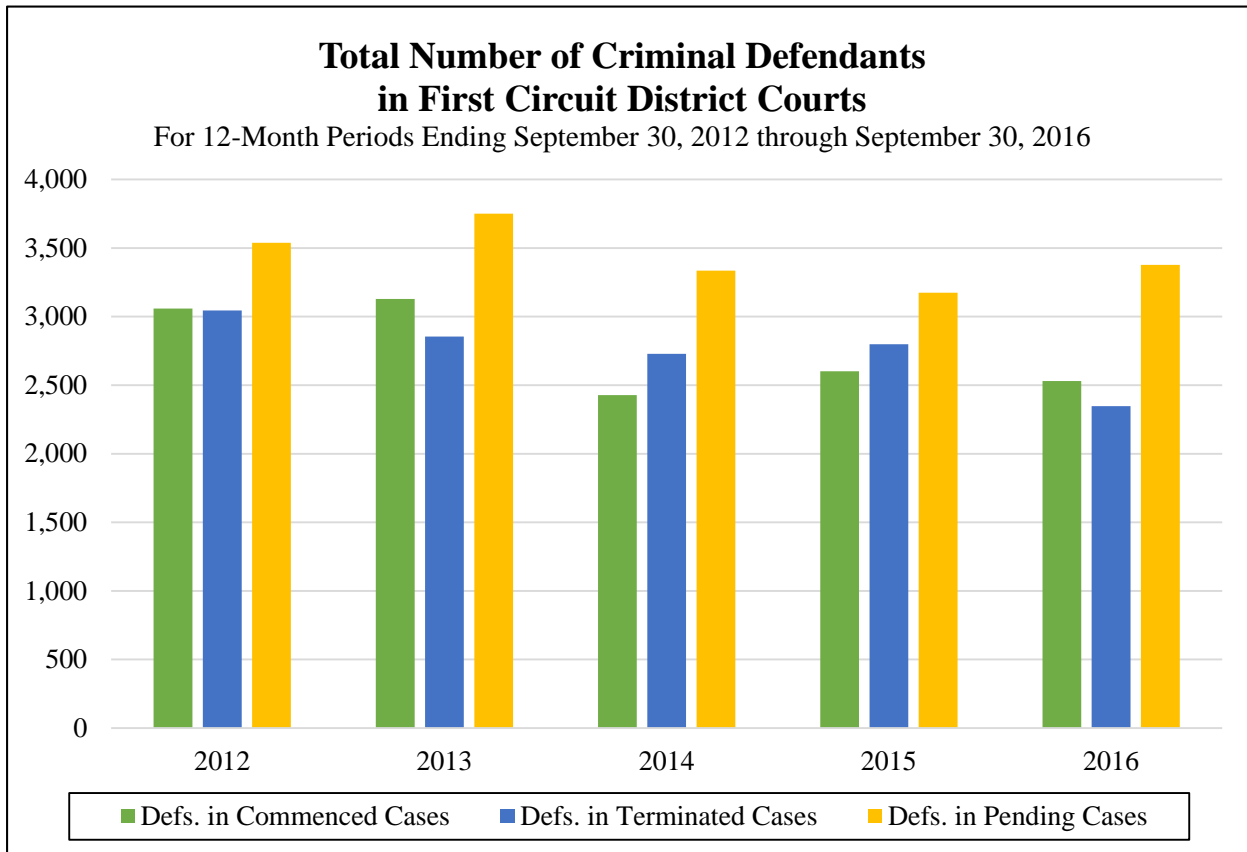
<b>Criminal Cases Commenced, by District</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
District	2012	2013	2014	2015	2016
<b>Maine</b>	215	176	151	181	149
<b>Massachusetts</b>	354	350	308	378	377
<b>New Hampshire</b>	145	132	144	193	178
<b>Puerto Rico</b>	886	926	753	784	745
<b>Rhode Island</b>	161	161	135	105	97



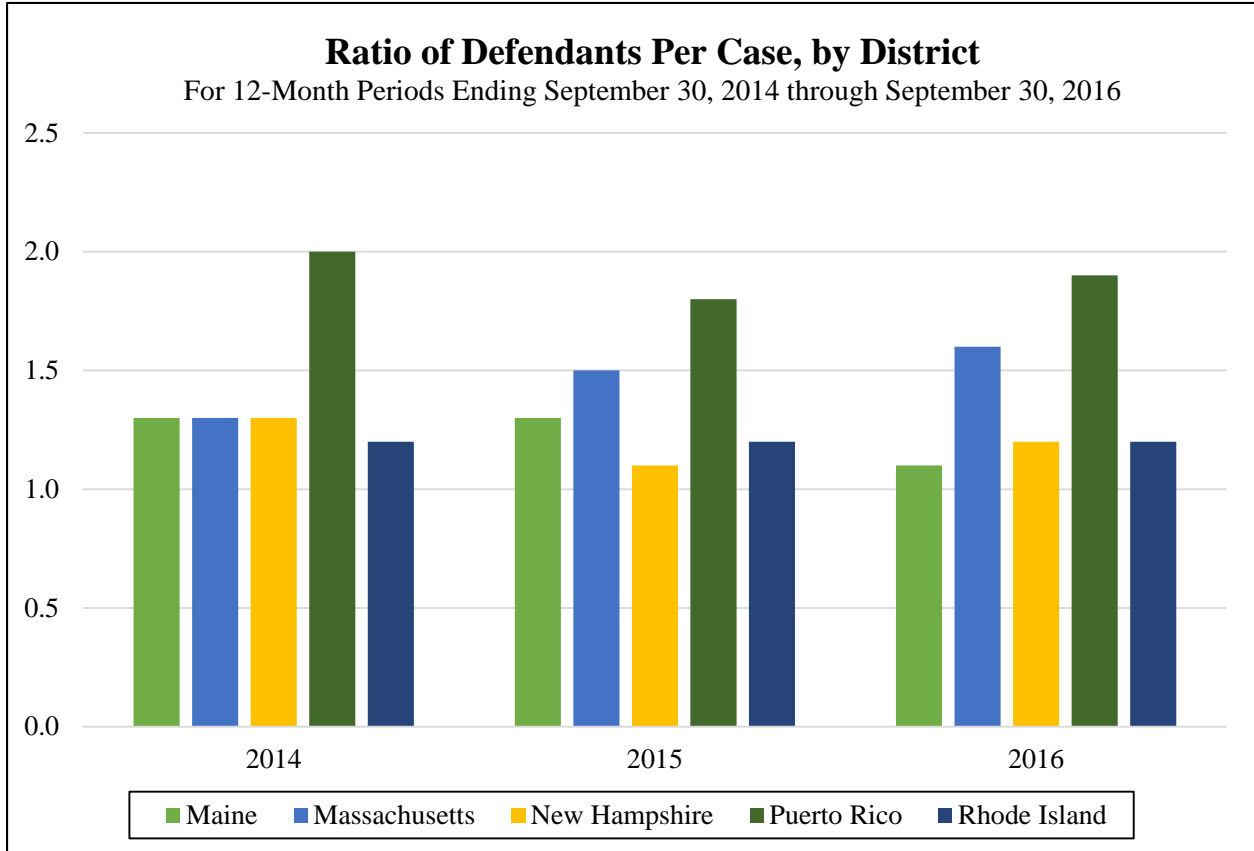
<b>Criminal Cases Terminated, by District</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
<b>District</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Maine</b>	190	198	165	161	168
<b>Massachusetts</b>	411	399	319	367	400
<b>New Hampshire</b>	176	162	164	151	184
<b>Puerto Rico</b>	587	742	767	774	653
<b>Rhode Island</b>	187	146	173	110	97



<b>Criminal Cases Pending, by District</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
District	2012	2013	2014	2015	2016
Maine	201	162	144	164	145
Massachusetts	524	491	463	474	448
New Hampshire	140	109	109	155	157
Puerto Rico	701	868	835	846	940
Rhode Island	125	139	105	99	91



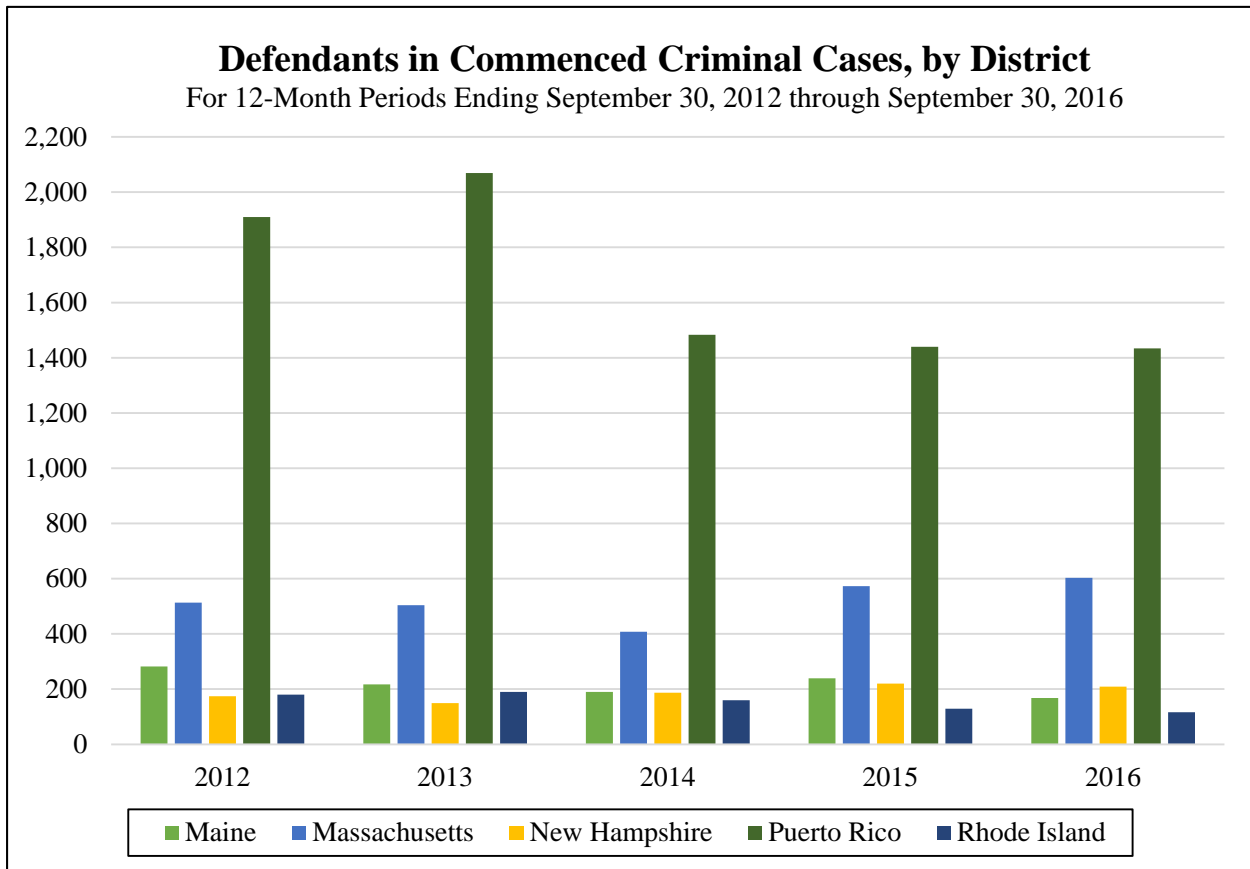
<b>Total Number of Criminal Defendants in First Circuit District Courts</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>No. of Defendants Commenced Criminal Cases</b>	3,059	3,129	2,428	2,601	2,530
<b>No. of Defendants Terminated Criminal Cases</b>	3,045	2,855	2,795	2,799	2,347
<b>No. of Defendants Pending Criminal Cases</b>	3,538	3,750	3,335	3,174	3,377



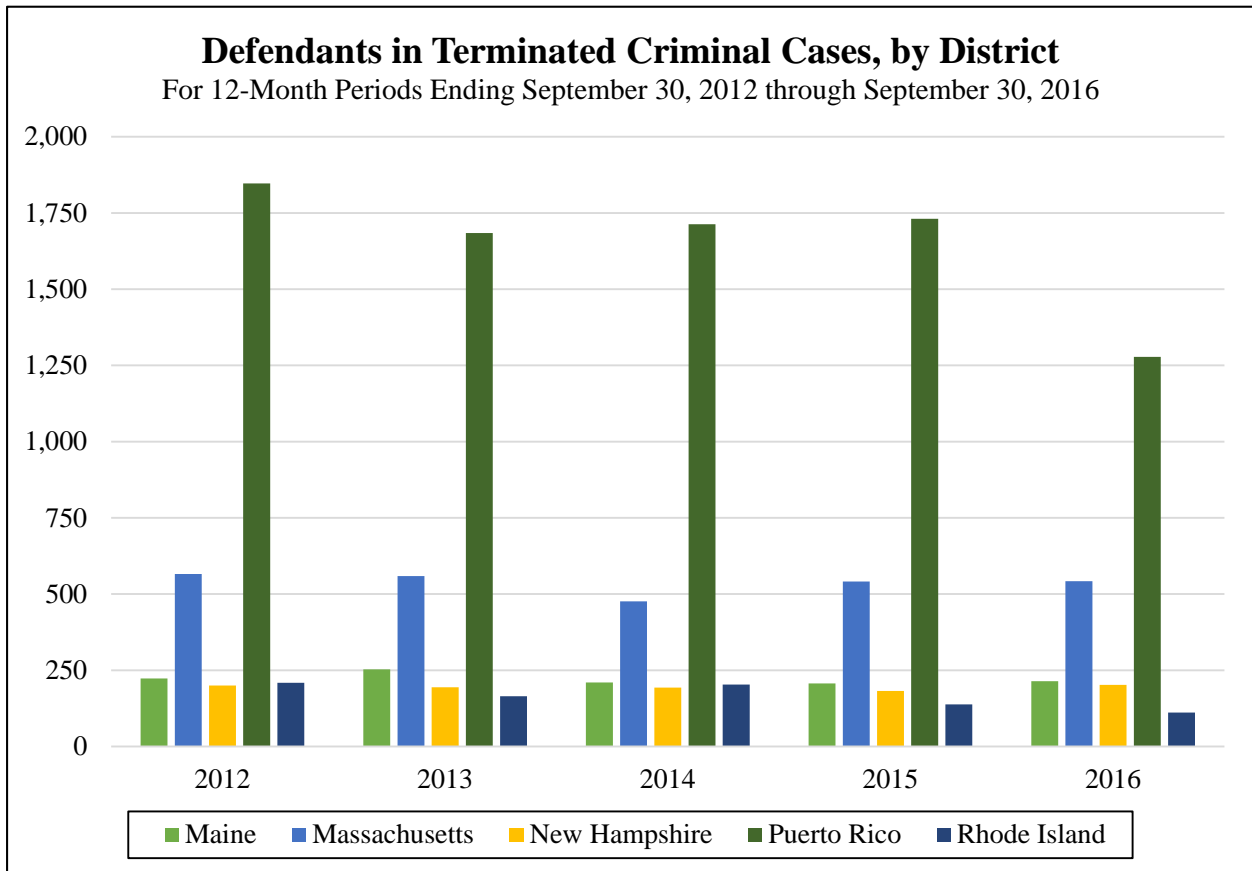
### Number of Criminal Cases and Defendants and Ratio of Defendants Per Case, by District

For 12-Month Periods Ending September 30, 2014 through September 30, 2016

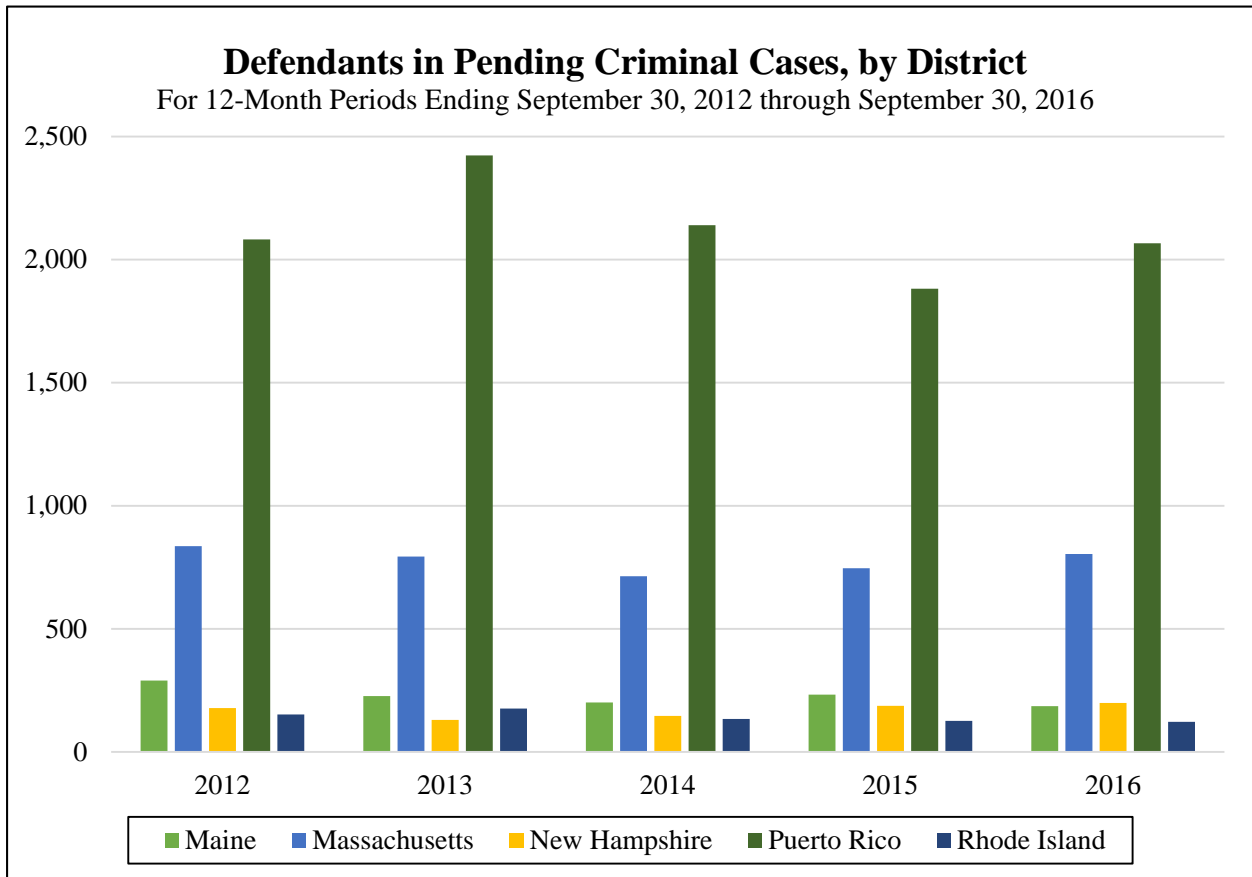
District	2014		Avg. No. of Defs./ Case	2015		Avg. No. of Defs./ Case	2016		Avg. No. of Defs./ Case
	Cases	Def.		Cases	Def.		Cases	Def.	
Maine	151	190	1.3	181	239	1.3	149	168	1.1
Massachusetts	308	408	1.3	378	573	1.5	377	603	1.6
New Hampshire	144	187	1.3	193	220	1.1	178	209	1.2
Puerto Rico	753	1,483	2.0	784	1,440	1.8	745	1,434	1.9
Rhode Island	135	160	1.2	105	129	1.2	97	116	1.2



<b>Defendants in Commenced Criminal Cases, by District</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
District	2012	2013	2014	2015	2016
<b>Maine</b>	282	217	190	239	168
<b>Massachusetts</b>	513	504	408	573	603
<b>New Hampshire</b>	174	149	187	220	209
<b>Puerto Rico</b>	1,910	2,069	1,483	1,440	1,434
<b>Rhode Island</b>	180	190	160	129	116

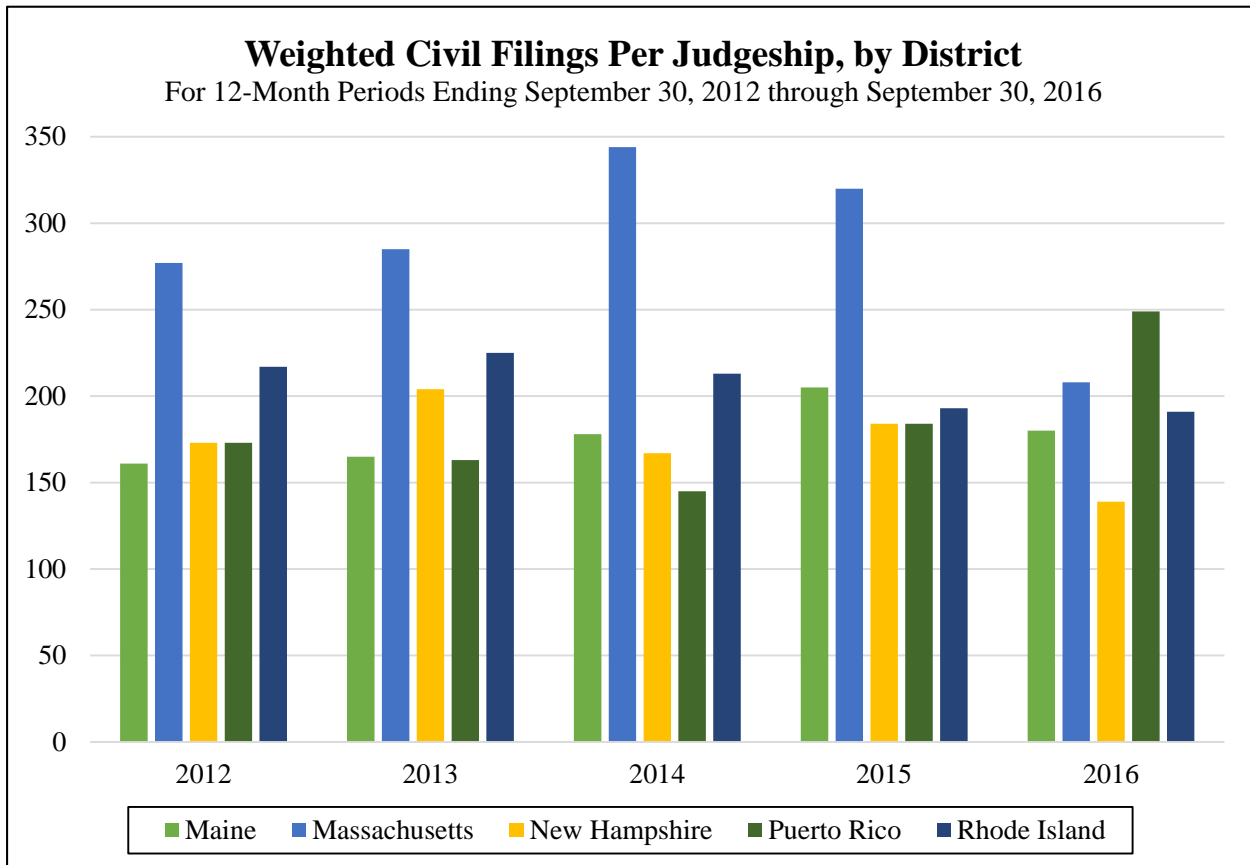


<b>Defendants in Terminated Criminal Cases, by District</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
<b>District</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Maine</b>	223	253	210	207	214
<b>Massachusetts</b>	566	559	476	541	542
<b>New Hampshire</b>	200	194	193	182	202
<b>Puerto Rico</b>	1,847	1,684	1,713	1,731	1,278
<b>Rhode Island</b>	209	165	203	138	111



<b>Defendants in Pending Criminal Cases, by District</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
<b>District</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Maine</b>	290	227	201	233	186
<b>Massachusetts</b>	836	794	714	746	804
<b>New Hampshire</b>	178	130	146	187	199
<b>Puerto Rico</b>	2,082	2,423	2,140	1,882	2,066
<b>Rhode Island</b>	152	176	134	126	122

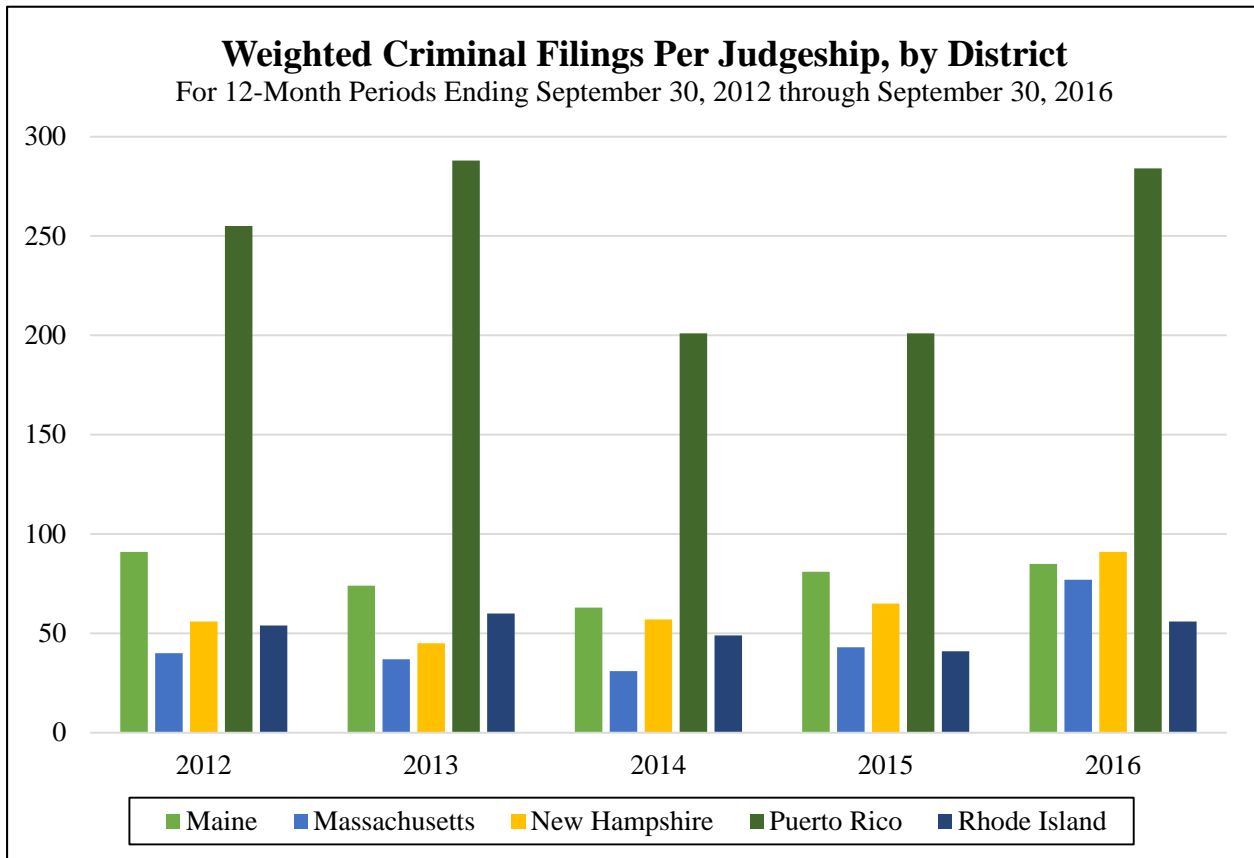




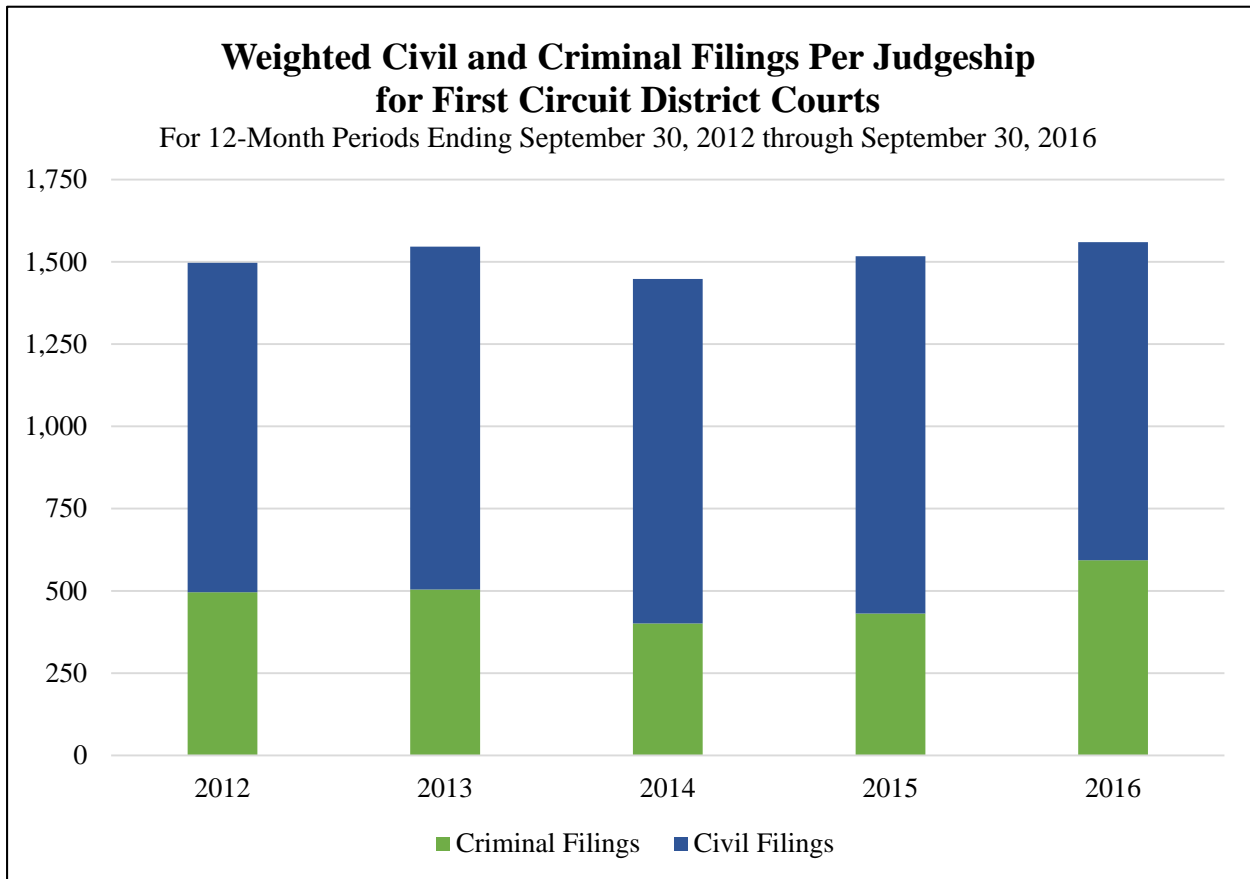
### Weighted Civil Filings Per Judgeship, by District

For 12-Month Periods Ending September 30, 2012 through September 30, 2016

District	Judgeships	2012	2013	2014	2015	2016
Maine	3	161	165	178	205	180
Massachusetts	13	277	285	344	320	208
New Hampshire	3	173	204	167	184	139
Puerto Rico	7	173	163	145	184	249
Rhode Island	3	217	225	213	193	191

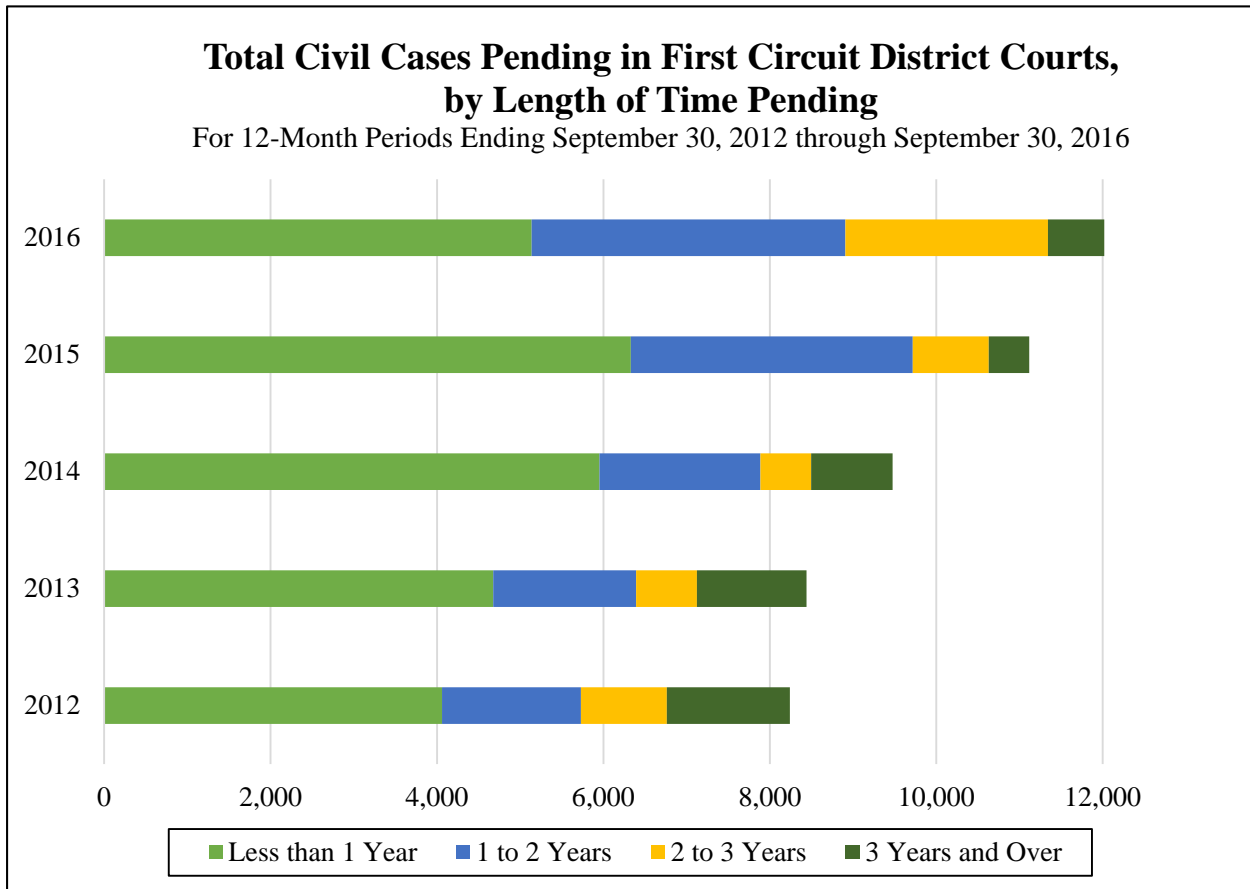


<b>Weighted Criminal Filings Per Judgeship, by District</b> For 12-Month Periods Ending September 30, 2012 through September 30, 2016						
District	Judgeships	2012	2013	2014	2015	2016
Maine	3	91	74	63	81	85
Massachusetts	13	40	37	31	43	77
New Hampshire	3	56	45	57	65	91
Puerto Rico	7	255	288	201	201	284
Rhode Island	3	54	60	49	41	56



<b>Weighted Civil and Criminal Filings Per Judgeship</b> For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Civil Filings</b>	1,001	1,042	1,047	1,086	967
<b>Criminal Filings</b>	496	504	401	431	593
<b>Total Combined Filings</b>	1,497	1,546	1,448	1,517	1,560

<b>Civil Cases Pending and Length of Time Pending, by District</b>					
For the 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>MAINE</b>					
<b>Less than 1 Year</b>	253	321	339	335	357
<b>1 to 2 Years</b>	59	48	72	83	82
<b>2 to 3 Years</b>	6	13	13	13	16
<b>3 Years and Over</b>	6	3	6	8	7
<b>MASSACHUSETTS</b>					
<b>Less than 1 Year</b>	1,845	2,443	4,138	4,061	2,250
<b>1 to 2 Years</b>	704	717	1,194	2,749	2,905
<b>2 to 3 Years</b>	274	306	293	710	2,170
<b>3 Years and Over</b>	182	207	271	244	496
<b>NEW HAMPSHIRE</b>					
<b>Less than 1 Year</b>	315	360	330	354	376
<b>1 to 2 Years</b>	127	99	98	88	93
<b>2 to 3 Years</b>	26	46	29	19	25
<b>3 Years and Over</b>	6	6	23	29	20
<b>PUERTO RICO</b>					
<b>Less than 1 Year</b>	821	731	708	1,208	1,651
<b>1 to 2 Years</b>	409	360	309	332	537
<b>2 to 3 Years</b>	144	183	146	121	168
<b>3 Years and Over</b>	50	65	92	102	93
<b>RHODE ISLAND</b>					
<b>Less than 1 Year</b>	827	821	437	371	504
<b>1 to 2 Years</b>	369	493	262	136	153
<b>2 to 3 Years</b>	583	183	128	51	54
<b>3 Years and Over</b>	1,234	1,035	587	103	61

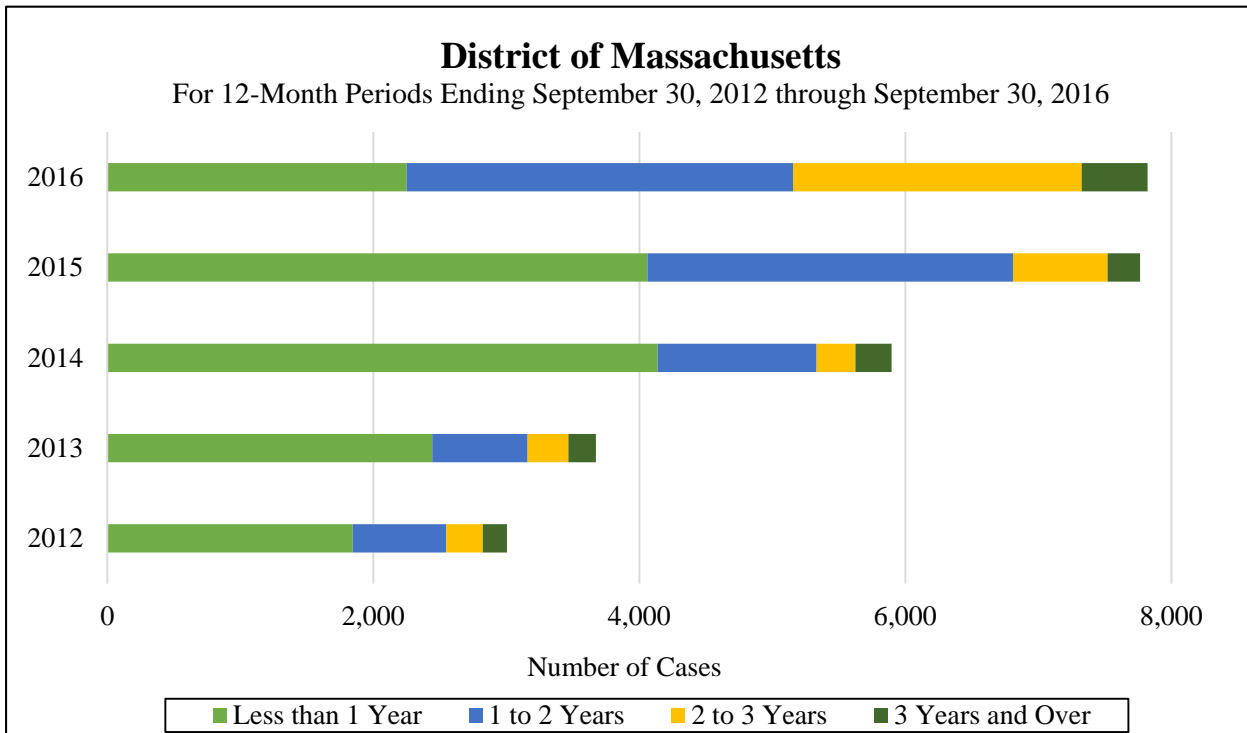
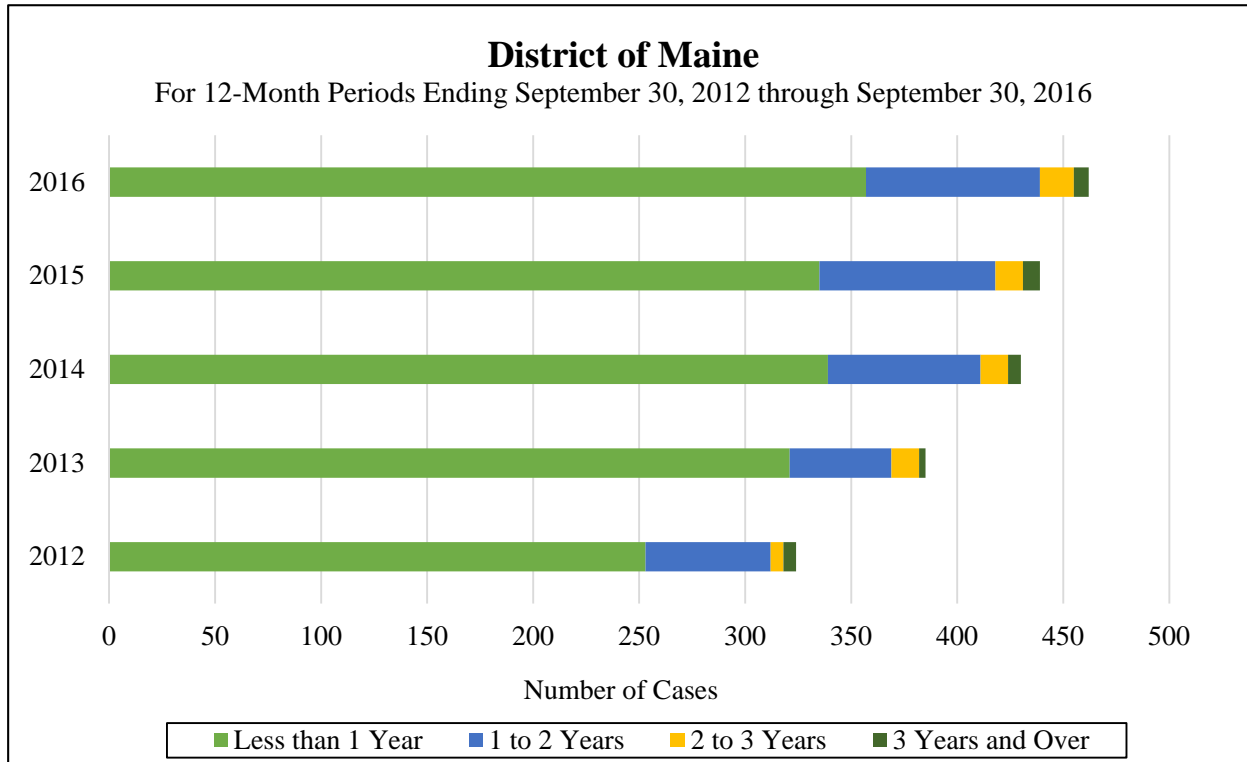


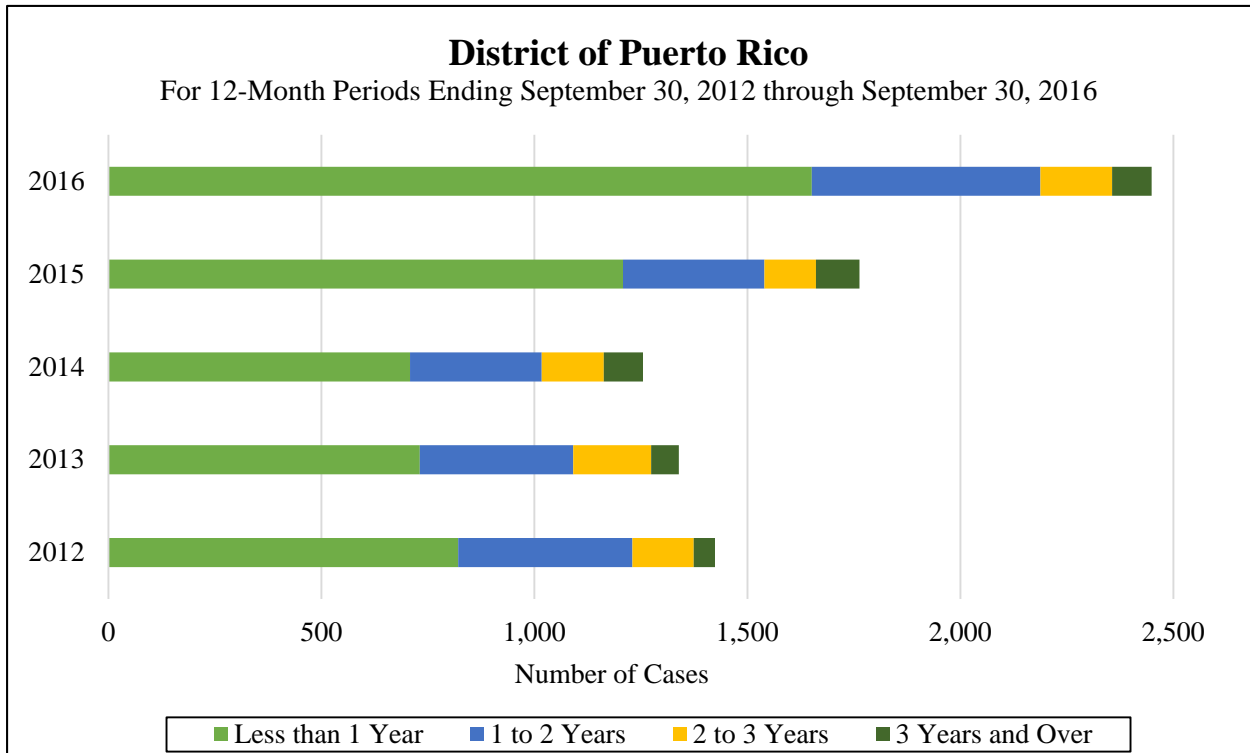
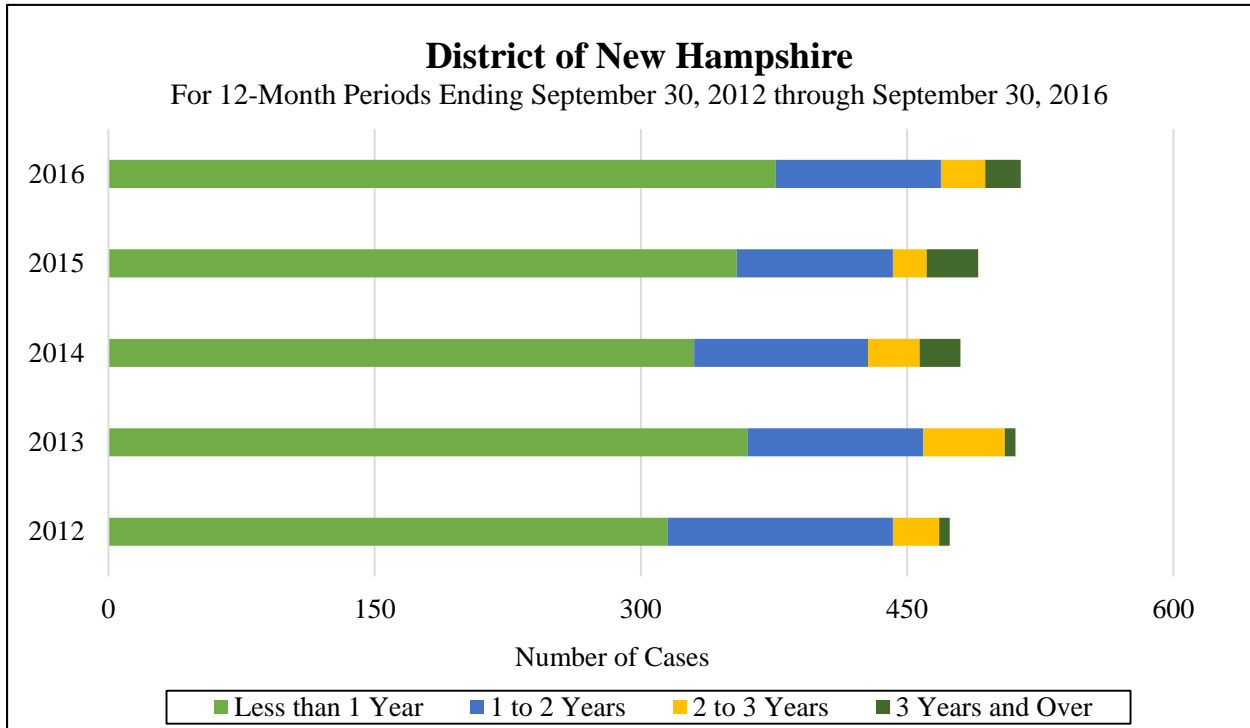
### Total Civil Cases Pending for First Circuit District Courts, by Length of Time Pending (and % Total)

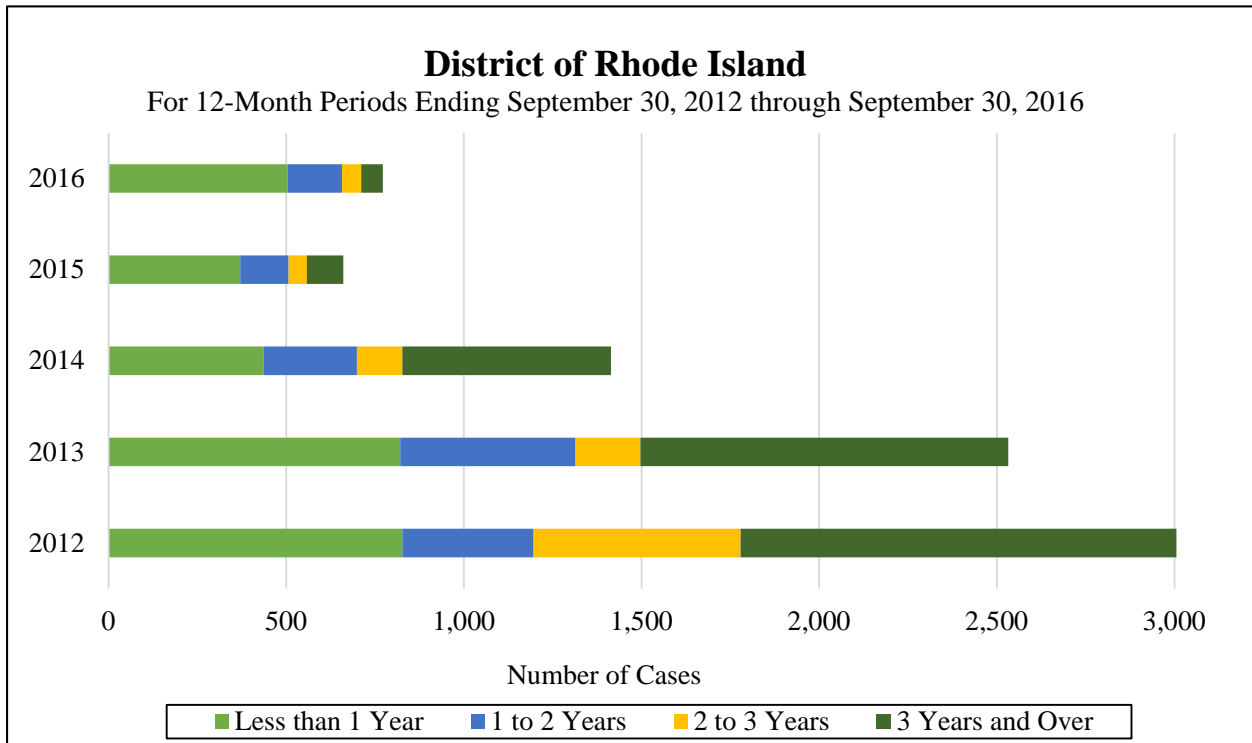
For 12-Month Periods Ending September 30, 2012 through September 30, 2016

	2012	2013	2014	2015	2016
<b>Less than 1 Year</b>	4,061 (49.3%)	4,676 (55.4%)	5,952 (62.8%)	6,329 (56.9%)	5,138 (42.8%)
<b>1 to 2 Years</b>	1,668 (20.2%)	1,717 (20.3%)	1,935 (20.4%)	3,388 (30.5%)	3,770 (31.4%)
<b>2 to 3 Years</b>	1,033 (12.5%)	731 (8.7%)	609 (6.4%)	914 (8.2%)	2,433 (20.2%)
<b>3 Years and Over</b>	1,478 (17.9%)	1,316 (15.6%)	979 (10.3%)	486 (4.4%)	677 (5.6%)

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









## **Report for the District of Maine**

In 2016, the District had three (3) district judges, three (3) senior judges, and two (2) magistrate judges. The Clerk's Office operated with 26 employees and five (5) court reporters.

In FY 2016, the District's weighted filings per judgeship decreased by 7%, but total filings per judgeship increased for the second year in a row. The District's total civil case filings continued a trend of growth, rising 14% over FY 2015 numbers, while the number of criminal felony defendants decreased by 18%.

### **Conferences/Educational Programs**

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

Magistrate Judge Rich presided over the Constitution Day celebration on September 16, swearing in 65 new citizens.

On October 27 and 28, the District held its biennial District Judicial Conference in Rockport, Maine. The Conference featured a diversity theme; civil and criminal breakout sessions; keynote speaker, author Elizabeth Strout; and featured speaker, Vanita Gupta from the Department of Justice (DOJ) Civil Rights Division.

Clerk Christa Berry served as a member of the District's 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.

### **Local Rules/Procedure**

The District approved amendments to Local Rules (LR) 16.1, 16.2, 16.3, 56, and 83.1. In July, the Court adopted LR 159 to specify

procedures for submitting sentencing exhibits and documents.

### **Information Technology**

The IT Department implemented two-factor authentication protocols, distributed password management software, configured national judicial firewall protections, installed 10GB capacities to increase network speeds, and placed the District's systems on the National Logging Service.

### **Case Management**

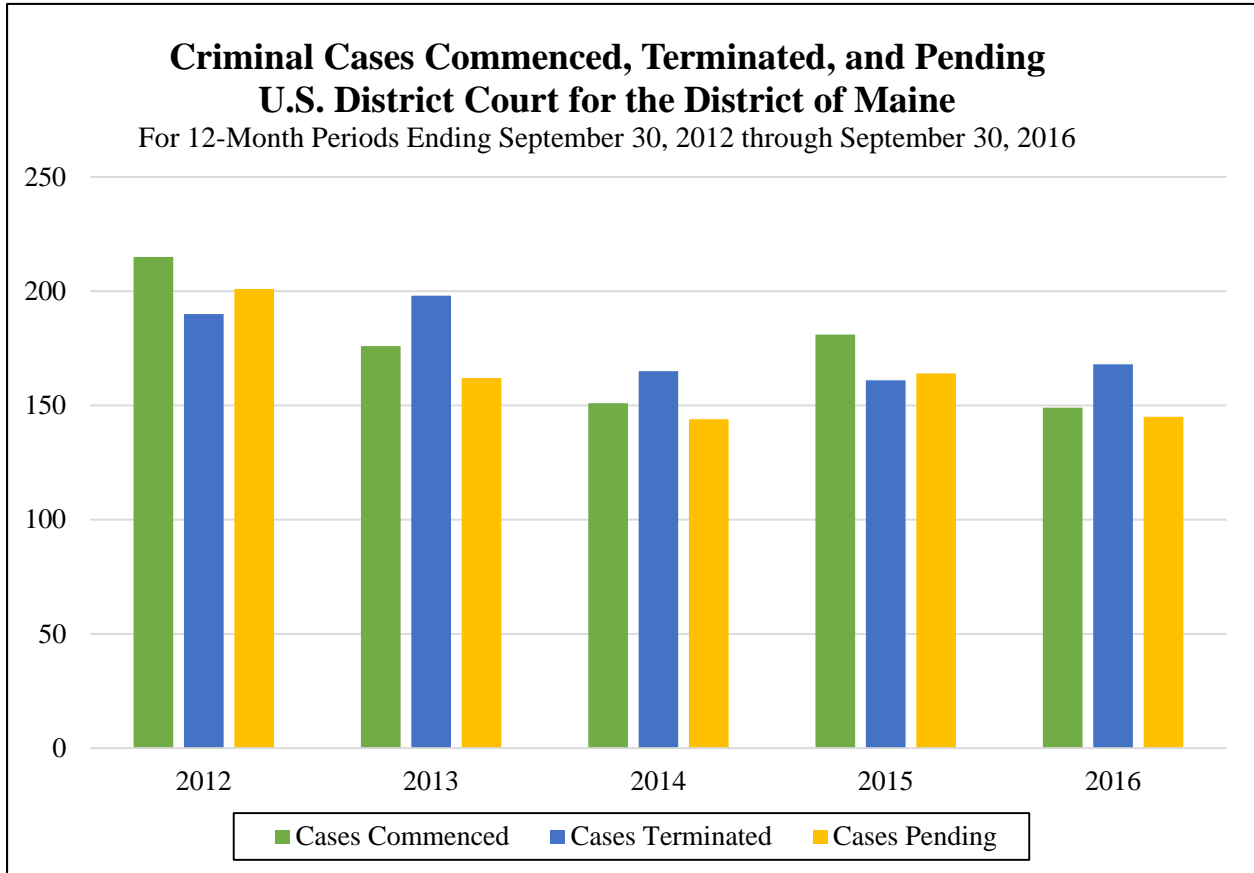
In 2016, the Clerk's Office hired two (2) case managers in its Portland office. The District conducted 26 trials. In November 2016, the Clerk's Office supported Special Master Ralph Lancaster in a six (6)-week special session of the Supreme Court case, Florida v. Georgia. In June, the Clerk's Office changed its RSS feed for written opinions, which now appears automatically and free of charge on the Government Printing Office website.

### **Staff Training**

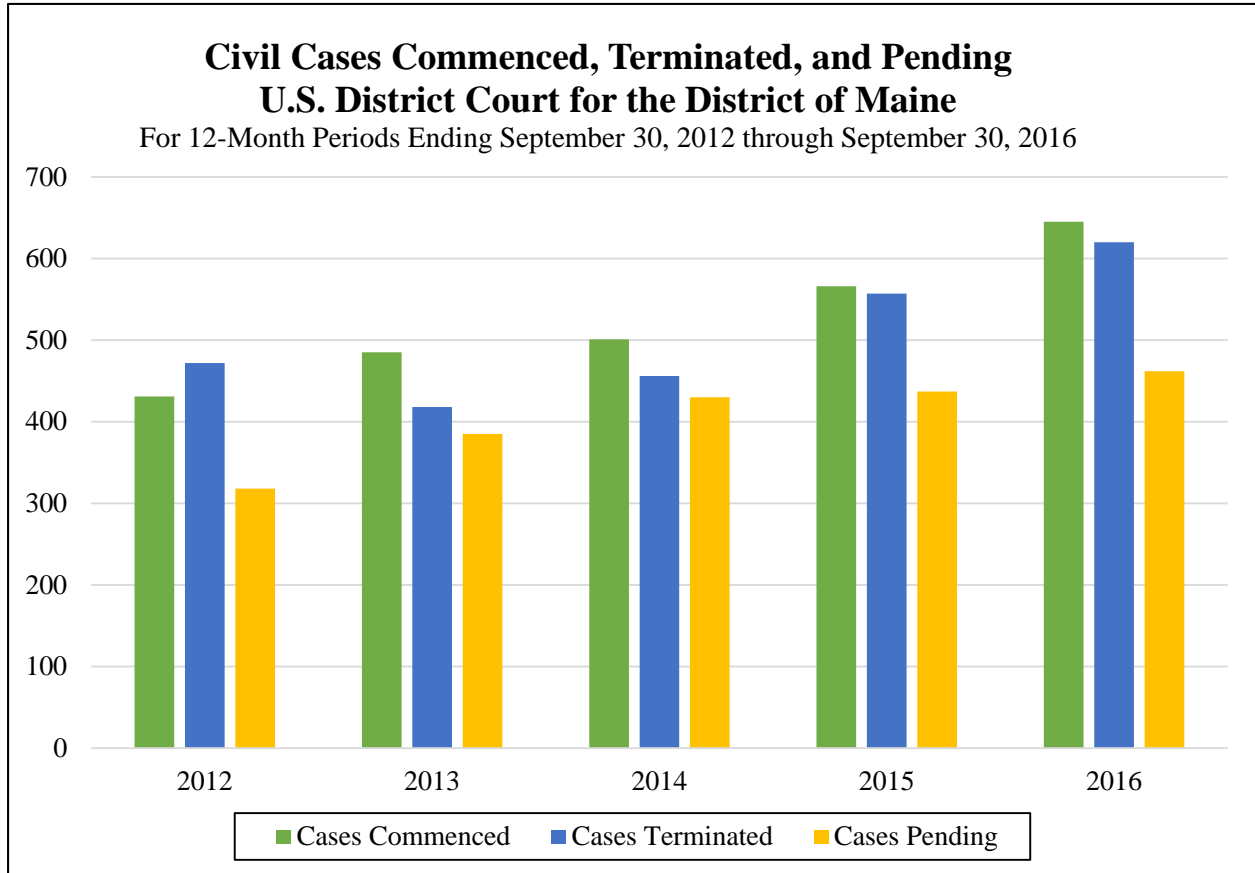
In October, all managers and court employees attended an FJC Workplace Harassment training. In June, several case managers attended Civil Violations Bureau (CVB) training. In August and September, several court employees attended the Federal Court Clerks Association (FCCA) Conference and the Operational Practices Forum.

### **Space and Facilities**

The General Services Administration (GSA) completed work on new chambers for Judge Singal, a new jury room for Courtroom 1, and modifications to Courtroom 3 in the Gignoux Courthouse.



<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, 2012 through September 30, 2016					
	2012	2013	2014	2015	2016
<b>Cases Commenced</b>	215	176	151	181	149
<b>Cases Terminated</b>	190	198	165	161	168
<b>Cases Pending</b>	201	162	144	164	145



<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, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	431	485	501	566	645
<b>Cases Terminated</b>	472	418	456	557	620
<b>Cases Pending*</b>	318	385	430	437	462

\*Pending cases for 2015 as revised by the AO.

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

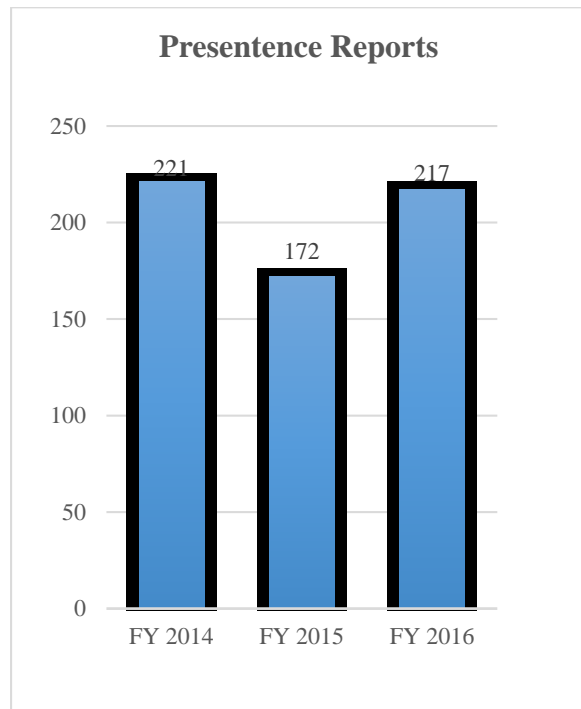
In May, the District's Probation & Pretrial Services Office hosted a national Chiefs and Deputies Administrative Meeting in Portland with 130 attendees.

Officer Marty Wahrer retired.

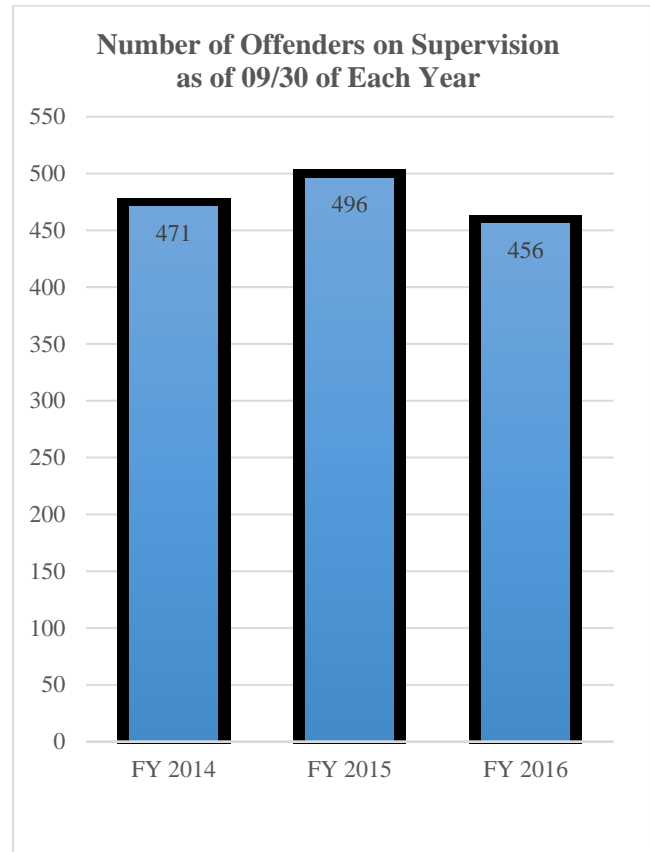
**Workload & Budget**

Pretrial Services workload decreased by 25% in FY 2016, from 259 cases to 194 cases. This is consistent with the cyclical pattern in the District over the last several years.

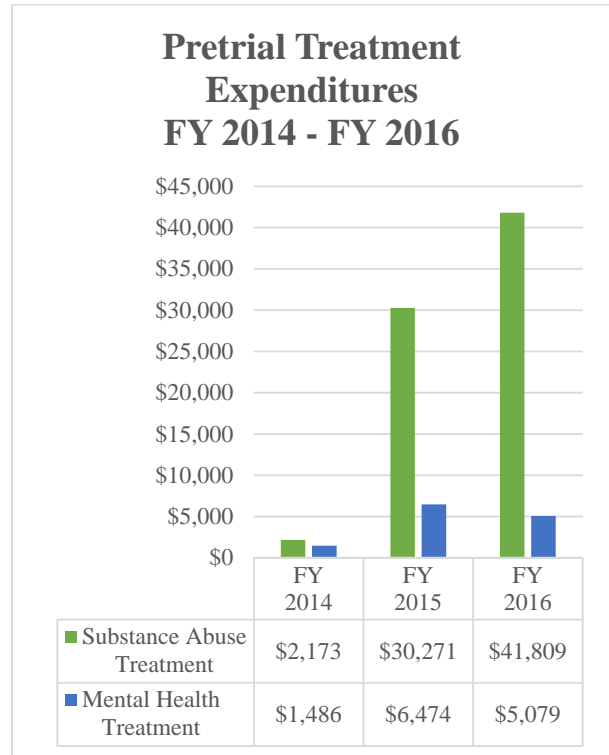
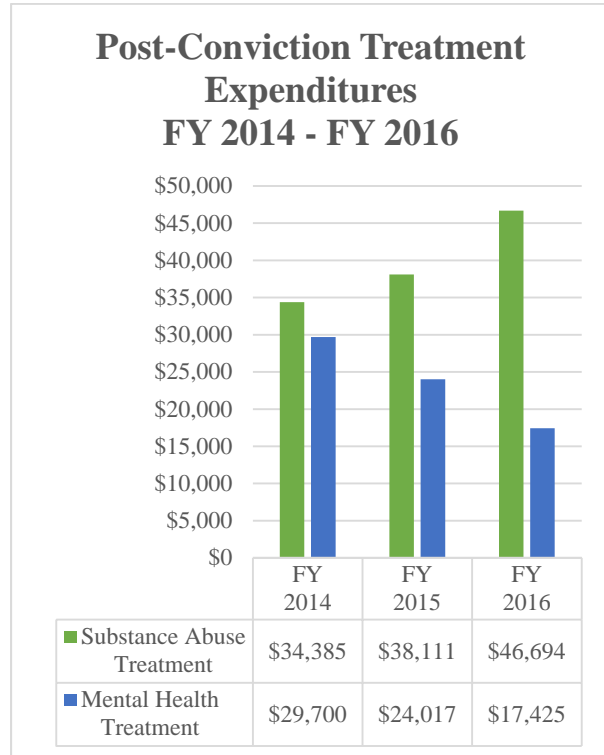
Consistent with the pretrial caseload trend, presentence investigations increased by 26% to 217 in FY 2016, after a 22% decrease in FY 2015. Because presentence investigations are predictable approximately one (1) year from arrest, lower numbers are anticipated for FY 2017.



For the first time in over five (5) years, the District's post-conviction supervision cases decreased. However, the numbers remained higher than FY 2013 and preceding years. Johnson early release cases did not result in measurable increases beyond the initial implementation.



Like other districts in the Northeast, and certain pockets of the country, the District has seen a marked increase in opiate-dependency, which significantly impacted treatment services expenditures in FY 2016 – both pretrial and post-conviction.



**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.

*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:* Five (5) 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.

**Reentry & Presentence Programs**

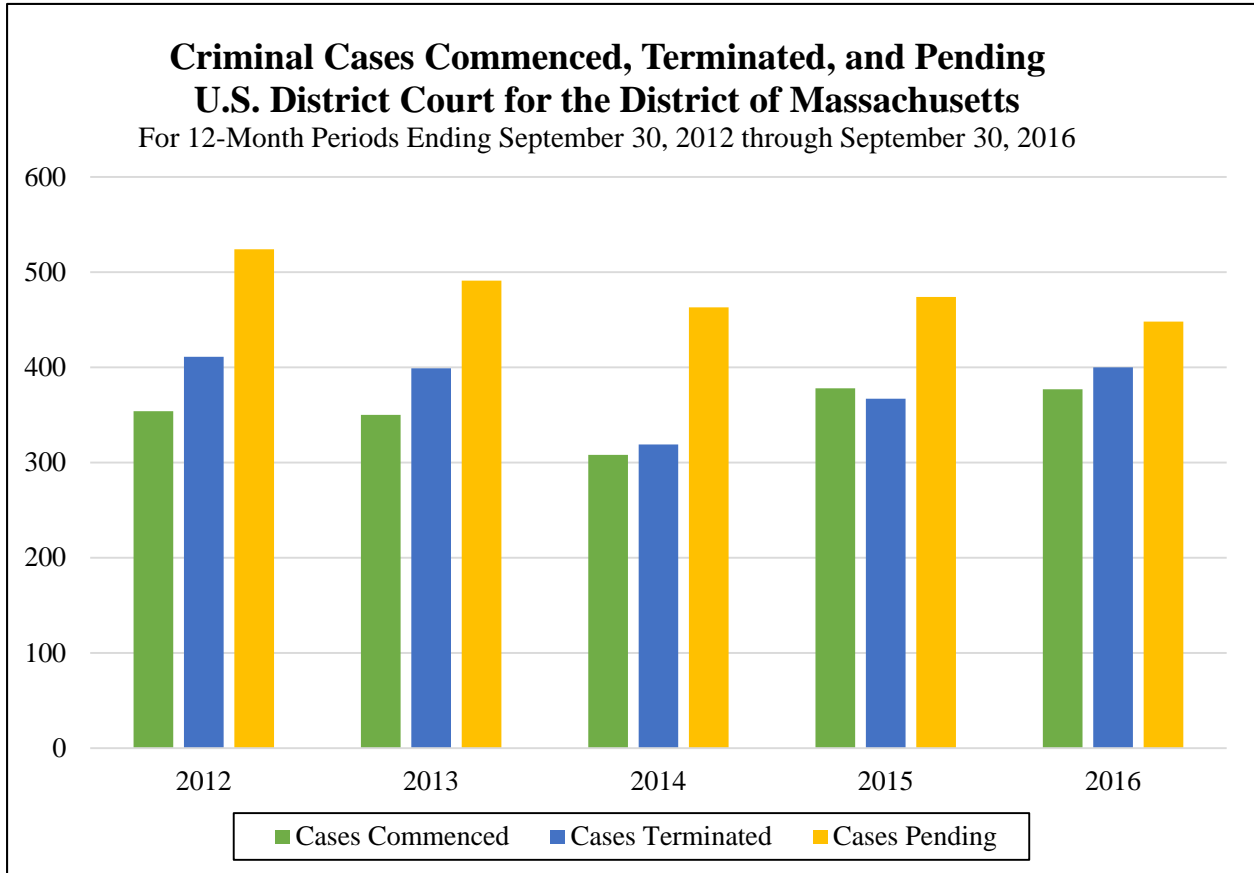
The District continued to offer two (2) reentry courts, Court Assisted Recovery Effort, and Reentry: Empowering Successful Todays and Responsible Tomorrows (RESTART), providing judicial oversight with the aim to reduce recidivism and to successfully reintegrate individuals, focusing on employment, housing,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

**Operations**

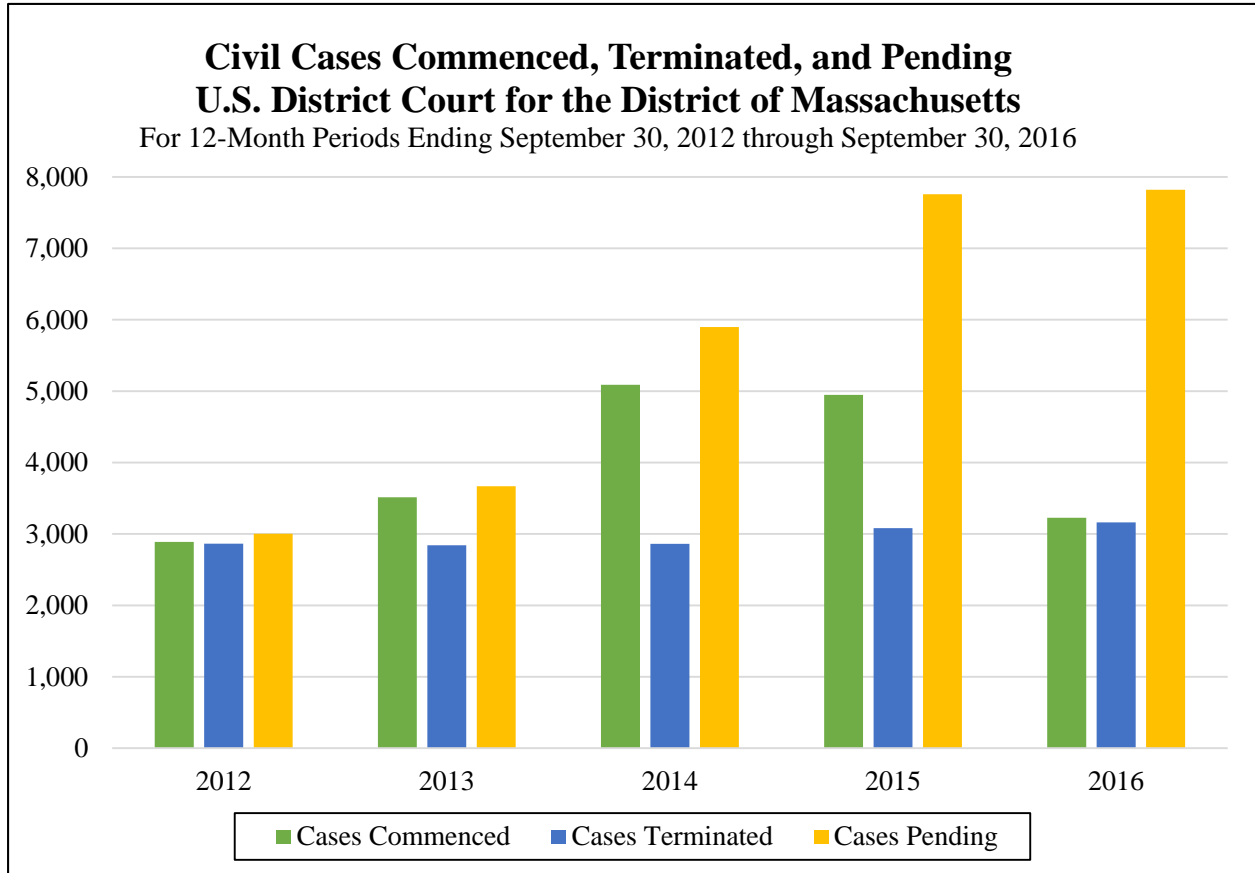
Civil filings decreased 34%, from 4,709 cases in calendar year 2015 to 3,107 cases in calendar year 2016. The number of criminal defendants charged in calendar year 2016 increased 2.7%, to 609 from 593 in calendar year 2015.

The District closed one (1) multi-district litigation (MDL) matter and was assigned an additional MDL, resulting in a total of 12 pending MDLs, consisting of 4,903 pending member cases.

The District conducted 126 trials (63 civil and 63 criminal). Judges spent 2,266 hours conducting trials and 2,520 hours conducting other proceedings.



<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, 2012 through September 30, 2016					
	2012	2013	2014	2015	2016
<b>Cases Commenced</b>	354	350	308	378	377
<b>Cases Terminated</b>	411	399	319	367	400
<b>Cases Pending</b>	524	491	463	474	448



<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, 2012 through September 30, 2016					
	2012	2013	2014	2015	2016
<b>Cases Commenced</b>	2,888	3,513	5,088	4,947	3,226
<b>Cases Terminated</b>	2,864	2,842	2,861	3,081	3,163
<b>Cases Pending*</b>	3,002	3,669	5,898	7,758	7,821

\*Pending cases for 2015 as revised by the AO.



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

*Personnel:* September Brown, Judy Oxford, and Irma Zingarelli retired. The Office welcomed new officers Ryan Skal, Taia Thompson, Melissa Charlton, Allyson Cormier, Meaghan Mills, Laura LaValley, Justin Prophet, Jessica Turkington, James Pace, Christopher Roldan, and Kirstin Evans (administrative).

*Pretrial Investigations:* In 2016, 611 new cases were activated, on par with 2015 cases and representing an increase over the prior two (2) years.

Year	Cases Activated	Release/ Detention Rate	Interview Rate
2013	547	54% / 46%	60%
2014	488	56% / 44%	57%
2015	612	54% / 46%	58%
2016	611	47% / 53%	56%

*Pretrial Supervision:* At the end of 2016, 334 defendants were being supervised in the community, an 11% increase from 2015.

Year	Cases Supervised at End of Year
2013	253
2014	294
2015	300
2016	334

Officers monitored compliance with release conditions and approached the Court to modify conditions as necessary, reporting 272 case developments to the Court and the U.S. Attorney's Office.

*Presentence Investigations:* Offense types covered by presentence investigations and reports included: drugs; financial;

immigration; weapons; robbery; sex offenses; obstruction; tax; and operating under the influence (OUI). Officers continued to pre-screen defendants for placement in the Bureau of Prisons' (BOP) Residential Drug and Alcohol Program (RDAP). Officers also continued to handle resentencings, including those resulting from Johnson v. United States.

Year	Cases Assigned	Cases Sentenced w/out PSR
2013	453	14
2014	503	17
2015	483	26
2016	459	27

*Post-Conviction Supervision:* In 2016, 1,439 post-conviction clients were under supervision in the District. Officers reported 1,201 case developments to the Court.

Year	Cases Supervised at End of Year	Early Terminations	% Terminated
2013	1,378	39	6.5%
2014	1,439	67	11.2%
2015	1,451	71	11.4%
2016	1,439	90	13.7%

*Space Initiatives:* The Office finalized plans to relocate and reconfigure its Lawrence Office space, with the move to new space scheduled in spring 2017.

*District Resources and Initiatives:* The Office continued a series of BBA presentations for individuals under supervision on topics including financial literacy, family law, housing, low-income benefits, and CORI (criminal record) guidance. Continued initiatives also included: a BOP orientation

session for convicted individuals and family members; community-based drug treatment programs for graduates of RDAP; a cognitive behavioral journaling program (Courage to Change); moral reconnection therapy (MRT); and Strategic Techniques Aimed at Reducing Rearrest (STARR). The Office also 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 the Commonwealth's local day reporting centers.

The RISE Program (Repair, Invest, Succeed, Emerge), launched in 2015, continued to operate in collaboration with judges and representatives from the U.S. Attorney's Office and defense bar, providing up to one (1) year of intensive supervision, rehabilitative services, and restorative justice (RJ) programming to eligible defendants on pretrial release. The Office also recently implemented RJ reading groups at Wyatt Detention Center.

*Training, Professional Development, and 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 United States Sentencing Commission (USSC) National Seminar, and national conferences focused on information technology, location monitoring, sex offenders, and STARR. Locally, staff participated in training on leadership, gambling, gangs, domestic violence, computer monitoring, safety, and RJ. Officers also continued to participate in AO district program reviews, temporary duty placements, national workgroups, and AO advisory councils.

## **Report for the District of New Hampshire**

### **Human Resources/Staffing**

Court Reporter Dianne Churas retired in January. Intake Clerk Donna Esposito transitioned to case manager, and Megan Cahill was hired as Intake Clerk. Operations Supervisor and CM/ECF Administrator Kristie Trimarco left in June to become the Chief Deputy Clerk of the Bankruptcy Court for the District of New Hampshire, and Laura Michalski was hired as CM/ECF Administrator. In June, Systems Administrator David Crepeault transitioned to Network Administrator. Procurement Clerk/Executive Assistant Abigail Tourville was hired in October.

### **Conferences/Educational Programs**

The Federal Court Advisory Committee (FCAC) provided feedback to the District regarding issues of importance to federal practitioners, including upcoming CLE programs and courtroom technology upgrades. The FCAC also reviewed expenditures from the Court's library fund.

In October, the District hosted an all-day Federal Practice Institute, with legal writing scholar Bryan A. Garner as the keynote speaker.

### **Information Technology**

The District completed video equipment upgrades in five (5) courtrooms and began upgrades in the final two (2) courtrooms in anticipation of the Bankruptcy Court's move to the Rudman Courthouse. Audio upgrades were also completed in the Jury Assembly Room. The District also replaced and upgraded its IT infrastructure, migrated CM/ECF to the Centralized Application Server, and launched CM Assist.

### **Local Rules/Procedure**

In November 2016, the District transitioned to JIFMS. The District also amended its Local Rules on standard terms of supervision in criminal cases, consistent with recent amendments adopted by the USSC, and court registry funds as recorded by the AO.

### **Case Management**

Judge McCafferty accepted transfer of the Atrium MDL.

### **Staff Training**

In January, Clerk Dan Lynch presented the Court's updated Continuity of Operations Plan (COOP) to staff, and New Horizons provided computer training. In April, Ronald Peimer of the Federal Emergency Management Agency (FEMA) gave a presentation on workplace violence. In June, the District hosted a CVB training, which was attended by staff from throughout the First Circuit.

The District held an announced active shooter drill in February and an unannounced active shooter drill in October.

### **Community Outreach**

The Court provided tours and educational programming for local students. In September, the Court launched its Naturalization Plus program, led by Judge McCafferty. The program provides students with a full day of educational programming, including observing a naturalization ceremony and participating in mock trials.

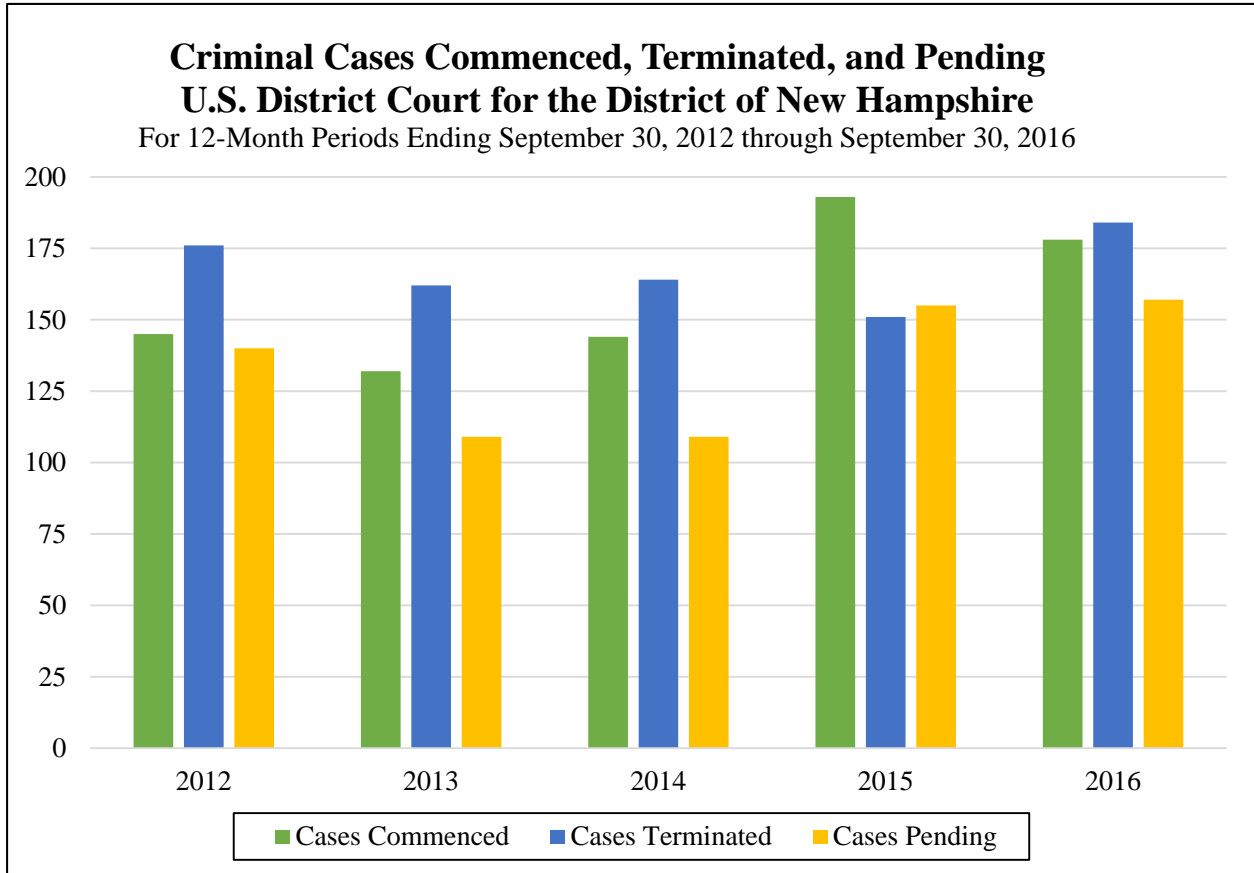
During the holiday season, staff contributed to the Capital Region Food Drive. Court employees, led by Debbie Eastman-Proulx and Judy Barrett-Weatherbee, sponsored 18 local children through Operation Santa Claus

by donating money, as well as, shopping for, wrapping, and delivering gifts.

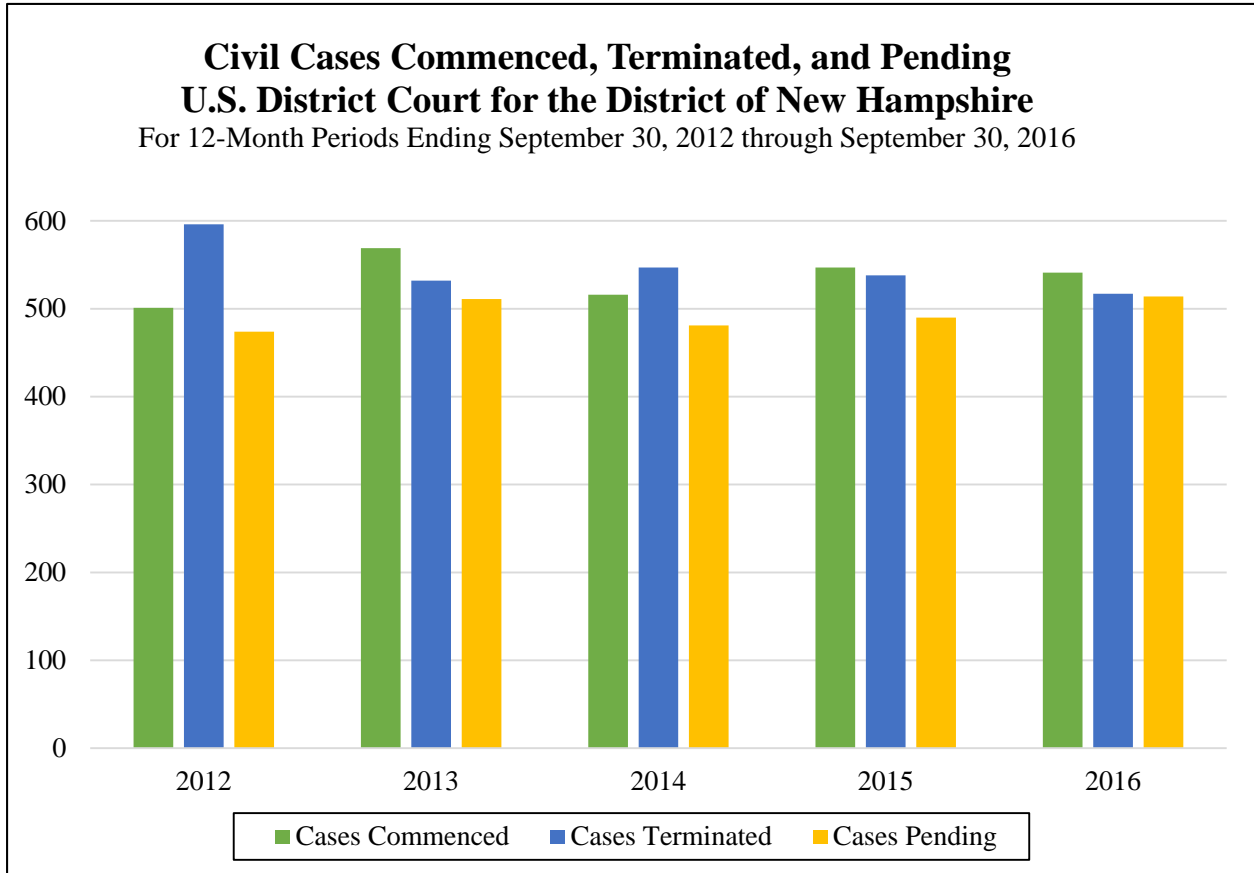
### **Space & Facilities**

In November, construction began in preparation for the Bankruptcy Court's relocation to the Rudman Courthouse.

In summer 2016, other parts of the Courthouse were renovated, including the Jury Assembly Room.



<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, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	145	132	144	193	178
<b>Cases Terminated</b>	176	162	164	151	184
<b>Cases Pending</b>	140	109	109	155	157



<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, 2012 through September 30, 2016					
	2012	2013	2014	2015	2016
<b>Cases Commenced</b>	501	569	516	547	541
<b>Cases Terminated</b>	596	532	547	538	517
<b>Cases Pending</b>	474	511	481	490	514

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

*Personnel Changes and Highlights:* Jessica Avelar joined the Office as a probation support technician.

*Pretrial Services:* In FY 2016, pretrial activations (206) increased by 4% from FY 2015. The Office supervised 56 pretrial defendants, a 64% increase from FY 2015. The District's pretrial detention rate was 44.9% (excluding immigration cases).

There were 21 pretrial supervision violation investigations in FY 2016, a 9% decrease from FY 2015.

*Presentence Investigations:* A total of 196 presentence investigations were completed in FY 2016, including six (6) retroactive amended guideline reports, a 13% decrease from FY 2015. FY 2016 saw a continuing upward trend in certain types of cases received by the Office, including multi-defendant prescription medication cases, as well as, immigration, and sex-related cases. Ninety-eight (98) percent of presentence investigation reports were disclosed on time.

*Post-Conviction Supervision:* At the end of FY 2016, 344 cases were on active post-conviction supervision. The majority (86.3%) were on supervised release, with 43% of all supervision cases for drug offense convictions. For post-conviction supervision cases, 42.5% were high or moderate risk, compared to 28.5% nationally. The dynamic risk factors of those under supervision were consistent with national averages, with the exception of substance abuse, which was significantly higher in the District (37%, compared to 25% nationally).

In FY 2016, 163 cases were closed from active supervision, 56 (34%) of which were closed due to revocation. Of those revoked, 37 (66%) were technical violations related to substance abuse, 18 (32%) were major

violations, and one (1) (2%) was a minor violation.

Nine (9) cases were terminated early from supervision, realizing savings of \$40,975.

*Treatment Services:* Treatment services costs increased 56% in FY 2016. Post-conviction substance abuse treatment increased 120%. This increase is due largely to a rise in residential treatment admissions, which is also related to the 64% increase in pretrial defendants supervised. Post-conviction sex offender treatment costs decreased 18% -- the first decrease in over five (5) years.

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

Overall treatment services rendered to pretrial defendants increased 80% from FY 2015 to FY 2016.

*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 2016, six (6) pretrial defendants were approved for the Program, bringing the total number of participants to 13. Finally, five (5) participants graduated from the program while four (4) participants were terminated.

*Information Technology:* The Office continues to share IT services with the Clerk's Office. In FY 2016, the District:

- Restructured active directory rights and migrated to National Active Directory;
- Migrated staff to iPhone 7;
- Migrated to the XMedius fax system (NFAX);
- Upgraded the District's helpdesk, desktop management, and imaging solutions;
- Replaced all printers in the Clerk's Office and chambers;
- Replaced network switches, AO routers, firewalls, and upgraded to 10GB backbone;
- Rewired audio cables in courtrooms;
- Set up Nutanix converged media device and made substantial progress migrating to virtual servers and test desktops for the upcoming virtual desktop infrastructure (VDI) project; and
- Upgraded software, public kiosks, and court reporters' personal computers.

*Officer Safety:* At Officer Response Tactics (ORT) training in June, officers reviewed safety-related policies and practiced officer response techniques.

In May, two (2) of the safety team members attended a canine threats course by the U.S. Probation Office in the District of Rhode Island, and provided in-house training to other staff.

At the end of May, the safety team assisted the Clerk's Office in providing basic defensive techniques as part of the "Run. Hide. Fight." response to active shooters.

In September, the safety and firearms teams provided a Use of Force presentation to officers. During this session, officers reviewed the Use of Force Policy, identified pre-incident and post-incident actions, and identified ways to reduce the risk of law enforcement-targeted attacks.

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

- Active Shooter;
- Small Purchasing Procedures;
- Managing the Court Budget;
- Judiciary Emergency Preparedness Program;
- Workplace Violence;
- Low Light Firearms Training;
- National Information Standards Conference;
- Sig Sauer Pistol Training;
- U.S. Sentencing Guidelines Training;
- STARR;
- Sexual Offender Management;
- The Evidence Behind Medication Assisted Therapies and Behavioral Interventions for Opioid Addiction; and
- Time Management.

In September, Sean Buckley, Janice Benard, and Matt DiCarlo completed the District's Leadership Exploration and Development (LEAD) program. The program included various problem-solving and cross-training assignments, and allowed participants to shadow leaders and experts within and outside the probation industry to cultivate their skills, enhance self-awareness, and build emotional intelligence.

*Recognition:* During FY 2016, on recommendations from the Employee Recognition Committee, the following staff members were cited for outstanding work:

Dan Gildea (Chief's Award, Quality Improvement); Chris Pingree (Chief's Award, Quality Improvement); Jodi Gauvin (Chief's Award, Quality Improvement); and Scott Christensen (Chief's Award, Quality Improvement)



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

The Clerk's Office operated with a staff of 63 full-time employees, one (1) part-time employee, and eight (8) interpreters as of December 31, 2016. Chambers staff for magistrate judges and active and senior district judges totaled 36, including one (1) part-time pro se law clerk. The District had eight (8) court reporters. Six (6) active district judges, three (3) senior judges, and four (4) magistrate judges managed the Court's caseload.

### **Information Technology**

In FY 2016, the District:

- Centralized CM/ECF servers and related locally developed applications to the AO's hosted CM/ECF environment;
- Completed conversion to the National Internet Protocol Telephony (NIPT) system;
- Adopted the centralized firewall and threat prevention security service to improve the blocking of Trojans and malware, alert for potential risks, and block peer-to-peer traffic and non-business radio traffic;
- Installed the Voice Metrix Advanced Judicial Information System (AJIS) Integrated Voice Response (IVR), a juror reporting instruction and unified status messaging system that integrates with the Jury Management System (JMS);
- Installed the locally developed Interpreter Statistics and Assignment Program;
- Upgraded desktop computers and transitioned to Windows 10;
- Upgraded Local Area Network (LAN) infrastructures in Old San Juan and Hato Rey to include Cisco Nexus technology and add additional Cisco switches; and

- Provided staff trainings on computer security, NIPT transition, DUO two (2)-Step Authentication, Microsoft Surface Computers, Microsoft Word, and the AJIS IVR System.

In addition, the IT staff participated in the 2016 Circuit IT Conference and the 2016 Bankruptcy & District Courts Operational Practices Forum.

In November, the Court implemented JIFMS.

### **Court Technology**

In coordination with the Court of Appeals, the District upgraded the fifth floor courtroom in San Juan, including creation of a new audiovisual programming design and replacement of equipment.

### **Space and Facilities**

GSA awarded the follow-on project to upgrade the air conditioning and electrical system in both the Courthouse and the Federal Building, funded by the American Recovery and Reinvestment Act (ARRA).

The construction and remodeling project of the Clerk's Office Annex at the Old San Juan Courthouse was completed, enabling the District to re-purpose staff space.

Jury room restroom renovations were completed.

### **CLE Programs**

In August 2016, the Court and the USSC sponsored a Sentencing Guidelines Training Program attended by judges, law clerks, members of the bar, and staff from the U.S. Attorney's Office, the Federal Public Defender's Office, and the Probation and Pretrial Services Office.

### **District Bar Examination**

The Court offered examinations in April and November 2016 to 504 examinees, of which 151 passed. The aggregate passing rate was 30%. A total of 201 attorneys were admitted to practice in the District during 2016, including those who passed the test in previous years.

### **Civil Pro Bono Program**

During FY 2016, 90 attorneys were selected to serve on the Civil Pro Bono Panel, of which nine (9) were exempt pursuant to Local Civil Rule 83L(e). A total of 79 pro bono appointments were made.

### **CJA Committee**

In January and February 2016, Chief Judge Delgado-Colón, Chair of the Court's CJA Committee, attended public hearings of the JCUS Ad Hoc Committee to Review the CJA.

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

### **Naturalization Ceremonies**

The Court held 17 naturalization ceremonies in 2016, during which 1,346 persons were sworn in as new United States citizens. In September, Chief Judge Delgado-Colón presided over a ceremony for 84 persons held at Fort San Cristobal in Old San Juan as part of the Court's 50th Anniversary celebration.

### **Human Resources**

The HR Department coordinated a Preventive Workplace Harassment Training conducted by the FJC for court staff and supervisors.

### **Interpreting Services**

One (1) staff interpreter collaborated with the District Court of the Virgin Islands by offering interpreting services at a trial.

Staff interpreters participated in the Court's 50th Anniversary activities by offering their interpreting services.

### **50th Anniversary as Article III Court**

The year 2016 marked the 50th Anniversary of the District's designation as an Article III Court. From September 28 to 30, the Court, under the leadership of Chief Judge Delgado-Colón, and with the support of all judges and the Clerk of Court, commemorated this historic occasion with a program focused on educating members of the bar and the people of Puerto Rico about the Court's history, development, and achievement. The Court was proud to host special guests, including Associate Supreme Court Justice Sonia Sotomayor, Chief Circuit Judge Jeffrey Howard, Circuit Judge Juan Torruella, Justices of the Puerto Rico Supreme Court, and Federal Bureau of Investigations (FBI) Director James B. Comey. The events were also attended by members of the federal and state judiciary, members of the local bar, heads of state and federal agencies, the Circuit Executive, the Assistant Circuit Executive for Space and Facilities, and other members of the community.

The events included:

- **Opening Ceremony** - This event included the Opening of Court by Clerk of Court Frances Ríos de Morán, a live performance of the Anthems by soprano Zaireli Rivera, and opening remarks by Chief Judge Delgado-Colón, Associate Supreme Court Justice Stephen G. Breyer (via video), Chief Circuit Judge Howard, Circuit Judge José A. Cabranes (via video), and economist José Joaquín Villamil. Circuit Judge Torruella served as the keynote speaker and presented his reflections on the history of the Puerto Rico Federal District Court.
- **Years of Service Recognition Ceremony** - This ceremony honored

judges' and employees' career milestones, their dedicated and talented contributions to the Court's mission, and their sustained excellence in performance. Justice Sotomayor greeted and addressed attendees.

- **Outreach Activity** - The Court, in collaboration with other federal and local agencies, hosted an educational program for approximately 1,500 students at the Puerto Rico Convention Center addressing the risks associated with social media and featuring Justice Sotomayor.
- **Employers' and Jurors' Activities** - The Court held an educational program for employers on the importance of jury service and a special ceremony to recognize citizens who had served as jurors.
- **Second Chance Program** - In collaboration with the Probation Office, the Court conducted an educational program to promote rehabilitation through employment of individuals on supervised release, including opening remarks by Justice Sotomayor.
- **Closing Activity for Judges and Members of the Bar** - The Court offered a CLE on electronic discovery, a discussion with Justice Sotomayor, and presentations by Chief Circuit Judge Howard and FBI Director Comey. The Court gave special recognition to: Judge Cerezo, with the announcement of a scholarship named in her honor in recognition of her years of service and valuable contribution to the principles of law, justice, and democracy; Clerk Frances Ríos de Morán, with the announcement of the renaming of the Clerk's Office in her honor as a tribute to her exemplary dedication to public service and steadfast fidelity to the Court's mission and the legal profession; and a service award for First Circuit Satellite

Librarian Ana Milagros Rodríguez for her devotion and commitment, and contribution to the Court's special projects.

### Community Outreach

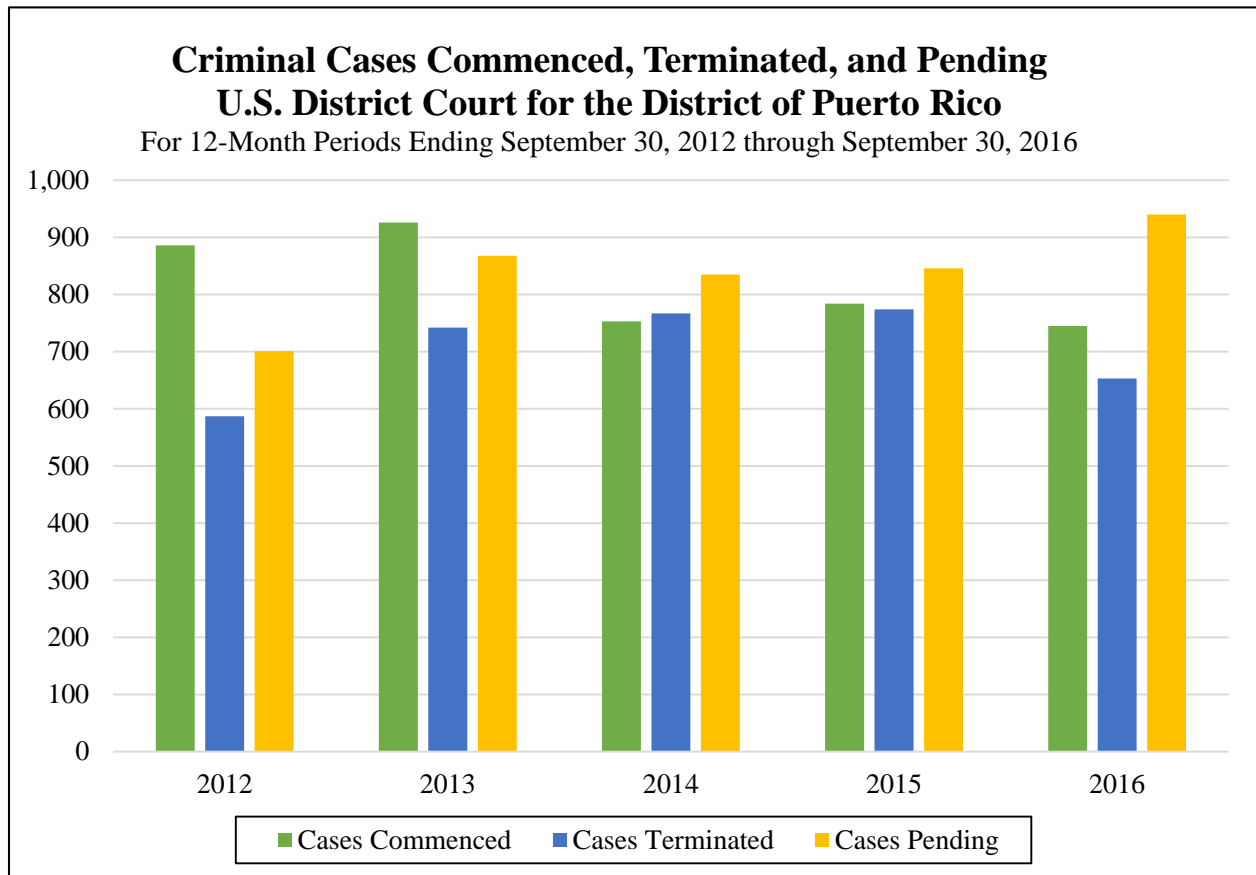
*Student Visits:* In 2016, the Court hosted 12 visits from high school and college students. Chief Judge Delgado-Colón and other judges welcomed law students from the University of Puerto Rico, the Interamerican University, and the Pontifical Catholic University. These visits included lectures, discussion, and attendance at court proceedings. Court staff made presentations on the functions and responsibilities of the Clerk's Office. District and magistrate judges judged four (4) Student Trial Advocacy Competitions sponsored by the Interamerican University School of Law and the FBA.

*Combined Federal Campaign (CFC):* The Court received a Gold Award for Outstanding Contribution to the CFC Campaign for Puerto Rico and the U.S. Virgin Islands.

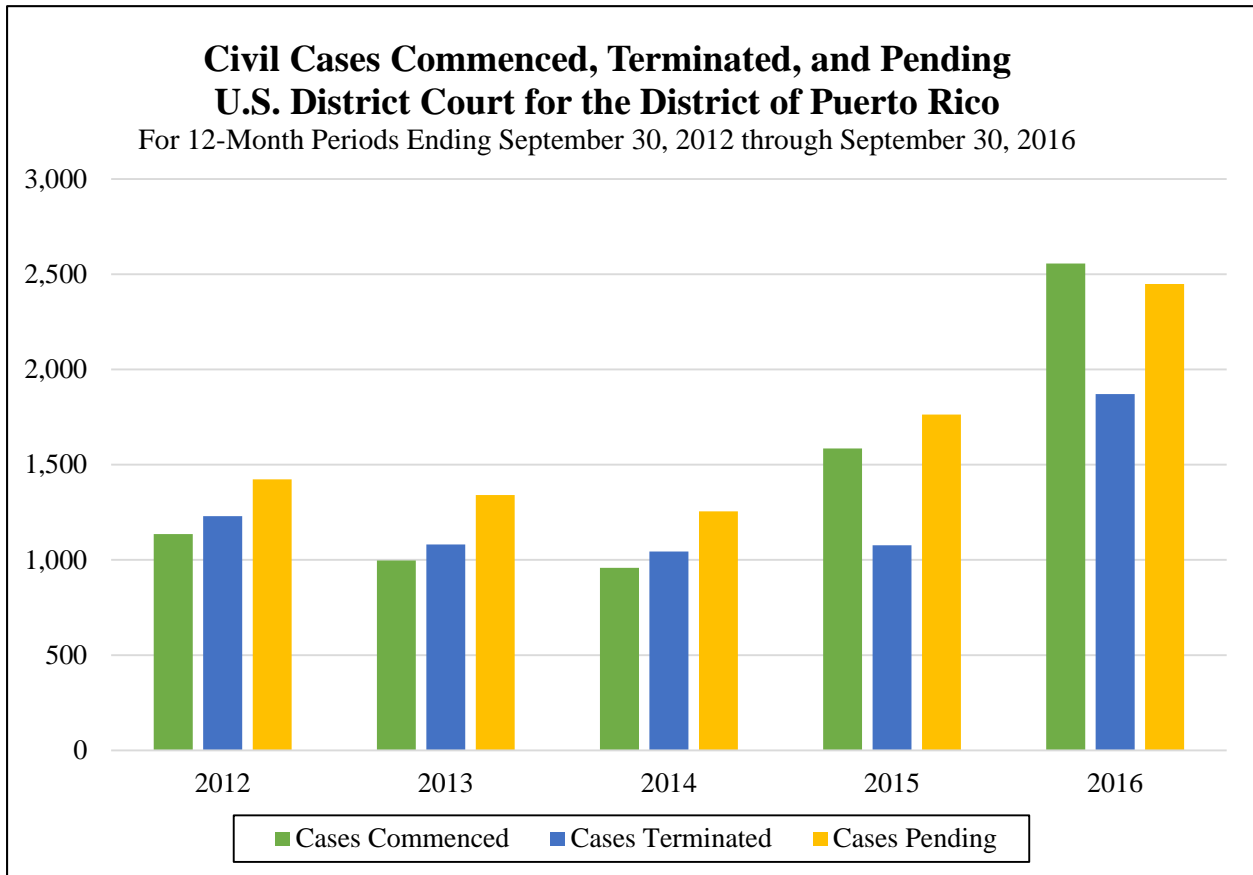
*Truman Scholarship Foundation:* The Clerk continued to serve as Chair of the Truman Scholarship Foundation for Puerto Rico.

### Training

The District's judges remained committed to contributing to quality judicial and other educational programs, such as the DOJ's Judicial Studies Institute (JSI), Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT). The District hosted four JSI-OPDAT visits, including from judges and magistrate judges from Central and South American countries.



<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, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	886	926	753	784	745
<b>Cases Terminated</b>	587	742	767	774	653
<b>Cases Pending</b>	701	868	835	846	940



Civil Cases Commenced, Terminated, and Pending U.S. District Court for the District of Puerto Rico For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	2012	2013	2014	2015	2016
<b>Cases Commenced</b>	1,136	997	958	1,585	2,556
<b>Cases Terminated</b>	1,230	1,081	1,044	1,077	1,871
<b>Cases Pending*</b>	1,423	1,341	1,255	1,764	2,449

\*Pending cases for 2015 as revised by the AO.

**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 administration of justice. The Office was the first in the nation to have all of its supervision officers trained in and implementing STARR, and one of the leading districts in the use of Second Chance funds for reentry needs of offenders. The Office continued to support national initiatives, with one (1) full-time officer assigned to the National Training Academy in South Carolina, one (1) officer assigned to assist in the implementation of STARR, and several officers, managers, and deputies served as national instructors and assisted in office reviews.

**Operations**

*Court Services:* The Court Services Division had 29 full-time officers, one (1) part-time officer, and six (6) operations support specialists conducting presentence and pretrial investigations.

The Division improved the quality of its investigations, including increasing efforts at community contacts and visits, and in-depth case staffing; focusing on evidence-based practices; and preparing comprehensive reports addressing defendants' risks, needs, and responsivity factors.

*Pretrial Services:* During FY 2016, 1,391 cases were opened, 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. Pursuant to Judicial Conference policy, the Supervision Division emphasized evidence-based practices. The Division continued to focus on early terminations in qualifying cases

and increased supervision for higher risk cases. Caseload distribution by risk level continued to be a focus in FY 2016.

The Division's Chief testified before the Charles Colson Task Force, a bipartisan, blue-ribbon task force commissioned by Congress to develop a comprehensive report and recommendations on how to improve the Federal Correctional System.

The Office's FY 2015 and FY 2016 caseload statistics were as follows:

<b>Supervision</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>% Change</b>
Pretrial Services (and Diversion)	871	833	-4.4%
Post-Conviction	2,898	3,272	12.9%

	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
Total Cases Closed	609	541	573
Cases Closed by Early Termination	138	91	106
Revocations	100	130	125
Revocation Rate	16%	24%	22%

<b>Presentence Investigation Reports</b>	
<b>FY 2013</b>	1,429
<b>FY 2014</b>	1,527
<b>FY 2015</b>	1,564
<b>FY 2016</b>	1,162

*Community Outreach Program:* During FY 2016, the Office continued its community outreach efforts to raise public awareness about safety, familiarize the public with the mission and responsibility of the agency, and materially assist non-profit organizations within the District.

**Organization**

*Human Resources:* The Office hired six (6) probation officers, four (4) probation services technicians, one (1) probation services assistant/lab technician, one (1) operations support technician, and one (1) procurement technician. Six (6) staff members separated due to retirement or transfer.

*Training and Conferences:* The Office provided 57 in-house employee training sessions. Staff also participated in 34 different training events outside of the jurisdiction, including courses at the National Training Academy.

*Space and Facilities - Procurement:* The Office is scheduled to relocate by September 2018 to 21,662 usable square feet (USF) of contiguous space with an open design, training rooms, and secured areas under the Integrated Workplace Initiative (IWI) Project.

The IWI design supports mobility and incorporates an open plan, collaborative spaces, interview rooms, and urinalysis operations located within the secured reception area, and a specialized training area. The IWI design also offers a separate waiting bail secured area with interview rooms, and urinalysis operations. In October, staff visited the Northern District of Illinois Probation and Pretrial Services Office, which has implemented the IWI project concept.

To accommodate the IWI Project, the Office successfully completed electronic archiving of its hard copy files. During construction, administrative staff will be located in temporary swing space offered by the Court of Appeals at the Federal Building in San Juan.

## **Report for the District of Rhode Island**

David A. DiMarzio, Clerk of Court, announced that he would retire on April 1, 2017, after more than 36 years serving the Judiciary and 20 years as Clerk. In announcing David's retirement, Chief Judge Smith expressed "tremendous gratitude to David for his service, vision, and leadership . . . [as] an outstanding public servant with an accomplished record of hard work, dedication, and commitment to our District and the Federal Judiciary as a whole."

### **Events, Ceremonies, and Programs**

*Attorney Admissions Program:* In January, 79 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 the new members was held in February.

*Deferred Sentencing Program:* In February, the Court announced its Deferred Sentencing Program, offering treatment, supervision, and services after a guilty plea in lieu of incarceration to address offender behavior, rehabilitation, and community safety. Participants attended monthly progress meetings with the presiding judge, prosecutor, defense counsel, and probation officers. In December, the Court began working with the Superior Court to coordinate participation for defendants facing concurrent federal and state charges.

*Litigation Academy:* The District, in partnership with Roger Williams University Law School and the Rhode Island Chapter of the FBA, continued its Litigation Academy to improve attorneys' federal litigation skills. In May, 26 attorneys participated in a program focusing on opening statements and closing arguments.

*CJA Panel Luncheon:* In December, the Court held its CJA Panel Luncheon featuring a panel discussion with Judge McConnell and Associate Justices Luis Matos and Kristin Rodgers of the Superior Court, addressing new initiatives to coordinate participation in the Deferred Sentencing Program. Judges, court staff, and 24 attorneys from the District's CJA Panel and Federal Public Defender satellite office attended.

*Special Naturalization Ceremonies:* The Court held two (2) special naturalization ceremonies in 2016: July 4, at McCoy Stadium in recognition of Independence Day, with Judge McConnell presiding; and September 16, at Roger Williams National Memorial Park in recognition of Citizenship Day, with Magistrate Judge Almond presiding.

### **Human Resources**

In December, Court Reporter Anne Clayton retired from the Court.

In May, the Court hired IT Director Heather Restifo to oversee the shared District Court/Probation IT Services. The Court added three (3) additional employees in 2016: Marianne Ducharme joined as Human Resources/Procurement Technician for the District Court and Probation; Joseph Barbera was hired as IT Support Specialist; and Lisa Schwam joined as Court Reporter.

In February, Michael Simoncelli transitioned to Court Services Manager.



## Case Management

*Assignment of Social Security Cases to Magistrate Judges:* In November, the Court's magistrate judges were added to the presiding judge assignment pool for Social Security cases.

*Electronic Filing of Sealed Documents:* In December, the Clerk's Office began allowing attorneys to file motions to seal and sealed documents in criminal and civil cases through CM/ECF.

## Information Technology

In late 2016, IT virtualized the Court's servers, upgraded them to new operating systems, and started replicating them to an off-site location on a regular basis.

The Court began to deploy "thin" clients and virtual desktops to reduce the overall cost of computer replacements.

IT also worked on a number of the AO's IT security priorities: removal of administrative rights on desktops; installation of a building-based firewall; use of software-based client firewalls; and an upgrade to the Court's internet monitoring software.

## Space and Facilities

The Court upgraded the security features of the Magistrate Judges' Clerks area in the John O. Pastore building, including the installation of a security grill at the front counter and an interior secure door.

## Other Accomplishments

*Local Rules:* The Local Rules Review Committee performed its review of proposals from the Court, the bar, and the public, and submitted a final report. The Court adopted nine (9) amendments, effective December 2016.

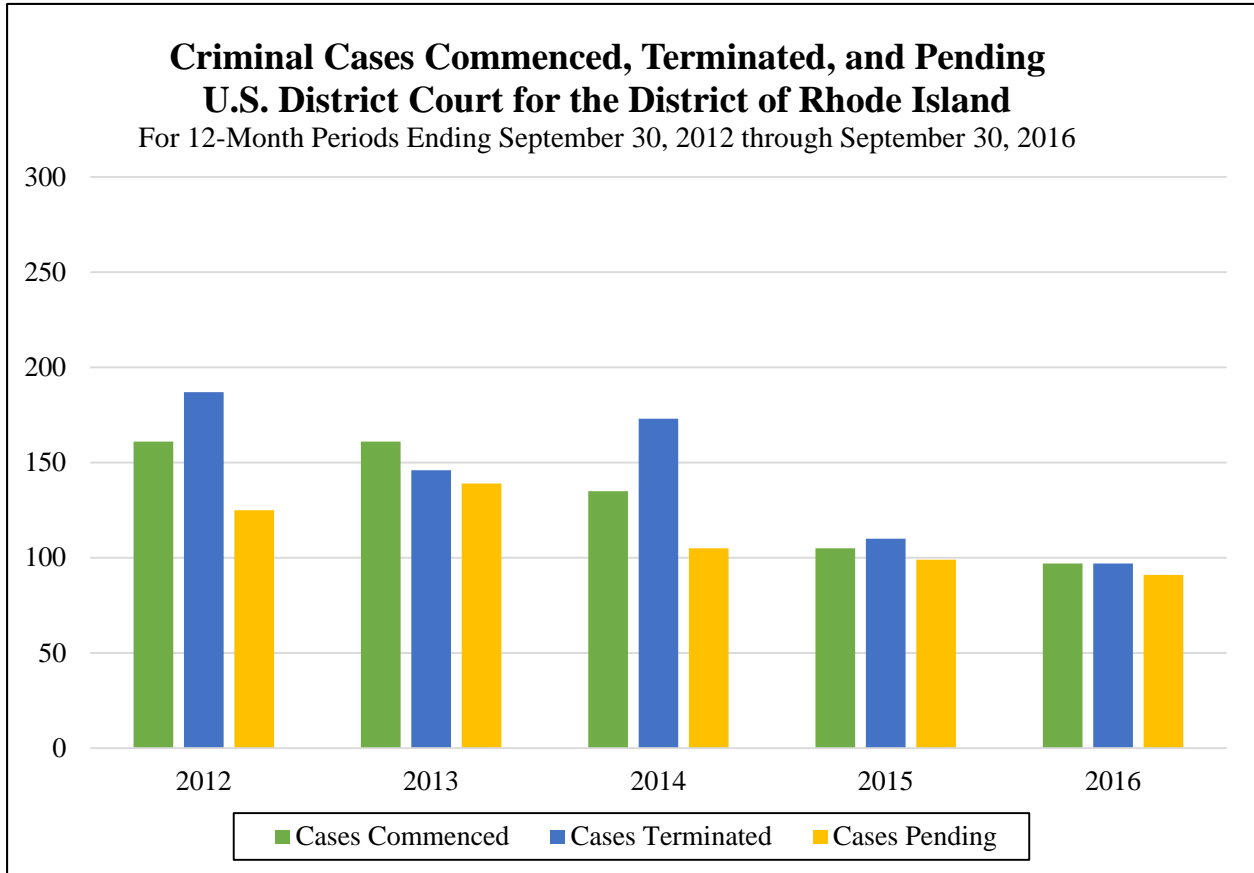
*Jury Plan Update:* The Court implemented a new set of jury procedures following amendments to its Jury Selection Plan in late 2015.

*eVoucher:* The District completed its conversion to eVoucher in early 2016.

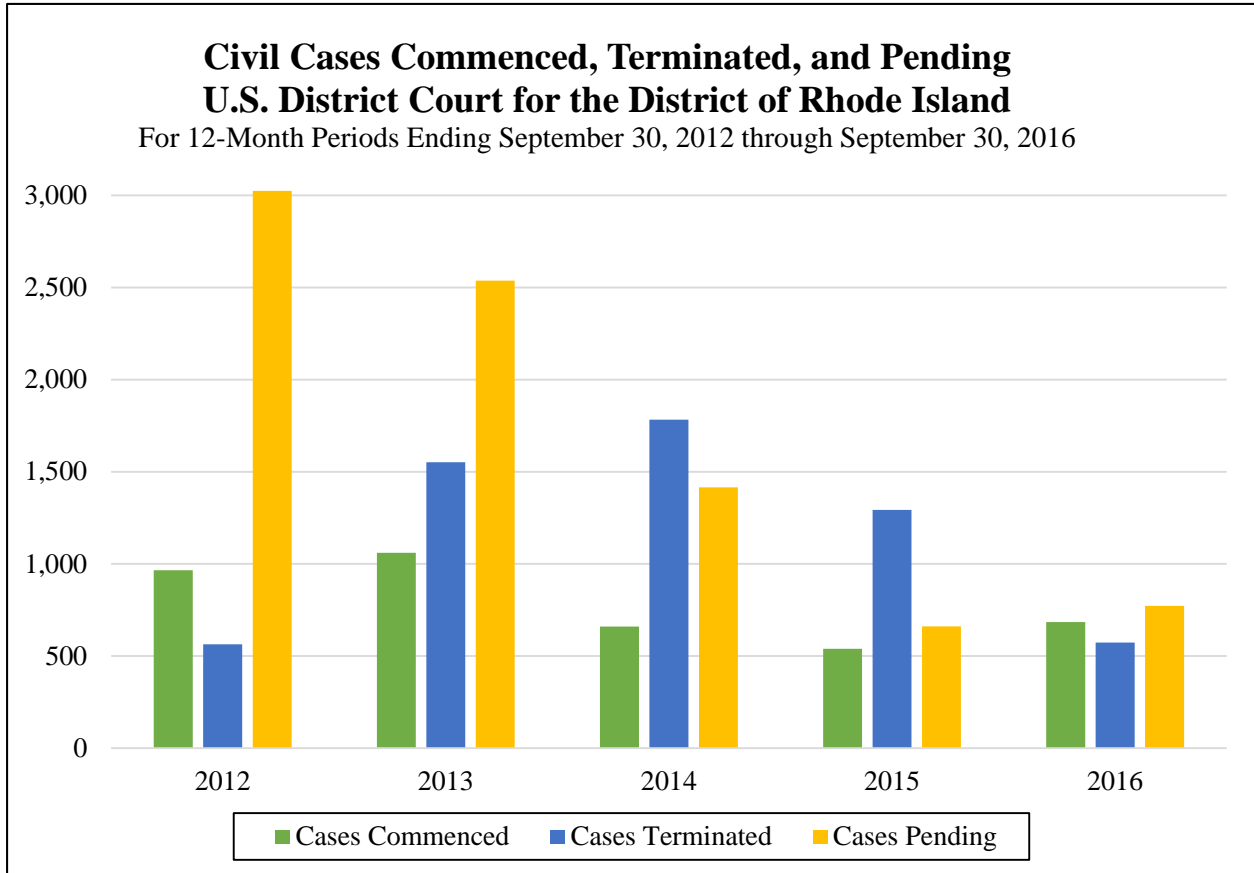
*Check Scan:* In January, the Court began using software to electronically transmit checks received by the Court to the Treasury and to streamline the weekly bank deposits through OTCNet.

*Expansion of Pay.gov:* In June, the District expanded its use of Pay.Gov to allow counsel to pay for Certificates of Good Standing and Admissions Certificates.

*AO Working Groups:* In June, Frank Perry, Chief Deputy Clerk, was appointed to the AO's District Best Practices Technology Working Group. In December, Heather Restifo, IT Director, was appointed to the AO's Court IT Operations Working Group.



<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, 2012 through September 30, 2016					
	2012	2013	2014	2015	2016
<b>Cases Commenced</b>	161	161	135	105	97
<b>Cases Terminated</b>	187	146	173	110	97
<b>Cases Pending</b>	125	139	105	99	91



Civil Cases Commenced, Terminated, and Pending U.S. District Court for the District of Rhode Island For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	2012	2013	2014	2015	2016
<b>Cases Commenced</b>	966	1,060	660	539	684
<b>Cases Terminated</b>	564	1,552	1,783	1,293	573
<b>Cases Pending</b>	3,024	2,537	1,415	661	772

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

*Human Resources:* Procurement and HR Specialist Mary Walker retired after 25 years of service. Officers Christina Woishnis and Brendan Jaffe were hired.

*Pretrial Services:* In 2016, 102 new cases were activated (excluding Rule 5 cases), a 35% decrease from 2015. The District's pretrial detention rate was 55%, compared to the national average of 72%. On average, 65 pretrial defendants were supervised each month. Twenty-three (23) pretrial supervision investigations were completed during the year.

*Presentence Investigations:* The Office completed 89 presentence investigations, a 28% decrease from 2015. One hundred percent (100%) of presentence reports were disclosed on time. In addition, 105 collateral investigations were completed for requesting districts.

*Post-Conviction Supervision:* In 2016, the monthly average of offenders supervised was 430, nearly identical to 2015. The majority (84%) were on supervised release, while 15% were on probation and 1% had other statuses. Approximately 70% of supervision cases were for drug or firearm offenses (50% drugs and 19.3% firearms). Sixty-one percent (61%) of offenders were scored medium to high risk, compared to the national average of 53%. Despite supervising significantly higher risk offenders, the District's revocation rate of 31% was only slightly higher than the 28.3% national average. During 2016, the Office completed 212 supervision investigations.

*Treatment Services:* Treatment services costs for substance abuse, mental health, and sex offender treatment remained relatively constant from last year. However, defendant and offender co-payments collected increased 31%, an approximate \$40,000 savings from 2015.

*District Initiatives:* In 2016, the Deferred Sentencing Program grew in both the number of participants and support services available. The Program held two (2) graduations this year.

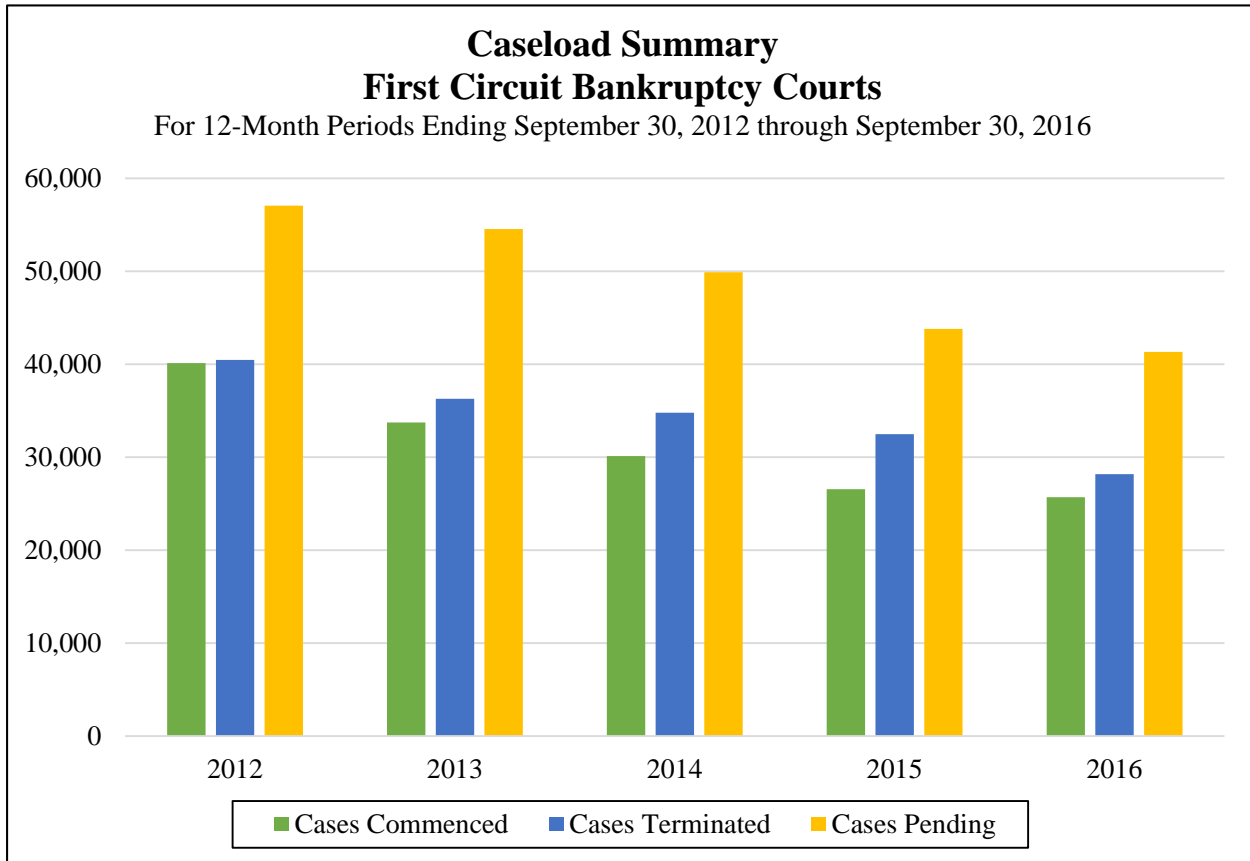
The District continued to target and support high risk offenders with supervision and services offered through the HOPE Court, which is currently operating at near full capacity (10 individuals), with two (2) graduations this year.

The District continued to co-facilitate an offender MRT group with a local treatment provider. In addition to HOPE Court members, participation expanded to include other moderate to high risk offenders in need of treatment.

*Space and Facilities:* The reception area was renovated for safety and security purposes.

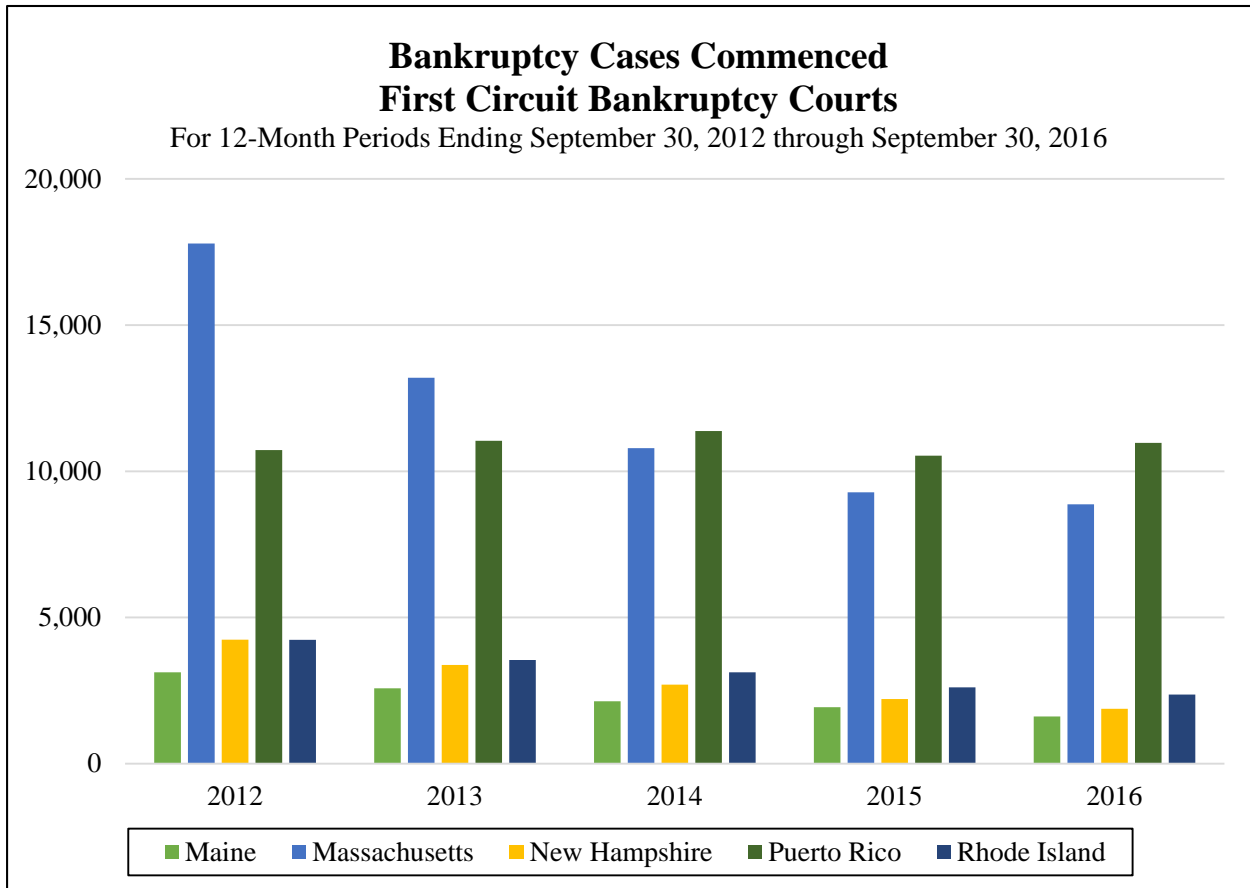
*Training, Professional Development, and National Involvement:* Staff participated in a number of national, regional, and local training seminars as attendees and/or presenters, including: STARR Training; USSC Guidelines Seminar; new officer training; officer response tactic instructor training; sex offender training; National Association of Drug Court Professionals, canine attack training; National Information Standards Conference; Opiate Addiction Forum; gang training; location monitoring training; wellness training; FJC programs (as participants and facilitators); National Association of Pretrial Services Agencies Conference; and drug lab training.

**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, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	40,122	33,742	30,129	26,565	25,701
<b>Cases Terminated</b>	40,475	36,288	34,783	32,484	28,180
<b>Pending Caseload*</b>	57,061	54,543	49,910	43,815	41,334

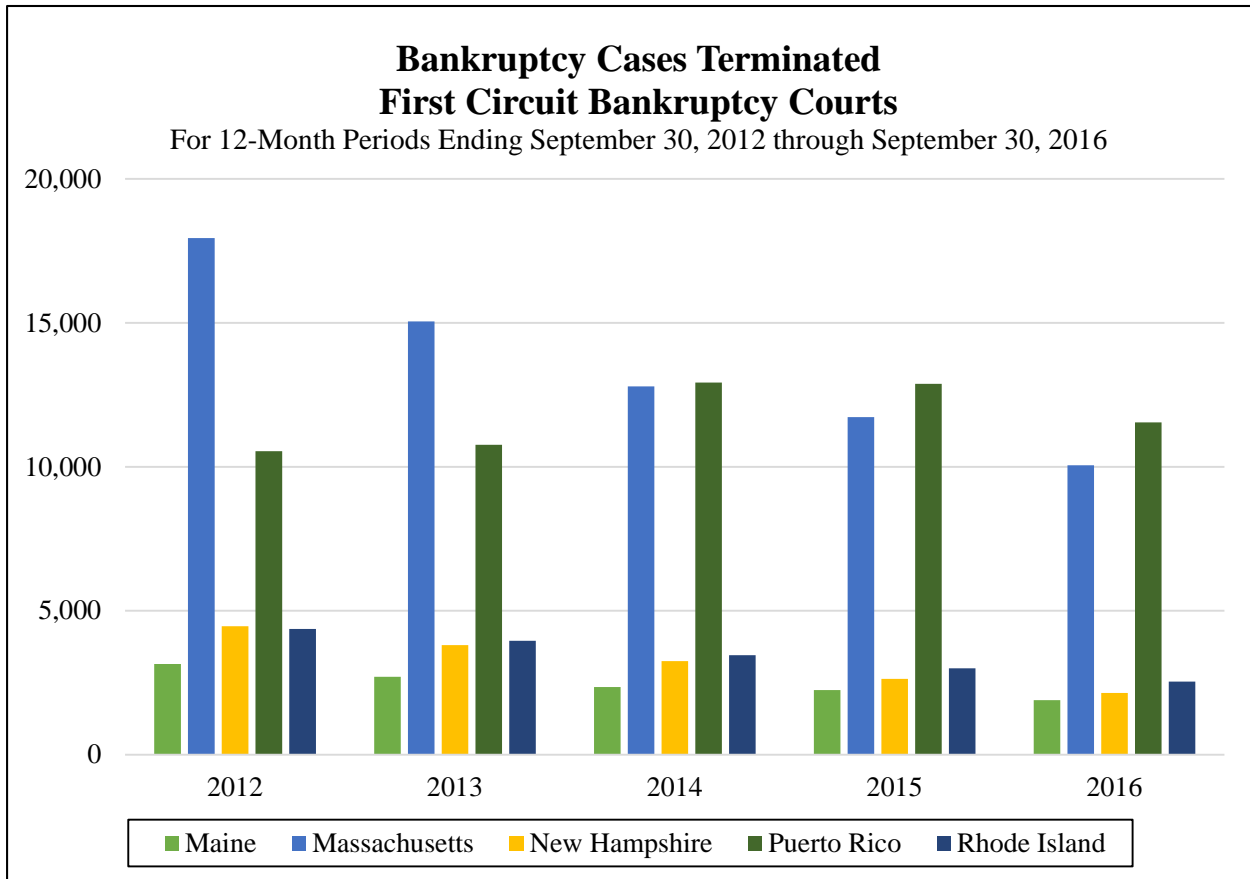
\*Pending caseloads in 2012, 2013, 2014, and 2015 as revised by the AO.



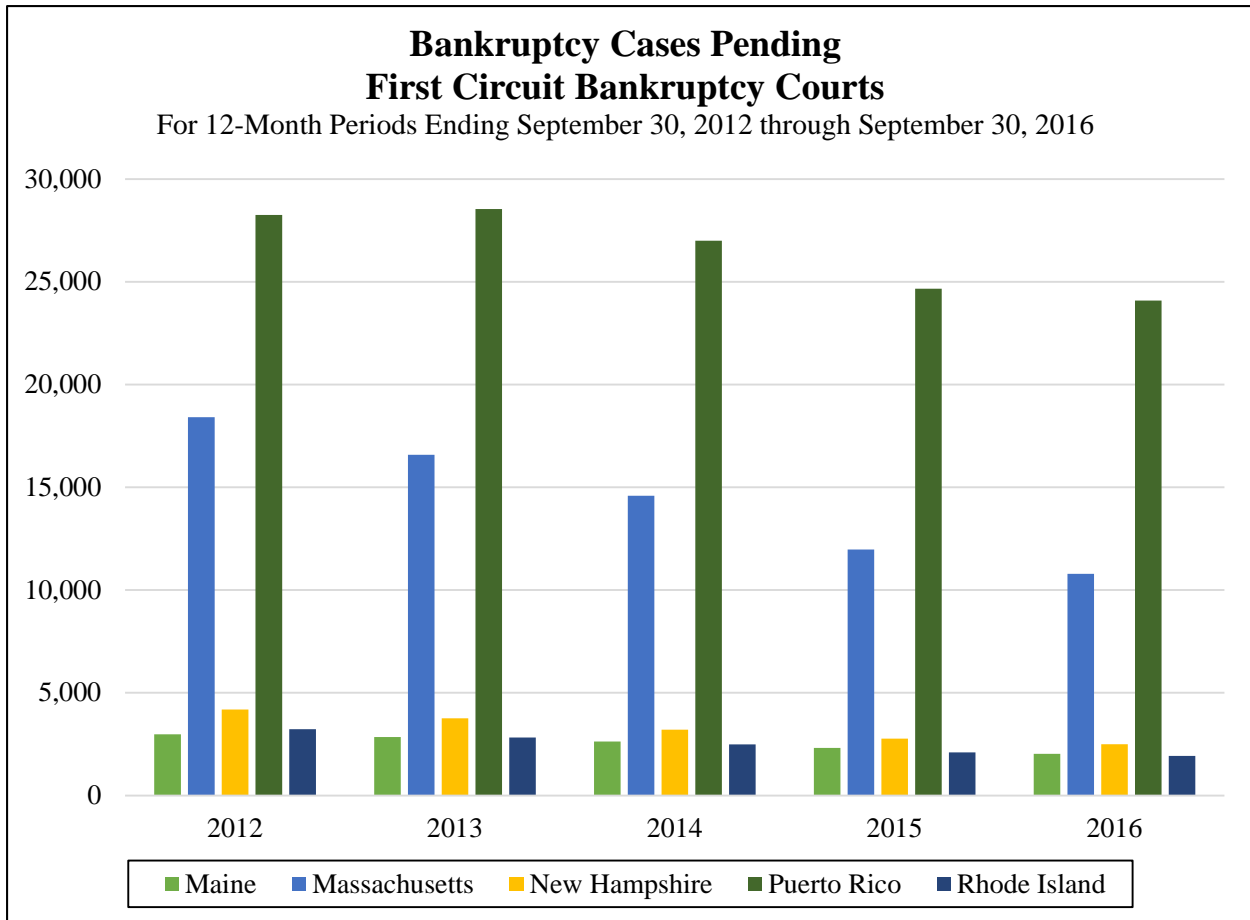
### Bankruptcy Cases Commenced First Circuit Bankruptcy Courts

For 12-Month Periods Ending September 30, 2012 through September 30, 2016

District	2012	2013	2014	2015	2016
<b>Maine</b>	3,125	2,575	2,135	1,930	1,613
<b>Massachusetts</b>	17,793	13,201	10,789	9,280	8,873
<b>New Hampshire</b>	4,240	3,376	2,704	2,211	1,878
<b>Puerto Rico</b>	10,727	11,043	11,377	10,533	10,973
<b>Rhode Island</b>	4,237	3,547	3,124	2,611	2,364



<b>Bankruptcy Cases Terminated First Circuit Bankruptcy Courts</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
District	2012	2013	2014	2015	2016
<b>Maine</b>	3,152	2,705	2,352	2,244	1,896
<b>Massachusetts</b>	17,947	15,052	12,793	11,724	10,054
<b>New Hampshire</b>	4,463	3,810	3,254	2,633	2,146
<b>Puerto Rico</b>	10,542	10,764	12,926	12,882	11,543
<b>Rhode Island</b>	4,371	3,957	3,458	3,001	2,541



<b>Bankruptcy Cases Pending*</b> <b>First Circuit Bankruptcy Courts</b> For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
<b>District</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Maine</b>	2,976	2,847	2,630	2,315	2,032
<b>Massachusetts</b>	18,413	16,581	14,590	11,969	10,786
<b>New Hampshire</b>	4,189	3,755	3,205	2,768	2,500
<b>Puerto Rico</b>	28,252	28,538	26,995	24,660	24,090
<b>Rhode Island</b>	3,231	2,822	2,490	2,103	1,926

\* Pending caseloads for 2012, 2013, 2014, and 2015 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, 2016				
<b>District</b>	<b>Chapter 7</b>	<b>Chapter 11</b>	<b>Chapter 12</b>	<b>Chapter 13</b>
<b>Maine</b>	72	8	4	12
<b>Massachusetts</b>	282	97	11	30
<b>New Hampshire</b>	122	16	1	33
<b>Puerto Rico</b>	109	258	23	67
<b>Rhode Island</b>	65	6	0	7

<b>Non-Business Bankruptcy Filings, by Chapter</b>			
<b>First Circuit Bankruptcy Courts</b>			
For the 12-Month Period Ending September 30, 2016			
<b>District</b>	<b>Chapter 7</b>	<b>Chapter 11</b>	<b>Chapter 13</b>
<b>Maine</b>	1,251	3	263
<b>Massachusetts</b>	5,737	28	2,688
<b>New Hampshire</b>	1,290	1	415
<b>Puerto Rico</b>	4,519	27	5,970
<b>Rhode Island</b>	1,742	1	543

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

### **Human Resources/Staffing**

With the continuing decline of bankruptcy filings nationally and in the District, the Court did not replace a departing case administrator, and has reduced the number of its employees by more than 25% since 2012.

In March, the Bankruptcy Court and the District's Probation and Pretrial Services Office hired Brian Tremblay, a shared IT employee in Bangor.

### **Case Management**

Both bankruptcy judges 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.

In October, a Supreme Court case, Florida v. Georgia, was tried in the Bankruptcy Court courtroom in Portland before Special Master Ralph Lancaster. The dispute between the states of Florida and Georgia concerned water rights in the Apalachicola-Chattahoochee-Flint River Basin. During the course of the approximately five (5)-week trial, the Court's IT staff supported Special Master Lancaster and the parties.

### **Information Technology**

In consultation with the District Court and a courtroom IT specialist from the District of Massachusetts, the Bankruptcy Court developed a comprehensive plan to upgrade audio, video, and courtroom technology equipment.

The Bankruptcy Court and the Probation and Pretrial Office's IT staffs continued to combine resources and reduce redundancies for greater efficiency.

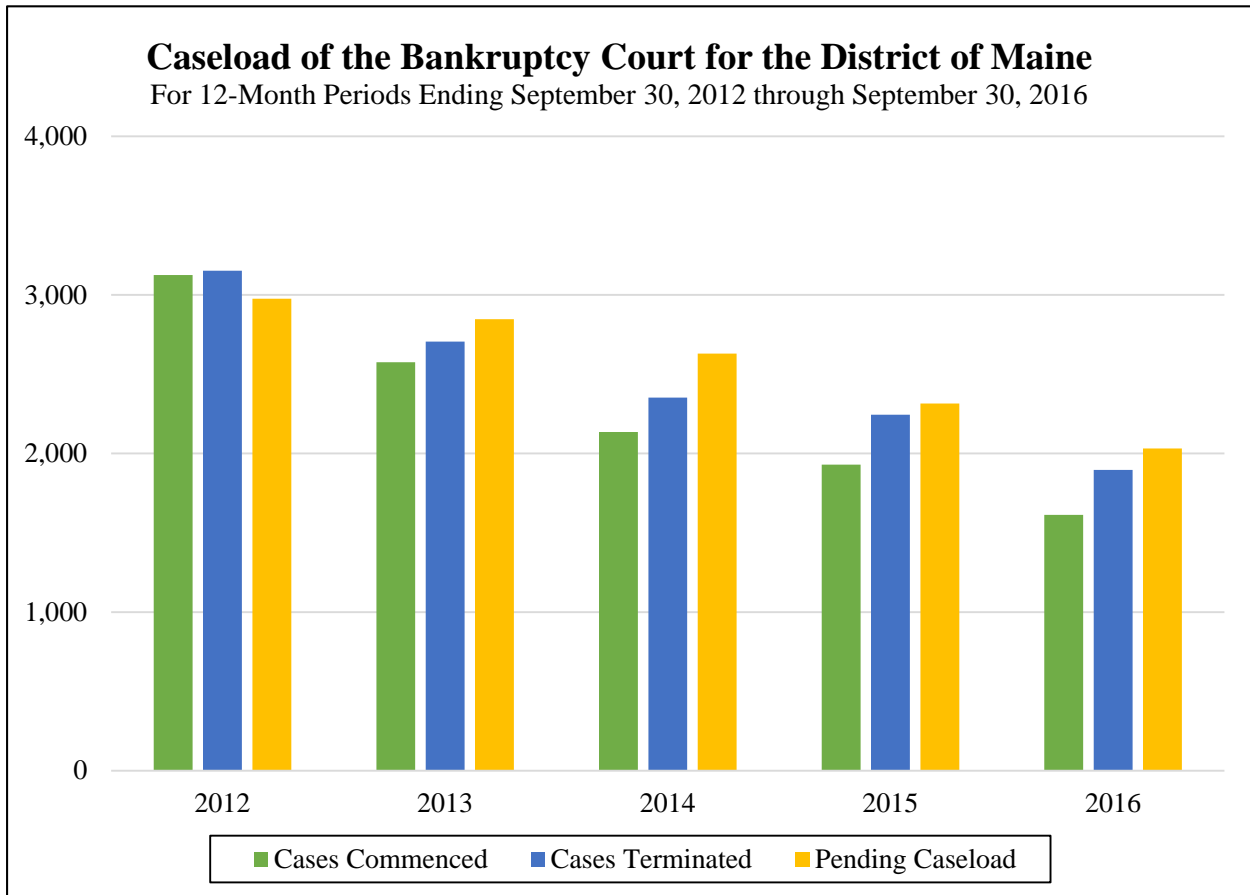
### **Conferences/Training**

The Bankruptcy Court sent several employees to the AO's Operations Forum and the annual meeting of the National Conference of Bankruptcy Clerks (NCBC). In September 2016, the Clerk's Office, with assistance from the FJC and facilitators from other courts, held an offsite training focused on strategic planning.

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

### **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, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	3,125	2,575	2,135	1,930	1,613
<b>Cases Terminated</b>	3,152	2,705	2,352	2,244	1,896
<b>Pending Caseload*</b>	2,976	2,847	2,630	2,315	2,032

\* Pending caseload for 2013 and 2015 as revised by the AO.

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

In October, Clerk of Court James M. Lynch announced his retirement, effective April 30, 2017. Mr. Lynch has served as the Clerk since September 1995.

**Statistics**

Filings in calendar year 2016 decreased by 6.5%, from 9,171 new cases in 2015 to 8,579 in 2016; pending cases dropped 10% to 10,323.

**Community Outreach**

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 Massachusetts Continuing Legal Education (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 Court's Pro Bono Committee, chaired by Judge Feeney and Judge Bailey, 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.

Chaired by Judge Bailey and Judge Panos, the Bankruptcy Court's Diversity Committee, which includes private attorneys and members

of academia, continued to work with local bar associations and affinity groups to increase the number of minority attorneys who practice bankruptcy law.

**Information Technology**

The Court upgraded the digital technology in its Boston courtrooms.

**Local Rules**

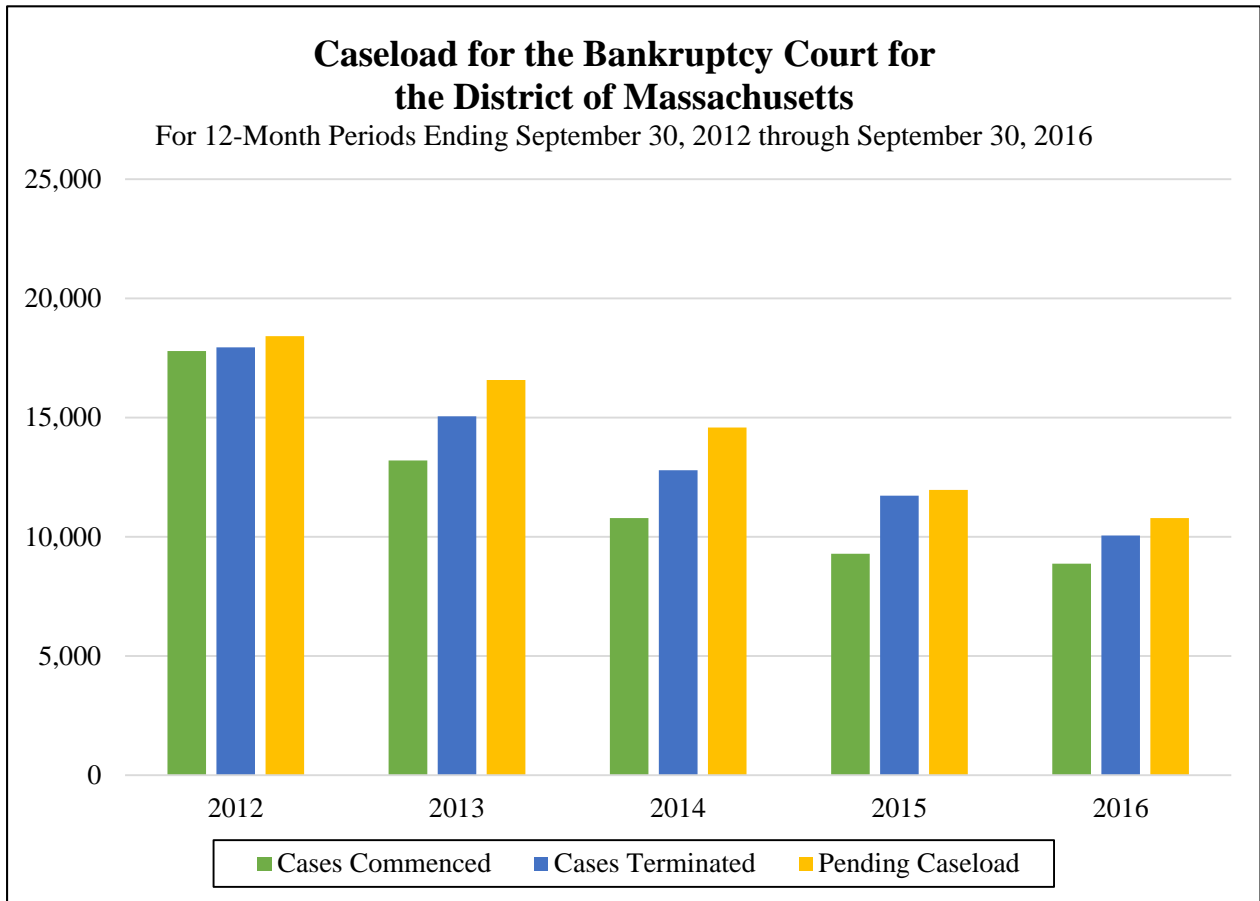
The Court's Attorney Advisory Committee, co-chaired by Chief Judge Hoffman, Judge Bailey, and Judge Panos, met quarterly to review and discuss proposed modifications and improvements to the Local Rules. A revised set of Local Rules was adopted in August.

**Finance**

The Court migrated to JIFMS. Staff participated in several days of training prior to going live.

**Space and Facilities**

In early 2016, staff were trained in the use of a new facilities access card (FAC) program managed through the AO.



<b>Caseload for the Bankruptcy Court for the District of Massachusetts</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	17,793	13,201	10,789	9,280	8,873
<b>Cases Terminated</b>	17,947	15,052	12,793	11,724	10,054
<b>Pending Caseload*</b>	18,413	16,581	14,590	11,969	10,786

\* Pending caseloads for 2012, 2013, 2014, and 2015 as revised by the AO.

**Bankruptcy Court for the District of New Hampshire****Human Resources/Staffing**

In June, Kristie Trimarco was hired as the Court's Chief Deputy Clerk.

**Internal Operating Procedures**

In September, the Court completed its annual internal controls audit.

**Local Rules**

The Bankruptcy Court, in conjunction with the Court's Local Rules Committee, revised its Local Bankruptcy Rules, Interim Bankruptcy Rules, Administrative Orders, and Local Bankruptcy Forms, effective November 2016.

**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, 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 and Bankruptcy Courts continued to share in the areas of procurement, human resources, IT, and budget management.

The Bankruptcy and District Courts approved the feasibility of co-locating the Bankruptcy Court to Concord in fall 2017. Co-location will have an anticipated annual cost savings of approximately \$680,000.

**National and Local Education Training**

Employees attended numerous training programs, including the AO Financial Forum, JIFMS Training, Statistical Training, Operational Practices Forum, IT Conference, FCCA Training, and the NCBC Conference.

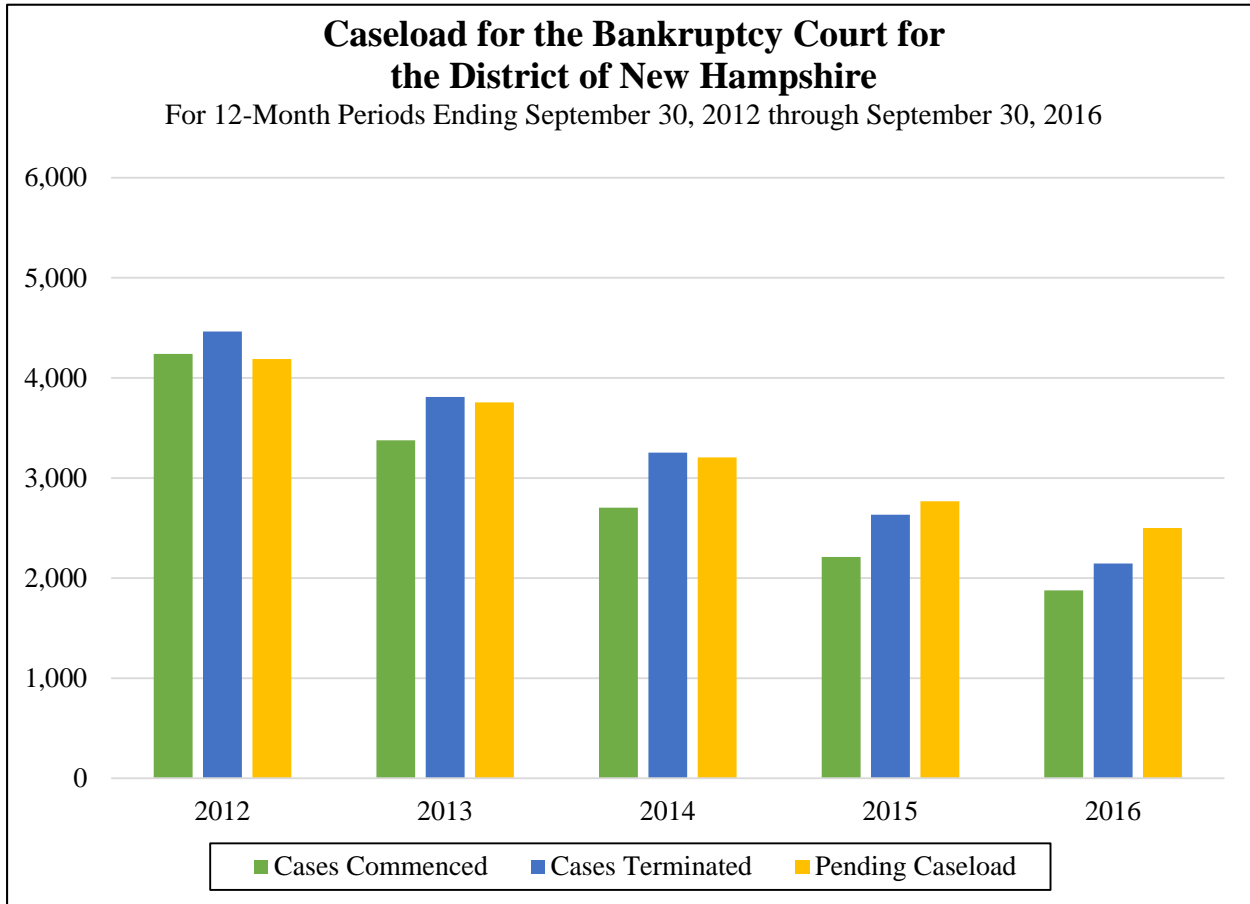
**New National Programs**

In April, the Bankruptcy Court implemented Remote Access Dual Factor. The National Active Directory (NAD) was completed in July. The Court completed the Work Measurement Study in May, installed the Drupal Responsive Theme in September, and implemented the Judiciary Firewall Service (JFS) in October. The Court migrated to JIFMS in November.

**Statistical Information**

The Bankruptcy Court experienced an overall decrease in total bankruptcy case filings of 9.5% in calendar year 2016, higher than the national decrease (-5.9%). The Court also experienced a 303% increase in adversary proceeding filings, compared to a 15% national decrease.

In October 2014, nine (9) separate but related voluntary Chapter 11 petitions falling under the Mega Case Guidelines were filed in the Bankruptcy Court. Judge Boroff of the Bankruptcy Court for the District of Massachusetts was designated to preside over the cases. After Judge Boroff's retirement in July 2016, Judge Panos of the Bankruptcy Court for the District of Massachusetts replaced him on these cases.



<b>Caseload for the Bankruptcy Court for the District of New Hampshire</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	4,240	3,376	2,704	2,211	1,878
<b>Cases Terminated</b>	4,463	3,810	3,254	2,633	2,146
<b>Pending Caseload*</b>	4,189	3,755	3,205	2,768	2,500

\* Pending caseload for 2015 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.

During 2016, the Court also hosted Boy Scouts for a tour and presentation on the federal judiciary, and the Interamerican University School of Law Trial Advocacy Competition in which the judges and the Clerk evaluated students.

**Local Rules/Procedures**

The Court published a notice of corrective entry procedure.

**Information Technology**

IT projects in 2016 included centralizing the CM/ECF server, implementing dual-factor authentication for remote access, increasing bandwidth at the Ponce Divisional office, implementing the Electronic Proof of Claim (ePOC) program, replacing all building local area network (BLAN) switches, replacing data fiber, wiring, and cable at the Old San Juan Building, and redesigning the Systems Area.

The Court implemented JIFMS and initiated conversion to JFinsys.

**Case Management**

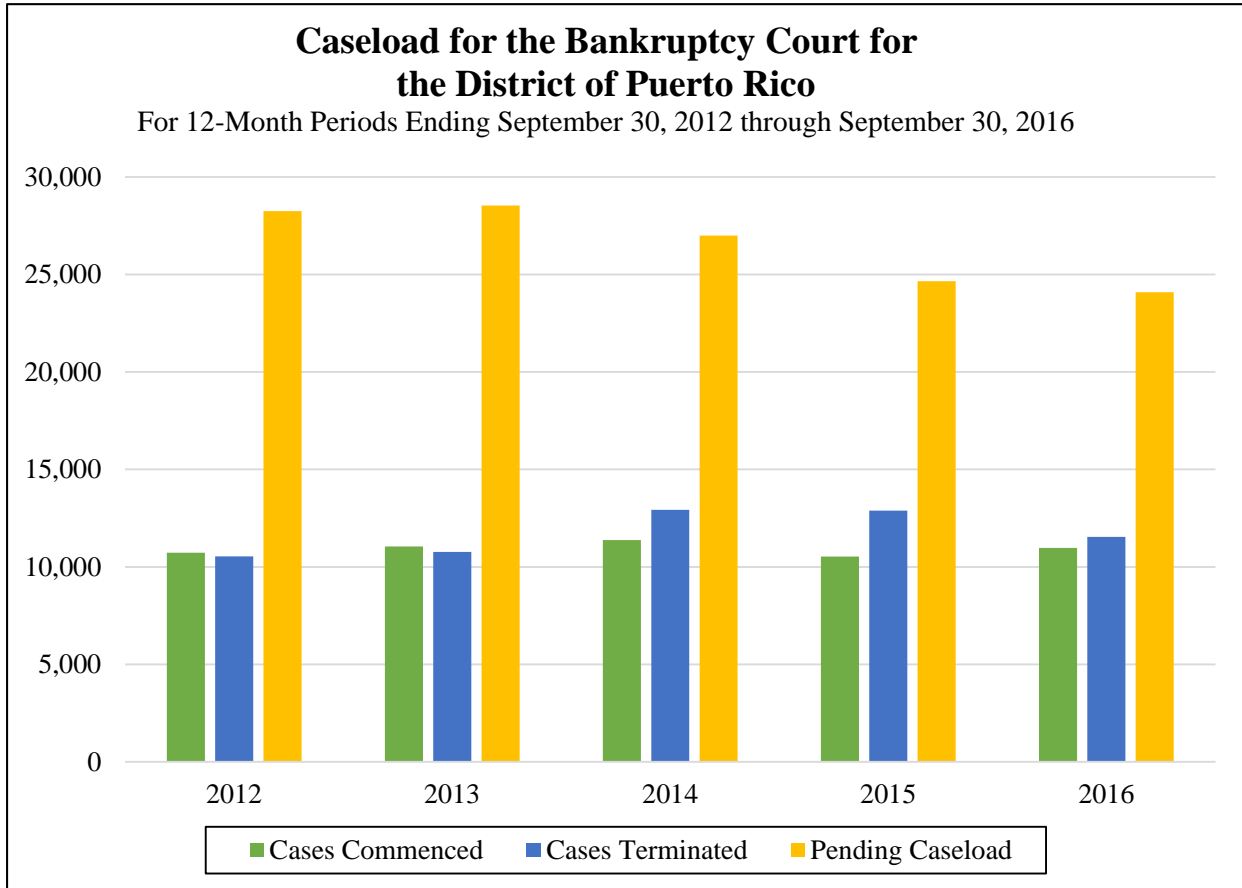
The Court continued to implement the Quality Control Program, including a two (2)-level quality review of documents referred to judges.

**Staff Training**

Training efforts included programs on information security awareness, telework, and an FJC Code of Conduct Workshop. The Court held an inaugural retreat, reinforcing the Court's vision, mission, and values. The Employee Assistance Program Staff Consultant visited the Court to provide presentations to staff.

Court personnel participated in the NCBC. Judges and the Clerk, along with a group of employees, participated in the Operational Practices Forum. Finance staff participated in the Annual Government Financial Management Conference, and also participated with the Clerk at the Financial Forum.





<b>Caseload for the Bankruptcy Court for the District of Puerto Rico</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	10,727	11,043	11,377	10,533	10,973
<b>Cases Terminated</b>	10,542	10,764	12,926	12,882	11,543
<b>Pending Caseload*</b>	28,252	28,538	26,995	24,660	24,090

\* Pending caseloads for 2012, 2013, 2014, and 2015 as revised by the AO.

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

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

In October, the Bankruptcy Court entered into an MOU with the U.S. Bankruptcy Court for the Middle District of Tennessee to provide CM/ECF dictionary services.

**Conferences/Educational Programs**

Judge Finkle and the Clerk attended the AO orientation for new chief judges. Judge Finkle also attended the FJC's Annual Meeting of Chief Bankruptcy Judges and Bankruptcy Judges' Workshop. She served as a panelist at the Rhode Island Bar Association Annual Meeting and the District Court's Bar seminar, as well as a faculty member at the ABI's Annual Northeast Bankruptcy Conference.

Clerk of Court Susan Thurston served as a member of the AO's Bankruptcy Clerks Advisory Group and the Judiciary Data Working Group.

**Local Rules/Procedure**

The Court revised its local rules on May 10, October 3, and December 1. The Court published a July 2016 Supplement to the hard copy edition of its local rules book.

**Information Technology**

The Court implemented the national logging system to monitor server logs for enhanced IT security. The Court migrated its local ECF servers to the centralized AO-hosted servers at the national data centers. The Court implemented an online program to help pro se debtors generate formatted mailing lists for creditors.

The Court commenced implementation of SharePoint, an internal document and content management and collaboration system, to replace the Court's current intranet and network drives. The Court worked with the District Court to implement the national FAC program and migrated to the national videoconferencing system.

**Case Management**

The Court created a public reference tool with copies of the new bankruptcy forms and a glossary of common bankruptcy terms, and worked with the new Pro Bono Clinic to create related resource materials.

The Court implemented SmartScan, a records retrieval service which allows members of the public to request same-day electronic delivery of judiciary documents.

**Staff Training**

Chief Deputy Clerk Kristen Batty attended the New Chief Deputy Orientation. Clerk of Court Susan Thurston and Chief Deputy Clerk Batty attended the GSA Region 1 Workshop. Chief Deputy Clerk Batty and Financial Administrator April Elderkin attended the National Financial Forum. Operations Supervisor Amy Geraghty attended the Management Development Program.

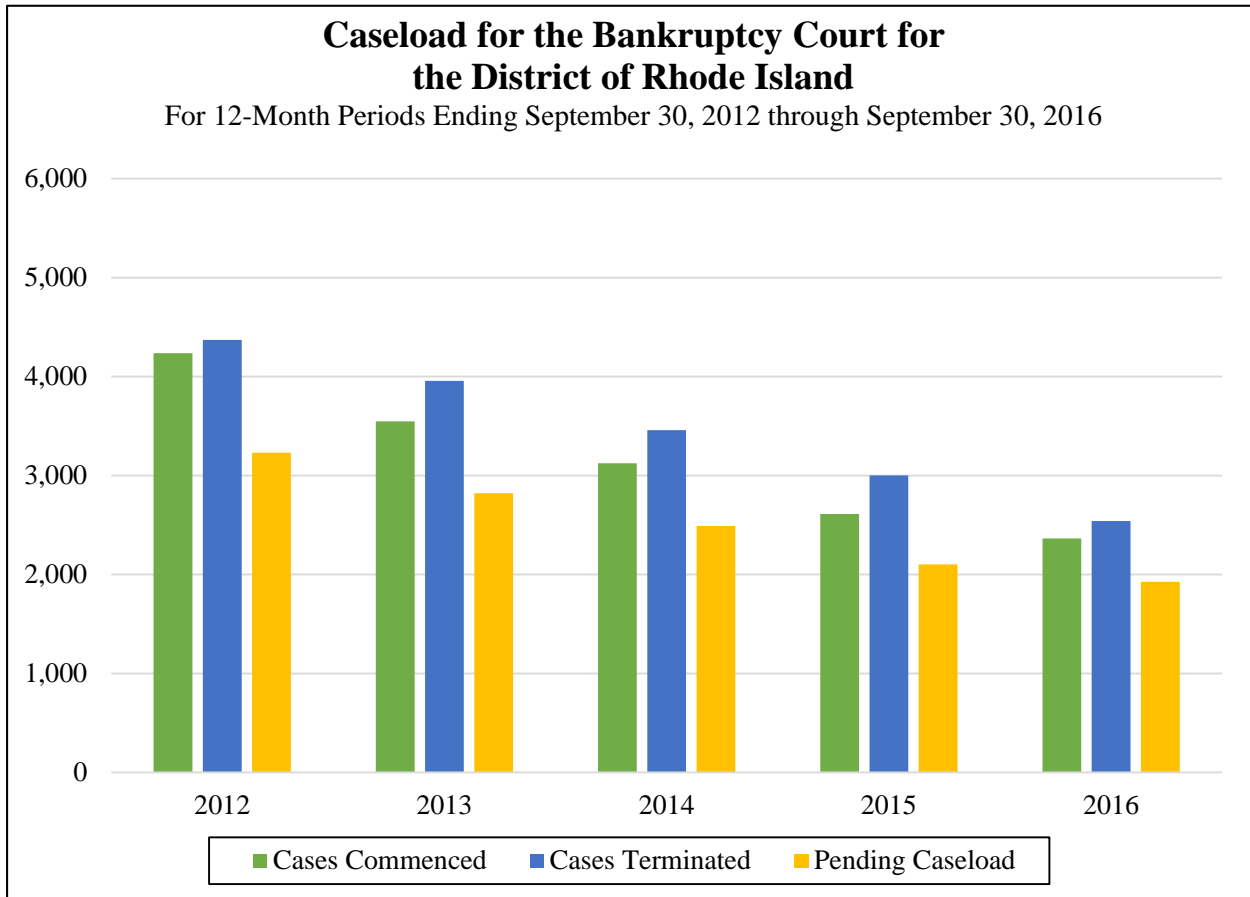
Clerk Susan Thurston attended the FJC National Unit Executive Conference. Information Systems Manager Craig Balme and Automation Specialist Stephen Stricklett attended the National IT Conference.

Quality Assurance Specialist Jody Venuti attended Bankruptcy Statistical Training. Clerk's Office staff attended the NCBC Conference and the National Operations Forum.

**Community Outreach**

The Bankruptcy Court, working in conjunction with its Attorney Advisory Group, developed and launched a Bankruptcy Legal Clinic to provide limited bankruptcy legal services to its growing pro se filer population, now the eighteenth highest in the country.

Judge Finkle served as a judge for the Rhode Island Urban League's high school championship debates.



<b>Caseload for the Bankruptcy Court for the District of Rhode Island</b>					
For 12-Month Periods Ending September 30, 2012 through September 30, 2016					
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Cases Commenced</b>	4,237	3,547	3,124	2,611	2,364
<b>Cases Terminated</b>	4,371	3,957	3,458	3,001	2,541
<b>Pending Caseload*</b>	3,231	2,822	2,490	2,103	1,926

\* Pending caseloads for 2012, 2013, 2014, and 2015 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 2016 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 USSC activities. Judge Hardiman of the Third Circuit Court of Appeals, Chair of the Committee on Information Technology, presented a special report on information technology security.

At the September 2016 Judicial Conference, Director Duff reported to the Judicial Conference on the judicial business of the courts and on matters relating to the AO. As they did in March 2016, Chief Judge Saris reported on USSC activities and Judge Fogel spoke to the Conference about FJC programs. Judge Smith of the Third Circuit Court of Appeals, Chair of the Committee on Space and Facilities, presented a special report on space reduction efforts.

**First Circuit Judges Serving on the Judicial Conference,  
Judicial Conference Committees, Special Courts, Boards, 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

**EXECUTIVE COMMITTEE**

			<u>Start Date</u>	<u>End Date</u>
Paul J. Barbadoro (Chair)	DJ	New Hampshire	2016	2017

**COMMITTEE ON AUDITS AND AO ACCOUNTABILITY**

			<u>Start Date</u>	<u>End Date</u>
Gustavo A. Gelpí	DJ	Puerto Rico	2013	2019

**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
Patricia A. Sullivan	MJ	Rhode Island	2016	2019

**COMMITTEE ON CRIMINAL LAW**

			<u>Start Date</u>	<u>End Date</u>
Indira Talwani	DJ	Massachusetts	2016	2019

**COMMITTEE ON DEFENDER SERVICES**

			<u>Start Date</u>	<u>End Date</u>
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	2019

**COMMITTEE ON FINANCIAL DISCLOSURE**

			<u>Start Date</u>	<u>End Date</u>
Rya W. Zobel	DJ	Massachusetts	2013	2019

**COMMITTEE ON INFORMATION TECHNOLOGY**

			<u>Start Date</u>	<u>End Date</u>
O. Rogeriee 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>
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 BANKRUPTCY RULES**

			<u>Start Date</u>	<u>End Date</u>
Melvin S. Hoffman	BJ	Massachusetts	2016	2019

**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	2019

**FEDERAL JUDICIAL CENTER BOARD OF DIRECTORS**

			<u>Start Date</u>	<u>End Date</u>
George Z. Singal	DJ	Maine	2016	2020

**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	2016*

\* 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. Public officials 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

or 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 planning 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 invites 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. 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 judges' workshop was held on October 19-21, 2016, at the Condado Vanderbilt Hotel, in San Juan, Puerto Rico.

### **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 2016, there were two Judicial Council meetings. The spring Council meeting, held on May 4, 2016, was in Boston, Massachusetts. The fall session was held on October 21, 2016, in San Juan, Puerto Rico, during the judges' workshop. 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 2016 are provided at pages 103-104.

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 2016 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, 2016

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 Jon D. Levy	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 Bruce J. McGiverin	District of Puerto Rico Magistrate Judge
Honorable Frank J. Bailey	District of Massachusetts Bankruptcy Judge

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**COURT UNIT EXECUTIVES**

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**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*

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**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*

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**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*

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**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*

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## 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 USF by the end of FY 2018. To date, the Circuit has released 6,763 USF, with an additional 34,376 USF for release in process.

### Court of Appeals

Minor alterations were designed to enhance the functionality of Chief Judge Howard's Boston chambers. Construction was completed in June.

Three (3) additional offices were constructed within the Clerk's Office existing footprint. Occupancy was achieved in May.

Construction commenced on a project to reduce the footprint of the Circuit's Headquarters Library in Boston by 6,100 USF. Occupancy is expected in the winter of 2017.

A project to relocate the BAP from the McCormack Building in Boston to the Moakley Courthouse was initiated. Design includes restacking of the existing Circuit Executive's Office space. Occupancy is projected for all phases of work in the fall of 2017.

Several cyclical maintenance projects were completed in 2016, including replacement of carpet in the Court of Appeals courtroom in Old San Juan.

### District of Maine

A project was initiated to restack the third floor of the Gignoux Courthouse to create new chambers space for Judge Singal. Upgrades to the associated courtroom and new secure

paths of travel for the Judge were included in this design. Occupancy began in the summer of 2016.

Minor alterations were completed in Bankruptcy Judge Fagone's chambers in Bangor.

A project to upgrade existing infrastructure in the bankruptcy courtroom in Portland was initiated this year. The work is expected to begin early in 2017.

### District of Massachusetts

The District of Massachusetts reconfigured existing space to house four (4) additional staff members in the Moakley Courthouse Clerk's Office. This project was completed in the spring.

The Bankruptcy Court Clerk's Office reconfigured its existing space to facilitate the release of 1,300 USF in the McCormack Building in Boston. This project was completed in March.

The Probation Office in Lawrence will relocate to new, smaller space in FY 2017. GSA has completed the lease negotiations, and the design is in process.

### 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 complete, and construction began in November. Occupancy is anticipated in the summer of 2017.

A space reduction project was initiated to reduce the existing Federal Public Defender's Office footprint by 2,150 USF. Construction is complete, and occupancy of the new space began in the fall.

**District of Puerto Rico**

GSA continued to upgrade the HVAC systems at the Clemente Ruiz-Nazario Courthouse. A new contract was awarded to complete unfinished ARRA work. Construction will likely continue through 2018.

GSA awarded a contract to complete HVAC upgrades at the Federico Degetau Federal Building in the fall of 2016. Construction is expected to commence in early 2017 and continue through 2018.

A project to enhance circulation on the magistrate courtroom floor in the Federal Building was completed in the summer of 2016. A waiting area was created from two (2) attorney conference rooms to allow enhanced security in the elevator lobby.

Design and construction of a new screening station for the main entrance of the Hato Rey campus was funded this year. Formal design began in December, and construction will likely begin in 2017.

Fire life safety upgrades were completed at the Jose V. Toledo Courthouse in Old San Juan. This project was completed in November.

The Probation Office in Hato Rey will be relocated to smaller space in 2018. The design process for this project was completed, and construction is anticipated to begin early in 2017.

The process to procure a new lease agreement for the Federal Public Defender's Office in Hato Rey began in 2016. Occupancy of the new lease is expected late in 2018.

**District of Rhode Island**

The District of Rhode Island initiated design of a new space to house its IT department this year. Construction is expected to begin in the summer of 2017.

A redesign of the Probation Office intake area, secure interview rooms, and staff space was completed this year. Occupancy began in December.

The Federal Public Defender's Office in Providence was reduced by 750 USF. Design and construction were completed, and the Federal Public Defender's Office began occupying the space in February.

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

The Circuit Executive's Office continued to work collaboratively with the AO on national solutions. IT staff contributed through membership on the CM/ECF Working Group, assisting with gathering National Fax Service requirements, and continuing work on the Unify Project (including testing Skype for Business, Office 365, and OneDrive). IT staff attended training for Hosting Services (VDI Setup) and contributed to refining the program. Staff helped test new CM/ECF patches. The Circuit Information Security Officer (ISO) continued work on the National Score Card.

**Circuit Projects**

IT staff upgraded the Infoblox DNS Servers.

The Circuit Executive's Office held an IT Conference in Chicago jointly with the Second, Third, and Seventh Circuits.

**Court of Appeals**

The IT staff assisted with renovations to Judge Thompson's Boston Chambers, Chief Judge Howard's Boston Chambers, and the Court of Appeals Clerk's Office.

*Cost Savings Initiatives:* A printer consolidation project reduced costs by limiting the types of toners required. Consolidation of copier contracts, including those related to toner, also contributed to large cost savings. In preparation for centralized VDI deployment, 150 thin clients were installed.

*IT Security:* Cybersecurity remained a high priority. In order to consolidate processes to secure court resources, the Circuit ISO conducted regular security calls.

IT converted more desktops to thin clients, which reduced the time necessary to apply patches by half. The IT Department also implemented centralized log management, and began to develop templates to share with other court units for standard alerts. The IT staff worked with the AO in performing an Symantec Endpoint Protection (SEP) assessment and standardizing baseline deployments. A centralized web monitoring was implemented (Websense) to replace a local installation, allowing for remote site monitoring. All iPads and iPhones were added to Airwatch for enhanced management and security.

*Preventative Maintenance:* Backup AC units in the Moakley Courthouse computer room were upgraded. A cyclical replacement of all 22 data closets at the Moakley Courthouse was completed. The IT staff upgraded all iPads and iPhones for judges and unit heads.

*Court Updates:* IT staff assisted with the JIFMS conversion, including the installation of a new cash register system and a conversion of the inventory system to Judiciary Inventory Control System (JICS). An upgrade to the Microsoft active directory infrastructure to 2012 Server was completed. The audio in the panel and en banc courtrooms in the Moakley Courthouse was upgraded.



<b>Judicial Misconduct and Disability</b>
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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 staff of the Circuit Executive's Office receives a complaint, 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 JCUS adopted the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct).

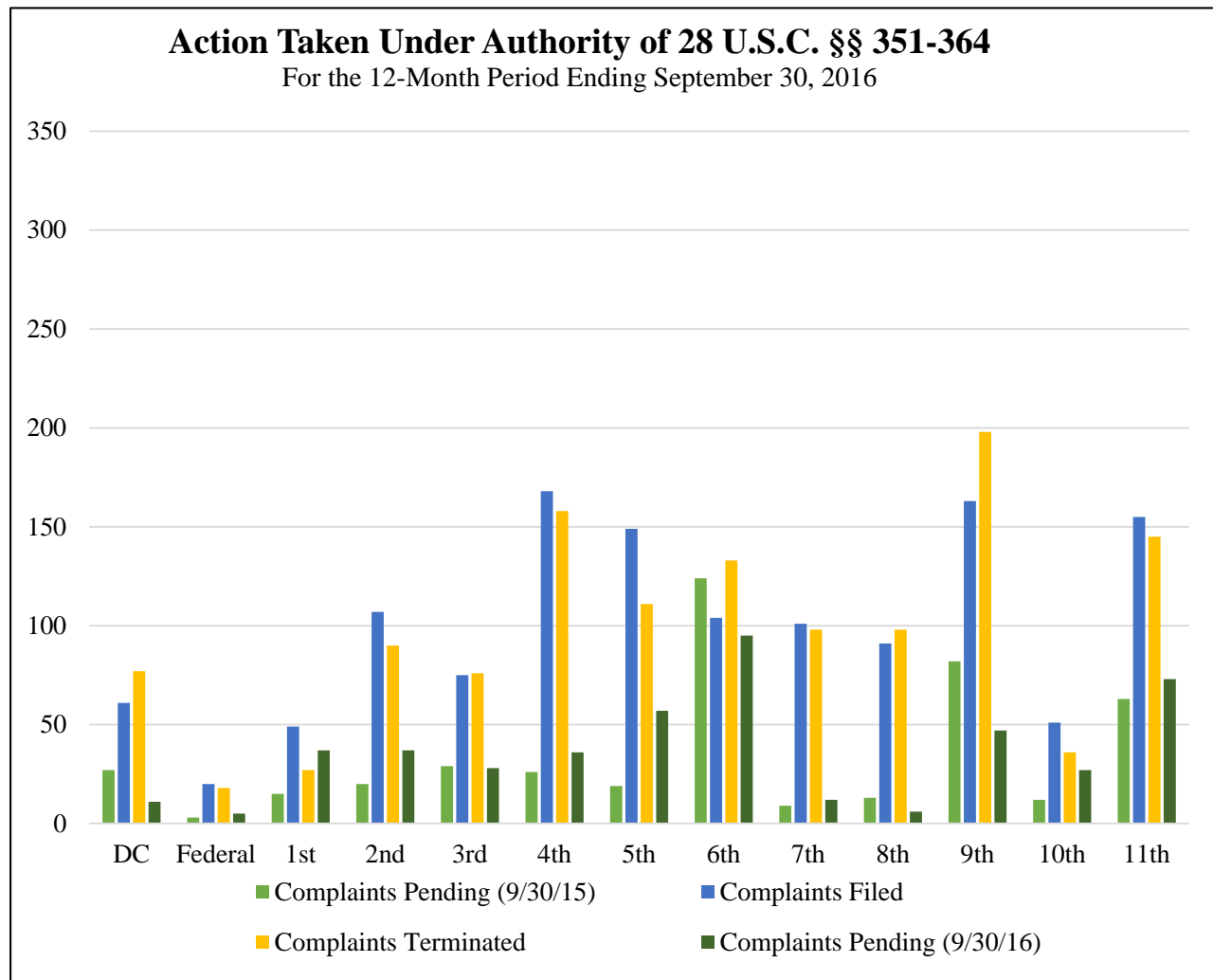
The adoption of uniform mandatory rules was intended to provide national standards and procedures for handling judicial misconduct and disability proceedings. The Rules of Judicial-Conduct were also intended to effectuate many of the recommendations included in the "Breyer Committee Report," 239 F.R.D. 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 JCUS 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, 2016*</u></b>	
Complaints Filed in 2016 (Calendar Year)	44
Orders of Dismissal Issued by Chief Judge	40
Petitions for Review Filed with Judicial Council	11
Orders of Dismissal Affirmed by Judicial Council	10
Show Cause Orders Issued	2
Preclusion Orders Issued	2
Total No. of Complainants	20**

\* Unless otherwise noted, this table includes actions taken on matters filed in 2015.

\*\* Seven (7) 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, 2016													
Summary of Activity	Circuit												
	DC	Fed.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
<b>Complaints Pending* (9/30/15)</b>	27	3	15	20	29	26	19	124	9	13	82	12	63
<b>Complaints Filed</b>	61	20	49	107	75	168	149	104	101	91	163	51	155
<b>Complaints Terminated</b>	77	18	27	90	76	158	111	133	98	98	198	36	145
<b>Complaints Pending (9/30/16)</b>	11	5	37	37	28	36	57	95	12	6	47	27	73

\* Pending caseloads for 2015 as revised by the AO.

**Attorney Discipline**

During 2016, the Court of Appeals for the First Circuit handled 28 attorney disciplinary cases under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement). Five (5) attorney discipline cases resulted in disbarment, 20 resulted in suspensions, and three (3) were terminated without action. Twenty-six (26) matters arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement, and the Court of Appeals initiated two (2) proceedings.

## Fair Employment Practices Report

For the 12-Month Period Ending September 30, 2016

The First Circuit Court of Appeals initially adopted the Model Affirmative Action Plan (the Plan) recommended by the JCUS, with minor modifications, effective March 2, 1981. On March 4, 1987, the Court made further amendments to the Plan in accordance with the revisions adopted by the JCUS at its September 1986 session and in accordance with the revised Model Equal Employment Opportunity Plan supplied by the AO (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, chambers staff, the Circuit Executive's Office, the BAP, the Clerk's Office, the Office of the Staff Attorneys, the Office of the Circuit Librarian (including Satellite Libraries throughout the Circuit), and CAMP. The Offices of the Federal Public Defenders for the Districts of Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico have issued separate reports.

### Personnel Summary

As of September 30, 2016, there were 143 Court of Appeals employees. Of those employees, 56 (39%) were male and 87 (61%) were female; 116 (81%) were Caucasian and 26 (18%) were minorities. There were six (6)

African-American employees, nine (9) Hispanic employees, and 11 Asian employees. One (1) employee declined to report or did not report his or her race/ethnicity.

### Significant Achievements

There were 53 new appointments made during this reporting period. Of those new appointments, 25 were male and 28 were female; 38 were Caucasian, eight (8) were Asian, three (3) were Hispanic, and three (3) were African-American. One (1) employee declined to report or did not report his or her race/ethnicity.

During the reporting period, 28 employees were promoted. Of those employees, 13 were male and 15 were female; 25 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 provides a list of resources for obtaining additional information. New court employees receive an orientation in which an EDR Plan is distributed and relevant information is provided.

**Work of the Federal Public Defender**

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

In 2016, case openings increased 35% over the previous year. The Office opened 128 Johnson review cases and closed 142 such cases. The Office also opened 64 Johnson Habeas cases and closed 22 such cases; and opened seven (7) Johnson appeals.

Year	CASES			APPEALS		
	Opened	Closed	Pending	Opened	Closed	Pending
2016	302	281	122	3	5	3
2015	224	246	101	6	7	4

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 other court entities in the procurement and human resources shared functions.

The Office opened ten (10) cases for new participants in SWiTCH drug court and closed four (4), including two (2) cases of successful graduates of the program. Previously, participation in the SWiTCH program has been voluntary. District judges may now impose a supervised release requirement that potentially eligible defendants submit to an assessment and participate if accepted.

The Office replaced a part-time investigator that left her position with a full-time paralegal who was previously a judicial assistant in Chief Judge Torresen’s chambers.

Federal Public Defender 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 served 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 served on the District Conference Planning Committee and as moderator for the Criminal Law breakout session at the October conference. He also served on the planning committee and as a speaker at the First Circuit Appellate Practice CLE.

David Beneman continued 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 FY 2016, compared to prior 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 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
FY 2016	1,102	227	138	737	1,063	448

<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 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
FY 2016	363	140	52	171	311	171

<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 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
FY 2016	290	67	101	122	199	184

The bulk of the increased numbers reflect the hundreds of cases the Office reviewed – and scores of habeas petitions it filed – in light of the Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015). The cases reviewed are reflected in the “other category” while those in which petitions were filed appear as appeals. In addition to the

work done in these cases, the Office devoted considerable time in all three (3) districts to assisting CJA lawyers with their work on Johnson cases and responding to inquiries from sentenced prisoners.

In New Hampshire and Rhode Island, prosecutions increased slightly, while they

decreased about 10% since FY 2015 in Massachusetts. The number of new prosecutions in Massachusetts remained slightly above the average number over the past six (6) years. The dip in cases in Massachusetts may have been due to a focus on prosecuting more serious cases.

As a result of a work measurement study conducted by the AO, the Office was able to restore two (2) of the three (3) New Hampshire positions lost during sequestration, hiring one (1) legal assistant and one (1) Assistant Federal Public Defender (AFPD). In Boston, the Office hired a fourth Research and Writing Specialist and a fourth appellate AFPD, along with adding a trial AFPD position.



## Federal Public Defender for the District of Puerto Rico

### Human Resources

At the beginning of FY 2016, the Office had 49.7 full-time equivalents (FTEs), including 29.7 non-attorney positions and 20 attorneys. This staffing level represents a 25% increase over FY 2015 as a result of the Work Measurement Study. The upper level management consisted of the FPD, First Assistant, Administrative Officer, three (3) Third-Level Supervisory AFPDs, and a Chief Investigator. The Office hired two (2) attorneys and five (5) non-attorneys.

Two (2) attorneys participated in a temporary full-duty detail (TDY) at the USSC and the House Judiciary Committee, respectively. Defender Services Office (DSO) approved the hiring of two (2) temporary staff members to replace the TDYs, justified by the increase in the Office's case workload.

### Committee Memberships

The FPD served as a member of the CJA Panel Committee, and the Office has worked closely with the CJA Panel Representative to design and deliver training programs. The FPD was also invited to participate in the Miami Ad Hoc Committee to Review the CJA Hearing.

### Educational Programs

The Office hosted training programs on a number of topics, including: Using Experts - Polygraph; How to Obtain Investigation

Documents; Rethinking Probation; Trial Director; Forensic Document Examination; Defending Immigration Matters; Death Penalty; and Effective Use of PowerPoint.

### Information Technology

The Office started upgrading Microsoft Surface tablets with docking stations.

The Office continued servicing the U.S. Virgin Islands Federal Defender Office, including devoting more than 200 hours to support the relocation of its St. Thomas office.

### Case Management

The Office opened a total of 1,369 cases and closed 2,310 cases. The number of pending cases was 784, an average of 38 cases per attorney.

### Community Outreach

The Office participated in ad hoc program sponsored by the local chapter of the FBA for high school students about Child Pornography and Sexting.

### Space and Facilities

#### Construction/Consolidation

The Office continued to work with GSA on preparations for relocation to a larger space.