

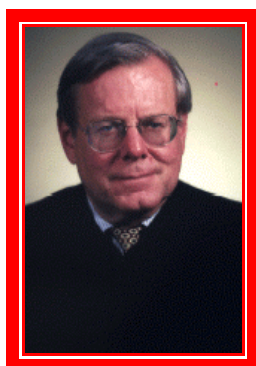


United States District Court
District of Massachusetts

2004 - 2005 REPORT



INTRODUCTION BY CHIEF JUDGE WILLIAM G. YOUNG



It is with enormous pride that I introduce this thorough and comprehensive report of the activities of the Office of the Clerk for the District of Massachusetts.

Take a look at the chart on the following page. It details the single most important measure of a district court's service and excellence. It shows that, while the average on – bench time – – both for trials and other hearings – – for active district court judges has decreased nationally four years in a row, here in Massachusetts it has actually grown twice during that period (2002 & 2004). In recent years our **average** on – bench time has consistently been first or second in the nation for courts of six or more active judges. This is an enormous accomplishment and I know I speak for all the judges in recognizing all of you, all the skilled professionals of our Clerk's Office, in attaining it.

Judges act always as a member of a team. To accomplish such a record of sustained trial operations, requires the combined and continuous efforts of every one of us. Courtroom deputy clerks

organize, set, and orchestrate multiple and diverse hearings, court reporters keep accurate, timely, and user friendly records of our proceedings, docket clerks electronically manage the court records, insuring their accuracy and usability, intake clerks work with the incessant needs of the public for information and help, and jury clerks insure that a fairly representative jury of the people is available for service whenever justice so requires.

And this is but the public face of our activities. Behind the scenes, our now intricate computer, telecommunications, videoconferencing, and wireless networks, must work seamlessly with our judicial operations, the public's monies must be accurately handled and timely disbursed, the requisite supplies of every name and nature must be available whenever and wherever needed, and human resources must properly reflect the hard work and contributions of each of us.

When you read through this annual report, you can see that the contributions of each member of the Clerk's Office have enhanced the whole and made it an organization truly dedicated to public service, professionalism, and justice. I am prouder of each of you than you will ever know.

William G. Young

Chief Judge

1999 – 2005

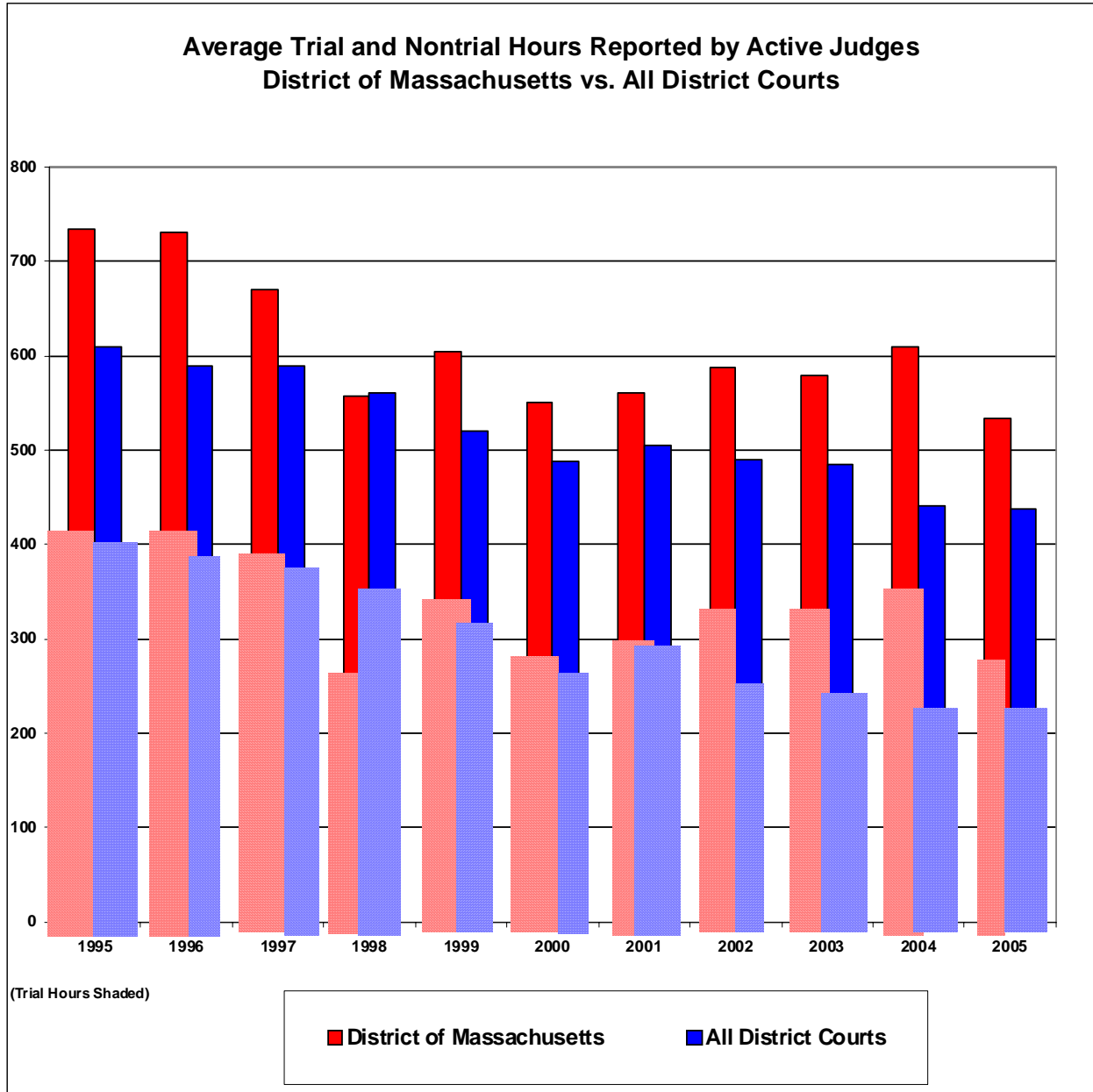




TABLE OF CONTENTS

	Page
The District of Massachusetts.....	1
Court Appointments and Milestones.....	2
The Federal Courthouses of Massachusetts.....	3
Judicial Accomplishments.....	4
The District at a Glance.....	7 - 17
Criminal Justice Act and Juror Utilization.....	7
Interpreters and Naturalization.....	8
Human Resources & Training and Quality Control.....	9
Trials and Hours of In-Court Activity & Caseload Statistics.....	11
Courtroom Technology.....	13
Alternative Dispute Resolution.....	14
David S. Nelson Fellowship Program.....	15
Divisional Offices.....	15
A Statistical Review.....	18



DISTRICT OF MASSACHUSETTS
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UNITED STATES DISTRICT COURT

Active District Judges

William G. Young, Chief Judge

Joseph L. Tauro	Douglas P. Woodlock	Reginald C. Lindsay	Michael A. Ponsor
Rya W. Zobel	Nathaniel M. Gorton	Patti B. Saris	George A. O'Toole, Jr.
Mark L. Wolf	Richard G. Stearns	Nancy Gertner	F. Dennis Saylor, IV

Senior District Judges

Walter J. Skinner	Robert E. Keeton	Morris E. Lasker
A. David Mazzone	Edward F. Harrington	

Magistrate Judges

Charles B. Swartwood, III, Chief Magistrate Judge

Lawrence P. Cohen	Marianne B. Bowler	Leo T. Sorokin
Joyce London Alexander	Kenneth P. Neiman	
Robert B. Collings	Judith G. Dien	

Office of the Clerk

Sarah Allison Thornton
Clerk of Court

William Ruane, Chief Deputy
Helen Costello, Operations Manager
Stuart Barer, Systems Manager
Virginia Hurley, Training & Quality Control Manager
Francis B. Dello Russo, Administrative Manager
Nancy M. Cashman, Human Resources Manager
John Stuckenbruck, Division Manager, Springfield
Deborah F. Shattuck, Division Manager, Worcester



Court Appointments and Milestones

The United States District Court for the District of Massachusetts currently has 13 active authorized Article III judgeships as of December 31, 2005. There are three senior judges in the district. There are seven authorized full-time magistrate judge positions. The District of Massachusetts welcomed the following judges to the court in 2004-2005.

- F. Dennis Saylor was sworn in and assumed his duties as a United States District Judge on June 15, 2004.
- Leo T. Sorokin was sworn in and assumed his duties as a United States Magistrate Judge on April 11, 2005.

Retirements

- Magistrate Judge Lawrence P. Cohen retired on January 31, 2005.

Passings

The court was saddened by the deaths of Senior Judge A. David Mazzone in 2004 and Senior Judge Walter J. Skinner in 2005.

Judge Mazzone passed away on October 25, 2004, at 76 years of age. Judge Mazzone spent two years on the staff of Middlesex District Attorney John Droney and four years as assistant US attorney under W. Arthur Garrity Jr. He was in private practice for about 10 years before he was appointed to the Massachusetts Superior Court by Governor Michael S. Dukakis in 1974. Three

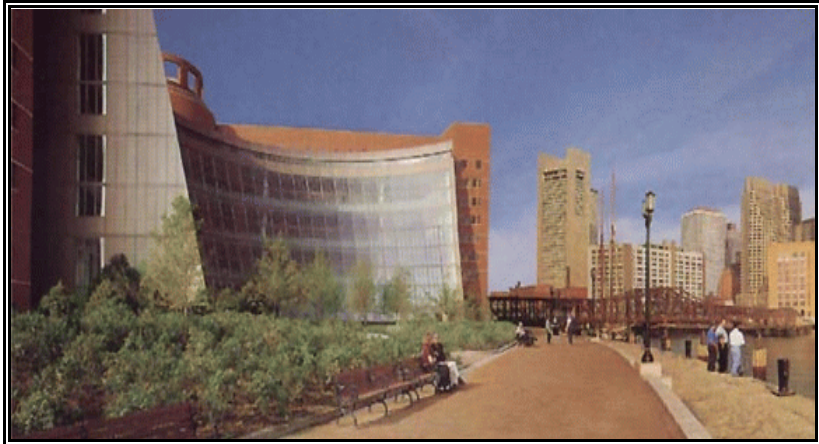
years later he was nominated to the federal bench by President Jimmy Carter on the recommendation of United States Senator Edward M. Kennedy. He was sworn in as a United States District Judge in 1978 and took senior status in 1993. Judge Mazzone's long and distinguished career was celebrated with a memorial ceremony at the court on May 20, 2005.

Judge Skinner passed away on May 8, 2005, at 77 years of age. Judge Skinner entered private practice in 1952. From 1957 to 1963, he was town counsel of Scituate and an assistant district attorney in Plymouth County. From 1963 to 1966, he was an assistant attorney general for the Commonwealth of Massachusetts under Edward W. Brooke. He was nominated for an opening on the federal bench in 1973 and was sworn in as a United States District Judge in 1974. Judge Skinner took senior status in 1993.





The Federal Courthouses of Massachusetts



John Joseph Moakley
United States Courthouse -
Boston

Harold D. Donohue Federal Building
and Courthouse - Worcester



Federal Building and Courthouse - Springfield



Judicial Accomplishments

For the fourth and fifth consecutive years, **Chief District Judge William G. Young** hosted visiting judges from Japan. Assistant Judges Hisako Isogai (2004) and Naoko Sonobe, (2005) both from the Osaka District Court, while continuing their studies at Harvard University, periodically observed court sessions in Judge Young's courtroom from January thru April during 2004 and 2005, respectively.

In 2004, **Judge Mark L. Wolf** served on the Judicial Conference's Code of Conduct Committee. The Committee provides advice on the application of the Code of Conduct for United States Judges and other judicial branch codes of conduct and Titles III and IV of the Ethics Reform Act of 1989. He also traveled to China for the Department of State to speak to judges, law students, public officials and journalists. In 2005, Judge Wolf continued his service on the Judicial Conference's Code of Conduct Committee and also served on the Advisory Committee on Criminal Rules. He Co-Chaired the District Court's Judge David S. Nelson Fellowship Program for Boston High School students. In addition, Judge Wolf continued to serve as the Chairman of the Albert Schweitzer Fellowship and the John William Ward Public Service Fellowship for Boston Latin School students. He also gave a lecture at the Harvard Law School titled "A Judge's Reflections on the Battle Against Terror."

Judge Douglas P. Woodlock received the Boston Bar Association's Citation of Judicial Excellence in 2005 at the BBA's Law Day Dinner on May 24, 2005. He also contributed an elegy to the Ipswich

Town Hall and Courthouse for the May/June issue of *abArchitectureBoston*, the magazine of the Boston Society of Architects.

Judge Nathaniel M. Gorton continued his term of service on the Foreign Intelligence Surveillance Court to which he was appointed by the Chief Justice in 2001. Judge Gorton is serving a seven-year, non-renewable term as one of eleven District Judges that is required to sit in Washington, D.C. five or six times each year to consider petitions relating to the electronic surveillance and/or physical search of foreign agents. Judge Gorton's permanent duty station was switched from Worcester to Boston in June 2004 when Judge Saylor was designated by the Court to sit in Worcester.

In 2004, the **Honorable Richard G. Stearns** traveled twice to Budapest and once to Bucharest to serve as a rule of law advisor to the Department of Defense in working sessions on nuclear counter-proliferation and terrorism with delegations from Bulgaria, Romania, and the Republic of Georgia. Judge Stearns continued to serve as a Trustee and the Chair of the Science and Research Committee at Vincent Memorial Hospital (the women's hospital at Massachusetts General Hospital). He also gave the commencement address and received an honorary degree from Southern New England School of Law. In 2005, Judge Stearns traveled to Budapest on three separate occasions to lecture and serve as a rule of law advisor to the Department of Defense in sessions with delegations from Bosnia, Serbia, and Tajikistan. He served as the judicial representative on the United States delegation



to the annual meeting of the Southern European Ministries of Defense in Dubrovnik, Croatia. He traveled to Cyprus at the invitation of The Department of State to meet with the Supreme Court and various regional courts. He participated in an ALI-ABA panel on scientific evidence and gave lectures on terrorism and weapons of mass destruction for the U.S. Department of Justice and the Foundation for Research on Economics and the Environment. He also continued his work as a Trustee and the Chair of the Science and Research Committee at Vincent Memorial Hospital In Boston.

Judge Reginald C. Lindsay was a featured speaker at the celebration of the 50th anniversary of *Brown v. Board of Education*. The event was held on May 13, 2004, at the Moakley Courthouse and sponsored by Facing History and Ourselves. In early 2005, Judge Lindsay was the keynote speaker at the celebration of Martin Luther King Day at the Colleges of the Fenway (Emmanuel College, Massachusetts College of Art, Massachusetts College of Pharmacy and Health Sciences, Simmons College, Wentworth Institute of Technology and Wheelock College). In April 2005, the Honorable Judge Lindsay was awarded the N. Neal Pike Prize, given annually by the N. Neal Pike Institute of Boston University School of Law "to an individual who, despite a physical or mental disability, has achieved notable success."

Judge Patti B. Saris continued her term of service as chairman of the Defender Services Committee of the Judicial Conference in 2004. The Committee funds about 169,000 criminal representations per year and has a budget of over 600 million dollars. Judge Saris served on the committee for eight years. The jurisdiction of the committee includes Federal Defender offices and attorneys appointed to the panel under the Criminal Justice Act. In addition, the committee also funds attorneys appointed to represent habeas corpus petitioners.

In recognition of her efforts on the bench, the **Honorable Nancy Gertner** received the "Judicial Excellence Award" for 2004 given by Lawyers Weekly at their annual Celebration of Excellence in the Law program. Judge Gertner concluded the second year of a three-year term on the Information Technology Committee of the Judicial Conference. The Committee provides general policy recommendations and planning oversight of the judiciary information technology program. In addition to teaching a course at Yale Law School, Judge Gertner gave a panel presentation at Haifa University Law School in Israel on Civil Liberties and Terrorism Prosecution. She also traveled to China (Shanghai and Beijing) and Viet Nam to teach. She is a member of the Advisory Board of the American Bar Association's Central European and Eurasian Law Initiative (CEELI) and attends biannual meetings of the Board in Washington, DC. In 2005, Judge Nancy Gertner received the "Great Friend of Justice Award" given by the Massachusetts Bar Foundation at their annual meeting. Judge Gertner was additionally honored by the Boston Bar Association at their Law Day Dinner, and was given their "Citation of Judicial Excellence." Judge Gertner also concluded the third year of a three-year term on the Information Technology Committee of the Judicial Conference. While continuing to teach a course on Sentencing at Yale Law School, Judge Gertner helped to establish the Equality Commission, which was formed by the Women's Bar Association of Massachusetts and is working in conjunction with the MIT Workplace Center to gather information on attrition in the legal profession. Together with The Honorable Samuel Anthony Alito, Jr., The Honorable Philip Heymann, The Honorable Edwin Meese III, The Honorable Paul Cassell, and other members of the Sentencing Initiative Committee of the Constitution Project, Judge Gertner is helping to develop improvements in federal sentencing laws, especially in light of state experiences.



As part of the "Distinguished Jurist-in-Residence Lecture" series at Maine Law School, Judge Gertner gave a lecture and wrote a law review article entitled, "Sentencing Reform: When Everyone Behaves Badly," 57 Me. L. Rev. 569. Judge Gertner gave the Commencement address and received an honorary degree from the Western New England School of Law in Springfield, Massachusetts. Sponsored by the Documentation Center of Cambodia, in connection with the 2005 DC-Cam Legal Training Project, Judge Gertner traveled to Cambodia to teach lawyers slated to appear before the Khmer Rouge War Crimes Tribunal.

In December 2004, **Judge Michael A. Ponsor** concluded his second three-year term as a member of the Judicial Conference Committee on the Magistrate Judge System and ended his service on that committee. The Committee provides oversight of the federal magistrate judges system. Judge Ponsor was appointed to the Budget Committee of the Judicial Conference in 2005. The Committee assembles and presents to Congress the budget for the judicial branch. From January to April, Judge Ponsor taught a seminar at

Western New England College School of Law entitled "Civil Litigation in the Pre-Trial Phase." He participated in a panel on effective legal writing and presented some remarks on professionalism to the law school's entering first year class. In May, Judge Ponsor gave a series of seminars in Vilnius and Kaunas, Lithuania on the topic of judicial ethics, sponsored by the European Law Students Association. Finally, Judge Ponsor helped organize a local committee to memorialize the hanging of two luckless Irish workingmen in Northampton in 1806. Dominic Daley and James Halligan were hung for a murder they almost certainly did not commit.

During 2004 and 2005, **Judge George A. O'Toole** continued his term of service as a member of the Committee on Judicial Security and Facilities of the Judicial Conference. The Committee reviews, monitors and proposes to the Judicial Conference policies regarding the judiciary's space and facilities requirements, security of the courts and the federal judiciary, and security for court proceedings and court facilities.





The District at a Glance

Criminal Justice Act (CJA)

The local Criminal Justice Act (CJA) Plan which was amended in 1993 continues in effect for the District of Massachusetts. Several members of the bar continued to participate in CJA related activities in the District, along with the Federal Public Defender's Office.

In November 2003, the Judges of the Court approved a Pilot Project for the Early Appointment of Counsel which was recommended by the Committee to Study the Criminal Local Rules. This pilot program which began on January 5, 2004 was implemented to provide for the appointment of counsel before defendants are interviewed by Pretrial Services and before an initial appearance is conducted.

Under the pilot program, the Federal Defender Office and the Criminal Justice Act Board each will furnish one duty attorney who will be present in the courthouse during business hours. When court appointed counsel is requested, counsel has the opportunity to be present when the defendant is interviewed by Pretrial Services and during the appearance before the Magistrate Judge. The pilot program was evaluated and subsequently made permanent by the court.

The number of CJA vouchers processed for payments in 2004 decreased slightly from the number processed in 2003, approximately 1%, while the amount paid to attorneys, experts and court reporters increased by about 9.5%. There was a significant increase in both areas for 2005.

The total amount of CJA payments increased by approximately 25%, while the number of CJA vouchers processed for 2005 increased by approximately 17% over the figures for 2004.

Year	CJA Payments	CJA Vouchers
2000	\$2,743,582.	1072
2001	\$2,396,304.	979
2002	\$2,803,948.	1019
2003	\$4,217,041.	995
2004	\$4,619,226.	986
2005	\$5,783,294.	1156

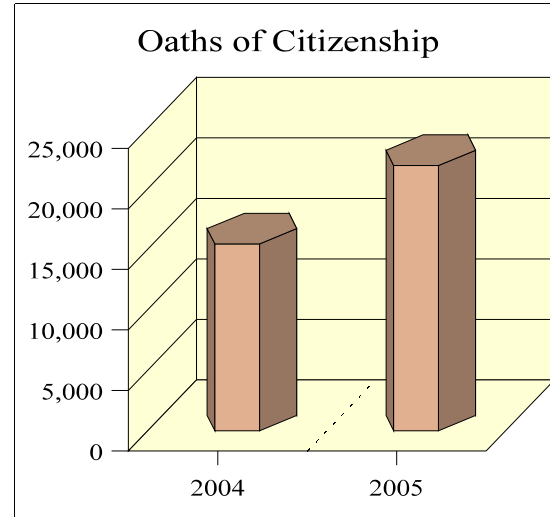
Juror Utilization

In 2004, 26.3 percent of the petit jurors present for jury selection in the District of Massachusetts were not selected, serving or challenged (NSSC) on the first day of jury service. This was a decrease from the 33.1 percent reported in 2003 which was significantly higher than previous years due to several high profile and death penalty cases. There was further improvement in the average of jurors NSSC in 2005 in the District of Massachusetts with the rate decreasing to 20.9 percent. This placed our district first among those courts nationally with six or more active Article III judges in one location and 12th out of all 94 courts.



Jury Utilization - % of Jurors Not Selected, Serving or Challenged		
Year	District of Massachusetts	National
2000	22.8	37.5
2001	20.0	39.2
2002	25.3	39.2
2003	33.1	39.6
2004	26.3	36.1
2005	20.9	37.8

Source: Report on Juror Utilization for the 12 month period ending December 31



Interpreters

In April 2005, there was a major change in the procurement process for hiring interpreters for court proceedings. A new, national procedure requiring interpreters to execute an agreement to the terms and conditions regarding qualifications, rates for services, travel and/or other expenses was instituted by the Administrative Office. This required all court interpreters utilized for court proceedings to execute this contract for the remainder of FY 2005. Each interpreter also was required to submit to fingerprinting and records checks. A new invoice also has been created for use by interpreters, requiring specific information and approval by the court before submission for payment. Although this process was cumbersome initially, the end result has been more consistency, uniformity and timely processing of vouchers for payment to the contract court interpreters.

Naturalization

In 2004, the Citizenship and Immigration Services and the Court worked cooperatively to hold a total of 43 naturalization ceremonies at which 15,436 applicants were sworn in as new citizens by

federal judges. The court continued its involvement in 2005 by administering the oath of citizenship to 21,913 people at 42 ceremonies. The number of new citizens sworn in for 2005 represented a 41% increase over 2004.



“Matthew J. Lee - The Boston Globe”



Human Resources

As with every successful organization, the most valuable resource of the District Court is its people. The role of the Human Resources (HR) Department is to serve as a source of information and expertise, providing quality customer service for every employee in their ever-changing needs. HR acts as catalyst, recommending and recruiting the best qualified people, while recognizing and encouraging the value of diversity in the United States District Court.

During this period, numerous changes occurred in all three offices supported by our consolidated Human Resources Department. All three incumbent Court Unit Executives, the Clerk of Court, Chief Probation Officer, and Chief Pretrial Services Officer, resigned or retired and new unit heads were selected. In December 2004, it was announced that a new Clerk of Court, Sarah Allison Thornton, would begin by March, 2005.

HR continued to support the goals and challenges of the United States District Court, the United States Probation Department and the United States Pretrial Services Office by providing services which promote an environment characterized by fair treatment of staff, open communication, personal accountability, trust and mutual respect. Human Resources sought to provide solutions to problems that support and optimize the operating principles of the Court. Throughout 2005, the HR staff was challenged with appointments, separations, resignations and retirements. In order to streamline their duties, they received training from the Administrative Office (AO) on two programs: Electronic Transmission of Personnel Forms and the Human Resources Management Information System (HRMIS).

The Electronic Transmission of Personnel Forms, a program developed and implemented by the

Court Personnel Management Division of the AO, allows local court units to not only electronically initiate personnel actions but also electronically transmit them to the AO. The automation of these forms eliminates the need to mail, fax or send by Federal Express mail many personnel actions.

The HRMIS View Access provides staff in individual courts real-time rights to personnel and payroll information. This system permits review and verification of changes online including benefits and payroll data, the running of reports and initiation of predefined queries.

Training and Quality Control

Quality control continues to be an integral part of the Court's case management system. The data quality analysts spend a great deal of time reviewing the work performed by court staff to ensure that the data contained in the Court's database is reliable.

In December of 2005, the Court began using Data Assurance Reporting and Tracking System software (DARTS), originally designed by a Clerk's Office employee from the Bankruptcy Court of Eastern and Western Districts of Arkansas, and modified for our use. That software permits anyone in the Clerk's Office to report an error, and permits the deputy clerk responsible for the correction to post the resolution of that error. This software is helpful in tracking trends in errors that may be addressed through training or software modifications to the CM/ECF database.

The demand for training for both Court staff and the bar has continued to increase in the past two years. We have offered a variety of training programs for court staff, on such topics as Adobe writer, ergonomics, customer service, courtroom clerk skills, CM/ECF for court staff, and use of the conflict checking software for chambers staff.



Court personnel continue to take advantage of the Clerk's Office video library, and the broadcasts offered by the Federal Judicial Television Network (FJTN).

In July 2005, the Clerk's Office hosted a regional FAS₄T review class taught by Administrative Office staff. This class was attended by approximately 20 employees from court agencies in four of the districts of the First Circuit.

On occasion, the training section has been called upon to develop training plans to address specific needs for court staff. These have been well received and have proven successful.

In January, 2004, the Training and Quality Control Manager attended a class sponsored by the Federal Judicial Center for Process Improvement Facilitators. As a result of that training, a Process Improvement Workshop was held in Boston for staff in the Clerk's Office, Probation, Pretrial Services, United States Marshal and United States Attorney's Offices. That session led to changes in a number of procedures, and better communication among all involved.

At the suggestion of a departing law clerk, a session on the use of ECF was developed specifically for that group. The first class in 2004 was well attended, and has become an annual event. During that class, we focused on using the Electronic Case Files system as an attorney, showing the differences they will see from their access as a court employee. During the fall of 2004, the American Bar Association offered a seminar to all law clerks on employment law which was well received.

During the summer of 2004, the Clerk's Office Internship program was revamped to provide a more well-rounded experience for our interns. A schedule is prepared so that all interns rotate

through the different sections of the Clerk's Office. Time is scheduled for each intern to observe court proceedings. On the day an intern is scheduled to go to court, the Training Manager coordinates the visit with a courtroom deputy clerk so that the intern is able to meet the Judicial Officer and, when possible, sit inside the bar enclosure for a more up-close experience. Our interns have found this to be a very rewarding part of their experience with us.

In April of 2004 and again in February 2005, the Systems Department, facilitated by the Training and Quality Control Manager, offered another seminar on the use of the court's electronic courtrooms. This class was advertised as an opportunity for attorneys, and more importantly, their systems staff, to come to the courthouse and learn what we have to offer in our electronic courtrooms. Time is set aside at the end of the program to allow anyone interested to give the equipment a 'test drive'.

A number of guides have been developed or updated in the past two years, with more to come. The Quality Assurance guide for court staff has been revised as we approach mandatory electronic filing, and a guide was written on the use of the DARTS program.

In April 2005, an orientation plan for new Judicial Officers was developed. That document serves two purposes: court staff are able to efficiently prepare for the new judge's arrival, and the new judge will have a better sense of what to expect, and who to approach with questions. One important part of the plan is the mentor program. Each new judicial officer is paired with one or more judges, either to accompany to court, or to call on with questions. Two new judges have used the plan since its inception, and both have found it helpful.



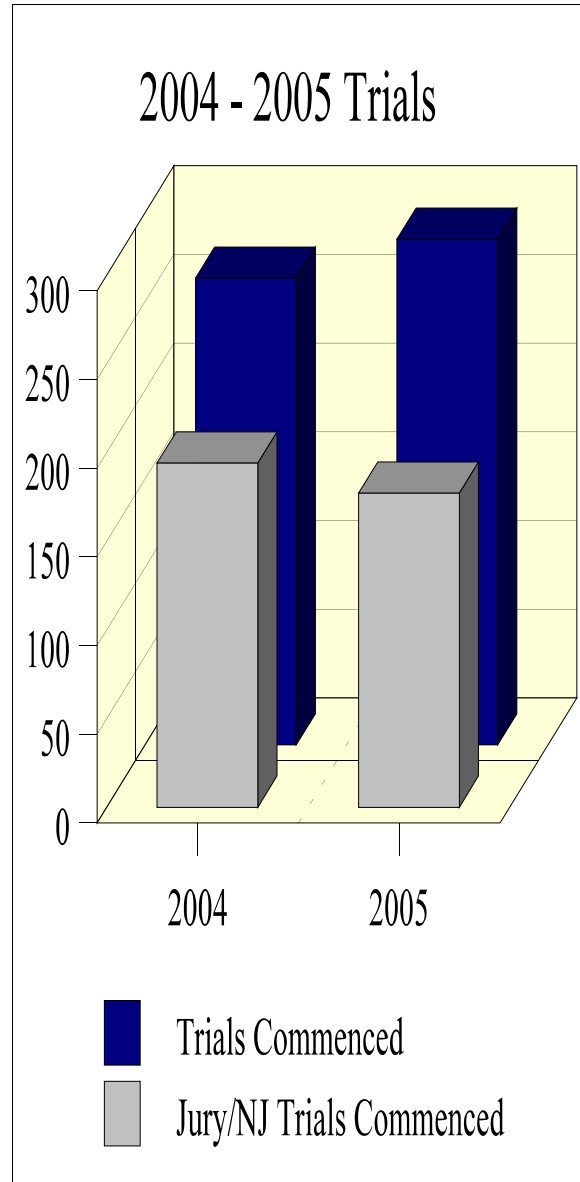
Trials and Hours of In-Court Activity

The total number of trials commenced in this district rose 8.3 percent in 2005, from 263 in 2004 to 285 this past year. While the total number of trials increased, the total number of jury and non-jury trials actually decreased 8.7 percent during this time period (from 194 in 2004 to 177 in 2005). The total number of in-court hours also fell from 11,872 in 2004 to 11,549 in 2005. Days on trial grew from 1,081 in 2004 to 1,170 in 2005 and hours on trial increased 2.1 percent in 2005 (4,627 hours in 2004 v. 4,724 hours in 2005). The total amount of in-court hours spent on matters other than trials decreased from 7,245 in 2004 to 6,825 in 2005.

Caseload Statistics

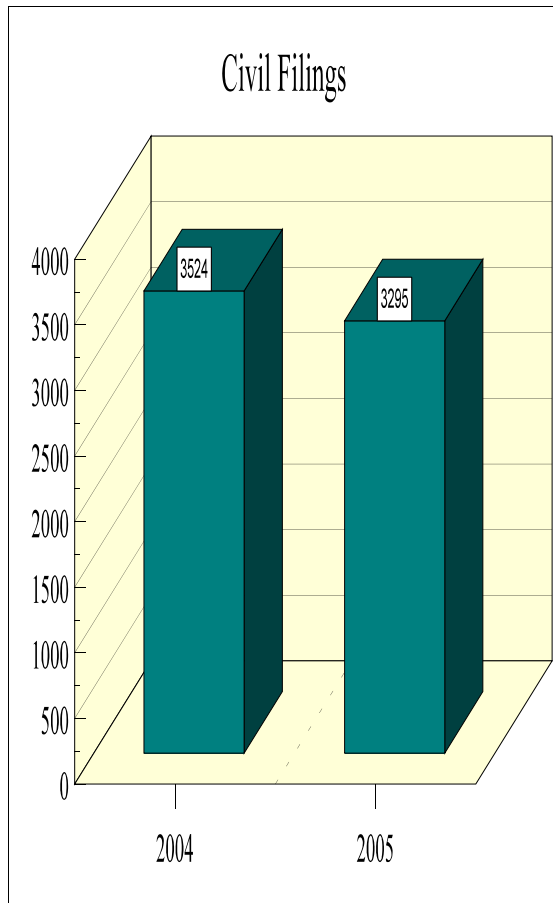
In 2005, the District Court opened 3,295 civil cases and disposed of 3,546 civil cases. At year-end, 3,415 civil cases were pending. Civil case filings decreased 6 percent from 3524 in 2004 to 3295 in 2005. This decrease, albeit lower, was consistent with the national trend which showed an overall decline of 10 percent. In this district, significant reductions occurred in personal injury/product liability cases, contract cases and civil rights filings.

Even with a 18 percent decline in the number of tort filings in 2005, tort cases still represented the most often filed nature of suit in this district. Categories of civil cases that experienced the most growth in 2005 were overpayments (up 286%), property rights (up 18%) and social security cases (up 13%).

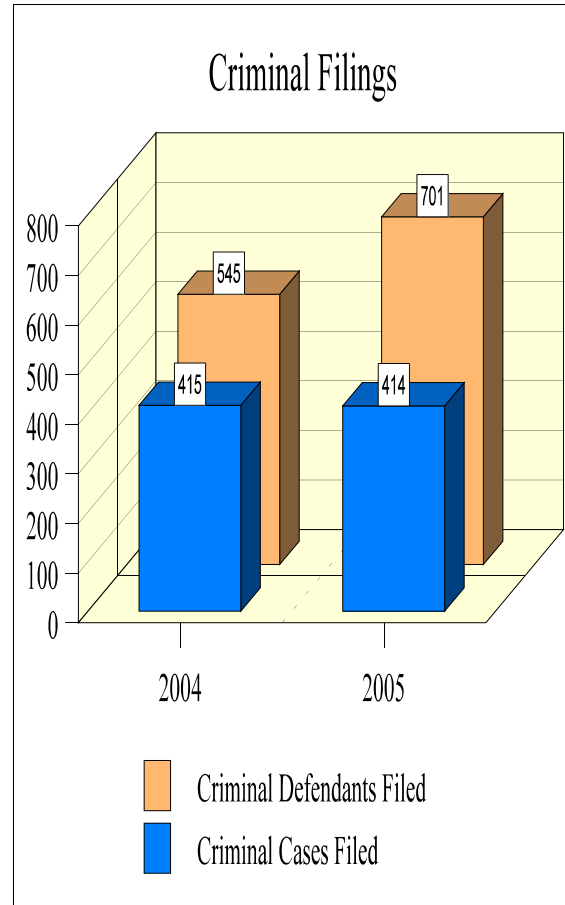




The Court opened 414 criminal cases involving a total of 701 defendants in 2005. A total of 462 criminal cases and 636 criminal defendants were closed. At the conclusion of 2005, 1,407 defendants had charges pending.



After declining 3 percent in 2004, criminal case filings remained relatively stable in 2005. The slight decrease in 2005 represented the fourth consecutive year that this district experienced a reduction. This decrease was consistent with the national trend which recorded a 2 percent decline in 2005. This drop at the national level was the first since 1996, a period during which criminal case filings grew 45 percent.



Criminal defendant filings surged almost 29 percent from 545 in 2004 to 701 in 2005. Nationally, criminal defendant filings dipped one percent in 2005 to 92,226.

Drug and fraud cases continue to represent the most significant part of the criminal caseload in this district. Non-marijuana drug cases grew 6 percent in 2005 while fraud cases remained stable. Other categories of criminal cases that experienced increases were immigration filings (up 4%) and firearms and explosives cases (up 28%).



Courtroom Technology

The evidence presentation system in courtroom 2 in Boston underwent a major upgrade in 2004. The highlights of the upgrade included additional controls to allow the courtroom clerk to select evidence sources and viewing destinations, additional audio/video inputs at the podium and attorney tables for personal computers, CD players or other audio devices, a combination DVD/VCR player in the podium, and a DVD recorder for recording video and other evidence.



An infrared assisted listening/interpretation system has been installed for hearing impaired and non-English speaking participants. For assisted listening, the system is connected to the courtroom sound equipment so that speakers' voices are amplified and transmitted to wireless headsets. Interpreters can speak into a specially configured microphone, which is also transmitted to the headsets. Audio connections were modified so that this equipment could be used in all courtrooms.

The installation of a new electronic courtroom and audio systems in our Worcester courthouse was completed in April. The electronic courtroom system in Springfield was relocated from courtroom 2 to courtroom 1 in October.

We also completed a major sound system improvement project in our active district judge courtrooms in Boston. Over time, we had discovered various wiring and configuration problems had contributed to poor audio performance. In response to this, a contractor was hired to analyze the sound systems, increase microphone output, install an audio connections to allow court reporters to record proceedings, integrate the infrared assisted listening/interpretation systems, test microphone alternatives, and make any necessary repairs and adjustments to insure adequate sound reinforcement.



In 2005, new Evidence Presentation Systems were installed in courtrooms 1 and 11 in Boston. This project included flat screen monitors, control systems, and audio-video resources similar to our other electronic courtrooms. A custom-built media cart was included for courtroom 1.

A Netware server and tape backup system have been placed in the Williams building to mirror data from Boston, Springfield, and Worcester. If anything happens to the production servers, or a



building becomes inaccessible, users can be switched over to the mirrored data. In addition, an updated wireless link was installed to facilitate offsite backups and redundancy.

Another joint project with the other Moakley Building court units in 2005 was a complete upgrade of the network communication infrastructure. The new equipment will provide better performance, increased user capacity, and better security.



Alternative Dispute Resolution

The Alternative Dispute Resolution (ADR) Program continued to play a vital role in pre-trial resolution of a broad range of civil matters during the years 2004 and 2005. In 2004, 304 cases were referred to the ADR Program, and 243 were mediated in the same year. The majority of cases were mediated by two senior judges (135 cases total) and seven magistrate judges in Boston, Worcester and Springfield (91 cases total).

In addition to the mediations conducted by judicial officers, the Court's ADR Panel, a group of professional mediators who provide services to the Court on a voluntary basis, mediated a total of 17 cases. Finally, Judge Mazzone, who chaired the Program, traveled to San Juan and mediated nine cases for the District of Puerto Rico. The rate of settlement was about 70% in 2004.

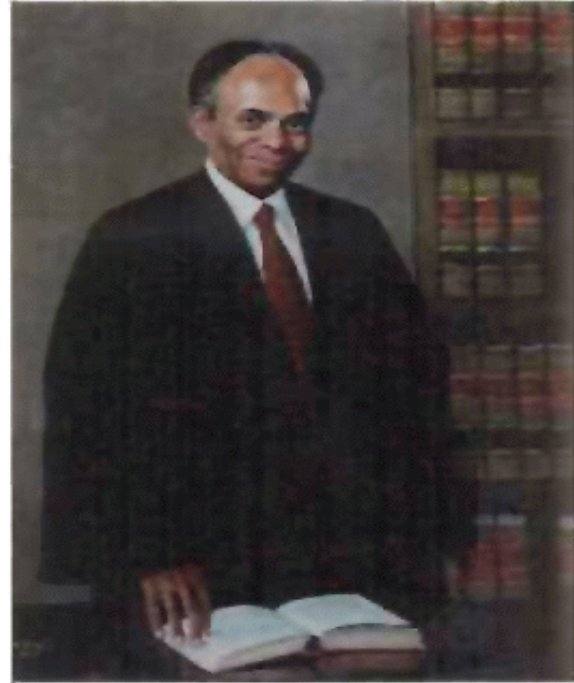
The ADR Program underwent significant changes in the last quarter of 2004 and the first half of 2005 following the deaths of Judge Mazzone, the chair of the Program, and Judge Skinner, who mediated cases on a regular basis. In 2005, 292 cases were referred to the ADR Program, and 233 were mediated that year. The magistrate judges took on a significantly larger case load, and mediated a total of 166 matters, up from 91 the year before. Magistrate Judge Marianne Bowler also traveled to San Juan to mediate 7 cases for the District of Puerto Rico. In addition, the Program relied heavily on the ADR Panel, whose volunteers mediated a total of 67 matters, up from 17 in 2004. The settlement rate in 2004 was about 63%.

In 2005, the Program sought to expand its roster of ADR Panel mediators to help fill the gap left by the loss of the two senior judges. As a result of continuing efforts, the Panel currently has close to 50 volunteers, who are highly regarded by counsel and parties, and now receive referrals on a regular basis. Goals for the Program in 2006 include a continued expansion of the ADR Panel and an in-depth evaluation, based on input from judges, counsel, and litigants, of how the Program can best serve the Court and the legal community.



David S. Nelson Fellowship Program

For the last decade, each summer the federal district court has hosted 8-10 students from the Boston Public School system in the David S. Nelson Fellowship Program. The students are assigned to judicial chambers, take classes in literature and writing, participate in mock trials, and attend court proceedings. Those students, who have just finished their junior year, also receive counseling and mentoring for the college application process. Initiated by Judge Mark L. Wolf, the program is now chaired by Judges Reginald Lindsay and Patti B. Saris. Most judges and magistrate judges have taken interns over the years. We are proud of our alumnus who are graduating college, attending law school, serving in the Probation and Clerk's offices, and working in the Boston area. A ten-year reunion has been planned.



**The late David S. Nelson
United States District Judge
District of Massachusetts
1979 - 1998**

Divisional Offices *Springfield*

The Springfield Clerk's Office is staffed by five employees; two courtroom clerks, two docket/generalist clerks and a division manager who supervises the staff and coordinates the functions of and services provided by the office.

In the Spring of 2004, a courtroom was provided to competing western Massachusetts high schools in the Massachusetts Bar Association's annual mock trial competition. The court has provided a courtroom for this competition for several years.

On October 4, 2004, a memorial tribute to former Chief Judge Frank H. Freedman was held. Judge Freedman opened the full time Springfield court in 1979. The tribute was attended by the Freedman family, Judges and Magistrate Judges from Boston, former law clerks and staff, local judges, attorneys and friends.

The annual Clerk's Office employee recognition breakfast was held in the fall and was attended by the Clerk, clerk's office staff, Judge Ponsor, Magistrate Judge Neiman and chambers staff. Two members of the staff received 25 year pins.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS



On November 17, 2004, the Open Doors to the Federal Courts program was held in the courthouse for the third time. The program was coordinated by Magistrate Judge Neiman and his staff. The theme of the program was "The Role of the Courts in Balancing Liberty and Safety." As part of the program, students from Hopkins Academy participated in a mock criminal trial with the assistance of court staff.

In 2004, 277 civil cases and 29 criminal cases were filed in the Western Section. At the end of the calendar year Judge Ponsor had 204 civil cases and 55 criminal cases pending. Magistrate Judge Neiman had 66 consent civil cases pending.

In February and March, the Massachusetts Bar Association again sponsored the annual high school moot court competition for which a courtroom was provided.

On November 9 the Open Doors to the Federal Courts program was conducted. Forty-five Greenfield High School students attended the program entitled "Jury Service - The Faces of Justice." The students participated in a mock trial presentation of jury selection and the penalty phase of a criminal death penalty case. Magistrate Judge Neiman and his staff coordinated the event.

In 2005, 296 civil cases and 65 criminal cases were filed in the Western Section. At the end of the calendar year Judge Ponsor had 91 criminal cases and 220 civil cases pending. Magistrate Judge Neiman had 67 civil consent cases pending.

The groundbreaking ceremony for the new federal courthouse in Springfield was held on September 28, 2004, and full scale construction began in March 2005.



The courthouse will be located on State Street adjacent to the St. Michael's Cathedral, the Library. The 150,000 square foot state-of-the-art facility will cost approximately 55 million dollars. It will include three courtrooms (with a fourth for expansion), 15 indoor parking spaces, and an outdoor parking lot with approximately 50 spaces. The building is designed by world renowned architect, Moshe Safdie. Congressman Richard E. Neal (D-MA), the U.S. District Court, the U.S. Bankruptcy Court, the U.S. Probation Department, the U.S. Pretrial Services Department, the U.S. Marshal's Service, and the U.S. Attorney's Office will all occupy the new courthouse. Museum of Fine Arts and the Springfield Public

The exterior work on the facility is expected to be completed in the fall of 2006 and the interior work is scheduled to begin shortly thereafter. The courthouse is scheduled to open in the spring of 2008.



Worcester

F. Dennis Saylor, IV was sworn in as the second United States District Court Judge for the Worcester Session during a ceremony conducted at Mechanics Hall in September 2004.

The Clerk's Office in Worcester is staffed by five employees; two courtroom clerks, two docket/generalist clerks and the division manager. The division manager is responsible for oversight of all functions and working with the staff to coordinate their efforts in meeting the standards of the Clerk's Office Mission Statement. Cross-training has been completed in the areas of customer service, jury, administrative services, docketing and courtroom clerk responsibilities. This proved beneficial when a courtroom clerk assigned to a Magistrate Judge in Worcester covered a criminal trial in Boston and a generalist covered the court proceedings in Worcester.

The divisional office in Worcester continues to assist in projects that benefit the entire court. One of its accomplishments was updating attorney records for the CM/ECF database. Staff verified names, addresses, phone numbers and email addresses and reported any duplicate records for removal from the database. The divisional office continues to assist in testing various updates of CM/ECF.

In November, 2004 Judge Saylor and Magistrate Judge Swartwood hosted a workshop for the Worcester County Bar Association to discuss and exchange ideas on Federal Court practices and procedures in both civil and criminal matters.

In May 2005, a workshop for CJA appointed attorneys and a seminar entitled "A Judicial View of Expert Witnesses" were hosted by Judge Saylor and Chief Magistrate Judge Swartwood.

In July 2005, a criminal trial for the District of Rhode Island was conducted in Worcester by Judge Lisi. This effort was coordinated by the division manager and Clerk of Court for the District of Rhode Island.

Pursuant to the Worcester Outreach Program, the division manager works closely with Career Services from a local college in choosing students to participate in the Internship Program. The students are sworn in as deputy clerks and assist in the areas of customer service, jury and records.

Throughout 2004 and 2005, the divisional office hosted several "Arts and the Law" programs for the Worcester Public School students in grades 6 through 12. These programs include interactive plays and encourage participation by the students. The programs are coordinated by the division manager and staff from the Discovering Justice program.



A Statistical Review

