

ANNUAL REPORT 2008

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**



Prepared by the Office of the Clerk

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ON THE COVER: The United States District Courthouse, Springfield, MA

MESSAGE FROM THE CHIEF



Mark L. Wolf

Chief Judge

2008 was another demanding and productive year for the United States District Court for the District of Massachusetts. Our civil caseload involved a high percentage of complex patent, securities, and multi-district litigation. The number of trials of all types increased more than 35% over 2007. In addition, our judges again had many more hours on the bench than the national average. Nevertheless, our judges continued to provide valuable public service outside the courthouse, teaching in American law schools and around the world, serving on Judicial Conference Committees, and on the Foreign Intelligence Surveillance Court as well.

In 2008, our new Springfield courthouse opened. As the Design Excellence Award it has received indicates, the building admirably symbolizes the high aspirations for the administration of justice that our judges and dedicated staff share. The Court also launched a new website to serve the public better, in part by providing information about the many ways in which we seek to give integrity to our nation's ambitious ideal of "Equal Justice Under Law."

The District Court is important to everyone. However, as this report reflects, we are particularly important to some of the most vulnerable in our community. In 2008, the number of new citizens we naturalized grew by 60% over 2007. A very high percentage of the defendants prosecuted were indigent and had excellent representation provided under our Criminal Justice Act Plan. Our innovative Court Assisted Recovery Effort program to reintegrate into the community drug addicted former federal prisoners graduated its first class and proved to be a model for emulation nationally. In addition, we had the largest class of Boston high school students in our Judge David S. Nelson Fellowship program, which in 2008 was replicated by the District Court for the District of Columbia.

Sadly, in 2008 the Nelson Fellowship Program operated without the inspirational leadership of Judge Reginald Lindsay, who became ill in April and recently passed away. Judge Lindsay epitomized the devotion to the administration of justice that characterizes the judges of this Court and all who support our efforts. His passing is another reminder of both how challenging our mission is and how fortunate we are to have the opportunity to participate in meeting that challenge. We will be forever grateful for the memory of Judge Reginald Lindsay.

DISTRICT OF MASSACHUSETTS

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UNITED STATES DISTRICT COURT

District Judges

Mark L. Wolf, Chief Judge

Joseph L. Tauro
Rya W. Zobel
William G. Young

Douglas P. Woodlock
Nathaniel M. Gorton
Richard G. Stearns

Reginald C. Lindsay
Patti B. Saris
Nancy Gertner

Michael A. Ponsor
George A. O'Toole, Jr.
F. Dennis Saylor, IV

Senior District Judges

Edward F. Harrington

Morris E. Lasker

Magistrate Judges

Kenneth P. Neiman, Chief Magistrate Judge

Joyce London Alexander
Robert B. Collings

Marianne B. Bowler
Judith G. Dein

Leo T. Sorokin
Timothy S. Hillman

Office of the Clerk

Sarah Allison Thornton
Clerk of Court

William Ruane, Chief Deputy
Helen Costello, Operations Manager
Christine Karjel, Financial Manager
Susan Mohr, Human Resources Director
Francis B. Dello Russo, Procurement Manager
Stuart Barer, Information Technology Manager
John Stuckenbruck, Division Manager, Springfield
Deborah F. Shattuck, Division Manager, Worcester

JUDICIAL ACCOMPLISHMENTS

Judge Rya W. Zobel participated in the 40th anniversary celebration of the Federal Judicial Center. The event, held in September 2008, was hosted by Lewis & Clark Law School (Portland, Oregon) and co-sponsored by the Federal Judicial Center and the American Academy of Appellate Lawyers.

Judge Nathaniel M. Gorton completed his seven-year term on the Foreign Intelligence Surveillance Court and received recognition and appreciation for his service from Chief Justice John G. Roberts, Jr. and Attorney General Michael B. Mukasey at the Annual Meeting of the United States Supreme Court in May, 2008.

Judge Richard G. Stearns began his term of service on the Judicial Conference Committee on Judicial Security. The Committee reviews, monitors and proposes policies regarding the security of the federal judiciary, including protection of court facilities and proceedings, and protection for judicial officers, other officers and employees of the judiciary, and any immediate family members of such persons at federal court facilities and other locations.

Judge Patti B. Saris continued her term of service on the Judicial Conference Committee on the Budget which assembles and presents to Congress the budget for the judicial branch. She is on two working groups: the working group on CJA vouchers; and the working group on courtroom sharing. Judge Saris currently is serving as Vice President of Space and Planning for the Federal Judges' Association. She is also balancing two large MDL Cases. With respect to non-judicial activities, she is on three Visiting Committees at Harvard University, and on the boards of two private philanthropies, one of which is "Bottom Line" that helps inner city youth get into college and graduate.

Judge Nancy Gertner has been an instructor since 1998 and continues to teach sentencing at the Yale Law School. In January 2008, Judge Gertner taught as a Visiting Wallace S. Fujiyama Professor at the William S. Richardson School of Law - University of Hawaii. Also in January, she became a Leadership Council

Member of the International Center for Research on Women. In August, she received the Thurgood Marshall Award from the American Bar Association (ABA) Section of Individual Rights and Responsibilities, only the second woman to receive it (Justice Ruth Bader Ginsburg was the first). Judge Gertner was involved in a Summit Program hosted by the National Conference of Women's Bar Associations. In October, she spoke in Arizona at the Federal Capital Defense Strategy Session in connection with the Federal Defender's Office, and also traveled to China, sponsored by Wellesley College Centers for Woman and the China Law Center at Yale Law School. Judge Gertner currently partners with the Wellesley Centers for Women's international initiatives to promote the human rights of women and children. Judge Gertner spoke at the Association of American Law Schools' Conference on Evidence, and served on a panel of the Annual National Seminar on the Federal Sentencing Guidelines hosted by the Federal Bar Association and the United States Sentencing Commission in cooperation with the ABA Criminal Justice Section. At John Jay College of Criminal Justice, Judge Gertner was part of a panel entitled "Sentencing, Sanction and Community Impact: A Federal Judge Reflects on a Downward Departure." She took part in a Symposium of the Annual Survey of American Law at New York University and will be issuing a paper entitled, "Tradeoffs of Candor: Does Judicial Transparency Erode Legitimacy?" Along with Judith Mizner, she released an update to their book "The Law of Juries." She is a fellow of the American College of Trial Lawyers, is on their Criminal Law Committee, and participated in a program on jury trials. In 2008, Judge Gertner concluded her term of service on the Judicial Conference Committee on Information Technology.

Judge Michael A. Ponsor started his term of service on the Judicial Conference Committee on Space and Facilities. The Committee reviews, monitors and proposes to the Judicial Conference policies regarding the judiciary's space and facilities requirements and makes recommendations for changes as appropriate. Thanks to the efforts of Judge Ponsor and many others, the new Springfield courthouse was formally opened on

Monday, October 6, 2008, the culmination of more than a decade of work. Among the ribbon-cutters were U.S. Senator John F. Kerry, D-MA and Congressman Richard E. Neal, D-MA.

Judge F. Dennis Saylor IV served as an Adjunct Professor of Law at Boston University School of Law from September through December 2008. Throughout the year, Judge Saylor served as a distinguished panelist on many Worcester County Bar Association (WCBA) legal education seminars and Massachusetts Continuing Legal Education (MCLE) programs. In January 2008, Judge Saylor was a panelist on the Boston Bar Association (BBA) program entitled “The Cutting Edge Issues in Criminal Law.” This annual seminar gives practitioners an overview of critical changes in state and federal criminal law as well as anticipated issues for the future.

Magistrate Judge Marianne B. Bowler began her term of service on the Judicial Conference Committee on International Judicial Relations. The Committee coordinates the federal judiciary’s relationship with foreign judiciaries and with official and unofficial agencies and organizations interested in international judicial relations, and the establishment and expansion of the rule of law and the administration of justice. The Committee makes recommendations as appropriate to the Chief Justice, the Judicial Conference of the United States, and other judicial entities.

Magistrate Judge Leo T. Sorokin continued his active involvement in reentry initiatives both in the District of Massachusetts and outside the district. Magistrate Judge Sorokin spoke at conferences sponsored by the United States Sentencing Commission, the Federal Judicial Center and Duke University Law School. Magistrate Judge Sorokin continued to preside over the Court Assisted Recovery Effort (CARE) which celebrated its first graduation in February 2008. Magistrate Judge Sorokin also hosted representatives from other federal districts as they visited the District of Massachusetts to observe the CARE Program.

Magistrate Judge Judith G. Dein is the First Circuit representative to the Federal Magistrate Judges Association. An active participant in the Children Discovering Justice Program, Magistrate Judge Dein served as a faculty member at the Harvard Trial Advocacy Program for law students (January term) and judged a mock trial for the American Bar Association.



Red Sox Slugger David Ortiz with Judge Nathaniel Gorton following the June 11, 2008 naturalization ceremony at the John F. Kennedy Library

THE DISTRICT AT A GLANCE

The Federal Court goes to Fenway Park



On Wednesday, September 17, 2008, Boston's Fenway Park was transformed into a federal court for the purpose of conducting a naturalization ceremony. A total of 3,032 immigrants took the oath to become citizens of the United States.

United States District Court Judge Patti B. Saris presided over the ceremony, the first ever naturalization ceremony to be held at the historic baseball park. Officials from the United States Citizenship and Immigration Services (USCIS) requested the special ceremony at Fenway Park in order to accommodate an increase in citizenship applications.

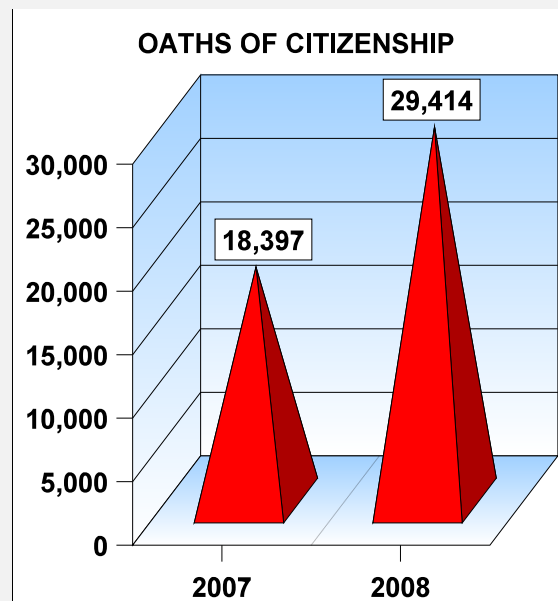
The new citizens sat in the box and lodge seats along the first base line as the oath was administered. They represented (140) countries, including the Dominican Republic, China, Haiti, Vietnam and Brazil.

Some of the new citizens were military veterans who recently had returned from Iraq.

Also joining Judge Saris at the event was Boston Mayor Thomas M. Menino. The stage, located in front of the Red Sox dugout, was proudly flanked by the Red Sox's two World Series trophies.

Citizenship and Immigration Services

USCIS worked in conjunction with the District Court to conduct a total of (58) naturalization ceremonies during 2008. The oath of citizenship was administered to 29,414 immigrants. This represented a 60% increase over 2007, when 18,397 new citizens were naturalized.



Pro Se Staff Attorneys Office

The *Pro Se* Staff Attorneys provide support to the district court judges in civil cases in which a plaintiff seeks indigent status and/or is proceeding *pro se*. In 2008, prisoners and other detained persons filed (466) lawsuits in the District of Massachusetts; non-detained persons sought leave to proceed *in forma pauperis* in (162) actions.

The *Pro Se* Staff Attorneys also administer the Court's *pro bono* program. In 2008, *pro bono* appointments were made in (13) civil cases. With the assistance of Bingham McCutchen LLP, Foley Hoag LLP, Goodwin Procter LLP, and Ropes & Gray LLP, the Court

developed a new plan for the appointment of *pro bono* counsel in non-employment civil cases in 2009. Twenty-one law firms agreed to participate in the new plan. The Court also continues to provide information about *pro bono* opportunities in this District to all attorneys interested in representing indigent persons in civil matters.

Criminal Justice Act (CJA) Payments

There were (1,112) CJA vouchers processed by the Clerk's Office in 2008. This represented an increase of (107) vouchers or 10.65% from 2007. The total dollar amount of CJA payments in 2008 increased by \$14,341.00.

Year	CJA Payments	Number of CJA Vouchers
2000	\$2,743,582	1072
2001	\$2,396,304	979
2002	\$2,803,948	1019
2003	\$4,217,041	995
2004	\$4,619,226	986
2005	\$5,783,294	1156
2006	\$5,872,955	1231
2007	\$4,662,262	1005
2008	\$4,676,603	1112

CJA Board

The 2007 recommendation of the CJA Board for changes to the existing CJA panels of attorneys in Boston, Worcester and Springfield were approved at the January 2008 Judges' meeting. In addition to updating the existing panels, the Judges also approved a new, separate list of CJA panel attorneys willing to accept appointments in *habeas corpus* cases.

On November 1, 2007, the U.S. Sentencing Commission amended downward the sentencing guideline for crack cocaine offenses. On December 11, 2007, the Commission applied the guideline retroactively beginning on March 3, 2008. In order to devise an efficient procedure for the filing and processing of motions to reduce sentence as a result of the amended guidelines, representatives of the CJA Board, the Federal Defender Office, the Probation Office, the U.S. Attorney's Office and staff from the Clerk's Office worked together, coordinated the lists of potentially eligible defendants, and recommended a procedure for filing. Several of the team members also attended a regional "Retroactivity Summit" in January 2008 to discuss the ramifications of the amendment, the process for appointment of counsel, and requests for reduction of sentence. As a result of this collaboration, the Court approved a Standing Procedural Order Re: Motion for Reduction in Term of Imprisonment for crack cocaine offenses. The amended guideline range (policy statement) U.S.S.G. §1B1.10, as amended, became effective on March 3, 2008. Approximately (275) motions to reduce sentence re: crack cocaine offenses were filed during 2008.

The Administrative Office of the U.S. Courts (AO) will develop a new electronic voucher program (*evoucher*) to facilitate CJA payments. Clerk's Office staff, as well as, Judges, Federal Defenders and CJA panel attorneys have been selected from across the country to serve on a working group for the *evoucher* program and a CJA voucher training program for all end users.

Magistrate Judge Assignment, Pilot Project

On January 1, 2008 the Court began a two year Pilot Project for the assignment of a percentage of new civil case filings directly to Magistrate Judges in Boston and Worcester. This practice has been in effect in Springfield for many years.

The Clerk's Office tabulated the number of civil cases drawn to Magistrate Judges and, within these cases, the number consenting, the number declining to consent, the number reassigned to a District Judge for reasons other than a consent or decline, the number terminated prior to a decision, and the number that remain pending. These statistics are tracked separately for Boston, Worcester and Springfield.

After one year, the statistics indicate that 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 Springfield. Of the cases in which the parties made a decision to consent or decline in 2008, 43% in Boston consented, 50% in Worcester consented and 42% in Springfield consented.

Jury

A total of 32.1% of the petit jurors present for jury selection in the District of Massachusetts in 2008 were “not selected, serving or challenged” (NSSC) on the first day of jury service. This was an increase from the 29.8% reported in 2007, but is well below the national average for 2008 of 37.9%. The Judicial Conference has set an approved utilization goal of 30% or less.

The number of last minute pleas or settlements on impanelment day jumped from (16) in 2007 to (27) in 2008, an increase of nearly 69%. High profile trials, death penalty cases, multi-defendant criminal cases, continuances because of unforeseen circumstances and the need in “mega cases” to bring in extra jurors to complete prescreening questionnaires are a few factors that can cause a court’s percentage of jurors NSSC to fluctuate.

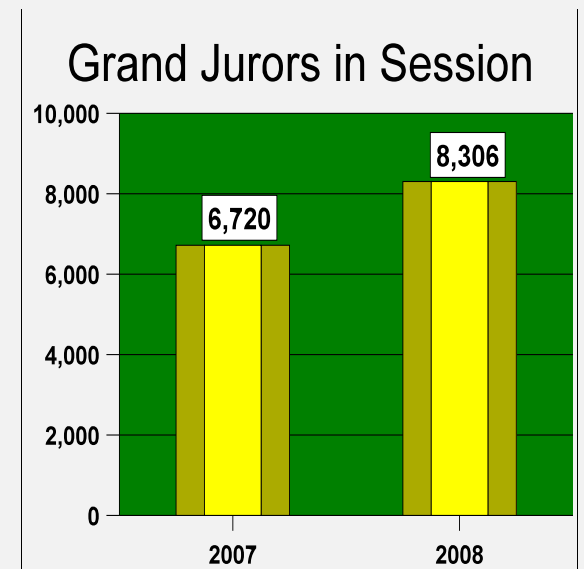
There was also an increase in the number of grand jurors in session (6,720 in 2007 compared to 8,306 in 2008). On average, grand juries in the District of Massachusetts convened three times per month at an average of four hours per session. In 2008, grand jurors in this district sat for a total of 1,624 hours in session. This represented an increase of 203 hours in session over 2007.

The Federal Bar Association

The Massachusetts Chapter of the Federal Bar Association’s (FBA) mission is to strengthen the federal legal system and administration of justice by serving the interest and needs of the federal practitioner, the federal judiciary, and the public they serve. To further this mission, the Clerk of Court (or a designee) was invited to participate as an honorary member of their Executive Committee, and has done so since March 2008. On May 13, 2008, the FBA amended its by-laws to include the Clerk’s Office Designee as a permanent honorary seat on their Executive Committee. The Clerk’s Office has participated in several of the programs offered by the FBA such as *Federal Clerks’ Perspective - Practical Tips From the Front Line*, *Technology in the Courtroom*,

and *Litigating Civil Cases Before the Magistrate Judges: From Discovery to Jury Trial*.

Jury Utilization Percent of Jurors Not Selected, Serving or Challenged 12 months ending December 31		
Year	District of Massachusetts	National
2000	22.8	37.5
2001	20.0	39.2
2002	25.3	39.2
2003	33.1	39.6
2004	26.3	36.1
2005	20.9	37.8
2006	26.4	37.7
2007	29.8	36.8
2008	32.1	37.9



Judge David S. Nelson Fellowship Program



2008 was another successful year for the Nelson Fellowship Program. Twelve young people from the Boston Public Schools, and one young lady from Springfield were chosen as Nelson Fellows. Each Fellow was assigned to a Judicial Officer in Boston and Springfield. The Judges of this Court spent time with the Fellows both inside and outside court, mentoring the students. In return, the Judges learned about the students and their lives as members of the community.

Under the direction of Nelson Fellow Coordinator Taisha Sturdivant, the Fellows participated in educational programs, visited Ft. Devens and an inner-city camp in Lowell. The Fellows also visited a number of area colleges and universities, and received help with their college and scholarship applications.

As is the tradition, the Fellows met with J.D. Nelson (Judge Nelson's brother) and attorney Joseph Oteri, one of Judge Nelson's closest friends. These visits enhance the understanding and appreciation of the Fellows for Judge Nelson the man, and his importance to this Court and the community.

The Fellows competed against a similar group of students from a state court program in a mock trial as part of their educational program.

The Fellows and their families and friends joined with the Judges and staff of this Court in a graduation ceremony on August 22.

Vivian Mbawuike spoke on behalf of the Fellows, followed by Taisha Sturdivant as Coordinator. The day's

keynote address was delivered by Stephen H. Oleskey, Esq. Chief Judge Wolf addressed the gathering on behalf of the Court.

In the Fellows' annual newsletter, Marieljane (MJ) Bastien described how the program has changed her life, "Although he has passed, he has become a mentor to me through the stories of the individuals he has touched in his lifetime. When such stories of Judge Nelson are told it is hard to imagine such a person was real, but at the same time he is so relatable because like the Nelson Fellows he lived in inner city Boston and faced the same hardships we Fellows face today. Knowing that Judge Nelson shared a similar past with me gives me the encouragement and faith to believe that like him I can be an individual of firsts as well. Judge Nelson died at a young age but in his life he has accomplished more than I could ever dream of before accepting this internship."

The CARE Program

The Court Assisted Recovery Effort completed another successful year in 2008. The program held its first ceremonial graduation in the spring of 2008. Chief Judge Mark Wolf, Judge Nancy Gertner and Magistrate Judge Leo Sorokin spoke, and remarks were also made by Boston Police Commissioner Edward Davis. Many Judges, Magistrate Judges, Probation Officers attended as well as representatives of the United States Attorney's Office and Federal Public Defender's Office. CARE continued to attract the interest of courts and agencies in other districts. The program hosted visitors from other federal districts who traveled to Boston to observe the CARE Program in action.



CARE Graduation Ceremony

Finance

After successfully implementing CCAM (Civil Criminal Accounting Module) in December, 2007, members of the finance staff assisted the Northern District of Georgia, Southern District of Texas, Northern District of Alabama, and Eastern District of New York courts with their CCAM implementation during 2008.

Upon the retirement of the CJA Analyst, all responsibilities relating to CJA voucher processing were transferred from the operations department to the finance department. Two employees of the finance department attended training on the CJA Payment System. The financial manager has participated in two CJA working groups coordinated by the Administrative Office of U.S. Courts (AO) and Office of Defender Services.

Budget

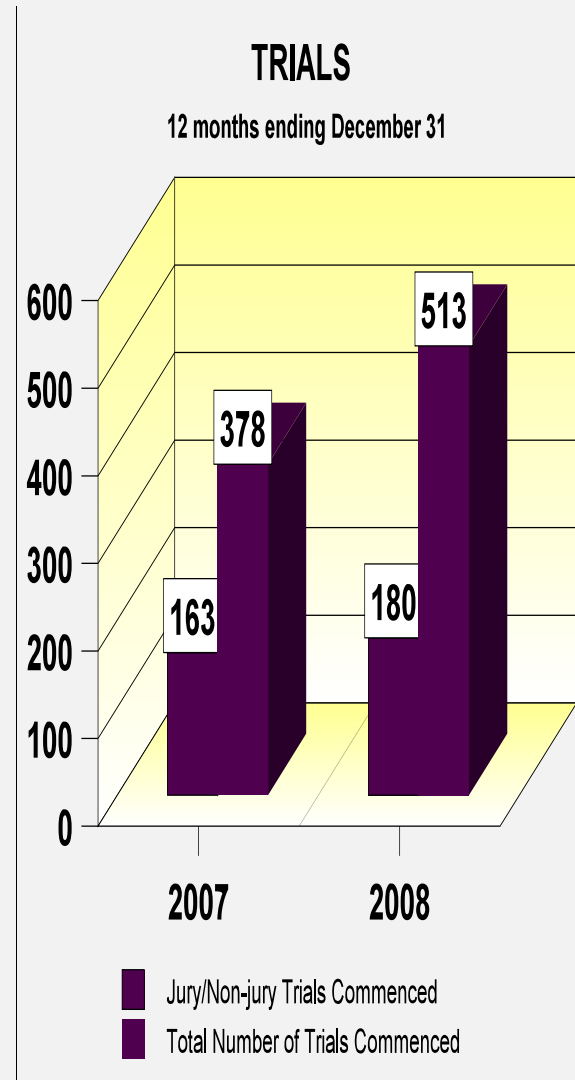
The District of Massachusetts has an active Budget Committee consisting of Chief District Judge Mark L. Wolf, Judge Douglas P. Woodlock, Judge Nathaniel M. Gorton, Judge Patti B. Saris, Judge Michael A. Ponsor, and Chief Bankruptcy Judge Henry J. Boroff. This committee reviews and approves a spending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

In the spirit of cooperation, the four Unit Executives meet regularly to review the status of their individual budgets and frequently share resources as needed. This joint effort by all units of the District of Massachusetts to put the overall mission of the Court ahead of individual priorities has also greatly assisted the ability to meet increasing demands despite budget reductions.

The District Court concluded the year with the successful procurement of many necessary projects, including: construction of additional work areas in Clerk's Office; upgrade of the computer room air conditioning system; an electronic courtroom; replacement of the sound system in all courtrooms; phased in replacement of courtroom benches; cyclical replacement of new computers; new file servers, and other necessary spending for the new courthouse in Springfield.

Trials and Hours of In-Court Activity

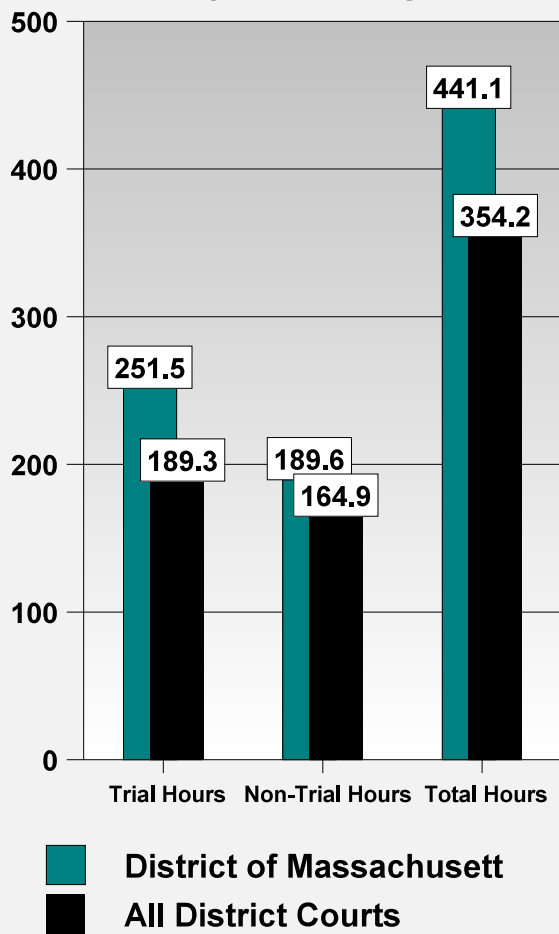
The total number of trials commenced in this district rose 35.7% in 2008, from (378) in 2007 to (513) this past year. Similarly, the total number of jury and non-jury trials started during this period increased 11.6% from



(163) in 2007 to (180) in 2008.

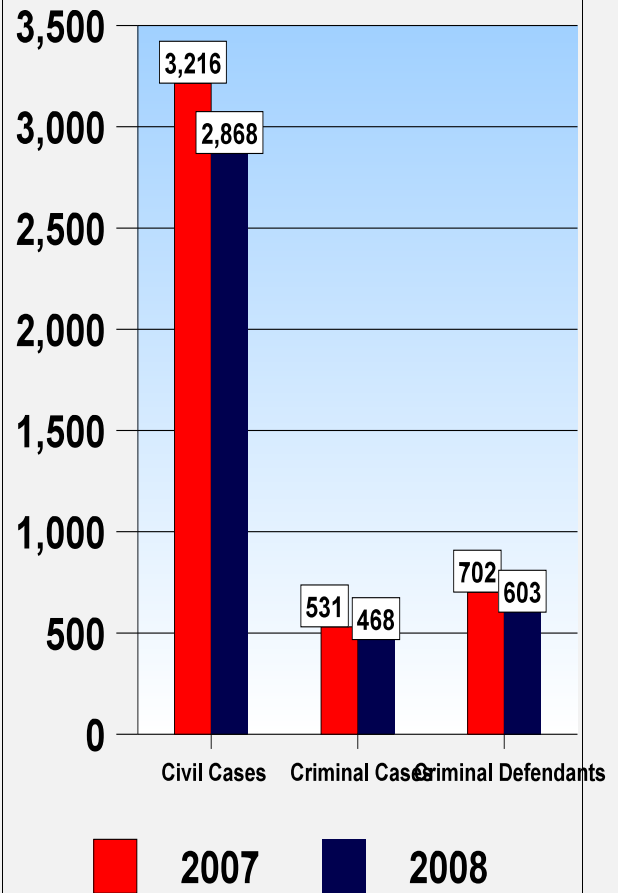
Total in-court hours fell from (9,606) in 2007 to (8,894) in 2008. Days on trial rose from 1,108 days in 2007 to 1,294 days in 2008. Hours on trial increased 5% in 2008 (4,002 hours in 2007 to 4,202 in 2008). The total amount of in-court hours spent on matters other than trials decreased from (5,605) in 2007 to (4,692) in 2008, a drop of 16.3%. Even with a decrease of in-court hours, the District of Massachusetts continued to eclipse the national average of in-court hours reported by active judges in 2008. As seen on the following page, active judges in this district averaged (441.1) in-court hours, compared to (354.2) nationally. Trial hours were (251.5) versus (189.3), respectively.

Average Trial & Non-Trial Hours Reported by Active Judges - 2008



ALL FILINGS

12 months ending December 31

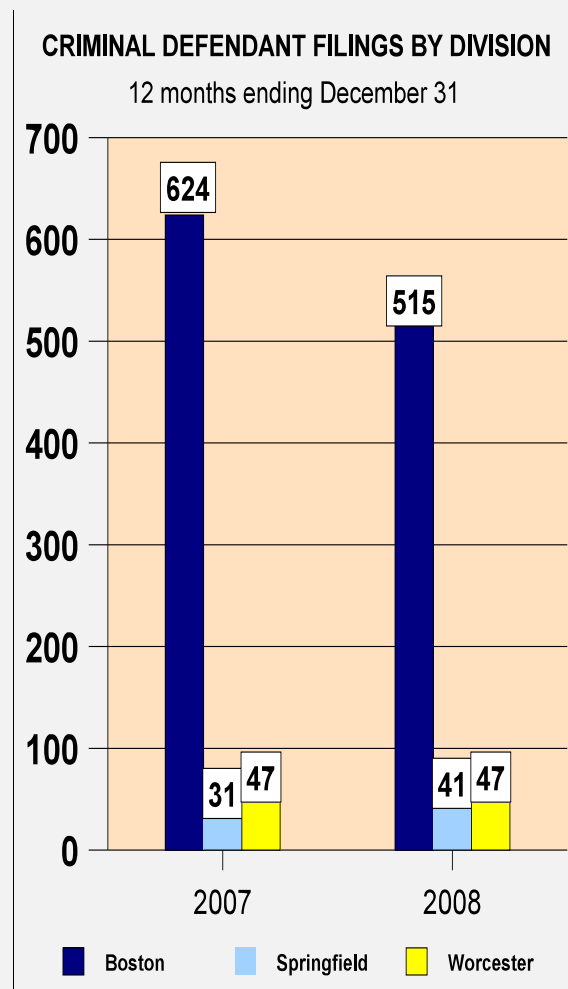
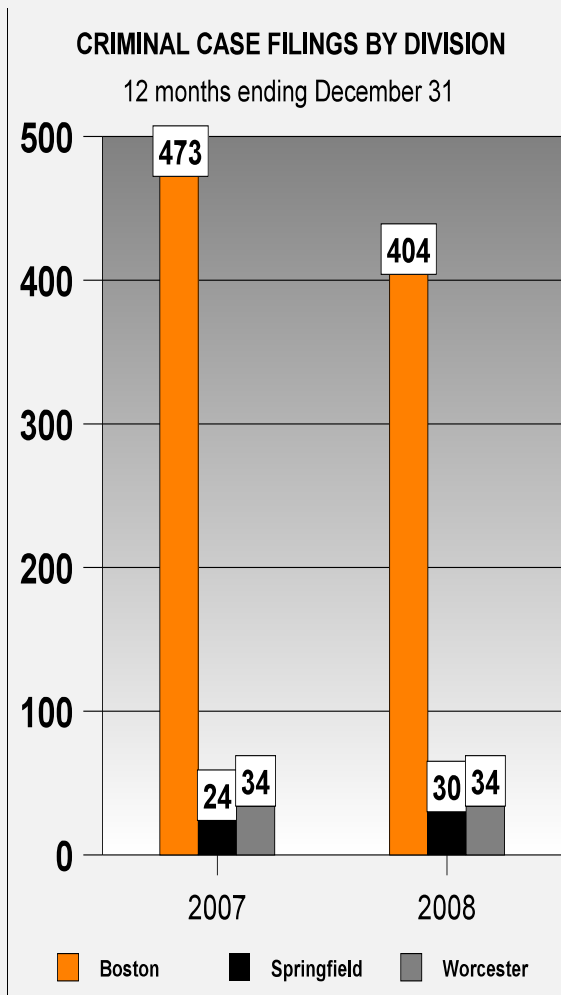


Caseload Statistics

During 2008, the District Court opened (2,868) civil cases and disposed of (2,955) civil cases. At year's end, (2,937) civil cases were pending. Civil case filings decreased 10.8% from (3,216) in 2007 to (2,868) in 2008. This decrease was contrary to the national trend which showed an overall increase of 3.8% during FY 2008.

For the second consecutive year, contract cases and prisoner petitions represented the largest share of the court's civil case filings. These two categories were closely followed by civil rights and tort cases.

The court opened (468) criminal cases in 2008 involving (603) criminal defendants. A total of (433) criminal cases and (604) criminal defendants were closed over the period. At year's end, (779) criminal cases and (1,172) criminal defendants were pending. Criminal case filings fell from (531) in 2007 to (468) in 2008. This represented an 11.8% decrease. This decrease was inconsistent with the national trend which recorded a 3.6% rise in FY 2008. In Boston, filings dropped from (473) last year to (404) in 2008, 14.5%. The Worcester division remained steady with (34) filings in each year, and the Springfield division actually experienced a 25% growth in filings with (24) in 2007 and (30) in 2008.



Increased criminal filings occurred in the following categories: firearms and explosives; violent offenses; sex offenses; larceny and theft; justice system offenses and regulatory offenses. Although less numerous than in the previous year, fraud and non-marijuana drug cases still accounted for the most new criminal case filings in 2008. Other categories of criminal cases that displayed an overall decline in filings were: marijuana; forgery and counterfeiting; and immigration cases.

With an 11.8% decrease in criminal cases, criminal defendant filings slipped 14.1% in 2008. While the Worcester division remained constant, both Boston and Springfield experienced declines. Nationally, defendant filings rose 3.4% in 2008.

Information Technology

Case Management/Electronic Case Files (CM/ECF)

On May 3, CM/ECF was successfully upgraded to version 3.2.1. It was later upgraded to version 3.2.2 in November. Enhancements in the new versions included access to electronic transcripts (90) days after they are issued, data extractions for the Department of Justice/Victim Notification System, and a new sealed data report.

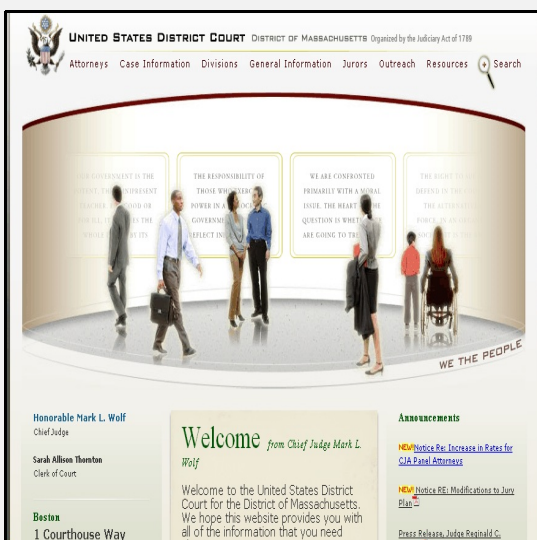
In addition, the U.S. Sentencing Commission revised the sentencing guideline range for crack cocaine related offenses. As a result, sentences of an estimated 19,500 prisoners may be eligible for reduction. The Office of Judges' Programs received numerous inquiries from judges on how this work will be measured. As a result,

the CM/ECF software has been modified to capture data for crack cocaine related re-sentencings. Reports can now be generated to identify defendants who have filed for reduction of sentence under these new guidelines.

Courtroom Technology

New evidence presentation systems were installed in Courtrooms 12 and 18. The project included a new audio system for Courtroom 18 that will be the model for future work in other courtrooms

An award was made in September for a new evidence presentation system in Courtroom 22, and new audio systems for nine additional courtrooms to be completed in 2009.



Website

The Court unveiled its renewed website, designed to convey that the administration and inspiration of justice is accessible to all. Just as the courthouses themselves welcomes those who physically come to the buildings, the Court's redesigned site provides a sanctuary in cyberspace with easy to find, current information about the federal district courts in Boston, Springfield and Worcester. Prospective jurors, litigants, attorneys and the public in general can quickly locate directions, telephone directories, court calendars, forms, rules and an overview of any aspect of the work of the court.

"We are here to serve the people," said Judge Mark L. Wolf, Chief Judge of the US District Court, District of

Massachusetts. "Our new website welcomes all who are seeking information about the court system, from jurors to attorneys, students, and even tour groups."

Historical inscriptions carved on tablets illustrating the foundation of the court system are the focal point of the site. Visitors can view and download the text of each tablet and also background information on the text. Each of the U.S. Constitutional Amendments are featured, as well as inspirational quotes including, "Justice is but truth in action" (Louis D. Brandeis, 1914) and "The most beautiful site in Boston does not belong to the judges, it does not belong to the lawyers, it does not belong to the Federal Government, it belongs to the public." (Justice Stephen Breyer, 1994).

Watertown, Massachusetts-based advertising agency Allen & Gerritsen (a&g), was hired to revitalize the court's internet and intranet websites, in an effort to utilize technology and creativity to reflect the goals and mission of the federal court. "By building on inspirational messages from influential American leaders, we aimed to foster pride and ownership of the federal court system through the site," said Andrew Graff, CEO and President of a&g.

Springfield Courthouse Connectivity

Much of 2008 was spent coordinating the installation of major infrastructure work for the new courthouse in Springfield. This included procurement of dial-tone resources, Wide Area Network connectivity, a new telephone system, and Courtroom technology systems.

In a combined effort with the other court units, a new Voice Over IP (VOIP) phone system was designed for both Worcester and Springfield. This allowed telephone calls to be routed over the data network to improve efficiency and to keep up with modern technology. This came online in Worcester in early May.

The new telephone system, and all network resources were available and functioning properly as of August 22, 2008. A new videoconferencing gateway, improved courtroom sound and cable management resources, and the FJTN distribution system were added shortly after.

FAS4T

In April, the Court went live on the Phoenix Data Center's (PDC) centrally hosted FAS4T server. This was part of a national effort to consolidate servers from

the local courts. In addition to the offsite security, this resulted in a 94% improvement on response time for reports and database activities.

Workstation Management

A new server running the Patchlink product was installed to help keep up with the plethora of security and functional updates that are constantly released by software vendors. At 5:00 AM each morning, the computers of all court staff automatically power on to receive updates, rebooting and anti-virus scans.

Lotus Notes

The centralized Lotus Notes backup servers are now operational for the judiciary. Our local server is mirrored at a secure site managed by the AO. If our server, or the building is unavailable for any reason, email can still be accessed from any DCN or VPN connection.

Alternative Dispute Resolution

The Alternative Dispute Resolution (ADR) Program continued to play a vital role in pre-trial resolution of a broad range of civil matters during the year of 2008. A total of 277 cases were referred to the ADR Program, and 201 were mediated in the same year. The majority of cases were mediated by Senior Judge Morris E. Lasker, assisted by seven magistrate judges in Boston, Worcester and Springfield. In addition to the mediations conducted by Judges, the Court's ADR Panel, a group of professional mediators who provide services to the Court on a voluntary basis, mediated a small number of cases. The overall rate of settlement was about 65% in 2008.

Interpreter Services

Court interpreters were provided for (406) cases in 2008. Of those, (325) 80% used Spanish. The remaining (81) 20% required interpreters for (9) other languages ranging from Cantonese to Vietnamese. A total of \$95,556 was spent for interpreting services in 2008, a decline of 15.8% from 2007 (\$113,565).

The adjacent table reflects the variety of interpreter usage in the District of Massachusetts during calendar year 2008.

Language	In-Court Events	Out-of-Court Events
Cantonese	2	0
Hindi	5	0
Italian	3	0
Lao	1	0
Mandarin	2	0
Polish	1	0
Portuguese	42	0
Russian	4	0
Spanish (Certified)	323	0
Spanish (Non-Certified)	2	0
Vietnamese	21	0
2008 Totals	406	0

Fair Employment Practice System

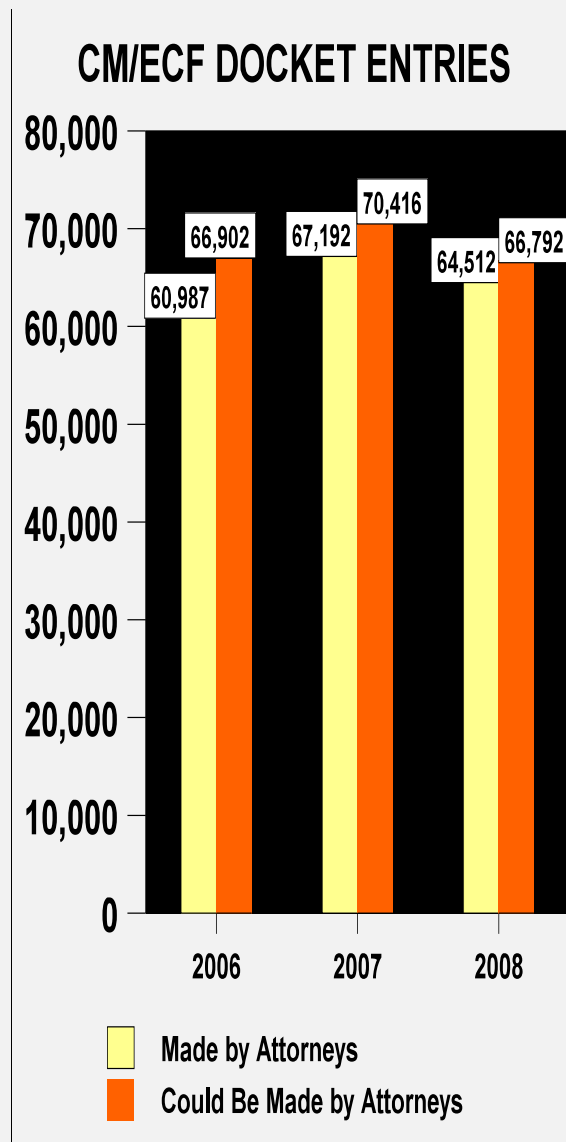
Once again in 2008, the District of Massachusetts is committed to the principles of equality and fairness in all aspects of employment, without regard to race, color, national origin, gender, religion, age, disability and /or sexual orientation. All employment opportunities were advertised in newspapers of widespread circulation as well as being posted in each courthouse. In addition, job postings appeared on newspaper and national court Internet sites.

**Fair Employment Practices System Report
Race/Ethnicity Demographics
For 12 Month Period Ending September 30, 2008**

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	Male	15	1	0	2	1	19
	Female	21	1	0	0	0	22
General Professional	Male	12	1	1	0	0	14
	Female	27	0	0	0	0	27
Legal Secretary	Male	0	0	0	0	0	0
	Female	21	2	0	0	0	23
Technical	Male	11	5	0	0	0	16
	Female	27	4	0	1	0	32
Office Clerical	Male	2	0	0	0	0	2
	Female	2	0	1	0	0	3
Subtotals	Male	41	7	1	2	1	52
	Female	99	7	1	1	0	108
Grand Totals		140	14	2	3	1	160

Electronic Filings

Effective January 1, 2006, the Court mandated that all documents submitted for filing in all pending civil and criminal cases, except those documents specifically exempted, must be filed electronically. As a result, there has been a significant increase each year in the amount of CM/ECF docket entries made by attorneys. During 2006, (60,987 of 66,902) 91.2% of all electronic entries that could be made by attorneys were. In 2007, that number increased to 95.4% (67,192 of 70,416). In 2008, 96.5% (64,512 of 66,792).



Court Reporting

The court instituted two policies dealing with the maintenance, control and preservation of court records in court hearings. The Court Reporter Records Archive Policy was promulgated to preserve and safeguard the digital records of all court proceedings conducted in the Court. The policy provides the most efficient and secure manner of maintaining, transcribing and archiving all digital recordings.

The Transcript Redaction Policy was instituted in accordance with Judicial Conference Policy, the E-Government Act of 2002, and the amendments to Rule 5.2 of the FRCvP and Rule 49.1 of the FRCrP. As of May 5, 2008, the Court made transcripts of court proceedings available through its electronic case files (CM/ECF) system. The primary purpose of the Redaction Policy was to provide guidance to the Court's Court Reporters and attorneys when preparing and reviewing transcripts of official court proceedings. Counsel are to request redaction from the transcript of personal data identifiers before the transcript is made electronically available to the general public.

As indicated in the table below, the in-court hours during 2007 and 2008 were virtually the same. The total number of original transcript pages produced increased 20.6% in 2008. Each reporter averaged (429) hours in court and (9,223) original transcript pages.

	2007	2008
In-Court Hours	6,438	6,437
Original Transcript Pages Produced	114,644	138,356

International Visiting Judges and Legal Scholars

The United States District Court for the District of Massachusetts hosted a number of visiting Judges and Legal Scholars from many countries during 2008 as indicated below:

January	A delegation of Chinese attorneys and judges; A Korean judge studying at Harvard;
April	An Australian Judge touring this country as part of study of courthouse architecture;

June	An Argentinian Judge on sabbatical studying in this country;
July	An Afghan Judge (the Federal Judicial Center International Fellow);
October	A delegation of Norwegian Judges and Attorneys; A delegation of Georgian Judges and staff (Part of the ABA Rule of Law Initiative);
December	Law students from Kanazawa University; A delegation of Macedonian Judges; A delegation of Russian Judges (as part of a visit to the US Bankruptcy Court).

These visitors came to the District Court to learn about the legal system, both in and out of the courtroom. The visitors were interested in all aspects of the Court and its work, such as: the architecture of the building, automated case management tools, the jury system, media relations and the relationship between the federal and the state judiciary.

Each group (depending on the duration and purpose of their visit) met with a Judge or Judges of this Court, observed court proceedings, learned about the electronic case files system and enjoyed a tour of the Moakley Courthouse.

Attorney Admission Fund

A portion of the fee paid by attorneys admitted to practice before the federal court remains with the local court and is placed in a fund designated as the "Attorney Admission Fund." The use of this fund is governed by the "Attorney Admission Plan" and is limited to items which benefit the bench, the bar, and the public but which are not otherwise available from appropriated funds.

Over the past several years, the Attorney Admission Fund has been used for receptions following investitures and other court ceremonies, educational outreach programs, reimbursement of *Pro Bono* attorney expenses, CJA training programs, and monthly telephone service charges for the CJA attorney lounge.

Human Resources

In 2008, the HR Department gained two additions to staff, Susan Mohr as the HR Director and Robert Silva as a new HR Assistant. The entire team was busy with the implementation of several new HR technology initiatives from the AO. In the Spring, the Electronic Official Personnel Folder (eOPF) was rolled out to all HR staff around the nation. eOPF has brought the official personnel folder to the HR staff's desktop, making file research much easier. eOPF was scheduled for release to all employees in November 2008; however, its release is still pending.

In the late Spring/early Summer the HR Department began utilizing a new hire tool called Entry on Duty (EOD). This tool allowed the team to save countless hours in collating and mailing hard paper orientation packets to new hires during law clerk season. The EOD tool allows new hires to receive their offer letter via email and provides login and password access to all their new hire forms and orientation materials, including links to the Office of Personnel Management (OPM) website where they can find benefits information online. Use of this program has streamlined the new hire process for our court.

All Human Resources transactions that can be entered electronically now are being processed using the Remote Data Entry (RDE) functionality offered in the Human Resources Management Information System (HRMIS). RDE version 3 was rolled out in the Fall 2008, allowing the input of all new appointments and separations via HRMIS for quicker and more accurate processing. The only transaction yet to be added to the RDE functionality are transfers between districts.

The Judiciary Benefits office provided Retirement Lifeline Binders for distribution to all court staff. Dissemination began in November and continued over the next few months. All new employees receive a binder during orientation.

A Retirement seminar was offered in the Boston office for both Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) covered employees. Ed Capers, Jr., from the Retirement Section of the Administrative Office in Washington, DC, came to Boston to provide these classes to all interested staff in the district, including staff from the circuit and bankruptcy court.

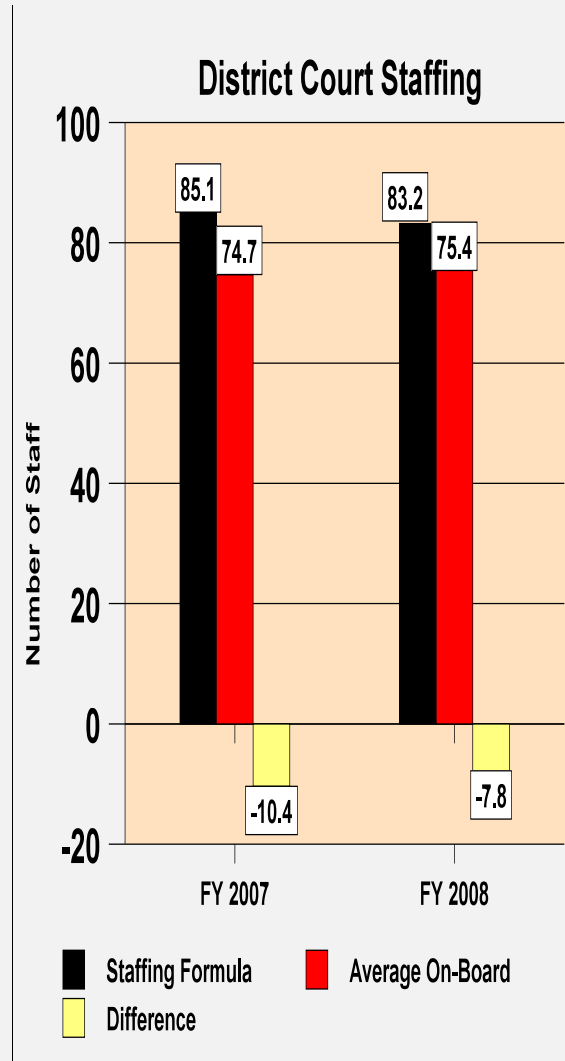
All HR staff attended Nationwide Training in September and October on several new HR technology initiatives being released both to the HR staff and employees, including, HR Access, Employee Self-Service (eService), eOPF and Leave Tracking. HR Access and eService were released to all staff in early November. Staff can access their personal and payroll information online, submit address and name changes, add/change/amend direct deposits and allotments, and access their current and past earnings statements.

The final open enrollment for Long Term Care was held in the summer, allowing Judiciary Staff the opportunity to enroll without having to pre-qualify. Annual open season for Federal Employee Health Benefits (FEHB), Federal Employees Dental and Vision Insurance Program (FEDVIP) and Flexible Spending took place from November 10th - December 8th. A health fair was held in the atrium area of the courthouse to allow staff the opportunity to meet with the various health, dental and vision plan representatives, and to get some information on wellness initiatives and other health-related topics of interest.

Several training programs were offered through the Training team over the course of the year, including a multi-week course to prepare staff to cover Courtroom Clerk duties, a course covering the Miscellaneous Business Docket (MBD) process for docket clerks, Quality Control (QC) training through Systems Deployment and Support Division (SDSD) for all docket clerk, courtroom deputies, and QC staff, and training on the Speedy Trial process. Additionally, smaller group and individualized training was provided or organized in coordination with management staff who submitted requests.

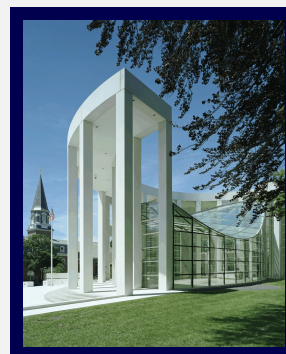
Staffing

Although there was a 2.2% reduction in the staffing formula in 2008, the actual on-board staffing increased by less than 1%. The Court continues to operate below staffing formula but is attempting to hire additional personnel to narrow the gap.



Divisional Offices

Springfield



Construction of the new courthouse was completed by mid-summer and the Judges, Clerk’s Office staff, U.S. Probation Office, U.S. Pretrial Services Office and the U.S. Marshals Service moved in August.

The bankruptcy court moved to the courthouse as well and opened a divisional clerk's office in Springfield for the first time in their history on August 25, 2008. The U.S. Attorney's Office was tentatively scheduled to relocate in January 2009.

In the summer, the district hired a new Information Technology (IT) position that it is sharing with the bankruptcy court. The position is based in Springfield

In October, a grand opening ceremony was held at the Courthouse and attended by approximately (400) people. Featured guests were U.S. Senator John F. Kerry, D-MA., Congressman Richard E. Neal, D-MA., Springfield Mayor Domenic J. Sarno, the Judges and Magistrate Judges of the United States District Court, Dennis R. Smith and David L. Winstead from the General Services Administration (GSA) and architect Moshe Safdie. A reception in the atrium culminated the momentous occasion.

In May, an Employee Recognition Ceremony was held and attended by court staff, Judge Michael A. Ponsor and Magistrate Judge Kenneth P. Neiman.

In February and March, the Massachusetts Bar Association, sponsor of the annual high school mock trial competition, held several rounds of the annual contest in the courthouse courtrooms.

Magistrate Judge Kenneth P. Neiman's Chambers welcomed students from East Longmeadow High School and Eric Ezer's Law I class to an Open Doors to the Federal Courts program on November 19, 2009. The high school students spent the day at the new Springfield court house. This year's theme, "Texting While Driving: Today's Decisions Can Have Legal and Long-Term Consequences," provided the students with an introduction to court proceedings, and allowed them to participate in a mock trial about a car crash caused by texting while driving. Nathan Olin, Magistrate Judge Neiman's Law Clerk, Bernadette Wyman, Judicial Assistant and Bethaney Healy, Courtroom Clerk, coordinated the program.

After the educational events, the students were given a tour of the new courthouse and provided lunch. They also participated in a question and answer session with a probation officer from the pre-sentence unit.

Worcester



In February 2008, Judge Saylor and Magistrate Judge Hillman hosted a seminar entitled "Discovery Strategy in Federal Litigation." In May and November, 2008, Judge Saylor and Magistrate Judge Hillman hosted two additional seminars entitled "Preparing a Case for Trial" and "Preparing a Case for Trial, Part II," respectively. These seminars were sponsored by the Worcester County Bar Association.

During the months of April and July, 2008, Judge Saylor presided over naturalization ceremonies conducted at Mechanics Hall in Worcester. During the months of February and June, 2008, Magistrate Judge Hillman presided over naturalization ceremonies conducted at Faneuil Hall and Lowell Auditorium respectively. The oath of citizenship was administered to approximately (750) immigrants during each ceremony at Mechanics Hall, approximately (400) immigrants during each ceremony at Faneuil Hall and approximately (1400) immigrants during the ceremony at Lowell Auditorium.

In support of the Clerk's Office Mission Statement, staff have attended various training opportunities to adapt to the growing needs of the Court and the public. Two staff members attended a national District Operational Practices Forum in Washington, D.C. in August, 2008. Worcester personnel also conduct ECF training to attorneys and/or office staff and provide excellent customer service by responding to emails and phone calls to the Court's ECF Help Desk.