

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANNUAL REPORT

2011



Prepared by the Office of the Clerk

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United States District Court District of Massachusetts

District Judges

Mark L. Wolf, Chief Judge

Joseph L. Tauro

Douglas P. Woodlock

George A. O'Toole, Jr.

Rya W. Zobel

Nathaniel M. Gorton

F. Dennis Saylor, IV

William G. Young

Richard G. Stearns

Denise J. Casper

Patti B. Saris

Senior District Judges

Edward F. Harrington

Michael A. Ponsor

Magistrate Judges

Judith G. Dein, Chief Magistrate Judge

Robert B. Collings

Kenneth P. Neiman

Timothy S. Hillman

Marianne B. Bowler

Leo T. Sorokin

Jennifer C. Boal

Jerome J. Niedermeier
(recalled)

Office of the Clerk Management Team

Sarah Allison Thornton
Clerk of Court

Robert M. Farrell, Chief Deputy Clerk

Stuart J. Barer, Information Technology Manager

Helen M. Costello, Operations Manager

Christine Karjel, Financial Manager

Susan J. Mohr, Human Resources Director

Robert C. Alba, Worcester Divisional Manager

John C. Stuckenbruck, Springfield Divisional Manager

MESSAGE FROM THE CHIEF

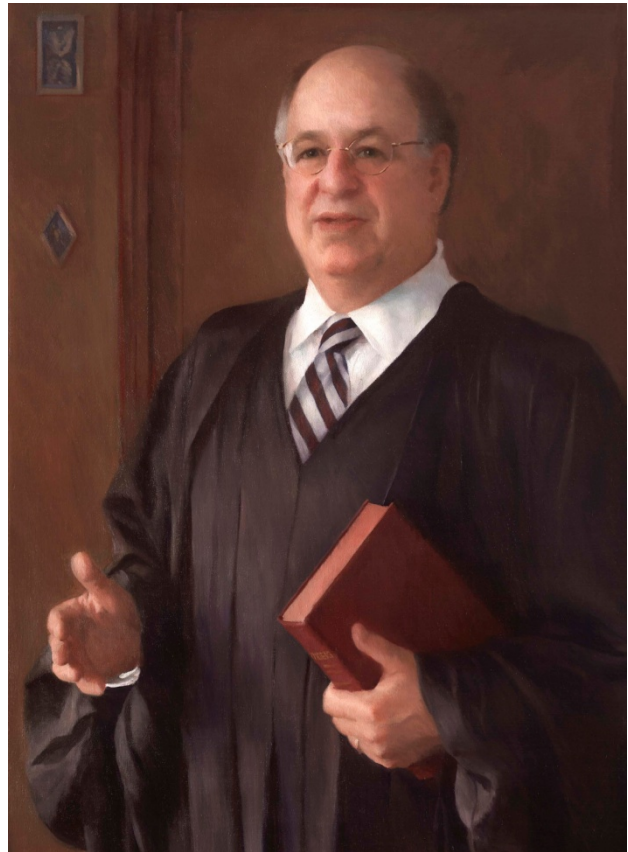
As reflected in this 2011 Annual Report, the United States District Court for the District of Massachusetts had another productive year, efficiently and effectively administering justice in civil and criminal cases despite diminished financial and human resources. However, perhaps most noteworthy are the examples of the Court's dedication to performing more than its core functions.

For example, the Court's reentry programs for defendants released from prison have been proven to reduce recidivism, save money, and give many drug addicted and disadvantaged individuals the opportunity for a happier life. Our reentry programs have now become models for emulation in federal courts throughout the United States.

The Judge David S. Nelson and Reginald Lindsay Fellowship programs give Boston high school and college students respectively the opportunity to work in the summer with the judges, and also to take courses to prepare them for college and law school. We are pleased that these programs have helped many of the students fulfill their often unrecognized great potential. In addition, some of the former Fellows now work in our Probation and Clerk's offices, enhancing the Court's ability to serve the diverse communities from which they come.

In an effort to improve the transparency of judicial proceedings and the public's understanding of them, the District of Massachusetts is one of fourteen federal trial courts participating in a pilot program to permit the recording and broadcast of civil proceedings. In addition, several of our judges have, at the request of the United States and foreign governments, taught judges, lawyers, and students in many countries struggling to establish democracies. Those of us who have participated in these endeavors are regularly reminded that our system of justice is, at its best, an inspiring example to courageous people throughout the world, and that we have a duty to perform in a manner that deserves their admiration.

As Jeremy Bentham wisely observed long ago, "[t]he law is not made by the judge alone, but by the judge and company." The judges of the District of Massachusetts have the great good fortune to work with an extraordinary bar and devoted staff, who share our dedication to striving to give integrity to our nation's noble ideal of Equal Justice Under Law. On behalf of my colleagues, I thank "the company" that contributes so much to making it a privilege to serve on this Court.



MARK L. WOLF, CHIEF U.S. DISTRICT JUDGE

JUDICIAL ACCOMPLISHMENTS

Judge Douglas P. Woodlock participated in a symposium organized at Yale Law School in February 2011 on "Representing and Contesting Ideologies of the Public Sphere" marking the publication of the volume by Professors Judith Resnik and Dennis Curtis, *REPRESENTING JUSTICE; INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTHOUSES* (Yale University Press 2011). The papers for that symposium, including Judge Woodlock's presentation, have been published in the Winter 2012 issue of the *YALE JOURNAL OF LAW & THE HUMANITIES*. Douglas P. Woodlock, *Communities and the Courthouses They Deserve. And Vice Versa*, 24 *YALE J.L. & HUMAN.* 271 (2012).

The Autumn 2011 issue of *THE GREEN BAG* published Judge Woodlock's presentation at a conference on "The Architecture of the Courthouse: A Franco-American Retrospective, 1991-2006" jointly organized in March 2009 by the University of Paris-1 and the Harvard Graduate School of Design at the Institut National d'Histoire de l'Art in Paris. Douglas P. Woodlock, *The American Court House As A Home*, 15 *GREEN BAG* 2d 41 (2011).

Judge Woodlock was appointed by Chief Justice Roberts in 2011 to be a member of the Judicial Resources Committee of the Judicial Conference of the United States.

Judge Nathaniel M. Gorton serves on the Judicial Conference Committee on Intercircuit Assignments which has assumed added responsibility and importance in this period of budgetary restraints.

Judge Gorton regularly presides over the semi-annual Mock Trial Evenings coordinated by Discovering Justice and Citizen Schools at the Moakley Courthouse. Each of these events involves the participation of over 100 inner-city school children who learn valuable lessons in civics and the workings of our justice system.

Judge Richard G. Stearns continued to sit by designation on patent cases in the Southern District of New York. He was also invited for the third successive year to sit on the Third Circuit Court of Appeals in Philadelphia. His international legal work included assisting the final phase of a NATO integration project in Croatia (NATO's newest member), leading a delegation of Department of Defense officials to a rule of law seminar in L'viv, Ukraine, representing the U.S. at the annual meeting of the European Constitutional Courts held in Sofia, Bulgaria, assisting Slovenian prosecutors in adapting to a newly instituted plea bargaining system modeled on U.S. federal practice, and presenting a paper on bioterrorism at a NATO seminar held in Budapest, Hungary.

Judge Stearns continues to chair the Vincent Committee on Science and Research as a Trustee of the Vincent at Massachusetts General Hospital. He also published the 31st edition of Richard G. Stearns, *Massachusetts Criminal Law: A Prosecutor's Guide*.

Judge Patti B. Saris is Chair of the United States Sentencing Commission and serves as a board member of the Federal Judges Association.

Judge F. Dennis Saylor IV serves as an Adjunct Professor of Law at Boston University School of Law. In April, he was appointed to the First Circuit CJA Oversight Committee. In May he began a seven year term on the Foreign Intelligence Surveillance Court. Judge Saylor was a panel member on several occasions in 2011, on the MCLE 10th Annual New England Business Litigation Conference, at the WCBA Seminar – Judicial Roundtable Discussion on Criminal Law, at the BBA Bench & Bar Conference and at the BBQA Litigation Section – CLE Program on Trial Presentation. Judge Saylor was an active participant as a member of the Judicial Conference Committee on Defender Services.

Judge Denise J. Casper was sworn in on Martin Luther King, Jr. Day, January 17, 2011. A public ceremony was held at Faneuil Hall on Friday, February 18, 2011. Chief Judge Mark L. Wolf hosted the ceremony at which both Senator John Kerry and Senator Scott Brown spoke in support of Judge Casper.

Judge Michael A. Ponsor took Senior Status on August 15, 2011. He serves as the Chair of the Judicial Conference Committee for Space and Facilities. In September, Judge Ponsor sat by designation for two weeks in the District of the Northern Mariana Islands.

Judge Nancy Gertner released her memoir, *In Defense of Women: Memoirs of an Unrepentant Advocate* on April 26, 2011. Judge Gertner took senior status on May 22, 2011. She retired from the bench on September 1, 2011 and was appointed Professor of Practice at Harvard Law School.

JUDICIAL CONFERENCE

In addition to the achievements noted above, the following Judges of this court served on various Committees of the Judicial Conference of the United States:

Chief Judge Mark L. Wolf	Member, Judicial Conference of the United States
Judge Patti B. Saris	Committee on the Budget
Judge Michael A. Ponsor	Chair, Committee on Space and Facilities
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

Chief Judge Mark L. Wolf	Chair, Budget Committee Chair, State Courts Committee Media Office of the Clerk of Court Office of the United States Attorney
Judge Joseph L. Tauro	Counselor
Judge William G. Young	Counselor Bar Associations Education Programs International Relations
Judge Rya W. Zobel	Bureau of Citizenship and Immigration Services Court Reporters
Judge Douglas P. Woodlock	Member, Budget Committee Member, Committee on Attorney Admissions Fund Member, Committee on Court Security Member, Committee on Rules and Practice GSA - Space and Facilities Statistics Judicial Benefits Senior Judges Resources and Benefits Court Historian
Judge Nathaniel M. Gorton	Chair, Committee on Attorney Admissions Fund Member, Budget Committee Magistrate Judges Discovering Justice
Judge Richard G. Stearns	Chair, Committee on Court Security Chair, Alternative Dispute Resolution Committee Member, Nelson and Lindsay Fellows Committee Member, Jury Committee Member, IT Committee Office of the U.S. Marshal
Judge Patti B. Saris	Member, Budget Committee Member, Committee on State Courts The Probation Office The Pretrial Services Office

Judge Michael A. Ponsor	Member, Budget Committee Member, Committee on Court Security
Judge George A. O'Toole	Member, Attorney Admissions Fund Committee Member, IT Committee Alternate, Committee on Court Security Alternate, GSA - Space and Facilities Automation and Information Systems Civil <i>Pro Bono</i> and <i>Pro Se</i> Office Happy Observances
Judge F. Dennis Saylor, IV	Chair, Committee on Rules and Practice Member, Committee on Court Security Member, Jury Committee The Bankruptcy Court The Federal Public Defender The Criminal Justice Act Panel
Judge Denise J. Casper	Member, Nelson and Lindsay Fellows Committee The Jury Pool Reporter to the Court
Magistrate Judge Robert B. Collings	Member, Committee on Court Security
Magistrate Judge Marianne B. Bowler	Member, Alternative Dispute Resolution Committee
Chief Magistrate Judge Judith G. Dein	Member, Committee on Rules and Practice Chair, Nelson and Lindsay Fellows Committee
Magistrate Judge Kenneth P. Neiman	Member, Committee on Rules and Practice
Magistrate Judge Leo T. Sorokin	Member, Criminal Justice Act Plan Committee
Magistrate Judge Timothy S. Hillman	Chair, IT Committee Member, Committee on State Courts

THE DISTRICT AT A GLANCE

ALTERNATIVE DISPUTE RESOLUTION

The Alternative Dispute Resolution (ADR) Program continued to play a vital role in the pretrial resolution of a broad range of civil matters during 2011. A total of [313] cases were referred to the ADR Program, a 17% increase from last year. Senior Judge

Edward F. Harrington served as a mediator, 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 cases.

BUDGET

The District of Massachusetts has an active Budget Committee consisting of Chief District Judge Mark L. Wolf, Judge Douglas P. Woodlock, Judge Nathaniel M. Gorton, Judge Patti B. Saris, Judge Michael A. Ponsor, and Chief Bankruptcy Judge Frank Bailey. The committee reviews and approves spending plans prepared by the unit executives.

It was a challenging budget environment for budget committee members and budget personnel. The court was not fully funded until May 13, 2011. The court units had to exercise restraint in spending decisions

until they received the enacted full-year appropriation. An additional challenge came with only 4.5 months to spend the final allotments.

The District Court concluded the year with the successful procurement of many necessary projects including: cyclical replacement of new computers; wireless network in all three courthouses; Jury Evidence Recording Systems (JERS) for 10 courtrooms; new records management system; renovation of the Worcester clerk's office and completion of much needed cyclical maintenance projects.

CRIMINAL JUSTICE ACT

The enactment of the Criminal Justice Act (CJA) of 1964 and its subsequent amendment in 1970 established a comprehensive system for appointing and compensating lawyers to represent financially eligible defendants in federal criminal proceedings.

In accordance with the District of Massachusetts's CJA Plan, the Federal Defender's Office shall receive at least

thirty-five [35] percent of all assignments in the Eastern and Central Divisions annually. CJA panel attorneys receive those cases that the FDO cannot take. The primary goal is to maximize random assignment and equitable distribution of cases.

In 2011, Judge F. Dennis Saylor, IV assumed the liaison Judge responsibilities for CJA matters and Attorney Peter Krupp continued as the Chair of the CJA Board

along with the following attorneys: Victoria M. Bonilla-Argudo, Roberto M. Braceras, J.W. Carney, Jr., Patricia Garin, John P. Pucci, Edward P. Ryan, Jr., A. Hugh Scott, Kathy B. Weinman, William M. White, Jr., and Federal Defender Miriam Conrad. The CJA Board coordinates several training programs for criminal defense attorneys during the year, along with the FDO and other members of the criminal bar.

A link to the National CJA Voucher Reference Tool was posted to the court's website. This on-line reference tool provides quick access to the policies and procedures related to CJA cases, beginning with the appointment of panel attorneys and continuing through the processing of vouchers to the approval of payment for services rendered.

The District of Massachusetts accepted an invitation from the Office of Defender Services to participate in the Electronic CJA Voucher Processing System (eCJA VPS) project, scheduled for the December, 2012 - February, 2013 period. The national application will allow for electronic submission, processing, approval and payment of CJA vouchers. The goals of the eCJA VPS include: (1) promoting increased efficiencies; (2) increasing financial integrity by reducing/eliminating irregularities and errors associated with CJA claims processing; (3) maintaining the quality of CJA panels; and (4) providing enhanced reporting capabilities. The national electronic voucher processing system will promote cost containment and increase the efficiency of CJA panel attorneys, Appellate and District Courts, and federal defender organizations.

DIVISIONAL OFFICES

SPRINGFIELD

On March 31 and June 29, naturalization ceremonies were held at the courthouse. A September 16 ceremony was held at Western New England University Law School and presided over by Magistrate Judge Neiman. On July 4, 2011, Judge Ponsor held an outdoor naturalization ceremony at the Hampshire County Courthouse in Northampton, MA.

Software code for a new electronic signage program was written for the Springfield Courthouse. This included a revised interface and new floor map graphics for the interactive kiosks near the entrance and monitors at elevator locations. Data is now pulled automatically from the

Chambers Electronic Organizer program to update the daily court schedules

On January 11, a program called "Careers in the Courts" was presided over by Magistrate Judge Neiman and held in his courtroom. The program was sponsored by MassMutual Life Insurance Company for honors students from Springfield high schools. Representatives from the different court related agencies in the building spoke about their public service careers and answered questions from the students.

WORCESTER

On December 30, 2011, renovation of the clerk's office space in Worcester was completed. The renovation expanded

available work space, enhanced lighting, added a new kitchenette area and created a more open, bright environment with improved work flow efficiency.

On April 21, June 10 and September 29, 2011 naturalization ceremonies were held

at Mechanics Hall in Worcester. Judge Neiman and Judge Saylor presided at these ceremonies at which [2,192] new citizens were naturalized.

FINANCE

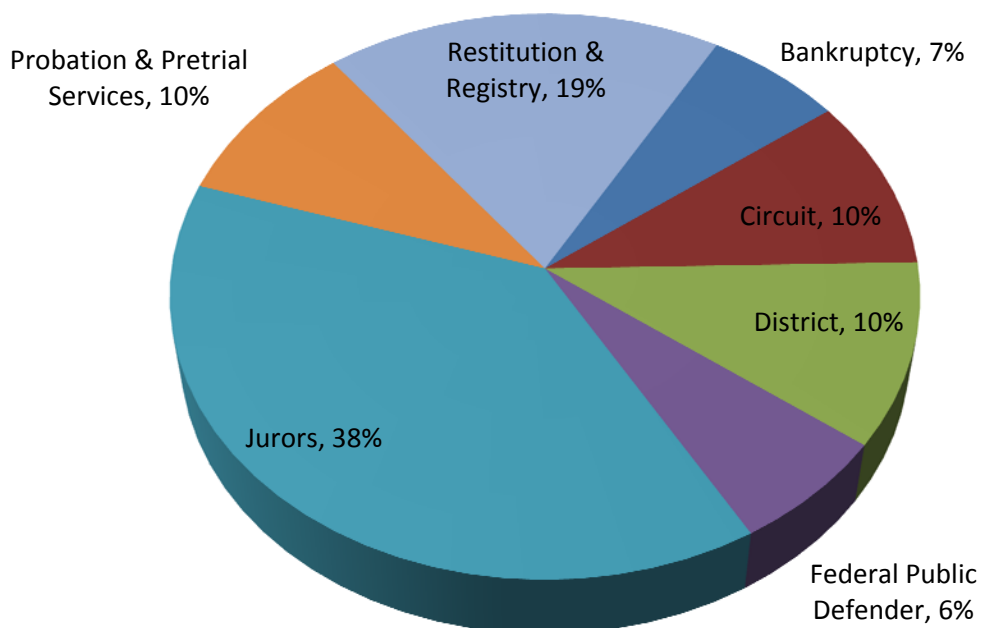
The court's financial staff implemented two new treasury initiatives, Treasury General Account Deposit Reporting Network (TGANet) and the Treasury Reporting System (TRS). TGAnet enables federal program agency users to report over-the-counter receipts in a secure, web-based system. TRS is used for verifying deposits with Treasury.

Reporting criminal debt payments to the Office of the United States Attorney was streamlined with the new automated

Consolidated Debt Collection System (CDCD). The defendant payment transactions are extracted for pre-determined debt types and a text file is generated that is sent via e-mail weekly to the Financial Litigation Unit of the office of the United States Attorney.

In 2011, the financial staff issued [25,315] payments. Restitution payments represent a significant portion of that total with [4,651] payments totaling [\$3,495,050.11].

VOUCHER PROCESSING TYPES



HUMAN RESOURCES

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 division. In addition, job postings appeared on the website for the United States District Court for the District of Massachusetts and on the national website for the United States Courts.

There were a number of significant staffing changes in 2011 as the result of several retirements and a resignation. Retirements came about as the result of government-wide budget concerns that prompted the submission of a plan to restructure the clerk's office and offer buy out incentives that would allow for voluntary reductions in staff and limit the need for involuntary actions.

The new year began with the clerk's office making the transition to the HRMIS Leave Tracking Program. IT staff at the Administrative Office provide full support for HRMIS Leave Tracking, thereby allowing local IT staff to focus on other initiatives and eliminated the cost to maintain our prior system.

In March, the clerk's office began utilizing HRMIS ePerformance, an automated program for the preparation of annual performance evaluations. Performance scores obtained during this process were used later in the year to determine the payment of performance-based discretionary steps to eligible employees

meeting and exceeding performance expectations for the year.

In May, during Public Service Recognition Week, staff in all three offices from Boston to Worcester to Springfield, were recognized for their hard work and dedication, and staff reaching certain years of service (in multiples of five) were provided with service award pins.

In August, an HR Forum was held in Ohio that provided a good opportunity for networking with fellow HR professionals from other courts and sharing ideas regarding HR policy. The budget was a hot topic, with much emphasis placed on buyouts, early outs, voluntary transfers to part-time positions, voluntary LWOPs and involuntary furloughs.

In October, the Judiciary implemented a freeze on all step increases and promotions in response to mounting concerns regarding the budget and the ability to meet payroll in fiscal year 2012 that commenced October 1, 2011.

In November, the annual Open Season Health Fair was held at the courthouse in Boston, with representatives from many of the health insurance plans in attendance, as well as other local area vendors offering information and guidance on a variety of health-related topics ranging from chiropractic care, dental alternatives to mental health assistance. New this year, the HR staff put together a summary for all staff outlining the additional benefits offered at little to no cost by the various plans in the Federal Employees Health Benefits Program (FEHBP). These included fitness programs and discounts, nutrition

and weight management counseling, disease management and online resource tools.

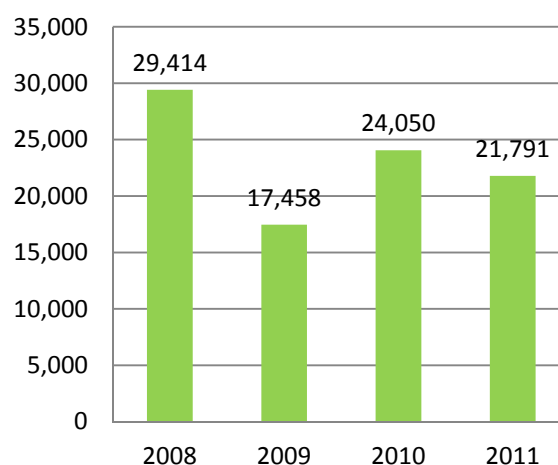
Throughout the year, the HR team identified and provided information to staff on a variety of monthly heritage celebrations, and coordinated a couple of

special events with the office of the United States Attorney to bring additional information to interested employees. For example, in December an event in celebration of Native American Heritage included a documentary with Diane Sawyer from ABC News entitled, "Hidden America: Children of the Plains."

IMMIGRATION & NATURALIZATION

The Judges of this District conducted [55] naturalization ceremonies during 2011, swearing in [21,791] new citizens. The District continues to work with the United States Citizenship and Immigration Service to provide ceremonies in accessible and historically significant venues. In 2011, ceremonies were held at venues throughout Massachusetts, including each federal courthouse, Faneuil Hall, Fenway Park, Gloucester City Hall, the Golden Stairs in East Boston, the JFK Library, the Lowell Memorial Auditorium, Mechanics Hall in Worcester, the Seaport World Trade Center, and the U.S.S. Constitution.

Naturalized Citizens



INFORMATION TECHNOLOGY (IT)

ELECTRONIC COURTROOMS

The electronic evidence presentation systems in courtrooms 9, 10, and 19 in Boston and courtroom 2 in Worcester were completely redesigned and updated in 2011. The court also installed much needed new audio systems in courtrooms 8, 17, and 20.

FDSYS OPINIONS PILOT PROJECT

Opinions issued by the Judges of the court are available in a searchable format on the Fdsys public access system. This is a pilot project by the Government Printing Office. The GPO provides public access to government information over the internet. Fdsys has a robust search engine that can search across opinions and multiple courts. Opinions are extracted from the court's

CM/ECF system on a nightly basis and posted on the FDSYS site at:

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=USCOURTS>

KACE APPLIANCE

The Dell KACE 1000 appliance was purchased to assist with workstation management and software distribution. The appliance is being used to distribute all workstation patches and security updates. The court's IT staff also uses the built-in

help desk ticketing system to track trouble calls and daily tasks.

WIRELESS NETWORK

A wireless (wifi) network was installed in December to provide coverage in all courtrooms, chambers, and clerk's office areas, as well as probation and pretrial. This is for use with court-owned devices and is optimized for iPads, Blackberrys and PC devices.

INTERNATIONAL JUDGES AND LEGAL SCHOLARS

The court hosted many visiting Judges and legal scholars in 2011. Judges from Czech Republic and Ukraine, members of the Judiciary from South Korea, Mexico and Kazakhstan, Chinese law professors, Chinese law students and barristers from the United Kingdom all visited the courthouse.

In August, fourteen attorneys from South America, Russia, Turkey, Switzerland, Japan and Korea visited with Judge Nathaniel

Gorton. The attorneys were studying "Legal English for Practitioners" at Boston University, an intensive class that combines learning English with a survey of American law.

During their visit, the students had a tour of the Moakley Courthouse provided by Discovering Justice, observed criminal proceedings, and had a lively discussion with Judge Gorton.



INTERNAL CONTROLS

In response to “Guide for Judiciary Policy” updates, and to address additional separation of duties requirements from the Administrative Office of the United States Courts (the AO), the Internal Controls Analyst (the analyst) developed compensating controls, proposed individual job role changes and initiated audit testing programs to ensure compliance with the new mandates. The analyst created, and the IT department programmed, an application to produce a report from the District Court’s financial information system targeting updates to vendor logs, thereby increasing the efficiency and effectiveness of the monthly review process for new vendors. Procedures for tracking and maintenance of non cash collateral also were initiated.

The analyst continued the process of testing transactions, assessing risk and conducting reviews of the major finance related functional sections within the clerk’s office in Boston and at the Worcester and Springfield divisional offices. A verification of the data and formulas used by the AO to determine the District Court’s FY 2011 allotments was performed, as was an update of the court’s Internal Controls Manual.

The analyst completed continuing education course work from the American Institute of Certified Public Accountants in the areas of governmental accounting, internal controls for financial managers, forensic auditing and ethics.

INTERPRETER SERVICES

Court interpreters were provided for [377] litigants in court proceedings in FY 2011. Of those, [308] or 80% were for the Spanish language. The remaining [69] or 18%, required interpreters for [11] other languages. A total of \$108,196 was spent on interpreting services in FY 2011, a nominal increase from 2010 when \$107,984 was expended on interpreting services.

INTERPRETER SERVICES	
Language	Events
Arabic	1
Cambodian(use Khmer)	1
Cantonese	2
Creole (Haitian) [Certified]	2
Italian	2
Spanish [Non-Cert]	2
Albanian	4
Romanian	4
Mandarin	6
Russian	6
Portuguese	18
Vietnamese	23
Spanish [Certified]	306
FY 2011 Totals	377

JUDICIAL OUTREACH

On June 2, 2011, “Inventing Democratic Courts: Art, Architecture and Justice” brought Judith Resnick and Dennis Curtis to discuss their book, *Representing Justice: Invention, Controversy and Rights in City-States and Democratic Courtrooms*. Judge Nancy Gertner moderated the discussion with the panel of commentators including, Justice Stephen Breyer, Judge Douglas P. Woodlock, Robert Campbell and Henry N. Cobb.

LINDSAY FELLOWSHIP PROGRAM

Following Judge Reginald C. Lindsay’s untimely death in 2009, this court established an educational student fellowship in his honor. The Lindsay Fellowship is designed to assist college sophomores or juniors who express a strong interest in law school. Although first preference is given to past Nelson Fellows, any college student with an interest in the law may apply. In 2011, six students were selected for the Lindsay program.

The Fellowship is an intensive two month program. During the first month, the fellows

attended a four week class on Legal Research and Writing, taught by a local law school professor, observed court proceedings in the District Court and the Court of Appeals and visited other courts. During the second month, the Fellows spent four weeks in either the Office of the United States Attorney or the Federal Public Defender Office. The Fellows returned to the District Court after their month in the other offices to compete in a moot court proceeding, arguing a motion they had prepared as part of their legal research and writing class.

NELSON FELLOWSHIP PROGRAM

The Nelson Fellowship Program, named in honor of the late Judge David S. Nelson, graduated [14] students in 2011, its fifteenth year.

During the 2011 term, the Fellows attended educational programs, met with civic leaders and performed public service. One of the highlights of the term was going to the “Future Stars” camp and working with the children there.



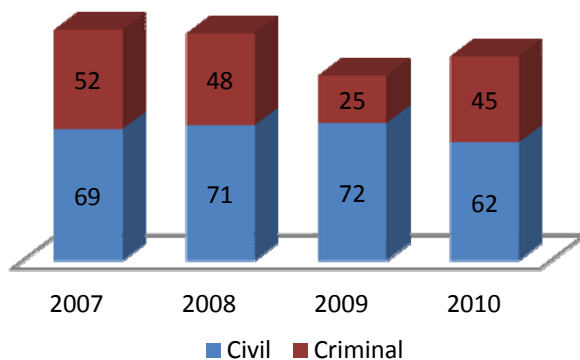
PHOTOGRAPH COURTESY OF GOVERNOR'S OFFICE

JURY

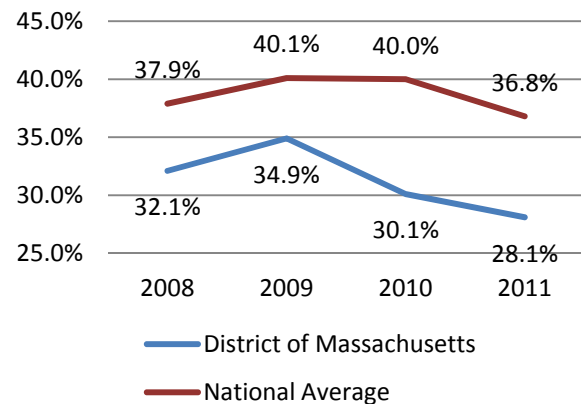
The jury department sets the standard for customer service within the United States District Court. Jurors consistently respond with positive feedback regarding their experience during jury service. In 2011 the District sat [96] juries, [48] civil and [48] criminal.

A total of 28.1% of petit jurors present for selection in the District of Massachusetts in 2011 were not selected, serving or challenged (NSSC) on the first day of service. This was a decrease from the court's 30.1% reported in 2010. The district remains well below the national average for 2011 of 36.8%. The Judicial Conference has set an approved utilization goal of 30% or less.

Juries Selected



Jurors Not Selected, Serving or Challenged



OFFICIAL COURT REPORTERS

As indicated in the table below, the in-court hours during 2011 decreased from 2010 by 3%. The total number of original transcript pages produced in 2011 increased by 7%.

On average, reporters spent 371 hours in court and produced 9,719 original transcript pages in 2011.

	2007	2008	2009	2010	2011
In-Court Hours	6,438	6,437	5,490	5,373	5,203
Original Transcript Pages produced	114,644	138,356	113,038	126,911	136,078

OPERATIONS AND STATISTICS

The operations section of the clerk's office is responsible for civil and criminal case processing and management. The courtroom deputy clerks assigned to district judges and magistrate judges manage the judges' calendars and cases. The docket deputy clerks focus on quality assurance and maintaining the electronic case docket and file. The data quality analysts focus their efforts on the more complex issues affecting case openings, case closings and statistical reporting.

JERS (Jury Evidence Recording System)

The District Court began a pilot program in early 2011 to evaluate the jury evidence recording system (JERS). During trial, the courtroom deputy clerk uses the program to mark exhibits as admitted and releases them to the jury during deliberations. The system includes a large, touch-screen monitor mounted in the jury deliberation room where jurors can select and view exhibits. The system is able to display audio, video, text and other media submitted as evidence in the trial.

As a pilot, the court successfully tested JERS capabilities in two criminal jury trials before the Honorable George A. O'Toole. Judge O'Toole, the Office of the United States Attorney, defense counsel, and our jurors, all reported positive feedback of the system's ease and accuracy. Following the successful pilot, the JERS system was installed in all our electronic courtrooms assigned to district judges.

Cameras in the courtroom

The District Court for the District of Massachusetts is one of fourteen federal trial courts taking part in the Federal Judiciary's digital video pilot program that started July 18, 2011 and will evaluate the effect of cameras in the courtroom. Courtroom 2 in the John J. Moakley Courthouse will be used for this project. It is equipped with a built-in video system, integrated with the existing electronic courtroom equipment.

Proceedings will only be recorded with the approval of the presiding judge and the consent of parties. The recordings are made available on the national website of the United States Courts. A presiding judge can choose to stop a recording to protect the rights of parties, witnesses, preserve dignity of the court or choose not to post the video for public viewing. The pilot program is limited to civil proceedings, and coverage of the jury venire, jurors or alternates is prohibited. Chief Judge Mark L. Wolf, Judge George A. O'Toole and Judge Denise J. Casper have recorded proceedings with success and posted the hearings, available through this link:

<http://www.uscourts.gov/multimedia/cameras/player.aspx>

CEO

On April 11, 2011 the District Court began using Chambers Electronic Organizer (CEO) to automatically produce our daily court calendar and to post it to the court's internet site. CEO interfaces with CM/ECF, automatically updating the court calendar throughout the day to provide the most up to date information based on the case dockets.

All sessions of the court are using the Chambers Electronic Organizer (CEO). It provides current schedule information to judges and court employees in an easily personalized calendar. The calendar is automatically generated from court proceedings entered in CM/ECF. The CEOweb calendar is a component of the program that extracts data from all sessions and automatically posts the daily docket on our court's website.

Statistics

Set forth below are caseload statistics that compare several areas of court activity from 2008 through 2011. It is important to note in these comparisons that data compiled by the Administrative Office of the United States Courts provides the average for the District of Massachusetts by dividing the time reported by each judge in the District by the authorized judgeships in the District. The district had a vacancy from May 2009 until December 2010. The lower statistical averages for trials held and time in court during 2009 and 2010 reflect the decreased number of judges.

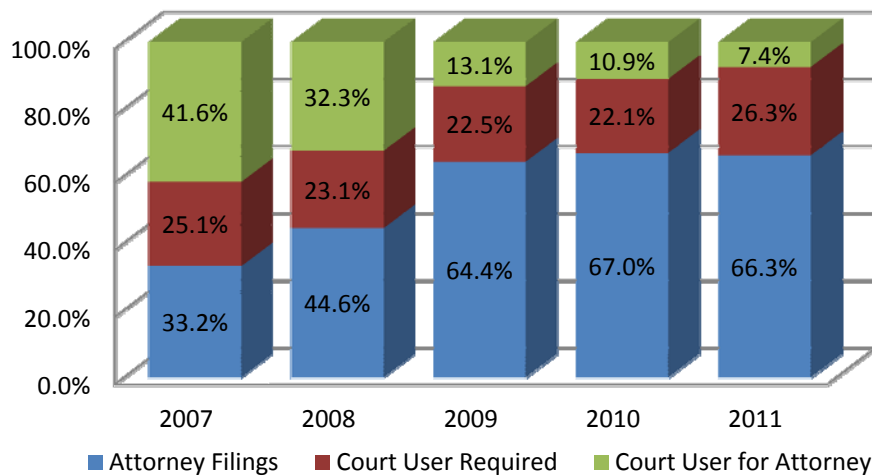
CIVIL CASE FILINGS

The Case Management/Electronic Case Files (CM/ECF) system is the automated tool used for electronic case filing and case management. Attorneys with CM/ECF filing access are required to file all documents electronically. In the past five years, we consistently have reduced the percentage of Civil Case filings that are entered by court

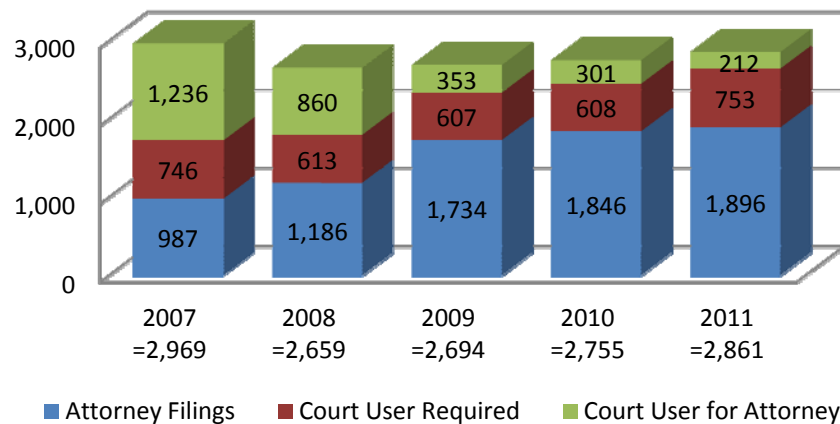
users. This reduction in docketing activity has been replaced by ongoing improvements in quality control, user help desk support and additional CM/ECF training provided to members of our bar.

In 2011, we experienced a modest 3% increase in our civil case filings.

Annual Percentage of Civil Case Filings by User Type

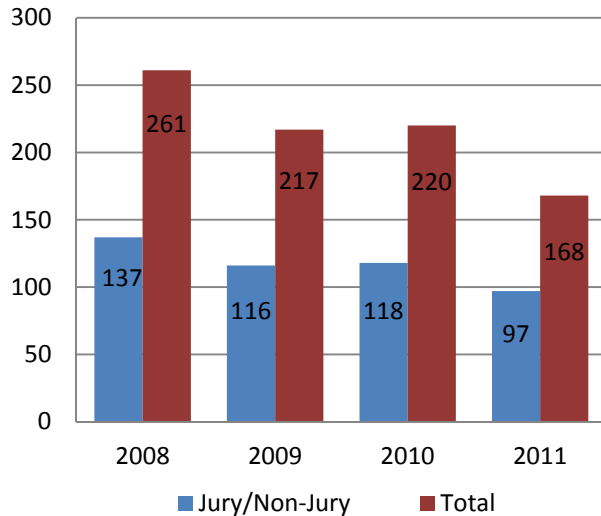


Annual Total of Civil Case Filings by User Type



TRIAL AND HOURS IN-COURT ACTIVITY

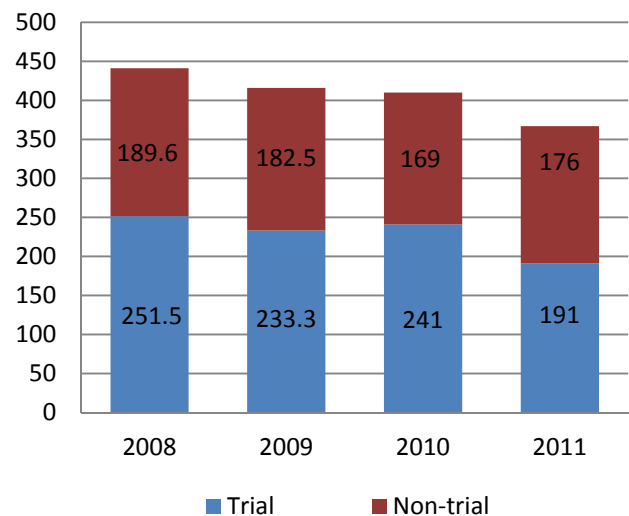
Trials Held



The total number of trials (hearings involving the presentation of evidence) conducted by the District Judges of this court decreased 24% from [220] in 2010 to [168] this past year. Similarly, the total number of jury and non-jury trials started during this period decreased 18% from [118] in 2010 to [97] in 2011.

The total in-court hours for District Judges fell 10.7% from [5,340] in 2010 to [4,769] in 2011. Hours on trial decreased 20.8% [3,137] in 2010 to [2,486] in 2011. The total amount of in-court hours spent on matters other than trials increased 3.6% from [2,202] in 2010 to [2,282] in 2011. The average trial hours reported by active judges in this District for 2011 was [191] hours per judgeship compared to the national average of [200] hours per judgeship.

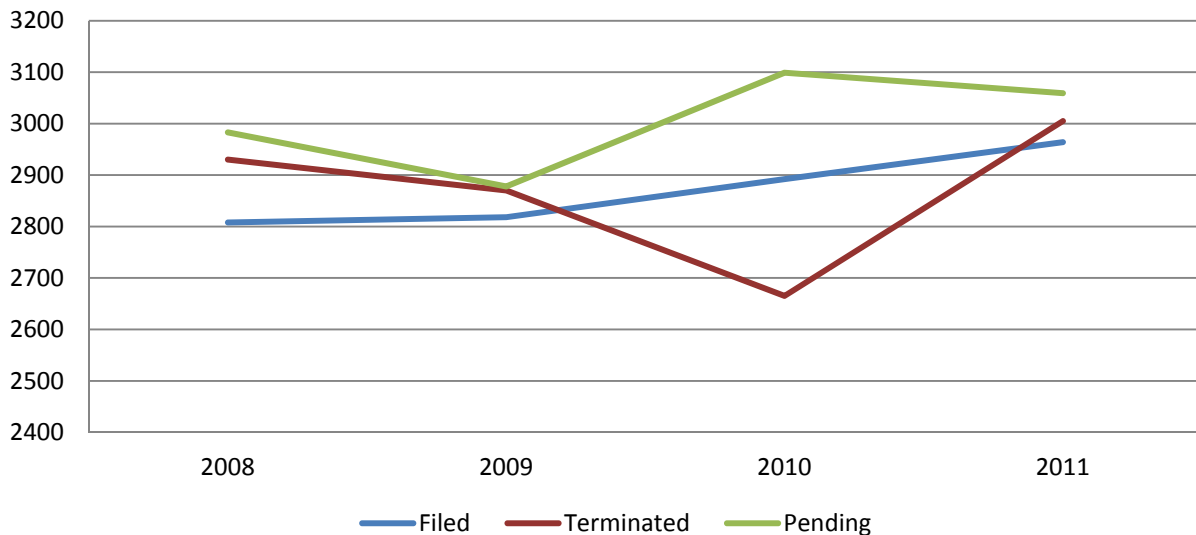
Hours in Court



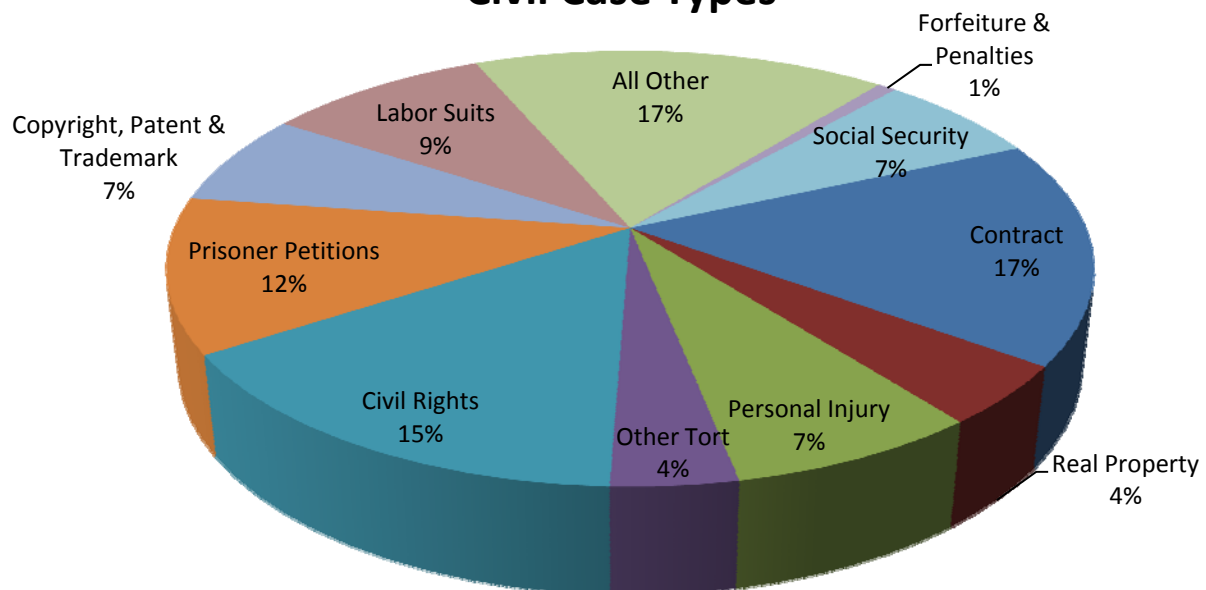
CIVIL CASELOAD

During 2011, [2,964] civil cases were filed in the District of Massachusetts, [3,005] civil cases were terminated and [3,059] civil cases were pending at the end of the calendar year. Civil filings increased 2.4%

from [2,892] in 2010 to [2,964] in 2011. This increase was below the national trend which showed an overall increase of 5.2% for 2011.

Civil Case Activity

For 2011, our civil filings included the following case types:

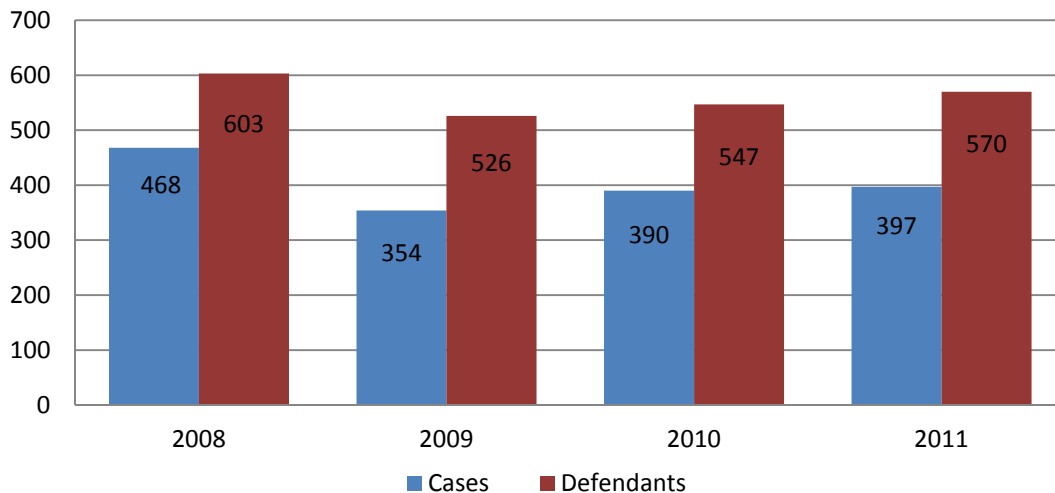
Civil Case Types

CRIMINAL CASELOAD

The District of Massachusetts opened [397] criminal cases in 2011, involving [570] criminal defendants. A total of [463] criminal cases and [641] criminal defendants were closed in 2011. By the end of the year, [540] criminal cases and [846] criminal defendants were pending.

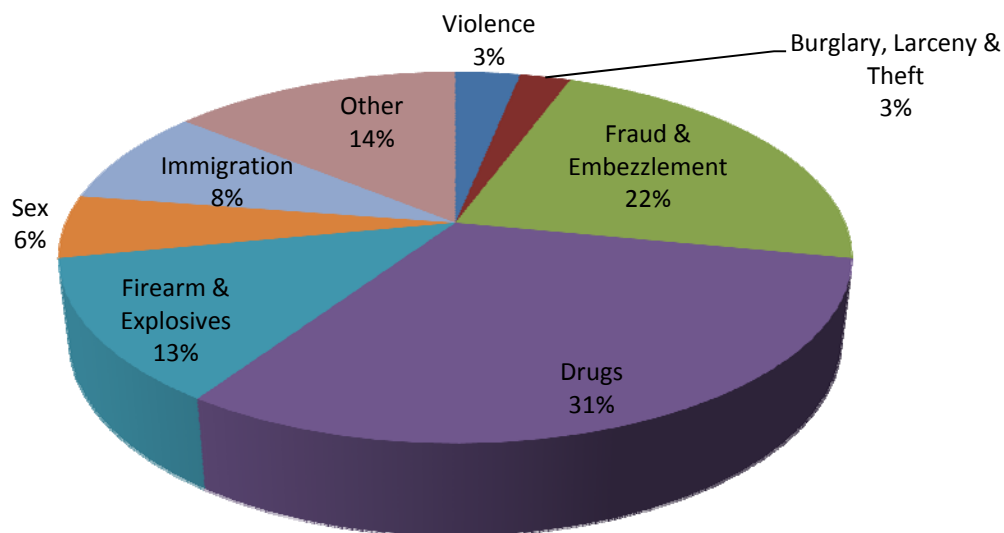
Criminal case filings increased 1.8% from [390] in 2010 to [397] in 2011, in contrast to the 1.2% decrease in the national average for the year. The number of new criminal defendants commenced rose 4.2% from [547] in 2010 to [570] in 2011, greater than the 1.3% increase in the national average.

Criminal Cases & Defendants



For 2011, the criminal case filings consisted of the following case types:

Criminal Offense Types



PRO SE STAFF ATTORNEYS

The Pro Se Staff Attorneys provide support to the district and magistrate judges in civil cases in which a plaintiff seeks in forma pauperis status and/or is proceeding pro se. In 2011, prisoners and other detained persons filed [337] lawsuits in the District of Massachusetts. Approximately [383] additional cases were filed by non-prisoner

indigent plaintiffs. The Pro Se Staff Attorneys assist in the administration of the court's pro bono program for civil cases. New pro bono appointments were made in [16] cases in 2011. Pro bono counsel continued to represent clients in [16] additional cases that were pending prior to 2011.

REENTRY PROGRAMS

The District of Massachusetts provides two reentry programs, the Court Assisted Recovery Effort (CARE) and the Reentry: Empowering Successful Today's And Responsible Tomorrows (RESTART). Both programs serve as models for national efforts to reduce recidivism through high frequency interaction between the newly released, at-risk offender and the court. The programs support the development of

life skills that promote a sober, employed reintegration into the community. The programs are successful due to the oversight of the presiding judge, the supervision of the United States Probation Office, assistance from many state and public service agencies and most importantly, the work and dedication of the offenders themselves.

CARE - COURT ASSISTED RECOVERY EFFORT

The CARE Program - The Court Assisted Recovery Effort (CARE) continued to succeed in 2011, the fifth year of the program. Magistrate Judge Leo T. Sorokin presides over the CARE program, assisting offenders who have a long term personal struggle with substance abuse.

RESTART - REENTRY: EMPOWERING SUCCESSFUL TODAYS AND RESPONSIBLE TOMORROWS

The RESTART program completed its second year in 2011. Magistrate Judge Timothy Hillman presides over the program that assists high-risk ex-offenders who are on supervised release.

TRAINING

Court staff participated in over two hundred course sessions during 2011, totaling 1,197 hours. Training was offered on a wide variety of topics, including locally developed applications such as the revised Criminal Justice Act Assignment System and the new Interpreter Scheduling Utility. Other sessions were offered by court staff, to court staff, on Excel. CM/ECF classes were offered regularly to attorneys and their support staff.

The court's training coordinator participated in a series of "Transitioning to Word" webinars offered by the Administrative Office's Automation Trainers' Community of Practice, in anticipation of this court's transition to that software.

In 2011, seven employees were trained remotely to use CM/ECF, taking advantage of the on-line CM/ECF classes offered by the SDSD branch of the Administrative Office.

The finance staff participated in classes on E-CJA and OTCnet. Procurement staff and others with a fiduciary responsibility continued their education taking programs such as the Judiciary Executive Program. Human resources staff participated in classes on health benefits and the court personnel system.

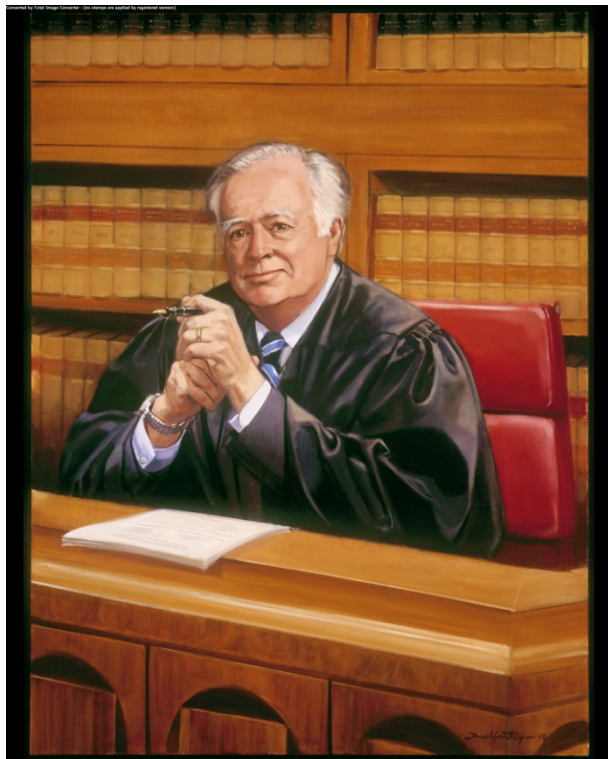
Courtroom deputy clerks learned to use the Jury Evidence Recording System (JERS) and demonstrations of the JERS software were also provided to members of the bar.

The clerk's office has begun to create on-line training modules for Judges, court staff, the bar and public. Documentation has been updated or created as needed for new projects, such as the "Virtual Press Box" offered through CM/ECF to members of the media.

OBSERVANCES

PORTRAIT CEREMONIES

Judge Nancy Gertner – Judge Gertner's portrait was unveiled on May 4, 2011. The ceremony included presentations from Judge Douglas P. Woodlock, Harvey Silverglate, Thomas Dwyer, Professor Douglas Berman, Honorable Harold Hongju Koh, Legal advisor to the United States Department of State, Rangita De Silva-De Alwis, Ellen Zucker and Michael Bunis. Judge Gertner's portrait was painted by Steven Polson of Woodcliff Lake, NJ and is hung in courtroom 2.



Judge Douglas P. Woodlock – Judge Woodlock's portrait was unveiled on June 3, 2011. The ceremony included presentations from Justice Stephen Breyer, Chief Judge Sandra L. Lynch, Chief Judge Mark L. Wolf, Inga Bernstein and Thomas A. Reed. Judge Woodlock's portrait was painted by David Goatley of British Columbia, CN and is hung in courtroom 3.