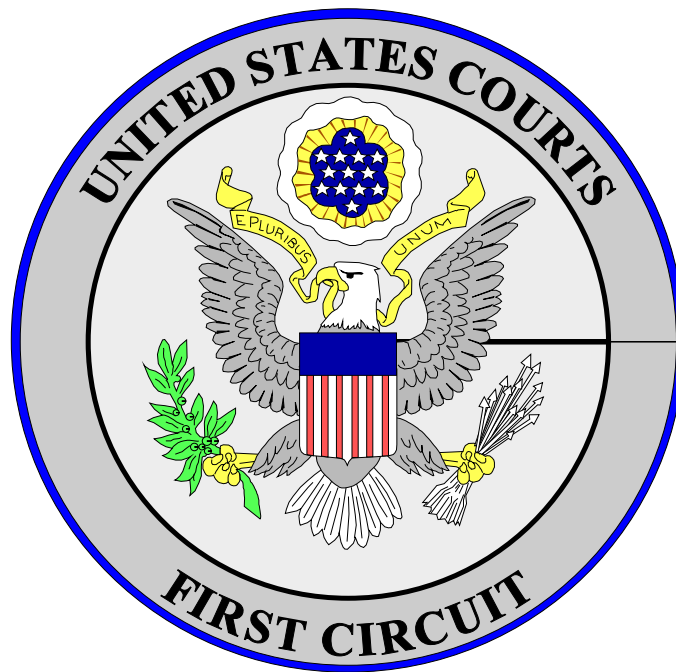


# UNITED STATES COURTS FOR THE FIRST CIRCUIT



## FIRST CIRCUIT ANNUAL REPORT

**MICHAEL BOUDIN**  
CHIEF JUDGE

**GARY H. WENTE**  
CIRCUIT EXECUTIVE

**United States Courts for the First Circuit  
2001 Annual Report**

**December 2002**

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**FOREWORD**

*by*

**Gary H. Wente**  
**Circuit Executive**

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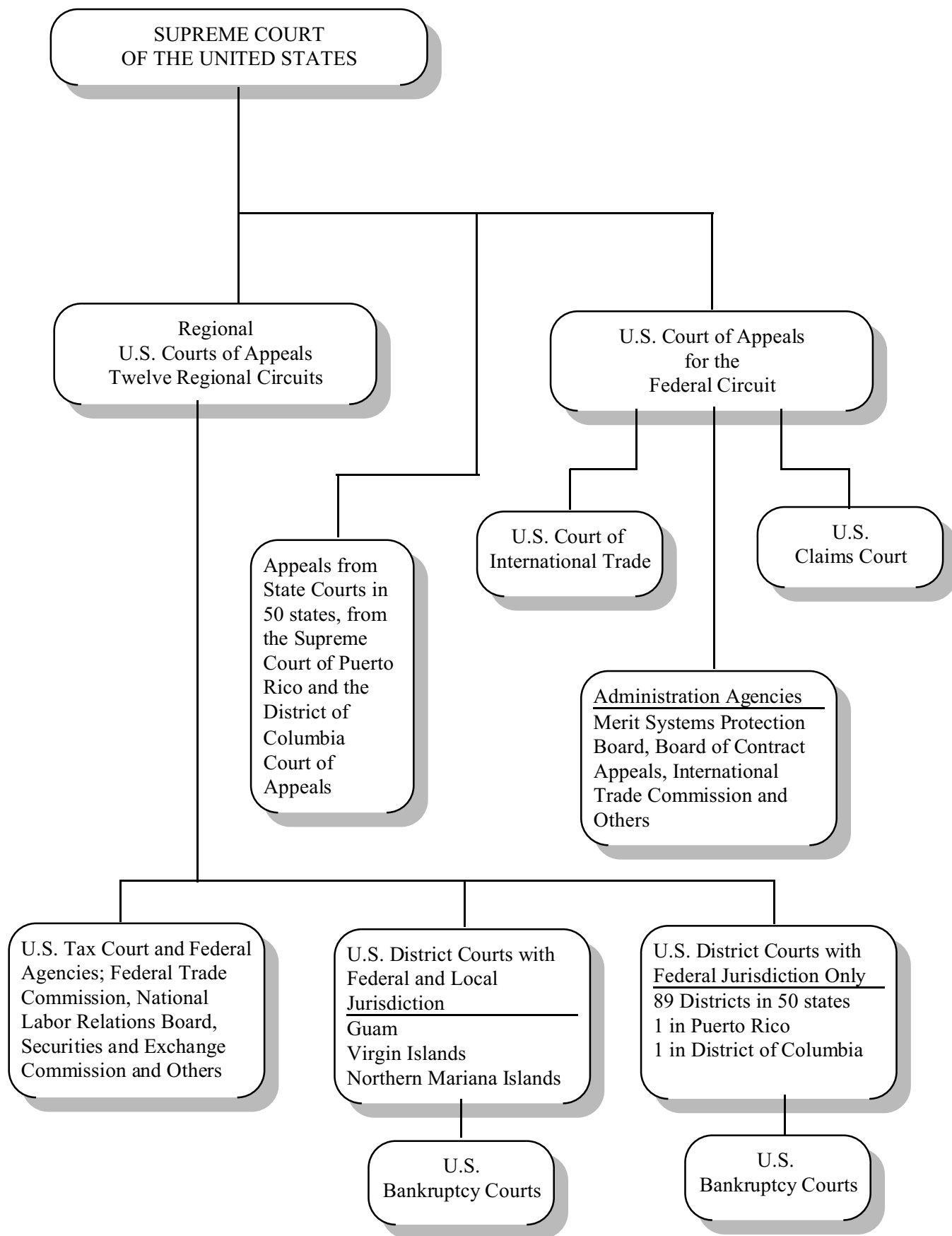
One of the benefits of producing an annual report is that you are offered the opportunity to reflect upon the many events that we must respond to as they happen. Although responsiveness is critically important to deal with the situation at hand, the full impact on our professional and personal lives becomes apparent much later. The federal courts, as usual, are on the forefront of most of these issues as our nation responds to unprecedented change. Many of these remarkable changes are highlighted in this Annual Report.

I would like to take this opportunity to thank everyone for providing the information and statistics that have been collected, especially our chief district judges and clerks of court throughout the circuit. Steve Schlesinger and his ever-reliable and professional staff in the Statistics Division of the Administrative Office of the United States Courts provided us with the caseload numbers and Michelle Clements is responsible for turning everything into this beautiful document. The format for many of our graphs was originally developed by my former assistant in the Tenth Circuit, Julie Baehr. Julie, with her unfailing generosity, shared her expertise with us in the early days of assembling this report. To each of these fine people, my heartfelt thanks.

Finally, a note of special thanks to Vincent Flanagan, who worked long and hard to lead this project to conclusion and who has been a trusted and valuable colleague for many years. Vinnie's insight, consistent graciousness and remarkable intelligence have made my transition to life in Boston and the First Circuit a pleasure. I will be forever grateful to him for his friendship and continuing support.



Structure of the Federal Judiciary







**Narrative Reports**  
**of the Unit Executives**  
**of the First Circuit**



## **NARRATIVE REPORTS OF THE UNIT EXECUTIVES**

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

#### **CLERK'S OFFICE**

The Clerk's Office for the U.S. Court of Appeals for the First Circuit continued to pursue its automation projects during 2001.

Redesign and cleanup efforts in AIMS, the appellate case management tracking system, continued full force. Phase 2 of the database cleanup project commenced in October 2000 when a team of docketing experts from across the country joined the case managers of the Clerk's Office in conducting a comprehensive review of all pending cases. Case status and deadlines were confirmed, updates to the database were made, and new events and reliefs were created.

Follow-up to Phase 1 of the cleanup efforts also commenced. In January 2000, a mailing was sent to all attorneys in the Court of Appeals' database – 35,000 names – in an attempt to verify attorney bar numbers and addresses. Approximately 12,000 were returned as undeliverable. Throughout the spring and continuing into the fall, addresses were researched and corrections were made to the database.

Efforts to automate the records of the Clerk's Office are ongoing. Currently, admissions records dating back to 1960 are being entered into the database, replacing index cards and manual admissions journals.

The expertise of the data quality supervisor for the Clerk's Office was recognized by the Administrative Office. Tim Wilson was appointed to the Appellate Working Group of the Case Management/Electronic Case Filing Project (CM/ECF). The group is comprised of appellate representatives from across the country, working together in the design review, development and testing process for the appellate software product required to implement CM/ECF.

There were several changes made to the local rules of the First Circuit: an interim amendment to Local Rule 36(b)(2)(F) was adopted on Sept. 24, 2001, stating that when unpublished opinions of the Court of Appeals for the First Circuit appear in the new West's Federal Appendix, they continue to be unpublished opinions for purposes of our current ban on citing unpublished opinions (except in related cases). In addition, Local Rule 27 and Internal Operating Procedure V. Motion Procedures were amended to address the procedure for seeking emergency relief. Finally, amendments to Local Rules 32 and 35 impose a disk requirement for petitions for rehearing and all documents exceeding 10 pages.

A major staffing change occurred in the Clerk's Office. The clerk, Phoebe Morse, was named clerk of the Bankruptcy Appellate Panel and a nationwide search was conducted for her replacement. Richard Cushing Donovan, formerly the clerk of court for the U.S. Bankruptcy Court for the District of Maryland, was chosen by the court in September 2001 and began his appointment in December.

In fiscal year 2001, the Court of Appeals reported 1,762 filings compared to 1,463 filings for fiscal year 2000 – a 20.4 percent increase. The court also reported an 11 percent increase in terminations from 1,365 in fiscal year 2000 to 1,515 in fiscal year 2001, and a 19.5 percent increase in pending cases from 1,266 in fiscal year 2000 to 1,513 in fiscal year 2001. Each of these increases represents a one-year level increase compared to the statistics for the last ten years. The 20.4 percent increase in filings was the largest increase for any circuit in the country. As was the 19.5 percent increase in pending cases, the 11 percent increase in terminations represent the third highest such increase among the circuit courts.

The source of appeals and original proceedings for the 12-month period ending Sept. 30, 2001, continues to indicate that the District of Massachusetts represents the largest source of appeals to the First Circuit at 37 percent. Appeals from the District of Puerto Rico represent the second largest source at 28 percent. Appeals from Maine, New Hampshire and Rhode Island, respectively, represent 9 percent, 6 percent and 9 percent of appeals. The remaining 11 percent of cases brought before the court in fiscal year 2001 represented appeals from the bankruptcy court, U.S. Tax Court, NLRB, administrative agencies and original proceedings. Compared to national averages, the First Circuit Court of Appeals' caseload mix was much heavier in criminal appeals (35.8 percent) compared to a national average of 19.6 percent, and much lower in private prisoner petitions (8.2 percent), compared to a national average of 21.2 percent.

The court's median time from the filing of notice of appeal to final disposition was 10.5 months in fiscal year 2000, compared to the national median time of 10.9 months.

## OFFICE OF THE STAFF ATTORNEYS

The Office of the Staff Attorneys does research for the judges of the U.S. Court of Appeals for the First Circuit. During 2001, there was one senior staff attorney, one supervisory staff attorney, 15 attorneys, (seven part-time, eight full-time) and two support personnel.

For the calendar year 2001, the following number of matters were referred by the Clerk's Office to the Office of the Staff Attorneys:

January	102	July	155
February	136	August	123
March	145	September	104
April	122	October	173
May	129	November	151
June	150	December	114

Total: 1,604

The type of matters referred to the staff attorneys by the Court of Appeals clerk included applications for certificates of appealability, motions for summary affirmance, applications for leave to file second or successive habeas petitions, motions for summary affirmance or dismissal, mandamus petitions, motions for stay or for bail, § 1292(b) petitions, applications to file an interlocutory appeal under Fed. R. Civ. P. 23(f), and many other miscellaneous matters.

In addition to matters referred by the Clerk's Office, staff attorneys also work on some of the sua sponte summary affirmances and on some of the appeals submitted for decision without oral argument.

## **CIVIL APPEALS MANAGEMENT PROGRAM**

The First Circuit's Civil Appeals Management Program (hereinafter CAMP) is governed by Local Rule 33. The process begins with the filing of a notice of appeal with the clerk of the Court of Appeals who notifies the appellant of the program. The appellant is required to file a docketing statement with the clerk and the settlement counsel in the form required by Local Rule 3(a). The clerk also notifies the settlement counsel of all civil appeals considered eligible for the program.

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

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

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

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

History of settlement negotiations before and since the judgment or order appealed from;

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

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

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

The conferences run generally from one to three hours with the norm being about two to 2 ½ hours. In special circumstances the conference can be conducted by telephone, but in-person conferences are preferred because experience demonstrates that in-person conferences are much more likely to produce positive results. After the initial conference, the settlement counsel may conduct one or more follow-up telephone conferences and, in some cases, have the parties appear for a subsequent in-person conference.

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

In calendar year 2001, one or more conferences were held in 256 cases, which produced 101 settlements for a settlement percentage of 39.5 percent.

## **BANKRUPTCY APPELLATE PANEL**

The Bankruptcy Appellate Panel, established by order of the First Circuit Judicial Council in 1996, hears appeals from decisions of bankruptcy judges from all districts within the circuit with consent of the parties. Twelve bankruptcy judges participated on the panel in 2001, including Judge Louis H. Kornreich from the District of Maine, who was added to the panel by special vote of the Judicial Council. The Judicial Council also authorized the appointment of Judge Colleen A. Brown from the District of Vermont as a visiting judge on the panel.

One hundred and one cases were terminated during 2001, and about a third of these were disposed of after oral argument. Thirty written opinions were issued. Median time from notice of appeal to final disposition after hearing or submission was 9.2 months while median time from oral argument to disposition was 3.6 months. Forty-four cases were pending at the end of the year, and only three of these had been pending for more than 12 months.

Fifty-three cases were pending with the panel on Jan. 1, 2001; 92 new appeals were filed in the course of the year. The District of Massachusetts continued to be the largest source of appeals, contributing about 70 percent of new cases. The second largest source of appeals was the District of Puerto Rico, followed closely by the District of Rhode Island. Oral argument is generally held in Boston by arrangement with the Bankruptcy Court in the District of Massachusetts; periodically, oral argument is also held in San Juan, Puerto Rico.

During 2001, the panel proposed to amend its local rules to add provisions allowing summary disposition, requiring translations of documents not in the English language, and setting forth its policies on oral argument and the citation of unpublished opinions. Comments were solicited across the First Circuit, then incorporated into the proposal. The amendments to the local rules were approved by the Judicial Council and became effective early in 2002.

The year 2001 saw some staff changes as well. Barbara Beatty resigned as clerk in April, and Phoebe Morse was appointed as clerk in June. Lori Digiammarino continued as staff attorney and Pamela Rendel as the part-time case manager. In September, the Judicial Conference authorized judicial law clerk positions for Bankruptcy Appellate Panels, assigning one position to the panel for the First Circuit. In November, the panel began interviewing applicants for the position.

## **LIBRARY**

There are four libraries in the First Circuit library system: the headquarters library in Boston, plus satellites located in the courthouses in Hato Rey, Puerto Rico; Providence, Rhode Island; and Concord, New Hampshire. The Boston library provides primary service to the judges and law clerks in Maine and Massachusetts and back-up service to the other locations. In addition to chambers and court employees, the Boston library is open to members of the practicing bar, pro se litigants and the general public. The branches are closed to non-court patrons, unless special permission is authorized by a judge.

There are 13 members on the library staff: nine in the headquarters library, two in Hato Rey, one in Providence and one in Concord. Two members of the Boston staff are part-time, and currently there is one vacancy. During this year, Doug Cromwell gradually returned to work after being on leave for almost one year with a life-threatening illness. Betsy Luce replaced Allison Peters as the technical services technician in Boston. Scott Ciampa (Boston) and José Garcia (Hato Rey) were promoted from library technician to serials specialist. Gordon Pew, catalog librarian, became a “permanent” part-time member of the staff after filling a “critical exception” temporary spot for four years. The staff performs as a team, regardless of location, to provide service to the judges, law clerks and court staff within the circuit.

A pipe leaked over stacks 7, 8, and 9 in the west wing. Early detection and quick response by the staff and BCMA prevented damage to the books.

In the public access computer area, the eight computers have gained in usage, and changing configurations resulted in the proper balance between interns for the court and the general public. A second modem and dial-up Internet connection was installed this year.

The library’s Web page was greatly expanded, and additional links to external sites useful for research were added. Stephanie Mutty, Providence satellite librarian, continued to compile daily news digests, which appear on the Web page and are distributed directly to chambers and court offices requesting this service.

Karen Moss, the circuit librarian, visited chambers in every court location in the circuit during the year, from Bangor to San Juan. She participated in the planning meetings for the “new” satellite library that will return to the renovated courthouse in Providence, R.I., and in chambers library discussions for the new courthouse under design for Springfield, Mass.

The final report of the *Lawbooks* and *Library Study* was issued in September. It had been commissioned by the Judicial Conference Committee on Automation and Technology, interested in tracking how and where the money spent for books and computer-assisted legal research services was being spent. The First Circuit chambers and libraries cancelled \$146,268 in book subscriptions during the year.

Library users averaged 400 a month, ranging from a high of 553 in July to a low of 307 in September. The highest number of users continues to be private attorneys.

Circuit librarian, Karen Moss, finished her term on the Appellate Court Advisory Committee and Joint Advisory Council this year. She also served as president of the Association of Boston Law Librarians during the year 2001.

The library in Hato Rey serves 18 judicial officers, located in the courthouses in Old San Juan and Hato Rey.

The library staff provided advice and assistance to two new judicial officers who arrived this year. They also assisted the judges and chambers staff who relocated to the renovated courthouse in Old San Juan and the magistrate judges who moved upstairs into the Hato Rey federal building area vacated by the U.S. Bankruptcy Court.

The library in Providence serves eight judicial officers. The library, district court judges and magistrate judges are temporarily located in the Pastore Federal Building while the courthouse undergoes renovation.

The entire fiscal year was concerned with planning and preparing for the relocation of the library (and chambers libraries) to the renovated courthouse. It was determined that there is a problem with the floor load capacity in the new library space. Because of the reduced number of shelves per stack, there will not be room in the assigned space for 20 percent of the collection. The District Court gave the library a small annex room, which will hold some of this material. But the overall library in the renovated courthouse will be smaller than the original library.

The library in Concord, N.H., serves seven judicial officers. The two bankruptcy judges are located in permanent leased space in Manchester, N.H., rather than in Concord.



## **NARRATIVE REPORTS OF THE DISTRICT COURTS**

### **UNITED STATES DISTRICT COURT DISTRICT OF MAINE**

#### **DISTRICT COURT**

In May 1999, the District Court, in conjunction with the Board of the Cumberland County Cleaves Law Library, began to videotape interviews of members of the court and bar, as well as other persons, who have had a prominent role in the history of the federal court in Maine. To date, 23 interviews have been conducted, eight during 2001. Among those interviewed have been former U.S. Magistrate Judge Gene Beaulieu; U.S. District Judge Gene Carter; Mrs. Edward T. Gignoux; former Chief Justice of the Maine Supreme Judicial Court Vincent L. McKusick; former U.S. Attorney Peter Mills; former U.S. Bankruptcy Judge Richard Poulos; and Attorneys Ralph I. Lancaster, Sumner T. Bernstein, Roger A. Putnam, Lewis Vafiades and Duane D. Fitzgerald.

The first Morton A. Brody Distinguished Service Award was presented to U.S. Court of Appeals Judge Guido Calabresi of the Second Circuit during ceremonies held in April 2001 at Colby College in Waterville. The award, which recognizes a federal or state judge who demonstrates integrity, compassion, humanity and judicial excellence, is named for Judge Brody, who served in the U.S. District Court in Bangor for nine years until his death in March 2000.

In April, the Clerk's Office implemented a new opinion list-serve program on the district's Web page whereby attorneys can arrange to have an e-mail notice automatically sent to them whenever an opinion is filed in the District of Maine or whenever a local rule is amended. The e-mail message contains a direct link to the opinion text. The list-serve program was created by the systems staff using Lyris List Manager software and Active Server Pages. Opinions can be searched by keyword, date or judicial officer.

The annual orientation program for new law clerks was held in September. The day-long program is planned by members of the Clerk's Office, career law clerks and chambers staff, and includes presentations by the judicial officers, unit executives and other staff. Among the topics discussed are ethics, library resources, personnel issues, automation support and court security.

The funding and design portion of the long-overdue project to renovate the district courtroom in the Margaret Chase Federal Building and Courthouse in Bangor was concluded in late 2001 and work was scheduled to commence in early 2002. When the renovations are completed, the courtroom will contain the necessary infrastructure that will accommodate the most current courtroom technologies.

Although civil filings nationally declined 3 percent between fiscal year 2000 and fiscal year 2001, the civil filings in the District of Maine remained consistent. There were 669 new civil actions filed during fiscal year 2000 and 660 during fiscal year 2001. As of Sept. 30, 2001, there were 381 civil cases pending in the court, an average of 127 cases per judgeship. During that reported period, there was one three-year-old pending case and 12 motions pending for more than six months. Criminal felony filings were also consistent with the previous statistical year. There was a decline of six new felony cases between fiscal year 2000 and fiscal year 2001. There were 128 criminal defendants pending in the court as of Sept. 30, 2001.

## **BANKRUPTCY COURT**

In 2001, the Maine Bankruptcy Court focused its energies in two major directions. First was the area of staff turnover and movement, resulting primarily from several retirements, including Judge James A. Goodman in March. Upon his departure, Chief Judge James B. Haines, Jr. moved to Portland, and Louis H. Kornreich was selected to fill the vacancy, now in Bangor.

The second major focus was the nine-month preparation for conversion from BANCAP to the new CM/ECF system in January 2002. This project was completed on schedule despite the challenges resulting from the significant staff redeployment and replacement efforts mentioned above.

Filings in Maine increased 12 percent in 2001 over 2000, primarily as a result of a 13.7 percent increase in Chapter 7 filings in the district. While March is always a heavy filing month for the court, in 2001 filings in April, May, June and October set record levels. Case closings for the year were up nearly 15 percent as well, enabling us to maintain a stable pending caseload. The Portland office continues to process nearly twice the number of Chapter 13 filings as the Bangor office does, while Bangor sees a higher number of pro se filings.

## **PROBATION AND PRETRIAL SERVICES OFFICE**

Our budget for this fiscal year totaled approximately \$1.7 million with \$1.3 million going to salaries. Our second largest expenditure was for treatment services, which totaled \$167,000.

The beginning of this fiscal year brought dramatic increases in workload. Starting in Pretrial Services, there was a 6 percent increase in cases activated. There was an overall decrease in detention rate for the District which caused an increase in the number of pretrial cases under community supervision. There was a 31 percent increase in the number of probation and pretrial clients participating in drug aftercare and mental health treatment and electronic monitoring. The workload increase was also felt in the presentence area with an 8 percent increase in the number of reports going to the Court.

This year brought numerous new crimes to the District of Maine which included cases of OxyContin and cyber-sex. A record high number of clients, 314, were on post-conviction supervision. This was an 8 percent increase over the previous year and a 25 percent increase over the past 10 years. As a result, the officers logged more hours than ever in the communities. Officers' presence in the community is an important supervision tool in protecting the community and aiding the client.

No matter how important it is to look at the numbers, we want to be measured by the quality of our work. Our success this year was reflected in our cooperative effort and our desire to overcome any obstacles. Sept. 11, 2001, was a day fraught with despair, hopelessness, disbelief and fear. Yet, the staff handled the harrowing experience by fighting back the way they knew best - following our mission. We fought back by protecting our communities, accomplishing positive change in our clients and assisting in the administration of justice.



**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**DISTRICT COURT**

The U.S. District Court Clerk's Office realized many of its goals in the year 2001. Technological advances led the field and succeeded in meeting many needs of judges and staff.

The year began with the live application of our new Jury Management System (JMS). Jury trials were empaneled for the first time using this new system in January. JMS allows the jury department to manage the process of summoning, selecting, empaneling and compensating jurors in a much more efficient and expeditious manner. The JMS program came to us in a generalized version; several adjustments were made to customize the program to accommodate our court's needs. Modifications were addressed to summonses, supplemental jury lists for courtroom use and the jury wheel cards themselves. Another area where much energy and time were devoted was to the interfacing of JMS to the current accounting system, CFS. Once this was done, compensation for jurors' attendance went smoothly.

In conjunction with the Jury Management System, a new system to assist with the many telephone calls received from prospective and empaneled jurors was installed. The Interactive Voice Response (IVR) system allows the jury department to intelligently respond with a variety of voice messages available for activation by the jury administrator for incoming calls from jurors. The system also includes "call back" and "reminder call" features, thus allowing jury clerks to tend to more important tasks in their office.

Finally, the jury department was re-outfitted with two Sharp Conference Series - Model XG-V10Wu projectors installed in the Jury Assembly Room. These projectors have enhanced greatly the viewing of jury videos regardless of the lighting conditions in the room. The projectors are used primarily for viewing the jury instructional videos, but also are used by groups utilizing the Jury Assembly Room for outside training functions.

With technology advancing as quickly as it has in the last five years, we have forged ahead into this realm with two electronic courtroom designs. These designs were finalized and implemented last year. Both courtrooms were outfitted with the latest in technological advances, including high-resolution document cameras, LCD projectors and transport carts for use in courtrooms not equipped with evidence presentation. Monitors were made available at all judge benches, law clerk and counsel tables, and witness and jury boxes. Podiums were modified and equipped with computerized control panels.

Videoconferencing software and hardware were installed and made operable in a wide variety of options. Currently Judge Nancy Gertner's and Judge A. David Mazzone's courtrooms are equipped to handle calls in the courtrooms utilizing three to five independent cameras and large plasma screens. We have also integrated live feeds into Judge Gertner's courtroom. Workstations on the network now have the ability to stream FJTN broadcasts and other video sources. Programs are also recorded for future viewing.

An infrared system was installed in Courtroom 9 to be used for individuals with hearing impairments. This system deploys an infrared beam that is detected by receiving units in the headset worn by the user. The sending unit is attached to the top of the front and back walls of the courtroom and is almost unnoticeable by the public. The person with the hearing impairment can hear clearly all that is being said by any participant in the courtroom without the need for wires and visible antennas drawing attention to his or her disability.

Courtroom sound technology did not go unnoticed this past year. White noise systems have been installed in two courtrooms allowing sidebar conversations to take place unheard by non-participating parties. The system affords the court and the parties the privacy needed in these sensitive colloquies.

Managing records in a court our size is in itself a sizable job. To meet this need a bar-coded records management system was put in place. The program utilizes the Opus Realtime module, which imports updated information every 20 minutes from case management. Every Friday night, any missing data is imported from the previous four weeks from our ICMS database. This insures a complete record of the case, without exception.

An opinions retrieval system utilizing Webglimpse, a program to index and search judges' opinions, was added to our Web site. This program allows judges to publish their opinions immediately, with the option of public access or limited access to our internal Web site only. The opinions can be accessed by the public from a link to our external Web page and will also be located on our PACER server. Some of the major features of the program include: Search by key word, judge or recent opinions and links to PDF documents with a "jump to line" feature in the text format. This new manner in which we publish opinions has eliminated the need to mail opinions to the publishers for print and has shortened the time spent in performing this task.

During September, Clifton Gunderson, a certified public accounting firm contracted by the Administrative Office, conducted an audit of the financial, jury, procurement and space and facilities sections of the office. We were delighted and proud to receive their assessment of "no reportable findings." Kudos to the staff in those sections.

The court introduced a Transit Subsidy Program and implemented it in full force. This program encourages use of all public transportation options available to employees and provides the employee with an allotted stipend to offset the cost of commuting to and from work. The program has been received enthusiastically by the employees and, hopefully, has had a positive effect on the city and its roadways.

To meet the training needs of the court, a training room was created in the nearby John Foster Williams Building for our needs as well as those of the probation and pretrial departments. This space is equipped with a wireless microwave satellite link allowing for communications with our network based in the John Joseph Moakley U.S. Courthouse facility.

The manager's team within the Clerk's Office has instituted a monthly emergency cell phone rotation to handle any emergency situations during non-working hours. Under the old system, attorneys made attempts to contact any deputy clerk in hopes of attaining the relief they sought.

Currently, each manager is assigned a duty month and handles the emergency individually or will contact the emergency judge and his/her clerk if needed. The cell phone number is posted in the Massachusetts Lawyers Diary and on the court's Web page, where the public can gain easy access in an emergency.

The Sept. 11, 2001, tragedy affected everyone. Since that time, we have all been made more aware of our vulnerabilities and the possibility of outside access to our internal spaces. In response to this and the recent anthrax scares, the court has instituted a policy where all mail delivered to the USDC is now opened in a secure area by personnel using gloves and face masks.

The Internal Revenue Service has installed a new computer and data connection in our public terminal area. The equipment will allow public access to tax lien information currently being managed by the IRS. This capability has given the public a freedom unknown prior to this addition.

A new telephone system was installed in the Worcester divisional office. The system replaced the outdated setup originally installed in the building and brings the Worcester office up to speed with regard to telephonic communications.

For fiscal year 2001, the court received 3,276 filings. This was a decrease of 10.3 percent over the previous year's total. There was a decrease in both civil and criminal filings. The number of defendants increased by approximately 21 percent, even though the court had a 4 percent decrease in criminal filings.

The Boston office has maintained approximately 84.6 percent of the caseload, while the Worcester and Springfield offices maintained approximately 7.7 percent of the caseload.

In this district, as well as nationwide, the number of trials has declined. An interesting statistic, however, is that the number of non-trial hours in this district has more than doubled since 1992. The total number of hours in court (trial and non-trial) in 2001 was the second highest for the past 10 years. The judges may be holding fewer trials, but they are spending more time in court.

## **BANKRUPTCY COURT**

The U.S. Bankruptcy Court completed a small, but not insignificant, renovation of its space in the Harold Donohue Federal Building and Courthouse in Worcester in 2001. The intake department previously was located on two separate floors. Filing of all documents occurred on the first floor, but the reviewing of any case file occasioned a trip to the second floor. With the assistance of the original architect, Karla Johnson, a plan was devised to utilize the vacant lobby area as office space, while leaving its historical character intact. The project necessitated the relocation of files, finance and three clerks from the second floor to the first floor, and consolidated the functions of case filing, file review, mail, telephone and finance into one area. The completed renovations allow the court to provide one-stop service for the bar and the public.

After a trial period of several months, the court adopted an alternate work schedule (AWS). Under AWS, an employee can create a flexible work schedule that allows him/her to vary the work hours on various days to accommodate his or her personal needs. AWS also has a compressed day option (CDO), which allows an employee to work eight nine-hour days and one eight-hour day during a two-week period, which amounts to the 80 hours required. By working longer days, the employee has the opportunity for a day off every other week. Under either schedule, an employee is required to be in the office during the core work hours of 9 a.m. - 4 p.m. The plan has received overwhelming approval from the employees, and it has not had any negative effect on court operations.

Bankruptcy case filings in Massachusetts reached an all-time high in 1998 of over 22,000 cases, and then gradually declined to just over 16,000 in 2000. In 2001, cases rose to 17,455, an increase of 8.2 percent. At the same time, case closings declined 1.4 percent, leaving a pending caseload of just under 14,000 cases.

## **PROBATION OFFICE**

For those of us working in the federal probation office in the District of Massachusetts, security took on a whole new meaning after Sept. 11, 2001. From the concrete barriers to the evacuation drills to the courthouse security training, concerns about our personal safety and the safety of our co-workers became a priority.

The personnel changes in the probation office in recent years has been dramatic. Currently, 27 percent of the officers have been hired since January 2000. This phenomenon has created some unique challenges for the office, but it has also resulted in an infusion of talent and energy that has created a vitality that bodes well for the office's future.

The number of offenders under supervision at the end of 2001 was 1,246. Not only was that number a year-end high, but the offenders presented greater challenges than ever. Nearly 60 percent of the offenders have mental health issues or substance abuse conditions, and one-third of the total number of offenders have either a fine or restitution to pay. The district's supervision philosophy continues to emphasize rehabilitation, with much money and energy spent on providing treatment. At the same time, public safety is a priority, with status hearings, modification of conditions and revocations being options in some cases. The violation reports, which were done in all cases this year, greatly improved the flow of information in the revocation process. The probation office continues to believe that supervision in the community is enhanced with officers required to be in the field two days per week and with non-traditional work hours encouraged as well.

There was an increase in the number of presentence report assignments from last year (from 522 to 580), and the demands on the presentence unit were significant. With officers normally being assigned first to the presentence unit, the job of training them to become proficient report writers is a challenge for the district's presentence managers. The challenge, in my view, is being met as seen by the quality of the reports remaining at a very high level.



## **PRETRIAL SERVICES OFFICE**

During 2001, 791 pretrial services cases were activated in the District of Massachusetts. The detention rate in the district continued higher than the national average. Fifty-seven percent of defendants appearing in Massachusetts were subject to a detention hearing and 48 percent were ordered detained at that hearing. The national detention rate was 38 percent.

Of the defendants released, 23 percent were reported by the office to have violated at least one condition imposed by the judicial officer. Twenty-two defendants (6 percent) were rearrested during the period. Two defendants (less than 1 percent) failed to appear for court. Sixty defendants had technical violations, most often involving positive substance abuse tests (29) or failing to keep supervision appointments (12).

Drug testing continued to be a very important component of the supervision of defendants. More than 150 defendants were required to submit to substance-abuse testing. The office continued to use "sweat patch" technology and urine testing services, with the cost for testing exceeding \$63,000.

Substance-abuse and mental-health treatment costs increased during the year. Sixty-six defendants were placed in the various programs providing services statewide. In-patient and out-patient programs were utilized at a cost exceeding \$235,000.

Electronic monitoring was a key alternative to detention. More than 50 defendants were placed in the program at a cost of \$60,000. Had these individuals continued in detention, the cost of their incarceration would have exceeded \$1 million.

New during the year was the implementation of a computer-based program for the monitoring of curfew compliance. Also, with the assistance of a computer program written by U.S. Magistrate Judge Lawrence P. Cohen, reports and memoranda can now be e-mailed to all magistrate judges. This assists the court by providing information on defendants in advance of their scheduled hearing.



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

**DISTRICT COURT**

Upgrades and implementation of major automation programs and public outreach highlighted a very busy 2001 calendar year in the U.S. District Court for New Hampshire.

The district court and probation/pretrial offices have long been served by a consolidated information technology (IT) department.

The Jury Management System (JMS), implemented in August 2000, was further refined, and Crystal reports were written to interface with the application. The reports make the program more usable for court staff and litigants alike.

The court completed upgrades to our Windows operating system and WordPerfect. IT staff and the project team prepared for and implemented FAS<sub>4</sub>T in November. Excel spreadsheets were created to manage criminal debt, replacing handwritten ledgers. Major sections were added to the court's Web site. A Help Desk tracking system was implemented. Palm Pilots were implemented for probation officers in the field.

The struggle continued to keep pace with courtroom technology. The computer room was expanded because of the new systems mentioned, plus the upcoming implementation of Lotus and CM/ECF. The court requested placement in the September 2002 wave of CM/ECF. (N.B. In June 2002 our schedule for implementation was set to begin January 2003.)

In May 2001, Leo Marin, the court's longtime systems manager, retired. The court had established a search committee to hire a replacement and Donnamarie Duffin was chosen to succeed him. The position was retitled director of information technology to more fully describe the duties and responsibilities involved. Later that year, she appointed Barbara Bammarito, a member of the IT team, as assistant director.

The court has made an effort to reach out to the public, especially the youth in surrounding communities. The court continues to welcome participation by school and community groups in naturalization ceremonies. On Oct. 25, 56 junior and senior Concord High School students participated in the "Open Doors of Justice" program offered by the Administrative Office of the U.S. Courts. In addition to watching a national broadcast, the students participated in an appellate moot court exercise with Judge Steven J. McAuliffe. The program ended with the announcement of a local essay contest, with the winner receiving a \$200 college scholarship.

Tours of the courthouse for various school and civic groups are done upon request. The "Courtroom as Classroom" program held on Sept. 28 introduced students at Franklin Pierce Law Center to federal court practices and procedures. Program speakers included Chief Judge Paul Barbadoro, Magistrate Judge James R. Muirhead, Assistant U.S. Attorney Gretchen L. Witt and Assistant Federal Defender Bjorn Lange.

Several groups from various local middle and high schools also have visited the courthouse. The programs, tailored for the size and age group, have included assistant U.S. attorneys, assistant federal defenders, judicial officers and others. The content is developed by teachers and court staff.

The court's jury plan was rewritten to support the use of the electronic data processing systems for JMS.

The staff worked closely with Northeast Deaf and Hard of Hearing Services Inc. to document and implement procedures regarding services to persons with communication disabilities in compliance with the directive from the Judicial Conference.

Now in its third year, the Federal Court Advisory Committee (FCAC) continued to meet semi-annually. In addition to participating in the drafting of revisions to the local rules, the committee also established a subcommittee to review the court's mediation program. As a result of its work, several procedural changes were made.

The committee performed a review of the in-house juror questionnaire, which is provided to attorneys and parties involved in cases scheduled for trial. A revised form was adopted and is now in use. The committee also offered suggestions for the report information provided to counsel at jury selection. The court hired an outside consultant to revise JMS reports to alter the information given and to present it in a more user-friendly format to the public, chambers and court staff.

This section of the New Hampshire Bar Association was established in January 2000. Its mission is to provide input from federal practitioners on improving court procedures and practices while enhancing the bench/bar relationship. The section also plans CLE opportunities on topics of interest to federal practitioners.

The section continues to meet three times a year, with the usual format being a half-hour business meeting followed by a one-hour accredited CLE. Topics in 2001 were responsibilities of local counsel (February meeting); and electronic discovery (September meeting). In lieu of the third meeting, the section sponsored a reception when the U.S. Court of Appeals for the First Circuit heard cases in New Hampshire in October. Various bar leaders welcomed then new Chief Judge Michael Boudin.

The process of assembling portraits of former judicial officers to hang in the building, in recognition of their service to the court, was launched. The first portrait in the gallery was that of former Magistrate Judge William H. Barry Jr., who served at the court from 1969-1995, with service as a full-time, full-range magistrate judge from 1984 until his retirement.

In November, a dedication ceremony was held at which the court accepted portraits of former district court judges Aloysius J. Connor, Hugh H. Bownes, Shane Devine, Martin F. Loughlin and Norman H. Stahl, presented by their law clerks or family members. It was a grand occasion, covering the judicial history of this court from 1944-1999 and honoring judges who gave more than 72 years of service to the U.S. District Court in New Hampshire.

Research was undertaken to complete the gallery. Using resources from the New Hampshire Historical Society, reproductions of photographs or portraits were obtained for all prior district court judges, beginning with John Sullivan, who served from Sept. 26, 1789 to Jan. 23, 1795.

Total case filings were down 18.7 percent from the same period in 2000. The court's pending caseload was also the lowest in several years.

## **BANKRUPTCY COURT**

The clerk's office of the bankruptcy court for the District of New Hampshire has proven over the last dozen years to have been a solid force for change within the judiciary. For 10 years, the office has been organized in self-directed teams and has undergone several organizational developments primarily related to systems development but also involving changes in the physical facilities at its location in Manchester, N.H. The court has experienced the addition of a temporary judgeship, the retirement of the former Chief Judge James E. Yacos, the elevation of Chief Judge Mark W. Vaughn and the addition of Bankruptcy Judge J. Michael Deasy.

In 2001, the clerk's office completed preparation for and adopted CM/ECF, the judiciary's replacement system for case management and electronic case filing, continuing a tradition of early implementation of automated systems. The court had been among the first 10 courts to adopt the prior case management system, BANCAP, in 1988. The court went "live" on the CM portion of the system in December 2001, with plans to commence electronic filing capacity in early 2002. CM/ECF proved to be a major effort and a decidedly labor-intensive process for all court staff, including chambers' staff and judges. In addition to this demanding project, the court also participated in the adoption of the judiciary's new accounting system, FAS<sub>4</sub>T; the implementation required the nearly full-time involvement of the court's administrative manager-finance for a protracted period.

During 2001, the court also adopted digital electronic court recording, which resulted in the replacement of the court's longtime tape recording of court hearings. Other innovations in the area of electronic development included the extension of transmission capacity over the local area network to permit users to access FJTN broadcasts on their computer monitors at their workstations.

The court continues to plan for the future. At the time of the writing of this report, the court has commenced the implementation of ECF effective April 1, 2002, and is actively training members of the bankruptcy bar and their support staffs in the use of the system. It is hoped that use of the system by out-of-house users will continue to expand until a high percentage of incoming case-related materials will be filed in electronic format, thus creating an anticipated electronic record available nationally. In the interim, all documentation still filed on paper is being imaged by court staff, and paper files are being phased out as cases on paper are closed and archived.

As of Sept. 30, 2001, the court experienced 3,825 total filings, up 3 percent over the prior fiscal year. By the end of 2001, the calendar year total of 3,887 cases represented a 9 percent increase over the prior calendar year. The majority of these filings by a wide margin was made up of Chapter 7 liquidation bankruptcies, with a very small number of reorganizations under Chapter 11, and a modest number of arrangements under Chapter 13. In 2002, filings are averaging the same rate as 2001, with no appreciable increase on a projected fiscal year basis, and a probable calendar year projected increase of less than 3 percent.

## **PROBATION AND PRETRIAL SERVICES OFFICE**

The District of New Hampshire was unsuccessful in its attempts to establish a federal halfway house in Nashua, N.H. The pursuit of such a facility had been a priority in 2001 and involved significant effort on the part of administrative staff in the Probation/Pretrial Services Office. The latest effort in 2001 suffered a major setback when the Nashua Planning Board denied the required variance. In turn, that decision was appealed to the New Hampshire Superior Court by the project bidder, Community Resources for Justice, a Massachusetts entity. The Hillsborough County Superior Court ultimately affirmed the Planning Board's decision in the case. The decision means that the district will continue to experience significant, ongoing transitional issues regarding New Hampshire offenders released from the Bureau of Prisons who must continue to serve the remaining portion of their confinement at the nearest halfway house, currently located in downtown Boston. Nonetheless, the district is pursuing other alternatives to the Nashua proposal, including efforts to become a pilot district for President Bush's "Offender Re-Entry Program."

Recently the Bureau of Prisons activated a new facility, a Federal Medical Center at Fort Devens, located in Ayer, Mass. While the new facility's mission is primarily medical in nature, it does have a significant mission in the area of mental health treatment services. In 2001, U. S. probation officers from the District of New Hampshire were the recipients of a briefing provided by the Psychological Services Unit at Fort Devens, in which treatment methodologies were discussed as well as the problems associated with offenders making a transition to community mental health providers following completion of the confinement portion of the sentence.

The year 2001 saw a continuation of the trend in the offender population toward "dual diagnosis" cases in which offenders entering the federal system have documented histories of substance abuse and mental health issues. These characteristics, in turn, have resulted in increased budgetary expenditures for both in- and out-patient treatment services.

In 2001, the probation/pretrial services office was successful in devising and implementing a career development policy for staff. The policy includes a unique annual "open season" component, which allows staff to express interest in rotating to other assignments among the office's pretrial, presentence and supervision units.

In 2001, the Criminal Law Committee elected to switch to semi-automatic weapons for probation/pretrial services officers in districts where authorized firearm programs are operating. During 2001, the district completed the transition utilizing trained and certified in-house instructors.

Several staff members from the district were instrumental in assisting other districts in managing excessive workloads by volunteering to perform temporary duty during 2001. Officers from the district traveled to the Central District of California (Los Angeles) on two occasions and to the District of Arizona (Tucson) and performed line-officer functions, such as pretrial and presentence investigation and processing.

In 2001, a concerted effort was made to enhance access to information for probation/pretrial services officers working in the field. In coordination with our district consolidated information technology unit and the introduction of Cyber Sam, a software program, officers in the field now have readily available to them, via personal digital assistance (PDAs), case file information; chronological notes from previous contacts with supervisees; current photo, office policies and procedures; and other relevant information that was previously only available from their desktop computers.





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

**DISTRICT COURT**

The District Court for the District of Puerto Rico upgraded all the audiovisual technology installed in all five of our technologically enhanced courtrooms. The systems include full support for laptop-generated multimedia presentations with VGA-quality displays using flat-panel monitors located throughout the courtroom. The system also provides for touch flat-panel screens for witness or attorney hand annotation of the evidence. The evidence and the annotations can also be printed through the system's photo printer and the output admitted as evidence. The audio integration provides for audio recording of the proceedings and, with real-time technology, enables the judge or attorneys to view the transcripts of the proceedings as they are entered by the court reporter.

Other features included in the systems, which were upgraded with the latest technologies, include: telephone conferencing; Spanish translation, using infrared emitters to wireless headsets; and sidebar recording and remote listening for the court reporter. Also, an electronic whiteboard allows the annotations to be displayed in all the courtroom monitors and flat panels.

In the area of sound, all previous manual controls were transferred to a touch-screen menu system, which will allow control of the volume of the speakers, the gain on individual microphones, sidebar music activation, judge's control of evidence displayed, and a host of other features facilitating the control of the technology via icons. All technologies will be maintained and upgradable by use of a modem-based upgrade system, which will help with diagnostics, troubleshooting and software upgrades.

The court also purchased a roll-about videoconference system to complement the equipment installed in the technologically enhanced courtrooms. The videoconference system will be transported to the courtroom when needed. All courtrooms will share the ISDN lines required through a hub system, thereby greatly reducing the monthly recurring costs of the connection.

In another technological advance, the court installed the FAS<sub>4</sub>T software system in all court units within the district.

Magistrate judges within the courthouse in Hato Rey were relocated from the first-floor facilities to new quarters within the fourth floor of the Federico Degetau Federal Building.

Two significant appointments were announced in our district: Gustavo Gelpí became our fourth magistrate judge, having been sworn in on June 29, and Angel Valencia Aponte became the chief deputy of the Clerk's Office after José Morales retired at the end of fiscal year 2001.

Finally, our district continued its active participation in a variety of training programs as part of its efforts to improve access to justice to all parties within our society. Among those programs were: two training sessions for law students and attorneys on how to use the newly

installed courtroom technology in case presentations; "Courtroom in the Classroom" activities for law school students; and the First Circuit Forum on "Judging in Puerto Rico and Elsewhere" with Second U.S. Circuit Court of Appeals Judge José A. Cabranes.

The nature and the number of cases decided at the District of Puerto Rico make its operations rather complex and bewildering at times. The court is a medium-size court, with seven judges, three senior judges and four magistrate judges, but it ranks among the top district courts with number of defendants filed per cases. The national average number for 2000 and 2001 has been 1.4 defendants filed, while the District of Puerto Rico has had an average filing of three defendants per case for the year 2000, and 2.2 defendants per case for the year 2001. The court's average felony defendants filed for 2001 is 57 percent higher than the national average figure.

The court ranks number one in civil and criminal filing within the First Circuit for the year 2001, moving up from a second and third place respectively, during the year 2000.

As of Sept. 30, 2001, a total of 807 criminal cases were opened, 1,025 closed, 1,316 criminal defendants opened and 1,641 criminal defendants closed. A total of 1,678 civil cases were opened, while 1,902 civil cases were closed.

## **BANKRUPTCY COURT**

Full implementation of the court's imaging system was achieved by providing to the public remote access to the images of all documents filed before our court via the PACER Net; the same access was provided to our local users through our local area network. The use of imaging reduces to a minimum the transportation of bulky files from filing department to courtroom, the handling of paper files and documents and the need to prepare documents required for each hearing. It also reduces the misplacement of case files and documents.

The development and gradual implementation of the Chambers Automated Orders System (CAOS) were completed. With selected orders, the case management process was expedited by enabling the case manager to create an order, create the related docket entry, post it on the imaging system and send the notice to the BNC, all in one electronic process.

The necessary facilities to have videoconference and satellite broadcasts were installed in all the courtrooms and the Clerk's Office conference room and Clerk's Office training room. Approximately 1,370 square feet of additional office space in our building was remodeled.

The electronic notification (e-mail) of clerk's notices directly to the bar and public was launched successfully.

For the year ending Sept. 30, 2001, the pending caseload in the court was 36,812. The cases closed for the year ending Sept. 30, 2001, totaled 13,801. As of Sept. 30, 2001, there were 10,921 cases filed which represents a decrease in filings of 435 (-3.83 percent) compared with the previous year.

## **PROBATION OFFICE**

Several major projects and accomplishments can be reported by the U.S. Probation Office for the District of Puerto Rico for the year.

For several years prior to 2001, we have been attempting to relocate approximately half of our staff from the basement to more suitable facilities on the sixth floor of the Federico Degetau Federal Building in Hato Rey. Although we still have a limited amount of officers and supporting staff in the basement, they will be relocated to the fourth floor once the project to have all staff on one site is completed. Therefore, two offices were opened at the sixth floor to alleviate the previous working conditions and improve the staff's morale.

Also, the satellite office in Ponce was relocated to a modern leased facility in June 2001. It is expected that after the remodeling of the U.S. Postal Service Building there, our branch office, along with the U.S. district and bankruptcy courts that will serve from such facility, will be relocated to Ponce.

We continued purchasing modern updated automation equipment, such as printers and additional laptop and desktop computers, to facilitate and speed the work from the officers' homes and after hours.

The U.S. Probation Office, in compliance with the Administrative Office requirements to provide 40 hours/year of training to all staff members, even without allocated funds for such purpose, was able to complete 2,376 training hours. Most was achieved through reprogramming of funds. This amount represents an average of 38.95 hours per staff member. We had an interdistrict meeting with the U.S. probation offices of Saint Thomas and Saint Croix, Virgin Islands, with the participation of Chief U.S. District Judge Héctor M. Laffitte. This meeting not only facilitated an educational/training experience for the three offices, but provided the opportunity of strengthening professional relationships among all participants.

The U.S. Probation Office workload continues its upward trend. As of Sept. 30, 2001, we had a total of 1,006 supervision cases of which 58.2 percent were drug cases demanding extra supervision efforts. The above amount of drug cases is the highest in the First Circuit.

Also, 745 presentence reports were completed during 2001. This prompted the addition of seventy new employees by the end of fiscal year 2002. Since August 1994, the U.S. Probation Office staff has grown by 84 percent.

## **PRETRIAL SERVICES OFFICE**

The Pretrial Services Office moved to a new location within the sixth floor of the Federico Degetau Federal Building in Hato Rey. Office alterations were conducted by the General Services Administration in the space previously occupied by the Clerk's Office of the U.S. Bankruptcy Court. Local and circuit funds were used to complete this project. The move represented a growth

of 2,600 square feet, as anticipated in the projected housing needs submitted to our court in February 1998 and subsequently revised at the request of the Circuit Executive's Office in March 2000. The relocation project was accomplished successfully thanks to the support received from the local court and the Circuit Executive's Office. At the local level, a moving committee composed of various staff members contributed to a smooth and uneventful process. The new space not only made our operations more manageable, but came in handy for the subsequent staff growth experienced during fiscal 2002.

In anticipation of the retirement of the office's drug/alcohol treatment and home confinement specialists, in March 2001 we instituted a two-month tour of duty with the purpose of cross-training interested officers in those areas of expertise. Four pretrial services officers participated in the training program, which was afforded by the specialists with the oversight of our two supervisory officers.

At the beginning of the fiscal year, we opened a new supervisory position and selected a senior officer in that capacity. The move expanded the size of the administrative team, thus enhancing the supervision of line officers and the input into administrative considerations.

In May 2001, this chief officer participated, along with chief probation and pretrial services officers from the First Circuit, in the circuit's 2001 Judicial Conference, held in San Juan. This event served to enhance the working relationship between probation and pretrial chiefs with other members of the federal judiciary.

Also, in May 2001 we submitted the final draft of our budget organization plan to the budget division chief at the Administration Office of the U.S. Courts. A draft plan had been previously reviewed by Chief Judge Héctor M. Laffitte and by the budget division itself.

The Pretrial Services Office maintained its lifelong tradition of recruiting college students to serve as assistants, both as temporary employees and on a voluntary basis. This has proved to be an excellent addition to our manpower resources while serving as a training ground for future professionals in the field.

Given the steady increase in our caseload, twice during 2001 we recruited officers from other districts in the mainland to serve tours of duty in our district. A total of six officers from New York, Texas and Florida accepted the challenge and contributed their talents during periods of high arrest activity in our office. Our office assumed the cost of lodging and travel for these officers. The experience strengthened the professional relationship between their districts and ours.

During 2001, the Pretrial Services Office maintained its commitment of collaboration and frequent communication with other court agencies and the community. Our meeting and training facilities were regularly shared with the U.S. Probation Office and in one instance with the Federal Public Defender's Office.

In June 2001, we participated in the hiring committee formed by the federal defender for the selection of his administrative officer. We were also engaged in interagency meetings with other law enforcement agencies to discuss issues such as budget, district implementation of the Financial Accounting System for Tomorrow (FAS<sub>4</sub>T), building security, and matters related to the Bureau of Prisons.

Finally, this chief officer and other members of the staff were involved throughout the year in giving orientations to school children, law school students, newly appointed attorneys of the Criminal Justice Act Panel and distinguished visitors from the Venezuela judiciary about pretrial services functions and operations. We ended the fiscal year with our participation in the biggest voluntary activity in Puerto Rico, sponsored by "Fondos Unidos" (the local chapter of United Way), at an institution for retarded children in Bayamón. Staff from the district and bankruptcy courts as well as from probation and the federal public defender's offices joined our staff in a day of painting and refurbishing of the children's sleeping quarters and an afternoon of song, food and sharing with the children and program staff.



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

**DISTRICT COURT**

U.S. District Judge Ronald R. Lagueux took senior status on Nov. 30, 2001, after 15 years on the federal bench. On March 1, 2001, Magistrate Judge Robert W. Lovegreen was reappointed to a second eight-year term.

In the area of information technology, the District Court launched its internet Web site in August 2001. The site consists of judges' opinions, court calendars, rules and procedures, juror information, PACER and other services supplied by the court. The Web site address is <http://www.rid.uscourts.gov>.

The court implemented the automated Jury Management System (JMS) in September 2001. This system provides complete in-house management of all aspects of the petit and grand juror process.

Beginning in the summer of 2001, the court began testing a voice-recognition software program that enables users to perform virtually hands-free word processing. The purpose of the testing is to determine if this type of software is useful for employees who have physical limitations and if it can improve the overall efficiency of the court.

As part of its training initiative, the court and the Federal Court Bench/Bar Committee of the Rhode Island Bar Association jointly sponsored a series of luncheon seminars for the federal bar on current federal practices and procedures. District judges, magistrate judges and members of the bar presented information on federal discovery practice, summary judgment practice and federal sentencing.

The court also offered a diverse agenda of in-house training opportunities for employees, covering such subjects as: Putting Effective Learning Skills to Work (FJC), Writing Skills Workshop (FJC), Code of Conduct (FJC), Teamwork Essentials (FJTN), CPR/AED (U.S. Marshal's Service - DRI), Dealing with Difficult People (EAP), Managing Multiple Projects (Pryor Seminars), and Grammar and Usage Training (Pryor Seminars).

Several special events were organized and conducted by the court during 2001. On Feb. 2, the court held its first-ever Teachers Institute. The institute was designed by Chief Judge Ernest C. Torres to provide high school civics teachers with an understanding of the work of the federal judiciary and its role within the governmental framework.

In March, and for the second consecutive year, the judges of the court had lunch with members of the Rhode Island congressional delegation in what Chief Judge Torres sees as an opportunity to "open the lines of communication" between the judicial and legislative branches of government. In a related development, in January 2001, the court presented the congressional delegation with the first edition of "Court Life," a two-page periodic newsletter which provides members of Congress and their staff with insight into the workings of Rhode Island's federal judiciary.

A "brown bag" luncheon speaker series for federal court employees was introduced in 2000 to provide court employees with an opportunity to hear from judges, agency heads and other professionals on a variety of topics. In 2001, court staff hear from several speakers on the role of a bankruptcy judge, pre-indictment criminal procedures and settlement conferences, consequences of conviction, the workings of the Court of Appeals, and technology in the courtroom.

The court had outstanding success last year with the Combined Federal Campaign. We are pleased to report that the court exceeded its goal by more than double.

The court published a colored photo directory in May 2001. It includes pictures of employees from the District Court, the Court of Appeals, Bankruptcy Court, Probation Office, and the Marshal's Service (including the SO's). This internal publication was established in an effort to improve the overall familiarity of personnel within the court units of Rhode Island.

In 2001, the Administrative Office of the U.S. Courts reported that filings of criminal and civil cases in the district courts dropped 3 percent over the prior year. The District of Rhode Island also saw a decline in total filings (civil and criminal). For the year ending Sept. 30, 2001, the court had 732 case filings (618 civil and 111 criminal) compared to the previous year ending Sept. 30, 2000, where a reported 806 total cases (674 civil and 130 criminal) were filed. As a percentage, the court saw a decline of 9.2 percent of its total filings. During the period ending Sept. 30, 2001, the court had 788 civil and criminal terminations combined and 769 total pending cases. This represents a decline in both terminations and cases pending over the year ending Sept. 30, 2000. In 2000, there was a total of 857 combined terminations (civil and criminal) and 818 pending cases (civil and criminal). While terminations declined by approximately 8 percent, terminations outpaced filings in both 2000 and 2001. Pending cases declined by 6 percent over year 2000. Nationally, for the year 2001, median time rose to 8.7 months from 8.2 months in 2000. There was a slight increase in our median time for civil cases - 9.6 months, compared to 9.2 in 2000. Criminal median time decreases slightly from 6.4 in 2000 to 6.3 in 2001. The district's numeric standing in the circuit is second for civil median time and first for criminal.

## **BANKRUPTCY COURT**

During 2001, the U.S. Bankruptcy Court for Rhode Island installed a state-of-the-art evidence-presentation system in the courtroom. In order to accommodate the new system, infrastructure changes in the courtroom were made, including the addition of a raised floor, the extension of the court recording bench and a renovation of the bankruptcy judge's conference room (taking place in 2002). The evidence-presentation system features a custom-built podium containing a document camera, CD/DVD player and VCR. The system also includes LCD monitors at all positions, laptop inputs for attorneys to present evidence, access images, conduct electronic research and use of the Internet. Two 42-inch plasma televisions are mounted in the courtroom for audience viewing.

The court published three editions of its newsletter, *On the Docket*, a useful vehicle in keeping the bankruptcy bar informed about news and events at the court.



The court amended and revised its local rules and forms, including the publication of a new local bankruptcy rules and forms book.

Throughout the year, the court continued to enhance its external Web site by providing expanded information and ease of navigation tools. The court redesigned its home page, converted all court, local and national forms to be PDF writeable and added several new content areas, such as New Forum, Calendars, and special sections for major bankruptcy cases of interest.

On April 9, 2001, Gail Kelleher was appointed chief deputy clerk for the court. Kelleher is a 23-year veteran of the court and has worked in nearly every department including finance, operations and, just prior to her appointment, as the assistant systems manager in the automation department.

Among major events the court participated in were national Public Service Recognition Week (May 6-12) and a Federal Agency Information Fair, where 16 federal agencies, including the bankruptcy court, spend the day educating members of the public about federal services and programs available to them. Highlights of the week included a statewide Federal Employee of the Year Award ceremony.

The court conducted four lunchtime training classes for the Rhode Island bankruptcy bar and support staff on "Accessing the Court's Web site." The classes focused on explaining the location and types of important court information available electronically.

In September 2001, the court held its seventh annual employee recognition program, which was an opportunity to recognize and appreciate the outstanding accomplishments of its talented Clerk's Office and chambers staff.

The court and its Attorney Advisory Committee teamed up with the Rhode Island Bar Association to offer a series of four lunchtime training sessions on bankruptcy and related issues, including pretrial procedures in adversary proceedings; motions for relief from stay; reaffirmation agreements and dischargeability complaints and procedures.

The court experienced a 9 percent increase in overall case filings for the period Oct. 1, 2000, through Sept. 30, 2001, in comparison to filings for that same period in 2000. The largest percent increase was in Chapter 13 cases, of 31 percent; next in Chapter 11, with a 20 percent increase; and lastly in Chapter 7, with an 8 percent increase. Filings of adversary proceedings declined by 12 percent for the same period. During this time, the average age of pending Chapter 7 cases was 6.7 months, 20 months for Chapter 13 cases, 42 months for Chapter 11 cases and 13 months for adversary proceedings.

## **PROBATION OFFICE**

Members of the U.S. probation office conducted training sessions for judicial officers and their staff on the Congressionally mandated amendments to the sentencing guidelines. Training was also provided for members of the bar on the intricacies of sentencing guidelines as well as an analysis of national and local trends in sentencing. A member of the probation office served as a

speaker and subject matter expert at a regional conference sponsored by the U.S. Attorney's Office regarding best practices for collecting fines, restitution, special assessments and other costs.

The probation office in Rhode Island was the only district in the country to interview and prepare pretrial services background investigation reports for 100 percent of the defendants brought before the district court. This accomplishment results from unprecedented open communication among members of the Probation Office, the Clerk's Office, the U.S. Marshal's Service and the U.S. Attorney's Office.

The FBI presented the office with a plaque in recognition of the assistance, cooperation, and expertise provided in Operation Stateline, a major investigation into drug trafficking activities in Rhode Island.

Acknowledging that some offenders' proclivity to criminal conduct is directly related to limited education and communication skills, a probation officer became certified as a reading tutor and works regularly with illiterate offenders to provide them with basic reading skills aimed at helping the individual and the community.

Probation officers devoted many hours in communities where health emergencies and violence are prevalent. All staff was certified in cardiopulmonary resuscitation (CPR) and use of a portable automated external defibrillator.

The probation office began taking blood samples to enter into a national DNA data bank for offenders who have histories of sex and violent crimes. It is hoped that these samples could help solve pending crimes as well as those that may yet be committed.

Probation staff conducted a two-day team-building office retreat away from the office. Through a variety of physical challenges, staff enhanced their understanding of the importance of communication and teamwork. The skills gained have been brought back to the workplace and have had positive results.

The probation office closed its Newport satellite office in anticipation of an upcoming move to the John O. Pastore Federal Building in Providence later this year. It is anticipated that there will be several areas where space will be shared by the Probation Office and the Clerk's Office, resulting in efficient use of space in that building.

Probation staff volunteered to regularly utilize their lunch hours to go into an inner-city public school in Providence to help underprivileged children with their reading and language skills. They "adopted" a family consisting of a woman and her two children for the December holiday season and provided gifts and good cheer to the family in need. They collected hygiene products donated by Bankruptcy Court and Probation and gave them to a local homeless shelter. Toys were collected and donated to a children's hospital. They also collected over 400 pounds of clothing for Travelers Aid, a community resource center for homeless people.

# **Narrative Reports**

## **of the Federal Public Defenders**



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

In fiscal year 2001, the Federal Public Defender's Office (FPD) for the Districts of Massachusetts and New Hampshire reported a total of 344 case openings, as compared to 364 for fiscal year 2000. This represents a 5 percent decrease. As of Oct. 1, 2001, the Federal Public Defender's Office reported 265 pending cases, as compared to a pending caseload of 286 cases as of Oct. 1, 2000. This represents a decrease of 7 percent in a total pending caseload. The following statistics show the breakdown of cases opened and pending cases in the Massachusetts and New Hampshire offices respectively:

<b>MASSACHUSETTS</b>						
	<b>Cases Opened</b>				<b>Pending</b>	
	<b>Total</b>	<b>Pros'ns</b>	<b>Appeals</b>	<b>Other</b>		
<b>FY 1999</b>	205	134	8	63	<b>10/1/98</b>	168
<b>FY 2000</b>	285	213	9	63	<b>10/1/99</b>	150
<b>FY 2001</b>	265	181	23	61	<b>01/1/00</b>	225
					<b>10/1/01</b>	210

<b>NEW HAMPSHIRE</b>						
	<b>Cases Opened</b>				<b>Pending</b>	
	<b>Total</b>	<b>Pros'ns</b>	<b>Appeals</b>	<b>Other</b>		
<b>FY 1999</b>	114	80	6	28	<b>10/1/98</b>	34
<b>FY 2000</b>	79	43	6	30	<b>10/1/99</b>	61
<b>FY 2001</b>	79	78	8	37	<b>01/1/00</b>	61
					<b>10/1/01</b>	55

Although the FPD office has usually been able to take almost all indigent criminal cases in Boston – where conflict of interest issues do not prevent public defenders from taking – in May 2001, the caseload for each of the Boston lawyers was such that the office was forced to reduce the intake of cases. From Oct. 1, 2001 to June 30, 2001, the Boston office opened 229 cases – an annual rate of approximately 305 cases, or 40 more cases than the Boston office took in fiscal year 2000.

Another reason for the increase in the volume of work was the appointment of the office in May to represent the defendant in U.S. v. Flemmi, generally considered to be the most complex federal criminal case ever in Boston. (The 110-page indictment charges the defendant with 10 murders – four in the 1970s, the others in the 1980s – and several acts of extortion, as well as

money laundering, drug conspiracy, obstruction and perjury.) Just before the indictment, there were five years of related federal proceedings in which the office was involved. Two of the murders have been charged as capital offenses in Oklahoma and Florida; therefore, these two murders had to be treated as seriously as death cases, because the litigation in the District of Massachusetts could have a spillover effect on the state prosecutions. Charles McGinty, assistant federal public defender, was assigned to represent the defendant full-time. Most of Mr. McGinty's existing cases had to be distributed among the rest of the office, and as a result, almost all appointments from July 15, 2001 to Labor Day had to be declined. The Defender Services Division authorized the hiring of an additional assistant federal public defender because Mr. McGinty will likely be working full-time on Flemmi for the next two to three years. Catherine Byrne was hired and began work on Sept. 24, 2001.

The Flemmi case is a massive undertaking and will require substantial staff. Authorization has been received for the hiring of one paralegal for the case. The fiscal 2002 budget proposal seeks additional paralegals and investigators. The case will need two other experienced lawyers full-time for at least a year.

The office handled six jury trials in Boston and four in Concord (reporting one acquittal in each district).

As a result of the FPD office having hired an appeals/writing lawyer, the office files occasional amicus briefs at the request of the Court of Appeals. From time to time, it handles appeals by direct appointment from the Court of Appeals.

As in the past, the FPD office supports the CJA panels by: (1) maintaining a Web site which is regularly updated with summaries of relevant First Circuit cases and which includes relevant briefs, memos and other material; (2) issuing a quarterly newsletter with relevant practice information, case summaries, etc.; (3) sponsoring educational programs for CJA lawyers in Massachusetts and New Hampshire; and (4) trying to assist panel lawyers who contact the office for assistance, as they are encouraged to do.

As of Sept. 30, 2001, the assistant federal public defenders in Boston were Charles McGinty, Miriam Conrad, Martin Richey, Leo Sorokin, Tamar Birkhead, Timothy Watkins, Syrie Fried and Catherine Byrne. Liz Prevett was our appeals/writing lawyer.

In Concord, the assistant federal public defenders were Bjorn Lange and Jonathan Saxe.

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

The Federal Public Defender's Office for the District of Puerto Rico celebrated its 24<sup>th</sup> anniversary during the year 2001. The year was marked with an increased caseload, up 22 percent from the previous year, despite the drop in criminal filings that followed the Sept. 11, 2001, tragedy. As criminal filings increased, the nature of the cases continued stable, with narcotics and immigration cases leading the statistics and white-collar crime (fraud) following in third place. The U.S. Attorney's practice of charging large numbers of defendants in narcotics cases has brought to our district the largest multi-defendant caseload in the circuit. The staff of the Federal Public Defender's Office has responded to the challenge brought by the caseload, and the inevitable increase in cases pending, by taking a more active role in multi-defendant cases, pushing for rapid disposition in other cases and plea bargaining the remaining cases.

The increase in cases has required additional personnel. During fiscal year 2001, several positions became vacant. Two experienced lawyers, Hector Guzman and Joannie Plaza, both seasoned criminal practitioners, were recruited, as was a new office administrator, Salvador Maldonado, a former lieutenant colonel who served 21 years in the Army as an inspector general and participated in the Gulf War. Presently, the office is staffed by a total of 21 persons, with a projected increase of two more positions before the end of 2002.

In the spring of 2001, Joseph C. Laws Jr. was reappointed for a second four-year term in the position of federal public defender by the Court of Appeals for the First Circuit.

During the summer, the office inaugurated a Web site to provide much-needed service to both the CJA panel lawyers and the office staff. The site also served as a theme for one of our two successful CLE programs for the CJA panel attorneys in our district.

The office also hosted a delegation of public defenders from the Republic of Venezuela. These visitors came to Puerto Rico as part of a training program effort, which has been sponsored by the U.S. Agency for International Development, the Federal Judicial Center, the Administrative Office of the U.S. Courts and American University. The visitors were part of a group of defenders who have been receiving training on trial practice by FPDs, both in the United States and Venezuela. Our office, which has actively participated in these training efforts, was selected as a host office. The visitors, who are supervisory attorneys in defender offices in Venezuela, came for a week of hands-on training on the management of a defender office.

Last year we were again honored by the appointment of a former assistant federal defender as the new magistrate judge for the District of Puerto Rico. Gustavo Gelpi's appointment marks the second time an assistant federal public defender in this district has been named magistrate judge, Aida Delgado being the first.

Finally, the increase in personnel caused the staff to outgrow its present locale and made it imperative that the office of the Federal Public Defender move to larger quarters. After two years of working with GSA, the office has finally secured a very convenient site and should be relocating in October 2002.





**Narrative Reports**  
**on Matters of**  
**Judicial Administration**



**THE JUDICIAL CONFERENCE OF THE UNITED STATES:  
MARCH AND SEPTEMBER 2001**

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

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

The statutory responsibilities assigned to the Judicial Conference are to:

*make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans for the assignment of judges ... and ... submit suggestions to the various courts, in the interest of uniformity and expedition of business.*

and to:

*carry on a continuous study of the operation and effect of the general rules of practice ... as prescribed by the Supreme Court for the other courts of the United States.*

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 all the circuit courts of appeal, the chief judge of the U.S. Court of International Trade, and one elected district judge from each of the 12 regional circuits. The Conference works mostly through its committees and is staffed by employees from the Administrative Office of the United States Courts.

At the March 2001 meeting of the Judicial Conference, the First Circuit was represented by Chief Judge Juan R. Torruella of the U.S. Court of Appeals and Chief Judge D. Brock Hornby of the U.S. District Court for the District of Maine. At the September Conference, the First Circuit was represented by Chief Judge Michael Boudin and Chief Judge Hornby.

At the twice yearly meetings of the Judicial Conference, the action items before the Conference are placed on either a consent or a discussion calendar. Drafts of the calendars are sent to each Conference member, usually four to six weeks prior to the Conference and finalized usually two weeks before the date of the Conference. Items on the consent calendar are not discussed at the Conference and are approved, absent any last minute successful requests for movement of an item to the discussion calendar, by a formal vote of the members of the Conference. The formal vote on the consent calendar is usually unanimous. Items on the

discussion calendar are presented to the members of the Conference by the chairman/chairwoman of the Conference committee which has proposed the action item. Each item is discussed individually and requires majority vote of the Conference members for approval. All items are approved subject to the availability of funds.

At the March 2001 meeting, the Conference focused on several important areas involving the administration of the court system. Various amendments to chapter 5 of the Judicial Conference regulations for the selection, appointment, and reappointment of bankruptcy judges were approved. The amendments focused on the court of appeals consideration of the incumbent bankruptcy judge who is seeking reappointment. The key revisions made it clear 1) that the court of appeals will consider an incumbent bankruptcy judge for reappointment prior to considering other qualified candidates; 2) eliminated language from chapter 5 that appeared to create a presumption of reappointment; and 3) eliminated language in chapter 5 that required the court of appeals to take an initial vote on whether the incumbent bankruptcy judge deserves reappointment, and instead provided that the court of appeals, upon a request for reappointment, go directly to the public comment period. The revisions also modified certain time periods during which the court of appeals must act.

Following a recommendation of the Committee of the Judicial Branch, the Conference agreed to pursue vigorously:

- a. An Employment Cost Index adjustment for federal judges, Members of Congress, and top officials in the executive branch for 2002 and subsequent years, as provided by law;
- b. Legislation to give judges and other high level federal officials a “catch-up” pay adjustment of 9.6 percent to recapture Employment Cost Index adjustments previously foregone; and
- c. Appointment of a presidential commission to consider and make recommendations to the President on appropriate salaries for high-level officials in all three branches of government.

Focusing on the ever-increasing automation of the court system, the Judicial Conference approved significant changes to the fee schedule for electronic public access to files. Based on proposals from the Committee on Court Administration and Case Management, the Conference endorsed the creation of a new Electronic Public Access Miscellaneous Fee Schedule, and approved the removal of items relating to electronic public access from the current miscellaneous fee schedules and the insertion of these items into the newly created fee schedule. In making these changes, the Conference addressed apprehensions that the prior fee schedule was negatively impacting on the open access to court records. The key change to the fee schedule states that attorneys of record and parties in a case (including pro se litigants) receive one free electronic copy of all filed documents, if receipt is required by law or directed by the filer, and that no fee under this provision is owed until an individual account holder accrues charges of more than \$10 in a calendar year.

The Sept. 11, 2001, Judicial Conference was adjourned because of the terrorist attacks on that date on the World Trade Center in New York and the Pentagon in Washington, D.C. The committee recommendations comprising the Conference’s consent and discussion calendars were

subsequently considered by Conference members in two mail ballots - one concluded on Sept. 19, 2001, and the second concluded on Oct. 1, 2001. (Two discussion items were deferred until the March 2002 Conference session.)

Among the most important actions taken by the Conference in the aforementioned mail ballots were the approval of several strategic recommendations regarding the Judiciary lawbooks and library program. The recommendations were adopted in order to make the lawbooks and library program significantly more cost-effective.

Continuing the work begun at the March Conference, the Judicial Conference in its September/October approval of action items focused again on the ongoing automation of the courts. Specifically, the Conference adopted several recommendations made by the committee on automation and technology. The Conference voted to reaffirm (a) that computers connected to the data communications network (DCN) shall access the Internet only through national internet gateways; and (b) that operations and security at those gateways are under the administrative, managerial, and logistical control of the Administrative Office, subject to the direction of the Conference or, where appropriate, Conference committees.

In addition, the Conference agreed to immediately adopt, on an interim basis, the model use policy developed by the federal Chief Information Officers Council, as later revised by the Committee, or its Subcommittee on IT Architecture and Infrastructure, to tailor it to the judiciary (except for Section F, "Privacy Expectations," which was recommitted to the Committee) as a national minimum standard defining appropriate Internet use, subject to the right of each court unit to impose or maintain more restrictive policies.

The Conference reaffirmed that individual courts have responsibility to enforce appropriate Internet use policies, and directed the Administrative Office, as part of its regular audit process, to examine and comment upon the adequacy of the courts' enforcement methods.

Among other items approved in the September/October mail ballots, the Conference adopted model local rules for electronic case filing; approved technical and clarifying changes to the Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment and Reappointment of United States Magistrate Judges; and agreed to seek legislation that would permit the General Services Administration to delegate construction and alteration authority to the judiciary to the same extent that it may do so to executive branch agencies.



**2001 FIRST CIRCUIT JUDICIAL CONFERENCE  
MAY 2001**

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

In the First Circuit, circuit judicial conferences generally are conducted in two different formats.

One type of conference, often called a “mini-conference,” is designed primarily for judicial officers and certain court personnel. In addition to the judges, others who attend are the circuit executive, senior court personnel and representatives (usually one each) of the Administrative Office of the U.S. Courts and the Federal Judicial Center. These conferences are organized by a committee of judges, appointed by the chief judge, with the assistance of the circuit executive and his staff.

The other meeting format is the full-scale conference, which is conducted every other year. Those who attend these conferences include those listed above in connection with the mini-conferences and, pursuant to Local Rule 47.1, others from the districts such as presidents of the state and commonwealth bar associations, deans of accredited law schools, the public defenders and the U.S. attorneys. In addition, a substantial number of lawyers are invited to attend these full-scale conferences.

In planning the full-scale conference, the Judicial Council selects the approximate dates for the conference and assigns one of the districts in the circuit to act as a host district for the conference. The chief judge of the circuit appoints a Planning Committee to organize and conduct the Conference. This advance work is usually done at 1½ 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 approval of the chief judge of the circuit, the number of invitees that the facilities at the selected site can accommodate is determined, and a specific number of slots for attendees is assigned to each district (roughly based on the proportion of the number of judges in a given district to the total number of judges in the First Circuit, plus an allotment for the Court of Appeals). The district court chief judges, in consultation with their respective judges, supply lists of nominees to receive invitations to attend. Based on these lists, invitations are then extended by the chief judge of the circuit.

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

Because of the many activities that must be planned for a full-scale conference, it is important that a Planning Committee consist of members of the bar and judges of the host court.

The 2001 First Circuit Judicial Conference was held on May 1-4, 2001, at the Caribe Hilton Hotel in San Juan, Puerto Rico. The Planning Committee was co-chaired by then Court of Appeals Chief Judge Juan R. Torruella and Chief Judge Hector M. Laffitte of the District of Puerto Rico. The other members of the Planning Committee were Judge Charles A. Cordero, Puerto Rico General Court of Justice, Luis G. Fortuño, Esq., Arturo García-Solá, Esq., William Graffam, Esq., Lolita Semidey, Esq., María del Carmen Taboas, Esq., Marta Torres, Radamés Torruella, Esq., Frances Ríos de Morán, Jonathan Simon and Vincent Flanagan.

The conference began on Tuesday evening with a cocktail reception at the Museo de Arte de Puerto Rico hosted by the Puerto Rico Tourism Company and the Puerto Rico Convention Bureau. The panels consisted of the following:

Wednesday, May 2:

*"The Courts and the Press"*

Moderator: Judge Hector M. Laffitte  
Chief Judge of the District Court of Puerto Rico

Panelists: Kenneth Starr, Esq., former U.S. Special Prosecutor  
Luis Davila Colon, Esq., News Analyst  
Linda Greenhouse, Supreme Court Reporter  
for the New York Times.

*"Labor Employment Panel"*

Moderator: Radames Torruella, Esq.  
McConnell Valdes, San Juan, Puerto Rico

Panelists: Judge Sandra L. Lynch  
U.S. Court of Appeals for the First Circuit  
Judith Berkan, Esq., San Juan, Puerto Rico  
Paul Grossman, Esq.  
Paul, Hastings, Janofsky & Walker, LLP

*"Criminal Panel"*

Moderator: Judge Paul J. Barbadoro  
Chief Judge of the District of New Hampshire

Panelists: R. Robert Popeo, Esq.  
Mintz Levin Cohn Ferris Glovsky & Popeo, PC  
Maria Dominguez-Victoriano, Esq.  
Asst. U.S. Attorney for the District of Puerto Rico  
Robert S. Litt, Arnold & Potter, Washington, D.C.  
Former Deputy Asst. Attorney General, Criminal  
Division, U.S. Department of Justice  
Howard Pearl, Esq.  
Winston & Strawn, Chicago, Illinois

*"Update on Constitutional Law"*

Professor Erwin Chemerinsky  
Law Center, University of Southern California



Thursday, May 3:

*"Appellate Practice Panel"*

Moderator: Judge Bruce M. Selya  
U.S. Court of Appeals for the First Circuit

Panelists: Associate Justice Stephen G. Breyer  
Supreme Court of the United States  
Judge Jay Garcia-Gregory  
District Judge for the District of Puerto Rico  
Gael Mahony, Esq.  
Hill & Barlow

*"International Law Panel"*

Moderator: Lucy F. Reed Esq.  
Freshfield, Bruckhaus, Deringer LLP

Panelists: Judge Rosemary Barkett  
Circuit Judge for the U.S. Court of Appeals  
for the Eleventh Circuit  
Judge Harold Hongju Koh  
Assistant Secretary of State  
Curtis A. Bradley, Professor  
University of Virginia Law School  
Donald Francis Donovan, Esq.  
Debevoise & Plimpton, New York, NY

As is the tradition at First Circuit judicial conferences, each luncheon and dinner included a special speaker. At the Wednesday luncheon presided over by then Chief Judge Torruella, the Honorable David A. Souter, Associate Justice of the Supreme Court of the United States, was the featured speaker. At Wednesday's dinner, presided over by Chief Judge Laffitte, the speaker was a humorist who addressed the conference under the pseudonym Dr. Duncan MacLeod.

On Thursday, the luncheon was presided by Circuit Judge Michael Boudin. The speaker was the Honorable Sila M. Calderon, Governor of Puerto Rico.

At the closing dinner on Thursday evening, the speaker was Rasario Ferré, noted author of "The House on the Lagoon" and other works of literature in both English and Spanish; National Book Award finalist, and winner of Critic's Choice Award. The dinner was presided over by Chief Judge William G. Young, District Court for the District of Massachusetts.

On the last day of the conference, meetings were held for First Circuit judges and court personnel only. At the plenary session, Clarence A. Lee Jr., associate director, Administrative Office of the United States Courts, and Russell R. Wheeler, deputy director of the Federal Judicial Center, addressed judges and court staff informing the attendees of recent issues and developments from the perspective of the Administrative Office and the Federal Judicial Center.



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## BUSINESS OF THE FIRST CIRCUIT JUDICIAL COUNCIL

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

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

28 U.S.C. § 332(d).

Council meetings in the First Circuit are generally held twice a year although, in 2001, three judicial council meetings were held. The meetings took place on April 11, May 1 and September 13. Many matters are decided by mail vote between meetings.

A principle task of the judicial council involves complaints of judicial disability or misconduct. Since consideration of such complaints is confidential business and generally only the final decision is publicly available (with the disclosure of the judge's name dependent upon the nature of the action taken), detailed discussion is inappropriate. However, an explanation of the council's role in these matters and a summary of final action taken by the council during 2001 is provided at pages 63 and 64.

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

Other judicial council action taken during 2001 included: selection of a new circuit executive; approval of revised jury plans for the Districts of Massachusetts, Maine, and New Hampshire; approval of an amended Employee Dispute Resolution Plan for the District of Rhode Island; review of courthouse construction projects and expenditures; review of juror utilization statistics; and approval of bankruptcy judge assignments.



## SPACE AND FACILITIES

While this annual report is intended to cover only 2001, the long-term nature of courthouse construction and renovation requires a more extensive review of such projects during the years recently preceding 2001.

With the occupancy of the 27-courtroom John Joseph Moakley United States Courthouse in Boston in 1998, the largest design and construction project that the First Circuit will ever undertake, was successfully completed. In 1997, the seven-courtroom Warren B. Rudman United States Courthouse was occupied in Concord, N.H., and, in 2000, the complex process of renovating the historic post office and courthouse in Old San Juan was brought to a successful conclusion as well. Another lengthy but ultimately successful project was completed this year with the renovation and preservation of Providence's magnificent historic courthouse. With Portland's Edward T. Gignoux United States Courthouse and Worcester's Harold D. Donohue United States Courthouse renovations, completed in 1995 and 1994 respectively, all that remains to be tackled in the process of updating major court facilities in the circuit are the expansion and modernization of the district court's home in San Juan's Federico Degetau Federal Building and the replacement of the inadequate facilities of the district court in Springfield. These last two projects are now the major focus of the space and facilities activities in the Circuit Executive's Office. Of course, smaller projects constantly emerge as the needs of court units change over time.

New initiatives for courthouse security enhancement and for establishment of facilities to maintain continuity of operations in the event of a national disaster have led to growth in the scope and staff of the Circuit Executive's facilities operation this summer.

### *Providence Courthouse*

This project received its initial congressional funding authorization in 1992. A design was developed which renovated the first floor to accommodate a fifth district courtroom but left the rest of the building, which is one of the finest examples of federal architecture of the early 20th century in the GSA inventory, generally as is. With the arrival of a new clerk of court, David DiMarzio, and the almost simultaneous retirement of two senior judges, Francis Boyle and Raymond Pettine, in 1997, the project's programmatic requirements changed so drastically that the project went into redesign. With the support of the new chief judge, Ernest Torres, the court and this office were able to work with GSA and the Administrative Office to both revise the design to be more appropriate to the court's needs and to enhance the scope to include much-needed restoration to every floor of the courthouse. During the construction period, which started in December 1999 and lasted almost exactly two years, the district court was housed in the John O. Pastore Federal Building in tight quarters with the magistrate court. With two major trials impending in early 2002, an enormous effort was made by the court, GSA, the contractor, the architects and the construction manager to ensure a December 2001 occupancy. The building has received much praise from the local press and the users, and a rededication ceremony is planned for later this year. The final cost for the project is approximately \$25 million.

### ***New Courthouse for Springfield***

The courts, under the leadership of Judge Michael Ponsor, GSA and the Administrative Office, were successful in obtaining construction funding in fiscal 2001 for a new four-courtroom building to replace the district and bankruptcy court facility in the Springfield federal building. The principal arguments supporting the development of a new courthouse all related to the lack of security in the existing court, which has few secured or restricted corridors, inadequate provision for prisoner transport, and an inappropriate location adjacent to a parking garage and commercial complex. The new building has been designed by the firm of Moshe Safdie and Associates of Somerville, Mass., and will be located on State Street where it will join an array of other impressive public buildings. The four courtrooms accommodate U.S. District Judges Ponsor and Frank Freedman, U.S. Magistrate Judge Kenneth Neiman, and U.S. Bankruptcy Judge Henry Boroff, who moved his operational base from Worcester this year. In addition to space for other court functions, the building houses a U.S. attorney facility whose flexible tenancy once again (as in Boston) ensures expansion space for the courts.

Acquisition of the site, which consists of multiple parcels, has been a long and arduous process but seems to be winding toward a successful conclusion, largely because of the support and assistance of U.S. Rep. Richard Neal and his staff. The design is currently halfway through construction document production, and a spring 2003 construction start is anticipated. Occupancy is now scheduled for late in 2005. The construction cost of the building is budgeted at approximately \$45 million.

### ***Renovations in Puerto Rico***

The move of the bankruptcy court out of the Degetau Federal Building in the Hato Rey section of San Juan into the newly renovated Old San Juan Post Office and Courthouse in 2000 was a boon to the overcrowded and underhoused district court functions in the Degetau building. The first step in the process of improving space conditions was the upgrading of the former bankruptcy courtroom and chambers for the magistrate judges, who were moved to their new quarters on the fourth floor in 2001. Additional plans include the following proposed actions: the space vacated by the U.S. magistrate court on the first floor will be renovated for a properly sized jury assembly function, a court-wide training room and an enlarged grand jury suite; the clerk's office will use space to be vacated by the probation office, also on the first floor, for an administrative suite; and, finally, the clerk's existing space will be used to expand and improve operations and systems functions. Plans may be modified as funding constraints dictate.

The fourth floor of the Degetau building has been made available entirely to the courts because of the relocation of the U.S. Attorney's Office. The plan here is to use this newly acquired space to consolidate the probation office and to build a new courtroom and chambers for the fourth magistrate judge, who has been forced to remain temporarily on the first floor until construction of his new quarters is complete. The fourth-floor project is currently in design by GSA's term architects and is scheduled for construction bidding and award later this summer.

***Massachusetts:***

*Court of Appeals clerk's office:* A project to add two private offices and renovate the intake area is in design.

***New Hampshire:***

*U.S. Bankruptcy Court, Manchester:* GSA has received funding for a prospectus-level project to improve the mechanical and electrical systems in the Norris Cotton Federal Building. The bankruptcy court will be temporarily relocated to leased space in Manchester during renovations to the building and will be returned to the third and fourth floors. Construction is scheduled for a 2003 start.

***Maine:***

*U.S. District Court, Bangor:* Construction began in May 2002 on the complete renovation of the U.S. district courtroom, currently used by Judge George Singal. The new courtroom will have all new finishes, electronic systems, millwork and lighting. The cost of the project is approximately \$250,000, which was provided by the district court and the Administrative Office. Furthermore, the courts are pressing GSA to approve a prospectus project for the Margaret Chase Smith Federal Building, in which all Bangor court functions are housed, which would allow a complete upgrade of all court functions other than the main courtroom.

*U.S. Probation Office, Bangor:* The Administrative Office has approved the expansion of the probation office, in the Smith federal building, which is currently located in undersized and windowless quarters.

***Puerto Rico:***

*U.S. Bankruptcy Court, Old San Juan:* A fourth bankruptcy judgeship is pending in current legislation. Developing accommodations for this judge will be a major effort in the upcoming year.

*Ponce Court Facility:* The renovations to the existing courtroom, chambers and ancillary facilities were completed in June 2002. The courts are continuing to work with the U.S. Postal Service and GSA to further improve conditions in that facility and are developing plans for a new probation office and other court-related functions on the second floor adjacent to the renovated space.

***Rhode Island:***

*Pastore Federal Building:* Design is under way for the relocation of the probation office onto the third floor of this facility from the office's current leased-space location.

*Providence Courthouse:* A prospectus project was funded for the infill of the courthouse lightwell to create additional emergency egress and office space. Because of GSA delays in implementing this project, the scope must now be modified to include work which can be accomplished in a fully occupied building. The court hopes to use this funding, approximately \$5 million, for security-enhancing improvements.





## AUTOMATION AND TECHNOLOGY

The Virtual Private Network (VPN), a fast, convenient and secure way of providing access to the Data Communications Network (DCN) for judges and staff who want or need to use the system through their home or mobile computers, was launched. This system allows for access to the network through the individual's own internet provider and for the use of high-speed phone and/or cable connections.

Because the use of external connections to the court is being provided, the primary concern was to ensure the security and confidentiality that the court requires. At the same time, there was a recognition of the necessity to provide these connections so that users could have the most modern, high-speed access available to home users. This system is also more reliable and more productive.

A VPN allows the use of the Internet but shields the data by transmitting it in a tunnel-like structure to prevent interception of the data being transmitted. It is the most secure method that can be used while still being productive for the end users.

During the past year, the First Circuit made the migration to Lotus Notes, a combined e-mail and collaborative software package and has joined most of the judiciary in the country in a common e-mail platform. It improves the delivery of mail by providing a common transfer model and consolidates the addresses of all users in the court system into a standard easy-to-access mail directory. It also eliminates the need to go outside the internal, secure mail handling facility to reach users in other circuits throughout the country.

The future use of the product holds a great deal of potential. Through the use of common scheduling and simple messaging, the flow of messages and the scheduling of court activities can be improved. With this one software package, there is an ability to replace many packages that were used to list names and addresses, maintain individual schedules, keep notes on meetings and update tasks at hand. As in all aspects of IT program implementations, the most important concerns are the security and reliability of the access. By having a common communication model with most of the judiciary, the circuit is certain to benefit from common collaboration.

This year also marked the implementation of what could be a significant contribution to court operations. Videoconferencing has been installed in the Court of Appeals. The systems utilize large video monitors, high-definition cameras and high-fidelity audio to enhance the meeting experience. The immediate benefit of the system is to allow meetings to take place in lieu of traveling. Desktop videoconferencing also has been implemented albeit on a limited basis.

Another technology development introduced this year has been the use of TV reception over the court network. The use of this technology could have wide implications for training, information delivery and data transmission. Currently, the primary application is to allow the viewing of videos over the Federal Judicial Television Network, a closed video-transmission facility broadcasting content of particular interest to the judiciary. The potential is there to disseminate video training programs and other video presentations so that users can view them on their own schedule and at their own pace.



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**JUDICIAL COUNCIL REFORM  
AND  
JUDICIAL CONDUCT AND DISABILITY ACT OF 1980, USC § 372**

The Judicial Council Reform and Judicial Conduct and Disability Act of 1980 provides a mechanism for addressing complaints of judicial misconduct or disability. With a remedial as opposed to a punitive objective, the statute is intended to correct conditions that interfere with the proper administration of justice. Accordingly, the act empowers the chief judge of the circuit to review a complaint alleging that a federal judge has engaged in conduct "prejudicial to the effective and expeditious administration of the business of the courts" or "is unable to discharge all the duties of office by reason of mental or physical disability..." 28 U.S.C. § 372(c)(1).

After initial review by the chief judge, the act authorizes the Judicial Council of the circuit to investigate claims of misconduct or disability and "take such action as is appropriate to assure the effective and expeditious administration of the business of the courts..." 28 U.S.C. § 372(c)(6). The act further empowers the Judicial Council to promulgate rules governing such proceedings. Under this authority, the Rules of the Judicial Council of the First Circuit Governing Complaints of Judicial Misconduct or Disability were enacted. Amended in October 1999, these rules detail the procedures for the filing of complaints under the statute and include a complaint form. The rules are available from the Office of the Circuit Executive.

Pursuant to the First Circuit Rules of Judicial Misconduct, complaints are filed with the Office of the Circuit Executive. After a complaint is properly filed, the chief judge conducts an initial review of the allegations. With the assistance of Circuit Executive's Office staff, the chief judge determines whether the complaint should be dismissed, concluded or referred to a special committee for investigation. The chief judge may dismiss a complaint that fails to allege conduct that is inappropriate under the statute, is directly related to the merits of a decision or procedural ruling, or is frivolous. The chief judge may also dismiss a complaint where it is determined that appropriate action has been taken to remedy the problem or that action on the complaint is not necessary because of intervening events.

Within 30 days of the chief judge's order of dismissal, complainants may petition the Judicial Council for review. Circuit Executive's Office staff transmit the petition for review, and other relevant materials, to each member of the Judicial Council who will either affirm the chief judge's disposition or place the petition on the agenda of a Judicial Council meeting. Unless the chief judge has appointed a special committee to investigate a complaint, orders of the Judicial Council, including denials of petitions for review, are final and not subject to further review.

If the chief judge refers the complaint to a special committee for investigation, the committee files a report with the Judicial Council presenting the findings of the investigation, as well as the committee's recommendations for any necessary remedial action. After conducting any additional investigation, the Judicial Council may take such action as is warranted, including, but not limited to, certifying the judge's disability, requesting the judge's retirement, modifying further judicial case assignments, censuring or reprimanding the judge, or dismissing the complaint.

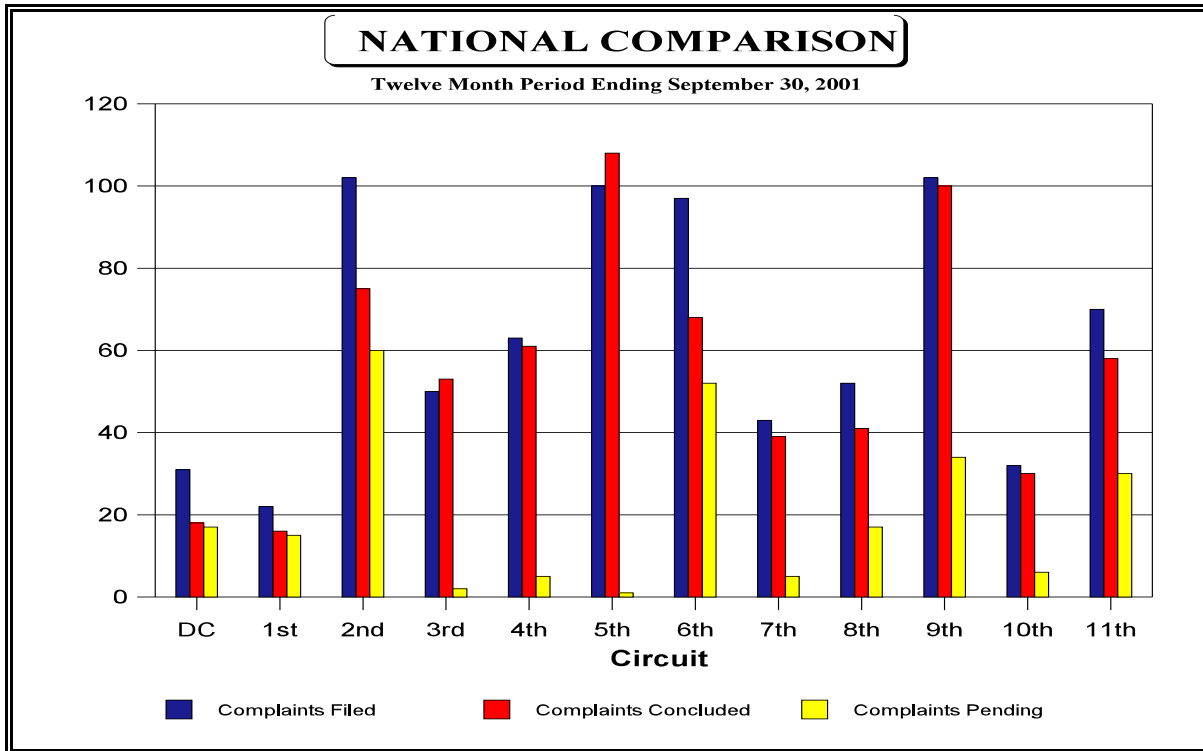
Orders issued by the Judicial Council on the basis of a report of a special committee may be subject to review by the Judicial Conference of the United States.

During 2001, 23 complaints were filed in the First Circuit pursuant to the rules. Twenty-one of these complaints were dismissed by order of the chief judge. Two of the complaints were voluntarily withdrawn. Sixteen complainants filed petitions for review of the chief judge's order. The Judicial Council affirmed the dismissal of each of these complaints. As already noted, dismissal does not mean that the complaint was without merit; corrective action or intervening events may have led to the dismissal.

#### **Summary, First Circuit Complaints of Judicial Misconduct or Disability, 2001**

Complaints Filed in 2001 (includes 1 complaint remanded by Judicial Council)	23
Repeat Complainants (filed more than 1 complaint)	3
Number of Complaints Withdrawn	2
Orders of Dismissal Issued by Chief Judge	21
Petitions for Review filed with Judicial Council * 2 of the 16 petitions were filed in 2002	16*
Orders of Dismissal Affirmed by Judicial Council ** 11 of the 16 Council orders were issued in 2002	16**
Total Judges Accused of Misconduct	44

**NATIONAL COMPARISON OF REPORT OF COMPLAINTS FILED AND ACTION TAKEN UNDER AUTHORITY OF TITLE 23 U.S.C. § 372 (c)**



**REPORT OF COMPLAINTS FILED, CONCLUDED AND PENDING UNDER AUTHORITY OF TITLE 28 U.S.C. § 372 (c) For a Twelve-Month Period ended September 30, 2001**

Summary of Activity	Circuit											
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Filed	31	22	102	50	63	100	97	43	52	102	32	70
Complaints Concluded	18	16	75	53	61	108	68	39	41	100	30	58
Complaints Pending	17	15	60	2	5	1	52	5	17	34	6	30



## **ATTORNEY DISCIPLINE**

Attorney discipline in the First Circuit is carried out pursuant to local rules adopted by individual courts.

At the appellate level, matters of attorney discipline are governed by the Rules of Disciplinary Enforcement for the Court of Appeals for the First Circuit.

Under the rules, "[w]hen misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a Judge of this Court ... the Judge shall refer the matter to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate."

The rules also authorize the court to take reciprocal action where discipline has been imposed by other courts, and where other courts have disbarred an attorney.

In 2001, the court did not initiate any of its own disciplinary proceedings pursuant to Section A of Rule V. Pursuant to Rule II, in 2001 the court disbarred six attorneys and suspended one.





## HISTORY AND COMMEMORATIVE EVENTS

On June 15, 2001, quietly and without ceremonial fanfare, United States Court of Appeals Judge Michael Boudin became the new chief judge of the First Circuit, succeeding his colleague on the Court of Appeals, Juan R. Torruella, who completed the maximum seven-year term as chief judge of the circuit.

During his tenure as chief judge, Judge Torruella, among his many accomplishments, oversaw an extensive courthouse building and renovation program, developed a system of liaison judges at the Court of Appeals level (assigning liaison judges to the circuit executive's office, the clerk's office, the staff attorney's office, the circuit library, the settlement program, the space and facilities program and the automation program) and continued the ongoing development of greater automation in judges' chambers and support offices.

Judge Boudin, upon assuming the office of Chief Judge, stated that, "The courts of this circuit have a well-deserved reputation for deciding cases justly and with dispatch. The main objective is to keep this ship on course."

In 2001, the First Circuit also experienced the appointment of a new circuit executive, Gary H. Wentz. Mr. Wentz, formerly the deputy circuit executive for the Tenth Circuit, entered on duty as the new circuit executive on June 18, 2001. Vincent Flanagan, who was the circuit executive since 1988, was appointed to the position of Special Advisor to Chief Judge Boudin.

Other changes in key judicial and administrative positions are noted on page 158, which includes a list of new appointments, elevations, senior status transitions, retirements and deaths.

On September 10, 2001, at a ceremony in Washington, D.C., First Circuit Court of Appeals Senior Judge Frank M. Coffin was presented with the Edward J. Devitt Distinguished Service Award by Supreme Court Justice Ruth Bader Ginsburg. The Devitt Award, sponsored by the American Judicature Society, is considered by many to be the most prestigious award a federal judge can receive.

Senior Judge Coffin was not the only judge in the First Circuit to be recognized during 2001 for his excellent work. United States District of Massachusetts Judge A. David Mazzone was honored at the JFK Library in Boston in a May 16 tribute for his extensive work in overseeing the clean-up of Boston Harbor, and on June 2, Judge Mazzone received an honorary degree from the University of Massachusetts.

Many other First Circuit Judges also were recognized and honored in 2001. United States District of Massachusetts Judge Reginald C. Lindsay was honored by the Boston Celtics with one of its Heroes Among Us Awards. The awards, presented at each of the professional basketball team's home games, recognize those who, according to the Celtics, "have made exceptional and lasting contributions to our community."

United States Bankruptcy Judge Henry J. Boroff, who sits in Worcester and Springfield, was honored in the spring by the Worcester County Bar Association and its Volunteer Lawyers Service of the Massachusetts Justice Project. The association cited Judge Boroff for his participation in an annually conducted legal education course designed to solicit pro bono representation for indigent debtors.

In honor of retired United States Magistrate Judge William H. Barry Jr., the United States District Court hung a portrait of the judge in the Warren B. Rudman United States Courthouse in Concord, N.H. The first to grace the walls of the courthouse, the portrait was dedicated in a ceremony led by the district's sitting magistrate, James R. Muirhead.

Three former judges of the United States District Court for the District of New Hampshire were honored on November 6, 2001, with the dedication of their portraits at the Warren B. Rudman United States Courthouse in Concord. The honorees were: Martin F. Loughlin, who served from 1979-1995; Norman H. Stahl, 1990-1992; and Hugh H. Bownes, 1968-1977.

On April 18, 2001, a ceremony was held rededicating the two-and-a-half-year-old United States Courthouse in Boston as the John Joseph Moakley United States Courthouse. With the knowledge that Congressman Moakley had been diagnosed with leukemia, the ceremony was both a joyous and sad event. The Congressman's staff organized a 2,000-person dinner on the evening of the rededication at the John B. Hynes Convention Center in Boston's Back Bay to benefit the newly created John Joseph Moakley Charitable Foundation. With much sorrow, the court family in the First Circuit mourned the death of Congressman Moakley on May 28, 2001.

During the year 2001, there was a renewed effort to advance the work of the First Circuit History Society, which was established and registered as a charitable trust under the laws of the State of Massachusetts in 1993. The History Society, which had previously marketed and distributed a book entitled, A History of the United States Court of Appeals for the First Circuit, Volume 1, 1891 to 1960, written by law professor and historian George Dargo, benefitted in 2001 from the work of Senior Judges Frank M. Coffin and Levin H. Campbell. Judges Coffin and Campbell presented the History Society with oral histories of retired Court of Appeals Judge Bailey M. Aldrich, Senior Judge Hugh H. Bownes, Senior Judge Frank M. Coffin, and retired Court of Appeals clerk and circuit executive Dana Gallup. An oral history of Judge Levin H. Campbell is nearing completion. In addition to the oral histories, the First Circuit History Society has collected numerous photographs, historical documents and artifacts. The collection is maintained and available for viewing in Room 9402 of the First Circuit library on the ninth floor of the John Joseph Moakley United States Courthouse in Boston.

The History Society intends on undertaking the publication of research papers, pamphlets and articles on various aspects of legal history in the First Circuit.

The society will, of course, continue to rely on the assistance and advice of Judge Campbell, who plans to continue to compile oral histories from First Circuit judges.

## 2001 FAIR EMPLOYMENT PRACTICES REPORT

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

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

This narrative report reflects data collected from the following offices: staffs of the senior circuit judges and circuit judges, the Circuit Executive's Office, the Bankruptcy Appellate Panel, the Office of the Clerk of the First Circuit Court of Appeals, the Office of the Senior Staff Attorney, the Office of the Circuit Librarian (including satellite branches throughout the circuit), and the Court of Appeals Civil Appeals Management Program (CAMP). The offices of the Federal Public Defender (for the Districts of Massachusetts and Puerto Rico) have issued separate reports.

### *Personnel Summary*

As of September 30, 2001, there were 119 Court of Appeals employees. Of those employees, 42 (35 percent) were male and 77 (65 percent) were female. Of the employees, 97 (81 percent) were white and 20 (17 percent) were minorities. There were eight African-American employees, seven Hispanic employees, five Asian employees, no Native American employees, and two with "No Response."

### *Significant Achievements*

There were 35 new appointments made during this reporting period. Of those new appointments, 20 were male and 15 were female. Of the new appointments, 26 were white and six were minorities.

### *Training*

As noted above, on October 10, 1999, the court adopted the Employment Dispute Resolution Plan for the First Circuit Court of Appeals.

During the relevant period, the Circuit Executive's Office EDR coordinator, Christine Guthery, assisted the Administrative Office in developing new training materials for EDR coordinators in other circuits throughout the country. These training materials consisted of a training manual and an instructional video for EDR coordinators.

The Circuit Executive's Office has also developed and disseminated an Anti-Discrimination and Civility Statement for posting in each clerk's office throughout the circuit. The Circuit Executive's Office has also produced two pamphlets: Employee Guide to the Anti-Discrimination and Civility Policies of the United States Courts of the First Circuit and Guide for Judicial Officers to the Anti-Discrimination and Civility Policies of the United States Courts of the First Circuit. These materials describe the rights and responsibilities of court employees and judges with respect to workplace and employment issues and provide a list of resources for obtaining additional information.

The policy and pamphlets have been approved by the First Circuit Judicial Council and will be distributed to all employees in the First Circuit during this fiscal year.

### ***Complaints Process***

There were no complaints filed during this reporting year.

# **STATISTICAL REPORTS**



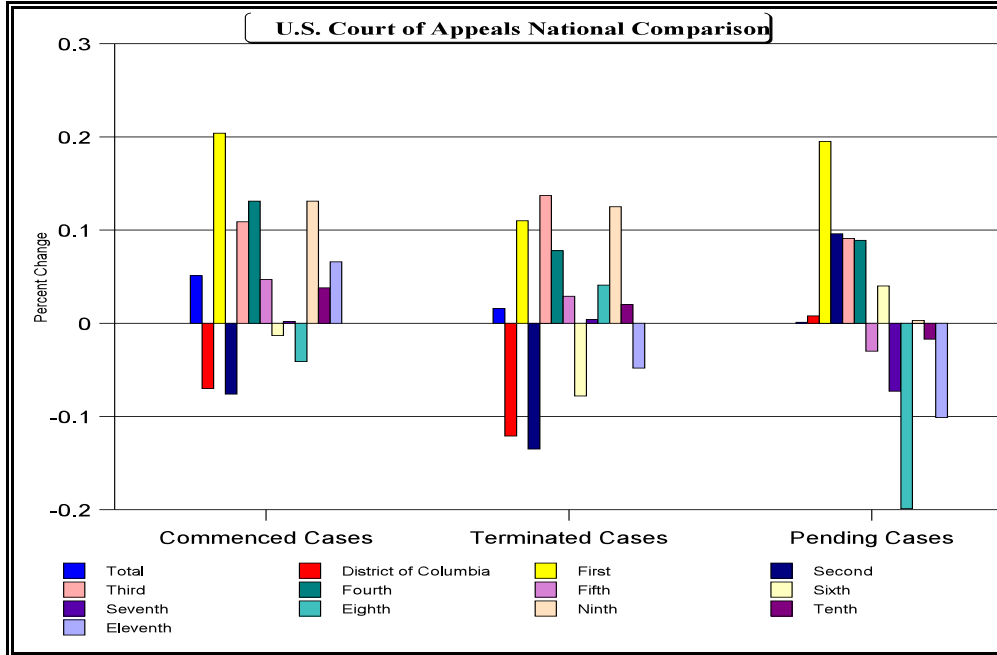
# **STATISTICS**

# **COURT OF APPEALS**





**U.S. COURT OF APPEALS NATIONAL COMPARISON**  
**Appeals Commenced, Terminated and Pending**  
**During the 12-Month Periods Ending September 30, 2000 & 2001**



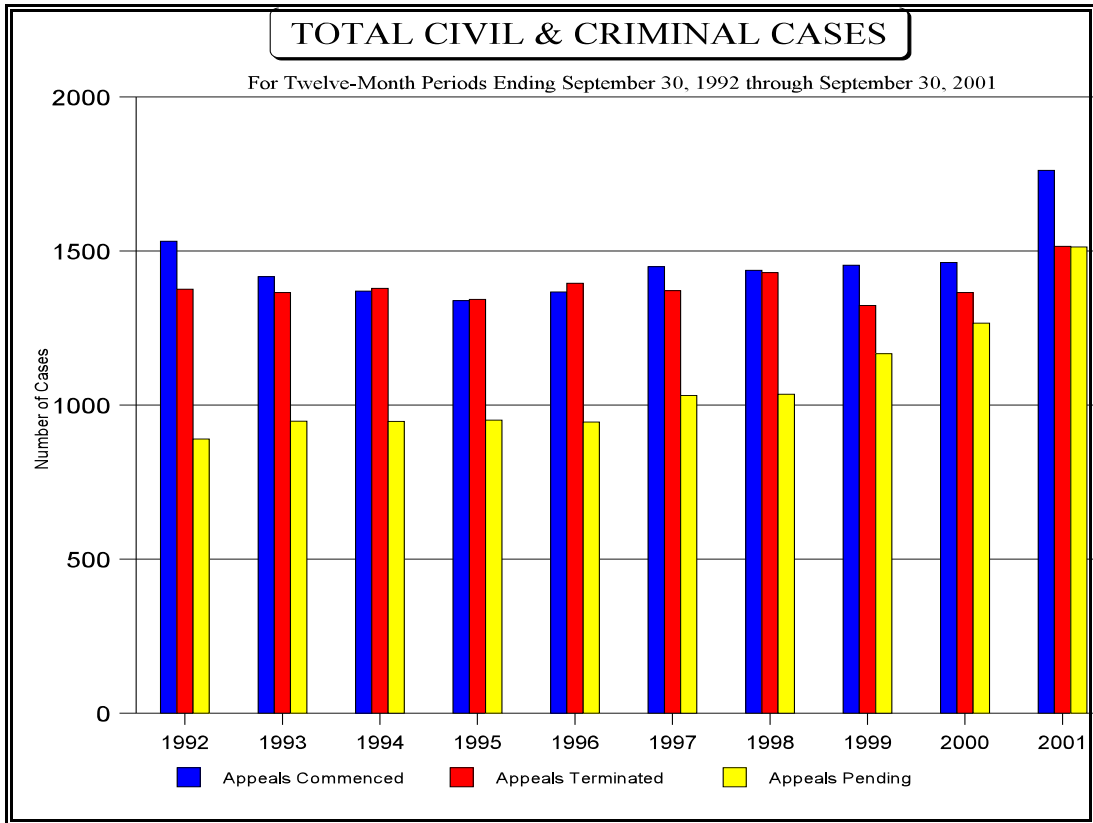
CIRCUIT	Commenced			Terminated			Pending		
	2000	2001	Percent Change	2000	2001	Percent Change	2000	2001	Percent Change
<b>Total</b>	<b>54,697</b>	<b>57,464</b>	<b>5.1</b>	<b>56,512</b>	<b>57,422</b>	<b>1.6</b>	<b>40,261</b>	<b>40,303</b>	<b>.1</b>
District of Columbia	1,506	1,401	-7.0	1,582	1,391	-12.1	1,260	1,270	.8
<b>First</b>	<b>1,463</b>	<b>1,762</b>	<b>20.4</b>	<b>1,365</b>	<b>1,515</b>	<b>11.0</b>	<b>1,266</b>	<b>1,513</b>	<b>19.5</b>
Second	4,892	4,519	-7.6	4,829	4,175	-13.5	3,597	3,941	9.6
Third	3,482	3,860	10.9	3,162	3,594	13.7	2,933	3,199	9.1
Fourth	4,689	5,303	13.1	4,710	5,078	7.8	2,526	2,751	8.9
Fifth	8,253	8,642	4.7	8,535	8,784	2.9	4,728	4,586	-3.0
Sixth	4,916	4,853	-1.3	5,090	4,691	-7.8	4,039	4,201	4.0
Seventh	3,461	3,455	-.2	3,601	3,616	.4	2,211	2,050	-7.3
Eighth	3,165	3,034	-4.1	3,280	3,414	4.1	1,908	1,528	-19.9
Ninth	9,147	10,342	13.1	9,216	10,372	12.5	9,190	9,160	-.3
Tenth	2,656	2,758	3.8	2,737	2,792	2.0	1,981	1,947	-1.7
Eleventh	7,067	7,535	6.6	8,405	8000	-4.8	4,622	4,157	-10.1

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT**  
**Source of Appeals and Original Proceedings for the**  
**Twelve-Month Periods Ending September 30, 1994 - 2001**

Source	1994	1995	1996	1997	1998	1999	2000	2001
<b>First Circuit Totals</b>	<b>1,370</b>	<b>1,339</b>	<b>1,367</b>	<b>1,449</b>	<b>1,437</b>	<b>1,454</b>	<b>1,463</b>	<b>1,762</b>
Maine	109	149	144	168	134	139	128	164
Massachusetts	559	582	554	599	556	538	537	659
New Hampshire	126	95	99	133	119	126	105	112
Puerto Rico	334	236	291	312	331	338	358	498
Rhode Island	133	158	175	111	130	134	156	150
Bankruptcy	26	31	41	36	34	40	32	24
U.S. Tax Court	1	4	7	5	10	1	5	3
NLRB	19	22	10	12	11	5	7	5
Administrative Agencies	51	54	32	61	58	67	54	55
Original Proceedings	12	8	14	12	54	66	81	92

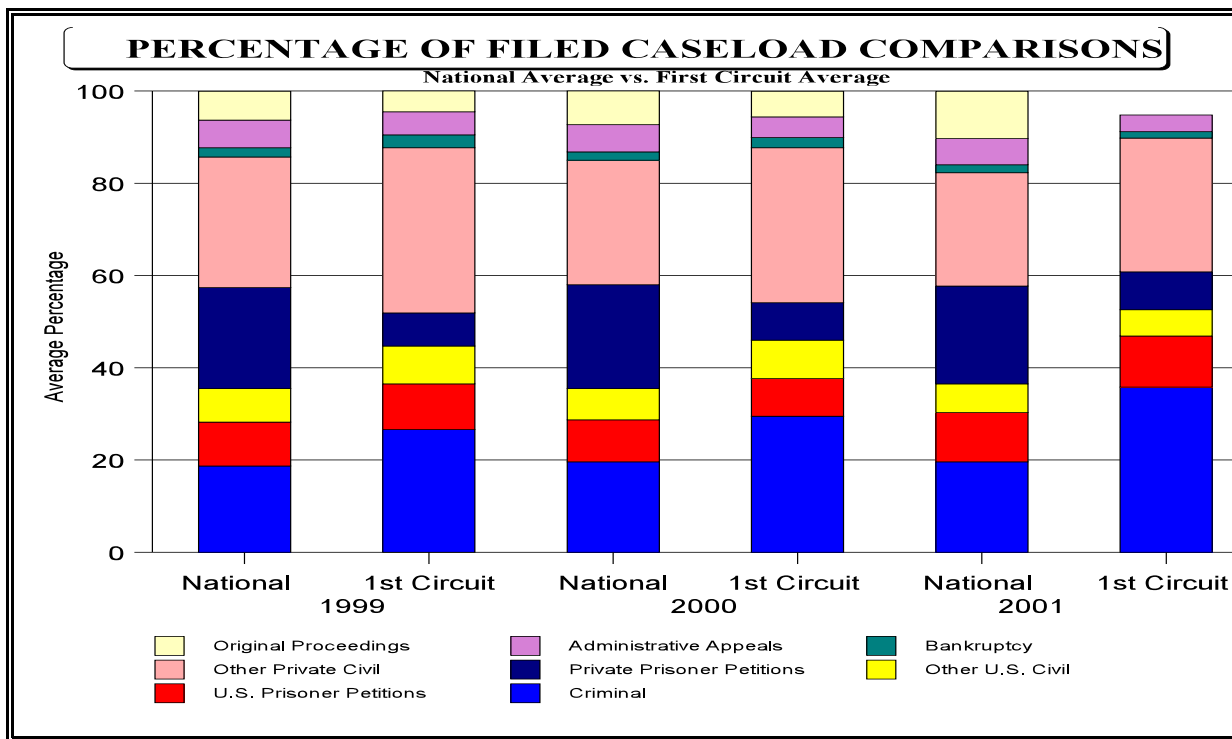
**NOTE: Totals include reopened, remanded, and reinstated appeals as well as original appeals.**

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT**  
**Appeals Commenced, Terminated and Pending**  
**During the Twelve-Month Periods Ending**  
**September 30, 1992 through September 30, 2001**



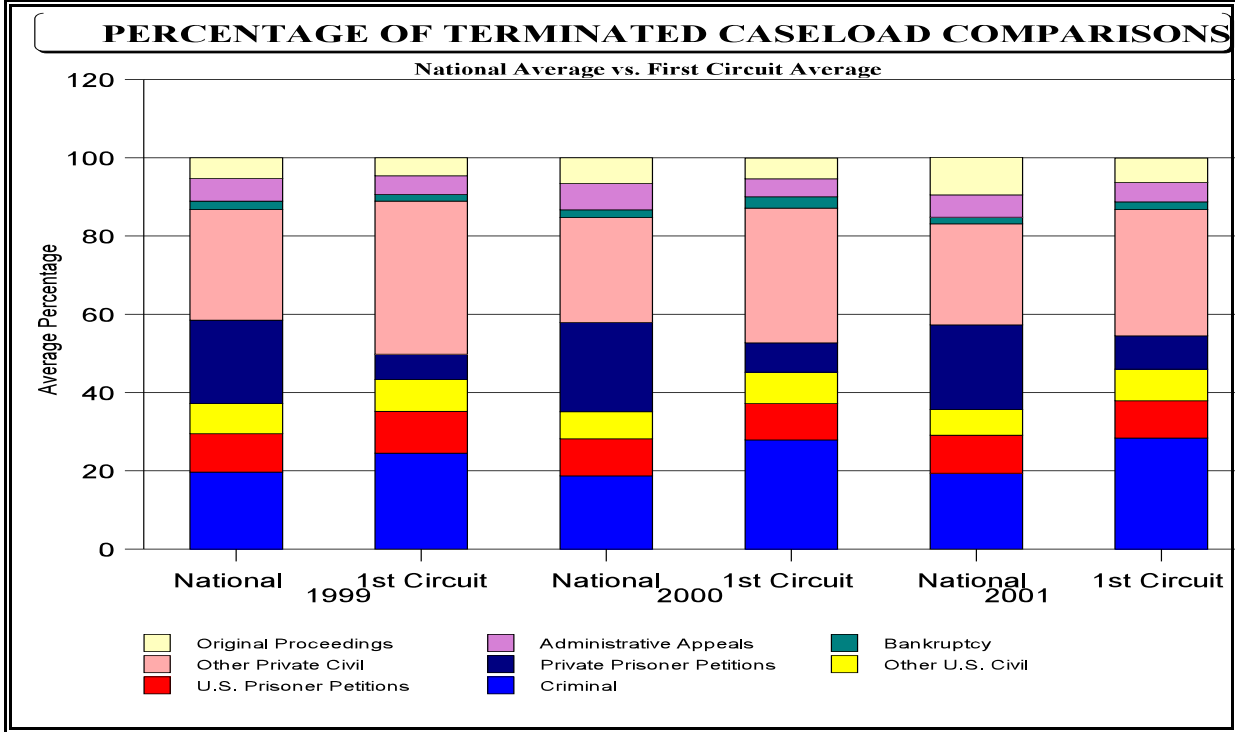
<b>U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT</b>										
<b>Comparison 1992 - 2001</b>										
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
<b>Appeals Commenced</b>	1,532	1,417	1,370	1,339	1,367	1,449	1,437	1,454	1,463	1,762
<b>Appeals Terminated</b>	1,376	1,365	1,379	1,343	1,395	1,371	1,430	1,323	1,365	1,515
<b>Appeals Pending</b>	890	948	947	951	945	1,031	1,035	1,167	1,266	1,513

## CIRCUIT COMPARISON FOR FILED CASELOAD



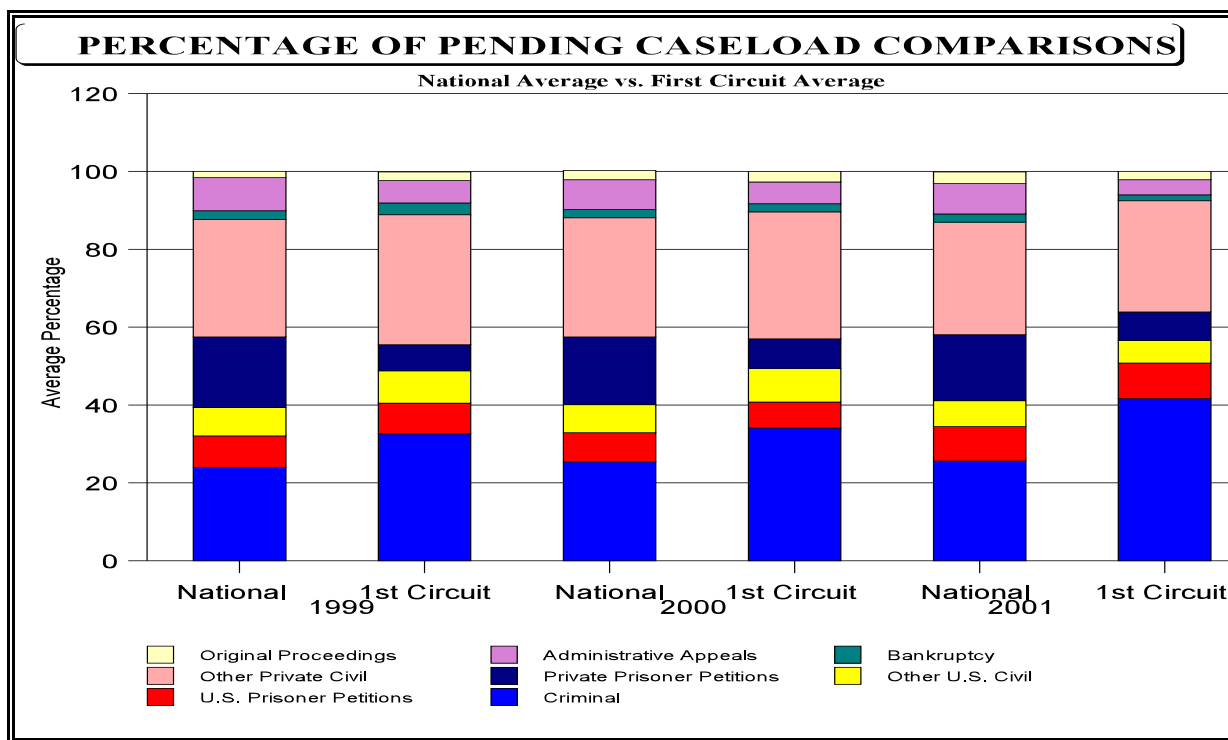
<b>FILED CASELOAD COMPARISON</b>						
<b>Percent of Total from September 30, 1999 Through 2001</b>						
	<b>1999</b>		<b>2000</b>		<b>2001</b>	
	<b>National Average</b>	<b>1<sup>st</sup> Circuit Average</b>	<b>National Average</b>	<b>1<sup>st</sup> Circuit Average</b>	<b>National Average</b>	<b>1<sup>st</sup> Circuit Average</b>
<b>Criminal</b>	18.7	26.6	19.6	29.5	19.6	35.8
<b>U.S. Prisoner Petitions</b>	9.5	9.9	9.1	8.2	10.7	11.1
<b>Other U.S. Civil</b>	7.3	8.2	6.8	8.3	6.2	5.7
<b>Private Prisoner Petitions</b>	21.9	7.2	22.5	8.1	21.2	8.2
<b>Other Private Civil</b>	28.3	35.8	27.0	33.6	24.6	29.0
<b>Bankruptcy</b>	2.0	2.8	1.8	2.2	1.7	1.4
<b>Administrative Appeals</b>	6.0	5.0	5.9	4.5	5.7	3.6
<b>Original Proceedings</b>	6.2	4.5	7.3	5.5	10.2	5.2

## CIRCUIT COMPARISON FOR TERMINATED CASELOAD



<b>TERMINATED CASELOAD COMPARISON</b>						
<b>Percent of Total from September 30, 1999 Through 2001</b>						
	<b>1999</b>		<b>2000</b>		<b>2001</b>	
	<b>National Average</b>	<b>1<sup>st</sup> Circuit Average</b>	<b>National Average</b>	<b>1<sup>st</sup> Circuit Average</b>	<b>National Average</b>	<b>1<sup>st</sup> Circuit Average</b>
<b>Criminal</b>	19.7	24.5	18.7	27.9	19.4	28.4
<b>U.S. Prisoner Petitions</b>	9.8	10.7	9.5	9.3	9.7	9.5
<b>Other U.S. Civil</b>	7.7	8.1	6.9	8.0	6.6	8.1
<b>Private Prisoner Petitions</b>	21.3	6.5	22.8	7.5	21.6	8.5
<b>Other Private Civil</b>	28.3	39.1	26.8	34.4	25.8	32.3
<b>Bankruptcy</b>	2.1	1.7	2.0	2.9	1.7	1.9
<b>Administrative Appeals</b>	5.8	4.8	6.7	4.6	5.7	5.0
<b>Original Proceedings</b>	5.3	4.6	6.6	5.3	9.6	6.2

## CIRCUIT COMPARISON FOR PENDING CASELOAD

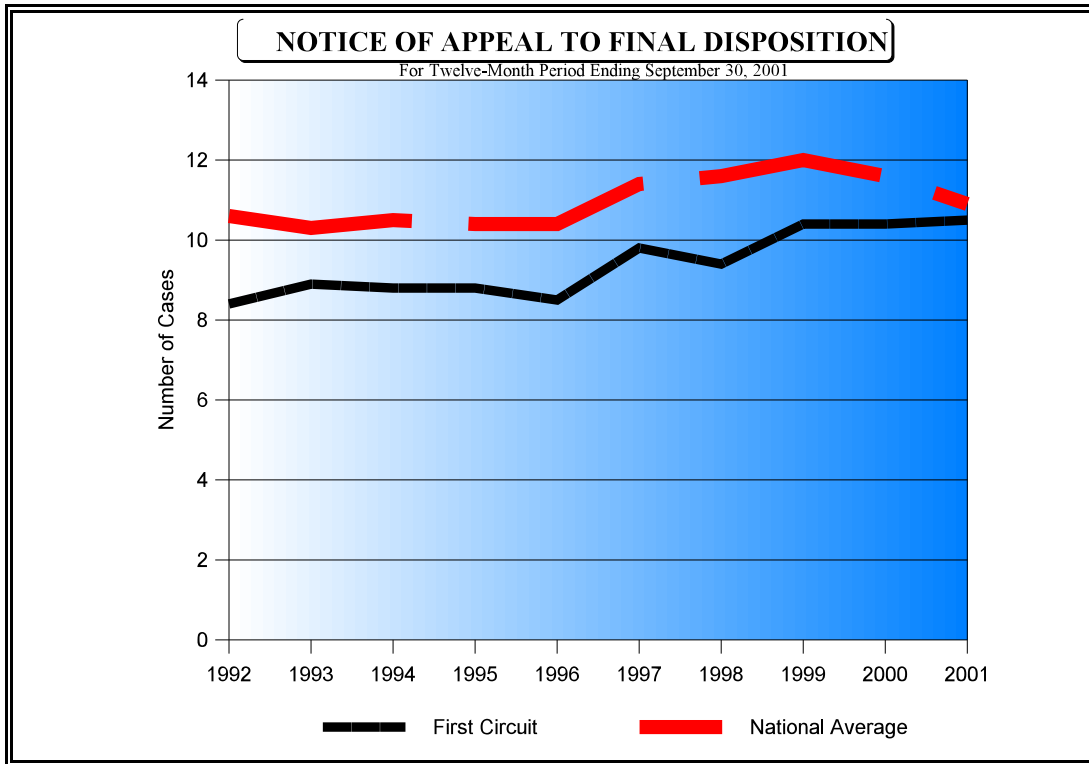


<b>PENDING CASELOAD COMPARISON</b>						
<b>Percent of Total from September 30, 1999 Through 2001</b>						
	<b>1999</b>		<b>2000</b>		<b>2001</b>	
	<b>National Average</b>	<b>1<sup>st</sup> Circuit Average</b>	<b>National Average</b>	<b>1<sup>st</sup> Circuit Average</b>	<b>National Average</b>	<b>1<sup>st</sup> Circuit Average</b>
<b>Criminal</b>	24.0	32.6	25.4	34.1	25.6	41.7
<b>U.S. Prisoner Petitions</b>	8.1	7.9	7.5	6.7	8.9	9.1
<b>Other U.S. Civil</b>	7.3	8.3	7.2	8.7	6.6	5.8
<b>Private Prisoner Petitions</b>	18.1	6.7	17.4	7.5	17.0	7.3
<b>Other Private Civil</b>	30.2	33.4	30.6	32.6	28.9	28.6
<b>Bankruptcy</b>	2.2	3.0	2.1	2.1	2.1	1.5
<b>Administrative Appeals</b>	8.5	5.8	7.7	5.6	7.8	3.9
<b>Original Proceedings</b>	1.6	2.2	2.3	2.7	3.0	2.1

**UNITED STATES COURT OF APPEALS  
MEDIAN TIME INTERVALS IN MONTHS FOR CASES TERMINATED  
AFTER SUBMISSION, BY CIRCUIT DURING THE TWELVE MONTH  
PERIOD ENDING SEPTEMBER 30, 2001**

	<b>CASE</b>	<b>INTV</b>
<b>TOTAL</b>	<b>23,043</b>	<b>10.9</b>
<b>DISTRICT OF COLUMBIA</b>	<b>379</b>	<b>7.6</b>
<b>FIRST</b>	<b>794</b>	<b>10.5</b>
<b>SECOND</b>	<b>1,728</b>	<b>9.1</b>
<b>THIRD</b>	<b>1,366</b>	<b>11.5</b>
<b>FOURTH</b>	<b>2,001</b>	<b>7.2</b>
<b>FIFTH</b>	<b>3,465</b>	<b>9.5</b>
<b>SIXTH</b>	<b>2,105</b>	<b>15.3</b>
<b>SEVENTH</b>	<b>1,301</b>	<b>9.7</b>
<b>EIGHTH</b>	<b>1,713</b>	<b>10.7</b>
<b>NINTH</b>	<b>3,622</b>	<b>15.8</b>
<b>TENTH</b>	<b>1,223</b>	<b>11.7</b>
<b>ELEVENTH</b>	<b>3,346</b>	<b>10.5</b>

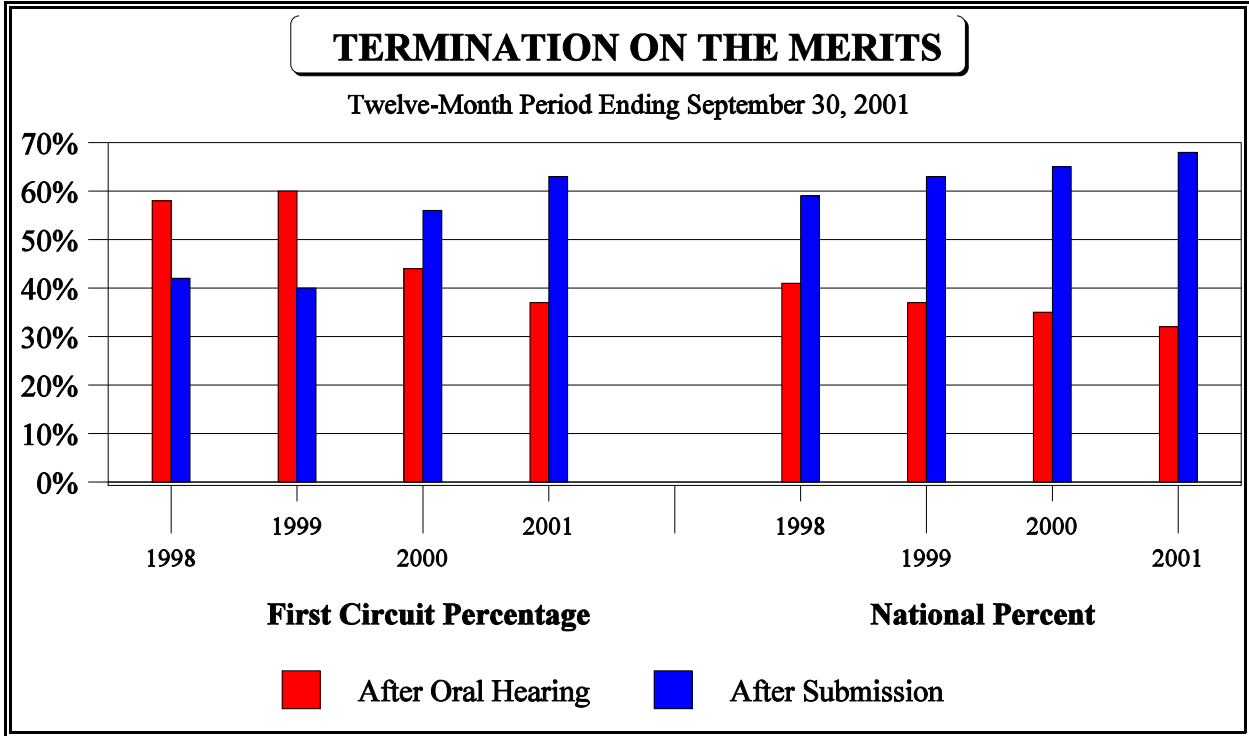
**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT**  
**Compared to the National Average for Caseload Disposition**  
**Time From 1992 - 2001**



<b>U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT</b>										
<b>Comparison 1992 - 2001</b>										
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
<b>First Circuit</b>	8.4	8.9	8.8	8.8	8.5	9.8	9.4	10.4	10.4	10.5
<b>National Average</b>	10.6	10.3	10.5	10.4	10.4	11.4	11.6	12.0	11.6	10.9



**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT**  
**Compared to the National Average for Caseload**  
**Disposition 1998 through 2001**



<b>DISPOSITION OF CASELOADS IN PERCENTAGES</b>								
<b>First Circuit vs. National Caseload</b>								
	<b>First Circuit Percentages</b>				<b>National Percentage Totals</b>			
	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>After Oral Hearing</b>	58%	60%	44%	37%	41%	37%	35%	32%
<b>After Submission</b>	42%	40%	56%	63%	59%	63%	65%	68%



**STATISTICS**

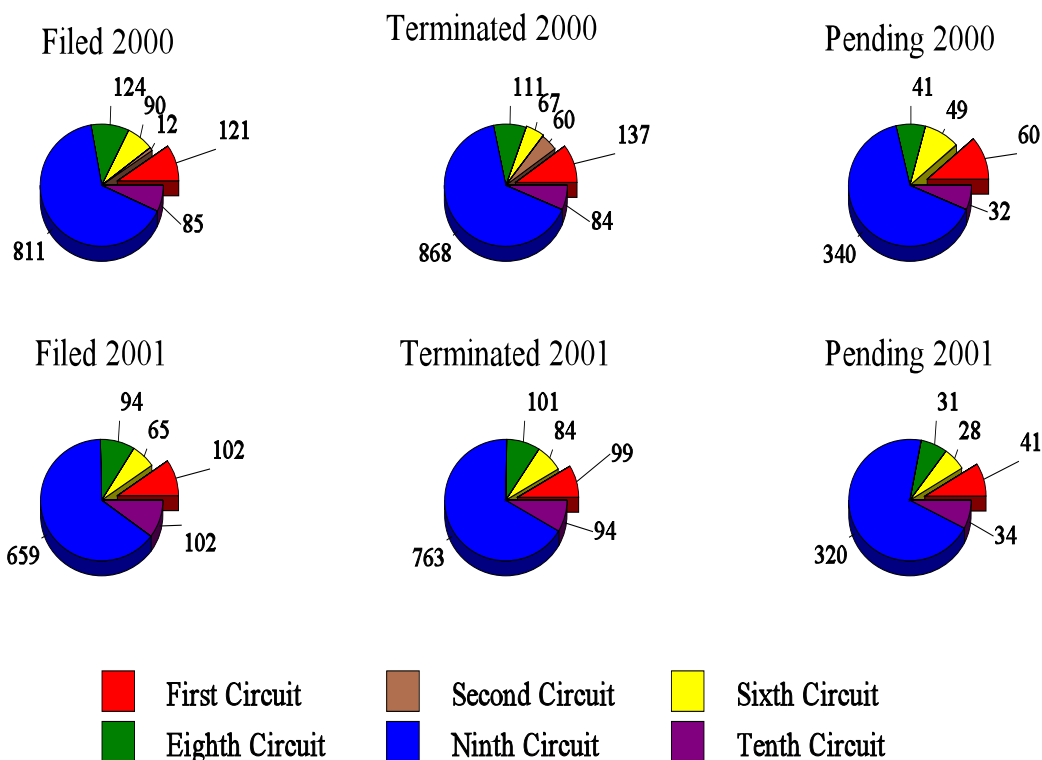
**U.S. BANKRUPTCY**

**APPELLATE PANELS**



**U.S. BANKRUPTCY APPELLATE PANELS**  
 Appeals Filed, Terminated and Pending by Circuit  
 For 12-Month periods as of September 30, 2000 and 2001

**U.S. BANKRUPTCY APPELLATE PANELS**



**U.S. BANKRUPTCY APPELLATE PANELS**  
 During the 12-Month Periods Ending September 30, 2000 and 2001

	Filed		Terminated		Pending	
	2000	2001	2000	2001	2000	2001
<b>First Circuit</b>	121	102	137	99	60	41
Second Circuit**	12	NA	60	NA	0	NA
Sixth Circuit	90	65	67	84	49	28
Eighth Circuit	124	94	111	101	41	31
Ninth Circuit	811	659	868	763	340	320
Tenth Circuit	85	102	84	94	32	34
<b>Total</b>	<b>1,243</b>	<b>1,022</b>	<b>1,327</b>	<b>1,141</b>	<b>522</b>	<b>454</b>



**STATISTICS**

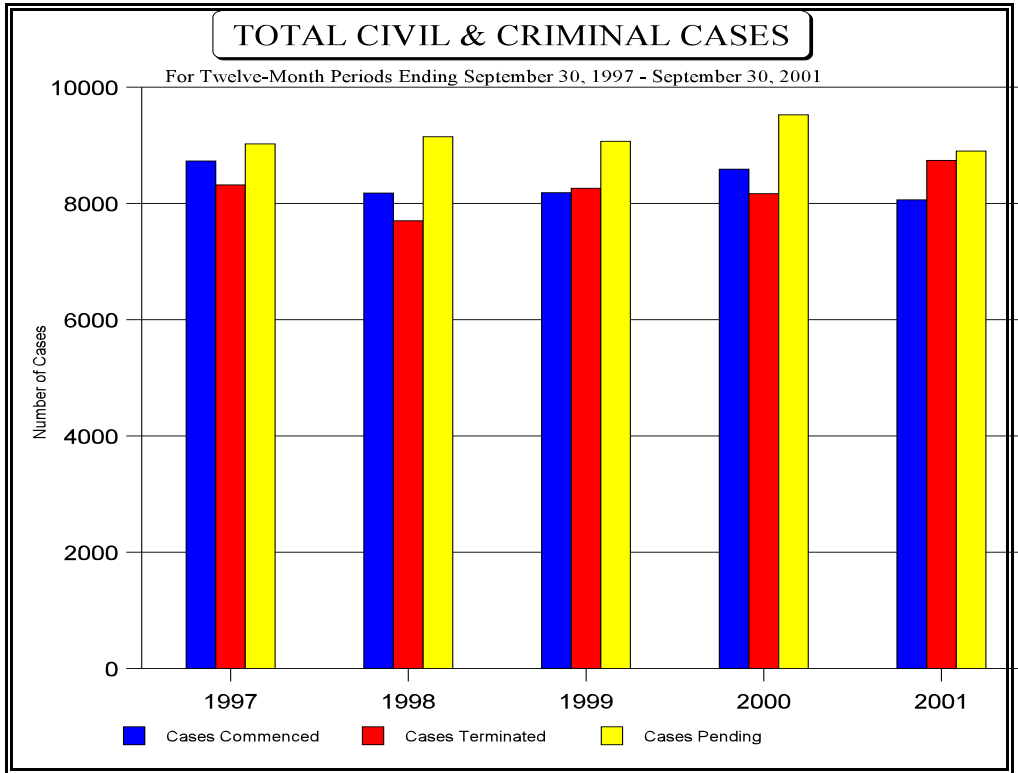
**FIRST CIRCUIT**

**DISTRICT COURTS**



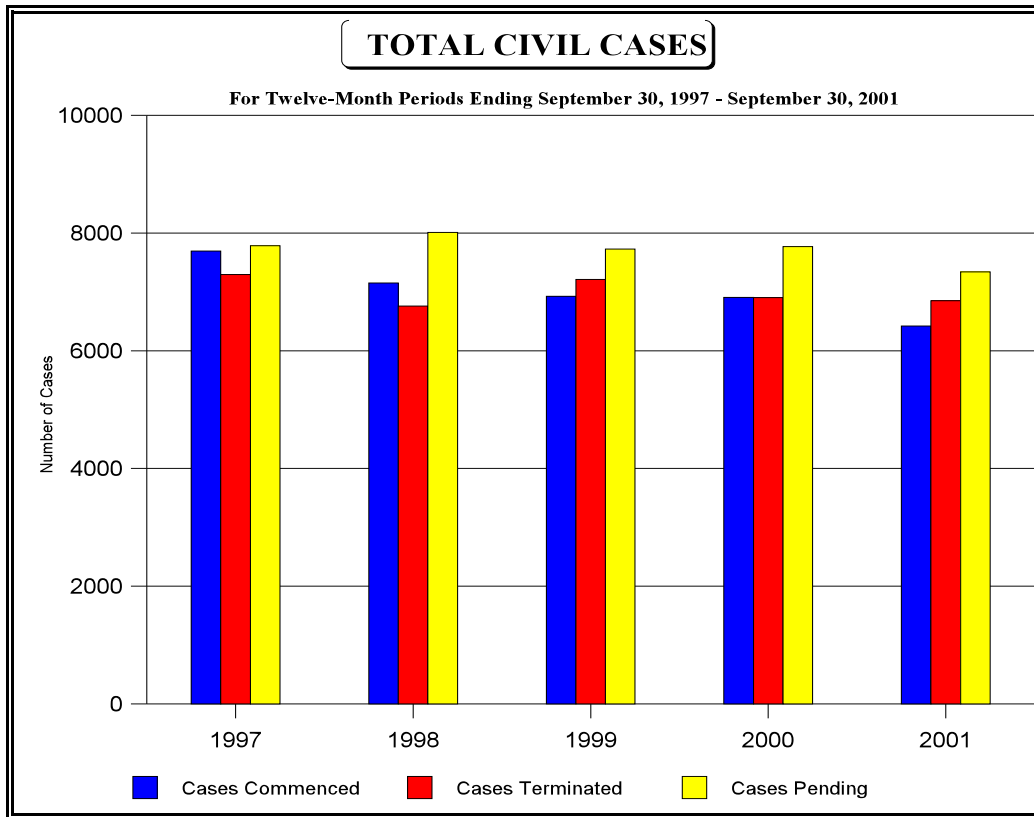


**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



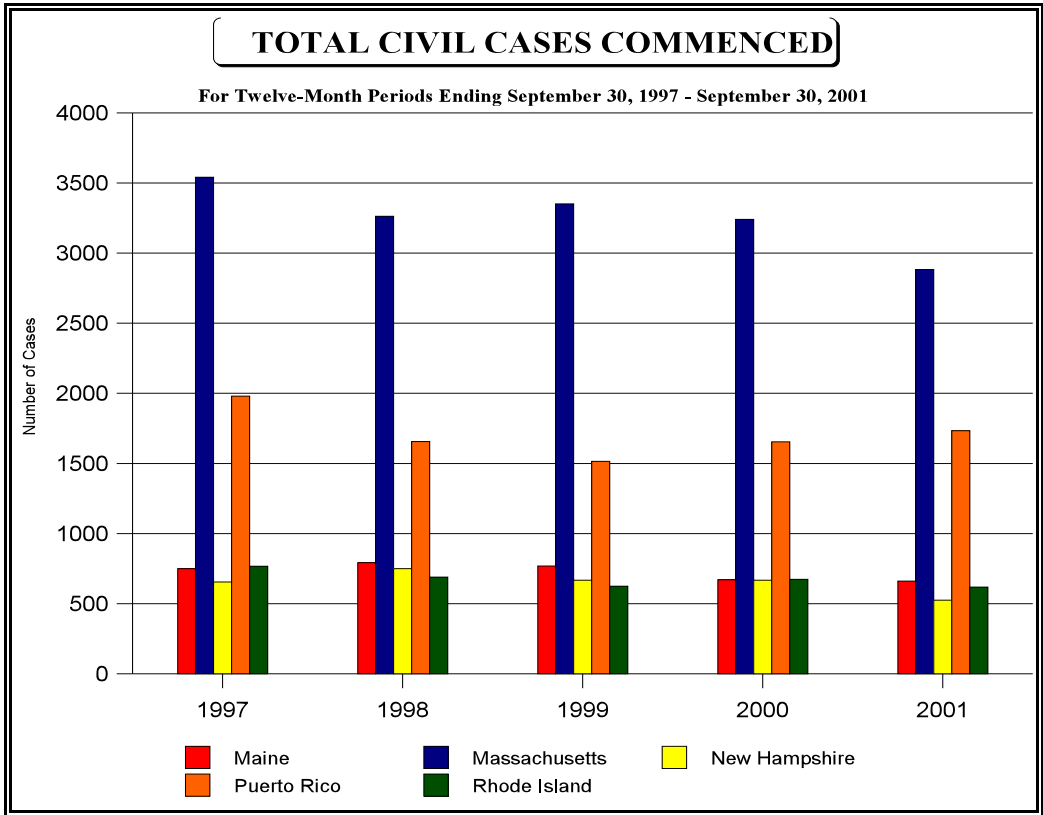
<b>TOTAL CIVIL &amp; CRIMINAL CASES</b>					
<b>From 1997 Through 2001</b>					
	1997	1998	1999	2000	2001
<b>Cases Commenced</b>	8,728	8,178	8,186	8,588	8,060
<b>Cases Terminated</b>	8,319	7,702	8,259	8,168	8,741
<b>Cases Pending</b>	9,023	9,147	9,067	9,524	8,899

**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



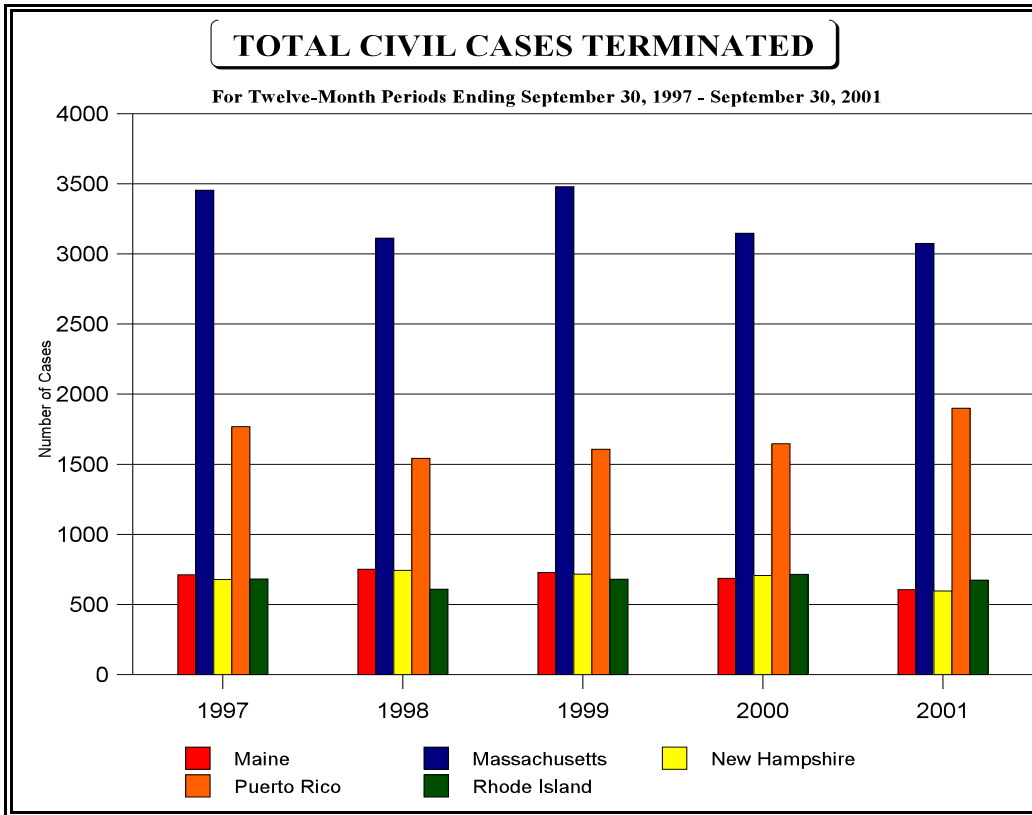
<b>TOTAL CIVIL CASES</b>					
<b>From 1997 Through 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Cases Commenced</b>	<b>7,694</b>	<b>7,150</b>	<b>6,927</b>	<b>6,906</b>	<b>6,422</b>
<b>Cases Terminated</b>	<b>7,295</b>	<b>6,760</b>	<b>7,211</b>	<b>6,903</b>	<b>6,850</b>
<b>Cases Pending</b>	<b>7,786</b>	<b>8,012</b>	<b>7,728</b>	<b>7,768</b>	<b>7,340</b>

**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



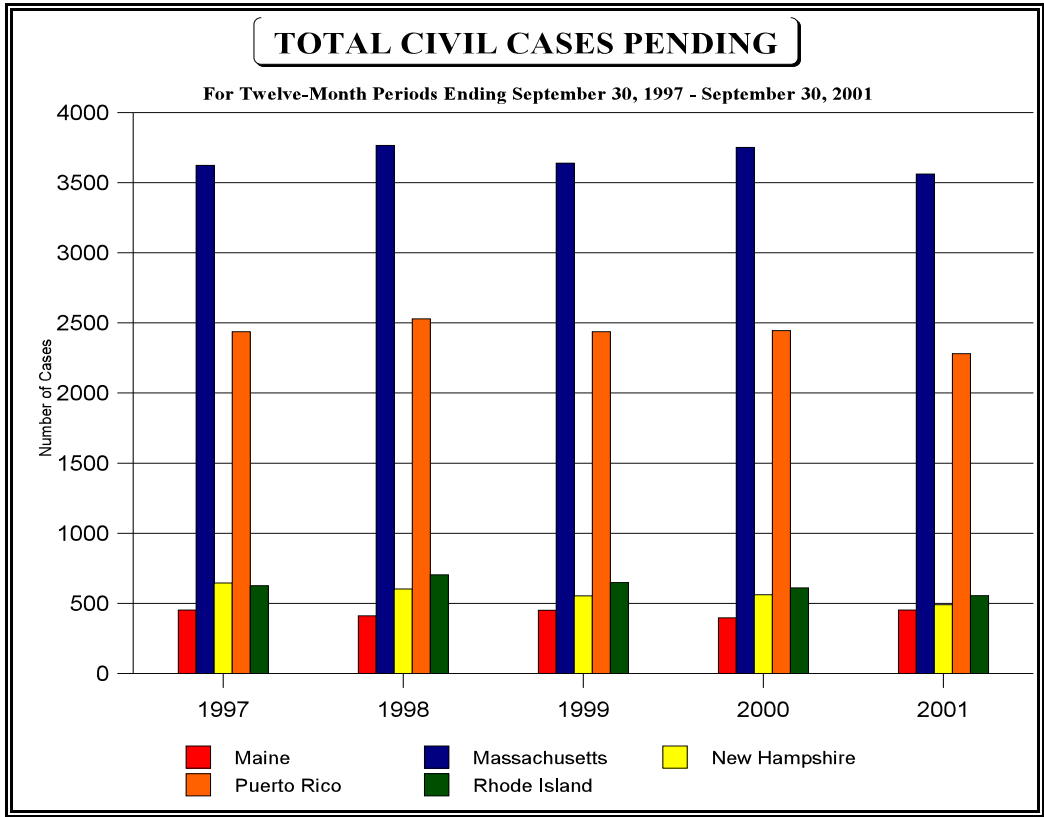
<b>CIVIL CASES COMMENCED</b>					
<b>From 1997 Through 2001</b>					
<b>Districts</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Maine</b>	<b>750</b>	<b>793</b>	<b>768</b>	<b>670</b>	<b>661</b>
<b>Massachusetts</b>	<b>3,542</b>	<b>3,263</b>	<b>3,352</b>	<b>3,241</b>	<b>2,884</b>
<b>New Hampshire</b>	<b>655</b>	<b>749</b>	<b>668</b>	<b>667</b>	<b>525</b>
<b>Puerto Rico</b>	<b>1,980</b>	<b>1,656</b>	<b>1,515</b>	<b>1,654</b>	<b>1,734</b>
<b>Rhode Island</b>	<b>767</b>	<b>689</b>	<b>624</b>	<b>674</b>	<b>618</b>

**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



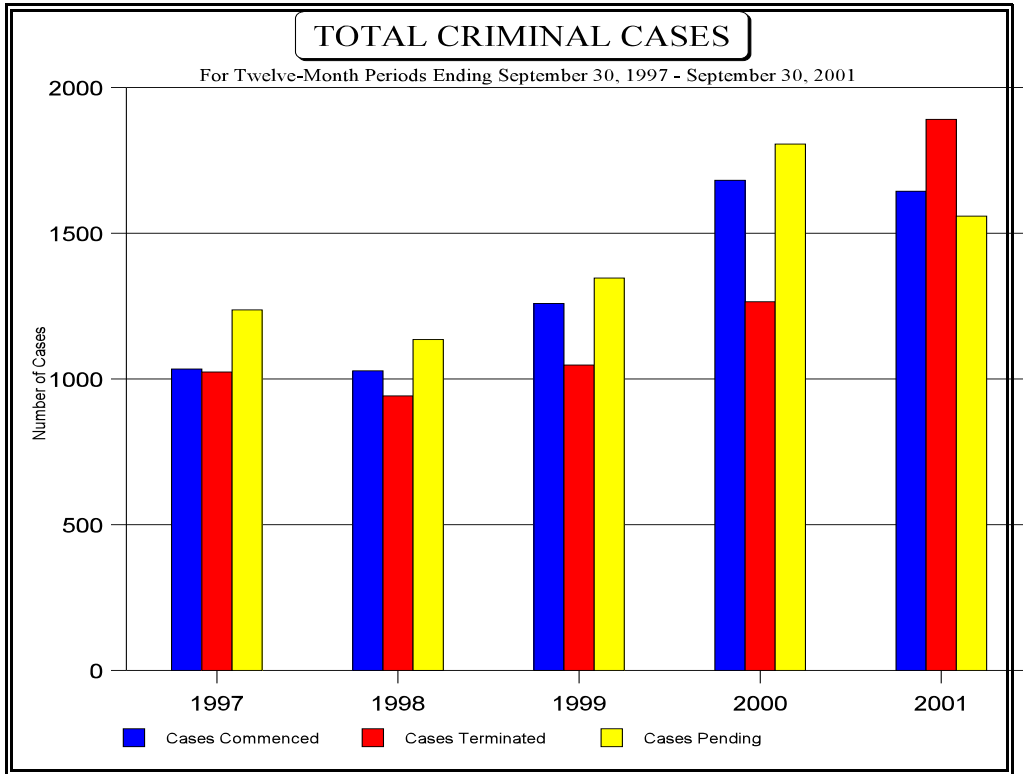
<b>CIVIL CASES TERMINATED</b> From 1997 Through 2001					
Districts	1997	1998	1999	2000	2001
Maine	712	752	728	687	605
Massachusetts	3,454	3,113	3,479	3,148	3,074
New Hampshire	679	744	717	707	597
Puerto Rico	1,769	1,542	1,607	1,646	1,900
Rhode Island	681	609	680	715	674

**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



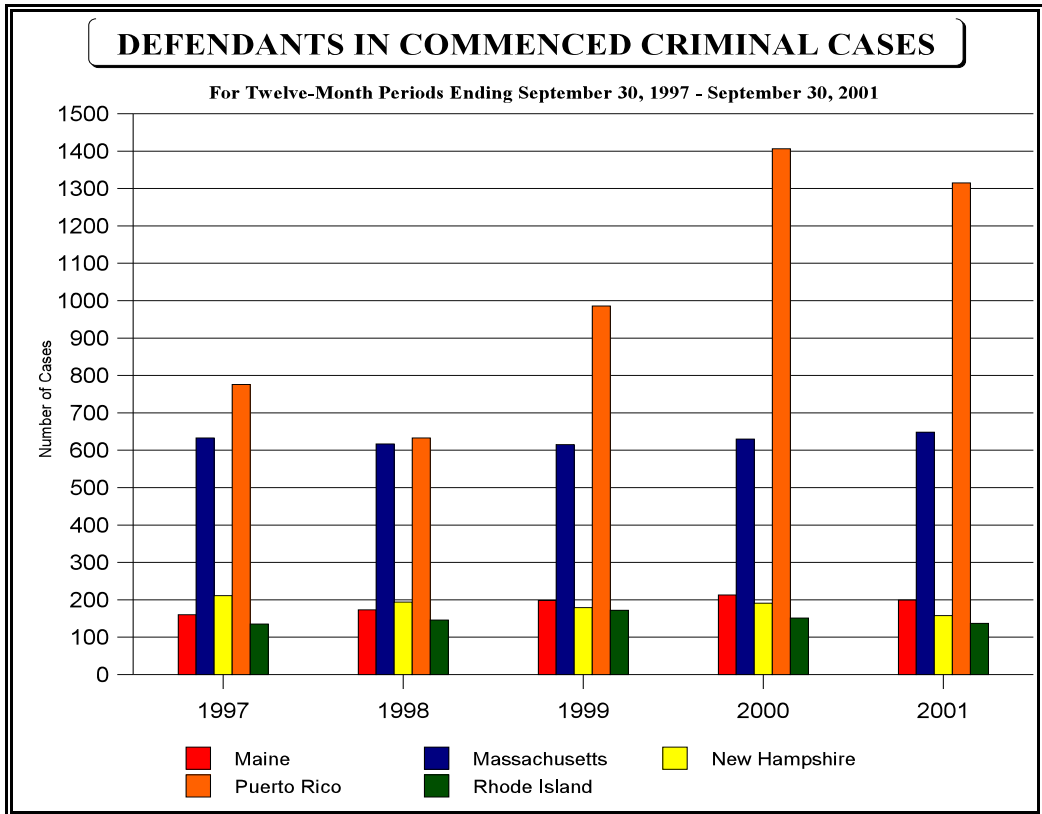
<b>CIVIL CASES PENDING</b>					
<b>From 1997 Through 2001</b>					
<b>Districts</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Maine</b>	453	411	451	397	453
<b>Massachusetts</b>	3,623	3,766	3,639	3,752	3,562
<b>New Hampshire</b>	646	602	553	562	490
<b>Puerto Rico</b>	2,438	2,529	2,437	2,446	2,280
<b>Rhode Island</b>	626	704	648	611	555

**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



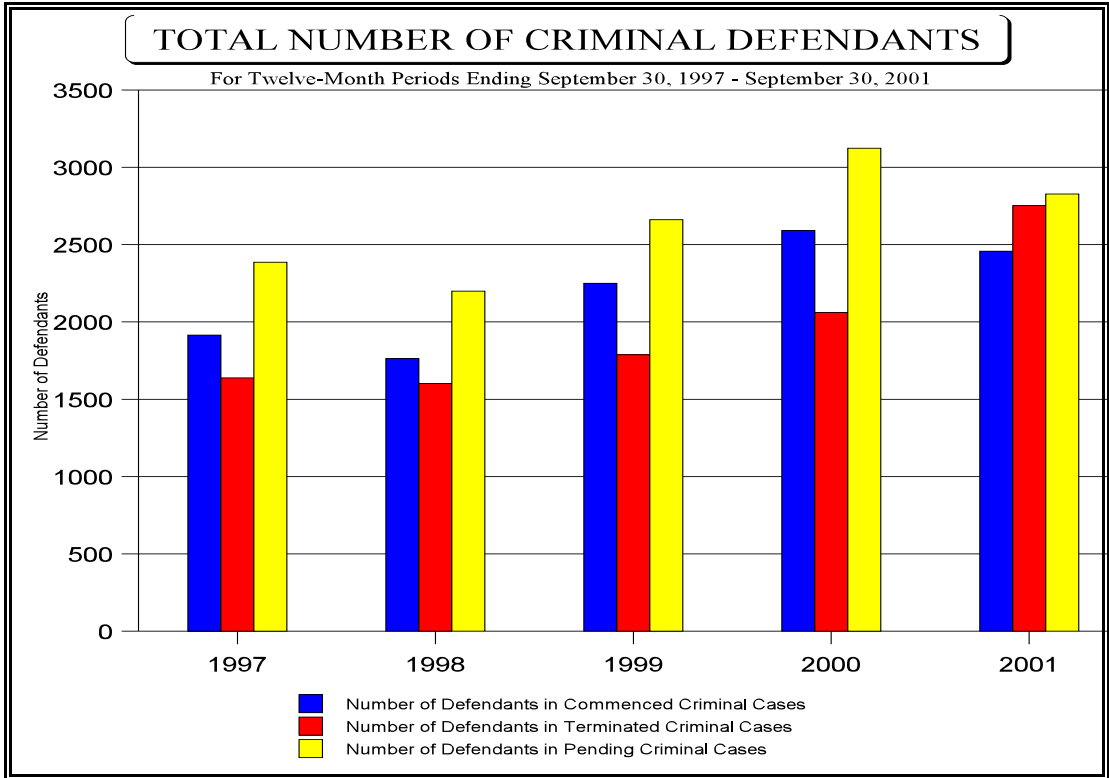
<b>TOTAL CRIMINAL CASES</b>					
<b>From 1997 Through 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Cases Commenced</b>	<b>1,034</b>	<b>1,028</b>	<b>1,259</b>	<b>1,682</b>	<b>1,644</b>
<b>Cases Terminated</b>	<b>1,024</b>	<b>942</b>	<b>1,048</b>	<b>1,265</b>	<b>1,891</b>
<b>Cases Pending</b>	<b>1,237</b>	<b>1,135</b>	<b>1,346</b>	<b>1,806</b>	<b>1,559</b>

**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



<b>DEFENDANTS IN COMMENCED CRIMINAL CASES</b>					
<b>From 1997 Through 2001</b>					
<b>Districts</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Maine</b>	<b>160</b>	<b>173</b>	<b>198</b>	<b>213</b>	<b>199</b>
<b>Massachusetts</b>	<b>633</b>	<b>617</b>	<b>615</b>	<b>630</b>	<b>648</b>
<b>New Hampshire</b>	<b>211</b>	<b>194</b>	<b>179</b>	<b>191</b>	<b>158</b>
<b>Puerto Rico</b>	<b>776</b>	<b>633</b>	<b>986</b>	<b>1,406</b>	<b>1,315</b>
<b>Rhode Island</b>	<b>135</b>	<b>146</b>	<b>172</b>	<b>151</b>	<b>137</b>

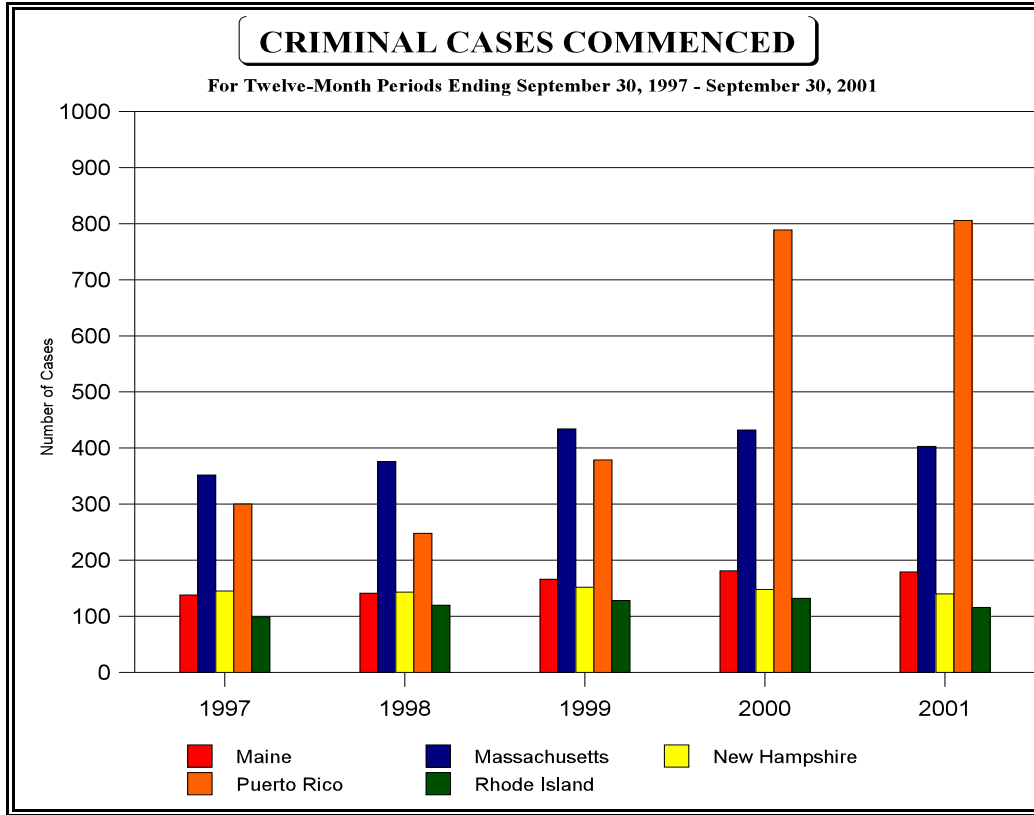
**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



<b>TOTAL NUMBER OF CRIMINAL DEFENDANTS</b>					
<b>From 1997 Through 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Number of Defendants in Commenced Criminal Cases</b>	<b>1,915</b>	<b>1,763</b>	<b>2,250</b>	<b>2,591</b>	<b>2,457</b>
<b>Number of Defendants in Terminated Criminal Cases</b>	<b>1,639</b>	<b>1,602</b>	<b>1,788</b>	<b>2,062</b>	<b>2,752</b>
<b>Number of Defendants in Pending Criminal Cases</b>	<b>2,386</b>	<b>2,199</b>	<b>2,661</b>	<b>3,123</b>	<b>2,828</b>

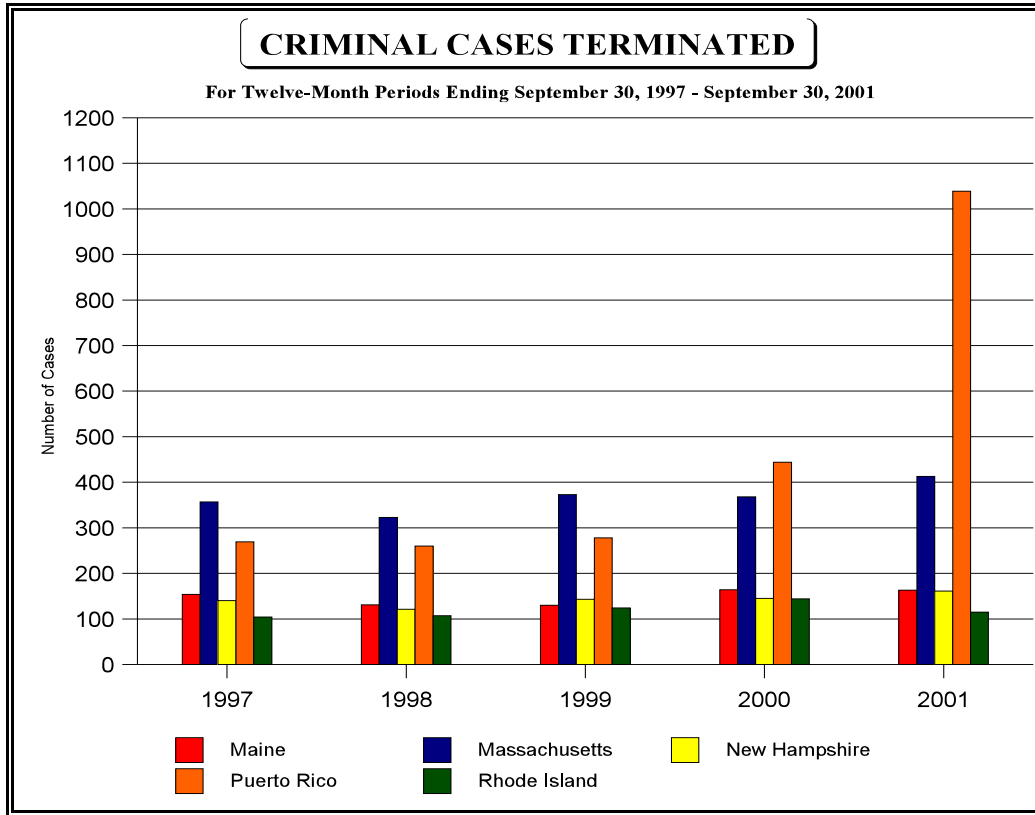


**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



<b>CRIMINAL CASES COMMENCED</b> From 1997 Through 2001					
Districts	1997	1998	1999	2000	2001
Maine	138	141	166	181	179
Massachusetts	352	376	434	432	403
New Hampshire	145	143	152	148	140
Puerto Rico	300	248	379	789	806
Rhode Island	99	120	128	132	116

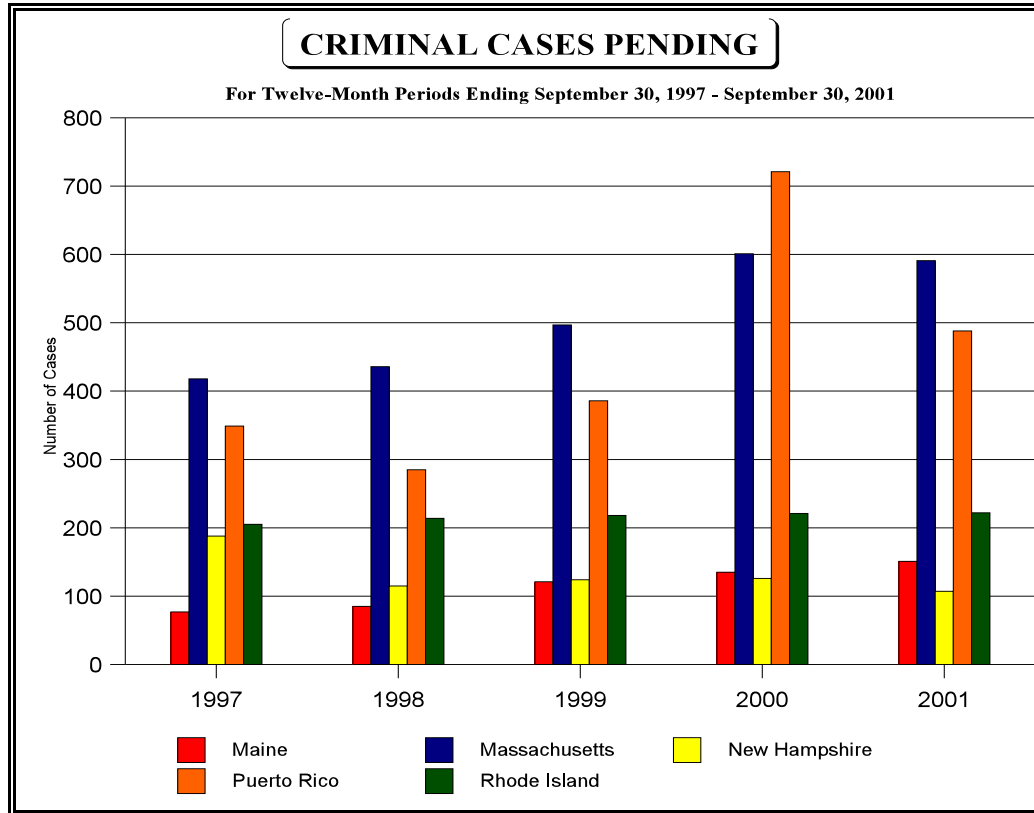
**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



<b>CRIMINAL CASES TERMINATED</b>					
<b>From 1997 Through 2001</b>					
<b>Districts</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Maine</b>	<b>154</b>	<b>131</b>	<b>130</b>	<b>164</b>	<b>163</b>
<b>Massachusetts</b>	<b>357</b>	<b>323</b>	<b>373</b>	<b>368</b>	<b>413</b>
<b>New Hampshire</b>	<b>140</b>	<b>121</b>	<b>143</b>	<b>145</b>	<b>161</b>
<b>Puerto Rico</b>	<b>269</b>	<b>260</b>	<b>278</b>	<b>444</b>	<b>1,039</b>
<b>Rhode Island</b>	<b>104</b>	<b>107</b>	<b>124</b>	<b>144</b>	<b>115</b>

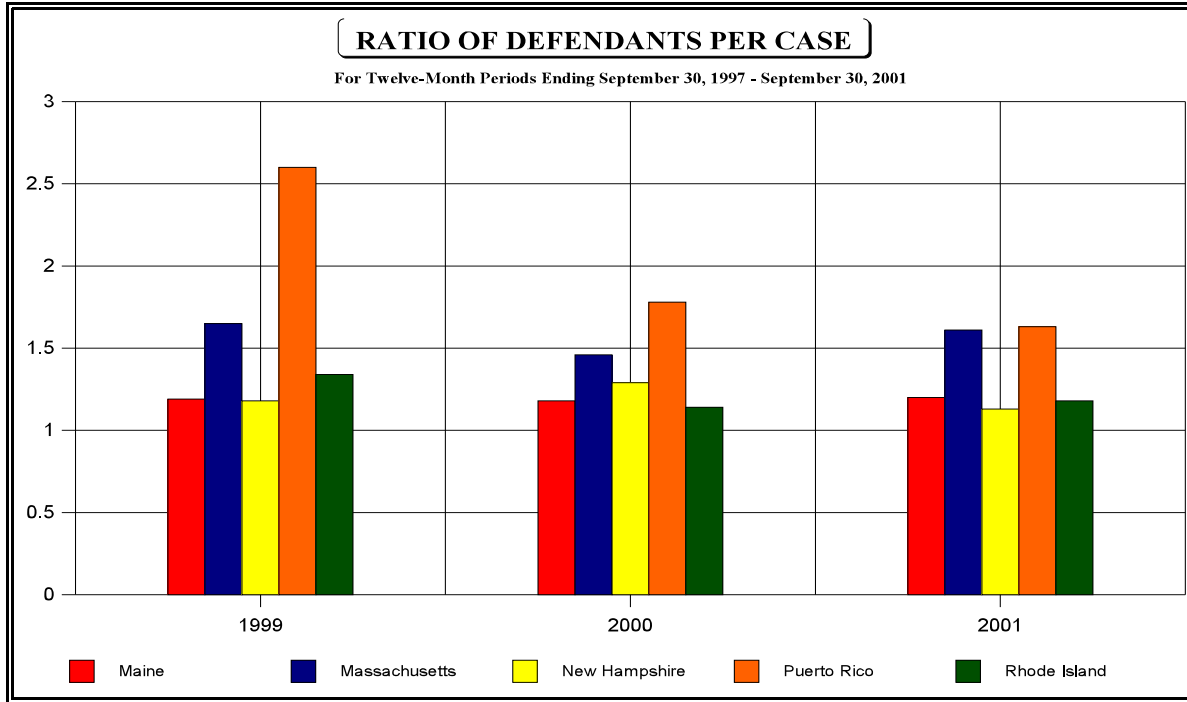
## TOTAL CASELOAD COMPARISON

### First Circuit District Courts



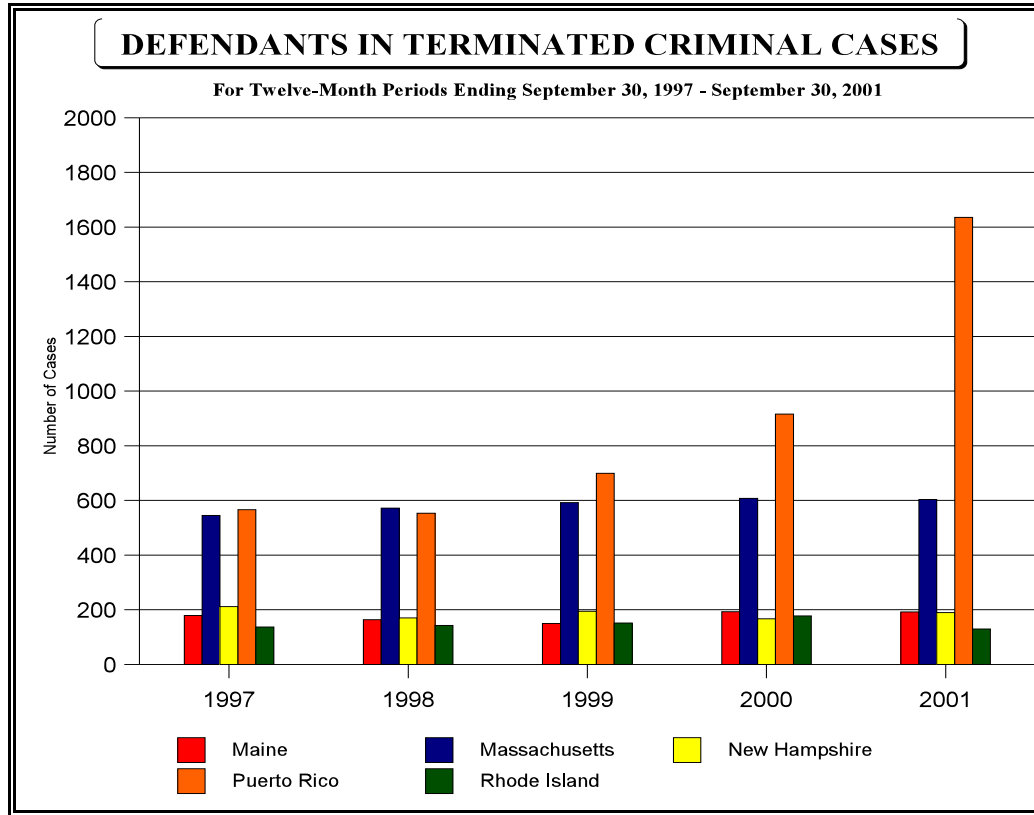
<b>CRIMINAL CASES PENDING</b>					
<b>From 1997 Through 2001</b>					
<b>Districts</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Maine</b>	77	85	121	135	151
<b>Massachusetts</b>	418	436	497	601	591
<b>New Hampshire</b>	188	115	124	126	107
<b>Puerto Rico</b>	349	285	386	721	488
<b>Rhode Island</b>	205	214	218	221	222

## TOTAL CASELOAD COMPARISON First Circuit District Courts



<b>Number of Criminal Cases Filed and Ratio of Defendants Per Case</b>									
	1999			2000			2001		Number of Defs. per case
	No. of Cases	No. of Defs.	Number of Defs. per case	No. of Cases	No. of Defs.	Number of Defs. per case	No. of Cases	No. of Defs.	
<b>Maine</b>	166	198	1.19	181	213	1.18	166	199	1.20
<b>Massachusetts</b>	434	715	1.65	432	630	1.46	403	648	1.61
<b>New Hampshire</b>	152	179	1.18	148	191	1.29	140	158	1.13
<b>Puerto Rico</b>	379	986	2.60	789	1,406	1.78	806	1,315	1.63
<b>Rhode Island</b>	128	172	1.34	132	151	1.14	115	137	1.18

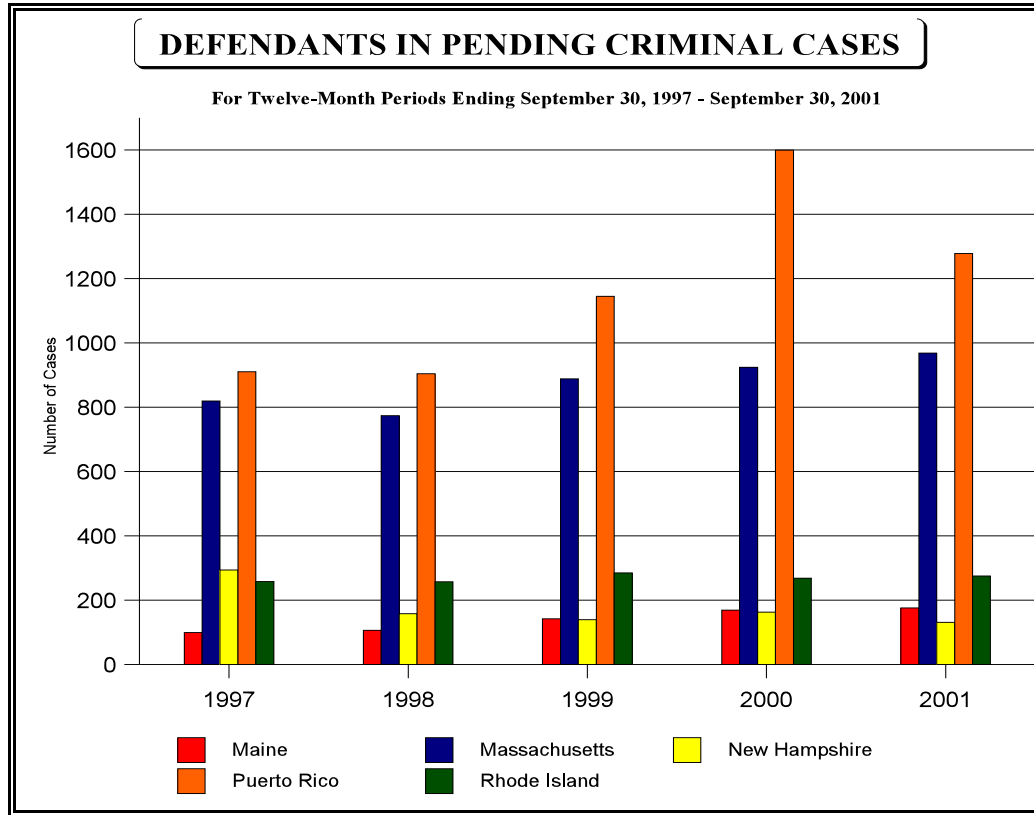
## TOTAL CASELOAD COMPARISON First Circuit District Courts



### DEFENDANTS IN TERMINATED CRIMINAL CASES From 1997 Through 2001

Districts	1997	1998	1999	2000	2001
Maine	179	164	150	193	192
Massachusetts	545	572	592	608	604
New Hampshire	212	170	195	167	190
Puerto Rico	566	553	699	916	1,636
Rhode Island	137	143	152	178	130

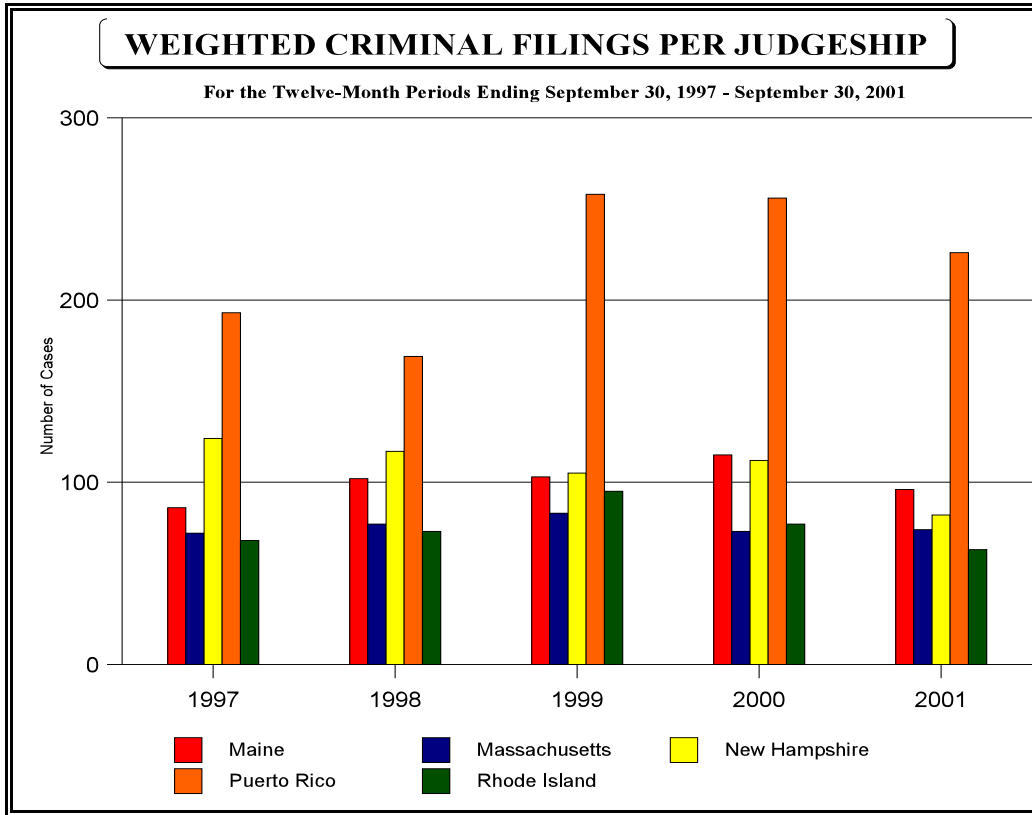
## TOTAL CASELOAD COMPARISON First Circuit District Courts



### DEFENDANTS IN PENDING CRIMINAL CASES From 1997 Through 2001

Districts	1997	1998	1999	2000	2001
Maine	99	106	142	169	176
Massachusetts	819	774	888	924	968
New Hampshire	294	158	139	163	131
Puerto Rico	910	904	1,145	1,599	1,278
Rhode Island	258	257	285	268	275

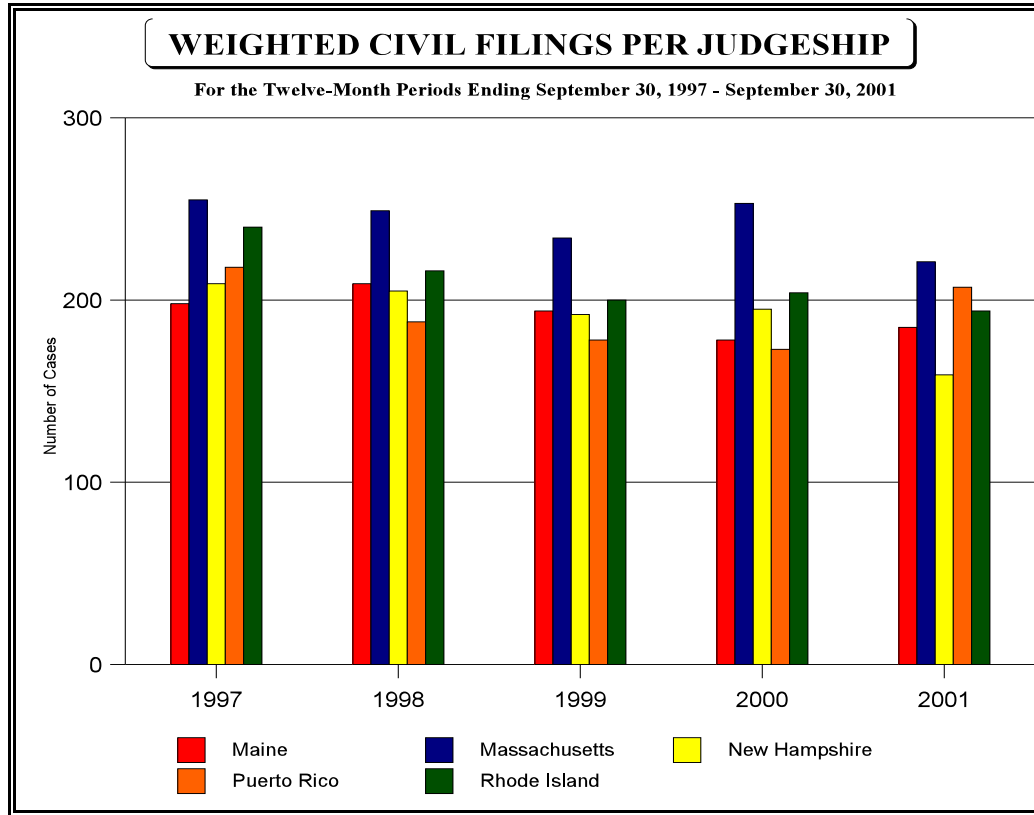
## TOTAL CASELOAD COMPARISON First Circuit District Courts



<b>WEIGHTED CRIMINAL FILINGS PER JUDGESHIP</b>						
<b>From 1997 Through 2001</b>						
<b>Districts</b>	<b>Judgeships</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Maine</b>	<b>3</b>	<b>86</b>	<b>102</b>	<b>103</b>	<b>115</b>	<b>96</b>
<b>Massachusetts</b>	<b>13</b>	<b>72</b>	<b>77</b>	<b>83</b>	<b>73</b>	<b>74</b>
<b>New Hampshire</b>	<b>3</b>	<b>124</b>	<b>117</b>	<b>105</b>	<b>112</b>	<b>82</b>
<b>Puerto Rico</b>	<b>7</b>	<b>193</b>	<b>169</b>	<b>258</b>	<b>256</b>	<b>226</b>
<b>Rhode Island</b>	<b>3</b>	<b>68</b>	<b>73</b>	<b>95</b>	<b>77</b>	<b>63</b>

## TOTAL CASELOAD COMPARISON

### First Circuit District Courts

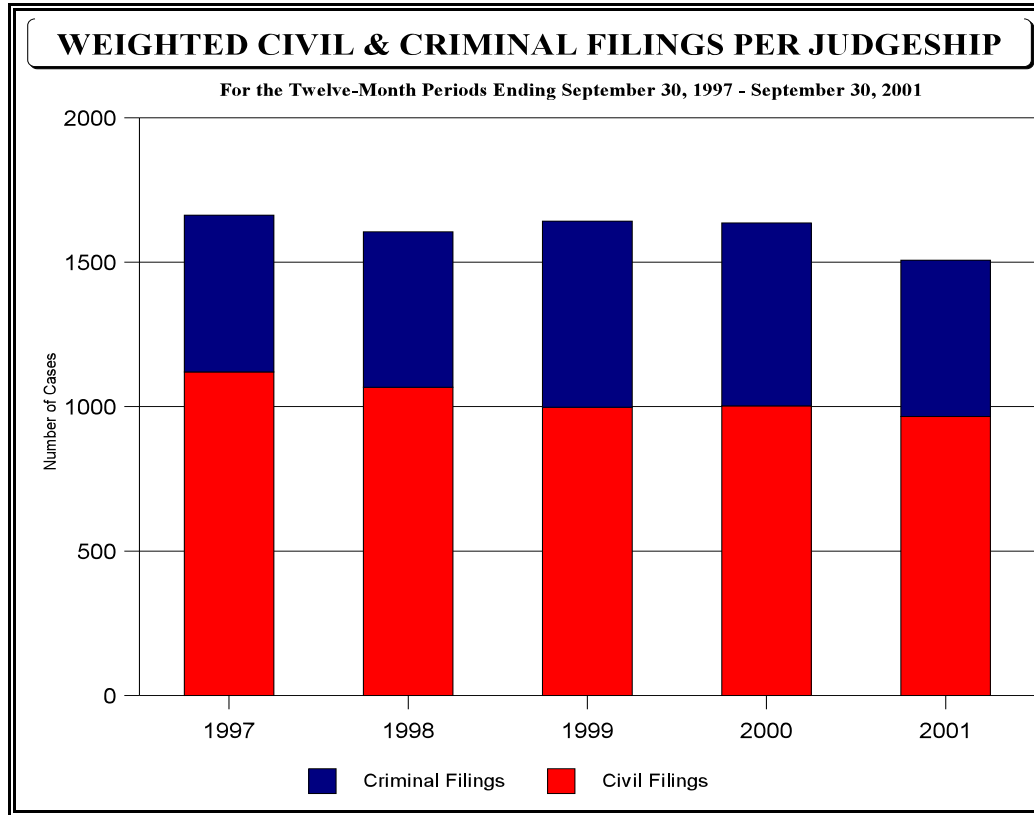


### WEIGHTED CIVIL FILINGS PER JUDGESHIP From 1997 Through 2001

Districts	Judgeships	1997	1998	1999	2000	2001
Maine	3	198	209	194	178	185
Massachusetts	13	255	249	234	253	221
New Hampshire	3	209	205	192	195	159
Puerto Rico	7	218	188	178	173	207
Rhode Island	3	240	216	200	204	194



**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



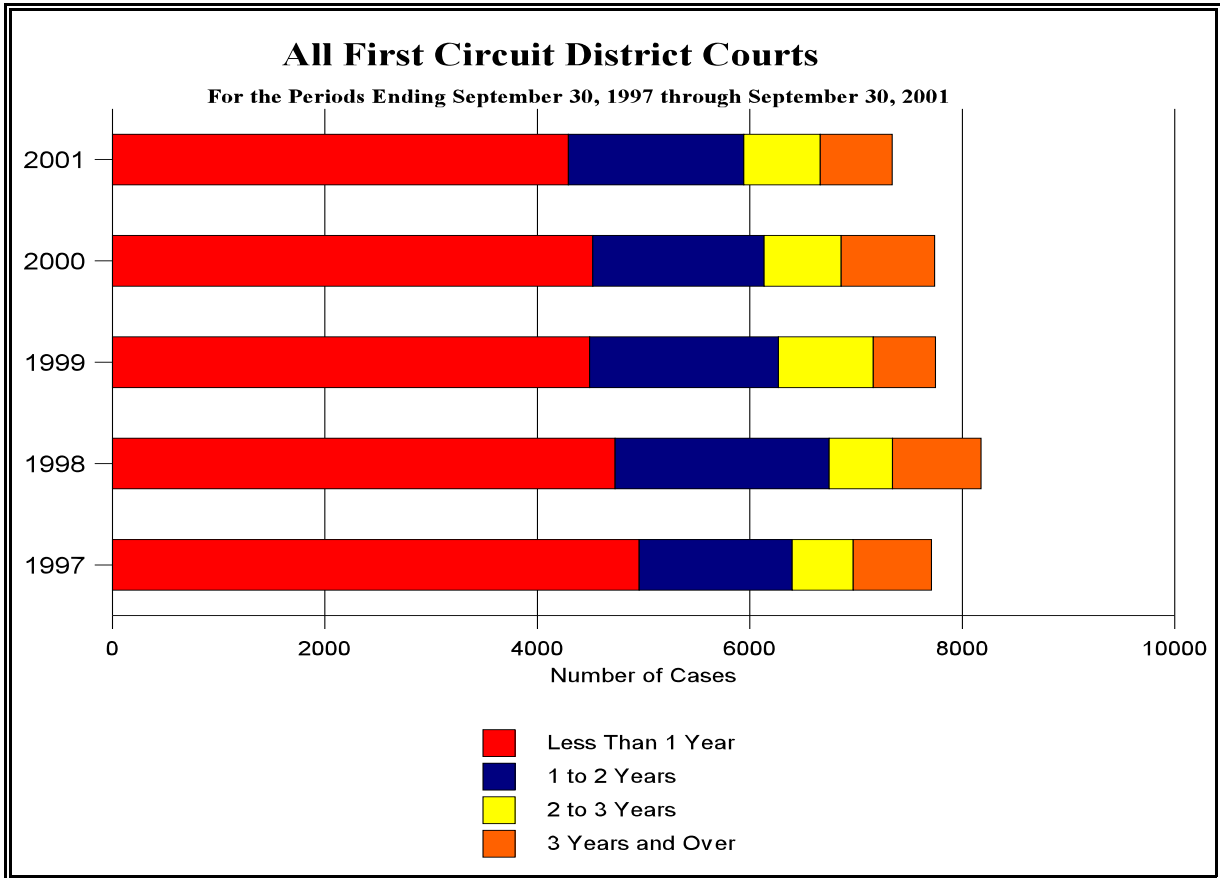
**WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP**  
**Weighted Civil & Criminal Filings per Judgeship**  
**From 1997 Through 2001**

	1997	1998	1999	2000	2001
<b>Civil Filings</b>	1,120	1,067	998	1,003	966
<b>Criminal Filings</b>	543	538	644	633	541
<b>Combined Total</b>	1,663	1,605	1,642	1,636	1,507

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

<b>Civil Cases Pending and Length of Time Pending for the periods ending September 30, 1997 through September 30, 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>DISTRICT OF MAINE</b>					
<b>Less Than 1 Year</b>	401	414	392	348	371
<b>1 to 2 Years</b>	27	61	53	36	65
<b>2 to 3 Years</b>	8	7	3	8	12
<b>3 Years and Over</b>	6	12	3	2	5
<b>DISTRICT OF MASSACHUSETTS</b>					
<b>Less Than 1 Year</b>	2,319	2,231	2,185	2,220	1,971
<b>1 to 2 Years</b>	751	977	877	897	899
<b>2 to 3 Years</b>	283	301	417	354	417
<b>3 Years and Over</b>	202	264	160	260	275
<b>DISTRICT OF NEW HAMPSHIRE</b>					
<b>Less Than 1 Year</b>	405	417	391	411	313
<b>1 to 2 Years</b>	166	148	107	113	145
<b>2 to 3 Years</b>	48	62	43	24	24
<b>3 Years and Over</b>	27	24	12	14	8
<b>DISTRICT OF PUERTO RICO</b>					
<b>Less Than 1 Year</b>	1,369	1,195	1,073	1,116	1,248
<b>1 to 2 Years</b>	384	661	587	442	440
<b>2 to 3 Years</b>	207	186	384	306	230
<b>3 Years and Over</b>	478	510	393	579	362
<b>DISTRICT OF RHODE ISLAND</b>					
<b>Less Than 1 Year</b>	465	475	431	425	388
<b>1 to 2 Years</b>	113	168	154	126	103
<b>2 to 3 Years</b>	28	40	45	33	36
<b>3 Years and Over</b>	23	23	18	26	28

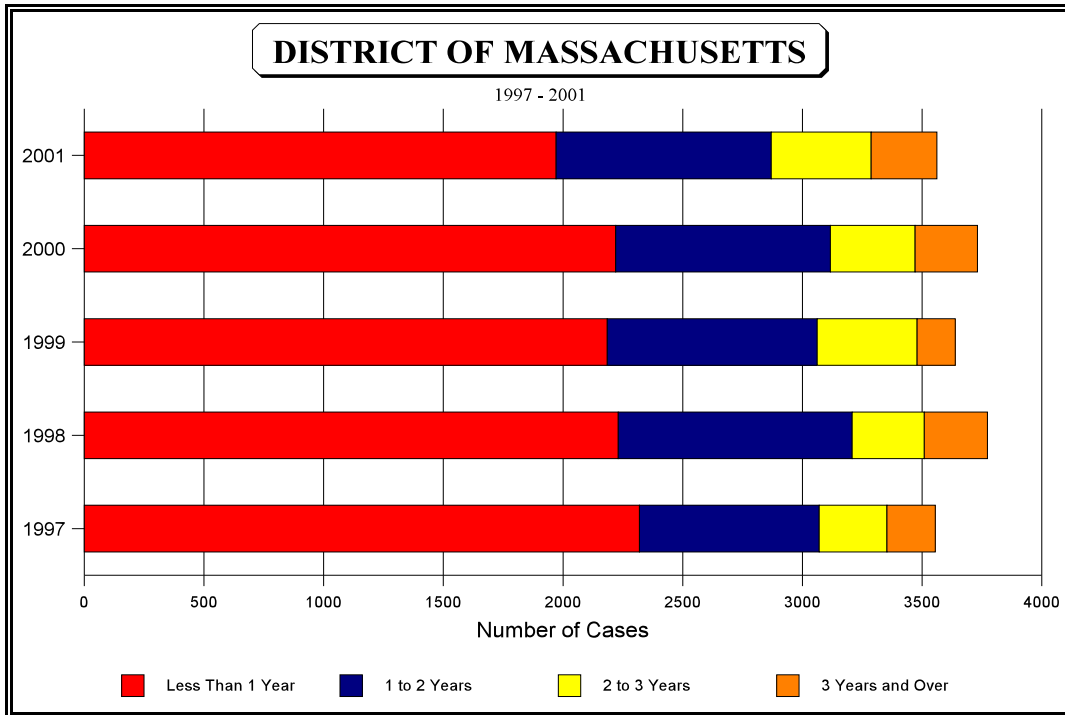
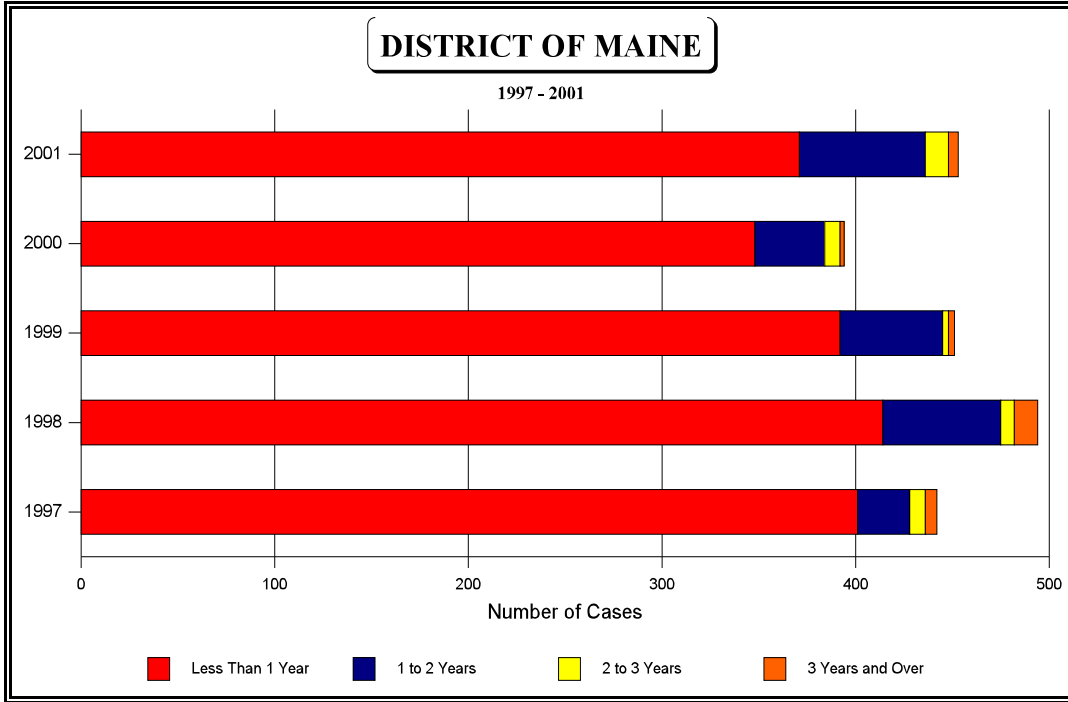
**COMPARATIVE NUMBER OF CIVIL CASES PENDING  
FOR RESPECTIVE LENGTHS OF TIME**



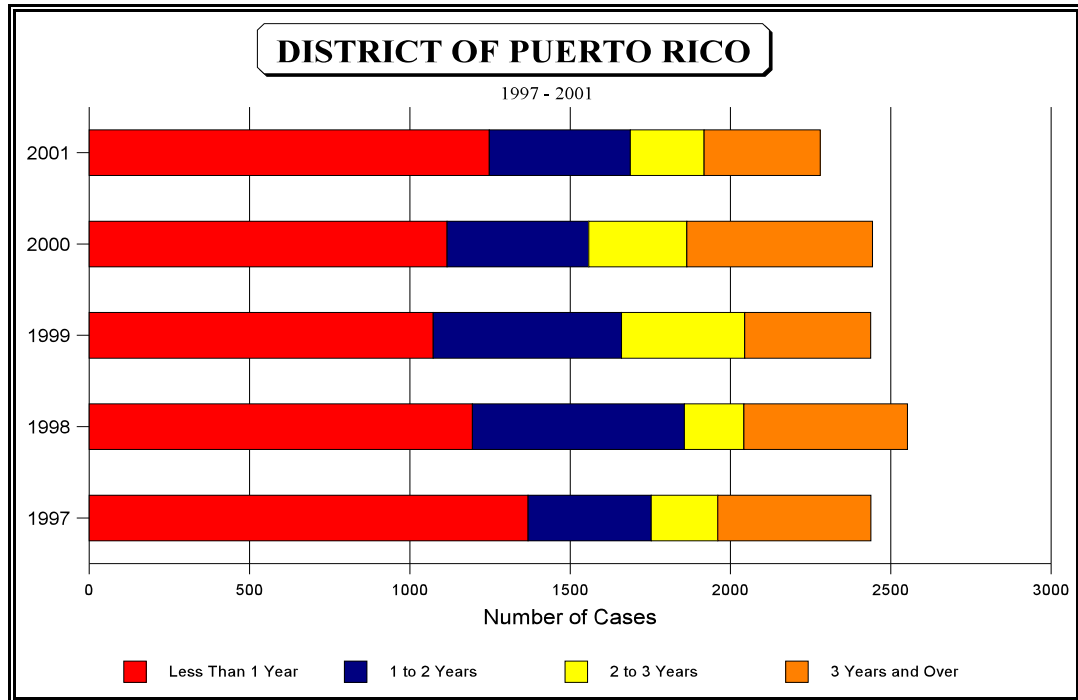
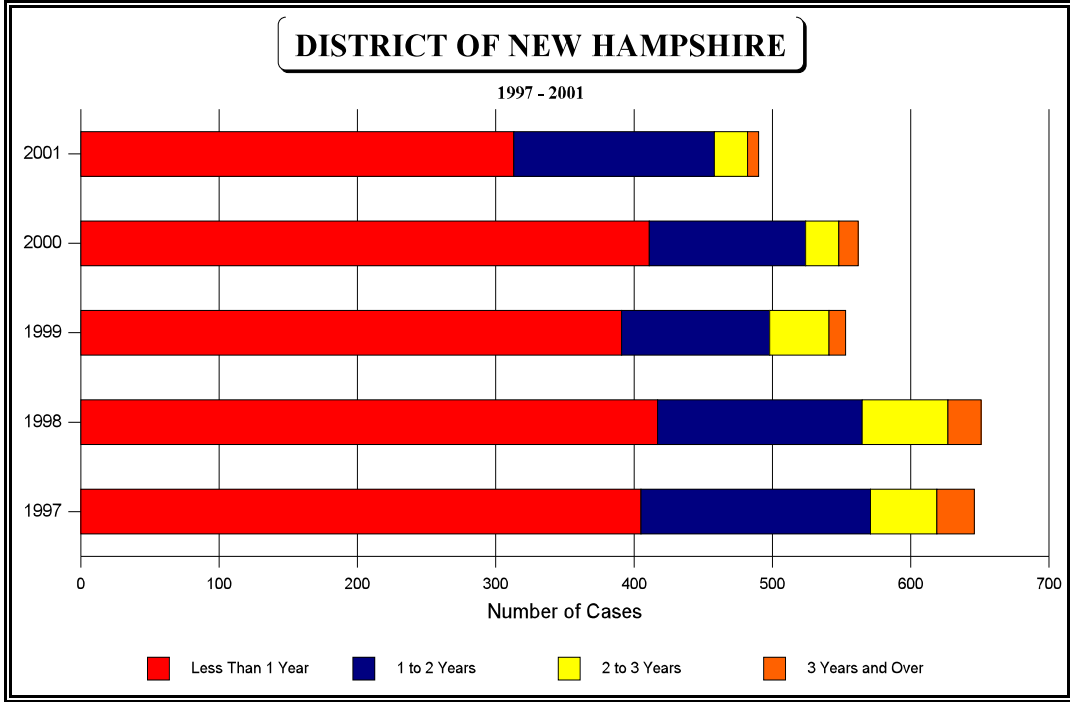
**CIVIL CASES PENDING AND LENGTH  
From 1997 Through 2001**

	1997	1998	1999	2000	2001
<b>Less Than 1 Year</b>	4,959	4,732	4,492	4,520	4,291
<b>1 to 2 Years</b>	1,441	2,015	1,778	1,614	1,652
<b>2 to 3 Years</b>	574	596	892	725	719
<b>3 Years and Over</b>	736	833	586	881	678

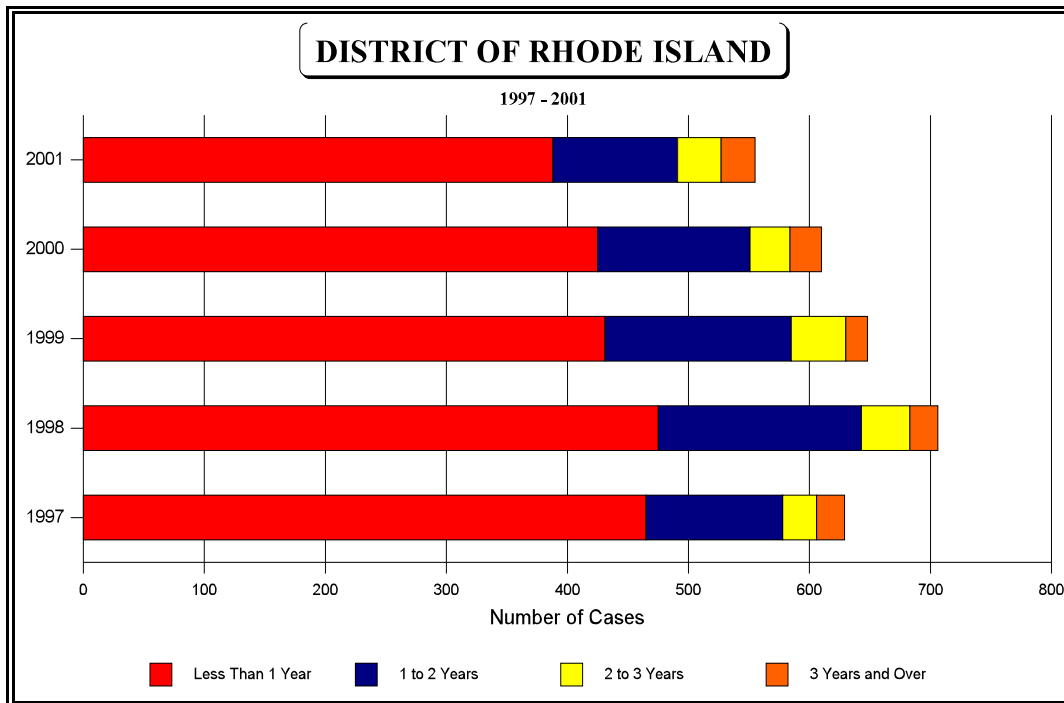
**COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME**



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



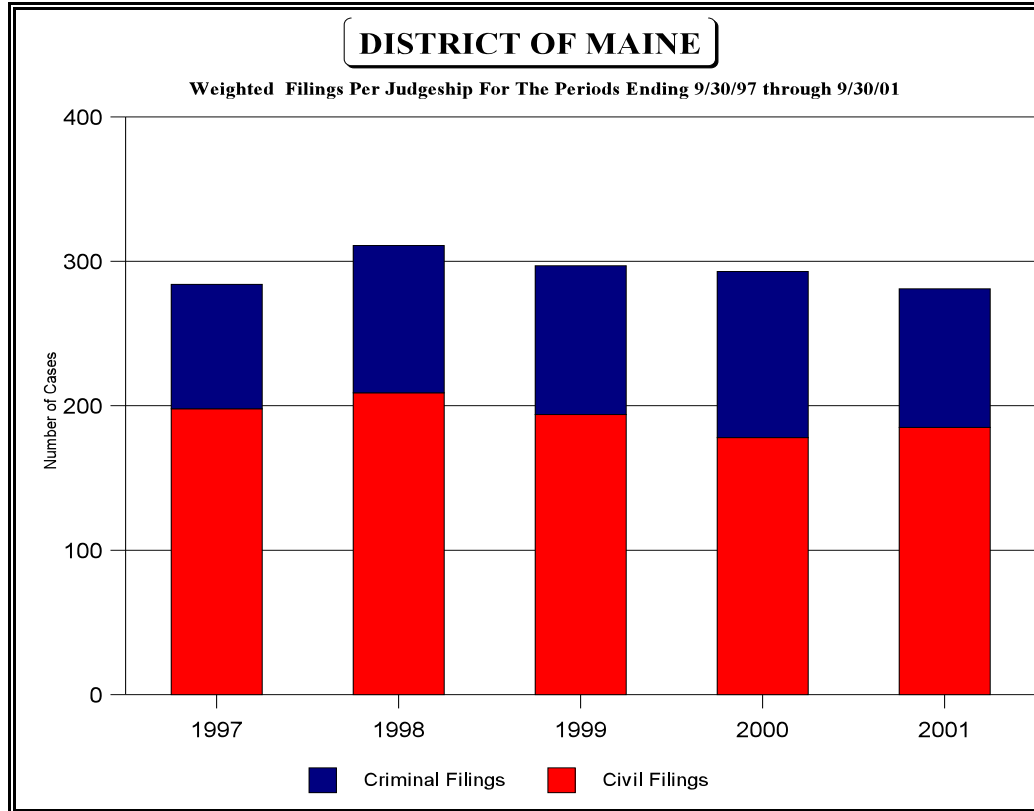
**COMPARATIVE NUMBER OF CIVIL CASES PENDING  
FOR RESPECTIVE LENGTHS OF TIME**



**STATISTICS**

**DISTRICT OF MAINE**

## TOTAL CASELOAD COMPARISON First Circuit District Courts



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

1789 • 1

1978 • 2

1990 • 3

<b>DISTRICT OF MAINE</b>					
<b>Weighted Filings per Judgeship For The Periods Ending September 30, 1997 - 2001</b>					
	1997	1998	1999	2000	2001
<b>Civil Filings</b>	198	209	194	178	185
<b>Criminal Filings</b>	86	102	103	115	96
<b>Total Filings</b>	284	311	297	293	281

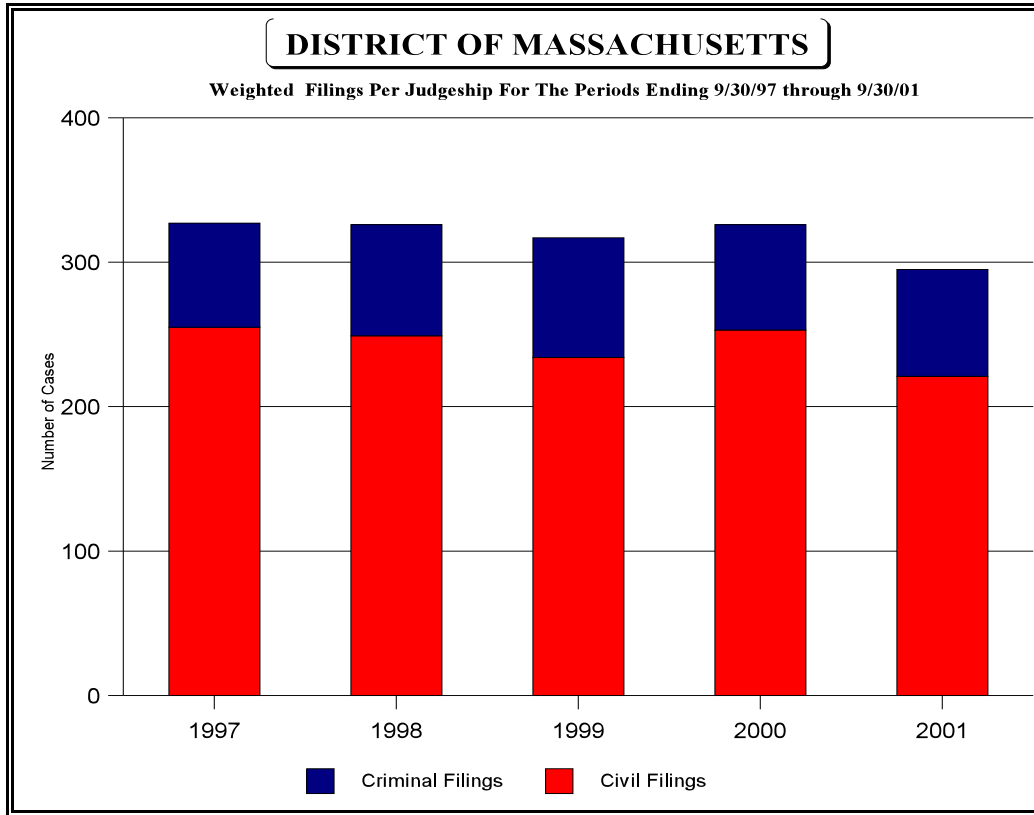


**STATISTICS**

**DISTRICT OF**

**MASSACHUSETTS**

**TOTAL CASELOAD COMPARISON**  
**First Circuit District Courts**



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

1789 • 1      1922 • 2      1938 • 4      1954 • 5  
 1961 • 6      1978 • 10      1984 • 12      1990 • 13

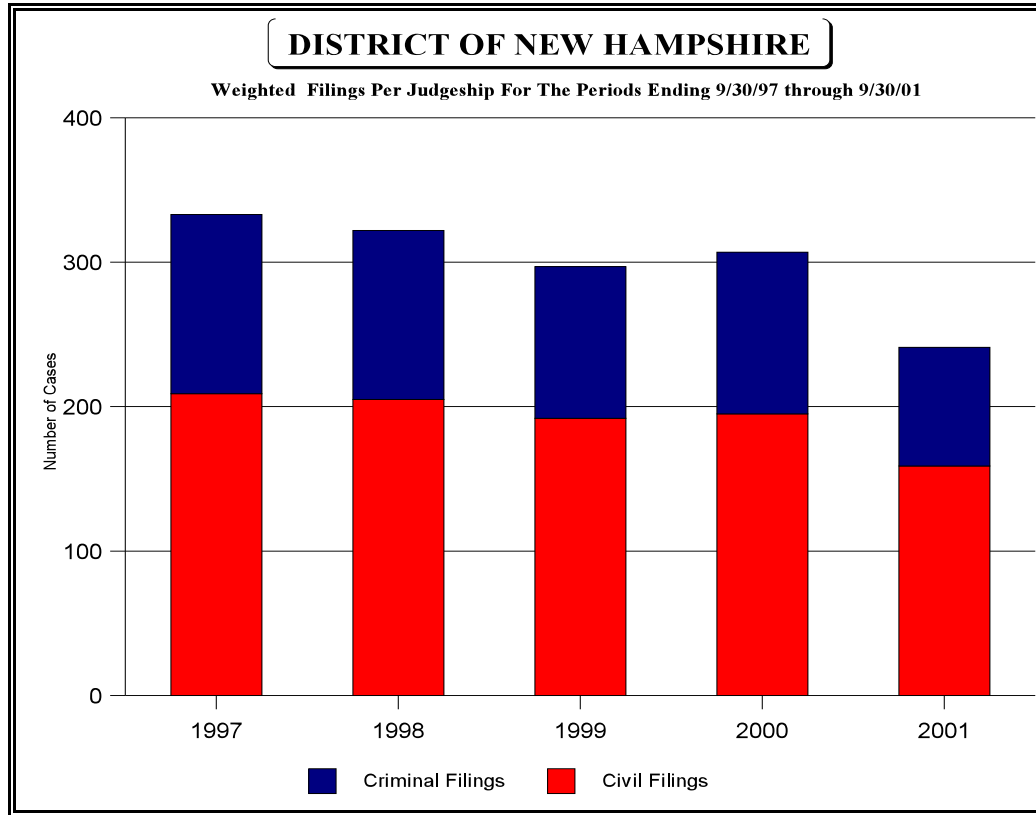
<b>DISTRICT OF MASSACHUSETTS</b>					
<b>Weighted Filings per Judgeship For The Periods Ending September 30, 1997 - 2001</b>					
	1997	1998	1999	2000	2001
<b>Civil Filings</b>	255	249	234	253	221
<b>Criminal Filings</b>	72	77	83	73	74
<b>Total Filings</b>	327	326	317	326	295

**STATISTICS**

**DISTRICT OF**

**NEW HAMPSHIRE**

## TOTAL CASELOAD COMPARISON First Circuit District Courts



**United States District Court for the District of New Hampshire  
Authorized Judgeships**

1789 • 1

1978 • 2

1990 • 3

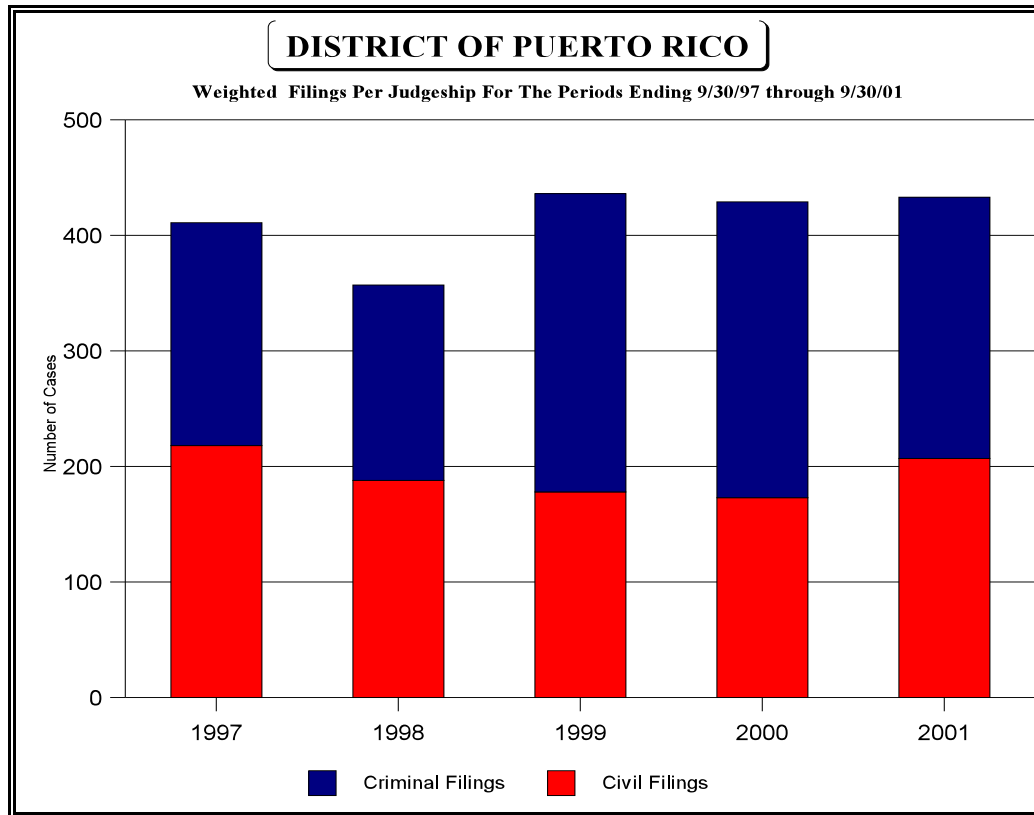
<b>DISTRICT OF NEW HAMPSHIRE</b>					
<b>Weighted Filings per Judgeship For The Periods Ending September 30, 1997 - 2001</b>					
	1997	1998	1999	2000	2001
<b>Civil Filings</b>	209	205	192	195	159
<b>Criminal Filings</b>	124	117	105	112	82
<b>Total Filings</b>	333	322	297	307	241

**STATISTICS**

**DISTRICT OF**

**PUERTO RICO**

## TOTAL CASELOAD COMPARISON First Circuit District Courts



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

1917 • 1

1961 • 2

1970 • 3

1978 • 7

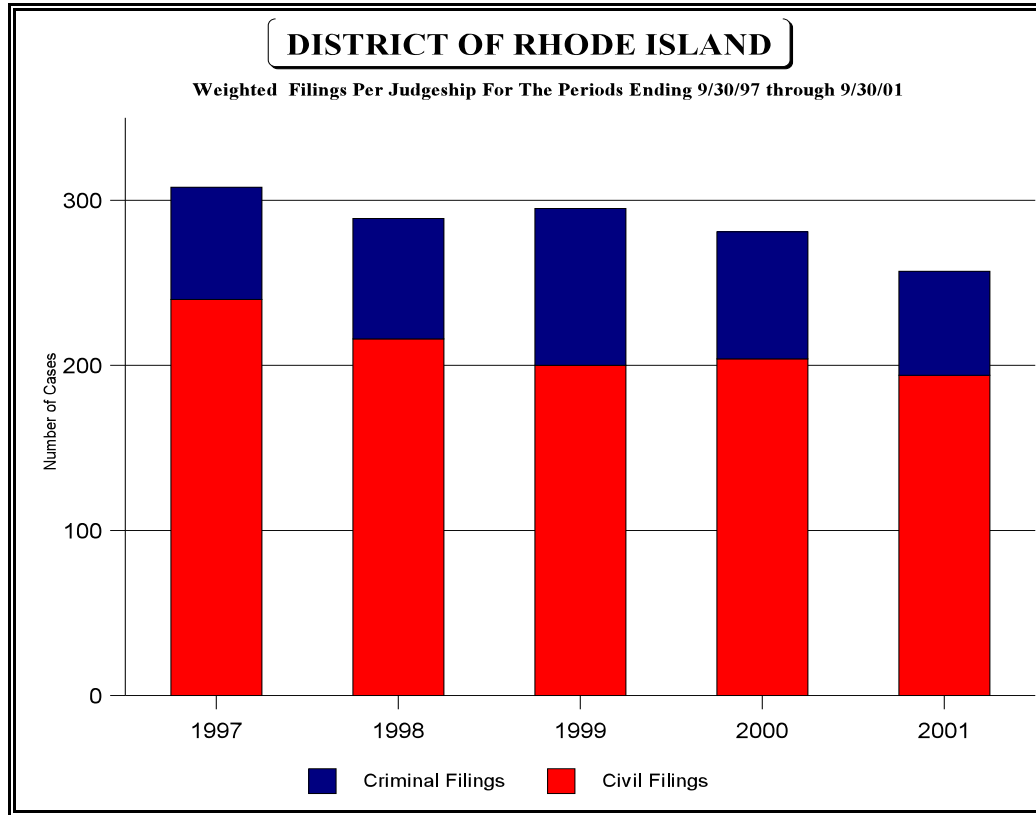
<b>DISTRICT OF PUERTO RICO</b>					
<b>Weighted Filings per Judgeship For The Periods Ending September 30, 1997 - 2001</b>					
	1997	1998	1999	2000	2001
<b>Civil Filings</b>	218	188	178	173	207
<b>Criminal Filings</b>	193	169	258	256	226
<b>Total Filings</b>	411	357	436	429	433

**STATISTICS**

**DISTRICT OF**

**RHODE ISLAND**

## TOTAL CASELOAD COMPARISON First Circuit District Courts



**United States District Court for the District of Rhode Island  
Authorized Judgeships**

1790 • 1

1966 • 2

1984 • 3

<b>DISTRICT OF RHODE ISLAND</b>					
<b>Weighted Filings per Judgeship For The Periods Ending September 30, 1997 - 2001</b>					
	1997	1998	1999	2000	2001
<b>Civil Filings</b>	240	216	200	204	194
<b>Criminal Filings</b>	68	73	95	77	63
<b>Total Filings</b>	308	289	295	281	257



**STATISTICS**

**FIRST CIRCUIT**

**BANKRUPTCY COURTS**



## BANKRUPTCY CASELOAD SUMMARY

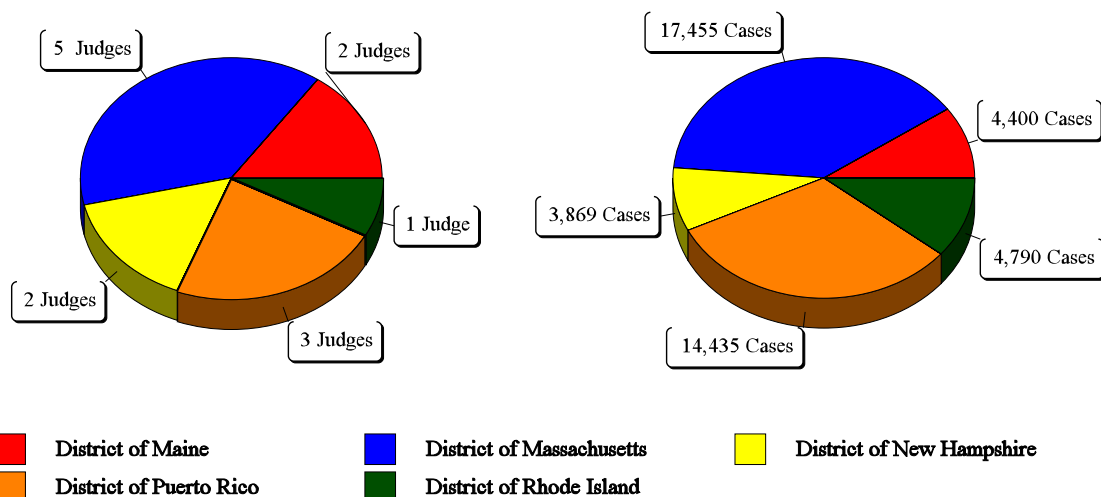
### First Circuit Bankruptcy Courts

#### BANKRUPTCY JUDGES & CASES FILED

All Bankruptcy Courts within the First Circuit as of September 30, 2001

Number of Judges

Number of Cases Filed

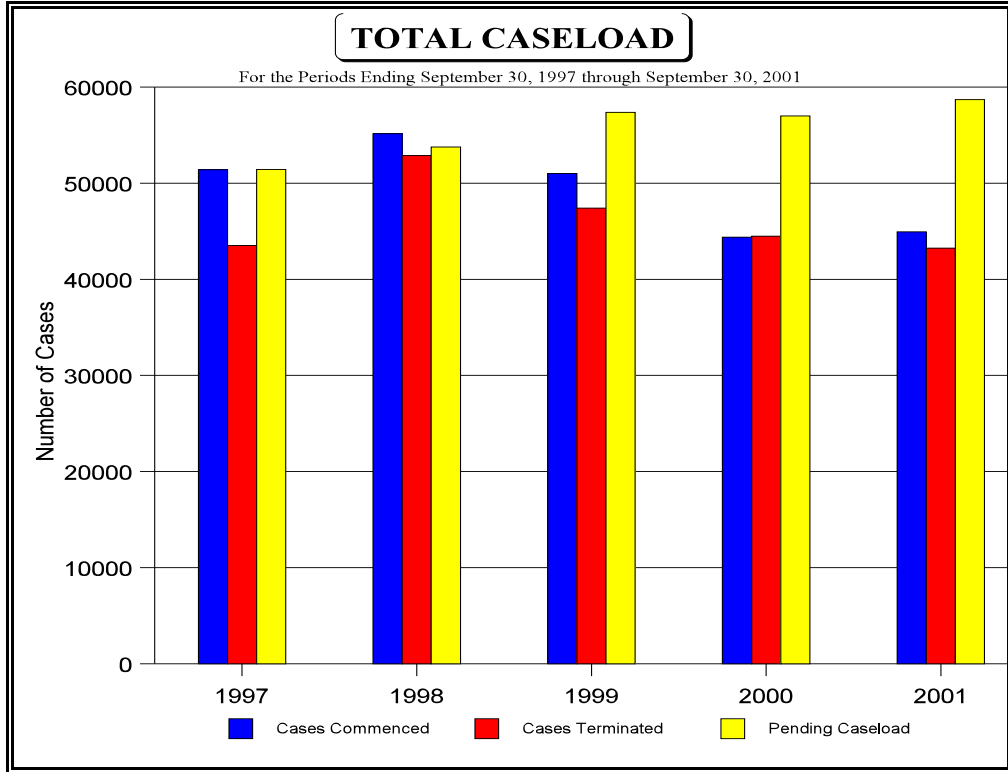


#### NUMBER OF BANKRUPTCY JUDGES AND CASES FILED During the Twelve Month Period Ended September 30, 2001

	Number of Judges	Cases Filed
District of Maine	2	4,400
District of Massachusetts	5	17,455
District of New Hampshire	2	3,869
District of Puerto Rico	3	14,435
District of Rhode Island	1	4,790
<b>FIRST CIRCUIT TOTALS</b>	<b>13</b>	<b>44,949</b>

## BANKRUPTCY CASELOAD SUMMARY

### First Circuit Bankruptcy Courts

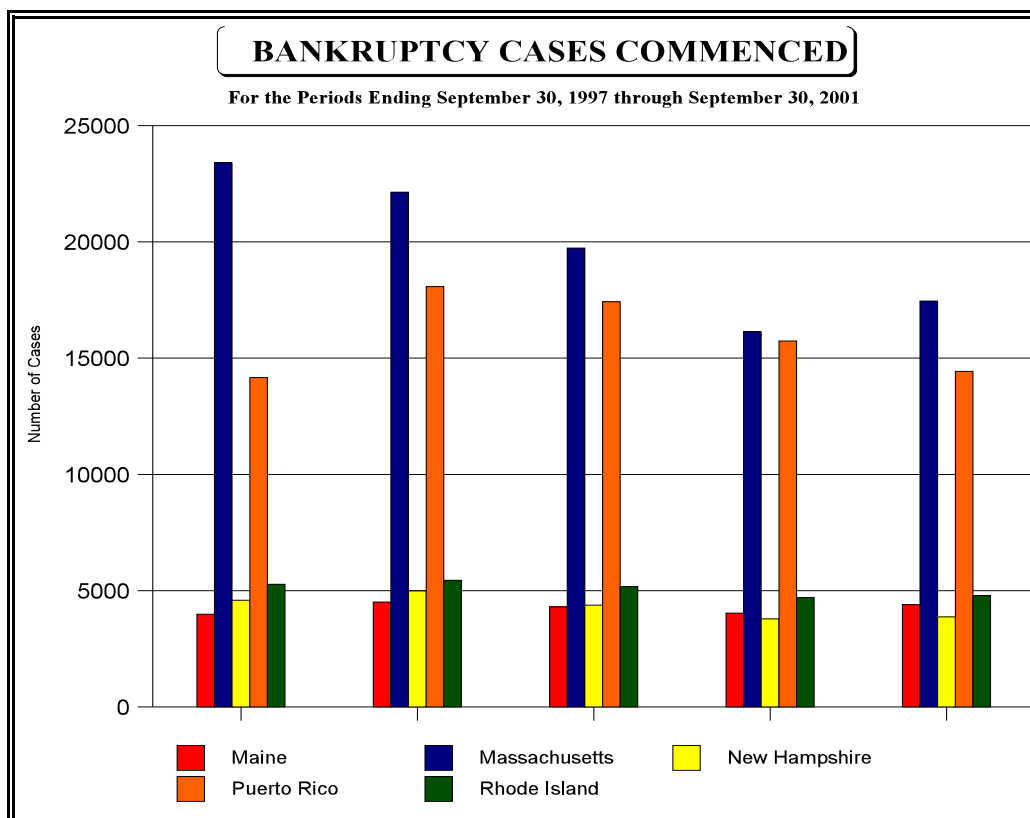


**Authorized Judgeships . . . . . 13**

<b>TOTAL BANKRUPTCY CASES</b>					
<b>1997 - 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Cases Commenced</b>	<b>51,414</b>	<b>55,155</b>	<b>51,010</b>	<b>44,387</b>	<b>44,949</b>
<b>Cases Terminated</b>	<b>43,505</b>	<b>52,876</b>	<b>47,417</b>	<b>44,484</b>	<b>43,245</b>
<b>Pending Caseload</b>	<b>51,420</b>	<b>53,770</b>	<b>57,363</b>	<b>56,998</b>	<b>58,702</b>

## BANKRUPTCY CASELOAD SUMMARY

### First Circuit Bankruptcy Courts

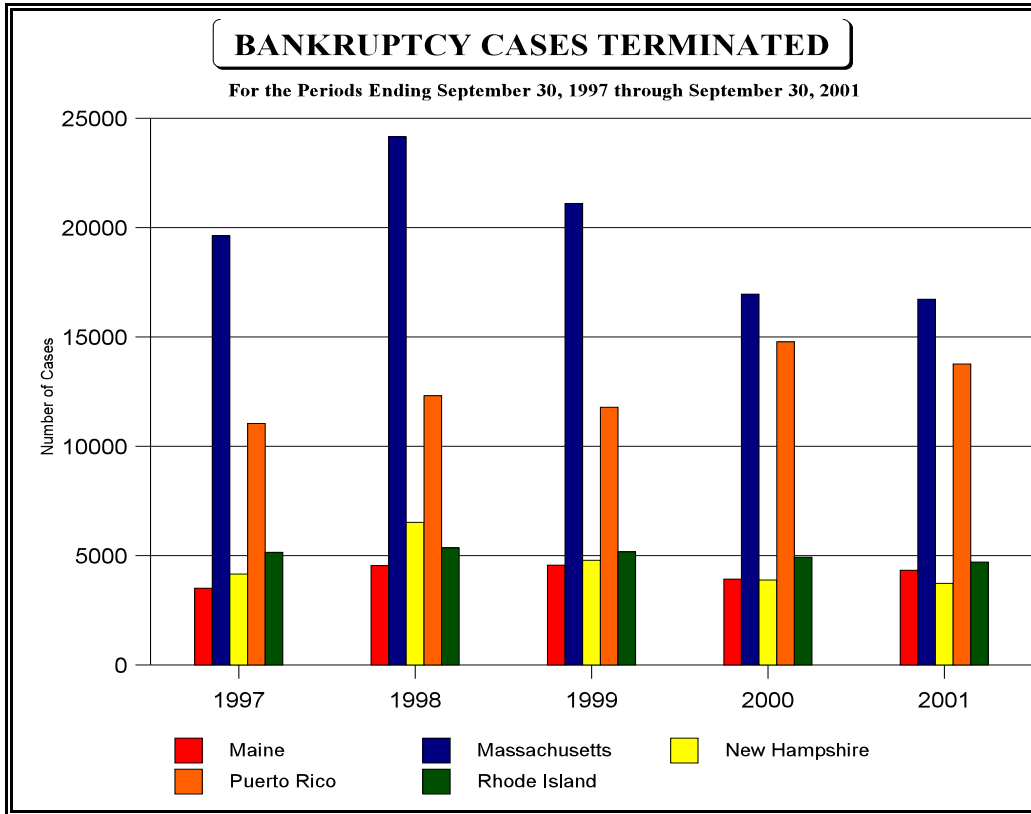


### BANKRUPTCY CASES COMMENCED From 1997 Through 2001

Districts	1997	1998	1999	2000	2001
Maine	3,990	4,511	4,299	4,036	4,400
Massachusetts	23,401	22,140	19,732	16,125	17,455
New Hampshire	4,586	4,986	4,375	3,784	3,869
Puerto Rico	14,164	18,072	17,427	15,740	14,435
Rhode Island	5,273	5,446	5,177	4,702	4,790

## BANKRUPTCY CASELOAD SUMMARY

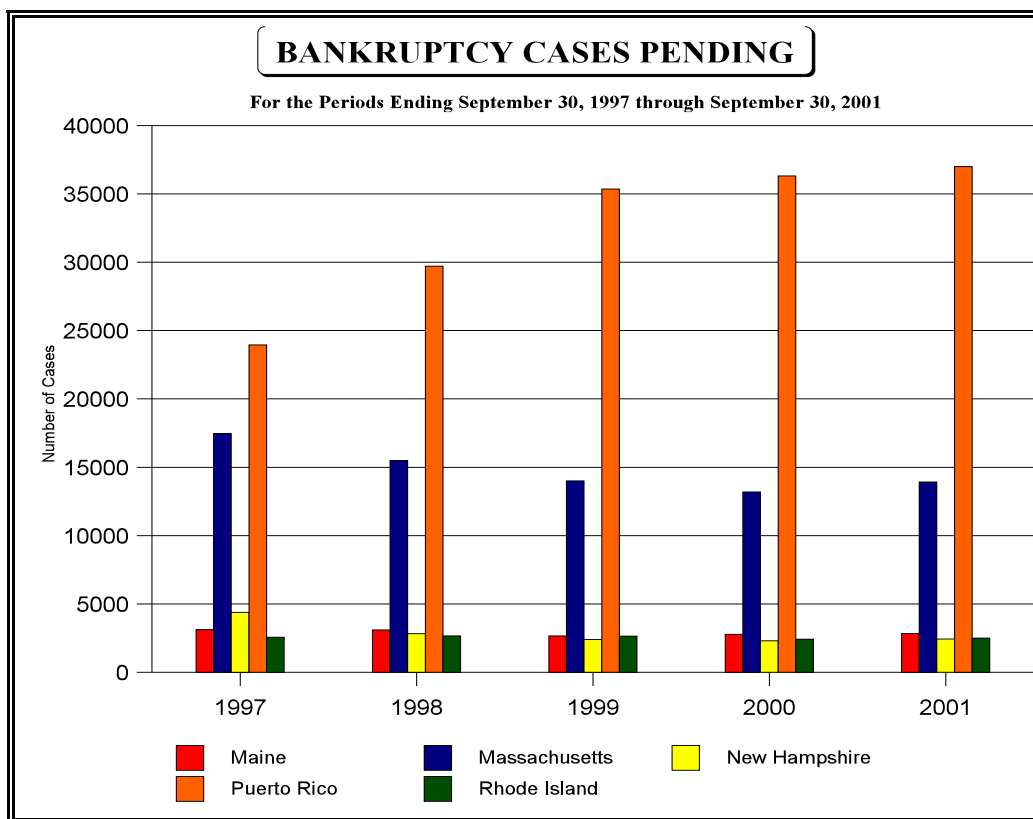
### First Circuit Bankruptcy Courts



<b>BANKRUPTCY CASES TERMINATED</b>					
<b>1997 - 2001</b>					
<b>Districts</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Maine</b>	<b>3,514</b>	<b>4,539</b>	<b>4,562</b>	<b>3,925</b>	<b>4,326</b>
<b>Massachusetts</b>	<b>19,626</b>	<b>24,150</b>	<b>21,110</b>	<b>16,961</b>	<b>16,726</b>
<b>New Hampshire</b>	<b>4,161</b>	<b>6,521</b>	<b>4,789</b>	<b>3,889</b>	<b>3,728</b>
<b>Puerto Rico</b>	<b>11,047</b>	<b>12,314</b>	<b>11,786</b>	<b>14,781</b>	<b>13,759</b>
<b>Rhode Island</b>	<b>5,157</b>	<b>5,352</b>	<b>5,170</b>	<b>4,928</b>	<b>4,706</b>

## BANKRUPTCY CASELOAD SUMMARY

### First Circuit Bankruptcy Courts



<b>BANKRUPTCY CASES PENDING</b>					
<b>1997 - 2001</b>					
<b>Districts</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Maine</b>	<b>3,120</b>	<b>3,096</b>	<b>2,661</b>	<b>2,773</b>	<b>2,847</b>
<b>Massachusetts</b>	<b>17,465</b>	<b>15,487</b>	<b>14,002</b>	<b>13,193</b>	<b>13,922</b>
<b>New Hampshire</b>	<b>4,378</b>	<b>2,816</b>	<b>2,403</b>	<b>2,300</b>	<b>2,441</b>
<b>Puerto Rico</b>	<b>23,957</b>	<b>29,714</b>	<b>35,357</b>	<b>36,317</b>	<b>36,993</b>
<b>Rhode Island</b>	<b>2,561</b>	<b>2,657</b>	<b>2,638</b>	<b>2,415</b>	<b>2,499</b>





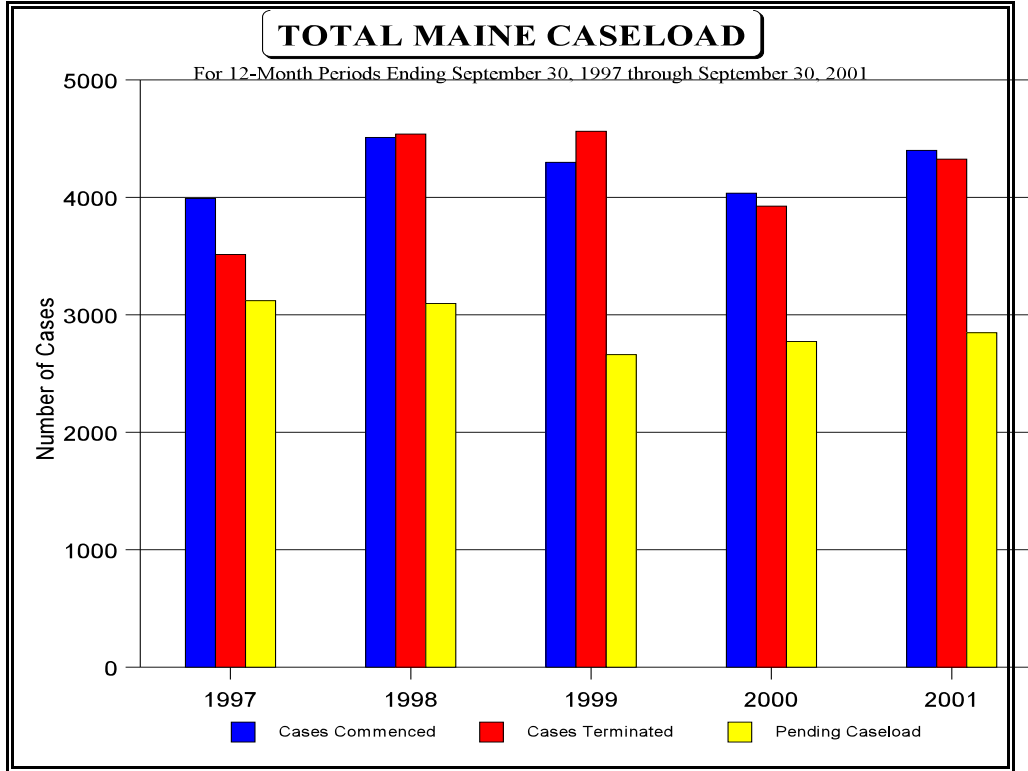
**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF MAINE**

## BANKRUPTCY CASELOAD SUMMARY

### District of Maine



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

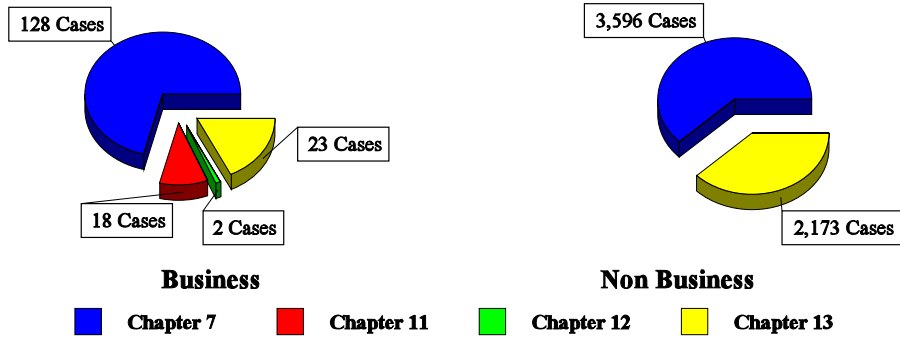
<b>TOTAL BANKRUPTCY CASES</b>					
<b>1997 - 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Cases Commenced</b>	3,990	4,511	4,299	4,036	4,400
<b>Cases Terminated</b>	3,514	4,539	4,562	3,925	4,326
<b>Pending Caseload</b>	3,120	3,096	2,661	2,773	2,847

# BANKRUPTCY CASELOAD SUMMARY

## District of Maine

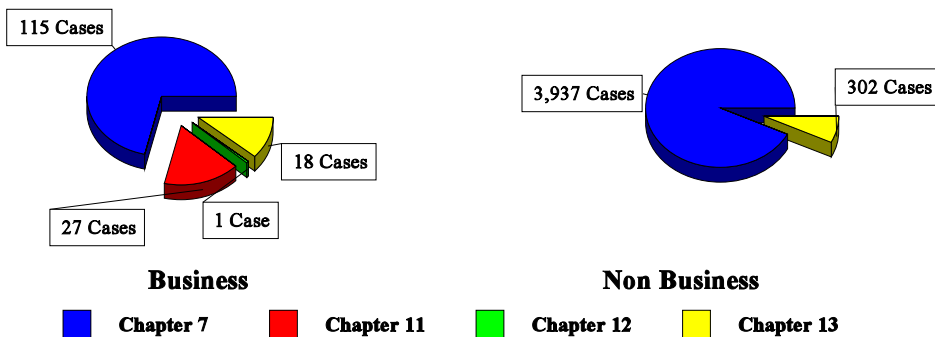
### 2000 Bankruptcy Filings

For the 12-Month Period as of September 30, 2000



### 2001 Bankruptcy Filings

For the 12-Month Period as of September 30, 2001





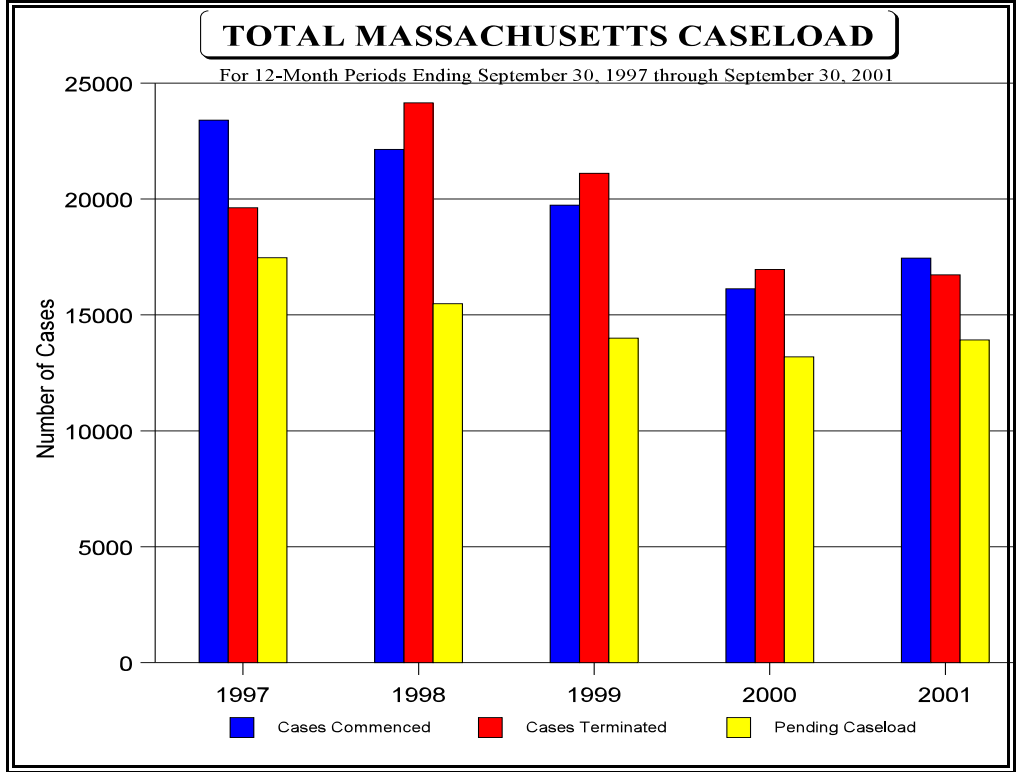
**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF**  
**MASSACHUSETTS**

## BANKRUPTCY CASELOAD SUMMARY

### District of Massachusetts



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

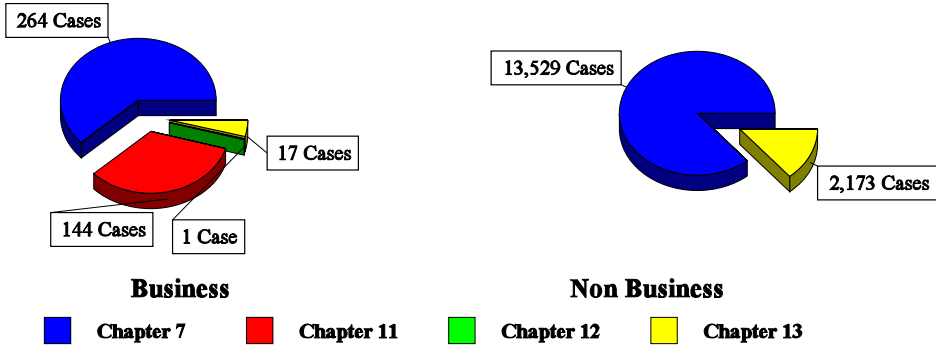
<b>TOTAL BANKRUPTCY CASES</b>					
<b>1997 - 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Cases Commenced</b>	23,401	22,140	19,732	16,125	17,455
<b>Cases Terminated</b>	19,626	24,150	21,110	16,961	16,726
<b>Pending Caseload</b>	17,465	15,487	14,002	13,193	13,922

# BANKRUPTCY CASELOAD SUMMARY

## District of Massachusetts

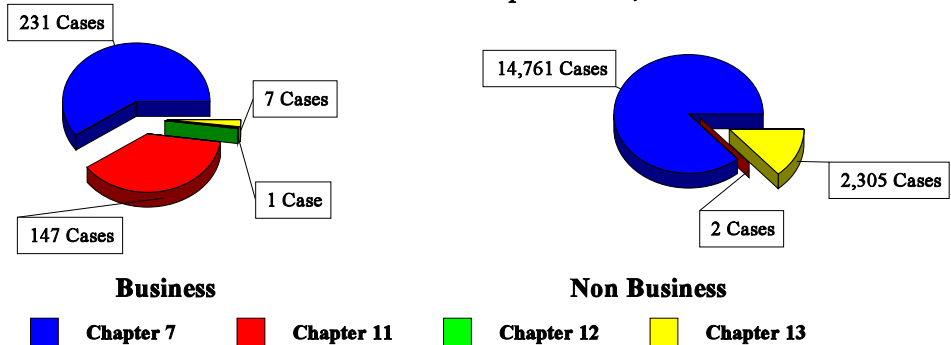
### 2000 Bankruptcy Filings

For the 12-Month Period as of September 30, 2000



### 2001 Bankruptcy Filings

For the 12-Month Period as of September 30, 2001





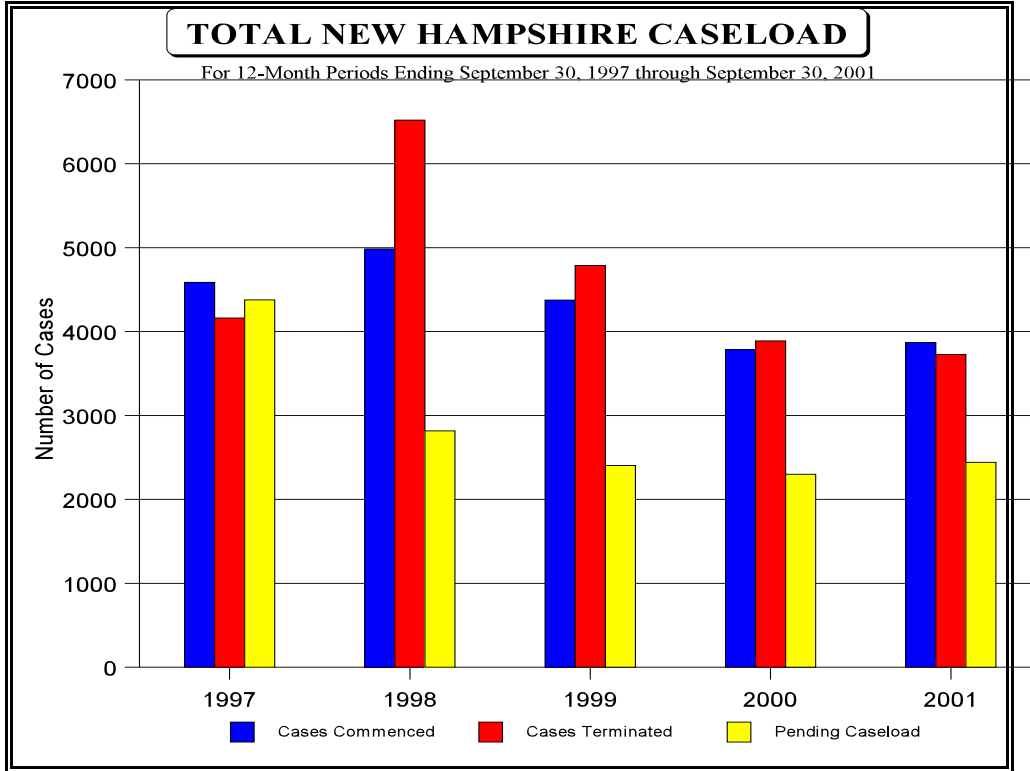


**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF NEW  
HAMPSHIRE**

**BANKRUPTCY CASELOAD SUMMARY**  
**District of New Hampshire**

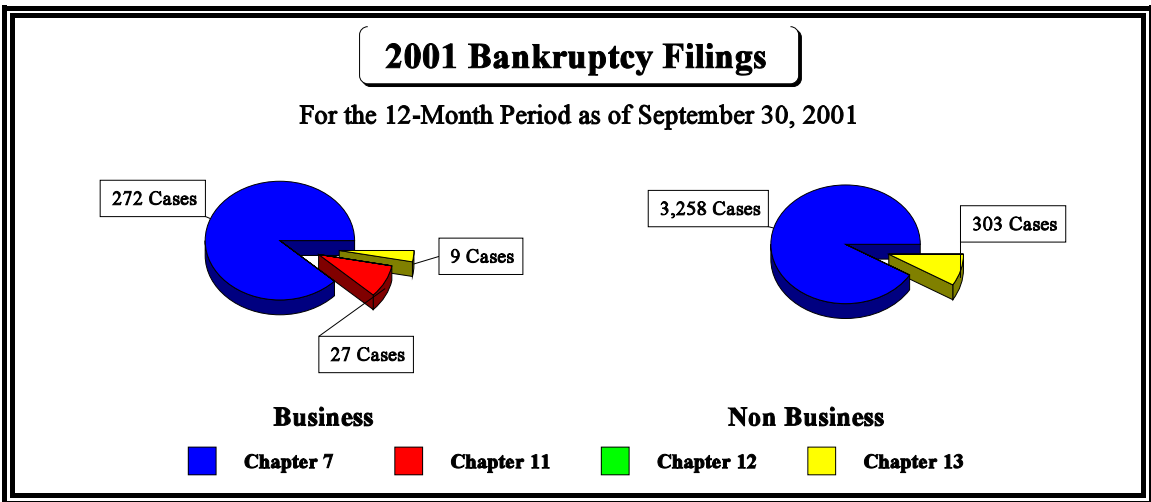
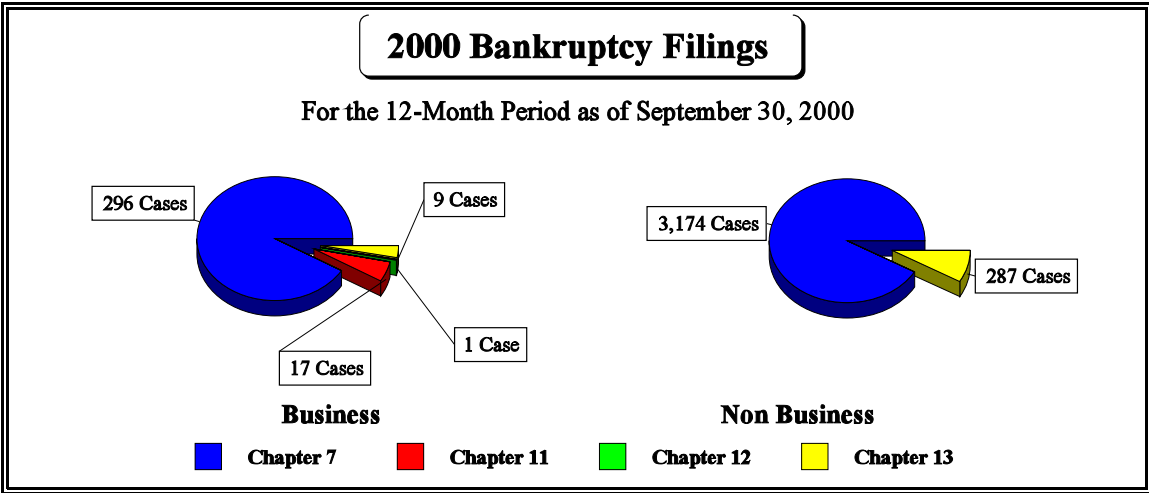


**Authorized Judgeships ..... 2**

<b>TOTAL BANKRUPTCY CASES</b>					
<b>1997 - 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Cases Commenced</b>	4,586	4,986	4,375	3,784	3,869
<b>Cases Terminated</b>	4,161	6,521	4,789	3,889	3,728
<b>Pending Caseload</b>	4,378	2,816	2,403	2,300	2,441

# BANKRUPTCY CASELOAD SUMMARY

## District of New Hampshire



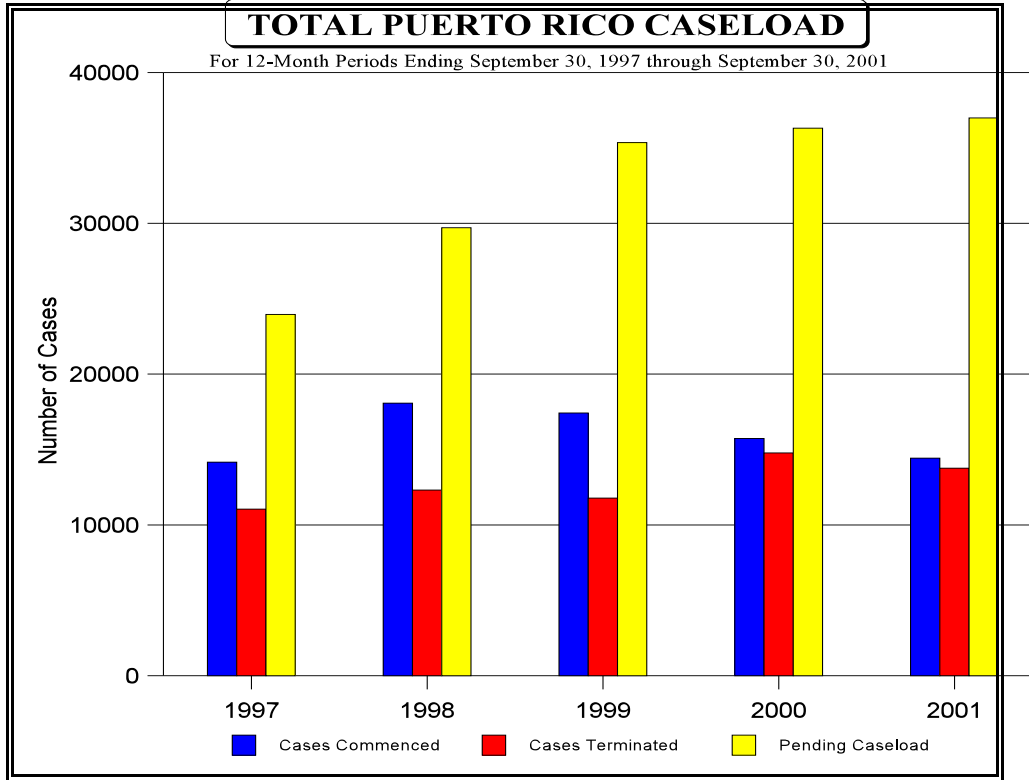


# **STATISTICS**

## **U.S. BANKRUPTCY COURT**

## **DISTRICT OF PUERTO RICO**

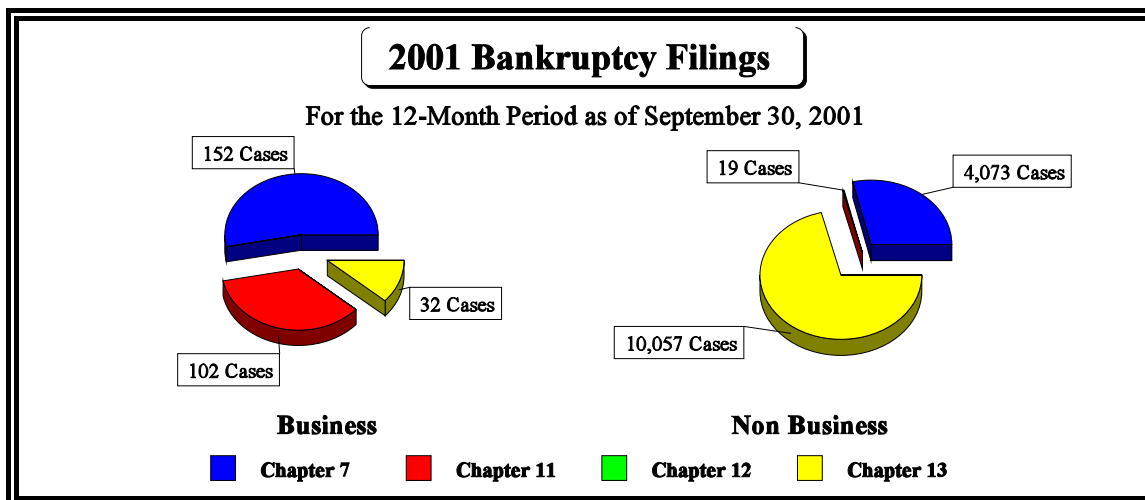
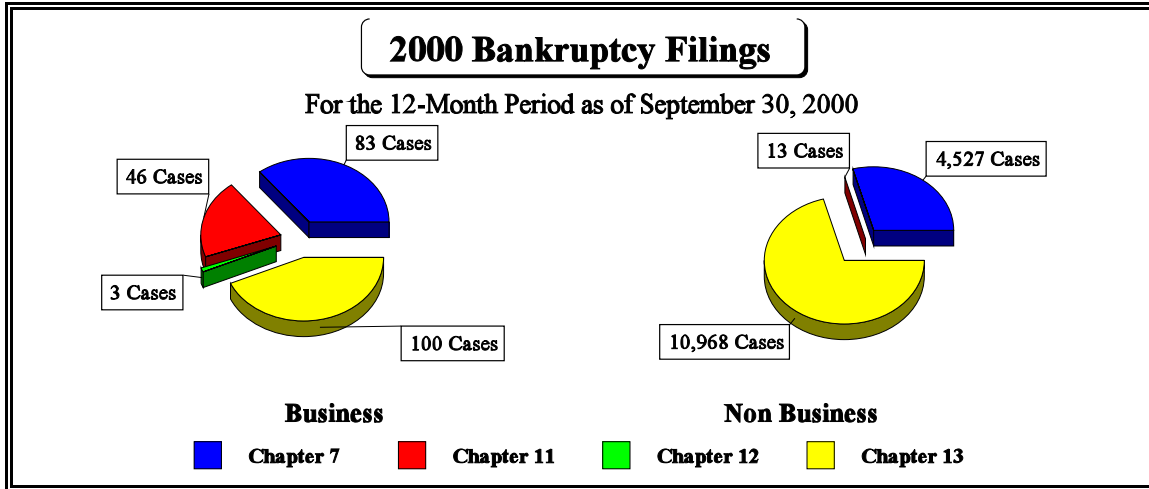
**BANKRUPTCY CASELOAD SUMMARY**  
**District of Puerto Rico**



**Authorized Judgeships ..... 3**

<b>TOTAL BANKRUPTCY CASES</b>					
<b>1997 - 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Cases Commenced</b>	14,164	18,072	17,427	15,740	14,435
<b>Cases Terminated</b>	11,047	12,314	11,786	14,781	13,759
<b>Pending Caseload</b>	23,957	29,714	35,357	36,317	36,993

## BANKRUPTCY CASELOAD SUMMARY District of Puerto Rico





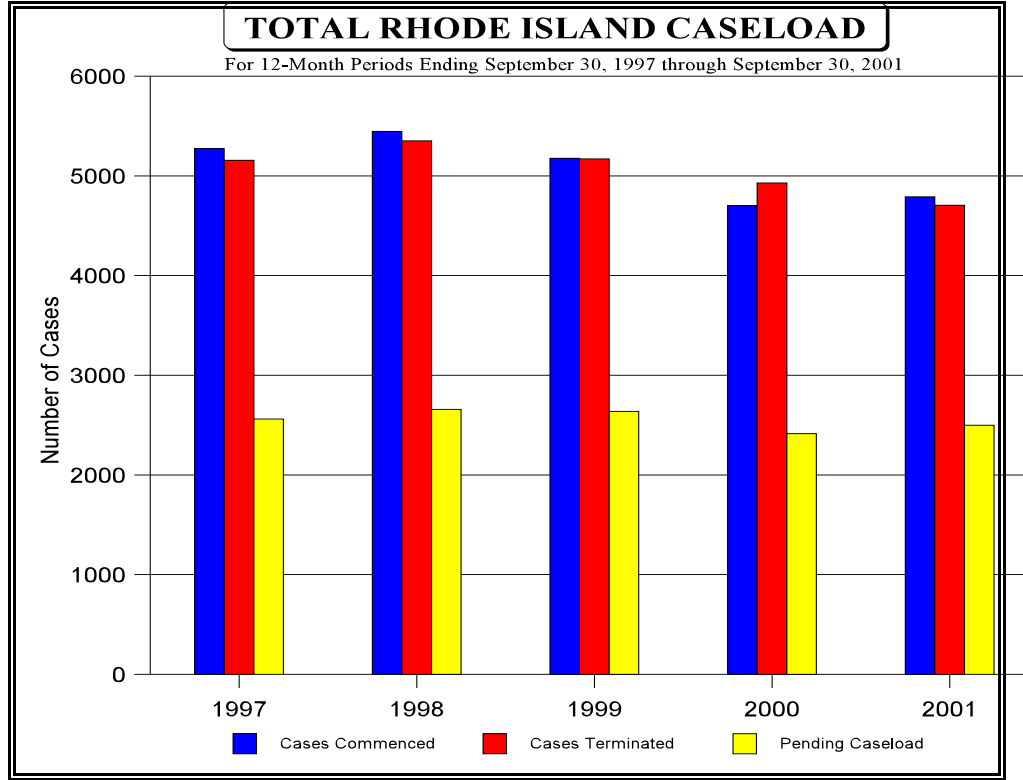


**STATISTICS**

**U.S. BANKRUPTCY COURT**

**DISTRICT OF RHODE ISLAND**

**BANKRUPTCY CASELOAD SUMMARY**  
**District of Rhode Island**

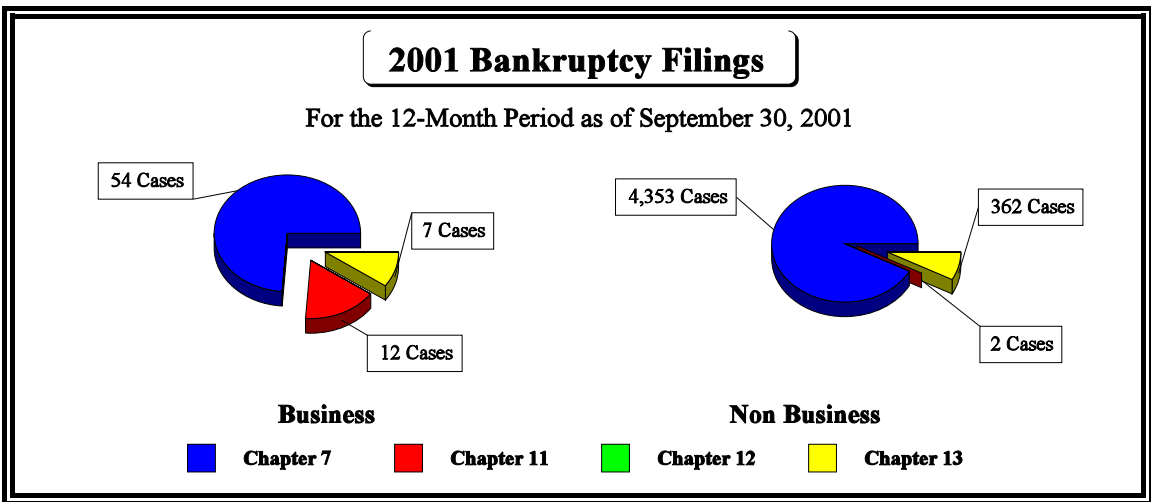
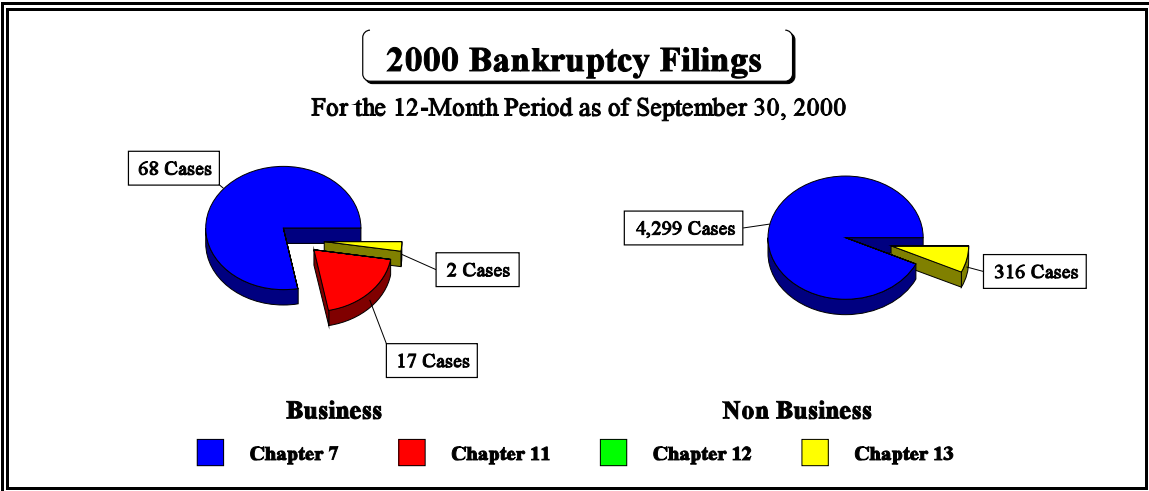


**Authorized Judgeships ..... 1**

<b>TOTAL BANKRUPTCY CASES</b>					
<b>1997 - 2001</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Cases Commenced</b>	<b>5,273</b>	<b>5,446</b>	<b>5,177</b>	<b>4,702</b>	<b>4,790</b>
<b>Cases Terminated</b>	<b>5,157</b>	<b>5,352</b>	<b>5,170</b>	<b>4,928</b>	<b>4,706</b>
<b>Pending Caseload</b>	<b>2,561</b>	<b>2,657</b>	<b>2,638</b>	<b>2,415</b>	<b>2,499</b>

# BANKRUPTCY CASELOAD SUMMARY

## District of Rhode Island





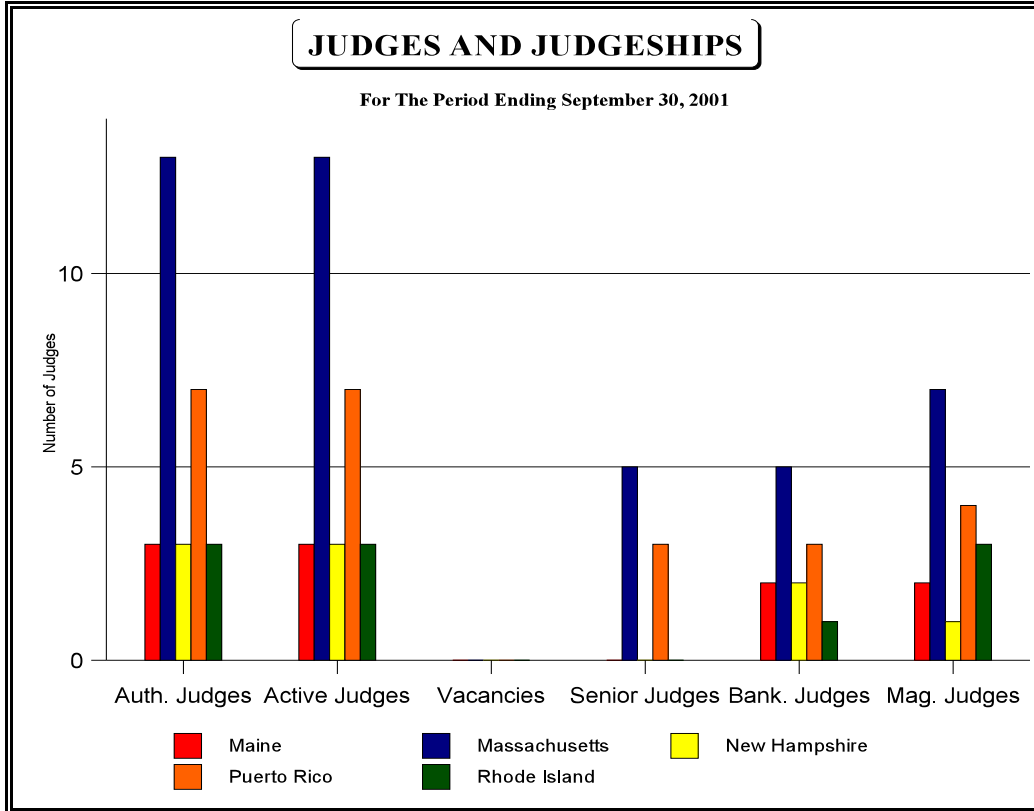
# **JUDGESHIP**

# **SUMMARY**

## JUDGES AND JUDGESHIPS

### Judgeship Summary



<b>JUDGES AND JUDGESHIPS</b>						
<b>For the Period Ending September 30, 2001</b>						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank. Judges	Mag. Judges
<b>Maine</b>	3	3	0	0	2	2
<b>Massachusetts</b>	13	13	0	5	5	7
<b>New Hampshire</b>	3	3	0	0	2	1
<b>Puerto Rico</b>	7	7	0	3	3	4
<b>Rhode Island</b>	3	3	0	0	1	3
<b>Total Dist. Ct.</b>	29	29	0	8	13	17
<b>Total Court of Appeals</b>	6	5	1	5	-	-
<b>Total 1<sup>st</sup> Circuit</b>	35	34	1	13	13	17

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

**2001**

<b>Paul J. Barbadoro</b>	<b>DJ</b>	<b>New Hampshire</b>	<b>Committee on Automation and Technology</b>
<b>Michael Boudin</b>	<b>CJ</b>	<b>Court of Appeals</b>	<b>Committee on Rules of Practice and Procedure</b>
<b>Salvador E. Casellas</b>	<b>SJ</b>	<b>Puerto Rico</b>	<b>Committee on the Administration of the Bankruptcy System</b>
<b>Robert F. Collings</b>	<b>MJ</b>	<b>Massachusetts</b>	<b>The Board of the Federal Judicial Center</b>
<b>Joseph A. DiClerico, Jr.</b>	<b>DJ</b>	<b>New Hampshire</b>	<b>Committee on Codes of Conduct</b>
<b>Nathaniel M. Gorton</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on Judicial Resources</b>
<b>Nathaniel M. Gorton</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on the Foreign Intelligence Surveillance Court</b>
<b>Mary M. Lisi</b>	<b>DJ</b>	<b>Rhode Island</b>	<b>Committee on Financial Disclosure</b>
<b>Sandra L. Lynch</b>	<b>CJ</b>	<b>Court of Appeals</b>	<b>Committee on Court Administration and Case Management</b>
<b>A. David Mazzone</b>	<b>SJ</b>	<b>Massachusetts</b>	<b>Committee on Criminal Law</b>
<b>Steven J. McAuliffe</b>	<b>DJ</b>	<b>New Hampshire</b>	<b>Committee on the Judicial Branch</b>

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

**2001**

<b>George A. O'Toole, Jr.</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on Security and Facilities</b>
<b>Michael Ponsor</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on the Administration of the Magistrate Judges System</b>
<b>Patti B. Saris</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on Defender Services</b>
<b>Bruce M. Selya</b>	<b>CJ</b>	<b>Court of Appeals</b>	<b>Judicial Panel on Multi-District Litigation</b>
<b>Norman H. Stahl</b>	<b>CJ</b>	<b>Court of Appeals</b>	<b>Committee on the Budget</b>
<b>Richard G. Stearns</b>	<b>SJ</b>	<b>Massachusetts</b>	<b>Committee on Federal-State Jurisdiction</b>
<b>Ernest C. Torres</b>	<b>DJ</b>	<b>Rhode Island</b>	<b>Advisory Committee on Bankruptcy Rules</b>
<b>Juan R. Torruella</b>	<b>CJ</b>	<b>Court of Appeals</b>	<b>Executive Committee</b>
<b>William G. Young</b>	<b>DJ</b>	<b>Massachusetts</b>	<b>Committee on the Budget</b>

**CJ: Circuit Judge**

**DJ: District Judge**

**SJ: Senior Judge**

**MJ: Magistrate Judge**



**JUDICIAL COUNCIL OF THE FIRST CIRCUIT**

**2001**

**Honorable Michael Boudin, Chief Judge, Court of Appeals**

<b>Honorable Juan R. Torruella</b>	<b>Court of Appeals</b>
<b>Honorable Bruce M. Selya</b>	<b>Court of Appeals</b>
<b>Honorable Norman H. Stahl</b>	<b>Court of Appeals</b>
<b>Honorable Sandra L. Lynch</b>	<b>Court of Appeals</b>
<b>Honorable Kermit V. Lipez</b>	<b>Court of Appeals</b>
<b>Honorable Ronald R. Lagueux</b>	<b>District of Rhode Island</b>
<b>Honorable Douglas P. Woodlock</b>	<b>District of Massachusetts</b>
<b>Honorable Daniel R. Dominguez</b>	<b>District of Puerto Rico</b>
<b>Honorable Joseph A. DiClerico, Jr.</b>	<b>District of New Hampshire</b>
<b>Honorable George Z. Singal</b>	<b>District of Maine</b>

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

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**NEW APPOINTMENTS**

<b>Bankruptcy Court of Maine</b>	<b>Bankruptcy Judge Louis H. Kornreich</b>
<b>District Court of Puerto Rico</b>	<b>Magistrate Judge Gustavo A. Gelpi, Jr.</b>
<b>Court of Appeals</b>	<b>Neil L. Lynch, Settlement Counsel</b>
<b>Court of Appeals</b>	<b>Gary H. Wente, Circuit Executive</b>
<b>Court of Appeals</b>	<b>Richard C. Donovan, Clerk of Court</b>
<b>Court of Appeals</b>	<b>Phoebe V. Morse, Clerk of Bankruptcy Appellate Panel</b>

**NEW CHIEF JUDGES**

<b>Court of Appeals</b>	<b>Michael Boudin</b>
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**REAPPOINTMENTS**

<b>District Court of Massachusetts</b>	<b>Magistrate Judge Charles B. Swartwood</b>
<b>District Court of Puerto Rico</b>	<b>Magistrate Aida M. Delgado-Colón</b>
<b>District Court of Rhode Island</b>	<b>Magistrate Judge Robert W. Lovegreen</b>
<b>Court of Appeals Defender</b>	<b>Owen S. Walker, Federal Public</b>

**SENIOR STATUS**

<b>Court of Appeals</b>	<b>Circuit Judge Norman H. Stahl</b>
<b>District Court of Massachusetts</b>	<b>District Judge Edward F. Harrington</b>
<b>District of Rhode Island</b>	<b>District Judge Ronald R. Lagueux</b>

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

---

**Honorable Michael Boudin, Chief Judge**

**Honorable Frank M. Coffin  
Honorable Levin H. Campbell  
Honorable Hugh H. Bownes  
Honorable Juan R. Torruella  
Honorable Bruce M. Selya**

**Honorable Conrad K. Cyr  
Honorable Norman H. Stahl  
Honorable Sandra L. Lynch  
Honorable Kermit V. Lipez**

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

---

**Honorable D. Brock Hornby, Chief  
Honorable Gene Carter  
Honorable George Z. Singal**

---

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

---

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

---

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

---

**Honorable William S. Brownell  
Honorable David M. Cohen  
Honorable Margaret Kravchuk**

---

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

---

**Honorable William G. Young, Chief  
Honorable Frank H. Freedman  
Honorable Nancy Gertner  
Honorable Nathaniel M. Gorton  
Honorable Edward F. Harrington  
Honorable Robert E. Keeton  
Honorable Morris E. Lasker  
Honorable Reginald C. Lindsay  
Honorable A. David Mazzone**

**Honorable George A. O'Toole  
Honorable Michael A. Ponsor  
Honorable Patti B. Saris  
Honorable Walter J. Skinner  
Honorable Richard G. Stearns  
Honorable Joseph L. Tauro  
Honorable Mark L. Wolf  
Honorable Douglas P. Woodlock  
Honorable Rya W. Zobel**

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

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**Honorable William C. Hillman, Chief  
Honorable Henry J. Boroff  
Honorable Joan N. Feeney  
Honorable Carol J. Kenner  
Honorable Joel B. Rosenthal**

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

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**Honorable Robert B. Collings, Chief  
Honorable Joyce London Alexander  
Honorable Marianne B. Bowler  
Honorable Lawrence P. Cohen**

**Honorable Judith G. Dein  
Honorable Kenneth P. Neiman  
Honorable Charles B. Swartwood**

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

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

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

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

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

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**Honorable James R. Muirhead**

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

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**Honorable Héctor M. Laffitte, Chief  
Honorable Raymond L. Acosta  
Honorable Salvador E. Casellas  
Honorable Carmen Consuelo Cerezo  
Honorable Daniel R. Domínguez**

**Honorable Jose Antonio Fusté  
Honorable Gilberto Gierbolini-Ortiz  
Honorable Jay A. Garcia-Gregory  
Honorable Juan M. Pérez-Giménez  
Honorable Jaime Pieras, Jr.**

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

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**Honorable Gerardo A. Carlo-Altieri, Chief  
Honorable Sara E. De Jesús  
Honorable Enrique S. Lamoutte**

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

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**Honorable Justo Arenas  
Honorable Jesús A. Castellanos  
Honorable Aida M. Delgado-Colón  
Honorable Gustavo A. Gelpi**

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

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**Honorable Ernest C. Torres, Chief  
Honorable Ronald R. Lagueux  
Honorable Mary M. Lisi**

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

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**Honorable Arthur N. Votolato, Chief**



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

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**Honorable Jacob Hagopian  
Honorable Robert W. Lovegreen  
Honorable David L. Martin**

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**FIRST CIRCUIT CLERKS OF COURT**

Richard Cushing Donovan  
*Court of Appeals*

William S. Brownell  
*District of Maine*

Tony Anastas  
*District of Massachusetts*

James R. Starr  
*District of New Hampshire*

Frances Rios de Moran  
*District of Puerto Rico*

David DiMarzio  
*District of Rhode Island*

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**FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT**

Celia Strickler  
*District of Maine*

James Lynch  
*District of Massachusetts*

George A. Vannah  
*District of New Hampshire*

Celestino Matta-Mendez  
*District of Puerto Rico*

Susan M. Thurston  
*District of Rhode Island*

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**FIRST CIRCUIT CHIEFS OF PROBATION**

Claire Cooper  
*District of Maine*

Robert P. Ryan  
*District of Massachusetts*

Thomas K. Tarr  
*District of New Hampshire*

Carlos D. Rodriguez  
*District of Puerto Rico*

Barry J. Weiner  
*District of Rhode Island*

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**FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES**

George F. Moriarty  
*District of Massachusetts*

Hector R. Torres-Quinones  
*District of Puerto Rico*

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**FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS**

Owen S. Walker  
*District of Massachusetts*  
*District of New Hampshire*

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

