

ANNUAL REPORT 2007

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**



Prepared by the Office of the Clerk

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MESSAGE FROM THE CHIEF



Mark L. Wolf

Chief Judge

2007 was both a challenging and productive year for the judges of the United States District Court for the District of Massachusetts and for its talented staff, which shares our dedication to giving integrity to our nation's ambitious ideal of administering Equal Justice Under Law. As reflected in this Annual Report, in 2007 the number of civil and criminal cases filed each increased, and our judges' hours on the bench continued to exceed substantially the national average. Nevertheless, the judges of this District again served the administration of justice, our community, and our country in many ways outside the courthouse. In addition, our staff has succeeded in developing models of service that have proven worthy of emulation, such as the Probation Office's Court Assisted Recovery Effort to promote the success of individuals on Supervised Release in combating their drug addictions.

This Annual Report is also a poignant reminder that our Court has been diminished in recent years. It sadly reports the death in 2007 of our distinguished colleague, Judge Robert Keeton. It also recognizes the memorial dedicated in 2007 to the late Judge David Mazzone for his exceptional work in presiding for nineteen years in the case that resulted in the restoration of Boston Harbor as a vital national resource.

In short, this Annual Report reminds us that the current challenges to the administration of justice are not new; that we are fortunate to have had inspiring heroes in our ranks; and that we will be extending a fine tradition as we continue to strive to meet their high standards.

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. Dien

Leo T. Sorokin
Timothy S. Hillman

Office of the Clerk

Sarah Allison Thornton
Clerk of Court

William Ruane, Chief Deputy
Christine Karjel, Financial Manager
Helen Costello, Operations Manager
Nancy Cashman, Human Resources Manager
Francis B. Dello Russo, Property and Procurement Manager
Virginia Hurley, Training and Quality Control Manager
Stuart Barer, Systems Manager
Deborah F. Shattuck, Division Manager, Worcester
John Stuckenbruck, Division Manager, Springfield

IN MEMORIAM

The court was saddened by the death of **Senior Judge Robert E. Keeton** on July 1, 2007. Judge Keeton was born in Clarksville, Texas, on December 16, 1919 and earned his undergraduate and law degrees from the University of Texas. He practiced law in Houston with the law firm of Baker & Botts until joining the Navy in 1942. As a Navy lieutenant in 1943, Judge Keeton almost lost his life in the Pacific when his aircraft carrier was attacked by Japanese torpedoes. He was awarded the Purple Heart for his military service and returned to Baker & Botts in 1945. In 1953, Judge Keeton joined the faculty of Harvard Law School and in 1956 he obtained his S.J.D. from Harvard. In 1973, Judge Keeton was named the Langdell Professor of Law and he served as Associate Dean from 1975-1979. In 1979, Judge Keeton was appointed to the U.S. District Court for the District of Massachusetts by President Jimmy Carter. Widely known for his sharp intellect, Judge Keeton retired from the bench in 2006.



Judge Robert E. Keeton

JUDICIAL ACCOMPLISHMENTS

Chief District Judge Mark L. Wolf continued his term of service on the Judicial Conference's Advisory Committee on Criminal Rules. In October 2007, Chief Judge Wolf also traveled to China for the Department of State. Judge Wolf spoke to judges, prosecutors and law students during his tour of China.

Judge Douglas P. Woodlock, together with Supreme Court Justice Stephen Breyer, received a Special Recognition Award from the National Administrator of the General Services Administration on June 1, 2007 during a full-day symposium entitled, "Function, Form and Meaning: Design Excellence in Federal Courthouses," for judges, architects, judicial administrators and construction professionals at the Ronald Reagan Building in Washington, D.C., to mark the first 15 years of GSA's Design Excellence Program.

Judge Nathaniel M. Gorton continued his term of service on the Foreign Intelligence Surveillance Act (FISA) Court in 2007. Judge Gorton is serving a seven-year term as one of eleven district judges. The FISA Court considers petitions relating to the electronic surveillance and/or physical search of foreign agents.

Judge Richard G. Stearns continued his term of service on the Judicial Conference Committee on Space and Facilities. The Committee reviews, monitors and proposes policies regarding the Judiciary's space and facilities requirements.

Judge Patti B. Saris is currently serving as Vice President of the Federal Judges' Association. She is on the Federal Circuit ad hoc Committee on Model Jury Instructions and also serves on the Board of Directors of the *Bottom Line*, an organization that provides college counseling to underprivileged Boston children, including the David S. Nelson Fellows. A member of the Visiting Committee to Harvard Law School, Judge Saris recently served as the featured speaker at the New England Chapter meeting of the American Immigration Lawyers Association. Judge Saris is a member of the Court's Budget Committee.

Judge Nancy Gertner authored an article entitled, “The Revolution of Falling Expectations” for the September 17, 2007 edition of *Massachusetts Lawyers’ Weekly*. Judge Gertner continued her term of service on the Committee on Information Technology. The group provides general policy recommendations and planning oversight of the judiciary information technology program. She traveled to China in January 2007 on a trip sponsored by the Ford Foundation to teach women’s rights issues. Between July 14 and 21, 2007, Judge Gertner participated in the Suffolk International LLM program in Budapest, Hungary. On October 12, in connection with the Kennedy School’s Women and Power Executive Program and the Women and Public Policy Program, she traveled to Monrovia, Liberia with a delegation led by former Ambassador Swanee Hunt. Judge Gertner hosted a delegation of Judges from Liberia in November and received the Kindregan Award from Suffolk University Law School. The award is designed to honor those who have given exceptional service to Suffolk’s Advanced Legal Studies program.

Judge Michael A. Ponsor reports that the new Springfield courthouse continued to make substantial progress towards completion in 2007. Judge Ponsor visited the site once a week, and conducted meetings of the construction team in chambers every two weeks. He readily admits that the project has been both enormously time-consuming and very exciting. With our projected move-in at the end of June 2008, and formal opening tentatively scheduled for the fall, Judge Ponsor believes that Springfield will have a courthouse that will be a worthy sibling of our Boston and Worcester facilities. In November 2007, Judge Ponsor spent a week in Baku, Azerbaijan, participating as a faculty member in the training of (51) new Azeri judges. The seminar, sponsored by the U.S. Department of Justice included topics on the American legal system, and the crucial role of an independent judiciary in a democratic society. It is one of several trips Judge Ponsor has made, including three to Vilnius, Lithuania.

During 2007, **Judge George A. O’Toole, Jr.**, finished his term of service on the Judicial Conference Committee on Judicial Security. The Committee reviews, monitors and proposes protection for judicial officers, other officers and employees of the judiciary, and security of court facilities and proceedings.



Judge Ponsor in Baku, Azerbaijan

At a festive July 4th naturalization ceremony on the Boston Esplanade, **Chief Magistrate Judge Kenneth P. Neiman** reminded the new citizens that they can vote, participate in government and sit on juries. “They are precious rights,” he told them, “and they must be exercised to remain vibrant and alive.”

Magistrate Judge Neiman reminded the audience that immigrants have played a critical role in shaping this nation. In fact, he said, his own grandparents emigrated from Russia many years ago. “Can you imagine how they would feel, to see their grandson swearing in new citizens?” he said.

He encouraged the new citizens to continue contributing to their new country. “We congratulate you, welcome you and wish you the best of what the United States has to offer,” he said.



Chief Magistrate Judge Neiman conducts naturalization ceremony aboard the USS Constitution

THE DISTRICT AT A GLANCE

Judge A. David Mazzone Honored at Deer Island



On Friday, October 19, 2007, friends and family members of the late United States District Judge A. David Mazzone gathered on Deer Island in Winthrop to dedicate a memorial erected in his honor.

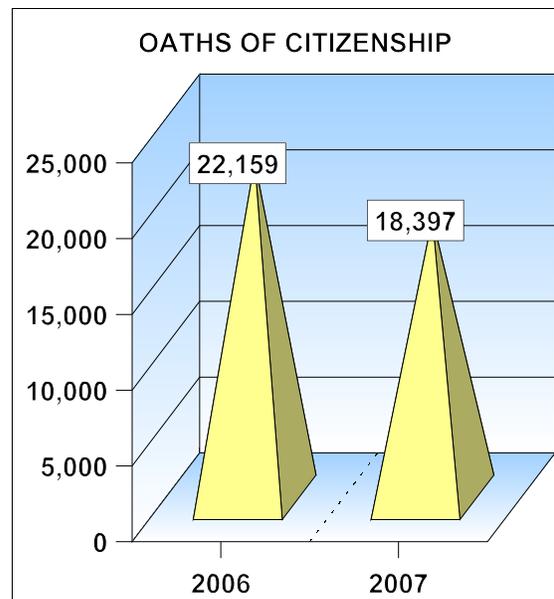
For 19 years, Judge Mazzone presided over the federal lawsuit brought by conservationists and others condemning the state of Boston Harbor. His landmark rulings led to a massive public works project to restore the Harbor as a spectacular natural resource. The Boston Harbor clean-up is recognized as one of the nation's greatest environmental success stories - a far cry from the Harbor's notoriety in the 1980's as "the filthiest harbor in America."

After his passing, the Massachusetts Water Resources Authority (MWRA) Board of Directors voted to name the park land surrounding the new treatment plant after Judge Mazzone. A group of his friends and family then joined together to design a suitable monument to honor the Judge's legacy and raise the necessary funding to construct it.

The memorial is comprised of granite installations and a bronze sculpture in the Judge's likeness. The memorial was designed by landscape architects Polly Reeve and Margaret Coyle Nester and local sculptor Joseph Pesce.

Citizenship and Immigration Services

In 2007, the United States Citizenship and Immigration Services (USCIS) worked in conjunction with the District Court to conduct a total of (62) naturalization ceremonies. The oath of citizenship was administered to 18,397 immigrants. This represents a 17% decrease from 2006 in which 22,159 new citizens were sworn.



Pro Se Staff Attorney Office

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 2007, prisoners and other detained persons filed over 500 prisoner lawsuits in the District of Massachusetts, an increase over the (451) filed in 2006. Approximately (150) lawsuits in which non-detained persons sought leave to proceed *in forma pauperis* were filed in 2007, less than the 176 filed in 2006. The *Pro Se* Staff Attorneys administer the court's *pro bono* program. In 2007, *pro bono* appointments were made in nine civil cases. The court continues to encourage all counsel to participate in the *pro bono* program. In 2007, the court approved

reimbursement of up to \$5,000 per case for costs and expenses incurred in *pro bono* representation.

Criminal Justice Act (CJA)

There were (1,005) CJA vouchers processed by the Clerk's Office in 2007. This represented a decrease of (226) vouchers or 18.3% from 2006. The total dollar amount of CJA payments in 2007 decreased by \$1,210,693. This marked the first time in six years that the cost of CJA payments declined in the District of Massachusetts.

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

CJA Board

In 2007, the District Judges authorized the CJA Board to help implement a pilot program to appoint counsel experienced in *habeas corpus* litigation to represent indigent *habeas corpus* petitioners in the District Court. The Criminal Justice Act (CJA), 18 U.S.C. § 3006A(a)(2)(B), authorizes judicial officers, in their discretion, to appoint counsel to represent indigent prisoners who have filed *habeas* petitions challenging their state court convictions pursuant to 28 U.S.C. § 2254 and federal prisoners challenging their federal

convictions under 28 U.S.C. § 2255. Historically, District and Magistrate Judges have exercised their discretion to appoint counsel in a majority of cases that have been filed *pro se*. Counsel usually have been appointed from one of the District Court's CJA Panels (Boston, Worcester or Springfield).

The District Court authorized this pilot program to establish a small panel of attorneys with *habeas corpus* experience who would be eligible to receive appointments in such cases. *Habeas* law is exceedingly complex and is an area of the law with frequent developments. The skills required to competently represent *habeas* petitioners often are akin to the skills required of appellate advocates.

In addition to the new *habeas* panel, applications were also solicited for a pilot program to establish a separate CJA panel of attorneys to represent prisoners as to whom the government has filed a certification requesting that they be designated as a sexually dangerous person (SDP) pursuant to 18 U.S.C. § 4248. The District of Massachusetts is one of two districts in the country in which such certifications have been filed. This arises from the fact that the Bureau of Prisons (BOP) facility at Devens (FMC Devens) has a Sex Offender Management Program with over 300 prisoners. The other such facility is at Butner in North Carolina. To date, about a dozen certifications have been filed in Massachusetts. Most of those prisoners have been represented by the Office of the Federal Defender.

The CJA Board solicited applications for the new *habeas* and SDP panels, along with the annual applications for the CJA attorney panels for Boston, Worcester and Springfield in June 2007. The CJA Board submitted their report and recommendations regarding the various CJA attorney panels to the court in December 2007 and except for the SDP panel, they were approved in January 2008. The decision on the SDP panel was deferred because the filing of these matters in the District of Massachusetts had diminished significantly.

Adam Walsh Act

The *Adam Walsh Child Protection and Safety Act of 2006* was enacted on July 27, 2006. One of the provisions of the act provides for the civil commitment of sexually dangerous persons which allows the Director of the Bureau of Prisons to certify an individual in custody as a sexually dangerous person.

Because Fort Devens is one of two BOP medical facilities housing prisoners that may be considered sexually dangerous, a number of these Notices of Certification were filed in the District of Massachusetts. A new cause of action, *Commitment of Sexually Dangerous Person* was added to CM/ECF, so that these cases could be identified more easily through CM/ECF. Although, it was anticipated that there would be a number of these certifications filed, that has not been the case thus far. Many of the prisoners considered sexually dangerous are housed at FMC Butner in North Carolina. Therefore, certifications are being filed in North Carolina rather than Massachusetts.

Jury

The court’s revised Jury Plan went into effect on March 1, 2007. The most notable change to the Plan is the manner in which the court handles jury summonses returned undelivered by the United States Postal Service. The new plan directs that for every such “undeliverable” summons, a replacement summons shall be sent to the same zip code. The Plan also provides for the jury source list to be updated twice each year using the National Change of Address service (NCOA).

Another initiative launched in 2007 in conjunction with Discovering Justice, was the creation of “Introduction to Jury Service.” This illustrated pamphlet, intended to provide insight on the importance of jury service, the different types of trials conducted at the federal court, and the responsibilities of being a juror, is mailed to all prospective federal jurors.

A total of 29.8% of the petit jurors present for jury selection in the District of Massachusetts in 2007 were “not selected, serving or challenged on the first day of jury service.” This was an increase from the 26.4% reported in 2006, but is well below the national average for 2007 of 36.8%. The Judicial Conference has set an approved utilization goal of 30% or less.

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

Judicial Conference

Almost 300 attorneys came together with the Judges of this District on June 14 and 15, 2007 to participate in the Court's first Judicial Conference.

The theme of this year's conference was "Inclusiveness." That theme began with the Planning Committee comprised of representatives from the Federal Bar, the Massachusetts Bar, the Boston Bar, the Women's Bar, the Massachusetts Association of Hispanic Attorneys, the Asian American Lawyers Association Of Massachusetts, the Massachusetts Lesbian and Gay Bar Association, the Western Massachusetts Bar Associations, the Massachusetts Black Lawyers Association, the South Asian Bar Association, the Boston Patent Law Association, and the Worcester Bar Association. Each bar association was encouraged to invite members of their organizations to attend the conference, focusing on those members who may not have attended such an event in the past.

The Planning Committee was chaired by Judge Patti B. Saris, with advice and assistance from Chief Magistrate Judge Kenneth P. Neiman, Magistrate Judge Timothy S. Hillman, Bankruptcy Judge Joan N. Feeney, Clerk of the Court Sarah Thornton and Virginia Hurley of the District Court's Clerk's Office.

The Newton Marriott was the site of the conference, selected for its central location. Events began with a reception on June 14. During the opening reception, actors from the James D. St. Clair Education Project's "Discovering Justice Through Shakespeare" program

performed Act I, Scene VII from Macbeth. Following that performance, the Judges and attendees enjoyed greeting both new and old friends in the legal community.

Friday was filled with plenary and concurrent sessions on a wide variety of topics. Professor Erwin Chemerinsky of Duke University School of Law provided a lively review of the Supreme Court's recent decisions. Professor Elizabeth Warren of Harvard University spoke on "The Changing Economics of the Middle Class: From Boom to Bust in One Generation." Governor Deval Patrick was the luncheon's keynote speaker. The Governor graciously stayed and responded to questions from the audience.

Concurrent sessions included: Trial Tips; Civility and Ethics; Criminal Pretrial Issues; Civil Rights; E-Discovery; Healthcare Fraud; Intellectual Property Law; Mediation and Sentencing.

The closing session was a first-of-its-kind "The Bar Speaks"; a play on the court's traditional "The District Court Speaks" program. Each bar president was invited to say a few words about their organization's mission or goals, and ask a question or two of the Judges of the court.

Evaluations returned to the Clerk's Office at the end of the event confirmed the success of the conference.



**Registration Table
2007 Judicial Conference**

Training

Training and education continue to receive top priority at the United States District Court for the District of Massachusetts. The professional development of all employees is continuously encouraged and training is provided in specific areas of need.

Employees are urged to attend training offered by the Federal Judicial Television Network (FJTN), the Federal Judicial Center (FJC), the Judiciary On-Line University (JUO), and other court sponsored training programs that address areas of importance to their positions. Staff receive management support for their interest and participation in court associations, such as the Federal Court Clerk's Association (FCCA).

Judge David S. Nelson Fellowship Program

2007 marked the 11th year of the Nelson Fellowship in this District. Twelve young people from Boston public schools and two students from schools in Springfield participated in the program, led by their judicial sponsors, Chief Judge Mark L. Wolf, Judge Patti B. Saris and Judge Reginald C. Lindsay, and their Coordinator, Taisha Sturdivant. As is the custom, Taisha herself had been a Nelson Fellow (2005).

The Fellows all are assigned to one or more of our Judges, who take the time to mentor the young students both within and outside of the courtroom.

The Fellowship program lasted approximately six weeks, during which time the Fellows took part in a variety of educational activities beyond the courthouse. These included visiting the Prison Camp at Fort Devens, spending a day with the children at an inner-city summer camp, and accompanying Judge Reginald C. Lindsay to meet Governor Deval Patrick. The Fellows visited a number of area colleges and universities and received help with their school and scholarship applications.

The Fellows also continued the annual tradition of meeting with J.D. Nelson, Judge Nelson's brother and attorney Joseph Oteri, one of Judge Nelson's closest friends. These visits help the Fellows to realize more fully the unique spirit and inspiration provided by the program's namesake, Judge David S. Nelson.

The program ended on August 24 with a mock trial. The Fellows competed against students from a state

court program, followed by a graduation ceremony and reception for family and friends.

Program Coordinator, Taisha Sturdivant shared her thoughts on the advantages offered by the program, "It can be seen in our writing and our demeanor. We are confident, impressive, and we are role models to the future Nelson Fellows and all the people in our community who think their situation is one that cannot be changed... this has been a life changing experience."

The CARE Program

The Court Assisted Recovery Effort (CARE) continued to grow in 2007. A June 2007 study comparing the sobriety, employment and revocations for defendants in C.A.R.E. compared with similarly situated defendants under regular supervision found that the defendants in C.A.R.E. performed at a higher level. In July 2007 the District Court voted to continue the program. Several defendants graduated the program in 2007 and the number of defendants participating in the program continued to expand. Other federal districts continue to express great interest in the C.A.R.E. program. Magistrate Judges and Probation Officers from across the country came to observe the program during 2007. In addition, the Third Branch published an article on drug and reentry court initiatives in the federal system featuring a discussion of the C.A.R.E. program.

Finance

In February 2007, our financial staff began the CCAM implementation process. CCAM is a component of FAS₄T that integrates civil and criminal accounting and cash receipting functionality with our financial management and accounting system. It provides for the establishment of civil and criminal accounts, including joint and several restitution, the receipting of funds, the apportionment and disbursement of funds to payees, and the ability to better monitor the status of civil and criminal debt.

Throughout the year, the financial department was heavily involved in cleaning up data on both civil and criminal records. Cleanup consisted of reconciliation with the financial litigation division of the U.S. Attorney's Office; identifying all joint and several cases; and mapping out joint and several cases. "Mapping out" means pairing defendants to victims, identifying what payments were made and who received the payments.

Our court participated in a reverse mentoring program with the Middle District of North Carolina. The reverse mentoring process provides support and guidance to courts that have yet to begin the implementation process

Full implementation of CCAM was successfully commenced on December 3, 2007. CCAM benefits include: improved accounting of joint and several restitution cases; automated computation for victim restitution payments; simplified use of cash register functions and automatic deposit slip generation.

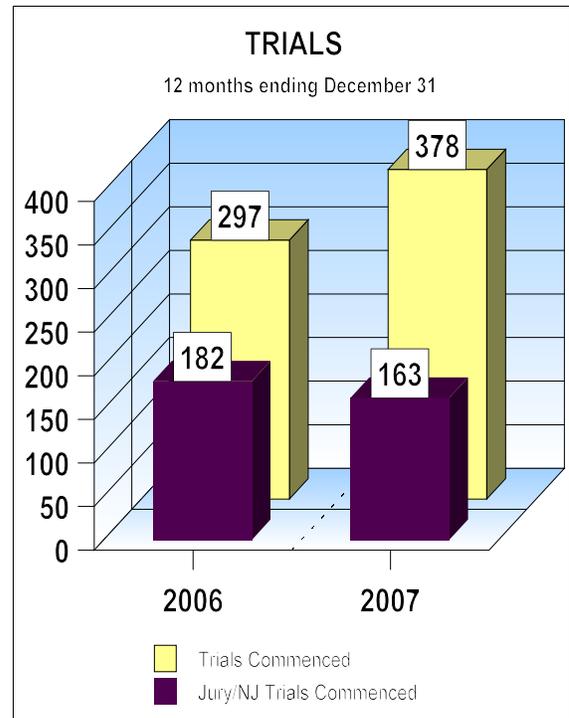
After our own implementation, one of our financial clerks provided mentoring support to the Northern District of Georgia during that Court's implementation of CCAM.

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 projected spending projects submitted by the unit executives.

The District Court concluded the year with the successful procurement of many necessary projects, including: defibrillators for all floors of the courthouses in Boston, Worcester, and Springfield; new telephone system for Springfield and Worcester, electronic signage, streaming video and videoconferencing for the new Springfield courthouse, two "electronic courtrooms" in Boston; assisted listening equipment for (13) courtrooms in Boston; cyclical maintenance and tenant alterations; and the purchase of several pieces of updated automation equipment for court personnel.

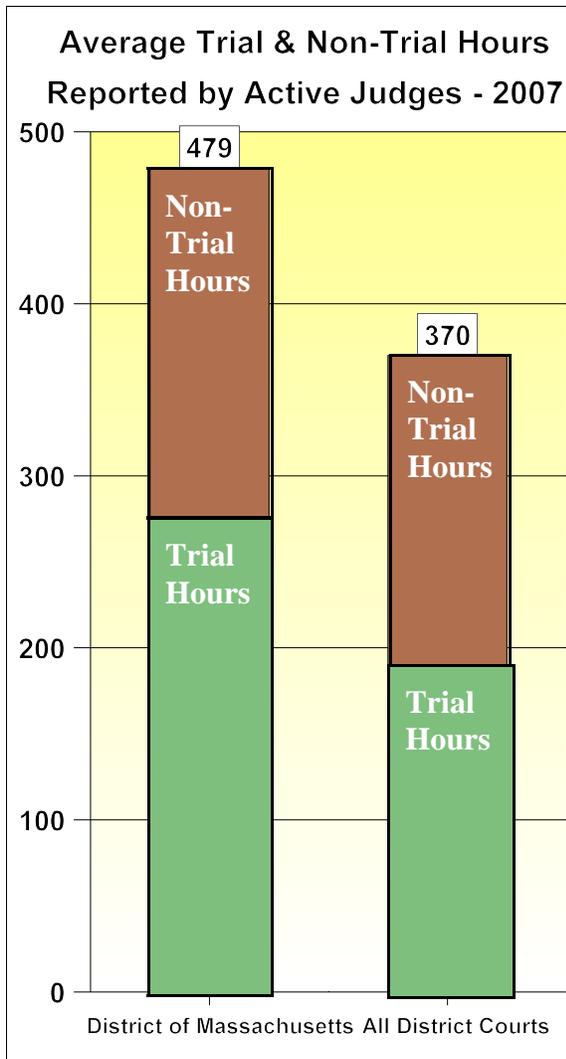
Judicious spending and budgeting in 2007 allowed the U.S. District Court to voluntarily return \$20,000 to the Administrative Office to help finance the national interim spending plan for fiscal year 2008.



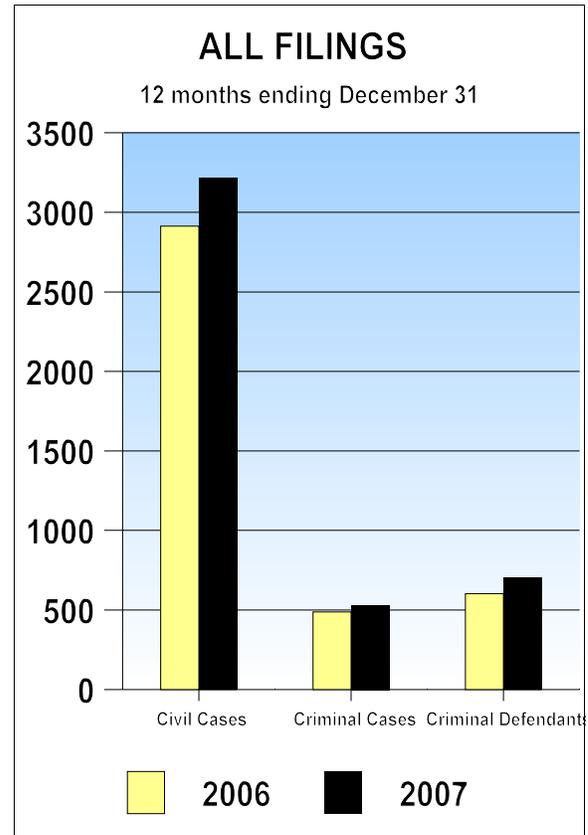
Trials and Hours of In-Court Activity

The total number of trials commenced in this district rose 27.2% in 2007, from (297) in 2006 to (378) this past year. Conversely, the total number of jury and non-jury trials started during this period dropped 10.4% from (182) in 2006 to (163) in 2007.

Total in-court hours fell from (10,902) in 2006 to (9,606) in 2007. Days on trial dropped slightly from 1,157 days in 2006 to 1,108 days in 2007. Hours on trial decreased 13.4% in 2007 (4,626 hours in 2006 versus 4,002 hours in 2007). The total amount of in-court hours spent on matters other than trials decreased from (6,293) in 2006 to (5,605) in 2007, a drop of 10.9%. 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 2007. As seen on the following page, active judges in this district averaged (479) hours, compared to (370) nationally. Trial hours were (269) and (195), respectively.



The court opened (531) criminal cases in 2007 involving (702) criminal defendants. A total of (585) criminal cases and (813) criminal defendants were closed over the period. At year's end, (752) criminal cases and (1,173) criminal defendants were pending.

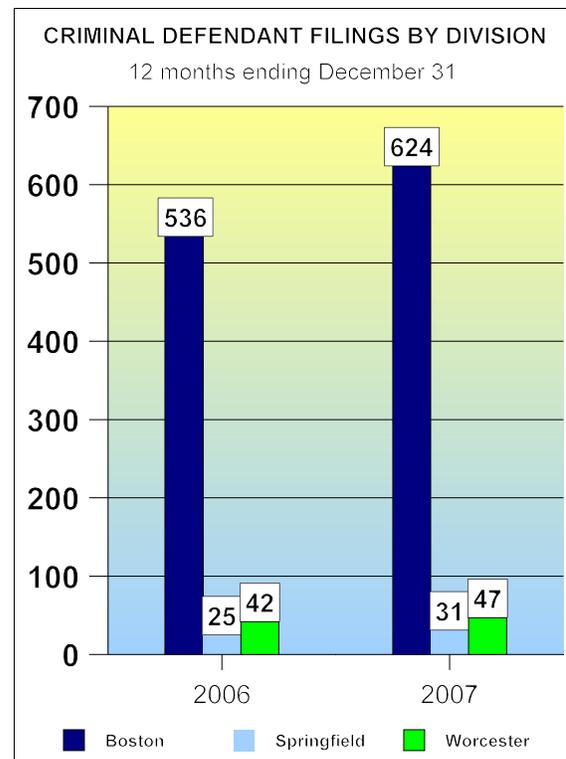
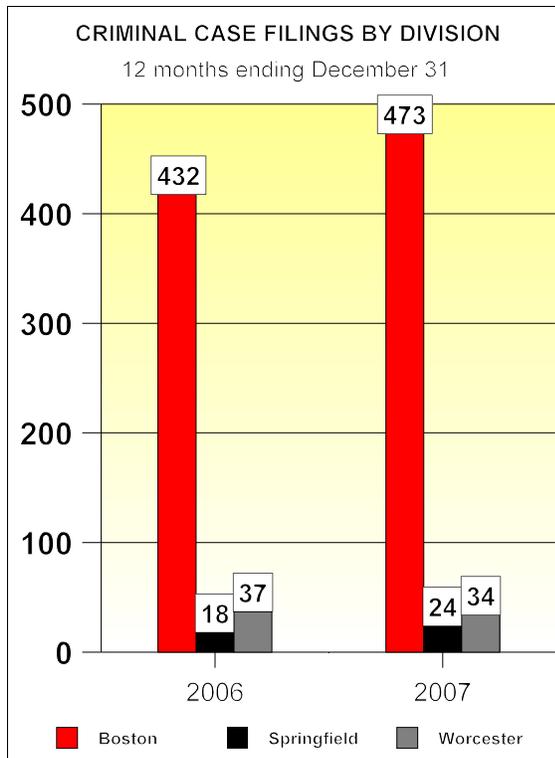


Caseload Statistics

During 2007, the District Court opened (3,216) civil cases and disposed of (3,299) civil cases. At year end, (3,023) civil cases were pending. Civil case filings increased 10.3% from (2,914) in 2006 to (3,216) in 2007. This increase was contrary to the national trend which showed an overall decrease of -0.8% during FY 2007.

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 cases.

For the second consecutive year, criminal case filings rose in the District of Massachusetts. After rising 17.6% in 2006, filings rose 9% in 2007. This increase was consistent with the national trend which recorded a 2.3% rise in FY 2007. The largest increase was recorded in our Springfield division which experienced a 33.3% growth in criminal case filings. Conversely, the Worcester division went from (37) criminal filings in 2006 to (34) in 2007. Boston exhibited a noteworthy 9.5% increase in 2007 with (473) filings, compared to (432) in 2006.



With a 9% increase in criminal cases, criminal defendant filings surged 16.4% in 2007. All three divisions exhibited growth in this area. In Springfield, defendant filings rose 24%. The Boston division climbed 16.4% and the Worcester division filings increased 11.9%.

Increased criminal filings occurred in the following: fraud; non-marijuana drug cases; and forgery and counterfeiting cases. In particular, fraud and non-marijuana drug cases accounted for the most new criminal case filings over the past year. Categories of criminal cases in which new filings declined were: marijuana; immigration; sex offenses; violent offenses; and larceny and theft.

Automation

Case Management/Electronic Case Filing (CM/ECF)

CM/ECF was upgraded from Version 2.5 to Version 3.0.5 in May 2007. Some of the new features included:

- The ability to file *ex parte* motions
- The ability for users to schedule their own reports and save their option settings
- The spreading of text among related and consolidated cases
- Enhanced features for the transfer of cases between districts

Version 3.1.2 was installed on December 15. The new features of this release included:

- Abridged docket reports
- Regenerating notices of appeal
- Ruling on motions from the docket or motions report
- Spell checking docket text
- Access to social security appeals documents

This version also included the ability to more efficiently create records on appeal. A batch printing script was implemented to print, when necessary, all case related documents with a single key stroke.

In order to streamline the case opening process, an automatic summons form was created in CM/ECF. Necessary information for the data fields within the summons form automatically is pulled as data is entered on the docket during the electronic opening of a case. This creates and electronically serves a PDF summons form. The Clerk's Office continues to explore ways to utilize this automatic form capability of CM/ECF to streamline other electronic filing processes.

The Juror Management System (JMS) application was successfully migrated to the CM/ECF server. This helped consolidate applications on our local server and allowed JMS to be replicated to a secure, offsite facility. The JMS software was upgraded to support the changes made to our jury plan.

Courtroom Technology

Signature pads were installed with dual monitors on computers in all Magistrate courtrooms. Electronic forms now can be created by the courtroom deputy during a proceeding, signed by defendants and filed immediately in CM/ECF.

Video printing and capture systems were installed in all electronic courtrooms in Boston and Worcester. This enables the courtroom deputy to view, save, or print screen shots of the evidence being presented.



A contract for installing new evidence presentation systems in Courtrooms 12 and 18 was awarded to AV Innovations on September 6, 2007. This will include a new audio system for Courtroom 18 that will be the model for future audio upgrades in other courtrooms. Installation is scheduled for early 2008.

Internet access for attorneys in the Boston Courthouse was announced on our website and in Lawyer's Weekly in March. Courtroom Connect was licensed to provide the fee-based service in 2006. Information, procedures, and authorization forms are located at: www.mad.uscourts.gov/General/access.htm

Springfield Courthouse Telecommunications

On May 22, 2007, the Administrative Office officially granted authorization to all court units to procure consolidated telephone systems for both the new Springfield Courthouse currently under construction, and the Donahue Federal Building in Worcester. The contract for the installation of a Voice Over IP (VOIP) system along with a data network for Springfield was awarded to Carousel Industries in September.



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 2007. A total of (240) cases were referred to the ADR Program, and (221) were mediated in the same year. The majority of cases were mediated by seven magistrate judges in Boston, Worcester and Springfield (192 cases total). In addition, the court ADR Program was enhanced by the presence of Senior Judge Morris E. Lasker as mediator during the last quarter of 2007 (16 cases total, from September to December). Finally, 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 total of (13) cases. The rate of settlement was about 55% in 2007.

Interpreter Services

Court interpreters were provided for (510) cases in 2007. Of those, (396) 78% used Spanish. The remaining (114) 22% required interpreters for (10) other languages ranging from Cantonese to Vietnamese. A total of \$113,565 was spent for interpreting services in 2007, a decline of 8.5% from 2006 (\$124,206).

The adjacent table depicts interpreter usage in the District of Massachusetts during calendar year 2007.

Language	In-Court Events	Out-of-Court Events
Cantonese	2	0
Creole (Haitian)	2	0
French	1	0
Khmer	5	0
Lao	12	0
Mandarin	3	0
Portuguese	65	0
Russian	3	0
Somali	1	0
Spanish	396	0
Vietnamese	20	0
Totals	510	0

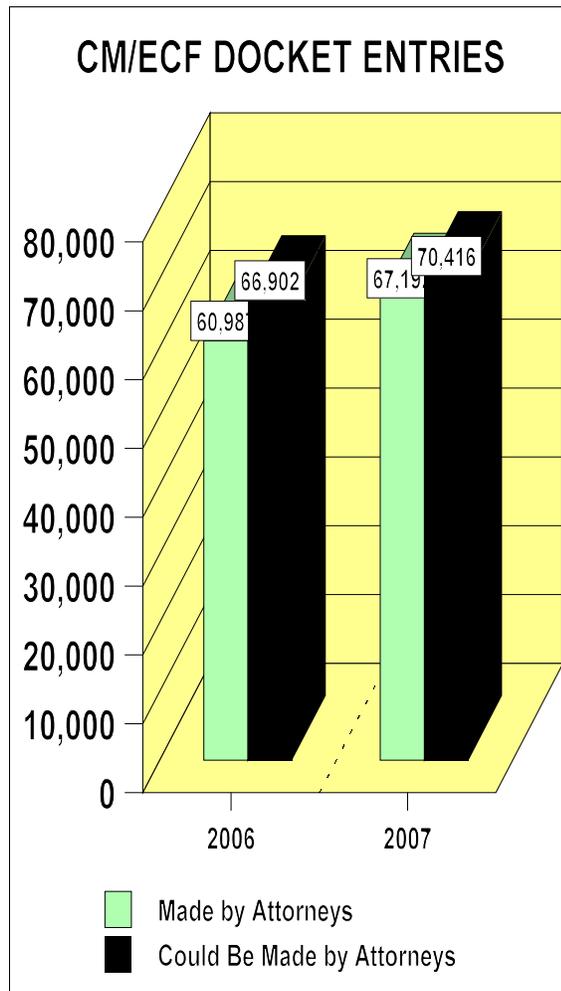
Fair Employment Practice System

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 as well as being 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, 2007							
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	16	1	1	1	1	20
Professional	Female	15	0	0	2	5	22
General	Male	12	0	0	0	0	12
Professional	Female	22	0	0	0	0	22
Legal	Male	0	0	0	0	0	0
Secretary	Female	21	2	0	0	0	23
Technical	Male	14	6	0	0	0	20
	Female	31	3	1	0	0	35
Subtotals	Male	43	7	1	1	1	53
	Female	90	5	1	2	5	103
Grand Totals		133	12	2	3	6	156

Electronic Filings

Effective January 1, 2006, the Court ordered 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).



Court Reporting

As indicated in the table below, the in-court hours of court reporters decreased 6.6% in 2007.

Correspondingly, the total number of original transcript pages produced fell 11.8%. Each reporter averaged (429) hours in court and (7,643) original transcript pages.

	2006	2007
In-Court Hours	6,890	6,438
Original Transcript Pages Produced	130,038	114,644

Open World Program

The District Court welcomed a delegation of Russian Judges, through the Open World Program of the Open World Leadership Center and the International Center at Clark University, during the week of June 11, 2007.

Our guests were greeted by Chief Judge Mark L. Wolf and Judge Nancy Gertner upon their arrival on Monday June 11. Judge Gertner invited William Fick, a former law clerk and current Assistant Federal Defender to speak to the Judges on the American legal system. Mr. Fick is fluent in Russian, which was a treat for the delegation after speaking through interpreters for much of their visit in this country.

Over the next few days, the Judges were given the opportunity to view our electronic courtrooms, learn about the Court's Electronic Case Files system, observe a motion session conducted by Judge William G. Young, and speak with Magistrate Judge Leo T. Sorokin. The Judges also traveled to Harvard Law School, and the Massachusetts Supreme Judicial Court, where they met with Justice Robert Cordy.

The Judges attended the Boston Lawyers Chapter of the Federalist Society's annual "Shakespeare and the Law" performance. This year's presentation was "*Measure for Measure*," with performances by Chief Judge Mark L. Wolf, Judge Nancy Gertner, Judge Nathaniel M. Gorton, Judge Patti B. Saris, Judge F. Dennis Saylor IV, Judge Douglas P. Woodlock and Judge Rya W. Zobel.

On Friday, the Judges attended the District’s Judicial Conference and ended the day at a farewell dinner sponsored by the Massachusetts Bar Association at Edwards Angell Palmer & Dodge LLP.

Divisional Offices

Springfield

In 2007, (244) civil cases and (24) criminal cases were filed in the Western Division. At the end of the calendar year, District Judge Ponsor had (194) civil cases and (32) criminal cases pending. Magistrate Judge Neiman had (62) consent cases pending.

In February and March, the Massachusetts Bar Association, sponsor of the annual high school mock trial competition, held several rounds of the annual competition at the Springfield Federal Courthouse.

Throughout 2007, construction of the new federal courthouse continued. Substantial completion of the building is projected for May of 2008, with a move in date scheduled for mid to late summer.



The new federal courthouse in Springfield

Worcester

During the months of March, May, and July 2007, Judge Gorton, Judge Saylor and Magistrate Judge Hillman each presided over Naturalization Ceremonies

conducted at Mechanics Hall in Worcester. The oath of citizenship was administered to approximately (750) immigrants during each ceremony.

In May 2007, Judge Saylor and Magistrate Judge Hillman hosted a seminar sponsored by the Worcester County Bar Association entitled “Effective Arguments on Dispositive Motions in Both Civil and Criminal Cases.”

Throughout 2007, the divisional office hosted “Arts and the Law” programs for Worcester Public School students in grades 6 through 12. These programs are provided by The James D. St. Clair Public Education Project.

In support of the Clerk’s Office Mission Statement and in addition to their regular duties, the divisional office staff provide excellent customer service by responding to approximately (500) phone calls per month made to the Court’s ECF Help Desk.

CVB (Central Violations Bureau) sessions formerly presided over by Magistrate Judge Hillman at Hanscom Air Force Base in Bedford, Massachusetts, have been transferred to the Worcester courthouse. The first hearings were held in Worcester on June 7, 2007.



The Harold D. Donohue Federal Building and Courthouse in Worcester