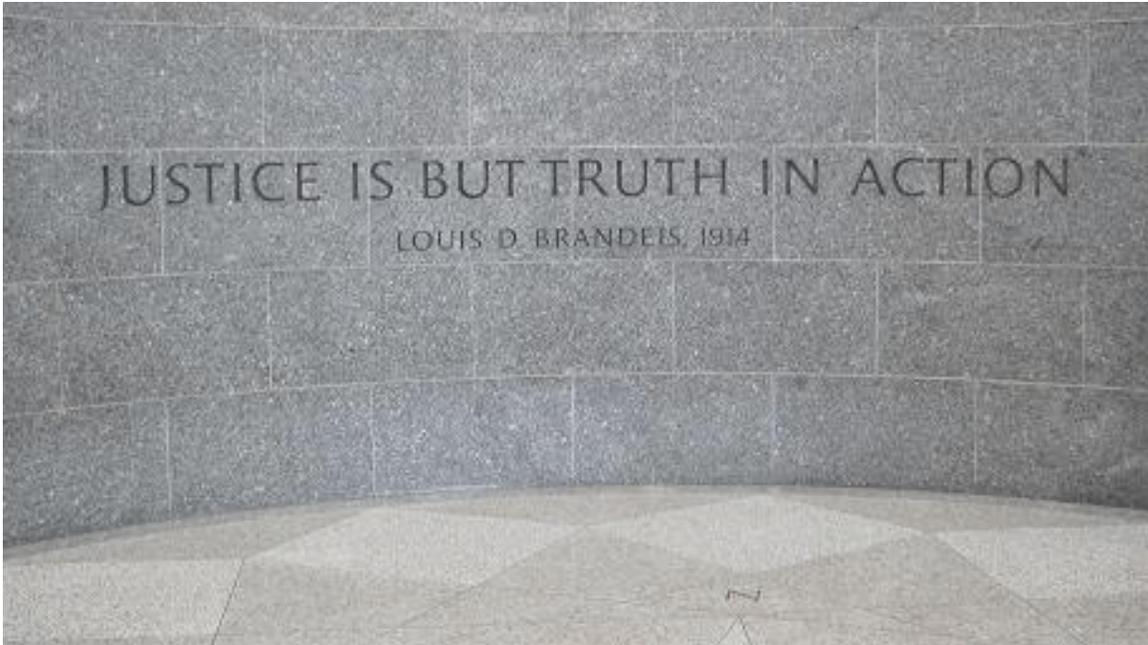


**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**



**ANNUAL REPORT
2009**

Prepared by the Office of the Clerk

TABLE OF CONTENTS

The District of Massachusetts.	<u>1</u>
Judicial Accomplishments.	<u>2</u>
Local Committee and Liaison Assignments.	<u>4</u>
The District at a Glance.	<u>6</u>
Alternative Dispute Resolution.	<u>6</u>
Budget.	<u>6</u>
Caseload Statistics.	<u>6</u>
Citizenship and Immigration Services.	<u>9</u>
Criminal Justice Act	<u>9</u>
Divisional Offices.	<u>10</u>
Fair Employment Practice System.	<u>11</u>
Finance.	<u>12</u>
Human Resources.	<u>12</u>
Information Technology.	<u>13</u>
Internal Controls.	<u>14</u>
International Visiting Judges and Legal Scholars.	<u>14</u>
Interpreter Services.	<u>15</u>
Jury.	<u>16</u>
Magistrate Judges' Pilot Program for the Random Assignment of Civil Cases.	<u>17</u>
Nelson Fellowship Program.	<u>17</u>
Official Court Reporters.	<u>18</u>
Operations.	<u>18</u>
Pro Se Staff Attorneys.	<u>19</u>
Reentry Programs.	<u>20</u>
Training.	<u>21</u>
In Memoriam.	<u>22</u>
Happy Observances.	<u>24</u>

THE DISTRICT OF MASSACHUSETTS

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UNITED STATES DISTRICT COURT

District Judges

Mark L. Wolf
Chief Judge

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

Senior District Judges

Edward F. Harrington	Morris E. Lasker
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Magistrate Judges

Judith G. Dein
Chief Magistrate Judge

Joyce London Alexander	Marianne B. Bowler	Leo T. Sorokin
Robert B. Collings	Kenneth P. Neiman	Timothy S. Hillman

Office of the Clerk, Management Team

Sarah Allison Thornton
Clerk of Court

William L. Ruane, Jr., Chief Deputy

Stuart J. Barer, Information Technology Manager

Helen M. Costello, Operations Manager

Francis B. Dello Russo, Property and Procurement Manager

Christine J. Karjel, Financial Manager

Susan J. Mohr, Human Resources Director

Deborah F. Shattuck, Division Manager (Worcester)

John C. Stuckenbruck, Division Manager (Springfield)



JUDICIAL ACCOMPLISHMENTS

Judge Patti B. Saris sat, by designation, with Court of Appeals for the First Circuit, and continues to serve as the Vice President of Security and Planning for the Federal Judges' Association. Judge Saris also serves as a member of the Judicial Conference Committee on the Budget.

Judge Nancy Gertner was honored by the Wellesley Center for Research on Women for her work partnering with the Wellesley Centers for Women's International Initiatives to Promote the Human Rights of Women and Children. In addition, Wellesley Centers for Women launched the "Nancy Gertner Human Rights Paper Collection."

Judge Gertner participated in several panels and workshops during 2009. Just a few of the events in which she participated were:

- the 4th Annual H.F. Guggenheim Conference, at John Jay College of Criminal Justice that addressed *The Sentencing and Corrections Challenge: Reinventing the Criminal Justice System*;
- the Keynote speech at the "Opt Out" or Pushed Out - Are Women Choosing to Leave the Legal Profession? conference sponsored by Yale Law Women at the Yale Law School;
- the Keynote speech for the Social Law Library's Legal Research Institute entitled, *A Trial Judge's Verdict: Research and Writing for the Court is NOT the Same as for the Classroom*;
- a panel called *The Fine Art of War: Direct and Cross Demonstrations* in Boston, sponsored by the National Association of Criminal Defense Lawyers ("NACDL"); and
- a class on *Comparative Perspectives on Crime and Punishment* at the Monash University of Law Prato Program, in Prato, Italy.

Judge Gertner was appointed to the American College of Trial Lawyer's Federal Criminal Procedure Committee for 2009-2010. She continues to teach sentencing at the Yale Law School which she has done since 1998. Her publications and books during 2009 include: "Supporting Advisory Guidelines," 3 Harv.L. & Pol'y Review 261 (2009) in a Symposium entitled, "Confronting the Costs of Incarceration;" Gertner and Mizner, 2010 update to *The Law of Juries* (West, 2010).

Judge Michael A. Ponsor assumed the Chairmanship of the Judicial Conference's Space and Facilities Committee in October 2009. The position gives him a key role in the development of policy relating both to construction of new courthouses and to renovations of existing facilities.

Under the leadership of Judge Ponsor, and with the assistance of Magistrate Judge Kenneth P. Neiman, Bankruptcy Judge Henry J. Boroff and the local GSA staff, the construction "punch list" for the Springfield courthouse was completed. The end of 2009 saw the start of plans to complete the fourth chambers space in the Springfield courthouse, which should be ready for occupancy in mid-2011.

Magistrate Judge Leo T. Sorokin received the Boston Bar Association's Citation for Judicial Excellence in recognition of his active involvement in reentry initiatives both in and outside the District of Massachusetts. Magistrate Judge Sorokin spoke at conferences sponsored by the American Bar Association, the Boston Bar Association, Massachusetts Continuing Legal Education, the Federal Judicial Center and Duke University Law School regarding Criminal Law issues, Reentry Initiatives, Alternative Dispute Resolution,



Internet Evidence in Civil Cases and Business Litigation. Magistrate Judge Sorokin continued to preside over the Court Assisted Recovery Effort (CARE) that celebrated its second graduation in June, 2009.

In addition to those noted above, other Judges of this Court served on various committees of the Judicial Conference of the United States:

- Judge Richard G. Stearns** Committee on Judicial Security
- Judge F. Dennis Saylor, IV** Committee on Defender Services
- Senior Judge Edward F. Harrington** Committee on the Administration of the Bankruptcy System
- Magistrate Judge Marianne B. Bowler** Committee on International Judicial Relations



LOCAL COMMITTEE AND LIAISON ASSIGNMENTS

(Effective July 1, 2009 for two years)

Chief Judge Wolf	The Office of the Clerk of Court Media Office of the United States Attorney Chair, Budget Committee Chair, State Courts Committee
Judge Tauro	Counselor
Judge Young	Counselor Education Programs
Judge Zobel	Bureau of Citizenship and Immigration Services Court Reporters
Judge Woodlock	Attorney Admissions Fund GSA - Space and Facilities Statistics Judicial Benefits Senior Judges Resources and Benefits Court Historian Member, Budget Committee Member, Committee on Rules and Practice
Judge Gorton	Magistrate Judges Attorney Admissions Fund Member, Budget Committee
Judge Stearns	Court Security Office of the U.S. Marshal Chair, Alternative Dispute Resolution Committee Chair, Security Committee Member, Nelson Fellows Committee Member, Jury Committee
Judge Saris	The Probation Office The Pretrial Services Office Bar Associations Chair, Nelson Fellows Committee Member, Budget Committee
Judge Gertner	The Federal Public Defender The Criminal Justice Act Panel The Jury Pool Automation and Information Systems International Relations Member, Jury Committee



Judge Ponsor	Member, Budget Committee Member, Security Committee Poet Laureate
Judge O'Toole	Civil <i>Pro Bono</i> and <i>Pro Se</i> Office Happy Observances Alternate, Court Security Alternate, GSA - Space and Facilities Member, Attorney Admissions Fund Committee
Judge Saylor	Reporter to the Court Chair, Committee on Rules and Practice The Bankruptcy Court
Magistrate Judge Collings	Member, Committee on Court Security
Magistrate Judge Bowler	Member, Alternative Dispute Resolution Committee Member, Court Reporters Committee
Chief Magistrate Judge Dein	Member, Committee on Rules and Practice Member, Nelson Fellows Committee
Magistrate Judge Neiman	Member, Committee on Rules and Practice
Magistrate Judge Sorokin	Member, Criminal Justice Act Plan Committee
Magistrate Judge Hillman	Member, State Courts Committee



THE DISTRICT AT A GLANCE

ALTERNATIVE DISPUTE RESOLUTION

The Alternative Dispute Resolution (ADR) Program continued to play a vital role in the pre-trial resolution of a broad range of civil matters during 2009. A total of (254) cases were referred to the ADR Program, and (193) were mediated in the same year. Senior Judges Morris E. Lasker and Edward F. Harrington served as mediators, as did the Magistrate Judges in Boston, Worcester, and Springfield. In addition to the mediations conducted by Judges, the Court's volunteer ADR Panel members mediated a few of the cases.

BUDGET

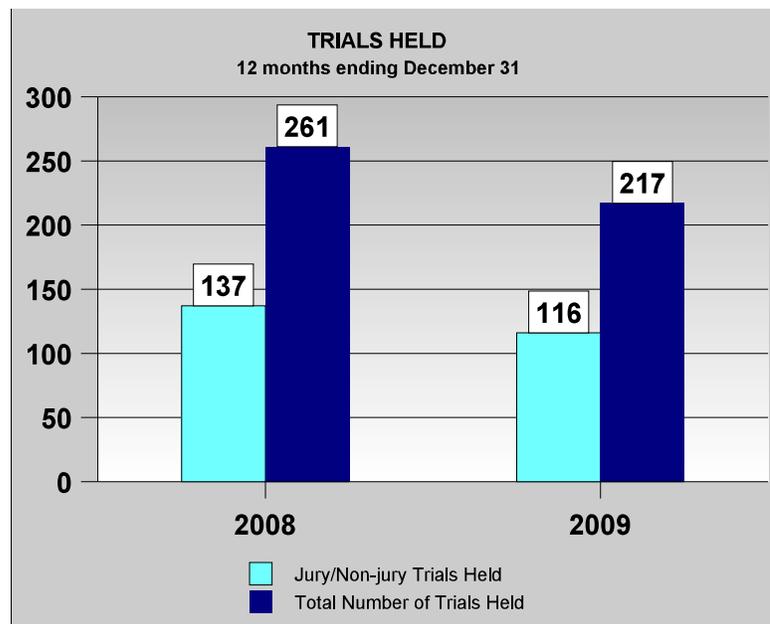
The District of Massachusetts has an active Budget Committee with the following judicial officers participating: Chief Judge Mark L. Wolf; Judge Douglas P. Woodlock; Judge Nathaniel M. Gorton; Judge Patti B. Saris; Judge Michael A. Ponsor; and Chief Bankruptcy Judge Henry J. Boroff. This committee reviews and approves monthly spending plans prepared by the Court's Unit Executives.

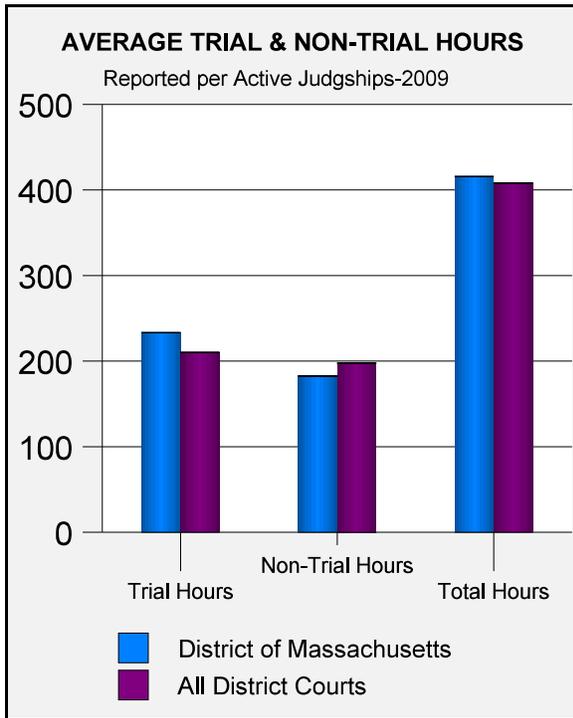
Judicious spending and budgeting in 2009 allowed the United States District Court to contribute \$50,000 into the Capital Investment Fund (CIF) pilot program. The monies are available to be used for capital investment projects in subsequent fiscal years.

CASELOAD STATISTICS

Trial and Hours of In-Court Activity

The total number of trials conducted by the District Judges of this Court declined 20% from (261) in 2008 to (217) this past year. Similarly, the total number of jury and non-jury trials started during this period decreased 15.3% from (137) in 2008 to (116) in 2009. Despite the decline in number, the District of Massachusetts still ranked fourth in the nation for the number of cases terminated in which a jury and non-jury trial was held (110) and third in the nation for percent of cases terminated that reached trial (3.8%).





The total in-court hours for District Judges fell 9.9% from (6,076) in 2008 to (5,406) in 2009. Hours on trial decreased (12%) (3,449 hours in 2008 to 3,033 in 2009). The total amount of in-court hours spent on matters other than trials decreased from (2,627) in 2008 to (2,372) in 2009, a drop of 9.6%.

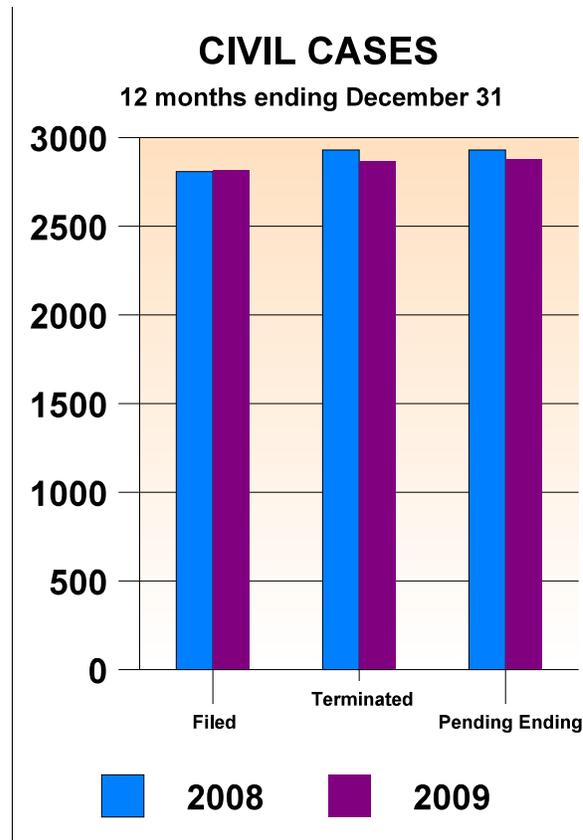
Even with a decrease of in-court hours, the District of Massachusetts continued to be above the national average of trial hours reported by this Court's District Judges in 2009. District Judges in Massachusetts averaged (233) trial hours per judge, compared to (210) nationally.

Civil Cases

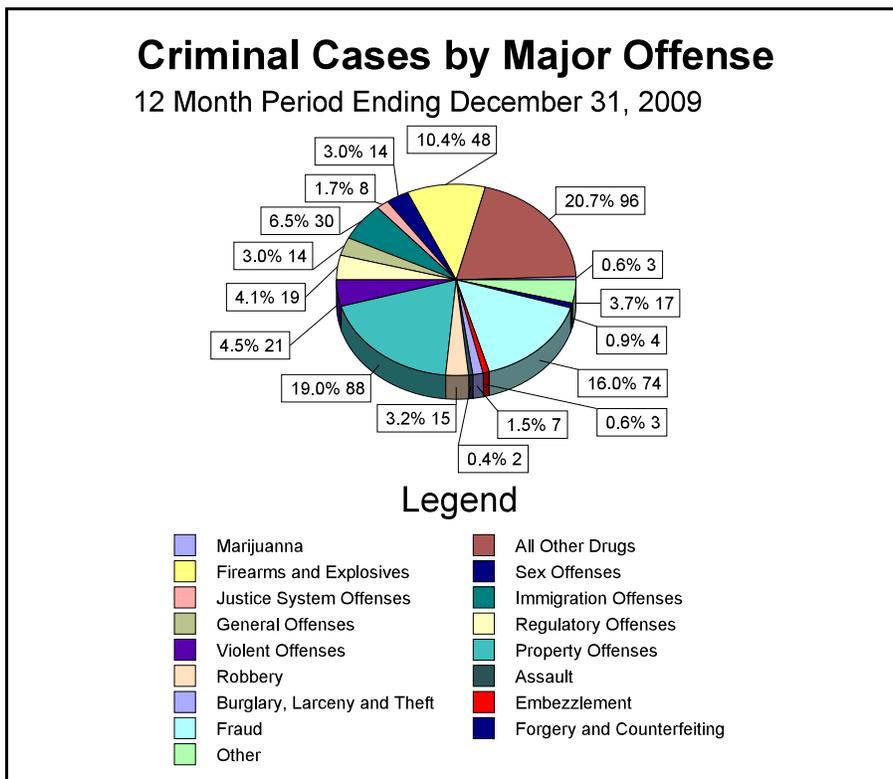
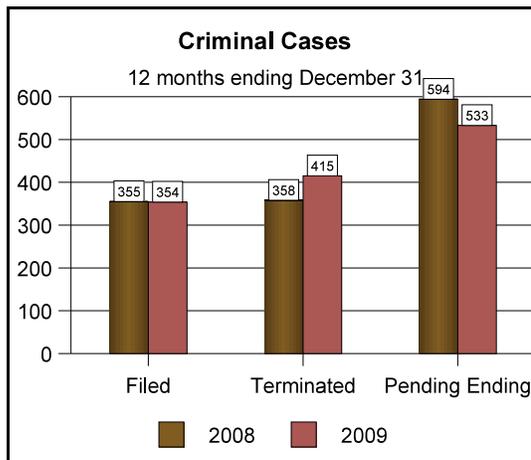
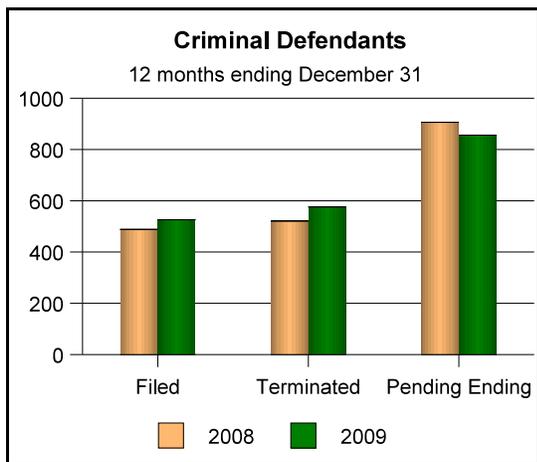
During 2009, (2,818) new civil cases were filed in the District of Massachusetts and (2,870) civil cases were disposed. At year's end, (2,878) civil cases were pending. Civil case filings had a slight increase of .3% from (2,808) in 2008 to (2,818) in 2009. This increase was below the national trend which showed an increase in filings of 4.9% for 2009.

Criminal Cases

The District of Massachusetts opened (354) criminal cases in 2009 involving (526) criminal defendants. A total of (415) criminal cases and (576) criminal defendants were closed in 2009. At year's end, (533) criminal cases and (856) criminal defendants were pending. Criminal case filings remained relatively stable with a .2% decrease from (355) in 2008 to (354) in 2009. However, the number of new criminal defendants commenced in 2009 increased 7.8% (from 488 in 2008 to 526 in 2009). This is above the national average of a 5.2% increase.



Increased criminal filings occurred in the categories of other drugs offenses, property offenses, firearms and explosives, and fraud. For the second consecutive year, fraud and non-marijuana drug cases accounted for the majority of new criminal case filings. Categories of criminal cases that displayed an overall decline in filings were marijuana, embezzlement, forgery and counterfeiting.



CITIZENSHIP AND IMMIGRATION SERVICES

The Judges of this District conducted forty three naturalization ceremonies during 2009, swearing in (17,458) new citizens. While every ceremony is an important event and memorable to all in attendance, a few of particular note were held this year.

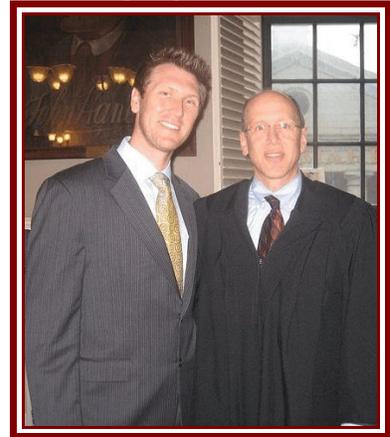
In May, Judge Douglas P. Woodlock invited three fifth grade students who won an essay contest, writing on immigration, to attend a ceremony. The three students each read their essay as part of the ceremony. This ceremony was filmed and submitted to the National Constitution Center as part of the Living Constitution Day Exhibit.

On May 28, Magistrate Judge Timothy S. Hillman presided over the first naturalization ceremony at The Hanover Theatre in Worcester where approximately (450) candidates were sworn in as United States citizens.

On July 4, Judge Michael A. Ponsor held a special ceremony in the atrium of the Springfield courthouse.

During September, Judge Nancy Gertner presided over the ceremony held at the grand opening of the new Citizenship and Immigration Services Building in Lawrence.

One of the most memorable ceremonies concluded with the birth of a new citizen. A candidate for citizenship was to be sworn in at Boston's historic Faneuil Hall in September. Nature had other plans, so in a hastily arranged private ceremony before the main event, Magistrate Judge Robert B. Collings administered the oath of citizenship. The expectant mother and father rushed to the hospital, and a few hours later, a healthy baby boy was born. The proud father wrote a note of thanks, and reported "my wife was happy that on his birth day, both he and she were American citizens."



Jason Bay of the Boston Red Sox took his oath of citizenship at the July 2 ceremony presided over by Magistrate Judge Leo T. Sorokin.

CRIMINAL JUSTICE ACT

The recommendations of the Criminal Justice Act (CJA) Board for changes to the existing CJA panels of attorneys in Boston, Worcester, Springfield and the new panel for *habeas corpus* cases for the 2008 application process were approved. The CJA Board was reconstituted and approved by the District Judges. Judge Gertner was designated as the new liaison Judge for CJA matters and Attorney Peter Krupp was appointed as the new Chair of the CJA Board. He replaced Attorney Charles Rankin who had served on the Board since 1993 and as its Chair from 1996 through 2009. The other members of the new CJA Board include attorneys Victoria M. Bonnilla-Argudo; Roberto M. Braceras; J.W. Carney; Patricia Garin; John P. Pucci; Edward P. Ryan, Jr.; A. Hugh Scott; Kathy B. Weinman; William M. White, Jr.; and Federal Defender Miriam Conrad. In addition to Judge Gertner, the other United States District Court liaisons to the CJA Board are Magistrate Judge Leo T. Sorokin and Helen M. Costello, Operations Manager.

The District's *Plan for Implementing the Criminal Justice Act of 1964, As Amended 18 U.S.C. §3006*(the Plan) also was revised in 2009. The amended Plan was approved by the First Circuit Council on August 1, 2009 and became effective September 1, 2009. In addition to amending the Plan, the Clerk's Office also implemented a new software program for the assignment of counsel to indigent defendants. Among the goals of the program, implemented on August 1, 2009, are maximizing the random assignment and equitable



distribution of cases to panel attorneys, as well as providing more reliable statistical information. The *CJA Assignment Protocol* was promulgated to provide guidance on the use of the new CJA Assignment Program.

National hourly rates for CJA panel attorneys and maximum compensation rates for appointed cases were increased in 2009. A new reference document on travel guidelines for CJA appointed attorneys was prepared and posted on the CJA page of the Court's website. These guidelines provide information to private attorneys authorized to travel on government funds. There were (935) CJA vouchers processed by the Clerk's Office in 2009. This represented a decrease of (177) vouchers or 15.92% from 2008. The total dollar amount of CJA payments in 2009 decreased by \$248,284.00.

Year	CJA Payments	Number of CJA Vouchers	Average Payment per Voucher
2000	\$ 2,743,582.00	1072	\$ 2,559.31
2001	\$ 2,396,304.00	979	\$ 2,447.71
2002	\$ 2,803,948.00	1019	\$ 2,751.67
2003	\$ 4,217,041.00	995	\$ 4,238.23
2004	\$ 4,619,226.00	986	\$ 4,684.81
2005	\$ 5,783,294.00	1156	\$ 5,002.85
2006	\$ 5,872,955.00	1231	\$ 4,770.88
2007	\$ 4,662,262.00	1005	\$ 4,639.07
2008	\$ 4,676,603.00	1112	\$ 4,205.58
2009	\$ 4,428,319.00	935	\$ 4,736.17

DIVISIONAL OFFICES

Springfield

On June 12, Judge Michael A. Ponsor presided over the first naturalization ceremony at the new courthouse. The event was held in the pavilion. After the success of this ceremony, plans are in place to hold additional events in Springfield on a regular basis. The courthouse pavilion also was the site for the annual Hampden County Law Day ceremony, held on June 1.

The annual Employee Recognition Ceremony was held in June, attended by Court staff and the Clerk of Court. Judge Ponsor also attended, and addressed the staff.

Magistrate Judge Kenneth P. Neiman welcomed students from the senior class at Smith Academy in Hatfield, Massachusetts to an Open Doors to Federal Courts program on December 9, 2009. Court staff in Springfield coordinated the program. The high school students were accompanied by their teacher and principal. The students spent a full day at the courthouse, participating in a mock trial. This year's topic was "Texting While



Driving: Today's Decisions Can Have Legal and Long-Term Consequences." After the mock trial, the students were given a tour of the new courthouse, and participated in a question and answer period with a U.S. Probation Officer.

Worcester

In May, an Employee Recognition Ceremony was held and attended by Court staff including Judge F. Dennis Saylor, IV and Magistrate Judge Timothy S. Hillman. Also in May, Judge Saylor presided over Worcester's first mock trial. Discovering Justice (The James D. St. Clair Court Education Project) coordinated this program in partnership with Citizen Schools.

FAIR EMPLOYMENT PRACTICE SYSTEM

The District of Massachusetts is committed to the principles of equality and fairness in all aspects of employment, without regard to race, color, national origin, gender, religion, age, disability and/or sexual orientation. All employment opportunities were advertised in newspapers of widespread circulation and posted in each courthouse. In addition, job postings appeared on the Court's Internet site as well as on the national U.S. Courts website.

Fair Employment Practices System Report Race/Ethnicity Demographics For 12 Month Period Ending September 30, 2009							
Employees	Gender	Caucasian	African American	Hispanic	Asian	No Report	Totals
Executive	Male	1	0	0	0	0	1
	Female	1	0	0	0	0	1
Legal Professional	Male	16	0	0	0	0	16
	Female	22	0	0	1	0	23
General Professional	Male	13	1	0	1	0	15
	Female	27	0	0	0	0	27
Legal Secretary	Male	0	0	0	0	0	0
	Female	19	1	0	0	0	20
Technical	Male	13	5	1	0	0	19
	Female	24	3	1	1	0	29
Office Clerical	Male	0	0	0	0	0	0
	Female	1	0	1	0	0	2
Subtotals	Male	43	6	1	1	0	51
	Female	94	4	2	2	0	102
Grand Totals		137	10	3	3	0	153



FINANCE

After successfully implementing the Civil Criminal Accounting Module (CCAM) in December, 2007, members of the finance staff assisted the Northern District of Alabama and Eastern District of New York Courts in their CCAM implementation during 2009.

The Financial Manager continued serving on the eCJA Voucher Processing System Working Group and the CJA Voucher Training Program Working Group. Both working groups are coordinated by the Administrative Office of United States Courts and Office of Defender Services.

The Financial Manager, Assistant Financial Manager, and Internal Controls Analyst attended the FAS₄T Forum. The goals of the forum were to increase user proficiency, share best practices, exchange ideas, increase consistency and build upon the expertise of financial personnel within the Judiciary.

Our financial staff is actively involved with the newly implemented CJA Assignment Program, issuing Court orders for the appointment of counsel, reviewing and processing vouchers, and auditing the program.

HUMAN RESOURCES

In 2009, the District Court saw a number of staffing changes as the result of retirements and other turnover, including two courtroom deputies, a generalist clerk, and a Magistrate Judge. Two new IT Specialists were added to the IT team and a new position was created in Operations for a CM/ECF Analyst.

The First Circuit sponsored a circuit-wide HR conference in March of this year. HR staff, court unit executives and seconds-in-command from around the circuit met in Boston to receive training, discuss current HR issues impacting their courts and network with their colleagues.

This District implemented a new Telework Policy in June. A new Performance Management Plan was approved for implementation in October. An amended leave policy was promulgated in November, with plans to issue a completely revised policy in 2010.

In 2009, the HR staff assumed responsibility for leave administration within the Clerk's Office. This change was instituted to help streamline the process and promote consistency in the application of the leave policy throughout all departments. In the summer, the Business Technology Optimization Division (BTOD) at the Administrative Office provided to Human Resources staff business reporting functions. This new function replaced the cumbersome query system of generating reports, allowing quicker, easier access to HR data. The AO also implemented an online payroll certification feature to replace the existing paper certification process, thus moving the HR function closer to the goal of becoming paperless.

This District continued to see the rollout of additional HR technology tools from the Administrative Office. The electronic Official Personnel Folder (eOPF), previously made available to all HR staff in 2008, was rolled out to all bi-weekly staff in June. The "My Data" feature was added to the employee HR access tab allowing bi-weekly staff and judges the ability to view their personal, pay and benefits information and print their earnings statements. In May, eBenefits were released for all staff. This program allows employees to make elections, enrollments and changes to their FEGLI, FEHB and Flexible Benefits Programs. Electronic earnings statements have been available to all staff since 2008. Paper earnings statements were discontinued for staff in October and for the Judges in December.



INFORMATION TECHNOLOGY

Courtroom Technology

A new evidence presentation system was installed in Courtroom 22, and new audio systems were installed in nine additional courtrooms, all in the John Joseph Moakley Courthouse in Boston. A new audio/video system was installed in the Jury Assembly Room, which included a custom lectern, control system, and media player. The existing ceiling-mounted projectors and screens were replaced with wall-mounted plasma displays. An award was made in September for new evidence presentation systems in Courtrooms 4 and 21, and new audio systems for 12 additional courtrooms in Boston and Worcester, to be completed in 2010.

Digital recording systems were upgraded for all Magistrate Judge courtrooms. Data is archived to a file server and staff were trained in the proper procedures for recording, archiving and playback. Software is being tested to synchronize clerk's notes with time-stamped sections of the recordings to facilitate playback.

Springfield Courthouse

An electronic signage system in the Springfield courthouse went live in November. The daily court schedule, special events and emergency information are now shown on plasma monitors located near the elevators on each floor. In addition, there are two interactive kiosks, near the front entrance, for visitors to search the daily calendar, and find directions to courthouse offices and courtrooms.

Personal Computers

The Court purchased and installed new computers for Clerk's Office and Chambers staff during 2009. These were configured with dynamic login features to synchronize password changes between network and workstation accounts, and to facilitate the use of multiple workstations in offices and courtrooms. The ClientSync program was installed on certain computers to synchronize Lotus Notes passwords and other information between multiple computers. New black and white laser printers were purchased for most areas of the office and new color printers were purchased for chambers. Thin-Client laptop computers were purchased and installed for all court reporters.

RSS Feed for Opinions

The Court's website now has links for an RSS feed for judicial opinions. Users can subscribe to this feed and easily access new opinions from browsers or other feed reading software. The RSS link is available at: <http://pacer.mad.uscourts.gov/opinion.html>.

Chambers Electronic Organizer (CEO)

A new electronic organizer (CEO) was developed by the judiciary to manage court schedules for judges and employees, and link calendar entries to customizable docket reports. Information is also linked to Lotus Notes and handheld devices. This software was installed for participating chambers. Future enhancements will include public, web-based court calendars and automatic order generation.



INTERNAL CONTROLS

The Clerk's Office recognizes the importance of maintaining the highest possible level of stewardship over public assets, and introduced measures to provide increased accountability over operational and financial functions performed by the District Court.

During 2009, our Internal Controls Analyst conducted risk assessments and established new procedures for the handling of assets in the intake area, initiated controls over consumable inventory, oversaw the update of PACER fee schedule exemptions, and performed an analysis of the employee transit subsidy program. New procedures were initiated or controls strengthened in the following areas:

- handling of assets in the intake area;
- ordering and distribution of consumable inventory;
- documentation reviews of PACER fee schedule exemptions;
- CJA voucher payment reviews to court interpreters;
- oversight of the employee transit program; and
- internal audit program at the divisional offices.

The Internal Controls Analyst functioned as the Court's liaison to the firm of KPMG LLP during a Salary and Expense Appropriations Audit of the Administrative Office in December of 2009 that resulted in no exceptions to District Court operations. He also personally conducted Internal Control Evaluations for the District Court (including the divisional offices in Springfield and Worcester) and Pretrial Services, as well as an audit of the Attorney Admission Fund. No significant deficiencies were noted in any of the reviews.

The Internal Controls Analyst participated in an Internal Controls Training Workshop in Washington, DC and completed continuing education course work from the American Institute of Certified Public Accountants on concepts and procedures inherent to effective financial internal control programs.

INTERNATIONAL VISITING JUDGES AND LEGAL SCHOLARS

As in the past, this Court hosted a number of visiting international judges and legal scholars during 2009.

In February, a delegation of prosecutors (part of the Qatar Prosecutor Study Tour, sponsored by the United States Department of Justice Office of Overseas Prosecutorial Development, Assistance & Training and the State of Qatar Office of Public Prosecution) visited this District to observe court proceedings and meet with judicial officers. The group observed a jury trial in Judge Nancy Gertner's courtroom and met with Magistrate Judge Marianne B. Bowler. Their visit ended with a roundtable discussion over lunch with Judge Gertner and Magistrate Judge Leo T. Sorokin.

Two Korean Judges, both attending Harvard University and participating in the Korean Observation Program, spent time at the Court in February and March. The visiting judges had an opportunity to observe court proceedings and discuss the Court's work with several of our Court's Judges.

In July, Magistrate Judge Marianne B. Bowler hosted a delegation of Russian Judges visiting this District. The delegation spent a week observing court proceedings, meeting with court personnel about the jury system and our electronic filing procedures. Judge Bowler also arranged for the group to have a tour of Harvard Law School and observe a naturalization ceremony at historic Faneuil Hall.



INTERPRETER SERVICES

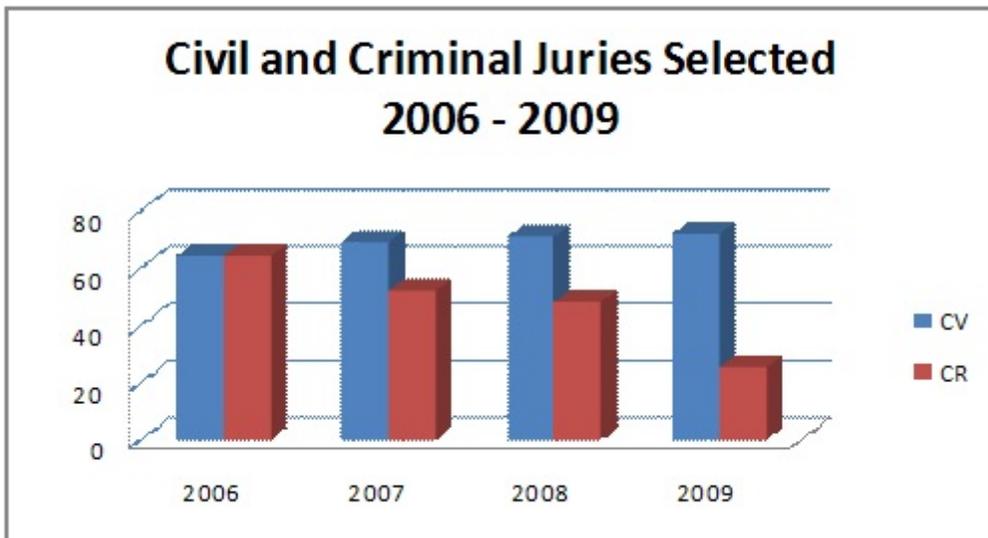
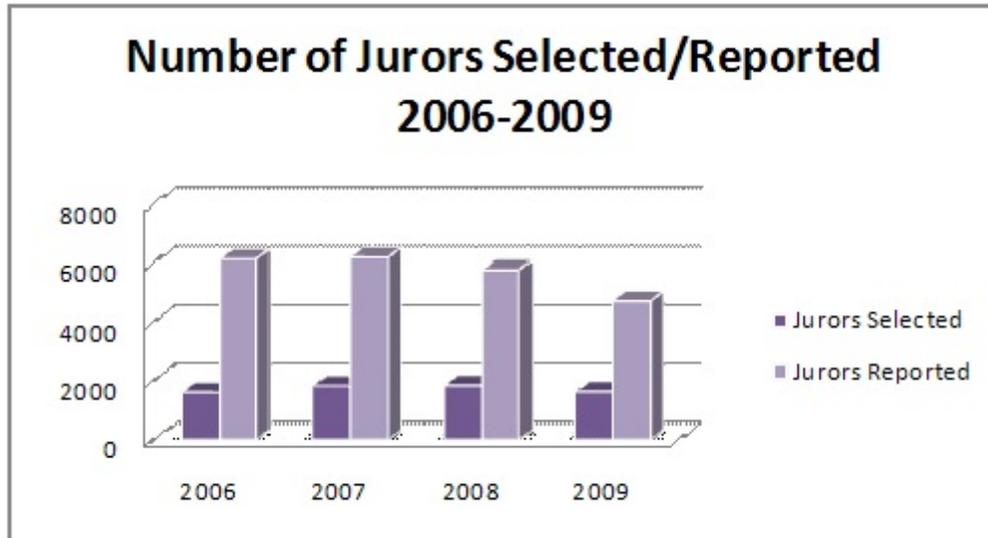
Court interpreters were provided by the Court for (391) in court events in FY 2009. Of those, (301) or 76% were for the Spanish language. The remaining (90) or 24% required interpreters for (9) other languages, from Albanian to Vietnamese. A total of \$91,347 was spent on interpreting services in FY 2009, a decline of \$4,209, or 4% from 2008 when \$95,556 was expended for interpreting services.

INTERPRETER SERVICES		
Language	In-Court Events	Out-of Court Events
Albanian	2	0
Cambodian	2	0
Italian	4	0
Mandarin	4	0
Polish	3	0
Portuguese	54	0
Russian	4	0
Spanish (Certified)	297	0
Spanish (Non-Certified)	4	0
Taiwanese	1	0
Vietnamese	16	0
FY 2009 Totals	391	0



JURY

A total of 34.9% of petit jurors present for jury selection in the District of Massachusetts in 2009 were "not selected, serving or challenged on the first day of jury service." This was an increase from the Court's 32.1% reported in 2008, but is below the national average for 2009 of 40.1%. The Judicial Conference had set an approved utilization goal of 30% or less for 2009.



The Court modified its Jury Plan to conform to the requirements of the Judicial Administration and Technical Amendments Act of 2008. This revised Plan was effective as of March 3, 2009.



MAGISTRATE JUDGES' PILOT PROGRAM FOR THE RANDOM ASSIGNMENT OF CIVIL CASES

On January 1, 2008 the Court began a two year Pilot Project for the random assignment of a percentage of new civil case filings directly to Magistrate Judges in Boston and Worcester. This pilot project is intended to increase the utilization of the Magistrate Judges and increase the availability of civil trials.

After a review of the project to date, the Court entered General Order (09-3) in March, making modifications to the manner in which cases filed by *pro se* litigants are processed. These modifications are intended to help *pro se* litigants understand the effects of and opportunity to consent to magistrate judge assignment. It was determined that *pro se* litigants often had difficulty understanding the consent/refusal process as required by 28 U.S.C. §§ 636(b) and (c) and Rules 72 and 73(b) of the Federal Rules of Civil Procedure. The new procedures, only for cases initiated by *pro se* litigants, require that each party separately file their consent or refusal, leaving the Clerk's Office to determine if the case is to remain before the Magistrate Judge.

After two years, the rate of consent is at the high end of our expectations (one-third to one-half as set forth in the original proposal) and equivalent to the rate of consent in the Court's Springfield office. Of the cases in which the parties made a decision to consent or decline in 2009, 48% in Boston consented, 39% in Worcester consented, and 61% in Springfield consented.

At the end of 2009, the Court reconsidered the status of the Pilot Project for the assignment of civil case filings directly to Magistrate Judges, and because of its success, determined to make this a permanent program across the District beginning in January 2010.

NELSON FELLOWSHIP PROGRAM

The Judges of the Court welcomed its largest class of students to date to the Judge David S. Nelson Fellowship in 2009. Eighteen students from the city schools in Boston, Worcester and Springfield participated in an eight week educational program. During the program, the Fellows attended two educational programs: one focused on writing and speech, and the other a survey of civil rights. For the first time, the Fellows from Worcester and Springfield were able to participate in the educational program via teleconferencing and/or videoconferencing. The Fellows from Worcester and Springfield also traveled to Boston to participate in the field trips.

As usual, the Fellows had a busy summer, visiting with community leaders such as attorney Wayne Budd and Carol Johnson, Superintendent of Schools for the City of Boston. The fellows traveled to the Fort Devens Medical facility, and spent a day at the Cambodian Camp in Lowell. Time was



Nelson Fellows visit with Governor Deval Patrick
picture courtesy of Sarah Gordon/Governor's Office



set aside for the Fellows to visit local colleges, including Harvard University, MIT, Wheaton College, Brown University, Brandeis University and Boston College. Another day was spent at Bottom Line and POSSE, organizations dedicated to helping disadvantaged scholars apply to colleges, and navigate the funding process. Governor Deval Patrick made time to meet with the Fellows in his office on October 30. During that visit, the Governor discussed his career, the goals of the Nelson Fellows and his dear friend, Judge Reginald C. Lindsay. Judge Patti Saris and Mrs. Cheryl Lindsay accompanied the Fellows on their visit to the Governor's office. The Fellows finished their term by competing in a mock trial against the Judicial Youth Corp, a similar state court group. As is the tradition, the competition was heated.

OFFICIAL COURT REPORTERS

As indicated in the table below, the in-court hours during 2009 decreased from those in 2008 by (14.71%). The total number of original transcript pages produced decreased (18.3 %) in 2009. Each reporter averaged (366) hours in court and (7,356) original transcript pages in 2009.

OFFICIAL COURT REPORTERS			
	2007	2008	2009
In-Court Hours	6,438	6,437	5,490
Original Transcript Pages Produced	114,644	138,356	113,038

OPERATIONS

The Operations section of the Clerk's Office is responsible for civil and criminal case processing and management. The courtroom clerks assigned to District Judges and Magistrates Judges manage the judge's calendar and cases while the docket clerks focus on quality assurance and maintaining the electronic case docket and file. With the docket clerks responsible for ensuring the accuracy of the docket entries, the data quality analysts have focused their efforts on the more complex issues affecting case openings, case closings, and statistical reporting.

During the past year the Operations section statistics team has spent considerable time and effort reviewing and comparing our local statistical reports with the national statistical reports provided by the Administrative Office (AO). These statistics are used for all reporting required by Congress, the Judicial Conference and the Administrative Office. The case management statistics provided in this report are the result of this reconciliation process.

The Case Management/Electronic Case Files (CM/ECF) system has been in use for the maintenance of electronic case files and case management since 2003. Since 2006, attorneys with CM/ECF filing access have been required to file most documents electronically. In 2009, this represented about 35% of all electronic filings into the CM/ECF system. Requirements for electronic filing were expanded in January, 2009 to include all new civil cases filed by attorneys and the electronic payment of filing fees by credit card through CM/ECF. By the end of 2009, attorneys were filing approximately 63% of all new civil cases electronically.

In 2009, the processing and transmittal of appeal records to the First Circuit Court of Appeals (COA) was modified as electronic filing was introduced in that Court. In most instances, the Clerk's Office now transmits



an abbreviated record to the COA electronically. This change eliminates the need to print electronic documents from CM/ECF, and the need to prepare a paper record for manual transmission to the COA. This has proven to be a more efficient method for processing appeal records.

PRO SE STAFF ATTORNEYS

The Pro Se Staff Attorneys continue to provide support to the District Court Judges in civil cases in which a plaintiff seeks *in forma pauperis* status and/or is proceeding *pro se*. In 2009, prisoners (and other detained persons) filed (412) lawsuits in the District of Massachusetts. Approximately (200) additional cases were filed by non-prisoner indigent plaintiffs.

The Pro Se Staff Attorneys also continue to assist in the administration of the Court's *pro bono* program for civil cases. *Pro bono* appointments were made in (9) cases in 2009. After working in conjunction with attorneys and/or representatives from Bingham McCutchen LLP, Foley Hoag LLP, Goodwin Procter LLP and Ropes & Gray LLP, the Court revised the *pro bono* program, effective May 1, 2009, to now include a direct assignment panel.

In May, 2009, the Court held a reception to introduce the new *pro bono* program and acknowledge the following firms that have committed to participation in the direct assignment panel:

Bingham McCutchen LLP
Bromberg & Sunstein
Choate, Hall & Stewart
Day Pitney LLP
Dechert LLP
DLA Piper
Fish & Richardson PC
Foley & Lardner LLP
Foley Hoag LLP
Goodwin Procter LLP
Goulston & Storrs PC

McDermott Will & Emery LLP
Mintz Levin Cohn Ferris Glovsky & Popeo PC
Nixon Peabody LLP
Nutter McClennen & Fish LLP
Ropes & Gray LLP
Seyfarth Shaw LLP
Sherin & Lodgen LLP
Skadden, Arps, Slate, Meagher & Flom LLP
Sullivan & Worcester LLP
Todd & Weld LLP
Wilmer Cutler Pickering Hale and Dorr LLP



REENTRY PROGRAMS

Court Assisted Recovery Effort (CARE)

The Court Assisted Recovery Effort continued to succeed in 2009. At the second annual ceremonial graduation in June 2009, Attorney General Eric L. Holder spoke and strongly endorsed the Court's reentry efforts. The graduation was attended by Judges, Probation Officers, Assistant United States Attorneys and Assistant Federal Defenders from other federal districts. The Court's CARE program also received a positive evaluation performed by an outside academic researcher from Northeastern University. It found participants are more likely to graduate and less likely to be rearrested than similarly situated defendants not participating in the program. CARE continued to attract the interest of other districts.

Reentry: Empowering Successful Todays and Responsible Tomorrows (RESTART)

On March 3, 2009 this Court authorized the Probation Office and Magistrate Judge Timothy Hillman to begin a reentry court program for high risk ex-offenders in the Eastern and Central Divisions. The Western Division began its own RESTART program in December.

RESTART is modeled after Magistrate Judge Leo Sorokin's nationally successful CARE program. The goal of the program is to reduce recidivism, and to successfully reintegrate ex-offenders into the community with an emphasis on employment skills.

The program provides intensive support for twelve recently released defendants on supervised release, and is focused on issues such as employment, housing, and drug and mental health counseling. Magistrate Judge Kenneth P. Neiman and Magistrate Judge Hillman share responsibility for the program.

The Court's optimism about the future success of RESTART is in part driven by its collaboration with outside agencies and organizations. Over the past year, the Court has developed relationships with traditional probation resources and cultivated new partnerships in non-traditional areas. All of the following agencies and organizations have made presentations at the Court's RESTART sessions, and enthusiastically have offered support services to the program's participants:

Massachusetts Rehabilitation Commission
Massachusetts Department of Revenue
Massachusetts Registry of Motor Vehicles

Legal Advocacy and Resource Center
AIDS Action Committee
City of Boston Street Workers

In addition to the above agencies, the program has been the recipient of significant assistance from the Federal Bar Association, the Boston Bar Association and the Massachusetts Black Lawyers Association. The Boston Bar Association sponsored a two-evening program on financial literacy which was mandatory for all RESTART participants. The Federal Bar Association and the Massachusetts Black Lawyers Association canvassed their membership in order to provide suitable work clothing for a clothes closet in the Probation Office as part of a "Dress for Success" initiative. The Massachusetts Black Lawyers Association and the Federal Bar Association have each set up mock job interviews and coaching programs for our participants.

Thanks to the full and unqualified support of the District and Magistrate Judges, the leadership in the Probation Office, the Clerk's Office, the Marshals Service, and the Administrative Office, RESTART has become a viable program. The Court is gratified by the partnerships that have been formed with outside agencies and organizations, and seeks to make RESTART a national model.



TRAINING

Educational programs were offered in the District to both Court staff and attorneys, on topics such as the Speedy Trial Act, Quality Assurance of Magistrate Judge cases, CM/ECF, CJA Assignment, Sexual Harassment Awareness, High Deductible Health Plans (HDHPs) and Consumer Driven Health Plans (CDHPs). A wide array of training tools were used to offer these programs: Administrative Office and Federal Judicial Center sponsored workshops (in person, webinars and e-learning modules), the Federal Judicial Television Network, the Human Resources Academy, Judiciary Online University and local staff trainers.

Training sessions were offered in July and August to all courtroom deputy clerks as the Clerk's Office migrated to a new assignment system to appoint Criminal Justice Act attorneys. In December, staff from the Southern District of Texas traveled to Boston to train Court staff on the Chambers Electronic Organizer (CEO).

In November, the Clerk of Court and the District Court's Emergency Preparedness Coordinators participated in a workshop, hosted by the Circuit Executive for the First Circuit, to assist in preparation for an influenza pandemic.

Human Resources staff attended training in Washington D.C. at the Human Resources Academy, and also participated in a "Train the Trainer" workshop on Performance Management. The latter training was provided in preparation for the rollout of new performance management guidelines in the Judiciary effective October 1, 2009 and changes to the Court Personnel System Salary Progression Policy expected in October 2010.

Overall, Court staff in this District participated in (203) educational programs, resulting in (2,012) hours of training in 2009.



IN MEMORIAM

The Court family has been greatly diminished this year. We suffered three tremendous losses with the passing of Judge Reginald C. Lindsay, Senior Judge Morris E. Lasker and Chief Deputy Clerk William L. Ruane, Jr.



Judge Reginald C. Lindsay

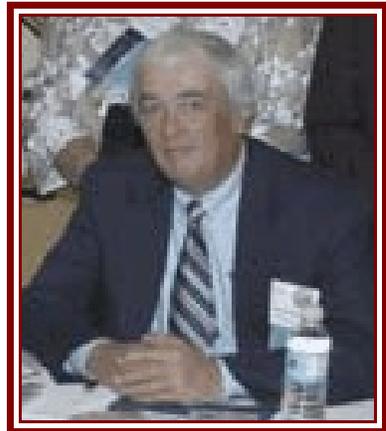
On March 12, **Judge Reginald C. Lindsay** passed away after a lengthy illness. Judge Lindsay served this Court with distinction since his appointment by President Bill Clinton in 1993. At the time of Judge Lindsay's death, Chief Judge Mark L. Wolf said, "Judge Lindsay proved again that a great judge must be a great man. His journey from being an African-American youth in segregated Alabama to becoming a federal judge in Boston has been compelling evidence of the enduring integrity of our nation's promise of equal opportunity for all. Reg Lindsay's distinguished work as a judge made a unique contribution to our nation's commitment to guaranteeing Equal Justice Under Law. Judge Lindsay's influence as an inspiring role model and mentor for disadvantaged youth assures that he will have a vibrant, living legacy."

Judge Lindsay was one of the leaders of the Nelson Fellowship. His invaluable contributions to that program will be sorely missed.

November brought the sudden, very unexpected death of Chief Deputy Clerk **William L. Ruane, Jr.** Bill served this office since 1975, starting his career with the Court as a jury clerk. In 1988, he was promoted to Chief Deputy Clerk, the position he held until his death.

Bill enjoyed his colleagues and his work. His wife, Kathleen said: "To be able to head off to work every day for nearly 34 years without a complaint made him a very lucky man." Chief Judge Mark L. Wolf called Bill "the model of the humble, invaluable public servant."

Above and beyond his career with the Court, Bill was a dedicated father and an accomplished athlete. Bill never missed a chance to attend his children's sporting events, no matter the season or the weather. While attending Belmont High School, Bill played football and baseball. He was proud of the no-hitter he pitched for the varsity baseball team in 1971. After graduating from high school, he attended Boston College on a full athletic scholarship, earning a degree in marketing.



William L. Ruane, Jr.



Senior Judge Morris E. Lasker passed away on December 25 after a brief illness.



Judge Morris E. Lasker

Judge Lasker was born in Hartsdale, New York, on July 17, 1917, attended The Horace Mann School in New York City, graduated in 1938 from Harvard College (Phi Beta Kappa) and from the Yale School of Law in 1941.

Judge Lasker had a storied career, beginning with a stint as a staff attorney for a United States Senate committee charged with investigating military contracts for the federal government. After the outbreak of World War II, Judge Lasker joined the military, and was discharged in 1946 as a major in the Air Force.

After working in private practice for many years in New York City, Judge Lasker was appointed as a District Judge for the Southern District of New York. In 1983, Judge Lasker took senior status, and then in 1994 transferred to this District to be nearer to his children and grand children.

Judge Lasker handled a wide range of cases in both the Southern District of New York and the District of Massachusetts. Some of the parties appearing before him in civil and criminal matters were Clifford Irving, the author of the bogus Howard Hughes autobiography, convicted entrepreneur Ivan Boesky, Angela Davis, the Girl Scouts of America and the comic group Monty Python. Judge Lasker was also instrumental in improving the conditions of the New York City prison known as “the Tombs.”

In 1963, for the 25th anniversary report of his Harvard class, Judge Lasker wrote, “Have I moved the world? No - except as we all do, I have participated.”



HAPPY OBSERVANCES

In 2009, this Court happily celebrated the careers of Magistrate Judge Joyce London Alexander and long-time Clerk's Office employee Mary H. Johnson.

Magistrate Judge Joyce London Alexander Ford retired from the bench on February 1, 2009 after nearly thirty years of service to the Courts. Throughout her career, Magistrate Judge Alexander has been active in community organizations. She has had a keen focus on programs that will engage students in learning about the legal system. In 1989, Judge Alexander created a program called "Kids, Courts and Citizenship" which each year brought approximately 700 fifth grade students from the Boston public schools to the courthouse to observe court proceedings and to participate in a mock trial. That program will continue, now spear-headed by the James D. St. Clair Education Project.

Mary H. Johnson retired in July after thirty eight years of government service, starting with the United States Attorney's office and culminating with her service as courtroom deputy clerk to the Honorable Richard G. Stearns.

Take Your Daughters and Sons To Work Day

April 24 was the date for the tenants of the Moakley Courthouse to host its annual "Take Your Daughters and Sons To Work Day." More than two hundred children participated, enjoying tours of the FBI's Evidence Response Team vehicle, Homeland Security's X-Ray van, a fire truck from the Boston Fire Department and police boats from the Boston and Environmental Police Forces. Inside the building, the children attended sessions on Rainforest Reptiles, Birds of Prey, Internet Safety, and demonstrations by the United States Marshals service and the FBI's SWAT team. As always, the day ended with the children participating in a mock trial coordinated by the Clerk's Office, the United States Attorney's Office and Discovering Justice.



Reception to Honor the *Pro Bono* Panel

In May, the Judges gathered at a reception honoring the attorneys and law firms who have committed their resources to serve as *pro bono* counsel in civil cases. Twenty two area law firms are now regularly accepting appointments to represent indigent civil plaintiffs.



Reception to Honor the Criminal Justice Act Panel

In October, the Court joined with many current and past members of the Criminal Justice Act Panel to recognize the attorneys who have given their time, representing this District's indigent criminal defendants. At that event, the Court recognized Charles Rankin, the outgoing Chair of the CJA Board, and Paul Markham, a long-serving member of the panel.



Nelson Fellows Holiday Reception

The 2009 Nelson Fellows were invited to the Courthouse in December to join the Judges for a holiday reception. Many of the Fellows were able to attend, and both the Judges and their guests greatly enjoyed the chance to catch up with one another.

