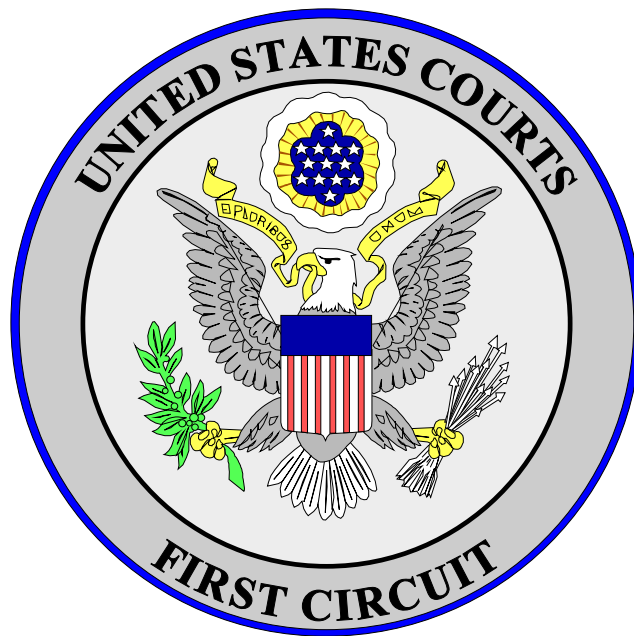


UNITED STATES COURTS FOR THE FIRST CIRCUIT



2002

ANNUAL REPORT

August 2003

**United States Courts for the First Circuit
2002 Annual Report**

August 2003

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



*FEDERAL BUILDING & UNITED STATES COURTHOUSE
ONE EXCHANGE TERRACE
PROVIDENCE, RHODE ISLAND*

HISTORIC RESTORATION

The year 2002 signaled the return of trials to the newly renovated United States Courthouse for the District of Rhode Island. The Courthouse, constructed in 1908, is heralded as a shining example of the classical Beaux Arts style of architecture. Years of continued use and the demand for technological and utility improvements rendered the historical Courthouse in need of a major upgrade which began in 1999. During the next two years of construction, contractors arduously labored to bring the Courthouse to a new level of aesthetic and technological capability in order to better serve the public.

The "people's courthouse" is once again the pride of its employees and visitors alike and a stunning reminder of the historical significance of this time-honored building.

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FOREWORD

by

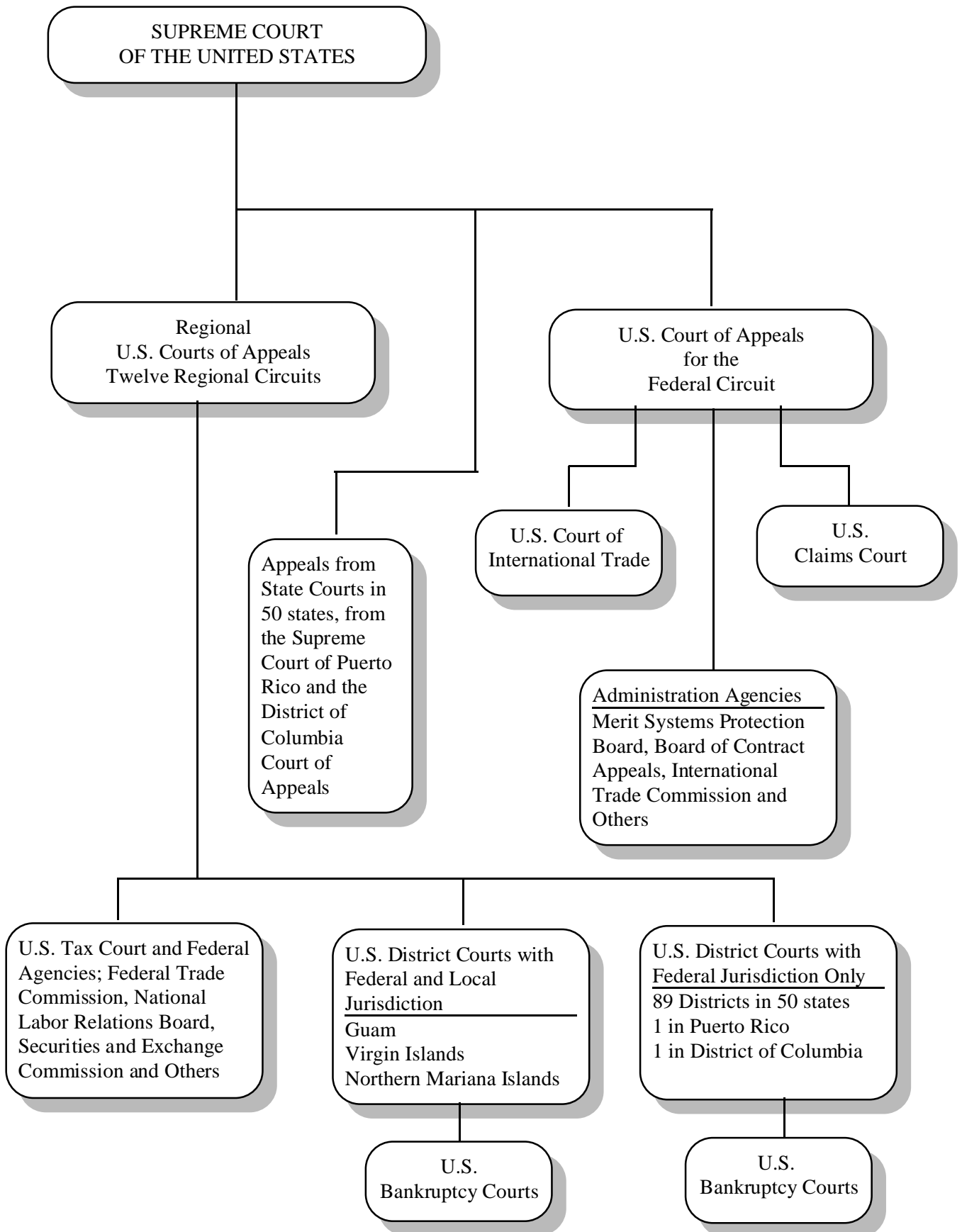
Gary H. Wente
Circuit Executive

Producing an Annual Report provides us with the opportunity to reflect upon the achievements of a year. Given the rapid pace at which the business of the courts transpires, it is helpful to review the milestones reached in a deliberative fashion. This Report reviews case filing statistics, employment trends, building projects, the implementation of a new automated docketing system (CM/ECF) and a new financial management system (FAS4T) in some of our courts, and numerous other developments. The scope of work conducted here is wide-ranging and ensures the effective administrative of justice in the circuit.

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 unit executives 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. Michelle Clements is responsible for creating this handsome document. Also, a note of special thanks to Vincent Flanagan, who was the driving force behind this project.

Finally, I would like to acknowledge the judges, court administrators, and court staff who devoted themselves to the work summarized here. All should be proud of the many accomplishments highlighted in this Report.

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

In its role of managing the flow of cases through the Court of Appeals, the Clerk's Office experienced an active year in 2002.

Clerk's Office staff joined a committee effort to review policies and procedures for appointing and compensating counsel under the Criminal Justice Act of 1964. The CJA Appellate Panel Study Committee, represented by a cross-section of the defense bar and the judiciary, formed two subcommittees – one to focus on attorney qualifications and screening procedures, and the other to focus on attorney education and training. As a result of the subcommittee recommendations, the Court authorized several policy changes: (1) development of a more comprehensive application process with appointment of panel members to three year terms; (2) court sponsorship of an ongoing appellate procedures training program, to be offered in multiple locations throughout the circuit; and (3) establishment of a centralized review system in the Office of the Circuit Executive to improve the processing of compensation vouchers.

In the area of automation, Clerk's Office staff and the Court of Appeals IT staff teamed up to introduce an electronic time and attendance program ("ELMO"). The Clerk's Office also contributed significantly to the redesign of the Court of Appeals website, adding many features to assist practitioners, the bar, and the public.

The Clerk's Office experienced numerous staff changes in 2002. After more than 30 years of public service, Chief Deputy Clerk Janice O'Neil retired in August 2002. A nationwide search for her replacement was conducted, and Mark Syska was selected as Chief Deputy Clerk. He began his appointment in December 2002.

Two other members were added to the staff of the Clerk's Office and one staff member was promoted to a supervisory position. In July, Lynne Morrison was appointed part-time appeals attorney. In September, Myra Pueschel transferred from the U.S. District Court for the District of Connecticut to the position of Intake Assistant in the Clerk's Office. Also in September, Frank Perry was named interim case manager supervisor, and was subsequently selected to fill the position permanently.

To maximize the Clerk's Office space and accommodate new staff, a remodeling project was begun in the summer of 2002. The intake area was relocated closer to the public windows and two additional case manager work stations were created. Storage space was consolidated allowing for two new offices to be created within the existing floor plan. Furnishings in the records room and the file viewing area were upgraded, and the mail room was redesigned to provide a more efficient operation.

There were several amendments to the local rules of the First Circuit in 2002, and other proposed changes remained pending into 2003. The rule regarding the use of unpublished opinions was relocated from Local Rule 36 to a new Local Rule 32.3. The reference to "related" cases was clarified with more precise language. In addition, the new rule liberalized the current policy to permit unpublished opinions of this court to be cited for their persuasive value, under limited circumstances. The court's policy that unpublished opinions are not binding precedent remains intact. Amendments to existing Local Rules 32.2 and 36 were necessitated by the addition of Local Rule 32.3.

Local Rule 46.5(d) was amended to conform more closely to present court practices regarding payment for representation and other services requested by CJA attorneys. Local Rule 46.6 was amended to clarify counsel's responsibility to continue representation until relieved by the Court and to detail procedures to be followed when moving to withdraw as counsel.

Amendments to two local rules were proposed in 2002 to conform the rules to present practice of the Court. Local Rule 34.1 would be amended regarding notice to counsel on scheduling oral argument. Also, Local Rule 47 would be amended eliminating the reference to Rule Day. The comment period for these proposed amendments continued into 2003.

On December 16, 2002, amended Rules of Disciplinary Enforcement were adopted. Additionally, several revisions to the Court's Internal Operating Procedures were adopted in 2002.

In fiscal year 2002, the Court of Appeals reported 1,667 filings, compared to 1,762 for fiscal year 2001, a 5.4 percent decrease. The Court also reported a 16 percent increase in terminations from 1,515 in fiscal year 2001 to 1,758 in fiscal year 2002, and a 6 percent decrease in pending cases from 1,513 in fiscal year 2001 to 1,424 in fiscal year 2002. The 16 percent increase in terminations was the largest increase for any circuit in the country, an effort which undoubtedly contributed to the decreased pending caseload.

The source of appeals in civil and criminal proceedings for the 12-month period ending September 30, 2002 continues to indicate that the District of Massachusetts represents the largest source of appeals to the First Circuit at 37.3 percent. Appeals from the District of Puerto Rico represent the second largest source at 31.4 percent. Appeals from Rhode Island, Maine, New Hampshire, respectively represent 8 percent, 6.9 percent and 5.8 percent of appeals. The remaining 10.6 percent of cases brought before the court in fiscal year 2002 represented appeals from the bankruptcy court, administrative agencies and original proceedings.

In the First Circuit, criminal appeals comprised 36.2 percent of the total appeals for 2002, representing the highest level in the nation where the average was 20.1 percent.

The court's median time from the filing of a notice of appeal to final disposition was 10.7 months in fiscal year 2002, equal to the national median time.

OFFICE OF THE STAFF ATTORNEYS

The Office of the Staff Attorneys does research for the judges of the Court of Appeals. During calendar year 2002, there was one senior staff attorney, one supervisory staff attorney, 16 attorneys (8 part-time, 8 full-time), and two and a half support personnel.

For the calendar year 2002, the following numbers of matters were referred by the Clerk's Office to the staff attorneys' office:

January	156	July	126
February	124	August	141
March	89	September	131
April	117	October	130
May	105	November	107
June	124	December	131

Total: 1,481

Among the types of matters referred to the Office of the Staff Attorneys for research included in the 1481 figure above were the following: 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, Anders briefs, 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, staff attorneys worked on about 116 *pro se* or HHS submitted cases and some number of sua sponte summary affirmances in counseled, briefed cases.

CIVIL APPEALS MANAGEMENT PROGRAM

The First Circuit's Civil Appeals Management Program (hereinafter CAMP) is governed by Local Rule 33. The process begins with the filing of a Notice of Appeal with the Clerk of the Court of Appeals who notifies the appellant of the program. The appellant is required to file a Docketing Statement both with the Clerk and Settlement Counsel in the form required by Local Rule 3(a). The Clerk also notifies Settlement Counsel of all civil appeals considered eligible for the program.

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

When Settlement Counsel has been notified of a pending appeal, a conference is scheduled. The parties are directed to file a 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 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 judgement 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) which counsel believes affect his/her client's chances of prevailing upon appeal, and which affect the terms and conditions upon which the case may reasonably be settled.

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

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

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

In calendar year 2002, one or more conferences were held in 295 cases, which produced 112 settlements or 38 percent of the mediated cases.

BANKRUPTCY APPELLATE PANEL

The Bankruptcy Appellate Panel (the "Panel"), established by order of the Circuit Council in 1996, hears appeals from decisions of bankruptcy judges from all districts within the Circuit with the consent of the parties. Fourteen bankruptcy judges served on the Panel in 2002, including one from outside the Circuit, Judge Colleen A. Brown from the District of Vermont, who was added to the Panel as a visiting judge by vote of the Circuit Council.

The Panel launched a much-improved website, containing searchable opinions and the local rules as well as a practitioner's guide, Panel calendars, and quick-reference materials. With help from the Circuit Executive's Office, ISYS, a special search engine, was added to the Circuit's DCN site to

allow bankruptcy judges and their clerks access to unpublished opinions and other Panel information. The Panel also changed some docketing procedures to streamline its functions and implemented new procedures for the processing of opinions.

The Panel also completed a revision of its Local Rules. The Panel solicited comments across the First Circuit on its proposal to add rules that would allow summary disposition, require translations of documents not in the English language, and govern oral argument and the citation of unpublished opinions. The Panel incorporated various recommendations into the proposed revisions, and the Circuit Council approved the revisions in March. The amended Local Rules became effective on April 2, 2002.

New appeals to the Panel fell approximately 13 percent in the period October 1, 2001 to September 30, 2002 from the previous twelve months. Eighty-eight cases were filed and seventy-five cases were terminated during this period. Approximately one-third of the cases were disposed of after oral argument. Twenty-one written opinions were issued. Median time from notice of appeal to final disposition after oral argument was 8.8 months, down from 9.2 months the previous year. Median time from oral argument to disposition was 3.6 months. Fifty-four cases were pending at the end of this period; only four of these had been pending for more than twelve months. The District of Massachusetts continued to be the largest source of appeals, contributing approximately 75 percent of new cases. The remaining districts each contributed approximately 6 percent of the new cases.

The year 2002 saw staff changes as well. In September 2001, the Judicial Conference authorized judicial law clerk positions for Bankruptcy Appellate Panels, assigning one position to the Panel for the First Circuit. The Panel hired Gwen May as its judicial clerk; she began work in March 2002. Staff attorney Lori Digiammarino left the Panel in November. The Panel is in the process of hiring a new staff attorney.

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, PR; Providence, RI; and Concord, NH. The Boston library provides primary service to the judges and law clerks in Maine and Massachusetts, and back-up services 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 of the court.

There are 13 members on the library staff: 9 in Boston, 2 in Hato Rey and 1 each in Providence and Concord. Two members of the Boston staff are part-time. Responding to a skills assessment, some staff responsibilities were realigned in Boston, and a new position was added in the technical services department. Lisa White, Administrative Officer, became the Electronic Resources Librarian. Scott Ciampa, Serials Specialist, moved to the Administrative Specialist slot.

During this year, Evelyn Hurley replaced Gordon Pew as the part-time Catalog Librarian. Paula Heffernan filled the new second Technical Services Technician position, working with serials check-in, shelving and other tasks involving the collection. Monika Fischer replaced her in April. Betsy Luce, the Technical Services Technician who assists with lawbook procurement and vouchers, left in July. She was replaced by Kristin Hathaway, a former staff member who had worked with the court in 1995 and 1996. The library is fully staffed for the first time in a long while. Regardless of location, the staff performs as a team to provide service to the judges, law clerks, and court staff throughout the First Circuit.

The library's webpage continues to evolve and expand. Stephanie Mutty, Providence Satellite Librarian and web master, works with the Library's Web Committee to improve the look and usefulness of the site. Ms. Mutty posts *Today's News* and a later update from the wire services to the webpage "Newsroom," and distributes it directly to the people on her mail list. Juliana Hayden, Concord Satellite Librarian, has been distributing First Circuit opinion and U.S. Supreme Court opinion summaries from the FindLaw website. She also tracks key congressional bills, especially those connected with the budget. These are also distributed to a mail list and posted on the webpage. The Court mounted a First Circuit site on the internet this year. Karen Moss, Circuit Librarian, provided the library's material to be included on the new site.

The library staff has been working toward the goals set during the 2000 Long Range Planning meeting. This year staff held another LRP meeting to review accomplishments and determine upcoming goals. The staff meetings this year included the total staff. The satellite librarians from Providence and Concord attended in Boston, and the staff in Hato Rey participated by teleconference.

The entire staff took the Myers Briggs Type Inventory survey. Kerri Reid, a former FJC employee, marked these and presented a half-day training session to the staff. This was very useful in learning how to work with colleagues in the library and in the courts.

In Boston, the bar coding project continued. The book-labeling portion should be completed shortly, enabling electronic check-out to commence sometime in late next year.

The court's existing collection of appellate judge photographs was brought up to date. All of the photos were reframed and identified with a brass label. They now hang near the First Circuit History Society office in the west wing of the library. Pictures of three early judges are still missing and attempts to find these will continue.

During this fiscal year, \$1,505,989.60 was spent on library materials for the four libraries, chambers and other court offices throughout the First Circuit. Subscription costs continue to escalate, and money is limited. Therefore, only \$63,328 was spent to add new titles to our collections. The Boston library added only 136 new titles.

The library in Hato Rey serves 18 judicial officers located in the courthouses in Old San Juan and Hato Rey. The library in Providence serves 8 judicial officers and their staff. The library in Concord, New Hampshire provides service to 7 judicial officers, including the bankruptcy judges located in permanent leased space in Manchester, New Hampshire.

NARRATIVE REPORTS OF THE DISTRICT COURTS

UNITED STATES DISTRICT COURT DISTRICT OF MAINE

DISTRICT COURT

The District of Maine was one of four pilot courts to implement the Certifying Officer legislation for FAS4T financial management in the federal judiciary. In March 2002, the court unit executives and other key staff members were trained on the certifying officer model, and effective April 1, 2002, the court unit executives were designated as certifying officers for payment authorizations and disbursements.

In a project overseen by Judge Singal and coordinated by Barbara Manford, ACE for Space and Facilities, substantial renovations were made to the district courtroom at the federal courthouse in Bangor during the spring and summer of 2002. The new construction included a new ceiling with a perimeter soffit and skylight, new millwork throughout the courtroom, and the installation of state-of-the-art audio and evidence presentation systems.

Under the leadership of Chief Deputy Clerk and Project Manager, Linda Jacobson, on May 1, 2002, the District Court Clerk's Office began the implementation process to convert from the aging ICMS automated docketing system to the new Case Management/Electronic Case Files (CM/ECF) system. After months of training, dictionary writing, reviewing workflow processes, and test conversions, the District Court has successfully transitioned to CM and it is anticipated that ECF will be available sometime in 2003. Members of the Clerk's Office staff have now been requested to mentor other district courts in their programs to implement CM/ECF.

Upon the appointment of Chief Justice Rehnquist, Judge Hornby became a member of the Executive Committee of the Judicial Conference, effective October 1, 2002.

The fifth District of Maine Judicial Conference was held October 10-11, 2002, at the Samoset Resort in Rockland, Maine. The biennial conference is attended by all the District of Maine judicial officers and by most of the federal practitioners in the district, as well as the court unit executives and other staff. The conference included greetings from Circuit Chief Judge Boudin, a key-note address by former Director of the FBI, Louis Freeh, and a luncheon address by U.S. District Judge Royce C. Lamberth, former presiding judge of the Foreign Intelligence Surveillance Court. The main plenary session was a spirited and provocative panel discussion entitled "Civil Liberties in an Age of Terrorism."

On June 5, 2002, District Judge Gene Carter, who was appointed to the bench by President Reagan in 1983, announced he would take senior judicial status effective January 2, 2003. At the same time, Chief Judge D. Brock Hornby announced that, also on January 2, 2003, he would end his tenure as Chief Judge for the District of Maine. On that date, Judge George Singal would assume the duties of chief judge. Judge Singal has subsequently relocated to Portland which created a judicial vacancy in Bangor.

Total case filings decreased by 10 percent in 2002, dropping from 824 filings in 2001 to 741 filings in 2002. Terminations increased from 754 in 2001 to 771 in 2002, a 2 percent increase. The pending caseload dropped significantly in 2002, from 596 cases in 2001 to 478 cases in 2002, a decrease of 25 percent.

BANKRUPTCY COURT

2002 was the year of CM/ECF for the Maine Bankruptcy Court. Conversion to the case management portion of the system was completed on schedule in January. Every member of the staff was involved in this highly successful project. The programs that were available to convert old images to CM/ECF were impractical, so systems staff developed an efficient method of conversion and have made the program available for other courts to use. Court staff also perfected a case download program that can put an entire day's hearing calendar and cases on a CD to enable Judge Kornreich to port the system for Augusta and other remote site hearings.

By early September, all trustees and a pilot group of attorneys had been trained and were e-filing. By the end of the year, in addition to all the trustees, twenty-two Portland attorneys and their support staff and eight Bangor attorneys and their support staff had been trained, and the court is continuing to offer several classes per month.

In November, the first meeting of the Maine ECF Users Group met jointly via video conference in Bangor and Portland. A second meeting was held in December, and this group is expected to have an important voice in further development of the system and procedures.

During 2002, Judge Haines continued his service as a member of the Federal Judicial Center's Bankruptcy Education Committee and the Administrative Office's Electronic Public Access Working Group. In addition, he commenced service on the Court Administration and Case Management Committee of the Judicial Conference.

In July, Judges Haines and Kornreich joined Justice Donald H. Marden of the Maine Superior Court to present a program discussing bankruptcy issues that confront state court judges. In attendance were members of Maine's Supreme Judicial Court, as well as state trial court judges.

For the year, total case filings were fairly steady, showing an overall decrease of two percent. That masks the true picture, however, because there was a significant shift from Chapter 7 filings to Chapter 13 filings, with Chapter 13 filings increasing 32 percent over 2001. Most of the increase in Chapter 13 cases was seen in the Portland office, while Bangor filings continue to represent over 50 percent of total filings. Case closings remained relatively constant, enabling the court to finish the year with a slight decrease in the pending caseload.

**PROBATION AND PRETRIAL
SERVICES OFFICE**

The Administrative Office of the U.S. Courts and the Office of Probation and Pretrial Services completed a review of operations in October 2002. Although the review was not in the 2002 fiscal year, the time frame used for the review covered fiscal year 2002. The hard work and dedication of the staff was noted by the review team. The office was praised on the high quality of its supervision strategies, the use of enhanced supervision methodologies, its presentence reports, and its pretrial operations.

There were many areas of progress in fiscal year 2002. Most notably, the office worked to become a more cost efficient organization. The staff was asked to increase the use of government leased vehicles, as the use of government vehicles is more cost effective than using one's personal car and claiming mileage. Staff saved the District \$2,252 over the previous year by using government leased vehicles. The office continues to significantly increase collections in fines and restitutions. There was a 31 percent increase in these collections over last year. Offenders' co-pay responsibilities increased to 5 percent of total treatment services expenditures.

The increased numbers of pretrial cases, presentence reports and, most significantly, post conviction supervision cases continually climb. The AO has requested that staff terminate post conviction supervision cases early for certain qualifying offenders. This is one area where the court and probation office can have an impact on the significant growth experienced across the country. Caseloads were reduced by 9 percent using early terminations.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DISTRICT COURT

This year marked the beginning of a major undertaking for the U.S. District Court. The Case Management/Electronic Case Filing (CM/ECF) project commenced. This program was designed by the AO to allow access to filing of cases and legal documents over the internet through electronic means. It involved developing a system for electronic noticing by email to attorneys, judges, law clerks and court personnel as needed.

The planning stage began in March 2002 and consisted of setting up committees to oversee various aspects of the project. The CM/ECF implementation team consisted of managers, supervisors and staff members who worked to oversee the entire project. The training team provided prerequisite training in file management, word processing, adobe acrobat, scanning, and internet browsing. They developed curriculum and gave demonstrations to attorneys and staff as part of the preparation. Several members of the office visited two courts that were using electronic filing. By November, dictionary mapping for electronic filing had begun and court staff had access to three databases; live, test and training. New equipment to facilitate the project included scanners, computers, laptops, and projectors.

Technological advances continued to impact upgrades in several areas within the court. Significant changes were made in Courtroom Two in Boston, one of the electronic courtrooms. A modified podium with a flat screen monitor and a new Wolfvision document camera were installed, the gallery monitor was replaced with a 40-inch plasma screen, a touch screen was installed in the podium, and another was installed at the primary witness location.

Modifications were made to the electronic courtrooms that allowed staff to send all inputs (video tape, document camera, and computer) to the far end of a video conference call. The electronic courtrooms have been utilized for a number of trials including cases involving witnesses in Sweden and Japan. Demonstrations of the courtroom technology and case management have been presented to various guests such as the Chief of Staff for the U.S. Senate Committee on Environmental and Public works, a group of Russian civic leaders, and judges from Siberia and Armenia.

A rollabout unit was connected to the evidence presentation system in Springfield in Judge Ponsor's courtroom. Worcester entered the design stage of the electronic courtroom project for that courthouse.

In 2002, the court's internal and external websites were significantly improved. Local rules for magistrate judges and an attorney handbook were added to the external website. Internally, a link to the AO's Lotus Notes Information site, Sentencing Information System links, and a general information page were added. The Worcester and Springfield courtlists were also posted. In July, the external webpage was redesigned. The court logo was also redesigned and a short animated

introduction page was created. The new design enables end users to quickly identify the needed resource and get to it with a minimum of mouse clicks. An attorney survey was developed for the bar to facilitate transition to electronic filing and was located on the website. Information on a new credit card program, a list of CJA attorneys in Boston, Worcester and Springfield, and a list of ADR providers was also added.

The migration to Lotus NOTES email for Boston, Springfield, and Worcester was accomplished and Lotus Notes software was installed on judges' laptops in May. The migration to NetWare 6, a reliable, up-to-date and fault tolerant system of network servers was accomplished in record time.

Meetings began on the new Springfield courthouse to discuss infrastructure, electronic courtrooms, telecom and electrical requirements, among others.

Highlights of the year include:

Electronic reporting to the AO for statistics for the JS-10 and Jury became possible.

A series of "Roundtable" discussions initiated by Judge Patti Saris with speakers from the James D. St. Clair Court Public Education Project, the U.S. Attorney's Office, the U.S. Marshal's Office, Boston Court Management Associates, and Pretrial/Probation were held. The discussions centered on speakers with active audience participation.

A handout for the public and employees alike that identified information staff can give to the public without giving legal advice was developed.

Effective August 1, the U.S. District Court began accepting credit cards for filing fees and miscellaneous court fees as a public service to the Bar and the public.

Students from Worcester Polytechnic Institute completed essential programming for a Sentencing Information System. This tool allows judges access to information in presentence reports and can be used to assist judges in sentencing decisions.

The process for the court digital audio recording program entered the design phase.

CD players were installed to play music as an alternative to white noise in two courtrooms.

We began a six-month trial of Exemplaris, a transcript repository for centralized electronic storage, search and retrieval of federal court transcripts. This secure Web-hosted application allows attorneys, researchers and other interested parties unparalleled access to the official record of the federal district court system. By October, access to Exemplaris was installed for all judges, secretaries and law clerks.

In July, Chief Judge Young became the first district judge in Massachusetts requiring the submission of PDF documents for all filings in the Richard Reid a.k.a. "Shoebomber" case, to enable direct access by the public to the documents. The attorneys emailed these documents to a special Lotus Notes mailbox. The documents were sorted and linked to CHASER and PACER docket reports

for internal and external access. A link was added to PACER that directed users to the case docket report. A separate webpage was created that described how to get access to a PACER docket sheet. Exemplaris transcript, opinions and other special documents were released for public discussion. Richard Reid's indictment and detention hearing documents were placed on the external website.

The Clerk's Office remains committed to its mission of "providing access to an impartial forum for the resolution of disputes, through prompt service to the Court, members of the bar, and the public." Through the effort, labor, and support of the judges and the Clerk's office staff, this goal was attained.

There was a significant increase in total case filings in 2002. Case filings rose from 3,276 in 2001 to 3,765 in 2002, an increase of 15 percent. Terminations also rose in 2002, increasing from 3,470 in 2001 to 3,565 in 2002, a 3 percent increase. The pending caseload went up from 4,126 in 2001 to 4,300 in 2002, an increase of 4 percent.

BANKRUPTCY COURT

The most significant event in 2002 began with the announcement that the U.S. Bankruptcy Court had been selected to be in Wave 7 of the national migration to the new case management and docketing system, CM/ECF. The court began its preparation for the transition to CM/ECF in January 2002 with the creation of eight committees to review all aspects of work in the Clerk's Office and to address the changes anticipated with the move to the browser-based docketing system. For example, the Process Reengineering Committee analyzed the current work processes and procedures and mapped out what changes the court would need to make to function efficiently under CM/ECF. The Dictionary Committee reviewed all existing docketing events, related deadlines, and forms, compared them to events in CM/ECF, and noted what changes, additions and deletions needed to be made. This process included reviewing and rewriting more than 100 forms.

The Court opted to allow attorneys to file cases and pleadings electronically which necessitated a revision of the local rules. An Attorney Advisory Committee, chaired by Bankruptcy Judge Henry J. Boroff, was established, with representation from each of the major bar associations in the district. Using the Judicial Conference's Model Rules as a guide, the committee drafted twelve new rules to govern practice and procedure under electronic filing. New rules regarding minimum font sizes and an agreement between counsel and the Chapter 13 debtor were also proposed. The rules were submitted to U.S. District Court in late 2002 with an effective date of March 31, 2003.

As currently developed, CM/ECF is designed to bring the Clerks' Office into the electronic age by allowing attorneys to file documents via the internet and to serve and receive notices of filing electronically, but it has little impact on chambers. A significant part of the CM/ECF effort has been devoted to creating a software program that would allow for the electronic exchange of information between chambers and the Clerk's Office. Using a calendaring program called CHAP that was developed by the bankruptcy court in Utah, this court's CM/ECF mentor court, the Systems Department wrote additional code that will allow CHAP to serve as an electronic hold drawer and a scheduling system. Images can be sent from the Clerk's Office into chambers and images can be pulled from CM/ECF into CHAP and viewed in chambers or in the courtroom, thus enabling judges to become entirely paperless if they so choose.

While the caseload remained steady during 2002, anticipated budget shortfalls forced the court to adjust to a smaller support staff. There were four retirements and resignations in 2002, but the court was not able to fill any of those positions due to current and future budget concerns. The Clerk's Office has reduced its intake staff significantly in both Boston and Worcester in the last several years and each judge has adjusted to one less case administrator. This reduction in personnel has made the implementation of CM/ECF especially burdensome on existing court staff, but morale remains high and the court is optimistic that it will implement CM/ECF successfully in April 2003. The electronic filing option for attorneys will be made available by July 2003.

In the spring of 2002, Bankruptcy Judge William C. Hillman was appointed to the Judicial Conference Committee on the Administrative Office. In December 2002, Judge Joan N. Feeney became the Chief Judge, succeeding Judge Hillman. Subsequent to the recent revision of the advisory structure by the director of the Administrative Office, James Lynch, Clerk of Bankruptcy Court, was appointed for a two year term to the Bankruptcy Clerks Advisory Group and also to the Administrative Office's Information Technology and Facilities Advisory Council.

The total number of bankruptcy cases commenced decreased slightly in 2002, from 17,455 in 2001 to 17,069 in 2002, a decrease of 2 percent. Bankruptcy terminations increased by 7 percent from 16,726 in 2001 to 17,874 in 2002. During 2002, the pending caseload fell from 13,998 to 13,153, a decrease of 6 percent.

PROBATION OFFICE

The infusion of new personnel in the probation office continues with seven probation officers hired during 2002. All but one of the new officers were assigned to the presentence unit in Boston which now has a new organizational structure. Under the leadership of Deputy Chief John Bocon, the presentence unit has two teams with a supervisor, a specialist, and line probation officers. This new structure will result in greater consistency in the production of reports and provide the support needed for the relatively inexperienced, yet very talented, officers.

The presentence unit continued to be very busy with 580 assignments during the year. This number is the same as last year when the number of cases increased by 58 from the year before. There have been a number of initiatives in the presentence unit during the year with the most notable being the implementation of the Monograph 114 - Criminal Monetary Penalties. This monograph provides the presentence probation officers with a consistent approach in determining a defendant's ability to satisfy a monetary penalty - either restitution or fine. The in-depth financial investigation that is conducted at the presentence stage also assists the court in determining whether, and to what extent, a defendant has been supporting himself through criminal activity.

In addition, the presentence unit has implemented a Case Law Project where two attorneys in the unit, working in conjunction with systems personnel, developed a program that enables officers to retrieve First Circuit case summaries with a link to the actual case law. This system is accessed through Lotus Notes and queries can be initiated by "clicking" under items arranged by guideline sections or through natural language queries. In addition, there has been progress on a New Drive System where a working group is developing a method of cataloging completed presentence reports so they can easily be accessed by officers to use as examples. Finally, a working group developed a Case

Weighting System where factors are considered which result in a case being classified as regular, difficult, or exceptionally difficult. This will result in a fairer distribution of work among the officers.

The supervision unit, under the leadership of Deputy Chief John Perry, had an extremely busy year. The number of offenders under supervision dipped a bit during the first three quarters of 2002 but rose to 1242 by the end of the year (1241 were under supervision at the end of 2001). Many of these offenders have significant problems with nearly 40 percent having a special condition of drug treatment and nearly 19 percent having a mental health condition. Fortunately, the probation office has contracts with a number of fine substance abuse and mental health treatment agencies. Needless to say, this treatment came with a price – \$766,114 for drug treatment and \$160,337 for mental health.

During 2002, the supervision unit also focused on implementation of the Monograph 114. All twenty-one probation officers who supervise offenders improved their monetary collections in 2002 by a minimum of 26 percent to a high of 166 percent (average of 67 percent). As a result of this increase, the office collected approximately \$20,000 per month more in financial obligations during 2002, with collections increasing from \$29,540 per month to \$49,414.

During 2002, the supervision unit initiated a Re-entry Program in collaboration with the Boston Police Department. This program identifies those federal offenders who are the impact players in the neighborhoods of Boston and provides them with the opportunity for services while at the same time advising them that they will be watched by the law enforcement community. The first federal re-entry panel will meet during the first few months of 2003.

Finally, officer safety continues to be a major focus of this office. All officers are required to attend a one day defensive tactics program. In addition, a more intensive, three day “DT” program is offered. Scenario safety training is also provided during the course of the year to allow officers, in a safe setting, to react to dangerous situations that have actually happened in the field. Cap-stun training is also provided to all officers who choose to carry a weapon.

PRETRIAL SERVICES OFFICE

During Fiscal Year 2002, 794 pretrial service cases were activated in the District of Massachusetts. Fifty-three percent of defendants on the national level were subject to a detention hearing while 60 percent of defendants in Massachusetts had such a hearing. Thirty-nine percent of defendants were ordered detained nationally. The District of Massachusetts had a detention rate of 49 percent.

Of the 365 defendants released, 19 percent violated at least one condition of their pretrial release. Fifty-two defendants had technical violations, often involving positive drug tests (20) or failure to report to pretrial services as directed (19). Sixteen defendants were rearrested (4 percent) and two defendants failed to appear for court (less than 1 percent).

More than 160 defendants were required to submit to substance abuse testing as a condition of their pretrial release. Over 1,550 urine samples were collected either by pretrial service officers or treatment providers. The urine testing program used both hand held devices and the services of the national drug testing laboratory. Drug testing was also conducted through use of the “sweat patch.”

Over 525 patches were worn by defendants during the period. Total cost for substance abuse testing approached \$46,000.

Fifty-two defendants were required to participate in court-ordered substance abuse/mental health treatment. Outpatient treatment expenses exceeded \$59,000 while inpatient costs were over \$205,000.

A total of 66 defendants participated in the electronic monitoring/home confinement program for a total of 13,412 days. Had these defendants remained detained, or been remanded to custody after violation hearings, the cost of their incarceration would have approached \$1.1 million. Electronic monitoring cost \$53,000. At a cost of \$18,000, an additional 42 defendants with curfew conditions were monitored using an automated voice recognition system.

On average, the period of pretrial supervision, from initial appearance to disposition (to include self-surrender) extended for 16 months.

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

DISTRICT COURT

The court maintained its rigorous upgrading schedule for information technology infrastructure and equipment during the 2002 calendar year. As in years past, a consolidated Information Technology ("IT") department served both the district court and probation/pretrial offices.

The IT department began its upgrading endeavors by replacing the existing email system as part of a nationwide roll-out of Lotus Notes/Domino. Additionally, the district established a new Windows 2000 domain consisting of a PDC, BDC, DHCP, and print server. This positions the IT department to implement the final conversion from Novell to Windows 2000 in the near future. Included in this plan, and completed in 2002, was an upgrade of all workstations to the Windows 2000 desktop operating system.

In 2002, the court also continued to expand its public outreach programs to both the bar and the public. In May and October of 2002, the Clerk's Office provided five free two-hour Federal Court Fundamentals Seminars. An update of a similar program held in 1996, the seminars covered basics on everything from rules to marking exhibits, filing a new civil case, jury information, motion requirements, pretrial filings, and the court's website. The seminar program was developed and presented by the Clerk's Office staff. One-hundred-seventy-nine paralegals, legal assistants, secretaries, and attorneys attended these sessions and the New Hampshire Bar Association approved CLE credits for attorneys in attendance.

As part of its continuing student outreach initiatives, the court developed instructional programs for Bow High School, The Derryfield School, and Pembroke Academy. These programs were developed in consultation with the school instructors and were specially tailored to the age and educational background of the students. In addition to court staff, the speakers included Judge Steven J. McAuliffe, Magistrate Judge James R. Muirhead, Clerk James Starr, Federal Defender Bjorn Lange, several U.S. Attorneys, and local private practitioners. The topics included jury service, federal court jurisdiction, views from the bench and private practice, and how to prepare for oral argument before the Supreme Court.

The court also participated in the Open Doors of Justice program again in 2002. This year's Open Doors program, entitled "Jury Service, A Rite of Passage to Adult Citizenship," involved a law class of 45 students from Concord High School. Court staff summoned and instructed participating students to a jury orientation conducted at the school. The students then came to the courthouse to participate as jurors and witnesses in a mock criminal trial presided over by Judge McAuliffe. The students also participated in an essay contest sponsored by the Federal Practice Section and three winners were selected. The winners received a certificate of achievement, an engraved gavel, and a \$200 scholarship to the post-graduate school of their choice.

Over the course of the past year, federal court practitioners again actively supported the court and provided educational opportunities for the bar. The Federal Court Advisory Committee (“FCAC”) continued to act as a sounding board on many issues facing the court and function as a liaison between the bench and bar on issues important to federal practitioners. The FCAC provided assistance with website revisions, jury questionnaire revisions, CM/ECF implementation ideas, and outreach initiatives. The FCAC again played an instrumental role in the annual review of the local rules. The most significant amendment clarified the method for computing responsive pleading deadlines.

The Federal Practice Section (“FPS”) of the New Hampshire Bar Association, which was formed in January of 2000, continued to provide attorneys with the opportunity both to meet and interact with other federal practitioners and to attend CLE programs dedicated to federal practice issues. On December 12 and 13, 2002, the FPS cosponsored the third Federal Practice Institute. The first day consisted of breakout sessions on topics such as appellate practice, motion practice, ethics, sentencing guidelines, fee shifting, electronic discovery, and developments in the law. The second day included a half-day “NITA” style mock trial. During 2002, the FPS also provided CLE programs addressing CM/ECF, Recent Decisions of the New Hampshire Supreme Court, and Motion Practice Tips from Federal Law Clerks. Randy Cooper served as chairperson for the 2002 term.

There were also various personnel changes in the district in the past year. On May 7, 2002, Judge Jeffrey R. Howard was sworn in as the newest member of the First Circuit Court of Appeals. Judge Howard maintains an office in Boston and at the Rudman Courthouse in Concord.

In March 2002, Thomas P. Colantuono was sworn in as the district’s United States Attorney. In July 2002, Stephen R. Monier was sworn in as the United States Marshal for the district.

Chief Deputy Kathie Northrup retired after over 32 years of service in November 2002. Kathie started as a Calendar Clerk in 1971, assumed various positions thereafter including interim Clerk for a six month period in 1984, and began serving as Chief Deputy in 1989. Her successor, Dan Lynch, commenced his service in December 2002. On October 11, Jan Bushold achieved 25 years of service in the district.

In September 2002, the court completed the portrait gallery of former judges from the District of New Hampshire by adding those presiding from 1789 to 1944. Those judges, in their order of service, are John Sullivan (1789-1795), John Pickering (1795-1804), John Samuel Sherburne (1804-1830), Matthew Harvey (1830-1866), Daniel Clark (1866-1891), Edgar Aldrich (1891-1921) and George Morris (1921-1944).

In the fall of 2002, the district’s CJA Plan was amended to create a Major Crimes Subpanel. This new subpanel was created to attract experienced criminal practitioners to the CJA Panel and to provide those accused of the most serious and complex offenses with the highest possible level of representation. The court also created a First Response Panel comprised of attorneys who have agreed to represent the defendant’s initial appearance only at the request of another CJA Panel attorney (who accepts the case but cannot attend the initial hearing).

In December 2002, the district was selected for inclusion in Wave 12 of the CM/ECF deployment schedule. Patricia Kelley was named Project Manager and work on the project began immediately. The court projects a case management system "go live" date of November 3, 2003.

Although fewer persons were naturalized in the district than in prior years, 582 persons obtained their citizenship at seven ceremonies in the district in the past year. Judge Joseph A. DiClerico, Jr. presided over a special July 4 ceremony at historic Strawberry Bank in Portsmouth, New Hampshire, at which 116 persons were naturalized.

Following a year in which the district's filings decreased by 18.7 percent, civil filings increased by 32 percent in 2002 and the criminal case openings increased by 59 percent. Despite the increase in filings, the district experienced a 44 percent decrease in jury trials in the past year. The year's largest (and only) plaintiff's verdict was \$300,707.

BANKRUPTCY COURT

The United States Bankruptcy Court for the District of New Hampshire has been "live" on CM since December 17, 2001. During calendar year 2002, this program was a continuing project. Electronically filed documents from external court users have been accepted since April 1, 2002 under the ECF element of the system. The experience has been extremely smooth and has produced good results for all users. The users-group includes attorneys, the judges of the court, and clerk's office staff. The data developed by the system is available nationally.

At the time of this writing, approximately 40 percent of all filings are submitted electronically from remote locations. Notice of these filings is practically instantaneous to both filers and parties in interest who are users of the system. It is hoped that the volume of use of the system will grow to 50 percent by April of 2003. Recently, the court sponsored a group meeting of external users with interested non-users, on the grounds that user satisfaction may be our best recruiting message.

In addition to formal training sessions of attorneys in the court training room, technical assistance is offered on a pre-scheduled basis for new attorney users who experience difficulty with setting up their automated equipment and software. Over 200 external users have been trained, including both attorneys and their support staff members. Ninety attorneys are using the system. The court staff is now engaged in the implementation of so-called Version 2 of CM/ECF. This secondary implementation will add desirable features to the system and restore capabilities that we had before CM/ECF under BANCAP which were lost in converting to Version 1.

Total bankruptcy filings increased by 1 percent in 2002, with a reported 3,903 filings compared to 3,869 in 2001. Terminations decreased last year, from 3,728 in 2001 to 2,193 in 2002, a decrease of 41 percent. Consequently, the pending caseload increased by 70 percent from 2,446 in 2001 to 4,156 in 2002.

PROBATION AND PRETRIAL SERVICES OFFICE

In 2002, staff attended the National PSI Guidelines Seminar, the Conference on "Stalking," Critical Incident Stress Management training, and the Treatment Contractor/Probation Office Conference.

Probation Officer Denis Linehan received the "Sustained Superior Performance Award," while Probation Officer Karin Kinnan received the annual "Chief's Award for Community Service."

Also in 2002, personal digital assistance (PDAs) were issued to staff to enhance technology capability in the field. The office was selected to become a member of the New Hampshire "Anti-Terrorism Task Force" and participates in regular meetings with state and federal agencies to exchange information. The district formed a Critical Incident Response Team and provided team members with various types of training during 2002 to prepare them to respond and provide assistance in the event of a critical incident.

In 2002, the statistics are as follows: PSI's completed were 136; persons under supervision were 236; pretrial case activations were 217; and pretrial supervision cases were 95.

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

DISTRICT COURT

The U.S. District Court for the District of Puerto Rico has completed its technologically advanced courtroom (TAC) project with the assignment of funds for the installation of audiovisual technology in two courtrooms. Through the successful completion of this very important project, all seven courtrooms in the Clemente Ruíz Nazario U.S. Courthouse will be now equipped with state-of-the-art equipment and software.

Together with the TAC project, the Clerk's Office has developed a "hands-on" training program for all members of the bar. Attorneys interested in learning how to maximize their utilization of the equipment and software features installed in the courtrooms receive one-on-one "hands-on" guidance by appointment. Furthermore, the Clerk of Court has designated staff that is always available or on-call to provide technical assistance during court proceedings.

In tune with the technology advances in the courtroom, the court has been earmarked for implementation of the Judiciary's Case Management/Electronic Case Files (CM/ECF) project. Frances Ríos de Morán, the Clerk of Court, has designated Chief Deputy Clerk Angel A. Valencia Aponte to create and head a task force for implementation of CM/ECF, overseen by U.S. District Judge José A. Fusté, the court's "technology judge." The task force promptly scheduled and held various informative sessions for all judicial officers and court personnel. A strong educational and outreach campaign directed to all members of the bar will be carried throughout the project's implementation phase, which is scheduled to begin in March 2003 with a "live" target date of January 2004.

Year 2002 marked the very first observance of Patriot's Day, prompting the court to be the host agency for the official commemorative ceremony held at the main entrance to the Clemente Ruíz Nazario U.S. Courthouse and the Federico Degetau Federal Building. Chief U.S. District Judge Héctor M. Laffitte and U.S. District Judge Juan M. Pérez Giménez addressed and called upon the public for observance of a moment of silence in honor of the victims and heroes of the terrorist attacks against the United States on September 11, 2001.

The court continued its emphasis on staff training by making the Federal Judicial Television Network's (FJTN) broadcasts available to all at the Clerk's Office training room. The Annual District Conference, held for the fifth consecutive year, was also a success, allowing Clerk's Office staff to come together and partake in an opening Awards Ceremony, as well as in a variety of seminars on topics such as effective communication and emotional intelligence in the workplace, all presented by distinguished guest speakers.

Additionally, during 2002, the Clerk of Court assigned the necessary funds for the Clerk's Office Expansion Project that will feature an unprecedented expansion of the Office of the Clerk into new physical space to address the needs of the court and the increased reality of an expanded staff which includes the several operational areas, finance and administration, systems, interpreters and managers. Once the project is concluded, the Office of the Clerk will complete its leap into a modern and dynamic 21st century court.

During 2002, the court, in preparation for the electronic case filing feature of CM/ECF, approved a new rule creating a "registry of consent" whereby attorneys give written consent to service by electronic means by placing their names in a registry embedded in the court's website.

Total filings, terminations and pending cases already increased last year. Filing increased by 12 percent, from 2,146 in 2001 to 2,405 in 2002. Terminations rose by 5 percent from 2,252 in 2001 to 2,374 in 2002. The pending caseload increased by only 1 percent, from 2,736 in 2001 to 2,766 in 2002.

BANKRUPTCY COURT

The U.S. Bankruptcy Court for the District of Puerto Rico, in its efforts to render superior customer service, continued its purchases and updating of systems equipment. The court acquired printers, PC's and a heavy duty scanner for imaging processes.

The transition from cc:Mail to Lotus Notes was a smooth process in the court.

The court also received a visit from the Administrative Office's CM/ECF Assessment Team in preparation for the CM/ECF implementation. The team spent four days interviewing and meeting with employees, managers and administrators, evaluating the court's readiness to enter into a CM/ECF WAVE.

In its efforts to keep staff updated and motivated, the court completed 1,375 hours of training. Local consultants and in-house trainers were complemented by CBTs and the Federal Judiciary's Television Network programs tailored to the court's particular needs. The court completed the outfitting of the Training Room, that now includes an electronic whiteboard, a lead projector and updated PC's to run at 866 megahertz.

The Annual Employee Retreat was combined with the Awards Ceremony and all the court moved to an outside facility for 1-1/2 days. Chief Judge Gerardo Carlo and Judge Enrique Lamoutte attended both days. Judge Sara de Jesús could not attend as she was not in Puerto Rico.

On September 11, the observance of Patriot's Day was held at the Ceremonial Court with the participation of the staff of the federal courts, the U.S. Marshals, GSA and other employees in the building. The attorneys and public visiting for business were also invited to attend. The Honorable Gerardo Carlo presided at the ceremony. The Honorable Gilberto Gierbolini, U.S. Senior District

Judge, and the Honorable Jaime Pieras, Jr., U.S. Senior District Judge, delivered moving speeches addressing the occasion. Court staff members of the military wore their uniforms, including Judge Lamotte, in his capacity as Lt. Colonel of the Puerto Rico Air National Guard. All of them received a Certificate of Appreciation for their service to the military that was delivered by Judge Carlo. Joel Cruz, Deputy Clerk in the Bankruptcy Court, proudly addressed the audience on his active duty call to the Diego Garcia naval facilities in the Indian Ocean from which he had just returned.

Filings in Puerto Rico experienced a slight decrease of 4 percent, from 14,435 in 2001 to 13,880 in 2002. Terminations also decreased from 13,759 in 2001 to 12,210 in 2002, a decrease of 11 percent. The pending caseload increased by 5 percent from 37,026 in 2001 to 38,696 in 2002.

PROBATION OFFICE

The U.S. Probation Office continued to see an increase in workload during this fiscal year. The presentence report investigations were up from 748 in FY 2001 to 877 in FY2002, a 14.71 percent increase, while the supervision caseload reached 1052, representing a 4.6 percent increase from FY 2001.

Three new U.S. Probation Officer positions and three temporary support staff positions were created. From these new positions, one officer and a clerk were assigned to the satellite office in Ponce, the rest were assigned to the main office in San Juan. Two new Supervising Probation Officer positions were created, one for the investigation unit and one for the supervision unit, thereby strengthening the management team. These supervisors had the opportunity to attend new supervisors training in St. Petersburg, Florida.

Other issues that were addressed during this fiscal year included: transition from revolvers to Glock pistols; planning for the relocation to more suitable facilities projected for FY2004; automation up-grading; DNA-sample collection; and CPR training. During this fiscal year, the probation office continued to enhance its effectiveness in the supervision of offenders. As an example, search conditions imposed by the court have been enforced – interventions that have resulted in the seizure of weapons, heroin and crack for which two offenders were subsequently convicted.

In June 2002, the Administrative Office conducted an office Program Review that resulted in excellent recommendations. In late September, the AO approved an in-district training for simplified procurement. Staff has continuously been afforded the opportunity to train both in-district and out-of-district. This year, a total of 3130 training hours were provided to 63 staff members, averaging 49.68 training hours per person. Among the significant out-of-district trainings were: The First Circuit Federal Sentencing Guideline Training held in Boston; a sex offender training held in Connecticut; the East Coast Officer Survival Academy at WD/NC; and the Federal Probation and Pretrial Officers Association Annual meeting held in Las Vegas, Nevada.

On a last note, at the annual district meeting held in August 2002, the Chief U.S. Probation Officer Carlos D. Rodriguez announced his retirement after 27 years of service. Effective December 8, 2002, Deputy Chief Eustaquio Babilonia was appointed Chief.

PRETRIAL SERVICES OFFICE

Staff for fiscal year 2002 was comprised of 22 positions. Two senior officers, occupying the specialist positions, retired in January 2002, and their positions were filled internally. Four new Pretrial Services Officers were recruited and one staff assistant transferred, without a break in service, from the U.S. Probation Office. Two volunteer college students also provided assistance, one of whom came as part of an ongoing agreement with Inter American University of Puerto Rico.

After the specialists' retirement, some roles were reshuffled. The responsibilities of the training coordinator and firearms instructor were assigned to new officers, as well as those of the community outreach coordinator and WITSEC Program coordinator. Additionally, the firearms instructor was appointed as the office's first safety officer. Staff Assistants (formerly known as Pretrial Services Clerks) have become increasingly multi-faceted, and now partake in tasks previously exclusive to officers, such as receiving requests for collateral investigations, and conducting computerized records checks. Staff Assistants participate in procurement, inventory and are cross-trained in skills that involve the use of FAS4T, PPS and other managerial tools.

As a result of the September 11, 2001 terrorist attacks in the United States, a number of agencies housed in the Federal Building, led by the Federal Bureau of Investigation (FBI), held a series of meetings as part of an effort by the Building Security Committee to discuss improvements to the building evacuation plan. Thereafter, four staff members were appointed to serve as building monitors on the floor. The office's evacuation plan was revisited and concluded in FY 2003. Firearms training program continued throughout the year, with the participation of five (5) Pretrial Services Officers. Firearms training was offered on four different dates, and included theoretical and range practice.

In May 2002, all clients were transferred to Securicor EMS, the company that was awarded the new electronic monitoring contract by the Administrative Office at the national level.

Toward the end of the fiscal year, the office notified the Administrative Office of its intent to establish a presence in the Ponce Courthouse building, in the southern part of the island. To that effect, and with the approval of Chief Judge Héctor M. Laffitte, office staff visited the facilities with representatives from the Circuit Executive's Office of the First Court of Appeals in Boston. This office space will allow pretrial service officers to better serve their clients in that geographical area, while expanding the distribution of staff resources throughout the island.

During this fiscal year, a leased General Service Administration (GSA) vehicle was acquired to enhance field supervision and authorization was obtained to lease an additional parking space.

The Internet website was redesigned and updated. It can be found at www.prpt.uscourts.gov. The migration to Lotus Notes was successfully accomplished. In a joint effort with other court units, a contract with International Safe Deposit for the safekeeping of back-up tapes of automated data was secured.

Staff was provided a total of 2,182 hours of training during this fiscal year. Training efforts were directed at the areas of staff safety, automation, and enhancement of technical skills. Training was held locally, in the continental United States, and through the use of the Federal Judiciary Television Network (FJTN).

The Fifth In-District Conference, celebrated in Dorado, Puerto Rico, was a special highlight in training endeavors for this fiscal year. The theme for the conference was "Reflections on Change in Times of Crises;" and it sought to explore the challenges faced as court employees and public servants in a demanding setting, and amidst the commotion the world has been experiencing. Participants could not ignore the recent terrorist attacks and needed to engage in a process of introspection and discussion of the implications of world events. The activity fostered the development of a vision for a collective work culture based on fundamental values. This endeavor coincided with the development of a system-wide Charter For Excellence agreed upon by Chief Probation and Pretrial Services Officers at their national conference the previous month.

Once again, staff worked at making its presence known in the community through involvement in orientation endeavors. In the fall, staff and some of their family members participated in "Regala Un Día," an annual activity sponsored by United Way of Puerto Rico, which seeks to donate a day's worth (Saturday) of volunteer time to non-profit organizations across the island. Staff coordinated this for the court as a whole and carried out a large painting project at an adolescent counseling program in Naranjito. No volunteer agency had ever reached that program due to its distance from the San Juan Metro Area. As in previous years, our office had a 100 percent participation in the Combined Federal Campaign of United Way. Additionally, the office fully participated in the collection of gifts for disadvantaged children and elderly persons, coordinated by the 'We Three Kings' non-profit organization. In November 2001, a Pretrial Services Officer and the Pretrial Student reached 311 high-school students in San Juan with a message regarding prevention from criminal lifestyles. Staff also gave in-house orientations to law student interns working for two magistrate judges.

During Fiscal Year 2002, the office maintained its characteristic collaboration with other court units and local law enforcement agencies. Automation and finance/budget matters kept staff in a frequent exchange with the clerk's office. This year, funds were transferred to the clerk's office in exchange for the automation service received from its Systems Division. Personnel participated in budget meetings headed by the chief judge and were recipients of funds transferred by the U.S. Probation Office. United States Probation also frequently made use of the office's Multipurpose Room for training endeavors and meetings. Some staff members participated in the Red Cross Blood Drive coordinated by staff from the clerk's office. The spirit of collaboration with the bankruptcy court provided for the transfer to the office of a revolving shelving system.

Meetings were held with the Chief U.S. Probation Officer to discuss issues of mutual concern, such as sharing of resources and development of common policy. Officers continued to assist individual Assistant U.S. Attorneys and members of the bar for orientation regarding bail matters, when so requested. Officers also assisted the clerk's office, the bankruptcy court, and the federal public defender's office by conducting criminal records checks on prospective court employees. Important exchanges were maintained with other chiefs within our circuit and nationally, on issues involving personnel, training, budget, and administrative procedures.

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

DISTRICT COURT

The court held its annual awards ceremony at the Courtyard Marriot in Providence. Recipient of the employee of the year award was the Court's Financial Administrator. Special service awards were given to a Magistrate Judge's Clerk and the Calendar Clerk to the Chief Judge. Chief Judge Ernest C. Torres presented his executive assistant with a certificate of appreciation.

William E. Smith was sworn in as the court's third district judge, filling the vacancy that was created when Judge Ronald R. Lagueux took senior status in 2001.

The court held a seminar (Taming Intellectual Property Law) for federal and state court judges. The seminar was facilitated by Professor John Shepard Wiley, Jr. from UCLA Law School. A special presentation of courtroom technology was presented to members of the Rhode Island Bar Association. The court hosted the 1st and 2nd Circuit Unit Executives Meeting in Newport, Rhode Island. A Courtroom Technology Seminar was held for attorneys, which was sponsored by the Federal Bar Association and the Bench-Bar Committee of the Rhode Island Bar Association.

Paulette Dube was appointed to the position of Chief Deputy Clerk. Paula Farrell was appointed to the position of Case Management Supervisor.

_____The court opened its first Fitness Center for court staff.

Rhode Island's request for the establishment of a Federal Defender's Office was approved by the House Finance Committee. The office will be operated as a satellite branch of the Massachusetts Federal Defender's Office and will be staffed by two full-time defenders who will be located in Rhode Island.

In 2002, the Administrative Office of the U.S. Courts reported that total filings (civil and criminal, including criminal case transfers) increased slightly over 2001, from 732 in 2001 to 741, or 1.2 percent. Civil filings declined from 618 in 2001 to 603, or 2.4 percent. Criminal filings increased from 111 in 2001 to 116 in 2002, or an increase of 4.3 percent. Terminations declined from 788 in 2001 to 717, or 9.9 percent. The number of cases pending increased from 769 in 2001 to 806 in 2002, or 4.8 percent. The number of trials completed per judgeship declined from 16 in 2001 to 12 in 2002, or a decline of 25 percent. Of the 717 total terminations (civil & criminal), only 5 percent were tried. Median time for civil cases declined from 9.6 months in 2001 to 9.3 months in 2002. Median time for criminal felony cases increased from 6.3 months in 2001 to 6.9 in 2002. Median time for civil cases measured from filing to trial increased slightly from 16.8 to 17.0 months. The number of civil cases three years or older declined slightly from 28 to 27 cases, or a decline from 5.8 to 4.5 percent.

BANKRUPTCY COURT

The year 2002 was an exciting and energetic one. Much of the activity of the court centered around the upgrade, enhancement or replacement of its numerous automation systems. In April, the court converted its email and calendaring system from Microsoft Exchange to Lotus Notes. Throughout the summer and fall, members of the court worked in partnership with the District Court, Probation Office and Administrative Office to convert the district's financial programs over to the judiciary's Financial Accounting System for Tomorrow, affectionately known as FAS4T. Conversion to the new financial system was completed successfully in November.

The greatest challenge this year has been the court's preparation for conversion of the existing case management system, known as Bancap, to the judiciary's new case management and electronic filing system, CM/ECF. Implementation efforts began in March 2002, and throughout the summer of 2002, more than twelve members of the Clerk's office and chambers staff traveled to San Antonio, Texas for training on the CM/ECF system, including systems administration, SQL, applications, dictionary and train the trainer. Numerous internal committees and work groups have been created to manage the multitude of tasks and functions related to the migration to this new system. The court's internal "go live" date for conversion from Bancap to CM/ECF is scheduled for March 3, 2003, and will involve the migration of some 60,000 cases to this new system. In preparation for the electronic filing component of CM/ECF, the court amended its local rules and forms effective December 1, 2002, and published a new local bankruptcy rules and forms book.

In 2002, the court substantially updated its Intranet website to provide on-line access by employees to internal operating procedures and departments including human resources, travel, procurement, training, calendars, and CM/ECF. The Internet website continues to serve as a valuable resource tool for members of the Bar and the public, and is updated regularly with the latest changes at the court. The email alert system now has over 130 subscribers and is a tremendously useful vehicle for timely communicating with the public on important changes at the court. The case query section of the website contains over five years of imaged documents available for inspection by the public, together with related docket information and reports.

In the area of renovations, the bankruptcy judge's conference room enlargement was completed and finishing touches to the courtroom, including the hanging of new window treatments and installation of new carpeting, were also completed. To facilitate the implementation of CM/ECF, the court converted an existing mail/copy room to a court training room, with eight workstations, overhead multimedia projector and teaching podium. The automation department also received a face lift with the addition of modular cubicles, built-in cabinets, bookshelves and desks. In addition, in response to the national Anthrax scare, the court created an internal mail room complete with floor to ceiling panels, proper safety equipment and cleaning supplies.

Further enhancements to the courtroom evidence presentation system included light pens and tablets for annotations of electronic evidence and installation of a portable digital recording system (via laptop) which serves as a backup system, as well as for recording proceedings outside the courtroom environment.

The year 2002 marks the fourth year of production of, *On The Docket*, the court's quarterly newsletter, which is a collaborative effort by all departments of useful tips, tricks and information for doing business with the bankruptcy court.

The bankruptcy court staff, although small in number, is dedicated to the idea of giving back to the community. A group of six employees is involved in the federal mentor program sponsored by the Rhode Island Federal Executive Council, and contributes an hour each week to mentoring children in local Providence schools. During Thanksgiving, the staff at the court donated five abundant food baskets to a local charity coordinating families in need. Similarly, during the holidays, staff participated in the "Adopt-A-Family" program, donating toys, clothes, housewares and gift certificates to another needy family.

During the latter part of September, the court held its eighth annual employee recognition program, which provided a wonderful opportunity to reflect on the court's numerous accomplishments throughout the year and to reward those particular individuals who demonstrated outstanding performance. In addition, during National Public Service Recognition Week in May, Administrative Assistant Ann McGloshen was awarded the 2002 John H. Chafee Humanitarian Award by the Rhode Island Federal Executive Council for her outstanding community service.

For the period October 1, 2001 through September 30, 2002, the court experienced a modest 1.2 percent increase in overall case filings in comparison to filings for that same period in 2001. For the second year in a row, the largest percent increase was in Chapter 13 cases, attaining a six percent (6 percent) increase, followed by a slight one percent (1 percent) increase in Chapter 7 proceedings. Both Chapter 11 and Adversary Proceeding filings saw a steep decline of sixty-seven percent (67 percent) and twenty four percent (24 percent), respectively. The median disposition time for a Chapter 7 case was 3.6 months, 54 months for a Chapter 13 case, and 6 months for an Adversary Proceeding. The average age of the court's pending caseload breaks down as follows: 6.3 months for Chapter 7 cases, 20.3 months for Chapter 13 cases, 19.6 months for Chapter 11 cases (a 53 percent reduction over last year), and 14 months for Adversary Proceedings.

PROBATION OFFICE

The probation office continues to seek additional space to meet design guide standards. Negotiations between GSA and the current landlord to provide additional space at 36 Exchange Terrace in Providence were unsuccessful, and, as such, it appears a move to the Pastore Building will occur.

This was a stable year as to workload and staff which allowed for successful initiatives in the area of improving the services provided to the court and the community.

A financial audit resulted in "no findings," which provided clear confirmation that the office is complying with national requirements.

New performance appraisal instruments for all staff categories were developed and implemented. They focus on providing guidance to staff members to enhance their professional development.

As drug abuse by offenders/defendants remains a major obstacle in successful reintegration into the community, in addition to increased focus on treatment, the district implemented a program of in-house drug testing that resulted in substantial financial savings to the district.

The office continues to have an active and successful electronic monitoring program for which offenders/defendants have paid the majority of the cost.

Supervision officers spent more time performing their duties in the community than ever before. Evening, weekend, and other unannounced visits have been a successful deterrent to noncompliance for many under our supervision.

The office's revocation rate is substantially below the national average; this being accomplished by implementing an aggressive intermediate sanction program that routinely calls for "compliance review hearings" involving the offender/defendant, probation officer, and supervising officer. Successful intervention and intermediate sanctions readily avoided the need for court action.

The pretrial services unit activated 203 new cases and supervised 109 defendants during the year. The presentence unit completed 171 PSI's and the supervision unit supervised 383 different offenders during all or part of the year. This workload is in conformance with staffing during the year.

Narrative Reports

of the Federal Public Defenders

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

Our overall volume of cases for the fiscal year, compared to previous years, was as follows:

MASSACHUSETTS						
	Cases Opened				Pending	
	Total	Pros'ns	Appeals	Other	10/1/98	
FY 1999	205	134	8	63	10/1/99	168
FY 2000	285	213	9	63	01/1/00	150
FY 2001	265	181	23	61	10/1/01	225
FY 2002	266	161	18	87	10/1/02	210
						196

NEW HAMPSHIRE						
	Cases Opened				Pending	
	Total	Pros'ns	Appeals	Other	10/1/98	
FY 1999	114	80	6	28	10/1/99	34
FY 2000	79	43	6	30	01/1/00	61
FY 2001	79	78	8	37	10/1/01	61
FY 2002	131	70	9	52	10/1/02	55
						66

As of 9/30/02 the AFPDs in Boston were Charles McGinty, Miriam Conrad, Martin Richey, Leo Sorokin, Tamar Birkhead, Tim Watkins, Syrie Fried, and Cathy Byrne. Liz Prevett was our Appeals/Writing lawyer. In Concord, the AFPDs were Bjorn Lange and Jon Saxe.

In Boston, there were serious caseload problems in FY2002, as in FY 2001. The massive Flemmi case, described in FY2001's report, continued, and it occupied AFPD Charles McGinty full time. Second, in December 2001, the office was appointed to represent Richard Reid, who was charged with attempting to detonate a shoe-bomb on a Paris-to-Miami American Airlines flight that landed in Boston. This case occupied one defender almost full time throughout the rest of FY 2002 (and after), and took up a large amount of time of both another AFPD and the Writing Assistant. Throughout the year, the judges and magistrate judges, knowing of the caseload problems, refrained from appointing defenders in many of the cases that they would otherwise have been eligible to take. (It is difficult to determine how many cases this was, because the magistrate judges, knowing this office's caseload problems, quite often appoint CJA counsel without calling this office first, as they would normally do.)

In Concord, the caseload continued to grow. (It is worth noting that the number of cases opened in FY 1997 was 87 and in FY 1998 was 77.)

There were 5 jury trials in Boston (one judgment of acquittal), and 4 in Concord (one acquittal).

For various reasons, this office represents no more than half of defendants who have court appointed counsel. Indictments naming 20-30 indigent defendants are not uncommon in Boston, and a great many cases have more than one, often several, indigent defendants. Cases that could be charged in one indictment are broken up into indictments against different defendants, but a lawyer representing a defendant in one case will often be conflicted out from representing any other defendant in any of the cases. Many defendants in the district cooperate and assist the government in bringing new cases, thus precluding such defendants' lawyers from representing anyone in the new cases. And occasionally, especially in Worcester, the court must appoint a CJA lawyer because no one from this office is available when a new defendant needs counsel right away. Also, on occasions, there is no lawyer in the office in Worcester. New Hampshire, though it lacks the 20-30 defendant indictments, is similar; many drug cases have 2-4 indigent defendants and many defendants cooperate.

The session of the court in Worcester (about 40 miles from Boston), which began handling criminal cases only 5-6 years ago, generates a good many cases. Each of the defenders has to appear there as often as twice a month.

Now that there is an Appeals/Writing lawyer on staff, the office files occasional amicus briefs at the request of the Court of Appeals, as well as an occasional appeal by direct appointment from the Court of Appeals, as happened several times during FY 2001.

As in the past, this office supports the CJA panels by: (1) maintaining a website 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) assisting panel lawyers who contact us for assistance.

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

The 25th anniversary of the Federal Public Defender's Office for the District of Puerto Rico was celebrated during the year 2002. This year marked a singular period in our quest to provide the best legal services to the indigent defendants in this district. During FY 2002, the office, for the fourth year in a row, established benchmark numbers in several of the statistics reported to the Administrative Office, among the more prominent is the total number of cases handled (865).

The office broke its own previous records and in this way continued an increasing trend in numbers reported during FY 2002. An example of this trend was the number of cases closed, which increased from 605 in the previous year to 622 this year, a numerical increase of 17 cases, and the largest number of closed cases in the history of this office. The office had projected 625 cases for FY-2002, missing the projection by a mere 0.5 percent. The number of opened cases decreased from 615 in FY-2001 to 585 cases this year, the projection of 600 opened cases falling short by a mere 2.5 percent. The staff of the Federal 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 the multi-defendant cases, actively pushing for the rapid disposition in other cases and plea bargaining the remaining cases.

The increase in cases has made the need for additional support personnel necessary. During 2002, this office opened and filled two positions, to wit: an assistant paralegal and a clerical assistant were added to the staff in order to help the lawyers in their task. An attorney's position which was to be filled towards the end of fiscal year was caught up in the budgetary battles of Congress and remains to this day unfilled.

During Fiscal Year 2002, the Federal Public Defender participated in a circuit-wide committee. Under the guidance of Judge Lipez, the committee was entrusted with studying and making recommendations to the Circuit Court with a view towards improving the quality of legal representation by appointed counsel under the CJA program for cases on appeal.

During 2002, the FPD sponsored several CLE programs in the district, in this way complying with the office's duty to aid the Court in the continuing legal education of the Panel Attorneys. The end of the year saw changes in the CJA Committee with the substitution of Judge Carmen Cerezo for Judge Perez Gimenez, and plans to amend the CJA Plan for the district were initiated.

Finally, 2002 ended with the task of relocating to better and more comfortable facilities, just across the street from the Federal Building and Courthouse. This relocation will help staff to provide better services, and will also result in better working conditions.

Narrative Reports
on Matters of
Judicial Administration

THE JUDICIAL CONFERENCE OF THE UNITED STATES

MARCH AND SEPTEMBER 2002

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

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

The statutory responsibilities assigned to the Judicial Conference are to:

make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges ... [and] ... submit suggestions . . . to the various courts to promote uniformity of management procedures and the expeditious conduct of court business.

and to:

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

28 U.S.C. § 331.

The Judicial Conference meets twice a year, in March and September. The Judicial Conference has as its members the chief justice of the United States presiding, the chief judges of 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 2002 meeting of the Judicial Conference, the First Circuit was represented by Chief Judge Michael Boudin 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 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 13, 2002 meeting, the Conference endorsed various proposals to improve the smooth functioning of the Federal Judiciary. The Conference approved an amendment to paragraph 6.02A(1) of the Guidelines for the Administration of the Criminal Justice Act and Related Statutes, which provides for automatic annual Employment Cost Index increases to the maximum hourly compensation rate for panel attorneys in capital cases. In addition, the Conference endorsed the establishment of a Criminal Justice Act supervising attorney position in courts that would find it of value, using decentralized salaries and expenses funding as the sole source of funds.

In order to bring the judiciary's leave policy into conformance with the Leave Act (which covers all judiciary employees other than judges and certain chambers staff), the Conference approved amendments to the judiciary leave policy to provide that no individual shall approve his or her own leave and that all circuit executives, federal public defenders, and court unit executives must have their leave approved by the appropriate chief judge or designee.

As part of an effort to enhance the recruitment and retention of federal law clerks, the Conference adopted a number of proposed measures to enhance the hiring process and broaden opportunities in relation to filling federal law clerk positions. These measures are designed, among other things, to promote clerkships more broadly, improve recruitment, maximize the financial rewards, and educate federal judges, law schools, and students about various aspects of law clerk recruitment and retention.

The Conference endorsed a proposal to seek legislation to require the federal government to pay all the costs associated with active and senior Article III judges' and congressional members' Federal Employees' Group Life Insurance premiums. Currently, all FEGLI enrollees pay two-thirds the cost of basic and accidental death and dismemberment coverage, and all the cost of the three forms of optional FEGLI insurance. The Conference noted that enhancing judges' benefits to make them more competitive with the private sector will help the judiciary to continue to attract highly qualified individuals to the federal bench.

In addition to the many other actions taken by the Conference at this March meeting, the Conference also approved a Five-Year Courthouse Project Plan for Fiscal Year 2003-2007.

At the September 24, 2002 meeting, the Conference focused on several important areas involving the administration of the court system. Reflecting the growing concerns regarding security issues, the Conference approved a proposal to expand the use of background investigations in the courts. The Conference also authorized the Administrative Office to use the Office of Personnel Management in lieu of the Federal Bureau of Investigation for conducting pre-employment background investigations of probation and pretrial service officers and officer assistants.

In a move that reflected the budgetary concerns facing the Judiciary, the Conference declined to request 2004 funding sufficient to raise the panel attorney rate for non-capital representations to \$120 per hour. Also reflecting the awareness of fiscal restraint, the Conference endorsed the early acquisition of sites (including donated sites) for courthouse projects.

On a different note, the Conference agreed to amend the *U.S. Courts Design Guide* to add language that would permit a special proceedings courtroom for new court buildings planned with fewer than four district courtrooms in states with small, widely dispersed populations.

Reflecting the Conference's continued work in refining the rules of practice and procedure, the Conference approved amendments to Civil Rules 23, 51, 53, 54 and 71A, Criminal Rule 46, Evidence Rule 608(b) and Bankruptcy Rules 1005, 1007, 2002, 2003, 2009, 2016 and 7007.1. The Conference also approved revisions to various appellate and bankruptcy forms.

Among its other actions, the Conference also focused on increasing access and knowledge regarding complaints of judicial misconduct or disability. The Conference urged every federal court to include a prominent link on its website to its circuit's forms for filing complaints of judicial misconduct or disability and its circuit's rules governing the complaint procedure; and encouraged chief circuit judges and judicial councils to submit non-routine public orders disposing of complaints of judicial misconduct or disability for publication by on-line and print services.

2002 FIRST CIRCUIT JUDICIAL CONFERENCE**OCTOBER 2002**

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 one-and-a-half to two years prior to the conference.

The selection of the attorney invitees to a full-scale conference is handled in the following manner. After the Planning Committee has selected a site and received approval of the chief judge of the circuit, the number of invitees that the facilities at the 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.

The 2002 First Circuit Judicial Conference for judges only was held on October 1-4, 2002, at the Chatham Bars Inn, Chatham, Massachusetts. The conference was chaired by Chief Judge Michael Boudin, and the Planning Committee was chaired by District Judge Patti B. Saris. The other members of the Planning Committee were Judge Norman H. Stahl, Judge Michael A. Ponsor, Judge Carol J. Kenner and Judge Robert B. Collings. The Circuit Executive, Gary H. Wentz, and the conference staff of Dianne Crowell, Michelle Clements, Donna Richmond, and Steven Stewart were instrumental in organizing and running the conference.

The conference began on Tuesday evening with a cocktail reception at the Chatham Bars Inn. The conference panels consisted of the following:

Wednesday, October 2:

Realities of Post-September 11th

Chair: *Judge Patti B. Saris*
United States District Judge
District of Massachusetts

Panelists: *Ralph Boyd, Jr.*
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
David Ruhnke, Esquire
Ruhnke & Barrett
Daniel Kanstroom
Professor, Boston College Law School
John Reinstein
Legal Director
American Civil Liberties Union
Mary Jo White, Esquire
Debevoise & Plimpton

Military Tribunals: An Overview and Critique

Chair: *Judge Michael A. Ponsor*
United States District Judge
District of Massachusetts

Panelists: *Judge Juan R. Torruella*
United States Circuit Judge
United States Court of Appeals for the First Circuit
Judge Mark L. Wolf
United States District Judge
District Court of Massachusetts
John S. Cooke
Division Director, Judicial Education Division
Federal Judicial Center

Supreme Court Case Update

Chair: *Judge Nancy Gertner*
United States District Judge
District of Massachusetts

Panelists: *Akhil Reed Amar*
Southmayd Professor of Law
Yale Law School
Paul Gewirtz
Potter Stewart Professor of Constitutional Law
Yale Law School

Thursday, October 3:

Rules/Caselaw Update

Introduction: *Judge Sandra L. Lynch*
United States Circuit Judge
United States Court of Appeals for the First Circuit

Speaker: *Daniel R. Coquillette*
Monan Professor of Law
Boston College Law School

Topic: *"Inside the Beltway with the Rules
Committees: Major New Developments"*

Literature & Law

Chair: *Judge Norman H. Stahl*
United States Circuit Judge
United States Court of Appeals for the First Circuit

Panelists: *Dr. Mary Davis*
Associate Professor
Brandeis University
Anthony Lewis
Pulitzer Prize Recipient; Columnist for *The New
York Times*; and James Madison Visiting Professor,
Columbia University

Ethics & Legal Issues in the New Genetics

Introduction: *Judge Robert B. Collings*
United States District Judge
District Court of Massachusetts

Speaker: *Dr. Philip Reilly*
CEO, Interluken Genetics

As is the tradition at First Circuit judicial conferences, each luncheon and dinner included a special speaker. At the Wednesday, October 2 luncheon, the speaker was the author, Tracy Kidder, who also serves as a contributing editor for the Atlantic Monthly. John Deutch, Institute Professor at the Massachusetts Institute of Technology, spoke at the luncheon on Thursday, October 3. The speaker at the Thursday, October 3 dinner was James Carroll. Mr. Carroll is an Associate of the Belfer Center at the Kennedy School of Government, a Fellow of the American Academy of Arts and Sciences, and a featured Boston Globe columnist.

BUSINESS OF THE FIRST CIRCUIT JUDICIAL COUNCIL

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

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

28 U.S.C. § 332(d).

Council meetings in the First Circuit are generally held twice a year. In 2002, the council meetings took place on April 14 and October 1. 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 2002 is provided at pages 61 and 62.

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 2002 included: approval to include a magistrate judge and a bankruptcy judge as non-voting members of the judicial council; approval to examine the operations of the Bankruptcy Appellate Panel; review of courthouse construction projects and expenditures; review of juror utilization statistics; and approval of bankruptcy judge assignments.

SPACE AND FACILITIES

The period covered by this Annual Report focused on the two principal tasks mentioned in the previous Report: the expansion and modernization of the district court in Puerto Rico, and the completion of design and beginning of the construction contract procurement process for the new courthouse in Springfield, Massachusetts. However, a wide range of projects in nearly every court facility in the Circuit was responsible for a high level of activity for the Space and Facilities team in the Circuit Executive's Office, as well as for unit heads in each district. The principal goals for the upcoming year, already underway, will be the strengthening of this team with improved electronic drafting and reporting capabilities, and the development of short and long term planning documents for all districts and facilities to determine renovation and expansion needs over the next 5-10 years. Both efforts are designed to better enable staff to communicate with the districts, as well as with the Administrative Office and the General Services Administration in the planning and execution of the joint space program.

The last annual report mentioned the expansion of the Space and Facilities responsibilities to include operational issues of security and continuity of operations. Martin Boi, the Assistant Circuit Executive for Facilities Operation, a new position in the Circuit Executive's Office, has the prime responsibility for these initiatives, but works closely with Barbara Manford, the incumbent Assistant Circuit Executive for Space and Facilities, and David Drew, Facilities Project Manager, in all aspects of the space program affecting operations, including telephone systems, electronic outfitting of courtrooms and other areas, emergency building systems, and documentation of existing conditions in court facilities.

The Circuit Executive's Office received project funding requests of nearly \$ 200,000 circuitwide; as of March 10, 2003, the Administrative Office has indicated that each circuit will be receiving approximately 50 percent of its normal allotment, around \$100,000. Because of the anticipated scarcity of lapsed funds in any court unit this year, several projects will be postponed or cancelled, unless funding becomes available from the Administrative Office later in the year.

District of Maine

In the Margaret Chase Smith Federal Building in Bangor, work was completed in December, 2002 on the total renovation of the district courtroom. The courtroom was transformed with a new ceiling and wall wainscoting, as well as new benches, jury and witness boxes, and spectator seating. The court took the opportunity afforded by low bids to fund a complete electronic evidence presentation system in that courtroom, and the courtroom has received considerable praise from the legal community in the city. The project was funded with local as well as Administrative Office monies. A prospectus level repair and alteration project affecting the entire federal building is scheduled for design in FY 2005.

Finally, in Bangor, the probation office, which has been in windowless and inadequate space since it assumed occupancy, will be expanding into adjacent space on an outside wall. This project was funded by the probation office, GSA, and some council funds.

In the Edward T. Gignoux Courthouse in Portland, minor renovations to court space were needed to accommodate Judge George Singal, who moved from Bangor when he became Chief Judge of the district in January, 2003. Senior District Judge Gene Carter will be moving to the third floor, where the courtroom jury box will be expanded to allow seating for 14 jurors for criminal proceedings. In addition pending available funds from the circuit council, the district court will be making changes to the clerk's office intake area to accommodate electronic case filing.

In order to consolidate the many agencies and court units (including the bankruptcy court and probation office) spread throughout the city of Portland in leased space, GSA (with support from the courts) has begun preliminary work on planning for a prospectus-level project to construct a federal building/courthouse annex. This office will continue to lobby for such a project in the upcoming year.

District of Massachusetts

Design for the Springfield Courthouse, a \$ 45 million new facility for district and bankruptcy court sectional offices, as well as probation and pretrial services units, was completed in April 2003. A lengthy site acquisition process reached a successful conclusion in March as well, and GSA held an informational session for interested contractors on March 20, which was well-attended. Although some budget issues remain, GSA officials will most likely allow the bid process to proceed. A final estimate will be submitted by the architects, Moshe Safdie and Associates, in early April, and it is expected that the "soft" climate for bids created by the current economic downturn will allow GSA and the courts to achieve a contract award that will leave enough funding in the budget for an adequate contingency. GSA hopes to be able to make an award by August 2003, for a construction start in the late summer or fall, and a completion and occupancy before the end of calendar year 2005, early 2006.

The possibility of needing chambers for a replacement judge for Judge Keeton, who recently assumed senior status, pointed out the need for a short and long term expansion plan for the John Joseph Moakley U.S. Courthouse in Boston, where only death or retirement can create vacant chambers for new judges replacing those who elect to take senior status. While a large court expansion eventually can be accomplished by assuming space on the eighth and ninth floors, smaller space needs will not be easily met.

Work is underway to equip the district courtroom in the Donohue Courthouse in Worcester with an electronic evidence presentation system. Because of the foresight in the original renovation design, new cabling can be installed in existing conduits.

District of New Hampshire

The bankruptcy court, the probation office, and this office have been working with GSA to identify and design temporary, "swing" space for these functions in Manchester while the Norris Cotton Federal Building undergoes a major repair and alteration project. Although funding has not yet been released for the prospectus project itself, GSA is proceeding with relocation plans, at this time negotiating a lease with the owners of 1000 Elm Street.

District of Puerto Rico

In the Degetau Federal Building in the Hato Rey section of San Juan, GSA has nearly completed design documents for the renovation of the fourth floor, formerly occupied by the US Attorney's Office, for a fourth magistrate courtroom and chambers and a consolidated probation office. When this project is completed, it is hoped within 18 months, work will start on the renovations to the first floor to provide a more efficient and functional clerk's office. Design of that floor is approximately 40 percent complete; the new plan will add a jury assembly and training facility and a new grand jury suite. The total value of this work is over \$2 million, and funding still needs to be identified for a portion of the first floor work, which is existing court space.

In the Toledo Post Office and Courthouse in Old San Juan, this office continues to pursue making necessary repairs to the roof, the installation of bulletproof glazing in judges' chambers on the east wall, and the finalization of plans for a "full-load" emergency generator which would allow continued occupation of the building during the episodic power outages that occur throughout the Caribbean. New support from the GSA office in New York, which oversees the activities of the Caribbean Property Management Center, has accelerated these efforts.

In the Atocha Post Office and Courthouse in Ponce, the GSA, the Courts, and the U.S. Postal Service are near agreement on a lease arrangement that would allow the courts to occupy most of the second floor. Both the probation and pretrial services offices would have accommodations, along with the courtroom and chambers already in existence and recently renovated. It is hoped that, barring further obstacles, the space will be completed within a year of this writing.

District of Rhode Island

Some space matters continue to remain unresolved, although progress has been made. In the Providence Courthouse, space planning efforts are underway to justify occupancy of most of the fifth floor. The purpose is primarily to replicate certain functions on other floors and release that space for use as witness/ attorney conference rooms. In addition, construction will soon be underway on chambers for Judge William Smith, replacing Judge Lagueux, on both the fourth and fifth floors. Finally, the court will be requesting space for a visiting judge's chambers.

After a major procurement effort on the part of GSA, with considerable input from the courts to expand the probation office in its current leased location at 36 Exchange Terrace in Providence, negotiations fell through. As of last month, efforts have resumed to house the probation office on the third floor of the Pastore Federal Building, across the street from the courthouse, as originally planned in 1994. However, because of expansion of the probation office since original designs were drawn up at that time, the space envelope needs to be expanded to include the area now occupied by a grand jury. Plans currently are to house the relocated grand jury, a court-wide training facility, and the Alternative Dispute Resolution staff on the first floor of the Pastore. This office is working with the court to finalize a plan and a request to the council and the Administrative Office for the necessary space.

AUTOMATION AND TECHNOLOGY

The Information Technology (IT) Department for the Courts provides the resources that enable the courts to gain the information necessary to perform their role. This department has three goals: implementation, education, and maintenance.

Implementation - The IT Department, along with the various units of the Office of Information Technology (OIT) from the AO, researches the software and equipment that will enable the courts to have a reliable, functioning information system. Once the proper components are identified, then the individual circuit's IT Departments put these components into operation.

Education - Users need to understand and feel comfortable with the various technologies in order to make the best use of them. The IT Department's role is to provide the users with the training to achieve these goals. This is done through hands on learning, computerized training, and training notes.

Maintenance - Computer systems are very complex. The interaction between equipment, operating systems, and software applications is constantly changing. It is the goal of the IT Department to be aware of this interaction and to keep the systems in a secure and reliable state.

In keeping with these goals, the IT Department for the First Circuit has accomplished the installation of high-speed, dial-up Remote Access Service (RAS) for the First Circuit. This system allows users who have a need to access the court sites from remote locations a faster, more secure method than was previously possible. Many users still cannot take advantage of high speed bandwidth. With this RAS implementation, the IT Department has overcome some of the speed and security problems that were present in the old dial-in system.

One of the primary concerns of the court and the IT Department is the security of the computer system. A circuit-wide VPN/RAS use policy has been adopted and implemented. By stressing to all remote users the necessity and value of security through this policy, the department educates everyone on the need to be vigilant when using remote access.

In the aftermath of September 11, 2001, all of the courts realized the need to review and enhance procedures for Emergency Preparedness Policy and Disaster Recovery Support. As part of this reevaluation, the IT Department is examining the status of its backup systems and the need to provide duplicate servers to run the critical functions of the court, should the need arise. This is an on-going and evaluative function that will test the operation and implementation of these systems. As with the AO, it is the goal of this policy to have the critical systems back on-line within 24 hours of any disaster, be it natural or man-made.

Installation of internal and external DNS servers for the circuit was implemented. When accessing the internet, the name of the desired site is typed. A DNS server references the numerical address assigned to the name. By having these servers available to the circuit, the referencing of these addresses is speeded up.

The COA Netware server to Netware 5.11 was upgraded. The First Circuit uses the Novell Network Operating System known as Netware. This is a robust, reliable and secure system which provides for the needs of the courts while maintaining the necessary security of its systems. By advancing to the next level of Netware, the continual resolution of minor problems is achieved. A currency of operation is also maintained that keeps the whole network operating at peak efficiency.

To assist the various court units in the scheduling and performance, Unit Calendars in Notes was established. These calendars provide information on staff and group needs so that unit heads can make better use of resources.

The Court of Appeals external website has been updated. Users, including the public, who have access to the internet can gain more information from the Court's website. The new upgrade adds more informational items and allows for access to the important files needed by persons dealing with the Court. This upgrade furthers compliance with the E-Government Act of 2002, specifically Section 205 of the Act which deals with the Federal Courts.

New education techniques, such as Tech Notes, have been introduced. These notes are sent out by the IT staff to address items of concern by users. They are short informational messages to help the user overcome or be aware of a specific issue.

The IT Department has entered into a relationship with an outside training company to provide the education needed by a user for a special program or technology to enable the user to better perform his/her function. These are usually multi-day, hands-on classes provided at a training center.

JUDICIAL MISCONDUCT AND DISABILITY

On November 2, 2002, Congress passed the Judicial Improvements Act of 2002 ("the Act"), P.L. 107-273. The Act, codified as 28 U.S.C. § 351 *et. seq.*, replaced the Judicial Council Reform and Judicial Conduct and Disability Act of 1980, 28 U.S.C. § 372(c), that had previously governed judicial discipline. In order "to publicize [the law's] existence and to facilitate its use," § 372(c) was repealed, reworded, and reorganized into 28 U.S.C. §§ 351-364." H.R. Rep. No. 107-459, 107th Cong., 2d Sess. (May 14, 2002).¹

The standards and procedures governing complaints of judicial misconduct or disability remain virtually unchanged from the previous statute. See United States Courts for the First Circuit, 2001 Annual Report, December 2002, at 63-64. However, several modifications merit attention. Whereas the repealed provision, § 372(c)(3)(A)(iii), contained no explanation of the term "frivolous," section 352(b)(1)(A)(iii) provides for the dismissal of a complaint that is "frivolous, lacking sufficient evidence to raise an inference that misconduct has occurred, or containing allegations which are incapable of being established through investigation...." In addition, a newly added provision, 28 U.S.C. § 352(b)(1)(B), authorizes the chief judge to dismiss a complaint "when a limited inquiry conducted under subsection (a) demonstrates that the allegations in the complaint lack any factual foundation or are conclusively refuted by objective evidence...." These changes were intended to clarify the meaning of the term "frivolous," under § 352(b)(1)(A)(iii), and the parameters of the chief judge's "limited inquiry," under § 352(a). See H.R. Rep. No. 107-459, 107th Cong., 2d Sess. (May 14, 2002).²

During 2002, sixteen (16) complaints were filed in the First Circuit pursuant to 28 U.S.C. § 372(c).³ Fifteen (15) of these complaints were dismissed by order of the chief judge. One (1) of the complaints was voluntarily withdrawn. Ten (10) complainants filed petitions for review of the chief judge's order. The First Circuit Judicial Council affirmed the dismissal of eight (8) of these complaints. The Judicial Council remanded one of the complaints for further review by the chief judge; the remaining petition is currently pending with the Judicial Council. See Summary, First Circuit Complaints of Judicial Misconduct or Disability, 2002, below. Finally, after issuing show cause orders pursuant to Rule 1(f) of the Rules of the Judicial Council of the First Circuit Governing Complaints of Judicial Misconduct or Disability, the Judicial Council issued three (3) orders precluding complainants from filing further misconduct complaints without prior permission of the Judicial Council.

¹Subsection (a) of § 372, governing retirement for disability, and subsection (b) of § 372, on substitute judicial appointment, remain in effect.

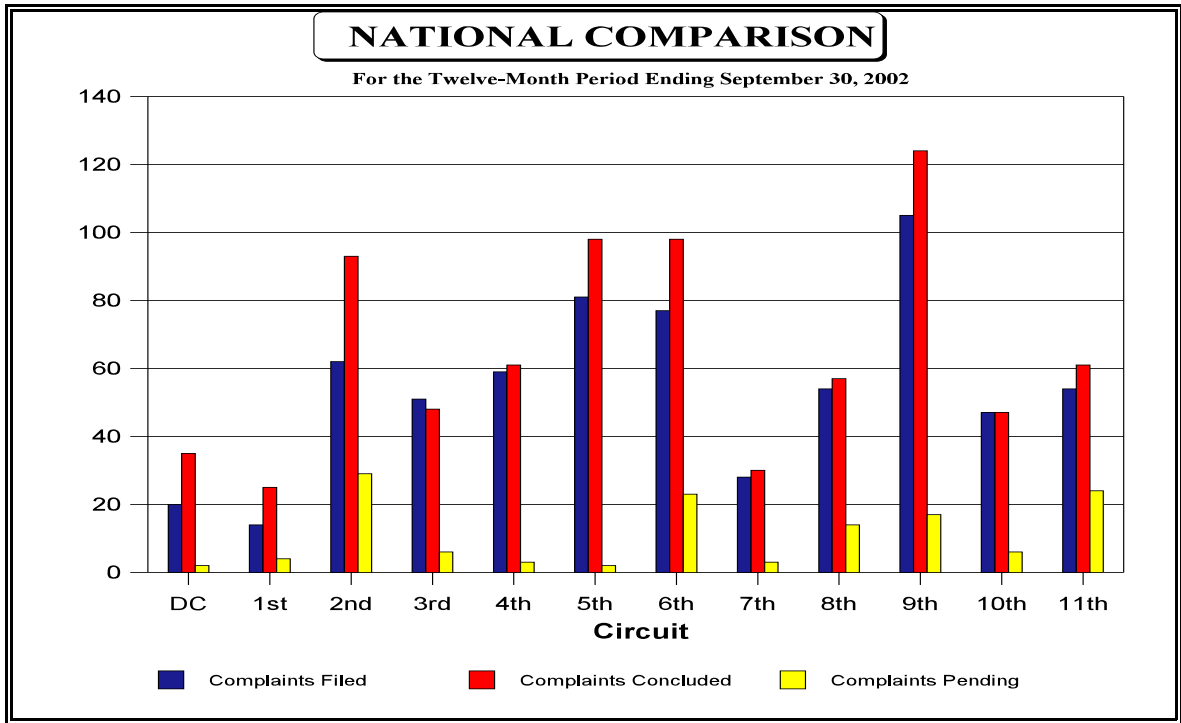
²In accordance with 28 U.S.C. § 358, the First Circuit Judicial Council amended the Rules of the Judicial Council of the First Circuit Governing Complaints of Judicial Misconduct or Disability, effective April 24, 2003, in order to reflect the statutory amendments.

³After the enactment of the Judicial Improvements Act of 2002 on November 2, 2002, the complaints were deemed to be filed under 28 U.S.C. § 351 *et. seq.*

Summary, First Circuit Complaints of Judicial Misconduct or Disability, 2002

Complaints Filed in 2002	16
Repeat Complainants (filed more than 1 complaint during 2002)	1
No. of Complaints Withdrawn	1
Orders of Dismissal Issued by Chief Judge *3 of the Chief Judge's orders were issued in 2003	15*
Petitions for Review filed with Judicial Council *4 of the 10 petitions were filed in 2003	10*
Orders of Dismissal Affirmed by Judicial Council *5 of the 8 Council orders were issued in 2003	8*
Petition for Review Remanded to the Chief Judge	1
Petition for Review Pending	1
Show Cause Orders Issued *2 of the Show Cause Orders were issued in 2001	3*
Preclusion Order Issued *1 of the Preclusion Orders was issued in 2003	3*
Total Judges Accused of Misconduct in 2002	27

NATIONAL COMPARISON OF REPORT OF COMPLAINTS FILED AND ACTION TAKEN UNDER AUTHORITY OF TITLE 28 U.S.C. § 372 (c)



REPORT OF COMPLAINTS FILED, CONCLUDED AND PENDING UNDER AUTHORITY OF TITLE 28 U.S.C. § 372 (c) For the Twelve-Month Period Ending September 30, 2002

Summary of Activity	Circuit											
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Filed	20	14	62	51	59	81	77	28	54	105	47	54
Complaints Concluded	35	25	93	48	61	98	98	30	57	124	47	61
Complaints Pending	2	4	29	6	3	2	23	3	14	17	6	24

ATTORNEY DISCIPLINE

During 2002, the Court of Appeals for the First Circuit entertained 15 attorney disciplinary matters under the authority of the Rules of Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement). Each of these proceedings arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement. Of the 15 attorney disciplinary proceedings in 2002, seven (7) resulted in suspension and three (3) resulted in disbarment. In one (1) proceeding, the Court of Appeals determined that no disciplinary action was warranted. Four (4) cases remain pending. In addition, in June 2002, the Court of Appeals issued a disciplinary order in an ongoing attorney disciplinary proceeding, first initiated in 1998.

HISTORY AND COMMEMORATIVE EVENTS

On May 7, 2002, First Circuit Court of Appeals Judge Jeffrey R. Howard took the oath of office in a private ceremony in Salisbury, New Hampshire. The ceremony, which was held in a small cabin that was the birthplace of Daniel Webster, was attended by the Howard family. A public ceremony was held on September 20, 2002, at the Warren B. Rudman Courthouse in Concord, New Hampshire.

The District of Rhode Island welcomed the arrival of a new member of the bench in 2002. Judge William E. Smith took the oath of office during a public ceremony on December 16, 2002.

Several First Circuit judges were honored with awards in 2002. Among those honored were District of Massachusetts Judges Rya Zobel, A. David Mazzone and Mark Wolf. Judge Zobel received the Margaret Brent Award at the annual meeting of the American Bar Association in the summer of 2002 in Washington, D.C. The award is named for the first woman to practice law in the United States.

Judge Mazzone was the second recipient of the John Joseph Moakley Public Service Award. The award, which is named after the late Congressman Moakley, is given annually by Discovering Justice and Citizen Schools.

Judge Wolf received the Boston Bar Association's Citation of Judicial Excellence Award at the Association's Law Day dinner in Boston on May 1, 2002.

In the fall of 2002, First Circuit Court of Appeals Judge Bruce M. Selya received an honorary degree from the Roger Williams University School of Law.

In June of 2002, two guides for judges and court employees outlining the anti-discrimination and civility policies of the First Circuit were distributed in print form. The policies follow the approval earlier in 2002 by the Judicial Council of the "Anti-Discrimination and Civility Statement for the United States Courts for the First Circuit." These guides and the posting of the anti-discrimination and civility policies represent the work of the Gender, Race and Ethnic Bias Task Forces appointed by the First Circuit Judicial Council in 1993.

In 2002, the American Institute of Architects presented an AIA New England Honor Award for Design to the Boston architectural firm of Finegold, Alexander & Associates for their renovation of the Federal Courthouse in Old San Juan, Puerto Rico.

2002 FAIR EMPLOYMENT PRACTICES REPORT

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

On October 10, 1999, the Court adopted the Employment Dispute Resolution Plan (the "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, 2002, there were 125 Court of Appeals employees. Of those employees, 42 (34 percent) were male and 83 (66 percent) were female. Of the employees, 104 (83 percent) were white and 21 (17 percent) were minorities. There were 7 African-American employees, 7 Hispanic employees, 4 Asian employees, 0 Native American employees, and 3 were "Not Reported."

There were 40 new appointments made during this reporting period. Of those new appointments, 16 were male and 24 were female. Of the new appointments, 36 were white, 2 were minorities, and 2 were "Not Reported."

During the reporting period, 19 employees were promoted. Of those employees, 8 were male and 11 were female. Two (2) of the employees promoted were minorities.

TRAINING

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

During the relevant period, the Circuit Executive's Office EDR Coordinator, Susan Krueger, has worked with the EDR coordinators throughout the circuit on enhancing familiarity with EDR plans and procedures. Circuit-wide EDR training sessions for all employees are planned for next year.

The Circuit Executive's Office also developed an Anti-Discrimination and Civility Statement which is now posted in each clerk's office throughout the circuit. The Circuit Executive's Office also provides materials to judges and court employees describing their rights and responsibilities with respect to workplace and employment issues and provides a list of resources for obtaining additional information.

COMPLAINTS PROCESS

There were no formal EDR 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, 2001 & 2002

	COMMENCED			TERMINATED			PENDING*		
CIRCUIT	2001	2002	Percent Change	2001	2002	Percent Change	2001	2002	Percent Change
Total	57,464	57,555	.2%	57,422	56,586	-1.5%	39,996	40,965	2.4%
District of Columbia	1,401	1,126	-19.6%	1,391	1,303	-6.3%	1,269	1,092	-13.9%
First	1,762	1,687	-5.4%	1,515	1,758	16.0%	1,518	1,424	-6.0%
Second	4,519	4,870	7.8%	4,175	4,206	.7%	3,955	4,619	16.8%
Third	3,860	3,643	-5.6%	3,594	3,784	5.3%	3,210	3,075	-4.4%
Fourth	5,303	4,658	-12.2%	5,078	5,074	-.1%	2,742	2,326	-15.2%
Fifth	8,642	8,784	1.6%	8,784	8,390	-4.5%	4,579	4,973	8.6%
Sixth	4,853	4,619	-4.8%	4,691	4,878	4.0%	4,203	3,944	-6.2%
Seventh	3,455	3,418	-1.1%	3,616	3,293	-8.9%	2,051	2,176	6.1%
Eighth	3,034	3,216	6.0%	3,414	3,180	-6.9%	1,520	1,556	2.4%
Ninth	10,342	11,421	16.4%	10,372	10,042	-3.2%	8,847	10,226	15.6%
Tenth	2,758	2,661	-3.5%	2,792	2,543	-8.9%	1,946	2,064	6.1%
Eleventh	7,535	7,472	-.8%	8,000	8,135	1.7%	4,153	3,490	-16.0%

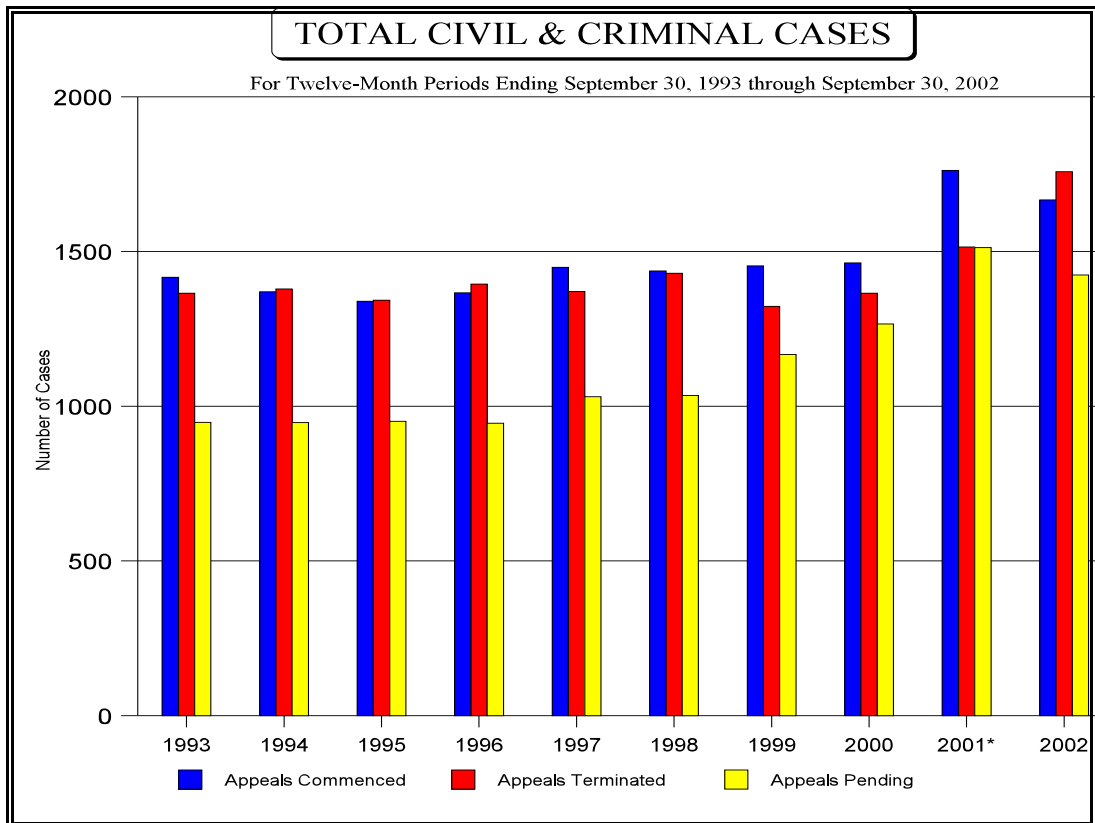
*Pending caseloads for 2001 revised by the Administrative Office of the United States Courts.

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
Source of Appeals and Original Proceedings for the
12-Month Periods Ending September 30, 1995 - 2002**

Source	1995	1996	1997	1998	1999	2000	2001	2002
First Circuit Totals	1,339	1,367	1,449	1,437	1,454	1,463	1,762	1,667
Maine	149	144	168	134	139	128	164	115
Massachusetts	582	554	599	556	538	537	659	621
New Hampshire	95	99	133	119	126	105	112	96
Puerto Rico	236	291	312	331	338	358	498	524
Rhode Island	158	175	111	130	134	156	150	134
Bankruptcy	31	41	36	34	40	32	24	35
U.S. Tax Court	4	7	5	10	1	5	3	3
NLRB	22	10	12	11	5	7	5	10
Administrative Agencies	54	32	61	58	67	54	55	69
Original Proceedings	8	14	12	54	66	81	92	60

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

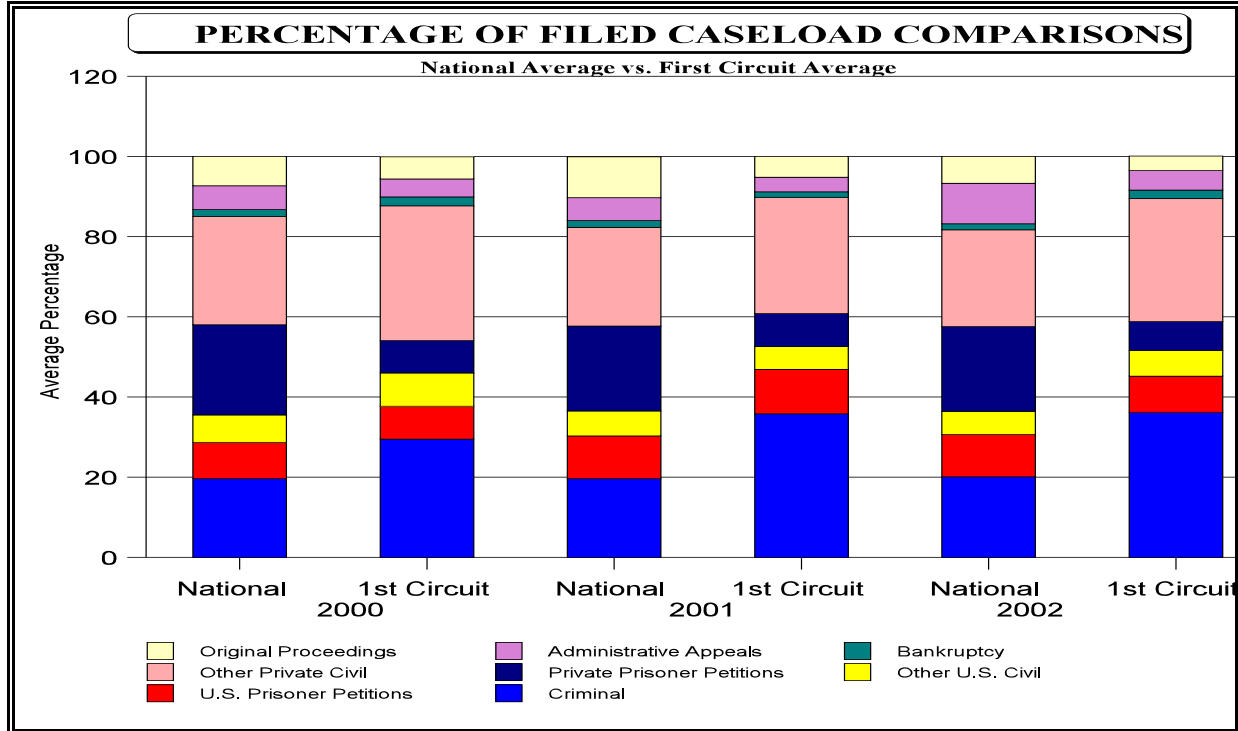
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
Appeals Commenced, Terminated and Pending
During the 12-Month Periods Ending
September 30, 1993 through September 30, 2002



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT										
Comparison 1992 - 2002										
	1993	1994	1995	1996	1997	1998	1999	2000	2001*	2002
Appeals Commenced	1,417	1,370	1,339	1,367	1,449	1,437	1,454	1,463	1,762	1,667
Appeals Terminated	1,365	1,379	1,343	1,395	1,371	1,430	1,323	1,365	1,515	1,758
Appeals Pending	948	947	951	945	1,031	1,035	1,167	1,266	1,515	1,424

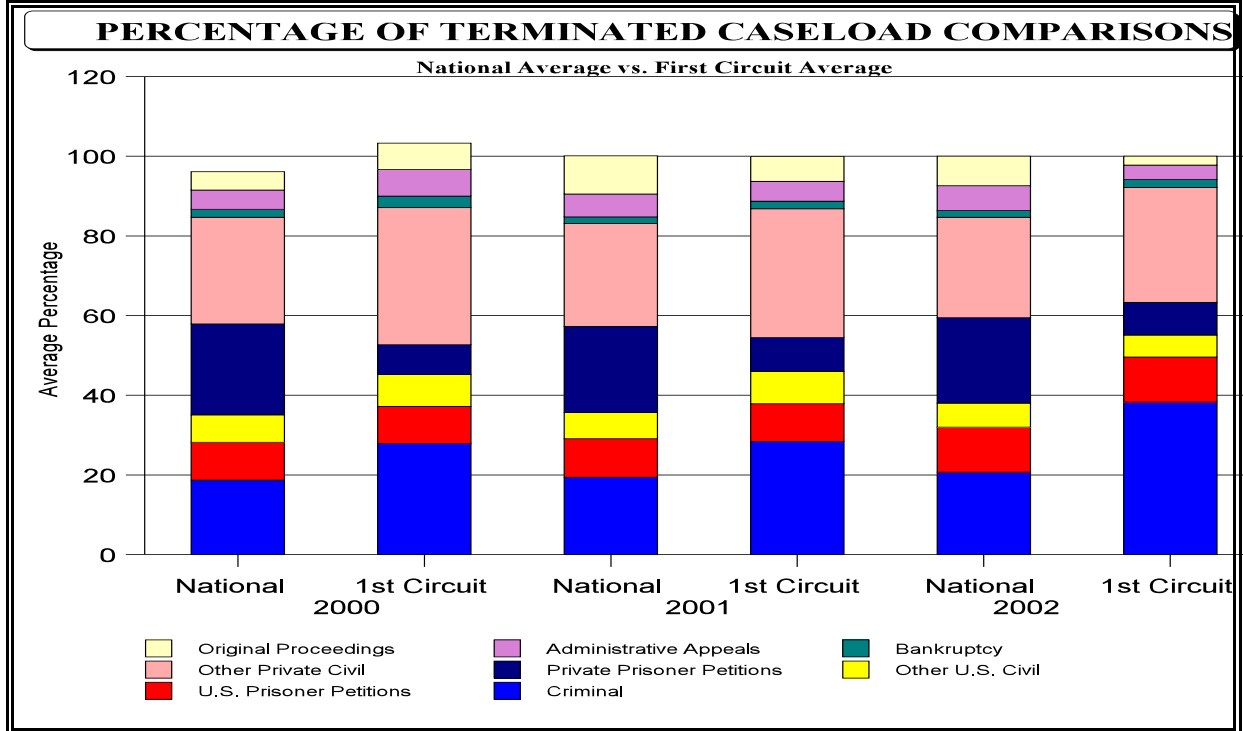
*Appeals pending for 2001 revised by Administrative Office of the United States Courts.

CIRCUIT COMPARISON FOR FILED CASELOAD



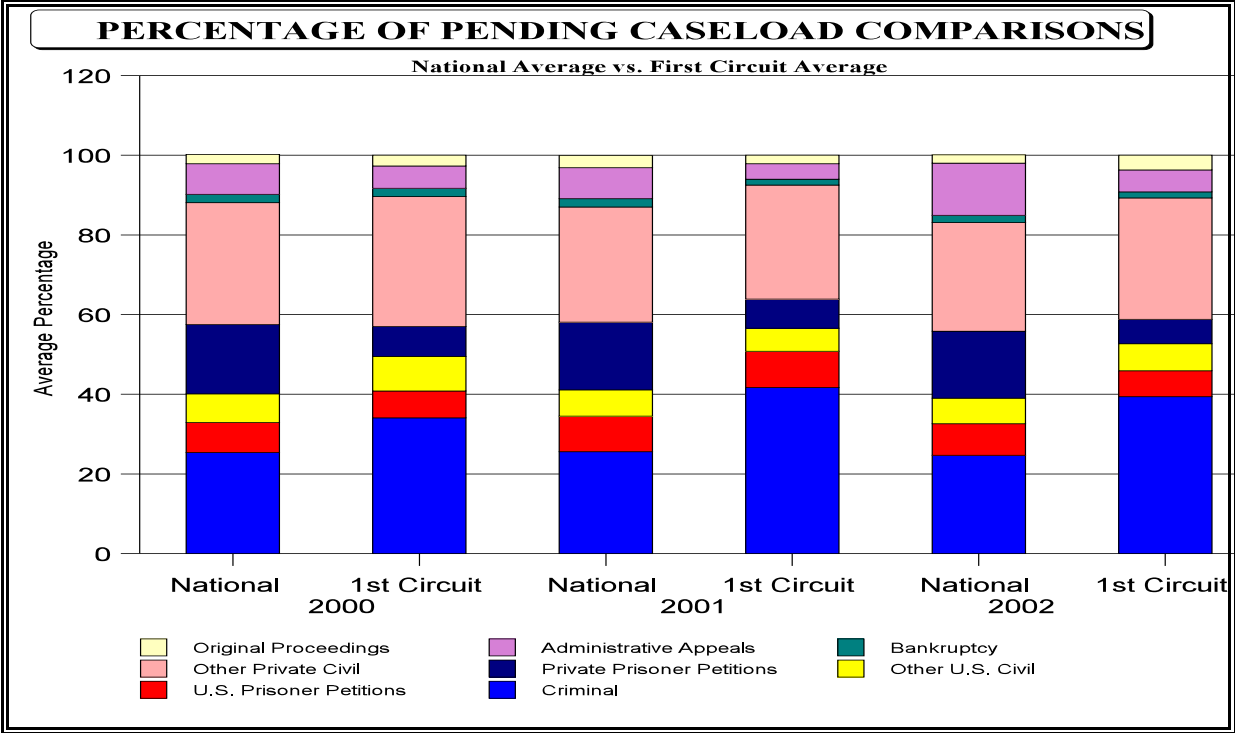
FILED CASELOAD COMPARISON						
Percent of Total from September 30, 2000 through September 30, 2002						
	2000		2001		2002	
	National Average	1st Circuit Average	National Average	1st Circuit Average	National Average	1st Circuit Average
Criminal	19.6	29.5	19.6	35.8	20.1	36.2
U.S. Prisoner Petitions	9.1	8.2	10.7	11.1	10.5	9.0
Other U.S. Civil	6.8	8.3	6.2	5.7	5.8	6.4
Private Prisoner Petitions	22.5	8.1	21.2	8.2	21.2	7.2
Other Private Civil	27.0	33.6	24.6	29.0	24.1	30.7
Bankruptcy	1.8	2.2	1.7	1.4	1.5	2.1
Administrative Appeals	5.9	4.5	5.7	3.6	10.1	4.9
Original Proceedings	7.3	5.5	10.2	5.2	6.7	3.6

CIRCUIT COMPARISON FOR TERMINATED CASELOAD



TERMINATED CASELOAD COMPARISON						
Percent of Total from September 30, 2000 through September 30, 2002						
	2000		2001		2002	
	National Average	1st Circuit Average	National Average	1st Circuit Average	National Average	1st Circuit Average
Criminal	18.7	27.9	19.4	28.4	20.7	38.3
U.S. Prisoner Petitions	9.5	9.3	9.7	9.5	11.3	11.3
Other U.S. Civil	6.9	8.0	6.6	8.1	6.0	5.5
Private Prisoner Petitions	22.8	7.5	21.6	8.5	21.5	8.2
Other Private Civil	26.8	34.4	25.8	32.3	25.2	28.9
Bankruptcy	2.0	2.9	1.7	1.9	1.7	2.0
Administrative Appeals	4.8	6.7	5.7	5.0	6.2	3.6
Original Proceedings	4.6	6.6	9.6	6.2	7.4	2.2

CIRCUIT COMPARISON FOR PENDING CASELOAD

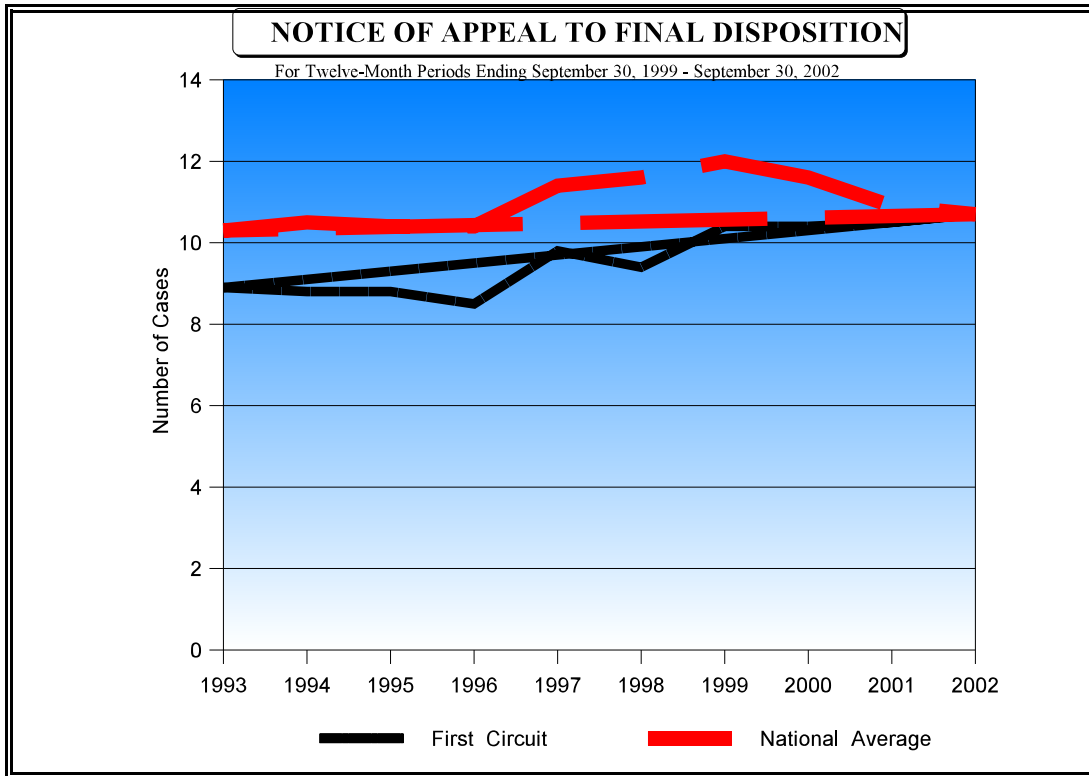


PENDING CASELOAD COMPARISON						
Percent of Total from September 30, 2000 through September 30, 2002						
	2000		2001		2002	
	National Average	1st Circuit Average	National Average	1st Circuit Average	National Average	1st Circuit Average
Criminal	25.4	34.1	25.6	41.7	24.7	39.4
U.S. Prisoner Petitions	7.5	6.7	8.9	9.1	7.9	6.5
Other U.S. Civil	7.2	8.7	6.6	5.8	6.4	6.8
Private Prisoner Petitions	17.4	7.5	17.0	7.3	16.8	6.1
Other Private Civil	30.6	32.6	28.9	28.6	27.3	30.5
Bankruptcy	2.1	2.1	2.1	1.5	1.8	1.5
Administrative Appeals	7.7	5.6	7.8	3.9	13.1	5.5
Original Proceedings	2.3	2.7	3.0	2.1	2.1	3.7

UNITED STATES COURT OF APPEALS
 MEDIAN TIME INTERVALS IN MONTHS FOR CASES TERMINATED
 AFTER HEARING OR SUBMISSION, BY CIRCUIT DURING THE
 TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2002

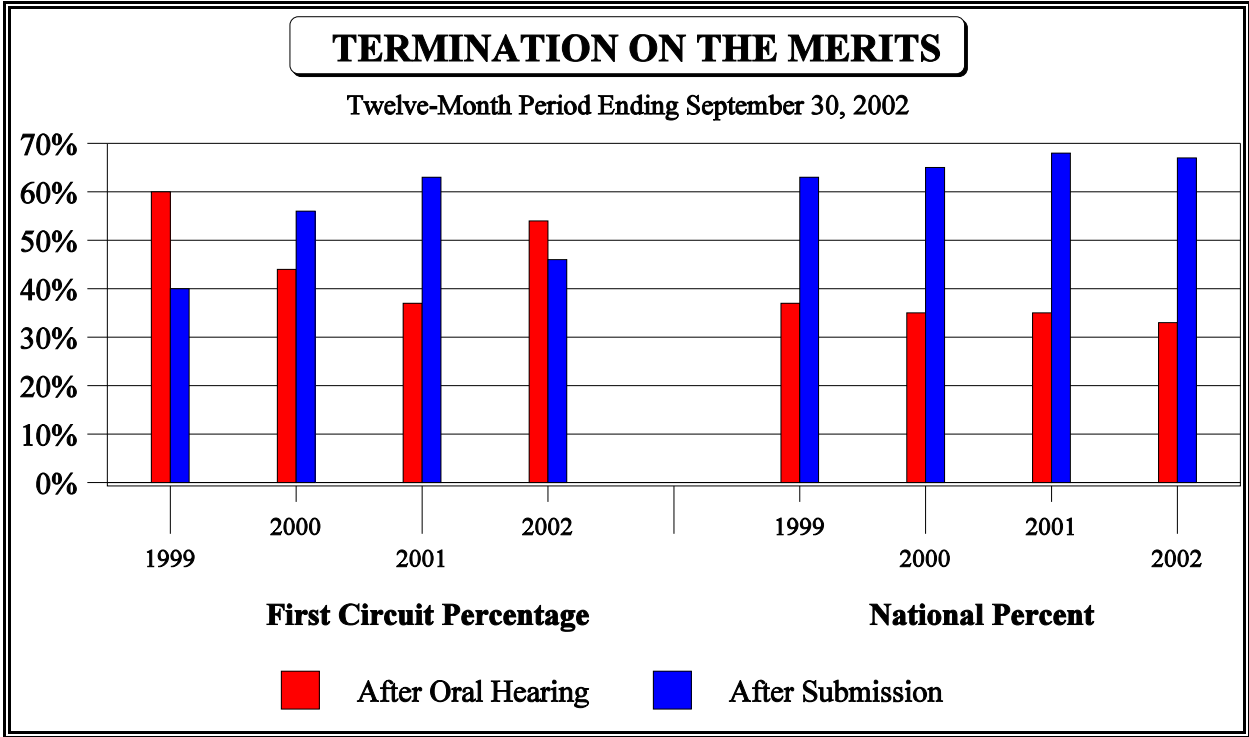
	CASE	INTV
TOTAL	23,020	10.7
DISTRICT OF COLUMBIA	348	9.7
FIRST	595	10.7
SECOND	1,630	10.9
THIRD	1,656	12.2
FOURTH	2,247	7.1
FIFTH	3,369	9.7
SIXTH	2,068	16.0
SEVENTH	1,264	9.8
EIGHTH	1,507	8.0
NINTH	3,947	15.1
TENTH	1,191	11.4
ELEVENTH	3,198	9.1

**U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
Compared to the National Average for Caseload Disposition
Time From 1993 - 2002**



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT Comparison 1993 - 2002										
	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
First Circuit	8.9	8.8	8.8	8.5	9.8	9.4	10.4	10.4	10.5	10.7
National Average	10.3	10.5	10.4	10.4	11.4	11.6	12.0	11.6	10.9	10.7

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
Compared to the National Average for Caseload
Disposition 1999 through 2002



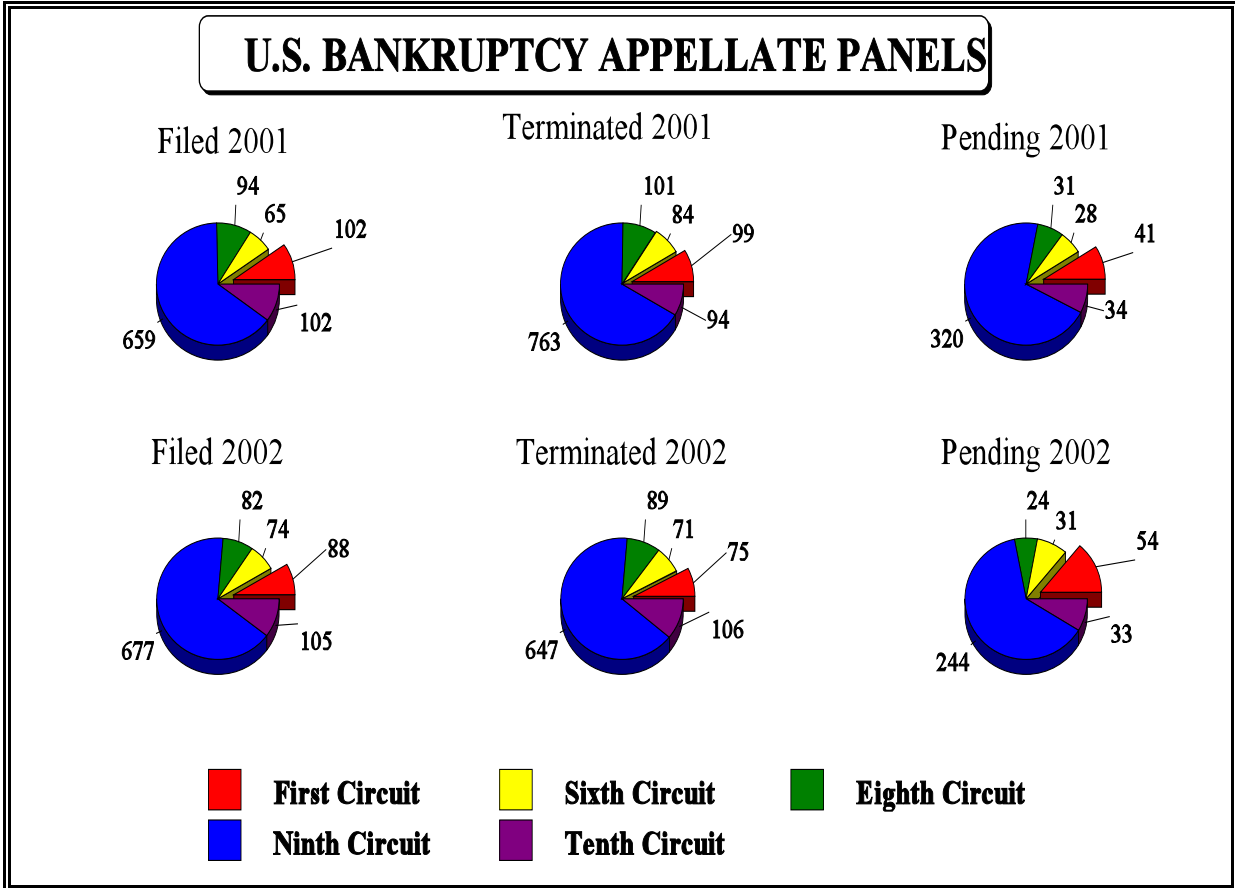
DISPOSITION OF CASELOADS IN PERCENTAGES								
First Circuit vs. National Caseload								
	First Circuit Percentages				National Percentage Totals			
	1999	2000	2001	2002	1999	2000	2001	2002
After Oral Hearing	60%	44%	37%	54%	37%	35%	32%	33%
After Submission	40%	56%	63%	46%	63%	65%	68%	67%

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, 2001 and 2002



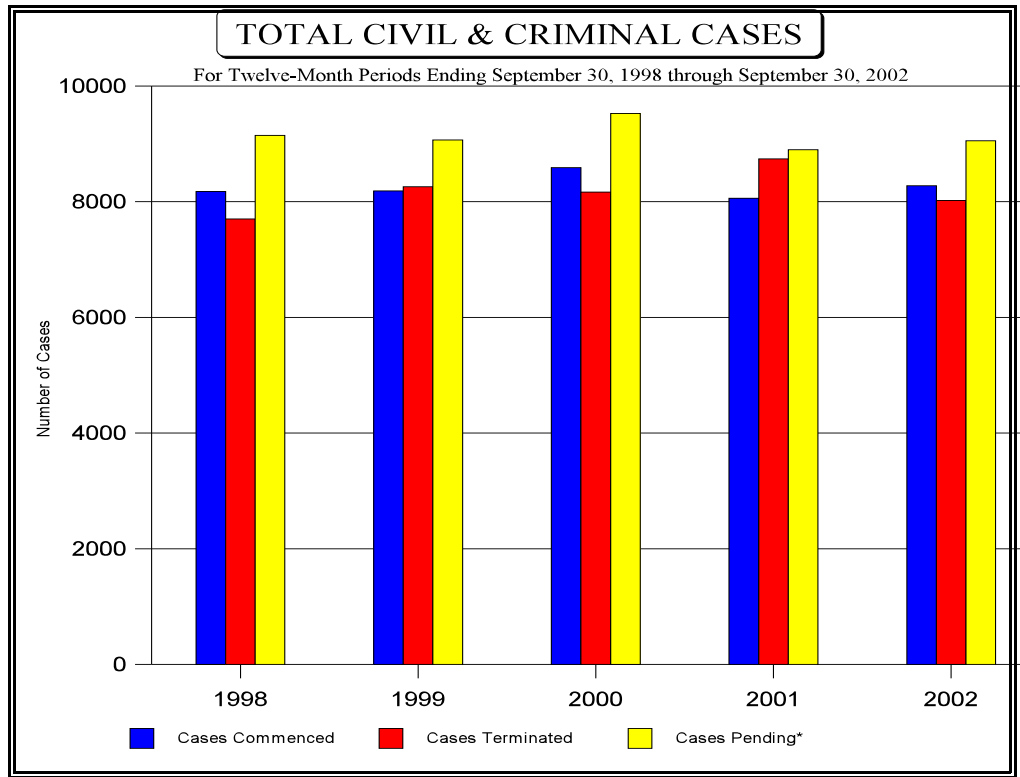
U.S. BANKRUPTCY APPELLATE PANELS						
During the 12-Month Periods Ending September 30, 2001 and 2002						
	Filed		Terminated		Pending	
	2001	2002	2001	2002	2001	2002
First Circuit	102	88	99	75	41	54
Sixth Circuit	65	74	84	71	28	31
Eighth Circuit	94	82	101	89	31	24
Ninth Circuit	659	677	763	647	320	244
Tenth Circuit	102	105	94	106	34	33
Total	1,022	1,026	1,141	988	454	386

STATISTICS

FIRST CIRCUIT

DISTRICT COURTS

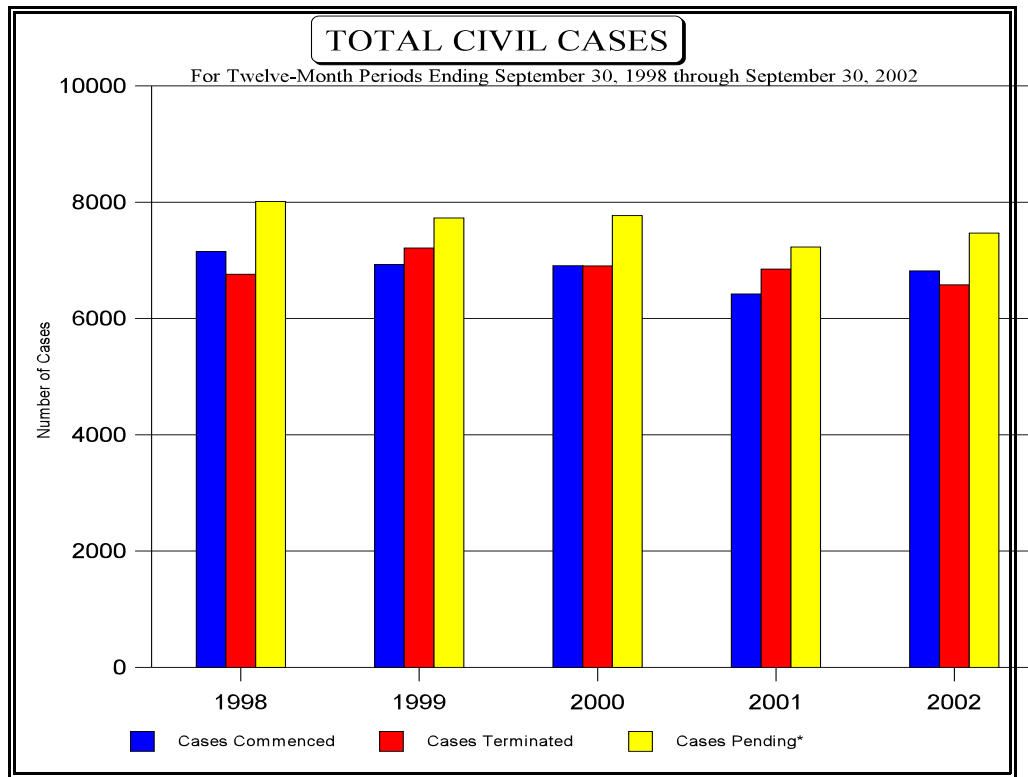
TOTAL CASELOAD COMPARISON First Circuit District Courts



TOTAL CIVIL & CRIMINAL CASES From 1998 Through 2002					
	1998	1999	2000	2001*	2002
Cases Commenced	8,178	8,186	8,588	8,066	8,277
Cases Terminated	7,702	8,259	8,168	8,741	8,023
Cases Pending*	9,147	9,067	9,524	8,799	9,053

*Total civil and criminal cases pending in 2001 revised by the Administrative Office of the United States Courts.

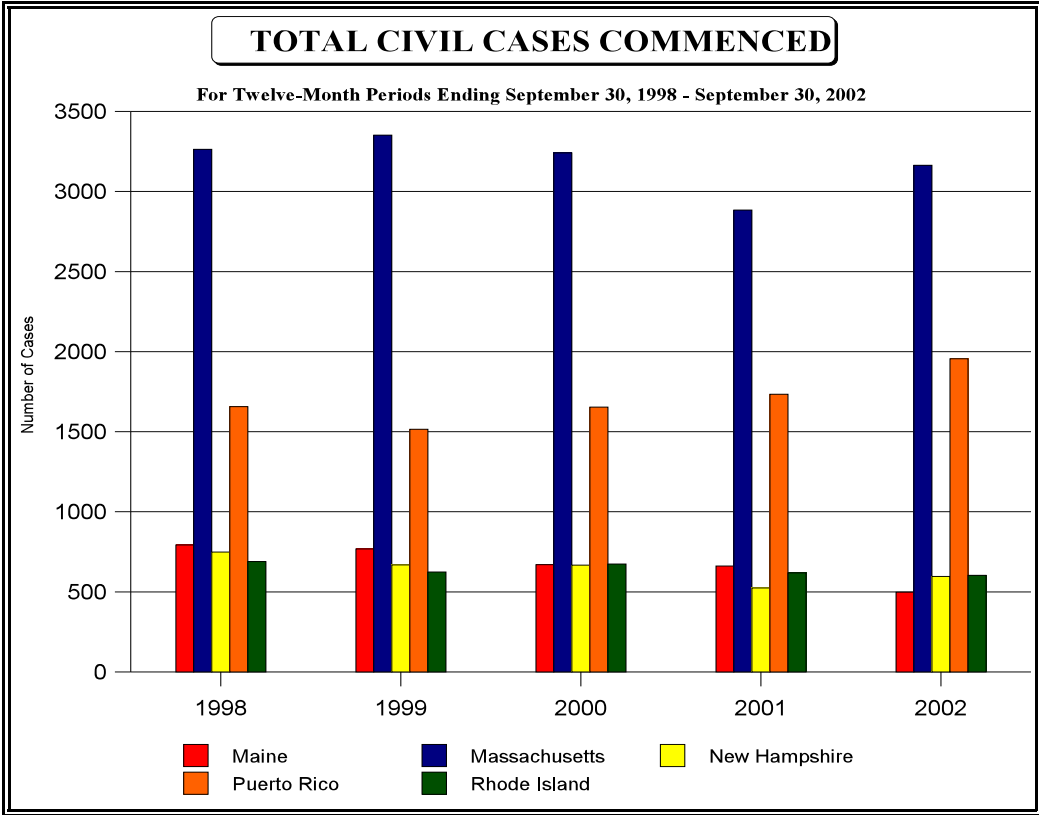
TOTAL CASELOAD COMPARISON First Circuit District Courts



TOTAL CIVIL & CRIMINAL CASES					
From 1998 through 2002					
	1998	1999	2000	2001*	2002
Cases Commenced	7,150	6,927	6,906	6,422	6,817
Cases Terminated	6,760	7,211	6,903	6,850	6,579
Cases Pending*	8,012	7,728	7,768	7,230	7,468

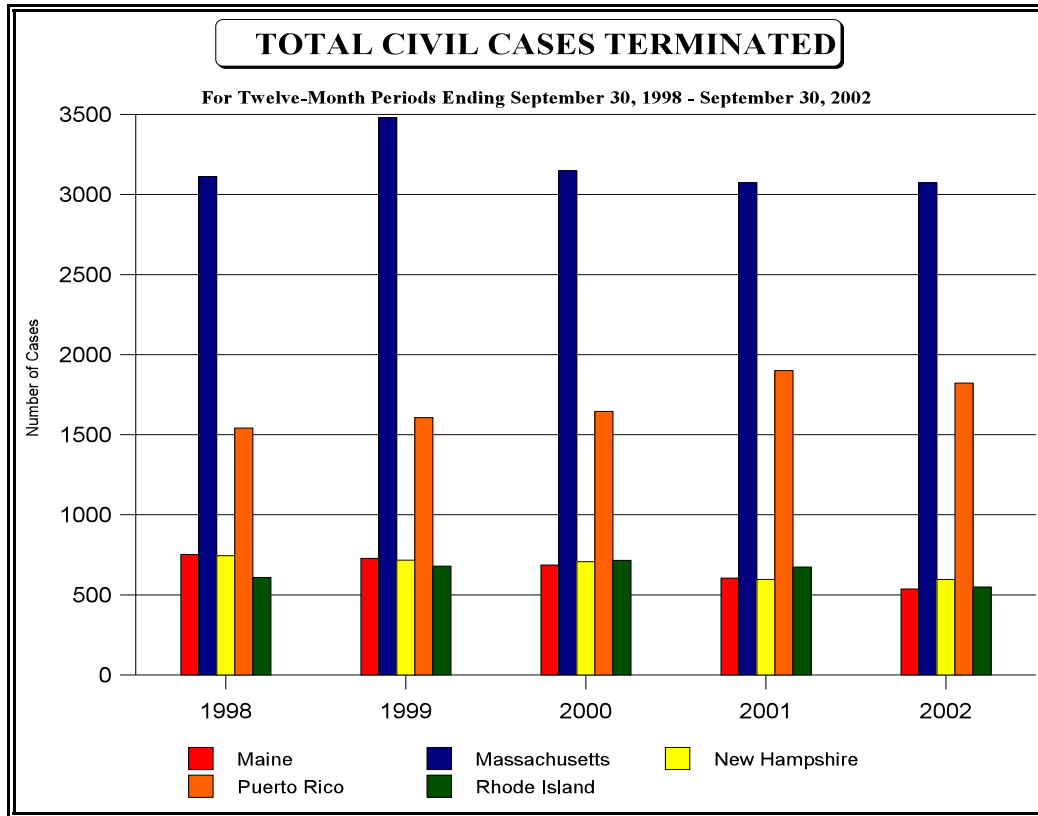
*Total civil cases pending in 2001 revised by the Administrative Office of the United States Courts.

TOTAL CASELOAD COMPARISON First Circuit District Courts



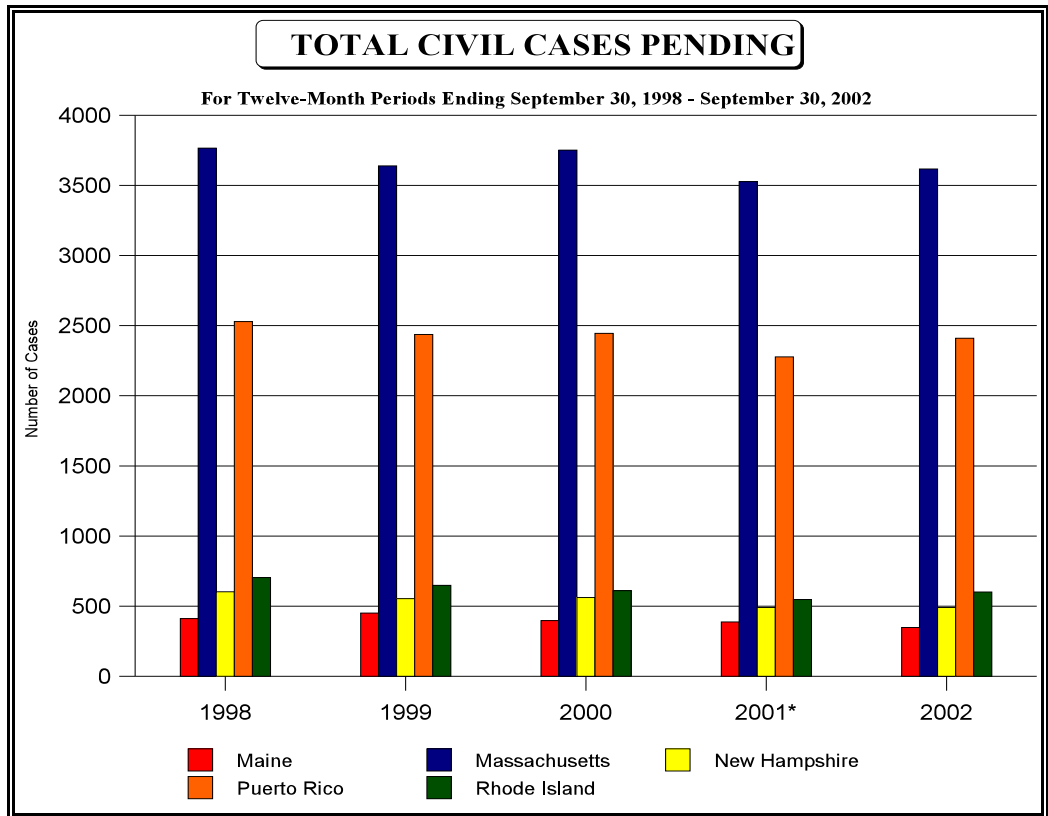
CIVIL CASES COMMENCED From 1998 Through 2002					
Districts	1998	1999	2000	2001	2002
Maine	793	768	670	661	498
Massachusetts	3,263	3,352	3,241	2,884	3,164
New Hampshire	749	668	667	525	597
Puerto Rico	1,656	1,515	1,654	1,734	1,955
Rhode Island	689	624	674	618	603

TOTAL CASELOAD COMPARISON
First Circuit District Courts



CIVIL CASES TERMINATED From 1998 Through 2002					
Districts	1998	1999	2000	2001	2002
Maine	752	728	687	605	537
Massachusetts	3,113	3,479	3,148	3,074	3,073
New Hampshire	744	717	707	597	597
Puerto Rico	1,542	1,607	1,646	1,900	1,822
Rhode Island	609	680	715	674	550

TOTAL CASELOAD COMPARISON First Circuit District Courts

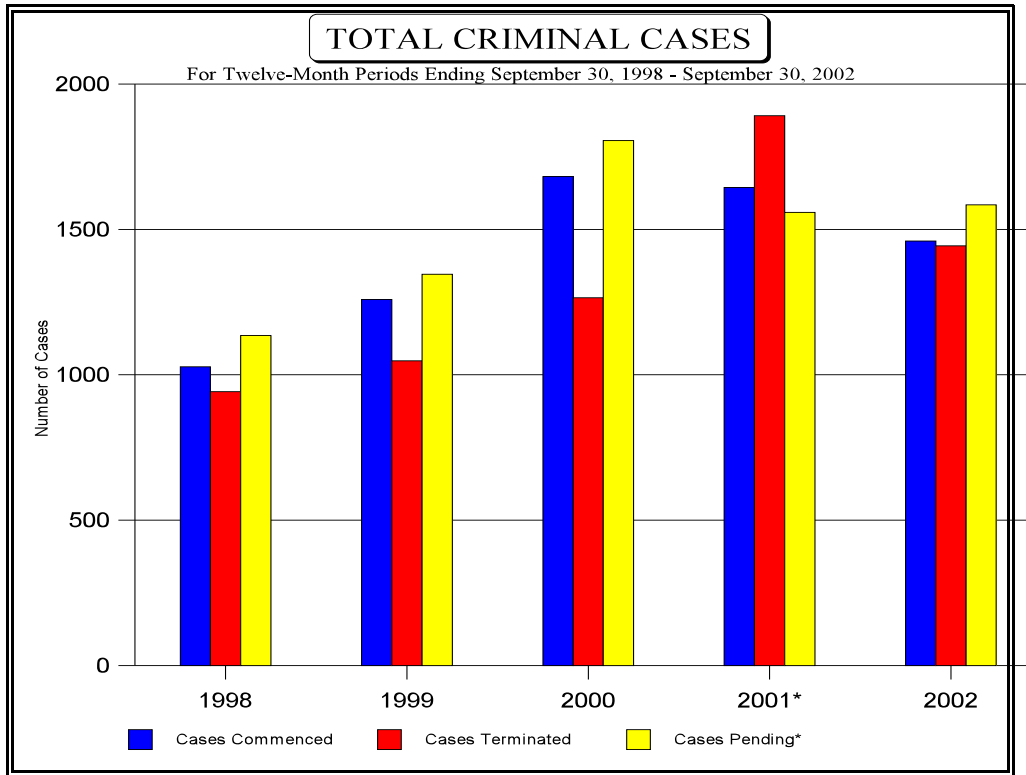


CIVIL CASES PENDING From 1998 Through 2002					
Districts	1998	1999	2000	2001*	2002
Maine	411	451	397	387	348
Massachusetts	3,766	3,639	3,752	3,527	3,618
New Hampshire	602	553	562	490	490
Puerto Rico	2,529	2,437	2,446	2,278	2,411
Rhode Island	704	648	611	548	601

*Total civil cases pending in 2001 revised by the Administrative Office of the United States

Courts.

TOTAL CASELOAD COMPARISON
First Circuit District Courts



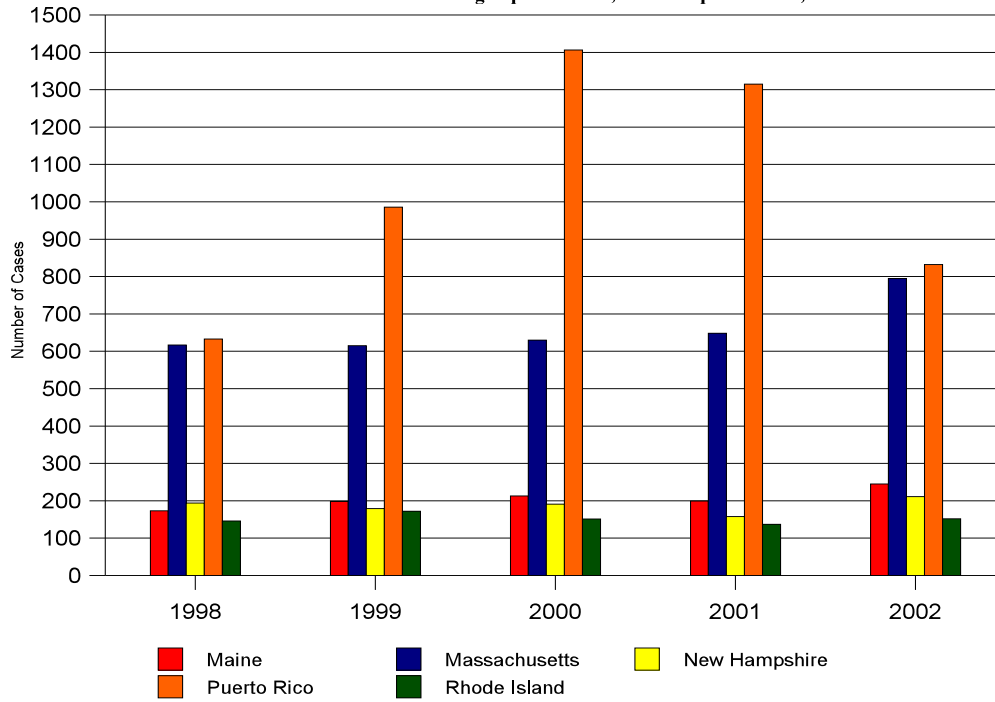
TOTAL CRIMINAL CASES					
From 1998 Through 2002					
	1998	1999	2000	2001*	2002
Cases Commenced	1,028	1,259	1,682	1,644	1,460
Cases Terminated	942	1,048	1,265	1,891	1,444
Cases Pending*	1,135	1,346	1,806	1,559	1,585

*Total criminal cases pending in 2001 revised by the Administrative Office of the United States Courts.

TOTAL CASELOAD COMPARISON First Circuit District Courts

DEFENDANTS IN COMMENCED CRIMINAL CASES

For Twelve-Month Periods Ending September 30, 1998 - September 30, 2002

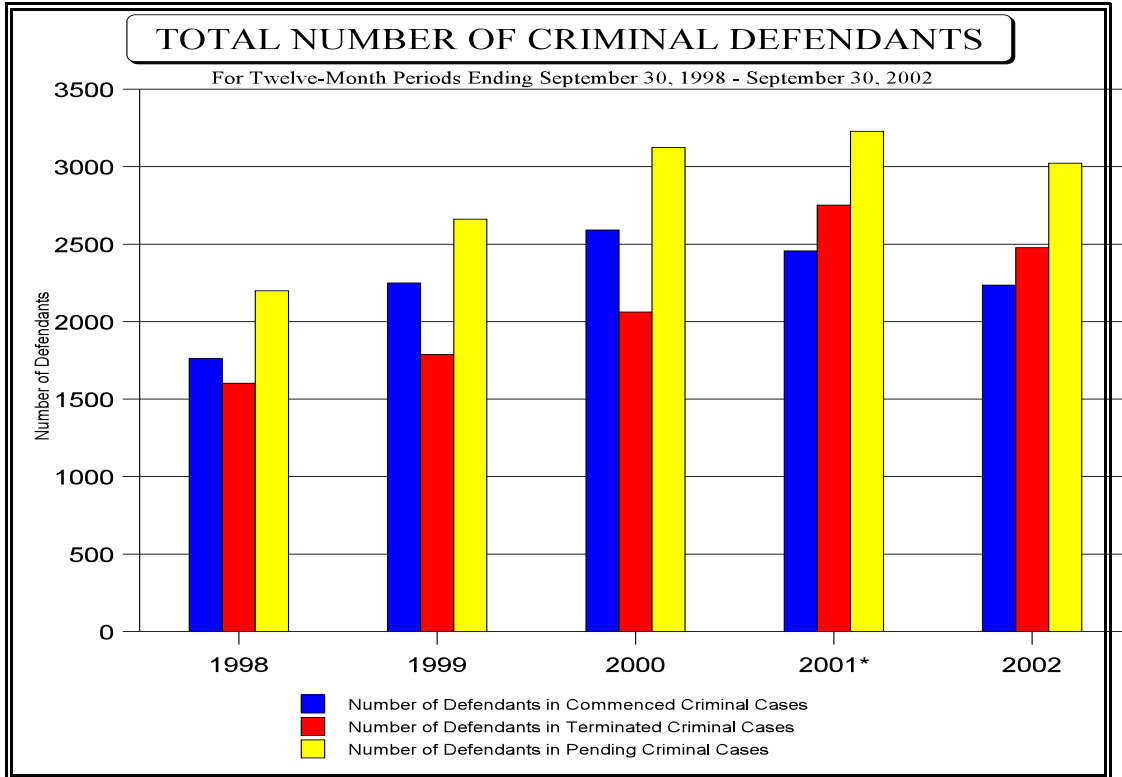


DEFENDANTS IN COMMENCED CRIMINAL CASES From 1998 Through 2002

Districts	1998	1999	2000	2001	2002
Maine	173	198	213	199	245
Massachusetts	617	615	630	648	795
New Hampshire	194	179	191	158	211
Puerto Rico	633	986	1,406	1,315	832

Rhode Island	146	172	151	137	152
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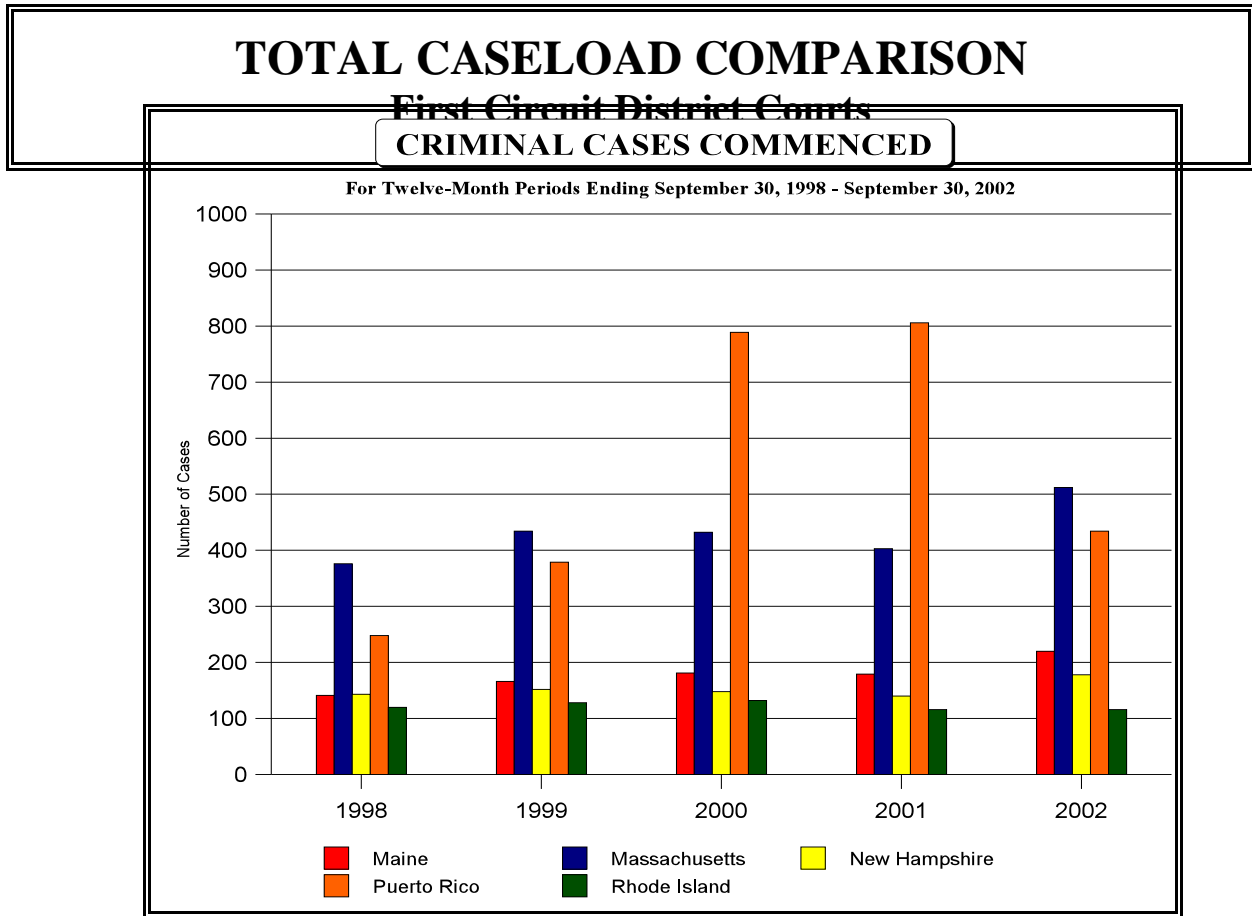
TOTAL CASELOAD COMPARISON
First Circuit District Courts



TOTAL NUMBER OF CRIMINAL DEFENDANTS
From 1998 Through 2002

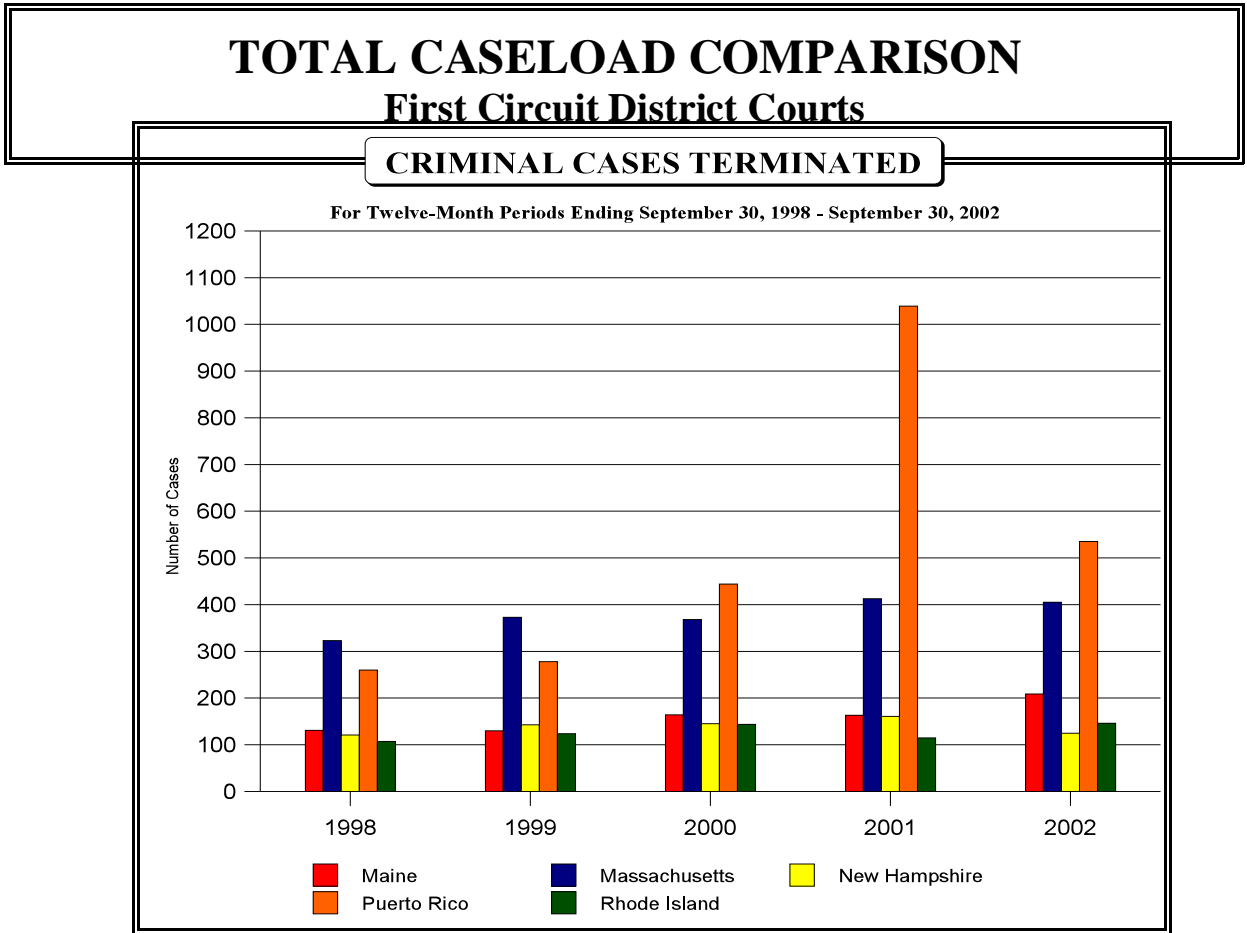
	1998	1999	2000	2001*	2002
Number of Defendants in Commenced Criminal Cases	1,763	2,250	2,591	2,457	2,235
Number of Defendants in Terminated Criminal Cases	1,602	1,788	2,062	2,752	2,477
Number of Defendants in Pending Criminal Cases	2,199	2,661	3,123	3,228	3,023

*Total number of criminal defendants in 2001 revised by the Administrative Office of the United States Courts.



CRIMINAL CASES COMMENCED					
From 1998 Through 2002					
Districts	1998	1999	2000	2001	2002
Maine	141	166	181	179	220
Massachusetts	376	434	432	403	512
New Hampshire	143	152	148	140	178
Puerto Rico	248	379	789	806	434

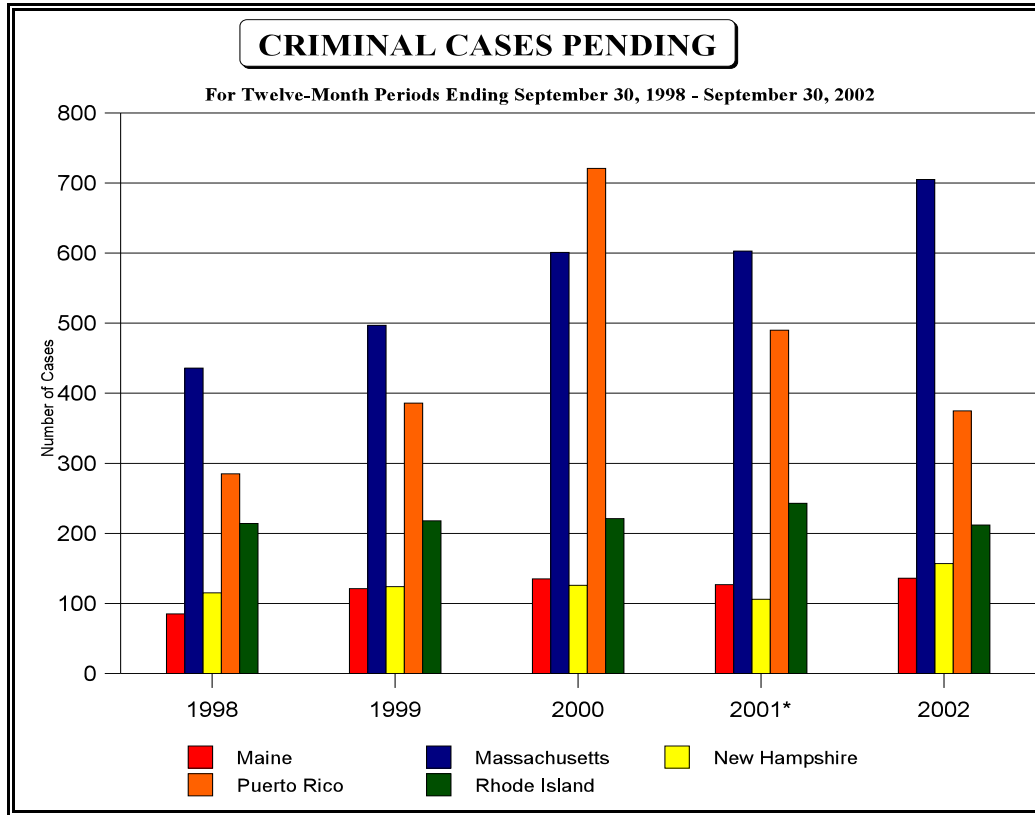
Rhode Island	120	128	132	116	116
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CRIMINAL CASES TERMINATED From 1998 Through 2002

Districts	1998	1999	2000	2001	2002
Maine	131	130	164	163	211
Massachusetts	323	373	368	413	410
New Hampshire	121	143	145	161	127
Puerto Rico	260	278	444	1,039	549
Rhode Island	107	124	144	115	147

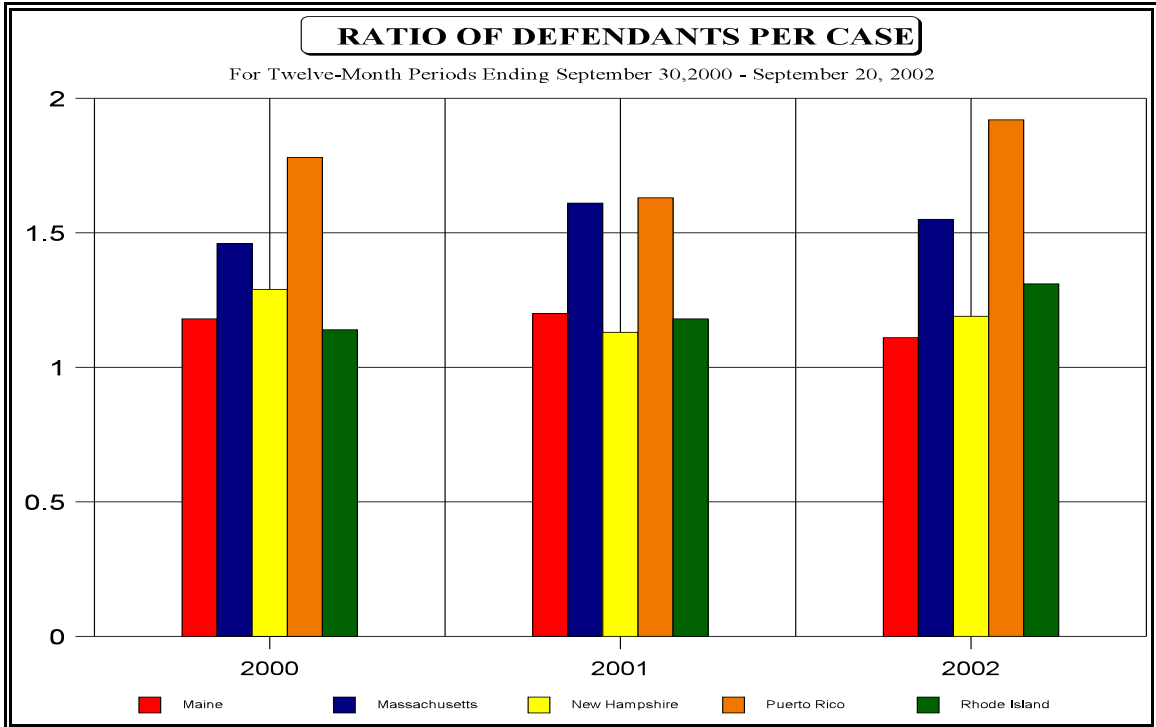
TOTAL CASELOAD COMPARISON First Circuit District Courts



CRIMINAL CASES PENDING					
From 1998 Through 2002					
Districts	1998	1999	2000	2001*	2002
Maine	85	121	135	127	136
Massachusetts	436	497	601	603	705
New Hampshire	115	124	126	106	157
Puerto Rico	285	386	721	490	375
Rhode Island	214	218	221	243	212

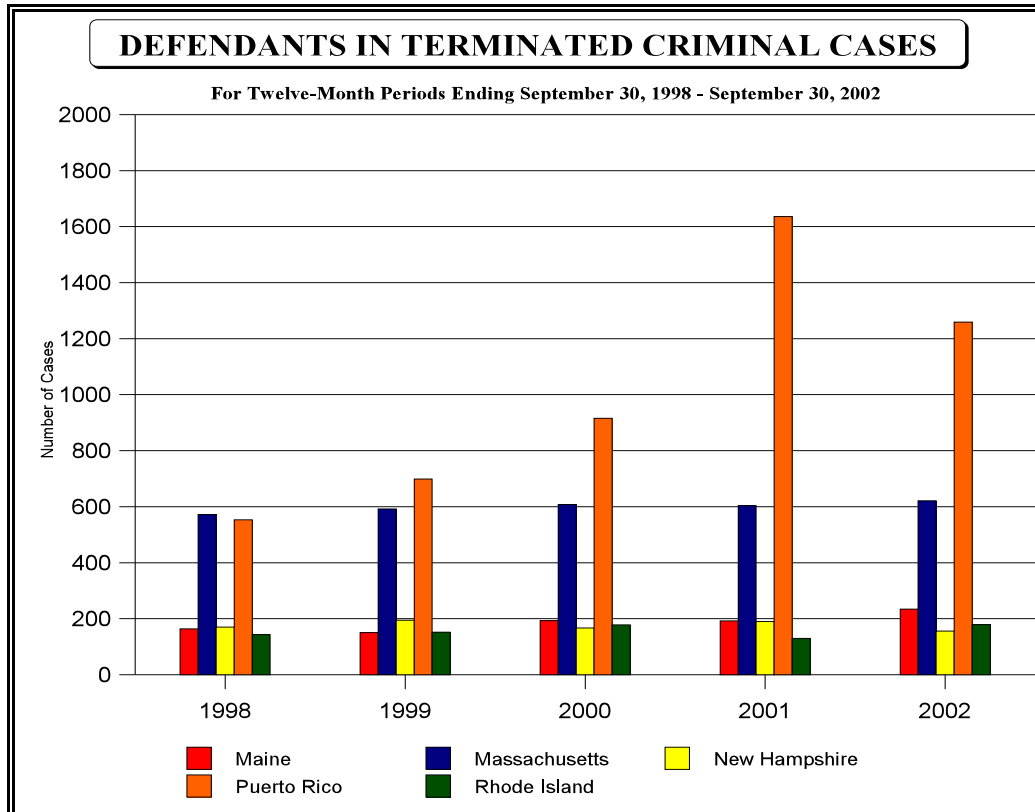
*Criminal cases pending in 2001 revised by the Administrative Office of the United States Courts.

TOTAL CASELOAD COMPARISON First Circuit District Courts



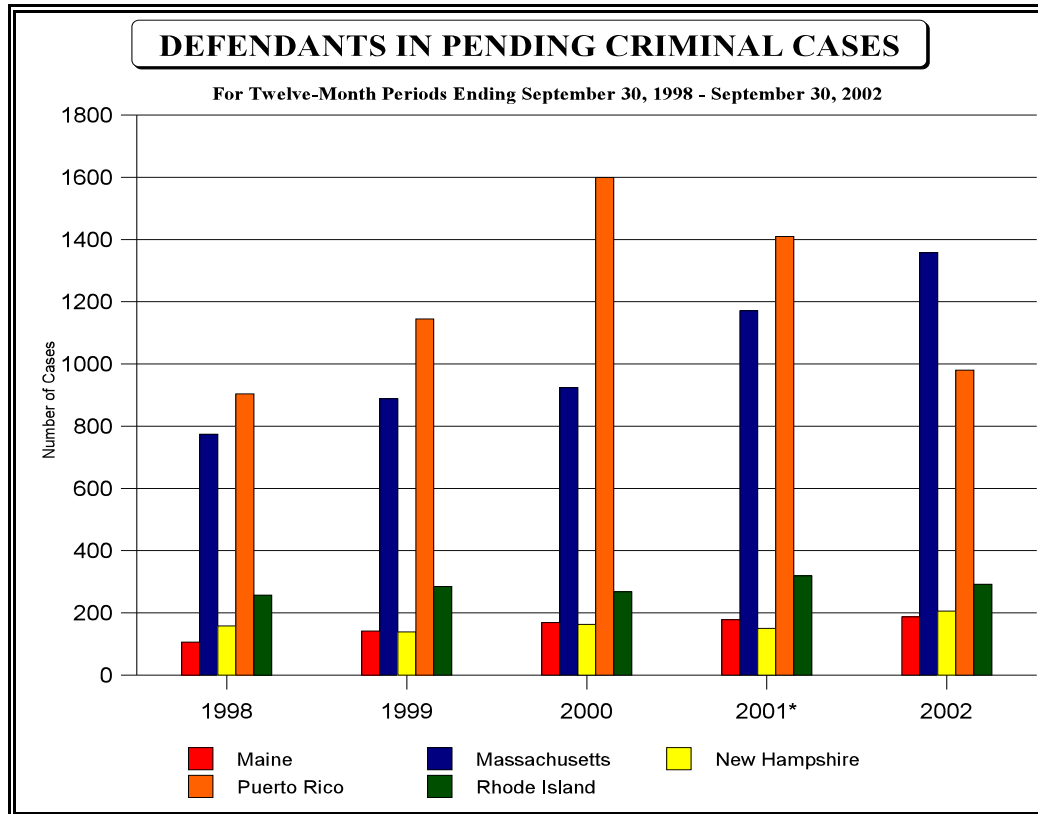
Number of Criminal Cases Filed and Ratio of Defendants Per Case									
	2000		Number of Defs. per case	2001		Number of Defs. per case	2002		Number of Defs. per case
	No. of Cases	No. of Defs.		No. of Cases	No. of Defs.		No. of Cases	No. of Defs.	
Maine	181	213	1.18	166	199	1.20	220	245	1.11
Massachusetts	432	630	1.46	403	648	1.61	512	795	1.55
New Hampshire	148	191	1.29	140	158	1.13	178	211	1.19
Puerto Rico	789	1,406	1.78	806	1,315	1.63	434	832	1.92
Rhode Island	132	151	1.14	115	137	1.18	116	152	1.31

TOTAL CASELOAD COMPARISON First Circuit District Courts



DEFENDANTS IN TERMINATED CRIMINAL CASES					
From 1998 Through 2002					
Districts	1998	1999	2000	2001	2002
Maine	164	150	193	192	236
Massachusetts	572	592	608	604	628
New Hampshire	170	195	167	190	158
Puerto Rico	553	699	916	1,636	1,275
Rhode Island	143	152	178	130	180

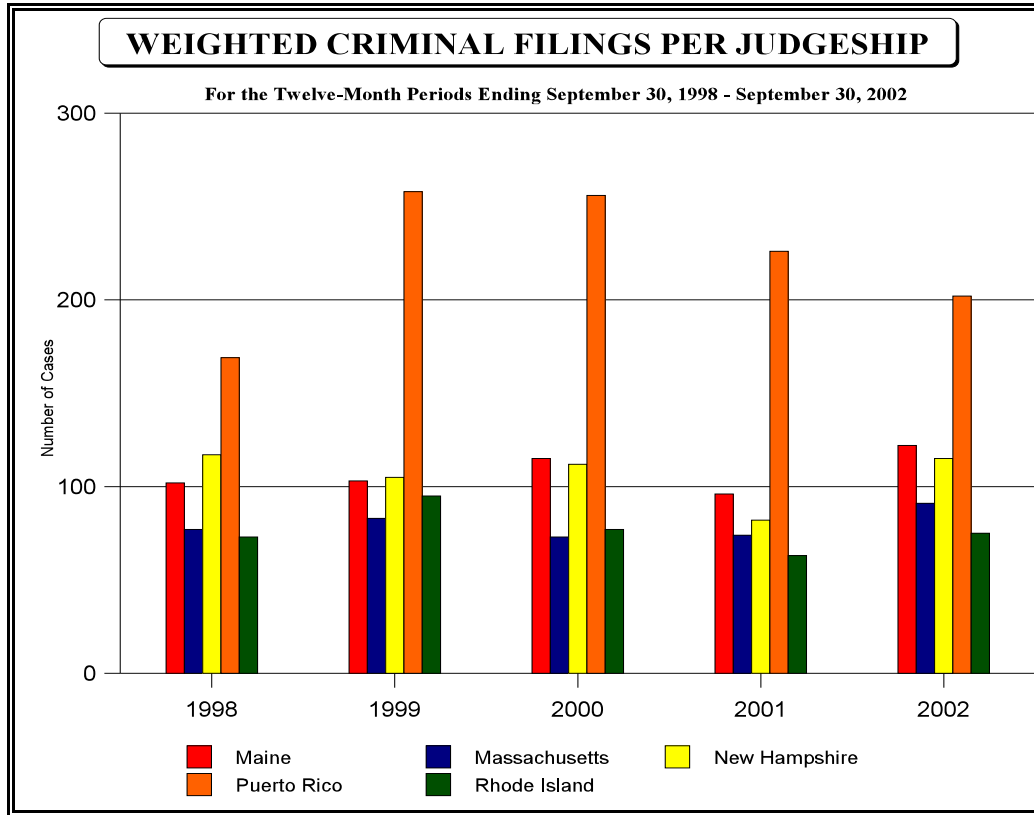
TOTAL CASELOAD COMPARISON First Circuit District Courts



DEFENDANTS IN PENDING CRIMINAL CASES					
From 1998 Through 2002					
Districts	1998	1999	2000	2001*	2002
Maine	106	142	169	178	187
Massachusetts	774	888	924	1,171	1,358
New Hampshire	158	139	163	150	206
Puerto Rico	904	1,145	1,599	1,410	980
Rhode Island	257	285	268	319	292

*Defendants in pending criminal cases in 2001 revised by the Administrative Office of the United States Courts.

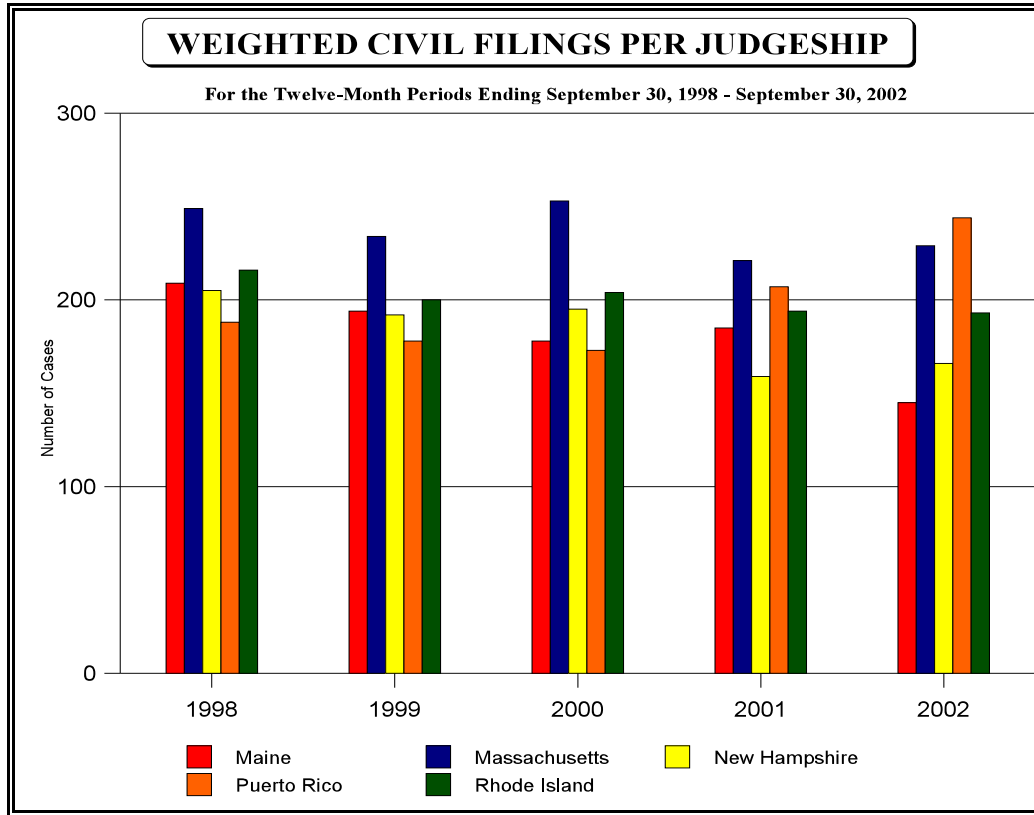
TOTAL CASELOAD COMPARISON First Circuit District Courts



WEIGHTED CRIMINAL FILINGS PER JUDGESHIP From 1998 Through 2002						
Districts	Judgeships	1998	1999	2000	2001	2002
Maine	3	102	103	115	96	122
Massachusetts	13	77	83	73	74	91
New Hampshire	3	117	105	112	82	115
Puerto Rico	7	169	258	256	226	202
Rhode Island	3	73	95	77	63	75

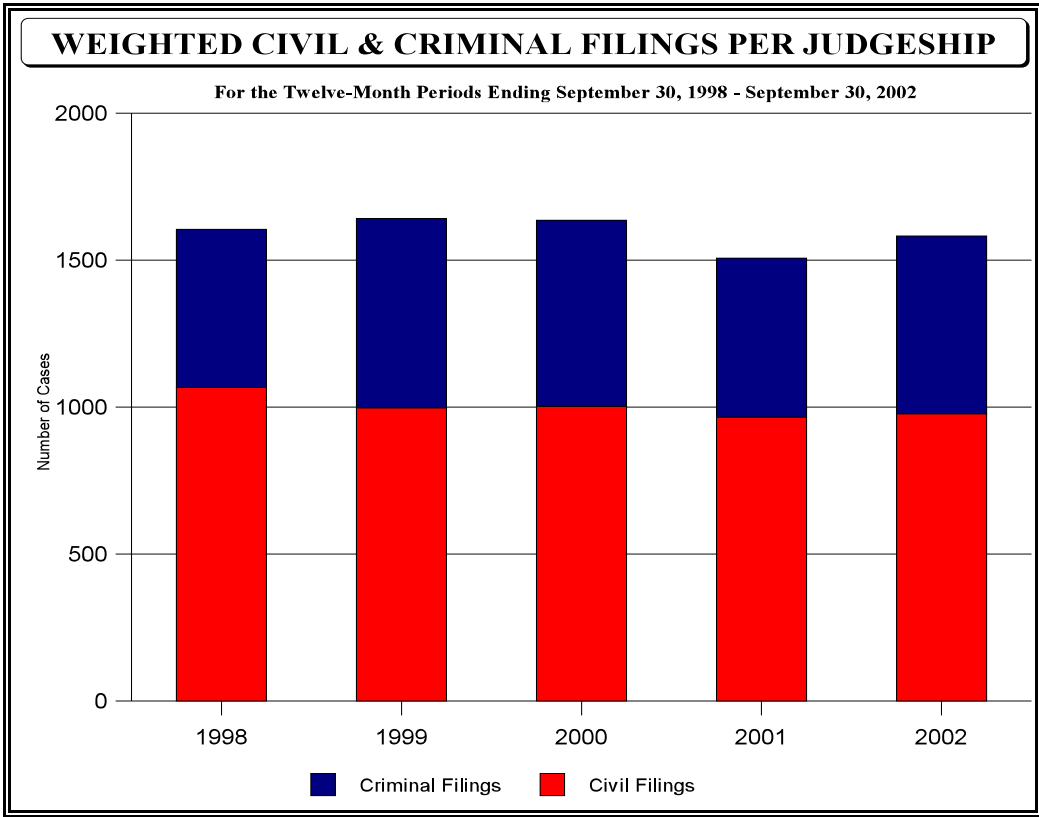
TOTAL CASELOAD COMPARISON

First Circuit District Courts



WEIGHTED CIVIL FILINGS PER JUDGESHIP						
From 1998 Through 2002						
Districts	Judgeships	1999	1999	2000	2001	2002
Maine	3	209	194	178	185	145
Massachusetts	13	249	234	253	221	229
New Hampshire	3	205	192	195	159	166
Puerto Rico	7	188	178	173	207	244
Rhode Island	3	216	200	204	194	193

TOTAL CASELOAD COMPARISON
First Circuit District Courts



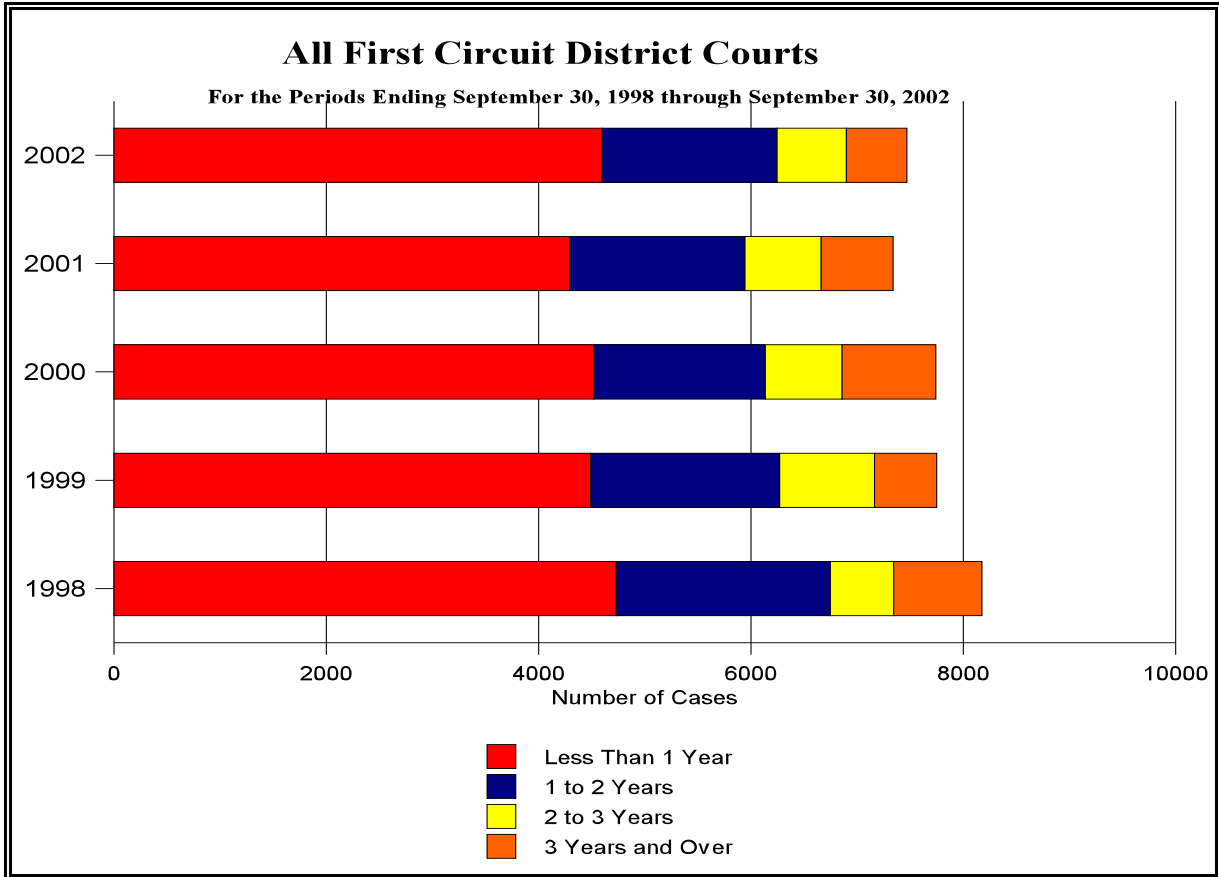
WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP
Weighted Civil & Criminal Filings per Judgeship
From 1998 Through 2002

	1998	1999	2000	2001	2002
Civil Filings	1,067	998	1,003	966	977
Criminal Filings	538	644	633	541	605
Combined Total	1,605	1,642	1,636	1,507	1,582

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

Civil Cases Pending and Length of Time Pending for the periods ending September 30, 1998 through September 30, 2002					
	1998	1999	2000	2001	2002
DISTRICT OF MAINE					
Less Than 1 Year	414	392	348	371	257
1 to 2 Years	61	53	36	65	81
2 to 3 Years	7	3	8	12	9
3 Years and Over	12	3	2	5	1
DISTRICT OF MASSACHUSETTS					
Less Than 1 Year	2,231	2,185	2,220	1,971	2,174
1 to 2 Years	977	877	897	899	822
2 to 3 Years	301	417	354	417	393
3 Years and Over	264	160	260	275	229
DISTRICT OF NEW HAMPSHIRE					
Less Than 1 Year	417	391	411	313	379
1 to 2 Years	148	107	113	145	80
2 to 3 Years	62	43	24	24	20
3 Years and Over	24	12	14	8	11
DISTRICT OF PUERTO RICO					
Less Than 1 Year	1,195	1,073	1,116	1,248	1,381
1 to 2 Years	661	587	442	440	540
2 to 3 Years	186	384	306	230	188
3 Years and Over	510	393	579	362	302
DISTRICT OF RHODE ISLAND					
Less Than 1 Year	475	431	425	388	406
1 to 2 Years	168	154	126	103	126
2 to 3 Years	40	45	33	36	42
3 Years and Over	23	18	26	28	27

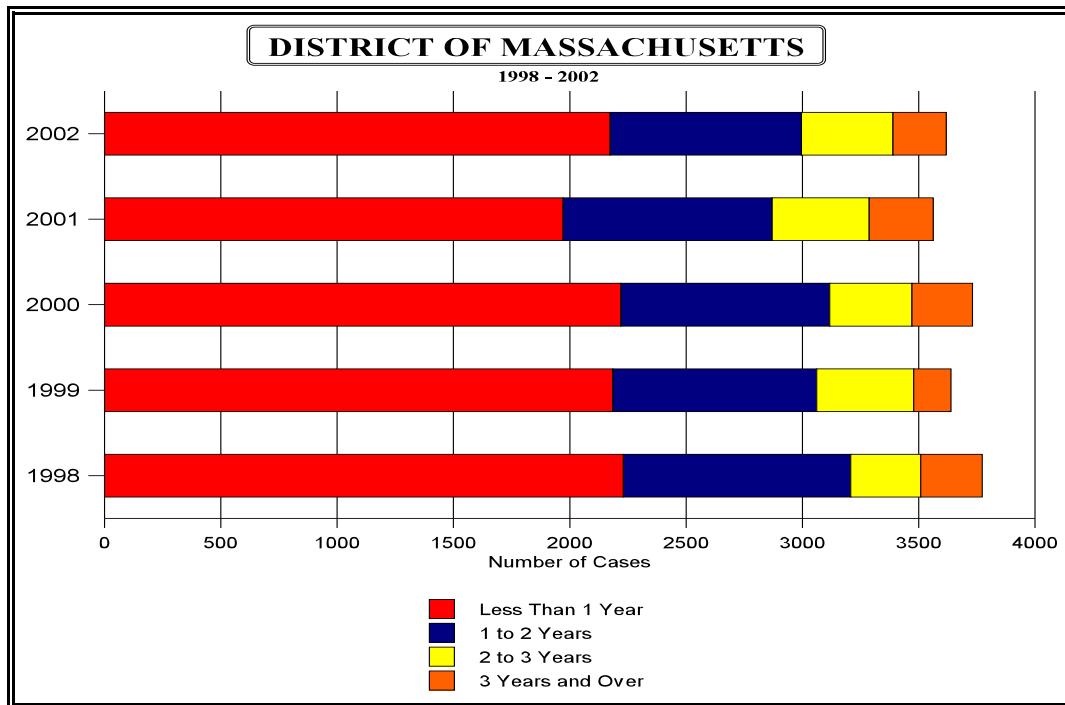
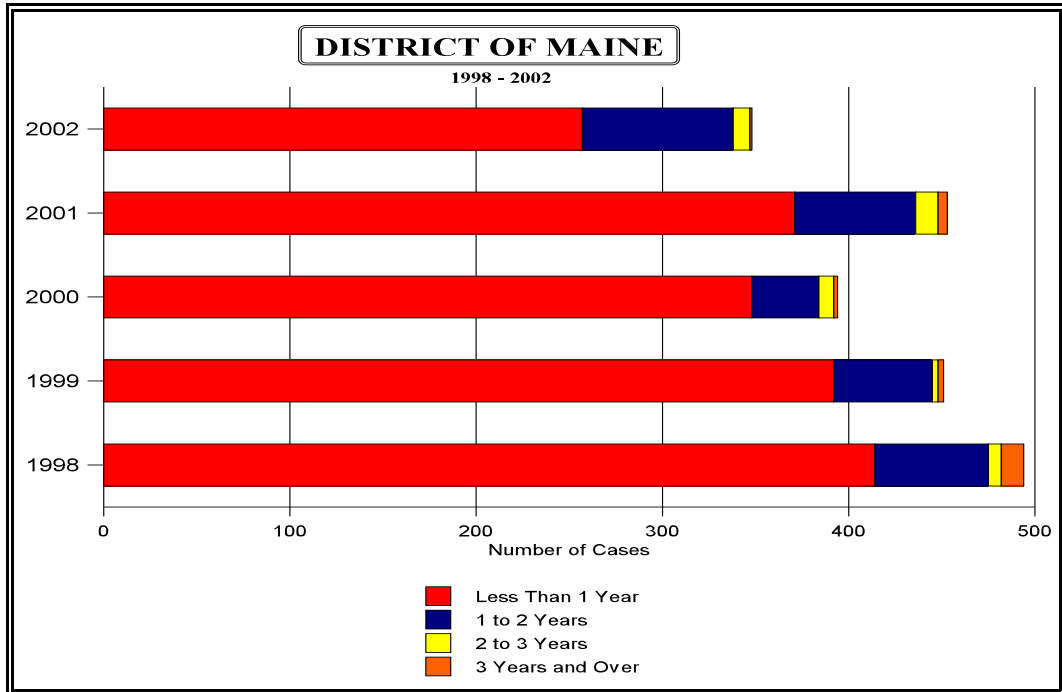
**COMPARATIVE NUMBER OF CIVIL CASES PENDING
FOR RESPECTIVE LENGTHS OF TIME**



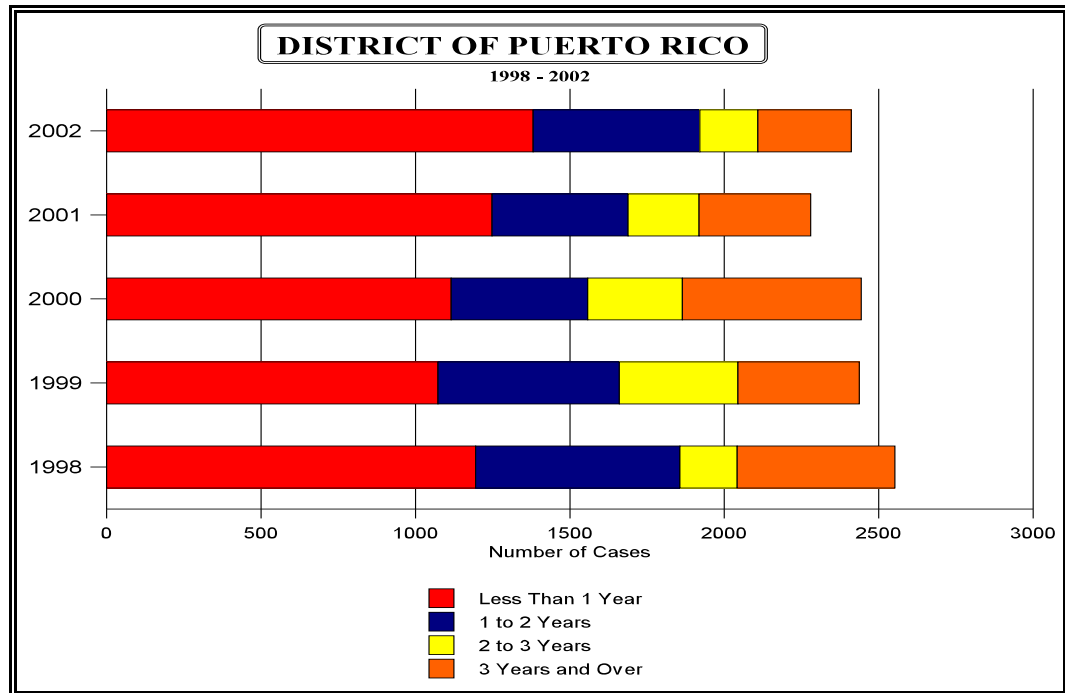
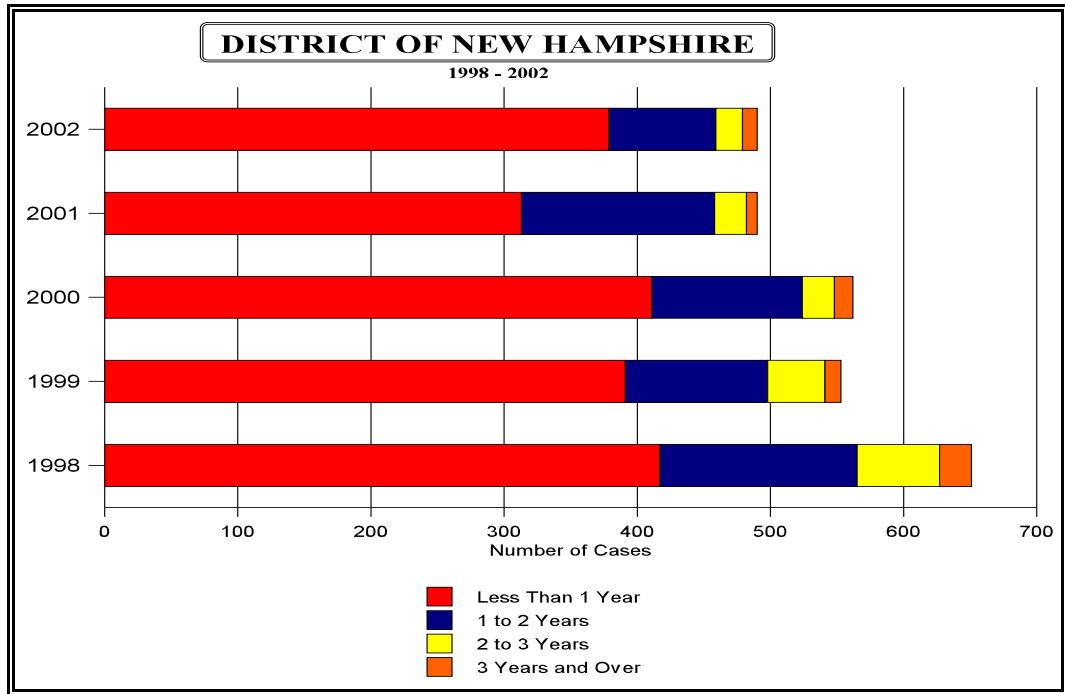
**CIVIL CASES PENDING AND LENGTH
From 1998 Through 2002**

	1998	1999	2000	2001	2002
Less Than 1 Year	4,732	4,492	4,520	4,291	4,597
1 to 2 Years	2,015	1,778	1,614	1,652	1,649
2 to 3 Years	596	892	725	719	652
3 Years and Over	833	586	881	678	570

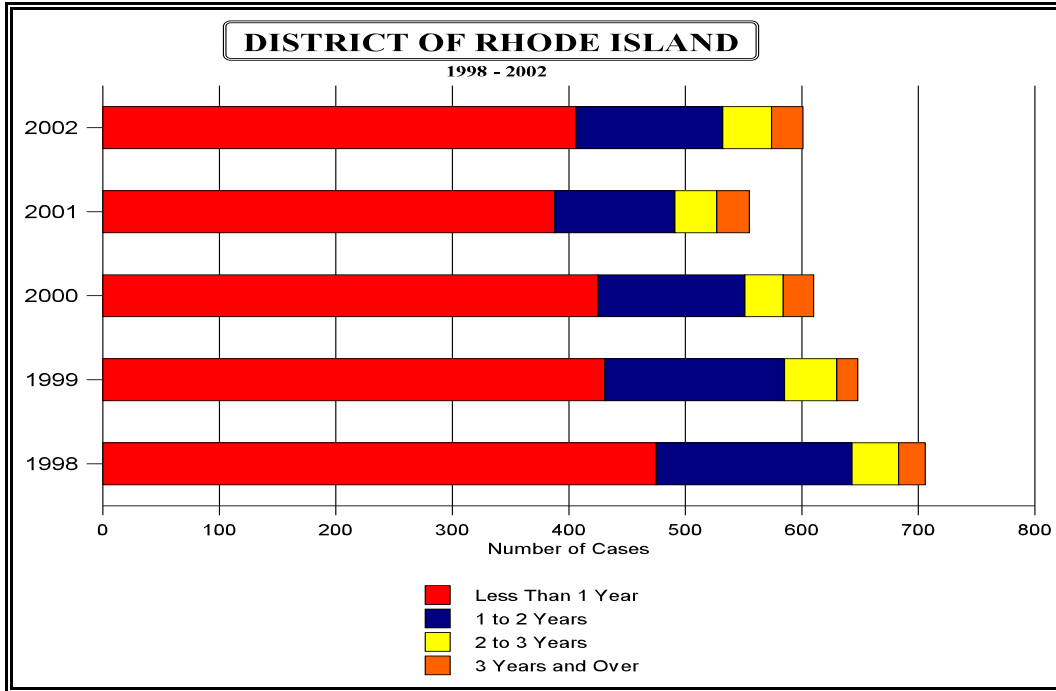
**COMPARATIVE NUMBER OF CIVIL CASES PENDING
FOR RESPECTIVE LENGTHS OF TIME**



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



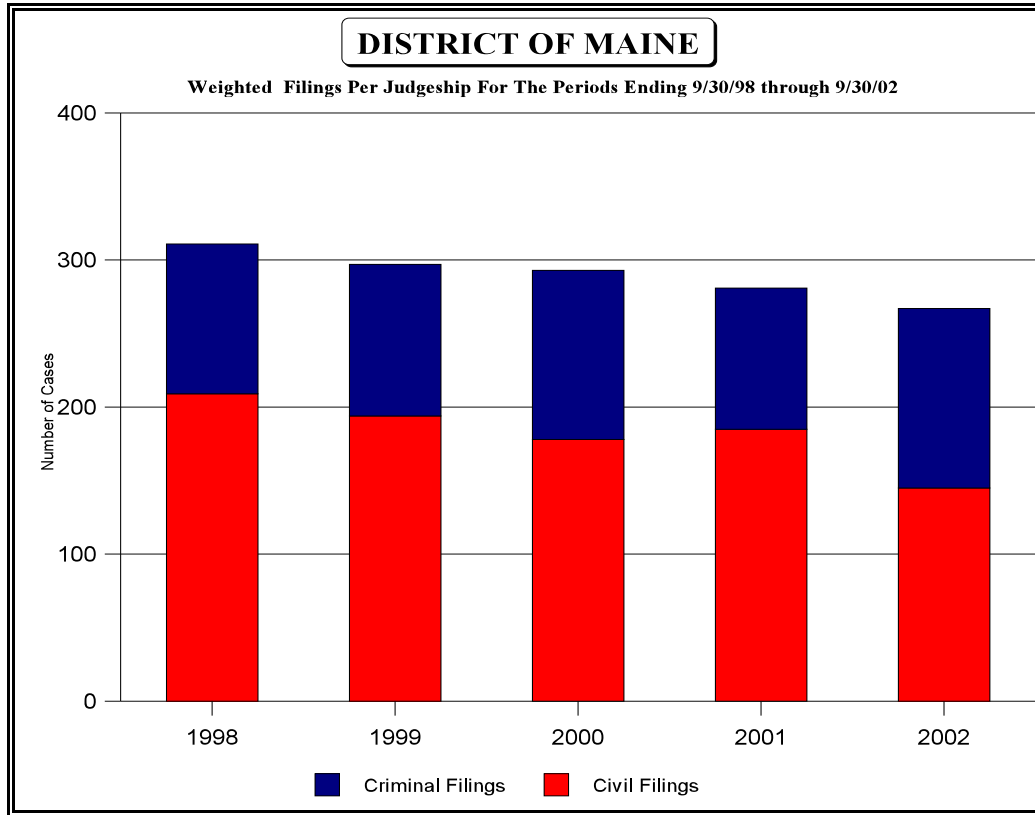
**COMPARATIVE NUMBER OF CIVIL CASES PENDING
FOR RESPECTIVE LENGTHS OF TIME**



STATISTICS
DISTRICT OF MAINE

TOTAL CASELOAD COMPARISON

First Circuit District Courts



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

1789 • 1

1978 • 2

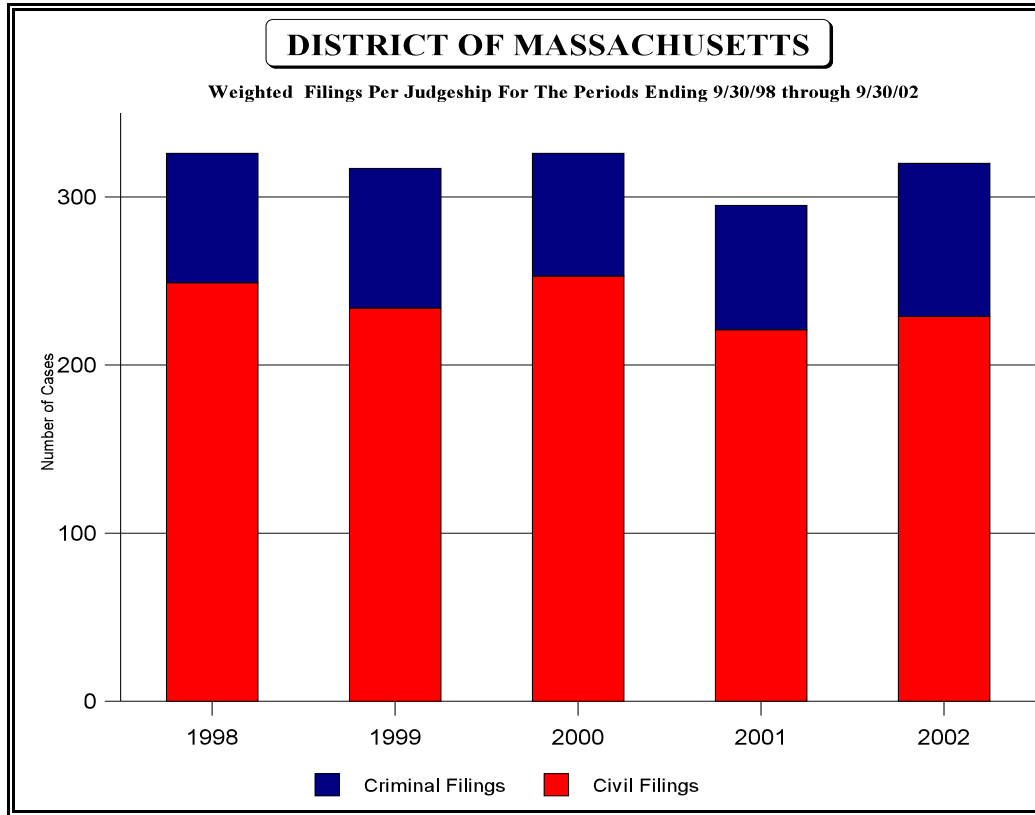
1990 • 3

DISTRICT OF MAINE					
Weighted Filings per Judgeship For The Periods Ending September 30, 1998 - 2002					
	1998	1999	2000	2001	2002
Civil Filings	209	194	178	185	145
Criminal Filings	102	103	115	96	122
Total Filings	311	297	293	281	267

STATISTICS
DISTRICT OF
MASSACHUSETTS

TOTAL CASELOAD COMPARISON

First Circuit District Courts



United States District Court for the District of Massachusetts Authorized Judgeships

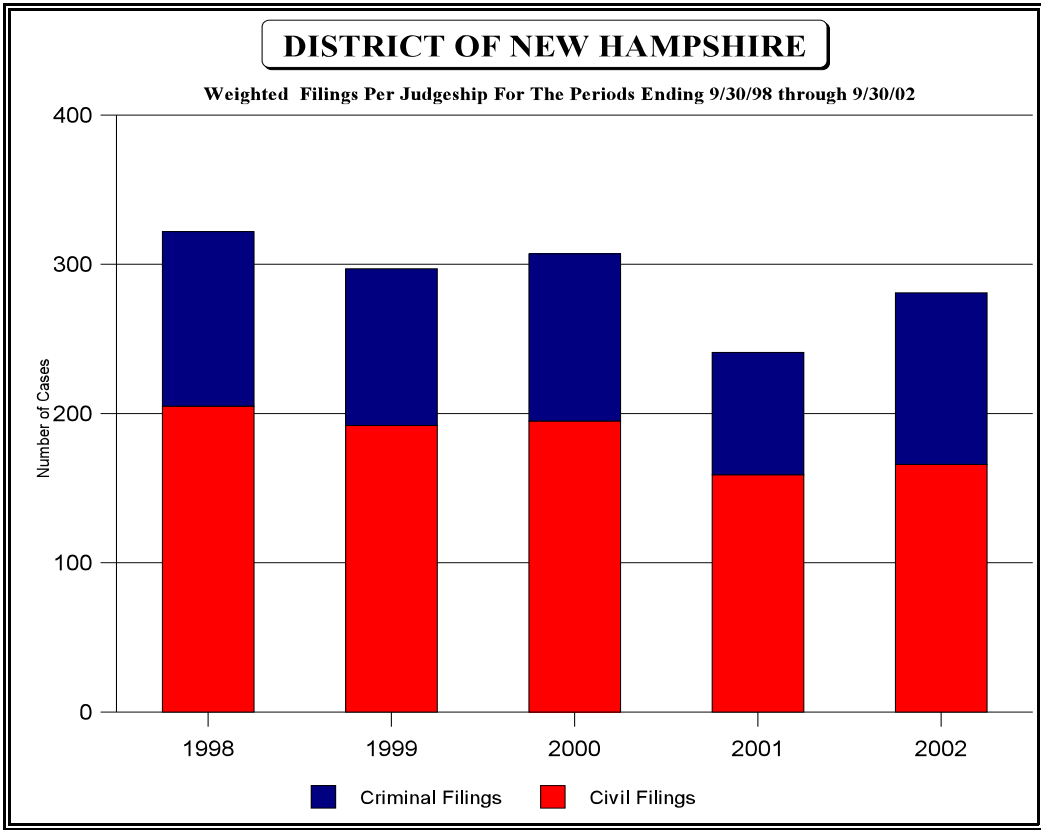
1789 • 1 1922 • 2 1938 • 4 1954 • 5
1961 • 6 1978 • 10 1984 • 12 1990 • 13

DISTRICT OF MASSACHUSETTS					
Weighted Filings per Judgeship For The Periods Ending September 30, 1998 - 2002					
	1998	1999	2000	2001	2002
Civil Filings	249	234	253	221	229
Criminal Filings	77	83	73	74	91
Total Filings	326	317	326	295	320

STATISTICS
DISTRICT OF
NEW HAMPSHIRE

TOTAL CASELOAD COMPARISON

First Circuit District Courts



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

1789 • 1

1978 • 2

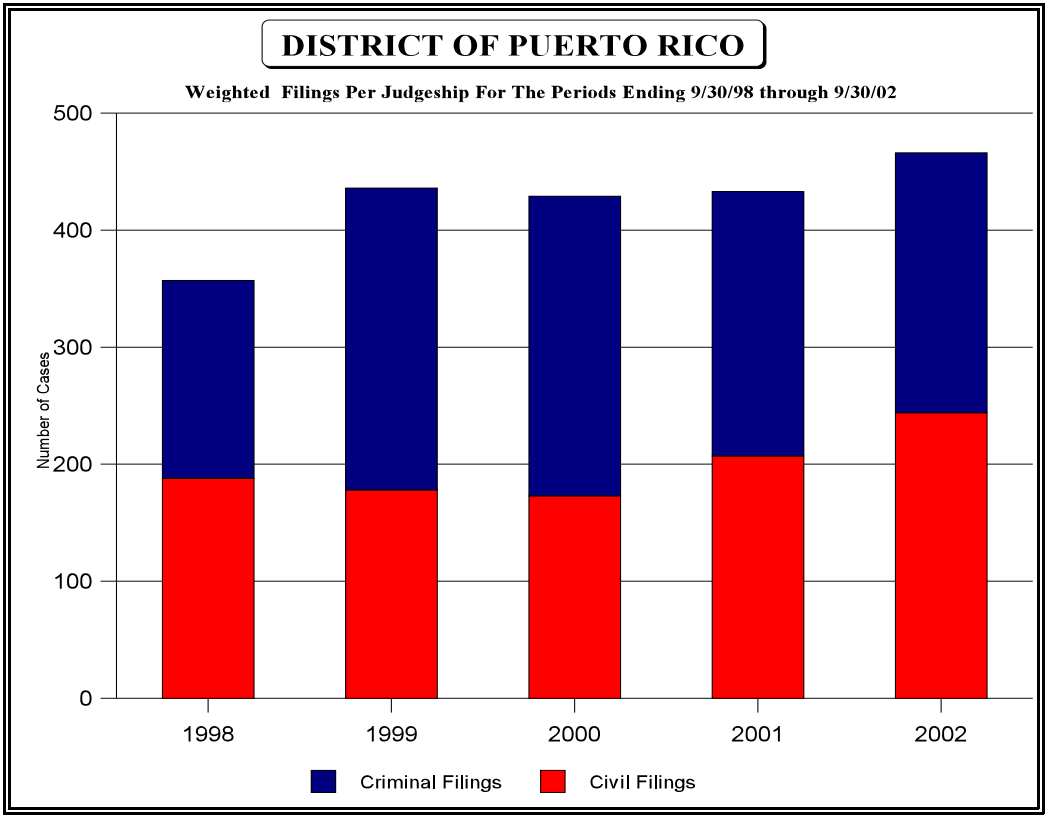
1990 • 3

DISTRICT OF NEW HAMPSHIRE					
Weighted Filings per Judgeship For The Periods Ending September 30, 1998 - 2002					
	1998	1999	2000	2001	2002
Civil Filings	205	192	195	159	166
Criminal Filings	117	105	112	82	115
Total Filings	322	297	307	241	281

STATISTICS
DISTRICT OF
PUERTO RICO

TOTAL CASELOAD COMPARISON

First Circuit District Courts



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

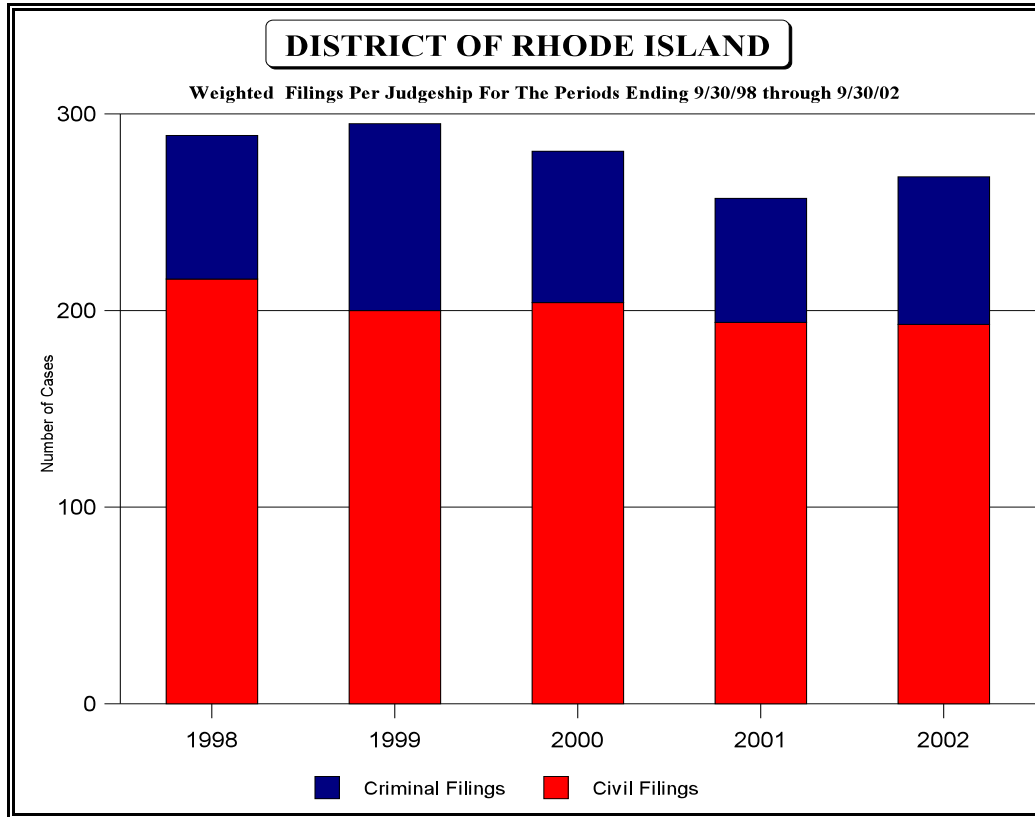
1917 • 1 1961 • 2 1970 • 3 1978 • 7

DISTRICT OF PUERTO RICO					
Weighted Filings per Judgeship For The Periods Ending September 30, 1998 - 2002					
	1998	1999	2000	2001	2002
Civil Filings	188	178	173	207	244
Criminal Filings	169	258	256	226	222
Total Filings	357	436	429	433	466

STATISTICS
DISTRICT OF
RHODE ISLAND

TOTAL CASELOAD COMPARISON

First Circuit District Courts



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

1790 • 1

1966 • 2

1984 • 3

DISTRICT OF RHODE ISLAND					
Weighted Filings per Judgeship For The Periods Ending September 30, 1998 - 2002					
	1998	1999	2000	2001	2002
Civil Filings	216	200	204	194	193
Criminal Filings	73	95	77	63	75
Total Filings	289	295	281	257	268

STATISTICS

FIRST CIRCUIT

BANKRUPTCY COURTS

BANKRUPTCY CASELOAD SUMMARY

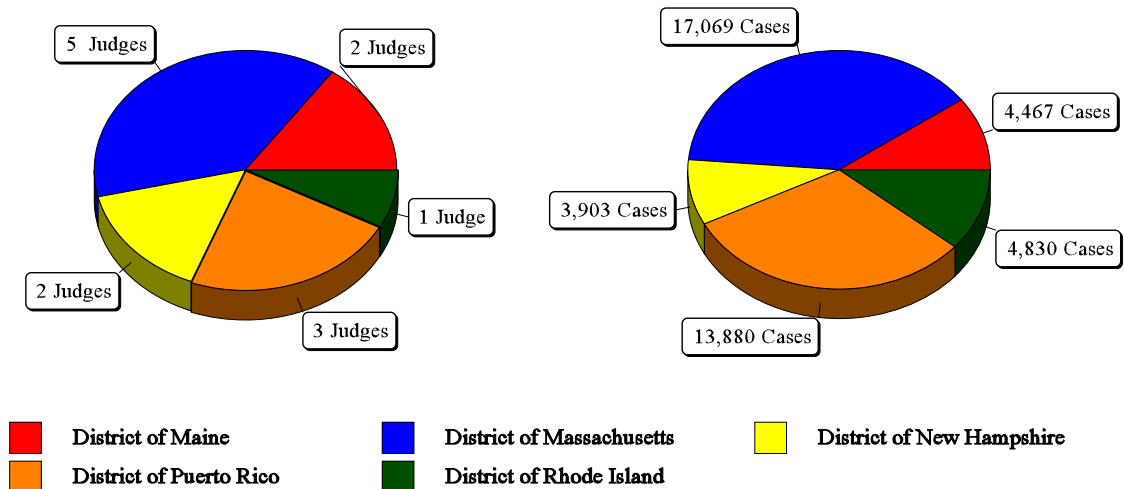
First Circuit Bankruptcy Courts

BANKRUPTCY JUDGES & CASES FILED

All Bankruptcy Courts within the First Circuit as of September 30, 2002

Number of Judges

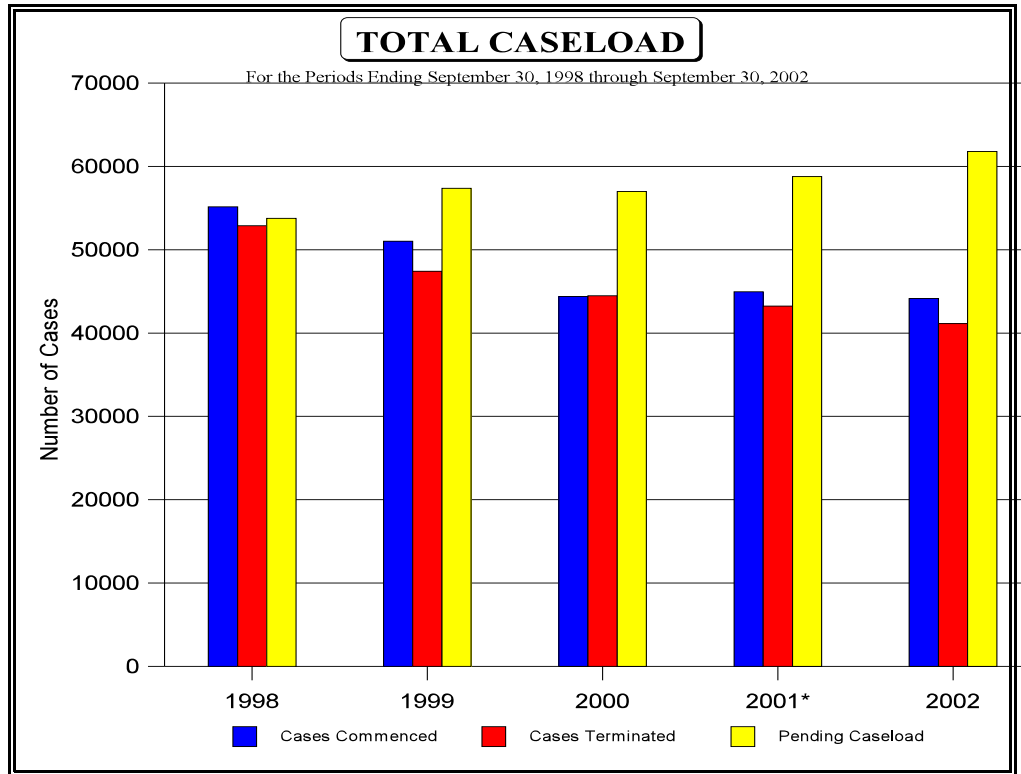
Number of Cases Filed



NUMBER OF BANKRUPTCY JUDGES AND CASES FILED During the Twelve Month Period Ended September 30, 2002

	Number of Judges	Cases Filed
District of Maine	2	4,467
District of Massachusetts	5	17,069
District of New Hampshire	2	3,903
District of Puerto Rico	3	13,880
District of Rhode Island	1	4,830
FIRST CIRCUIT TOTALS	13	44,149

BANKRUPTCY CASELOAD SUMMARY First Circuit Bankruptcy Courts



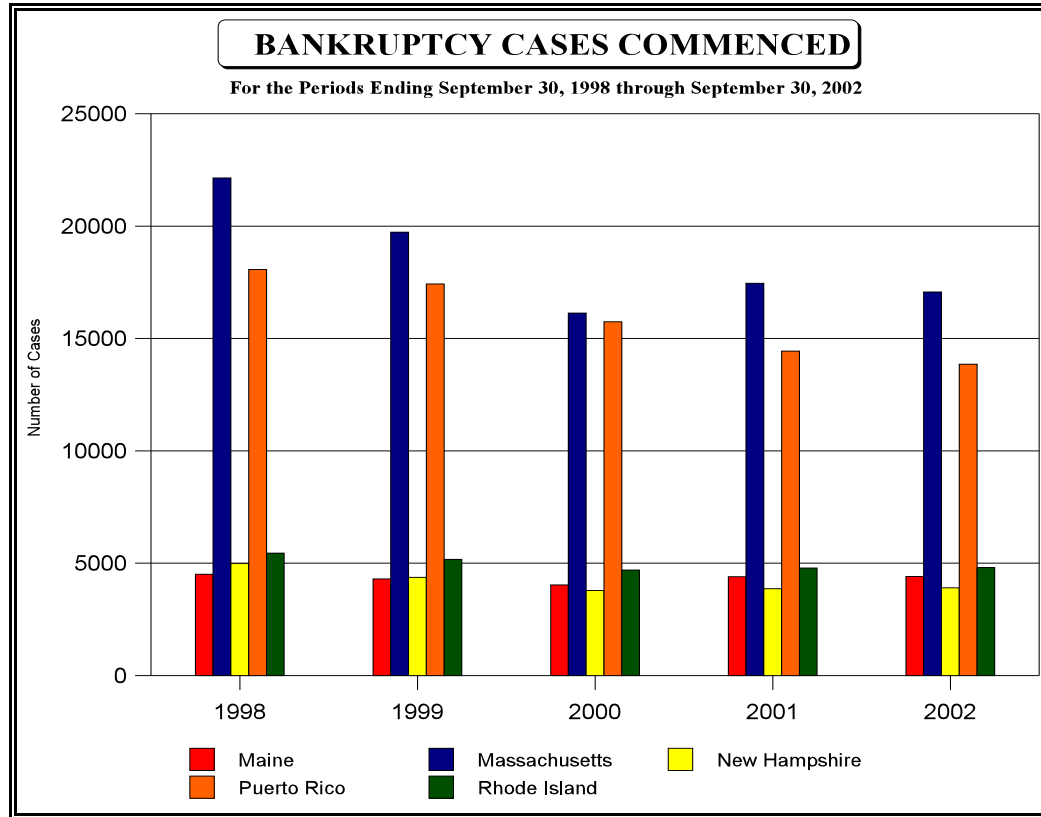
Authorized Judgeships 13

TOTAL BANKRUPTCY CASES 1998 - 2002					
	1998	1999	2000	2001*	2002
Cases Commenced	55,155	51,010	44,387	44,949	44,149
Cases Terminated	52,876	47,417	44,484	43,245	41,140
Pending Caseload	53,770	57,363	56,998	58,789	61,798

*Pending caseload in 2001 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

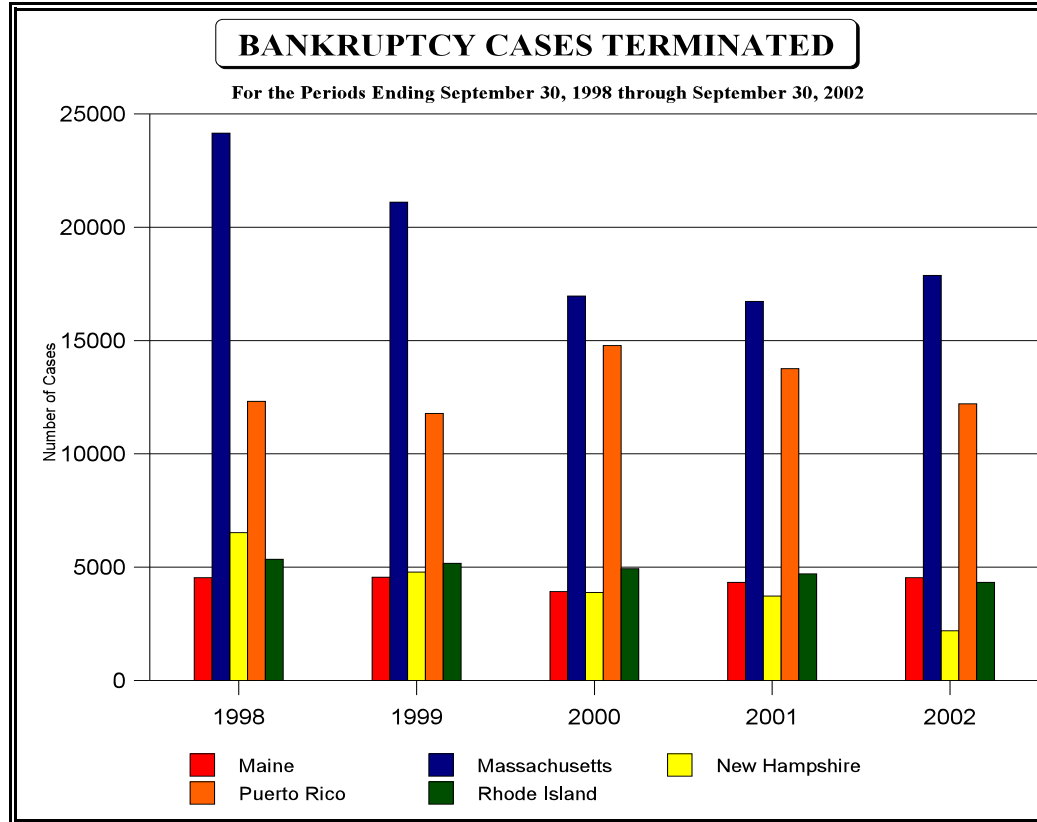
First Circuit Bankruptcy Courts



BANKRUPTCY CASES COMMENCED					
From 1998 Through 2002					
Districts	1998	1999	2000	2001	2002
Maine	4,511	4,299	4,036	4,400	4,407
Massachusetts	22,140	19,732	16,125	17,455	17,069
New Hampshire	4,986	4,375	3,784	3,869	3,903
Puerto Rico	18,072	17,427	15,740	14,435	13,850
Rhode Island	5,446	5,177	4,702	4,790	4,803

BANKRUPTCY CASELOAD SUMMARY

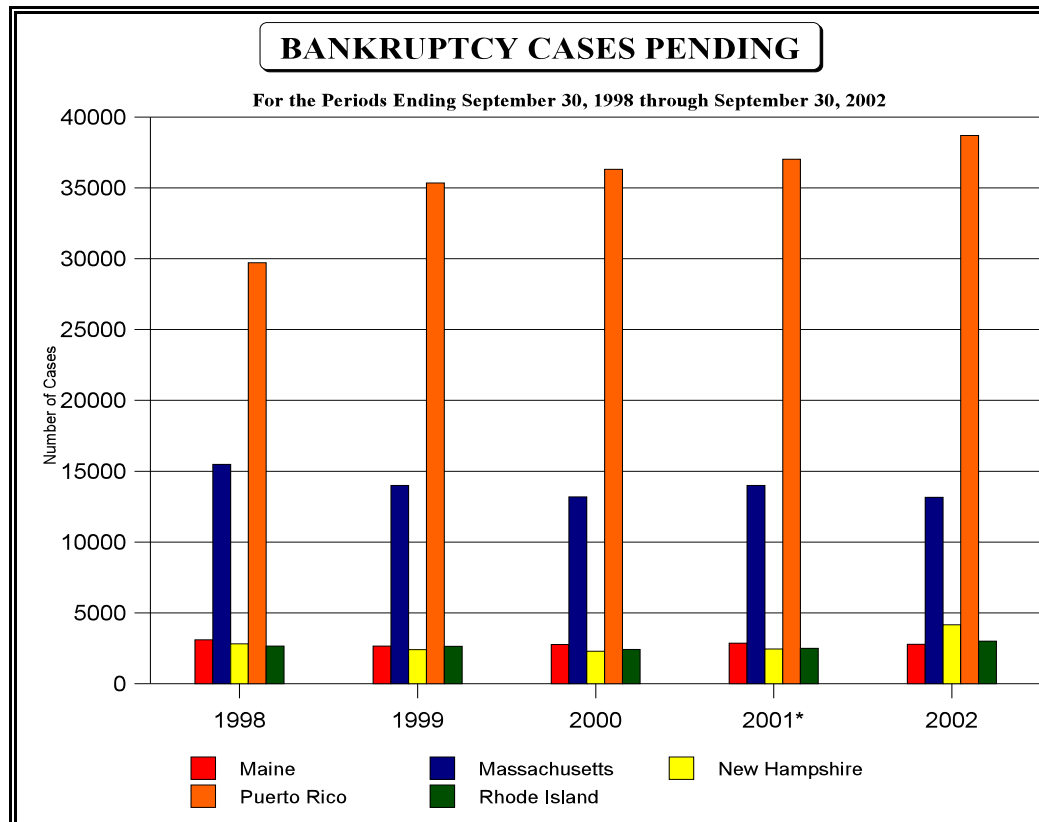
First Circuit Bankruptcy Courts



BANKRUPTCY CASES TERMINATED					
1998 - 2002					
Districts	1998	1999	2000	2001	2002
Maine	4,539	4,562	3,925	4,326	4,538
Massachusetts	24,150	21,110	16,961	16,726	17,874
New Hampshire	6,521	4,789	3,889	3,728	2,193
Puerto Rico	12,314	11,786	14,781	13,759	12,210
Rhode Island	5,352	5,170	4,928	4,706	4,325

BANKRUPTCY CASELOAD SUMMARY

First Circuit Bankruptcy Courts



BANKRUPTCY CASES PENDING					
1998 - 2002					
Districts	1998	1999	2000	2001*	2002
Maine	3,096	2,661	2,773	2,861	2,790
Massachusetts	15,487	14,002	13,193	13,998	13,153
New Hampshire	2,816	2,403	2,300	2,446	4,156
Puerto Rico	29,714	35,357	36,317	37,026	38,696
Rhode Island	2,657	2,638	2,415	2,498	3,003

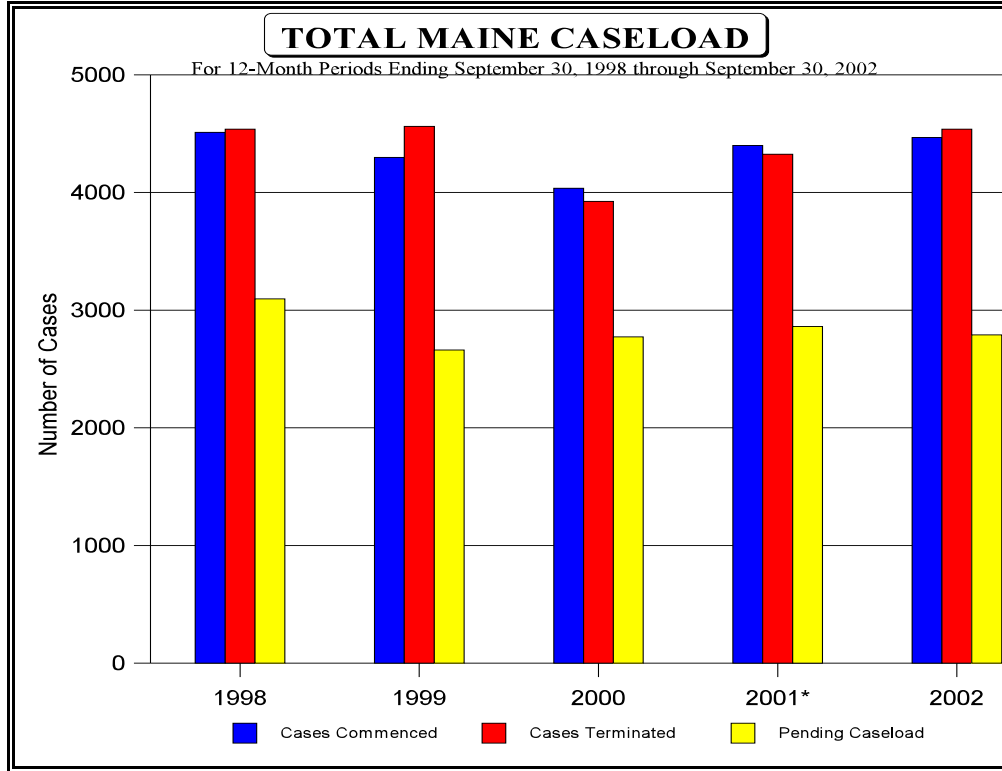
*Pending caseload in 2001 revised by the Administrative Office of the United States Courts.

STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF MAINE

BANKRUPTCY CASELOAD SUMMARY District of Maine



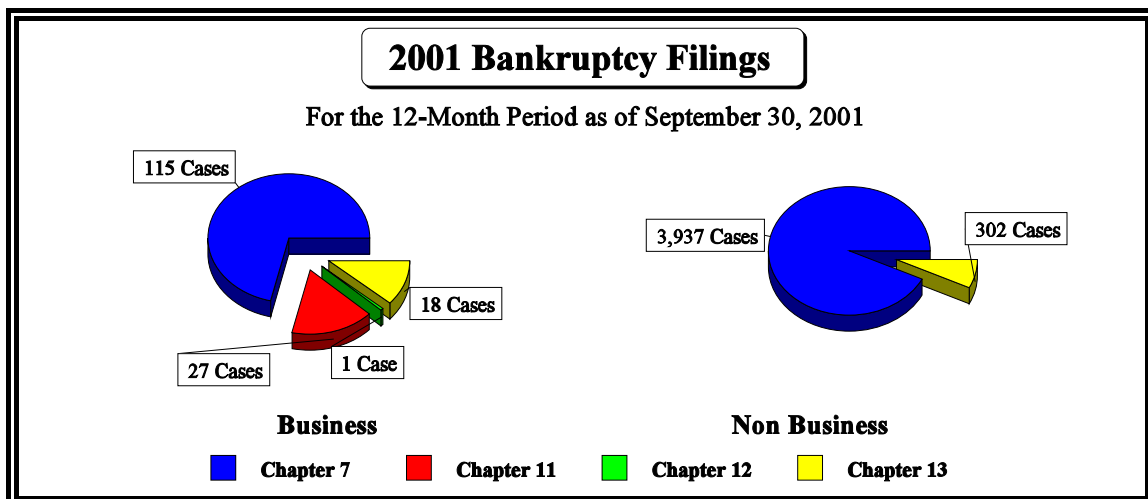
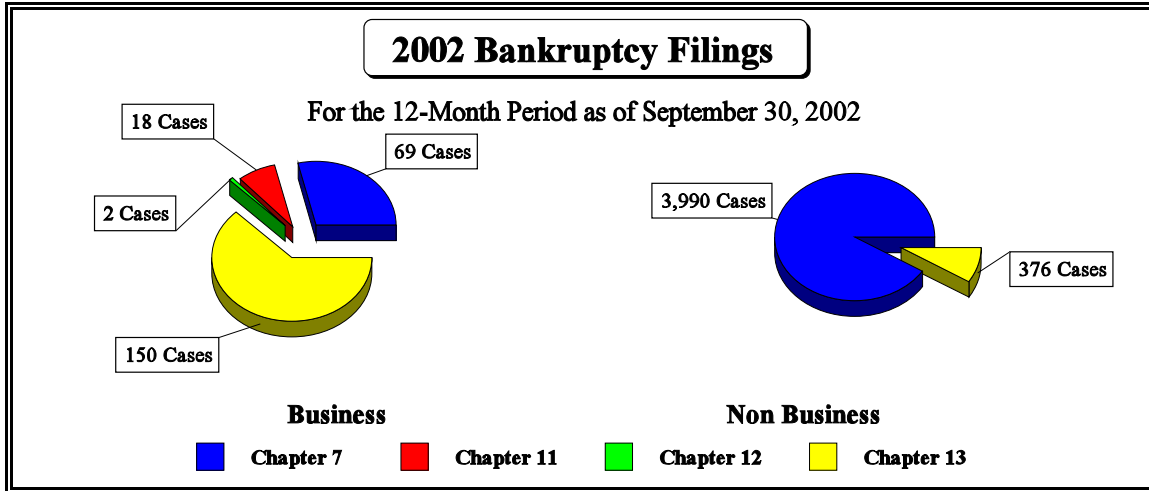
Authorized Judgeships 2

TOTAL BANKRUPTCY CASES 1998 - 2002					
	1998	1999	2000	2001*	2002
Cases Commenced	4,511	4,299	4,036	4,400	4,467
Cases Terminated	4,539	4,562	3,925	4,326	4,538
Pending Caseload	3,096	2,661	2,773	2,861	2,790

*Pending caseload in 2001 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

District of Maine



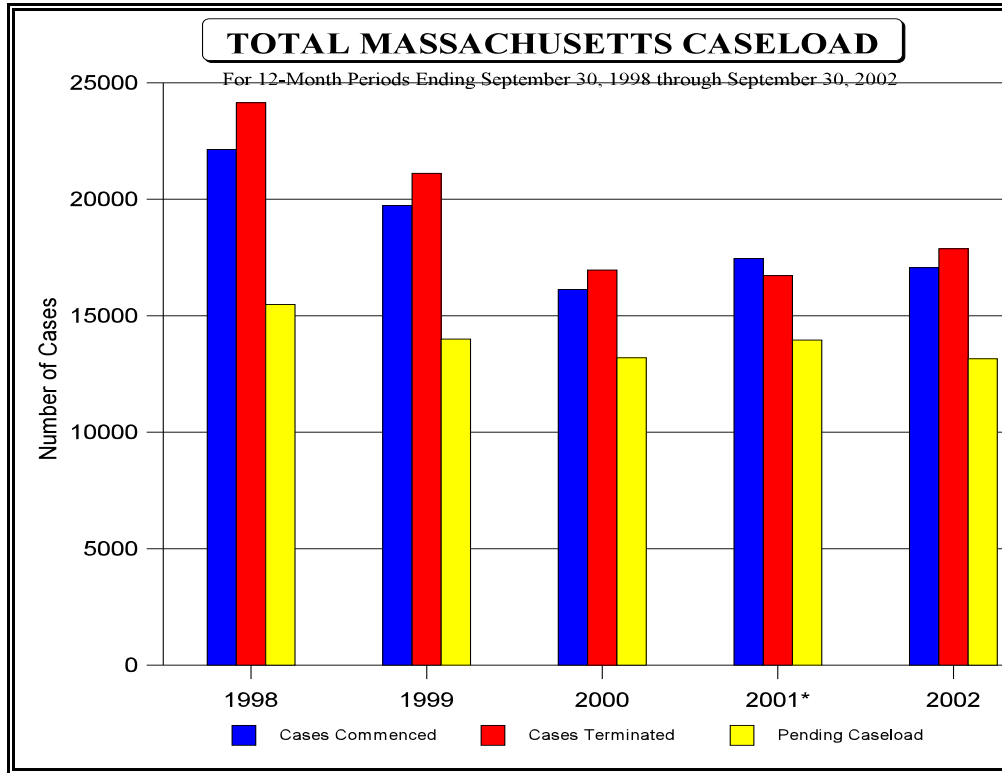
STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
MASSACHUSETTS

BANKRUPTCY CASELOAD SUMMARY

District of Massachusetts



Authorized Judgeships 5

TOTAL BANKRUPTCY CASES					
1998 - 2002					
	1998	1999	2000	2001*	2002
Cases Commenced	22,140	19,732	16,125	17,455	17,069
Cases Terminated	24,150	21,110	16,961	16,726	17,874
Pending Caseload	15,487	14,002	13,193	13,958	13,153

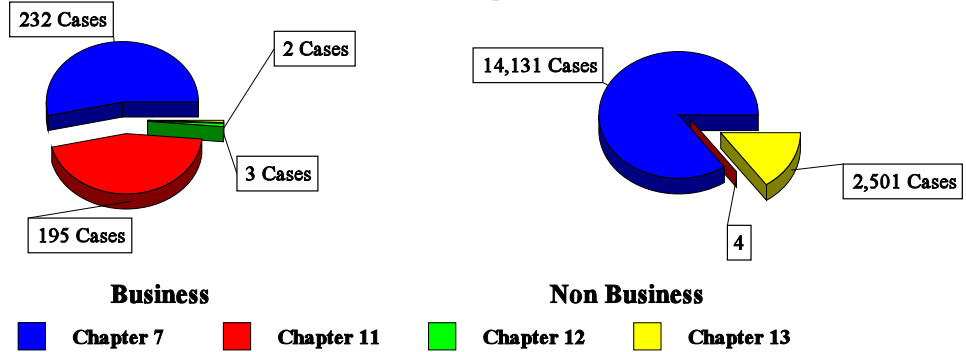
*Pending caseload in 2001 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

District of Massachusetts

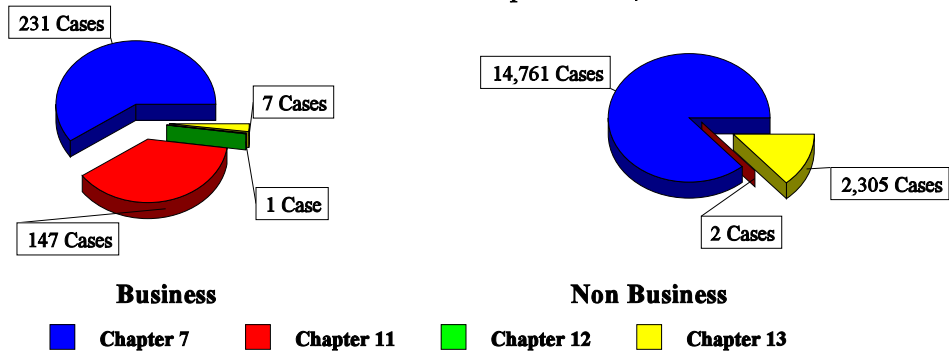
2002 Bankruptcy Filings

For the 12-Month Period as of September 30, 2002



2001 Bankruptcy Filings

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



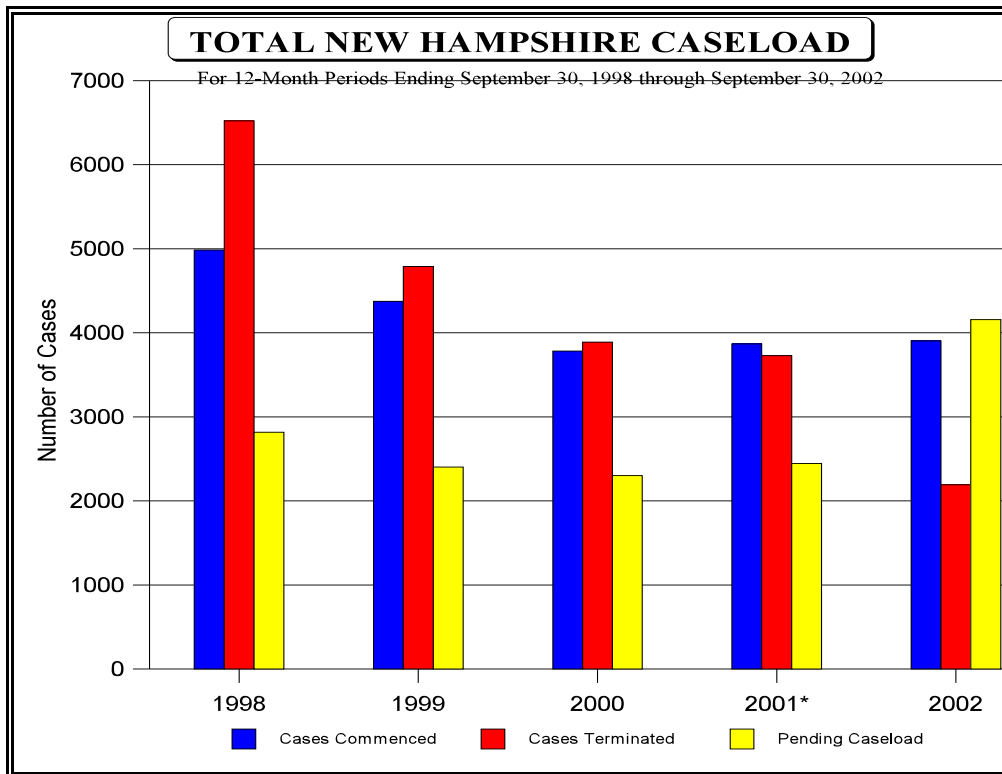
STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF

NEW HAMPSHIRE

BANKRUPTCY CASELOAD SUMMARY
District of New Hampshire



Authorized Judgeships 2

TOTAL BANKRUPTCY CASES					
1998 - 2002					
	1998	1999	2000	2001*	2002
Cases Commenced	4,986	4,375	3,784	3,869	3,903
Cases Terminated	6,521	4,789	3,889	3,728	2,193
Pending Caseload	2,816	2,403	2,300	2,446	4,156

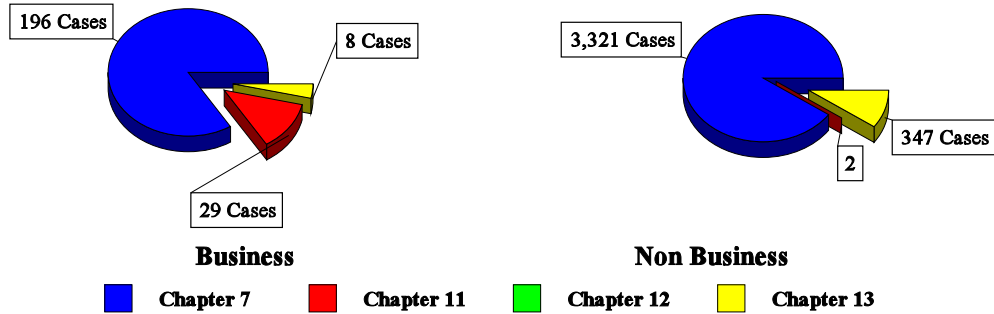
*Pending caseload in 2001 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

District of New Hampshire

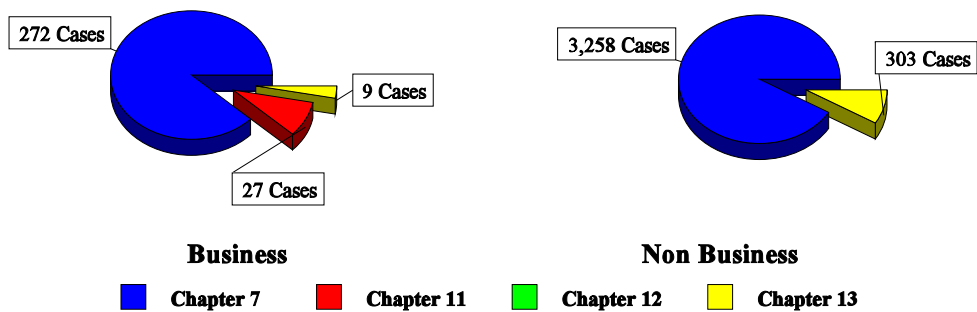
2002 Bankruptcy Filings

For the 12-Month Period as of September 30, 2002



2001 Bankruptcy Filings

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

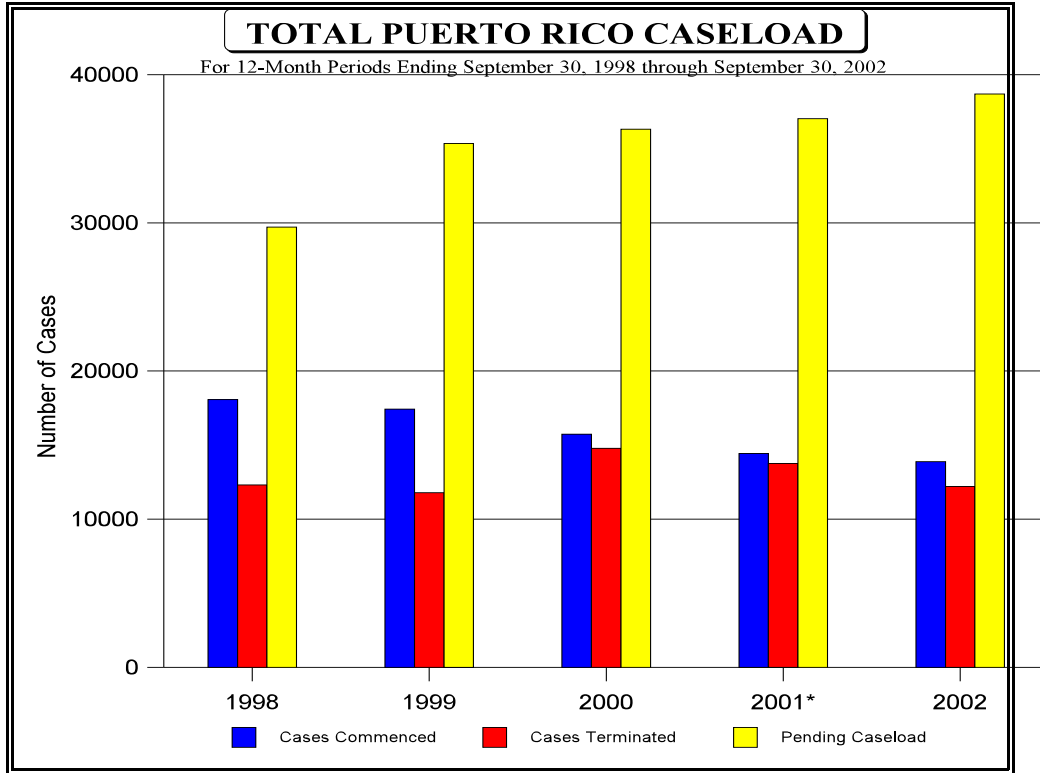


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF PUERTO RICO

BANKRUPTCY CASELOAD SUMMARY
District of Puerto Rico



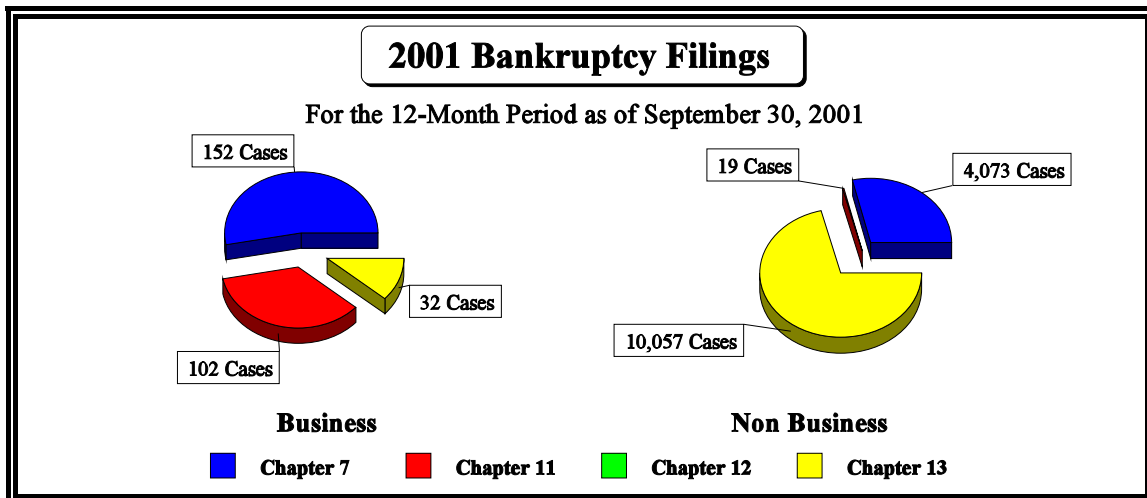
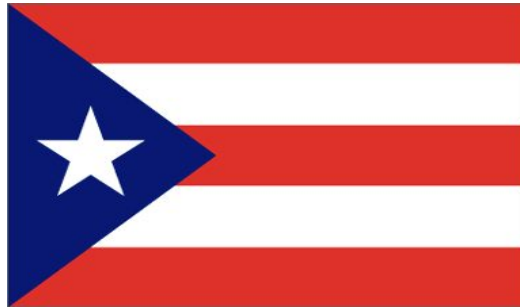
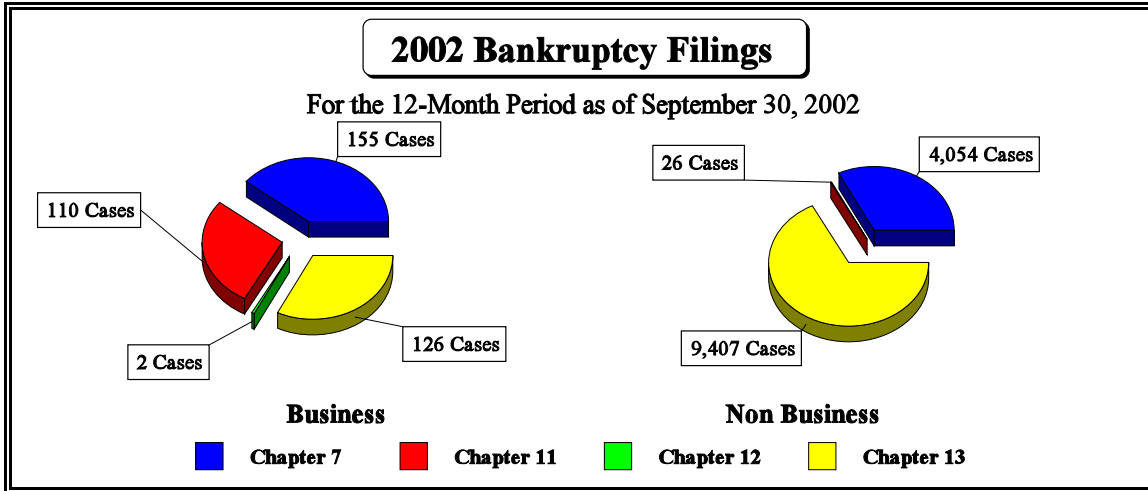
Authorized Judgeships 3

TOTAL BANKRUPTCY CASES					
1998 - 2002					
	1998	1999	2000	2001*	2002
Cases Commenced	18,072	17,427	15,740	14,435	13,880
Cases Terminated	12,314	11,786	14,781	13,759	12,210
Pending Caseload	29,714	35,357	36,317	37,026	38,696

*Pending caseload in 2001 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

District of Puerto Rico



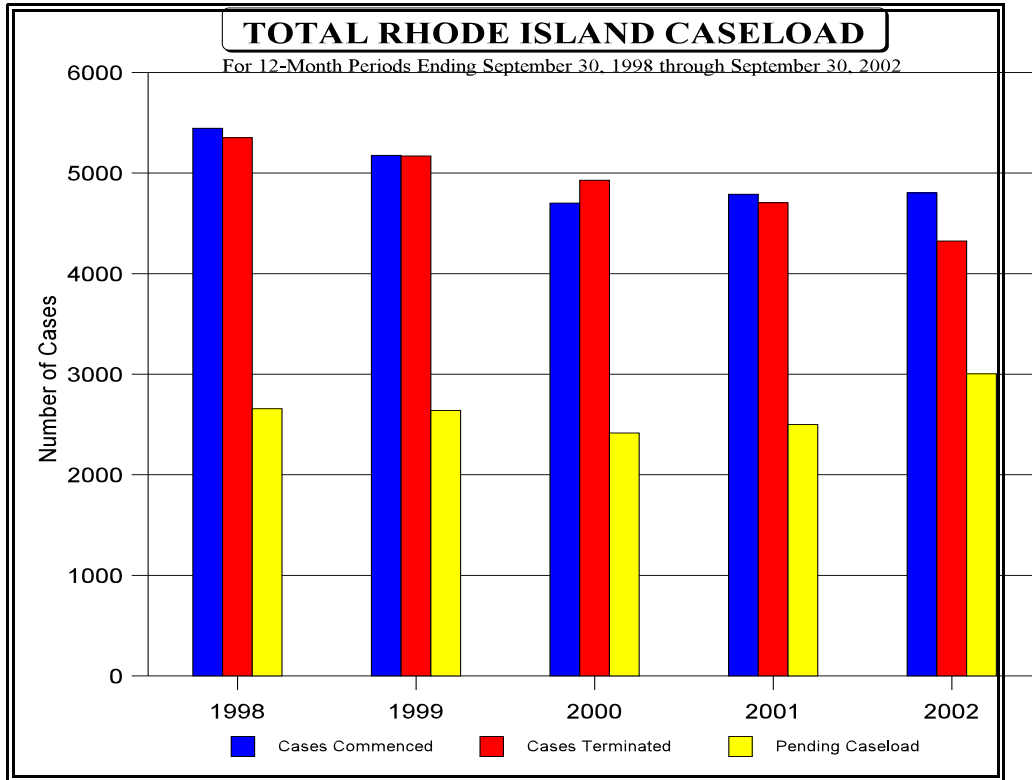
STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF RHODE ISLAND

BANKRUPTCY CASELOAD SUMMARY

District of Rhode Island



Authorized Judgeships 1

TOTAL BANKRUPTCY CASES					
1998 - 2002					
	1998	1999	2000	2001*	2002
Cases Commenced	5,446	5,177	4,702	4,790	4,803
Cases Terminated	5,352	5,170	4,928	4,706	4,325
Pending Caseload	2,657	2,638	2,415	2,499	3,003

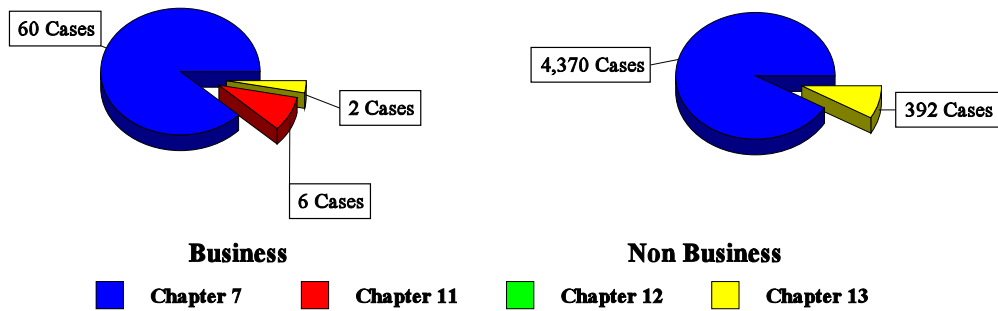
*Pending caseload in 2001 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

District of Rhode Island

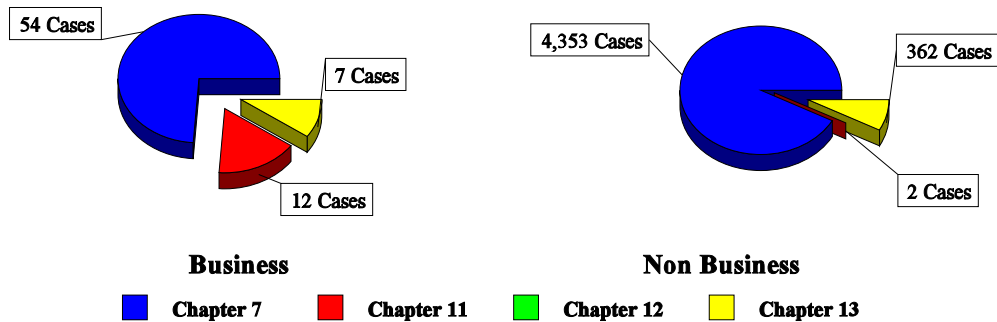
2000 Bankruptcy Filings

For the 12-Month Period as of September 30, 2002



2001 Bankruptcy Filings

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

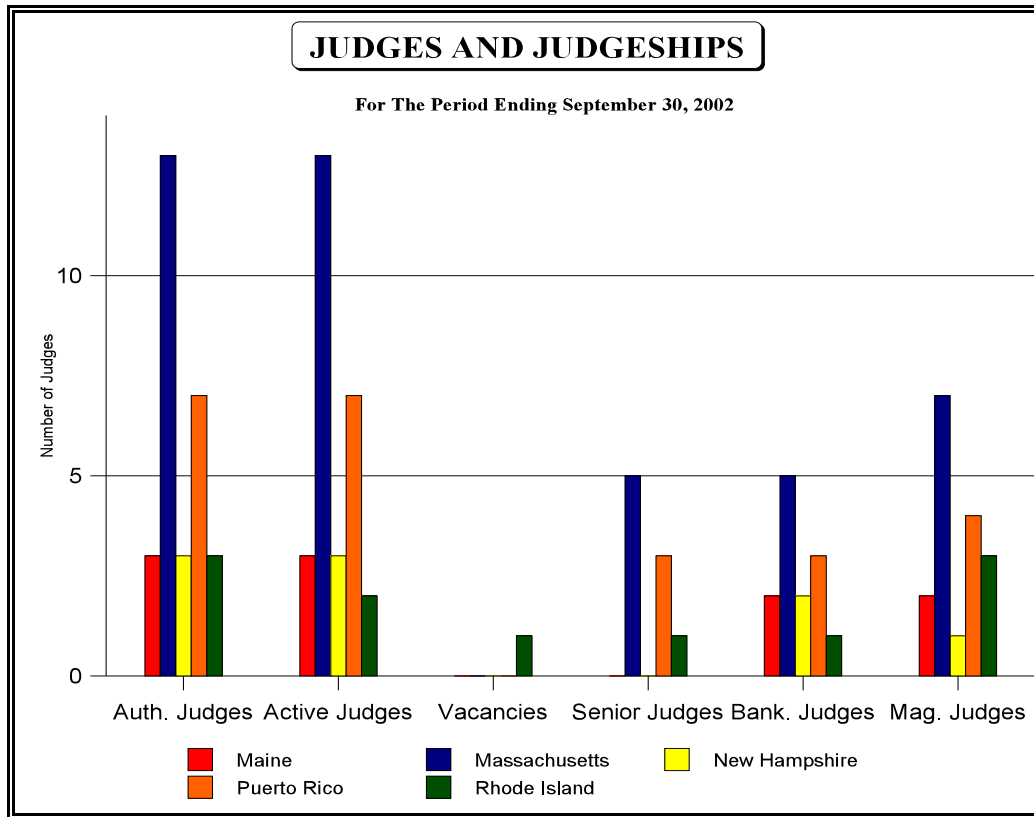


JUDGESHIP

SUMMARY

JUDGES AND JUDGESHIPS

Judgeship Summary



JUDGES AND JUDGESHIPS

For the Period Ending September 30, 2002

Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank. Judges	Mag. Judges
Maine	3	3	0	0	2	2
Massachusetts	13	13	0	5	5	7
New Hampshire	3	3	0	0	2	1
Puerto Rico	7	7	0	3	3	4
Rhode Island	3	2	1	1	1	3
Total Dist. Ct.	29	28	1	9	13	17
Total Court of Appeals	6	6	0	5	–	–
Total 1st Circuit	35	34	1	14	13	17

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

2002

Salvador E. Casellas	SJ	Puerto Rico	Committee on the Administration of the Bankruptcy System
Robert F. Collings	MJ	Massachusetts	The Board of the Federal Judicial Center
Nancy Gertner	DJ	Massachusetts	Committee on Information and Technology
Nathaniel M. Gorton	DJ	Massachusetts	Committee on Judicial Resources
Nathaniel M. Gorton	DJ	Massachusetts	Foreign Intelligence Surveillance Court
James B. Haines	BJ	Massachusetts	Committee on Court Administration and Case Management
William C. Hillman	BJ	Massachusetts	Committee on the Administrative Office
D. Brock Hornby	DJ	Maine	Executive Committee
Kermit V. Lipez	CJ	Court of Appeals	Committee on Federal- State Jurisdiction
Mary M. Lisi	DJ	Rhode Island	Committee on Financial Disclosure (Chair)
Sandra L. Lynch	CJ	Court of Appeals	Committee on Court Administration and Case Management

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

2002

A. David Mazzone	SJ	Massachusetts	Committee on Criminal Law
Steven J. McAuliffe	DJ	New Hampshire	Committee on the Judicial Branch
George A. O'Toole, Jr.	DJ	Massachusetts	Committee on Security and Facilities
Michael Ponsor	DJ	Massachusetts	Committee on the Administration of the Magistrate Judges System
Patti B. Saris	DJ	Massachusetts	Committee on Defender Services (Chair)
Bruce M. Selya	CJ	Court of Appeals	Judicial Panel on Multi-District Litigation
Norman H. Stahl	CJ	Court of Appeals	Committee on the Budget
Ernest C. Torres	DJ	Rhode Island	Advisory Committee on Bankruptcy Rules
Mark L. Wolf	DJ	Massachusetts	Committee on Codes of Conduct

CJ: Circuit Judge

DJ: District Judge

SJ: Senior Judge

MJ: Magistrate Judge

BJ: Bankruptcy Judge

JUDICIAL COUNCIL OF THE FIRST CIRCUIT

2002

Honorable Michael Boudin, Chief Judge, Court of Appeals

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

Observing Members

Honorable Arthur N. Votolato	District of Rhode Island Bankruptcy Judge
Honorable Lawrence P. Cohen	District of Massachusetts Magistrate Judge

THE UNITED STATES COURTS FOR THE FIRST CIRCUIT

NEW APPOINTMENTS

Court of Appeals

Circuit Judge Jeffrey R. Howard

District Court of Rhode Island

District Judge William E. Smith

District Court of Puerto Rico

**Eustaquio Babilonia, Chief Probation
Officer**

NEW CHIEF JUDGES

District Court of Massachusetts

Magistrate Judge Marianne B. Bowler

Bankruptcy Court of Massachusetts

Bankruptcy Judge Joan N. Feeney

REAPPOINTMENTS

District Court of Massachusetts

Magistrate Judge Kenneth P. Neiman

SENIOR STATUS

None

**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
Honorable Jeffrey R. Howard**

**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 Morris E. Lasker
Honorable Frank H. Freedman
Honorable Joseph L. Tauro
Honorable Walter J. Skinner
Honorable A. David Mazzone
Honorable Robert E. Keeton
Honorable Rya W. Zobel
Honorable Mark L. Wolf**

**Honorable Douglas P. Woodlock
Honorable Edward F. Harrington
Honorable Nathaniel M. Gorton
Honorable Richard G. Stearns
Honorable Reginald C. Lindsay
Honorable Patti B. Saris
Honorable Nancy Gertner
Honorable Michael A. Ponsor
Honorable George A. O'Toole**

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

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

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

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

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

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

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

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

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

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

Honorable James R. Muirhead

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

**Honorable Héctor M. Laffitte, Chief
Honorable Juan M. Pérez-Giménez
Honorable Gilberto Gierbolini-Ortiz
Honorable Carmen Consuelo Cerezo
Honorable Jaime Pieras, Jr.**

**Honorable Raymond L. Acosta
Honorable Jose Antonio Fusté
Honorable Salvador E. Casellas
Honorable Daniel R. Dominguez
Honorable Jay A. Garcia-Gregory**

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

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

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

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

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

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

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

Honorable Arthur N. Votolato, Chief

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

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

CIRCUIT EXECUTIVE

Gary H. Wentz
United States Courts for the First Circuit

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

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

FIRST CIRCUIT CHIEFS OF PROBATION

Claire Cooper
District of Maine

Robert P. Ryan
District of Massachusetts

Thomas K. Tarr
District of New Hampshire

Eustaquio Babilonia
District of Puerto Rico

Barry J. Weiner
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES

George F. Moriarty
District of Massachusetts

Hector R. Torres-Quinones
District of Puerto Rico

FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS

Owen S. Walker
District of Massachusetts
District of New Hampshire

Joseph C. Laws, Jr.
District of Puerto Rico