



# United States Courts for the First Circuit

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2017 Annual Report



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## **Foreword**

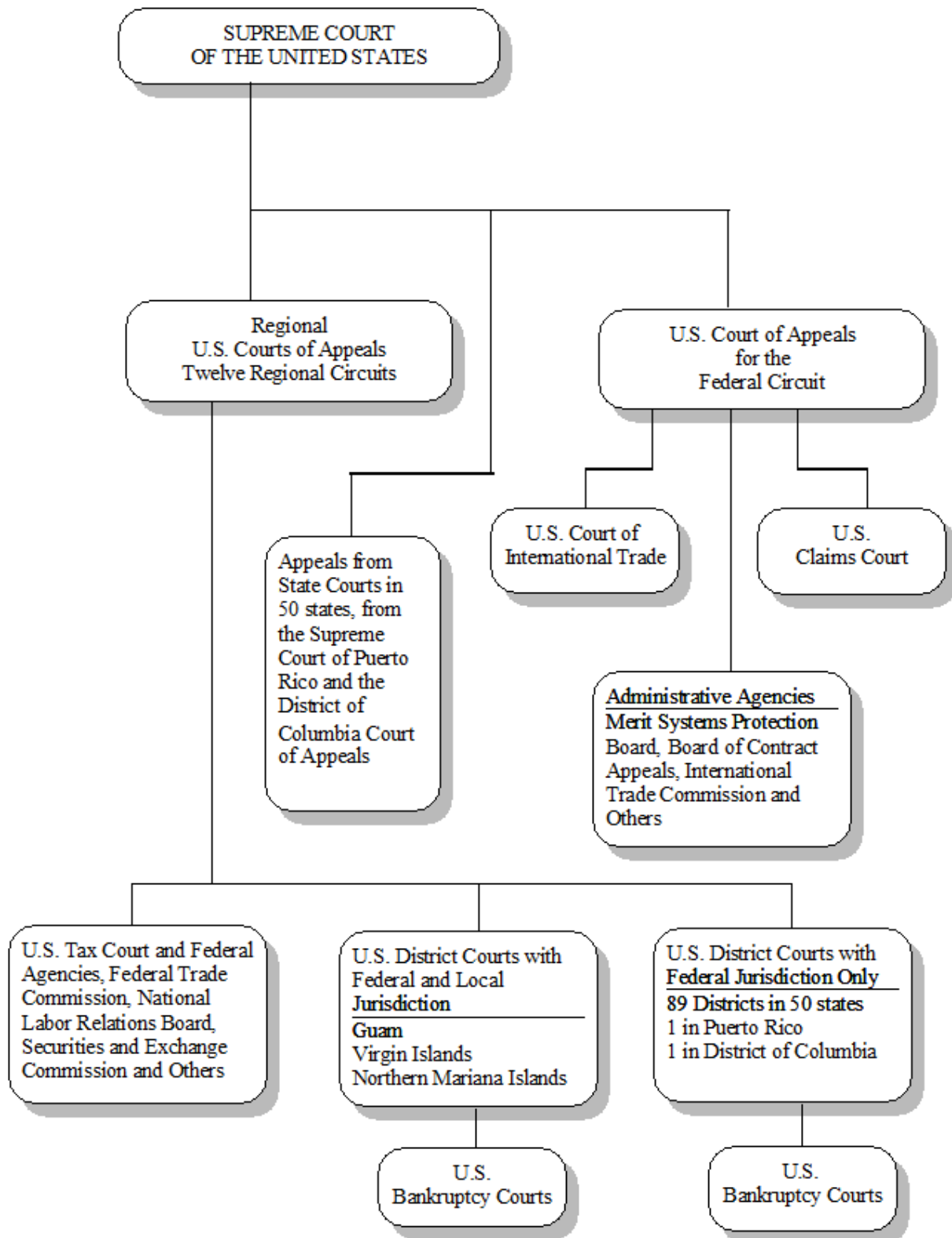
**Susan J. Goldberg**  
**Circuit Executive**

Federal law requires that the judicial council, through the circuit executive, prepare "an annual report to the circuit and to the Administrative Office of the United States Courts for the preceding calendar year..." 28 U.S.C. § 332(e)(10). In the process of doing so, one is struck by the scope and breadth of the work performed by the courts of the First Circuit. The mission of the federal judiciary is carried out by dedicated judges and court staff whose work is reflected in the material presented here, including filing statistics, hiring trends, space projects, information technology services, and many innovative court programs. The courts of the First Circuit are emblematic of the high regard in which the federal judiciary is held.

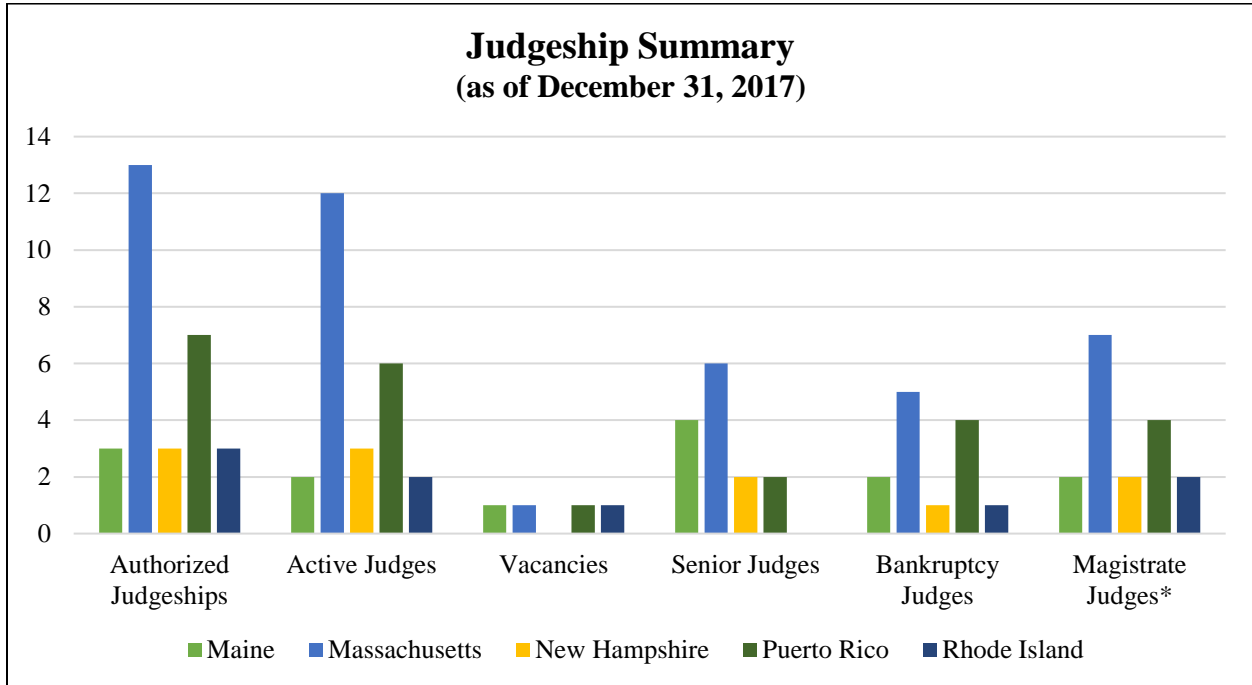
I wish to thank all of the unit executives throughout the circuit who contributed to providing the information in this Report. Special thanks to those who compiled the material in this Report, most notably the following members of Circuit Executive's Office staff: Michael Caughron, Hadiya Deshmukh, Anastasia Dubrovsky, James Nagelberg, Jessica Pace, Florence Pagano, and Gina Riccio.

Thank you for your interest in the courts of the First Circuit.

**Structure of the Federal Judiciary**



**Judges and Judicial Milestones**



<b>Judgeship Summary</b> (as of December 31, 2017)						
Districts	Authorized Judgeships	Active Judges	Vacancies	Senior Judges	Bankruptcy Judges	Magistrate Judges*
Maine	3	2	1	4	2	2
Massachusetts	13	12	1	6	5	7
New Hampshire	3	3	0	2	1	2**
Puerto Rico	7	6	1	2	4	4
Rhode Island	3	2	1	0	1	2
<b>Total Dist. Ct.</b>	<b>29</b>	<b>25</b>	<b>4</b>	<b>14</b>	<b>13</b>	<b>17</b>
<b>Total Court of Appeals</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>-</b>	<b>-</b>
<b>Total 1st Cir.</b>	<b>35</b>	<b>31</b>	<b>4</b>	<b>18</b>	<b>13</b>	<b>17</b>

\* Does not include recalled judges.

\*\* Includes one part-time magistrate judge.

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**UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT**

Honorable Jeffrey R. Howard, Chief

Honorable Juan R. Torruella  
Honorable Bruce M. Selya  
Honorable Michael Boudin  
Honorable Norman H. Stahl  
Honorable Sandra L. Lynch

Honorable Kermit V. Lipez  
Honorable O. Rogerie Thompson  
Honorable William J. Kayatta, Jr.  
Honorable David J. Barron

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

Honorable Nancy Torresen, Chief  
Honorable Jon D. Levy  
Honorable Gene Carter

Honorable D. Brock Hornby  
Honorable George Z. Singal  
Honorable John A. Woodcock, Jr.

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**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MAINE**

Honorable Peter G. Cary, Chief  
Honorable Michael A. Fagone

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

Honorable John H. Rich, III  
Honorable John C. Nivison  
Honorable David M. Cohen (recalled)

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

Honorable Patti B. Saris, Chief  
Honorable William G. Young  
Honorable Nathaniel M. Gorton  
Honorable Richard G. Stearns  
Honorable George A. O'Toole  
Honorable F. Dennis Saylor, IV  
Honorable Denise J. Casper  
Honorable Timothy S. Hillman  
Honorable Indira Talwani

Honorable Mark G. Mastroianni  
Honorable Leo T. Sorokin  
Honorable Allison D. Burroughs  
Honorable Joseph L. Tauro  
Honorable Rya W. Zobel  
Honorable Mark L. Wolf  
Honorable Douglas P. Woodlock  
Honorable Edward F. Harrington  
Honorable Michael A. Ponsor

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

Honorable Melvin S. Hoffman, Chief  
Honorable Joan N. Feeney  
Honorable Frank J. Bailey

Honorable Christopher J. Panos  
Honorable Elizabeth D. Katz

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

Honorable David H. Hennessy, Chief  
Honorable Marianne B. Bowler  
Honorable Judith G. Dein  
Honorable Jennifer C. Boal  
Honorable M. Page Kelley

Honorable Katherine Robertson  
Honorable Donald B. Cabell  
Honorable Robert B. Collings (recalled)  
Honorable Kenneth P. Neiman (recalled)  
Honorable Jerome J. Niedermeier (recalled)

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

Honorable Joseph N. Laplante, Chief  
Honorable Paul J. Barbadoro  
Honorable Landya B. McCafferty

Honorable Joseph A. DiClerico, Jr.  
Honorable Steven J. McAuliffe

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

Honorable Bruce A. Harwood, Chief

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

Honorable Daniel Lynch  
Honorable Andrea K. Johnstone

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

Honorable Aida M. Delgado-Colón, Chief  
Honorable Carmen Consuelo Cerezo  
Honorable Jay A. Garcia-Gregory  
Honorable Gustavo A. Gelpí

Honorable Francisco A. Besosa  
Honorable Pedro A. Delgado-Hernández  
Honorable Juan M. Pérez-Giménez  
Honorable Daniel R. Dominguez

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

Honorable Enrique S. Lamoutte, Chief  
Honorable Brian K. Tester

Honorable Mildred Cabán  
Honorable Edward A. Godoy

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

Honorable Camille Vélez-Rivé  
Honorable Bruce J. McGiverin

Honorable Marcos E. Lopez  
Honorable Silvia Carreño-Coll

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

Honorable William E. Smith, Chief  
Honorable John J. McConnell, Jr.

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

Honorable Diane Finkle

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

Honorable Lincoln D. Almond  
Honorable Patricia A. Sullivan  
Honorable Robert W. Lovegreen (recalled)

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### **Judicial Milestones and Other Highlights**

#### ***Bankruptcy Appellate Panel***

In September, Judge Deasy left the Bankruptcy Appellate Panel (BAP), after resigning his recall status.

In January and February, BAP members coached students participating in the Duberstein Moot Court Competition. In the spring, BAP members volunteered with the M. Ellen Carpenter Financial Literacy Program of the Boston Bar Association (BBA) and taught classes in financial literacy at area high schools. BAP members also assisted with law clerk training at the bankruptcy and district courts in Massachusetts.

#### ***District of Maine***

In June, Judge Woodcock assumed senior status.

Chief Judge Torresen oversaw the District's rehabilitative drug court program called SWiTCH (Success with the Court's Help). She served as a district court delegate to the Federal Judges Association. Chief Judge Torresen also attended a conference hosted by the New England Association of Drug Court Professionals and a program entitled "A Convening on Summary Judgment and Dispositive Motions" hosted by the Institute for the Advancement of the Legal System, and delivered a presentation on the opioid crisis entitled "The Federal Court's Response" at the Charles H. Hackley Distinguished Lecture Series in Muskegon, Michigan. In September, Chief Judge Torresen presided over a naturalization ceremony as part of the District's Constitution Day celebration.

Judge Hornby participated in panel discussions on "Paradigms and Aspirations of Judging" at the Federal Judicial Center (FJC) workshop for district judges at Vanderbilt

Law School in Nashville, Tennessee, and "E-Lawyer & the Court Challenges for the Future" at the District of Rhode Island Judicial Conference in Providence, Rhode Island. Judge Hornby continued to serve on the Council of the American Law Institute. Judge Hornby also authored several articles, including Chapters 7-9 in the "Fables in Law" series in the Winter, Spring, and Summer 2017 editions of *The Green Bag*; "Federal Judges and Opinion Writing," in *Judicature* (Autumn 2017); and "Over Ruled," in *The Green Bag* (Autumn 2017).

Judge Singal continued to serve as Chair of the Court Security Committee. He served on the FJC Board of Directors, joined the FJC District Judge Education Advisory Committee, and served as faculty at FJC training seminars for new chief judges. Judge Singal also addressed the graduating class of the University of North Texas at Dallas College of Law.

Judge Woodcock served as faculty at the National Advocacy Center organized by the Department of Justice (DOJ).

Judge Levy chaired the District's Criminal Law Committee. He also served on the Court Security Committee and the University of Maine School of Law Board of Visitors.

Magistrate Judge Rich served as Articles Editor to the Federal Courts Law Review and as Vice Chair of the Maine Justice Action Group, where he also served as Co-Chair of the standing Pro Bono Committee. He served on the District Court Local Rules Advisory Committee and the Advisory Board for the Cleaves Law Library in Portland.

Magistrate Judge Nivison served on the District's Criminal Law Committee, as faculty

for the Maine College of Trial Advocacy, and as adjunct assistant professor at Thomas College in Waterville, teaching a course in sports law.

Chief Judge Torresen, Judge Hornby, Judge Singal, Judge Woodcock, Magistrate Judge Rich, and Magistrate Judge Nivison are members of the Maine State-Federal Judicial Council.

### *District of Massachusetts*

In May, Judge O'Toole advised President Trump that he intends to assume senior status in January 2018.

In June, Chief Magistrate Judge Hennessy began his three-year term as Chief Magistrate Judge for the District, succeeding Magistrate Judge Boal.

Magistrate Judge Dein was designated as referral judge for all matters arising out of the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA) litigation, reorganizing the Commonwealth of Puerto Rico under specialized bankruptcy legislation.

Magistrate Judge Boal served on the AO's Magistrate Judge Advisory Group.

### *District of New Hampshire*

In March, Chief Judge Laplante received the Distinguished Public Service Award from the New Hampshire Bar Association (NHBA). He served on the following committees: New Hampshire Supreme Court Access to Justice Commission (Co-Chair); New Hampshire Rules of Evidence Update Committee; and the NHBA Kirby Award Selection Committee. Chief Judge Laplante also taught statutory interpretation at Boston College Law School and served on panels for a number of continuing legal education (CLE) programs.

In September, Judge Barbadoro ended his term as Chair of the Judicial Conference of the

United States (JCUS) Executive Committee. He continued to teach at the Tuck School of Business at Dartmouth College, was a speaker at Harvard Law School, and served as judge for Boston College Law School's moot court and mock trial programs and the University of New Hampshire (UNH) School of Law's oral arguments. He also participated in the Federal Practice Section's open forum in May and served as faculty for the FJC Mid-Career Seminar for Judges in October.

Judge McCafferty continued to oversee the District's educational outreach program and spoke about it at the Middle School Civics Workshop at the New Hampshire Historical Society. The educational outreach program provides monthly educational programming for eighth-grade students; an interactive "You Be the Judge" program for high school students; naturalization ceremonies at high schools and the New Hampshire Statehouse attended by students during Constitution Week; and an annual seminar for teachers. She also participated in UNH School of Law's "Introduction to Legal Professionalism" class.

Judge DiClerico chaired the District's Security Committee, and Judge McAuliffe served on that committee.

Judge Barbadaro and Judge McAuliffe presided over the UNH School of Law's oral arguments.

Magistrate Judge Johnstone served on the NHBA's Committee on Cooperation with the Courts and the Daniel Webster-Batchelder Inn of Court. She served as judge for the UNH School of Law's moot court program and the Daniel Webster Scholar oral arguments and participated in the school's Speed Mentoring program. Magistrate Judge Johnstone also presented at the Federal Practice Section's open forum, the New Hampshire Women's Bar Association's "Path to the Bench" CLE, and the Lyme Bar Association Annual Meeting.

Clerk/Magistrate Judge Lynch served on the Death Penalty and Pro Se Law Clerk Staffing Formula Steering Group and on the NHBA's Committee on Cooperation with the Courts.

***District of Puerto Rico***

On November 21, 2017, Judge Casellas passed away.

In March, Chief Judge Delgado-Colón and Clerk of Court Ríos de Morán gave a presentation on indigent representation to a group from the Puerto Rico Department of Justice. In August, Chief Judge Delgado-Colón spoke at the Women's Equality Day Celebration sponsored by the Ramey Sector of the U.S. Customs and Border Protection.

***District of Rhode Island***

On November 19, 2017, Magistrate Judge Hagopian passed away.

On October 1, 2016, Judge Lagueux assumed inactive status.\*

On July 1, 2017, Judge Lisi assumed inactive status.

Chief Judge Smith continued to chair the District Judge Education Advisory Committee and also served as faculty and mentor at the mid-career programs at the FJC. He also taught at Roger Williams University School of Law.

Magistrate Judge Sullivan served on the Next Generation CM/ECF Project Steering Group and taught at Roger Williams University School of Law.

***Bankruptcy Court  
for the District of Maine***

Chief Judge Cary served as an FJC presenter and as an adjunct faculty member at the University of Maine School of Law, and was a

member of and/or involved in the following groups/committees: American Bankruptcy Institute (ABI); Credit Abuse Resistance Education; Cleaves Law Library (Advisory Director); Gignoux Inn of Court; Maine State Bar Association; National Conference of Bankruptcy Judges (NCBJ); and the Maine State-Federal Judicial Council (Treasurer).

In May, Judge Fagone received the L. Kinvin Wroth Award, awarded annually by the University of Maine School of Law to a former graduate "who has achieved distinction in his or her career by contributing as a leader locally, nationally, or globally, and who has helped advance his or her alma mater." The law school noted Judge Fagone's distinguished career as a bankruptcy lawyer and his many years of involvement with the school's Conrad B. Duberstein Moot Court teams and Credit Abuse Resistance Education.

In addition, Judge Fagone served on the following groups/committees: ABI Board of Directors, Executive Committee, Audit Committee (Chair), and Finance Committee; John Waldo Ballou Inn of Court; Local Bankruptcy Rules Committee; Credit Abuse Resistance Education; Endowment for Education Committee of the NCBJ; and Maine State-Federal Judicial Council.

***Bankruptcy Court  
for the District of Massachusetts***

On March 13, 2017, Judge Katz was sworn in and began sitting in Springfield and Worcester. Her formal investiture was held in September at the Lyman and Merrie Wood Museum of Springfield History.

Chief Judge Hoffman served as Associate Editor of the American Bankruptcy Law

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\*Judge Lagueux's assumption of inactive status was not previously reported.

Journal (ABLI), as Co-Chair of the Bankruptcy Court's Local Rules Advisory Committee, and as a member of the Bankruptcy Court's Automation Committee and the District Court's Budget and IT Committees.

Judge Feeney served on the following groups/committees: American College of Bankruptcy (ACB) (Vice President); ABLI (Business Manager); Elections Committee, NCBJ; Education Committee, ABI Northeast Conference; and the Bankruptcy Court Pro Bono Committee (Co-Chair). She also co-authored the Bankruptcy Law Manual and was the Co-Chair of the M. Ellen Carpenter Financial Literacy Program, a joint Bankruptcy Court/BBA effort to promote financial literacy among high school students.

Judge Bailey served on the following groups/committees: JCUS Online System for Clerkship Application and Review (OSCAR) Working Group Committee; Education (Chair), Finance, Conference News, and American Bar Association (ABA) Liaison Committees, NCBJ; the Bankruptcy Court's Diversity Initiative Task Force (Co-Chair) and Local Rules Advisory Committee (Co-Chair); and Business Law Section, Executive Committee, Massachusetts Bar Association (MBA). Additionally, Judge Bailey served on several ABA bodies, including: National Conference of Federal Trial Judges of the Judicial Division (Chair); Judicial Division, Committee on the Diversity of the American Judiciary (Co-Chair); Judicial Division, Committee on Terrorism Trials in Federal Courts (Co-Chair); Judicial Division, Nominations Committee; Minority Student Judicial Clerkship Program; Commission on the Future of the American Jury; and Committee on Bankruptcy Appeals, Business Law Section (Co-Chair).

Judge Panos served as a member of and/or was involved in the following groups/committees: the Bankruptcy Court's Diversity Initiative Task Force (Co-Chair), Local Rules Advisory (Co-Chair), and Automation Committees; the District Court's Technology (non-voting member) and Central Division Courthouse Security Committees; and the M. Ellen Carpenter Financial Literacy Program.

Judge Katz served as Co-Chair of the Bankruptcy Court's Pro Bono Committee and was a member of the NCBJ's Schwartz Roundtable and Public Outreach Committee.

***Bankruptcy Court  
for the District of New Hampshire***

In September, Judge Deasy resigned from his recall status.

Chief Judge Harwood served on the AO's Electronic Public Access Working Group. Chief Judge Harwood also spoke at the following events: ABI's Annual Spring Meeting, Northeast Conference, and Winter Conference; the California Bankruptcy Forum; the FJC Workshop for Bankruptcy Judges; and the NCBJ Annual Meeting and Conference. He also testified before the ABI's Consumer Reform Commission and attended the ACB annual induction ceremony and conference.

Judge Deasy attended the FJC Workshop for Bankruptcy Judges, the NCBJ's Mid-Year and Annual Meetings, and the ACB's Retail Forum. Judge Deasy also led a panel at the ABI Northeast Conference and served as a judge during practice rounds for moot court teams competing in the annual Duberstein Moot Court Competition.

Chief Judge Cary and Judge Fagone of the United States Bankruptcy Court for the

District of Maine, along with Judge Panos of the United States Bankruptcy Court for the District of Massachusetts, presided over bankruptcy matters in the District of New Hampshire.

***Bankruptcy Court  
for the District of Puerto Rico***

Chief Judge Lamoutte spoke at the ABI Caribbean Insolvency Symposium. He also attended the FJC's National Workshop for Bankruptcy Judges.

Judge Cabán served on the AO's Bankruptcy Judges Advisory Group and the FJC Education Committee for Bankruptcy Judges. She moderated and spoke at the FJC's National Bankruptcy Judges Workshop and Phase II Training. Judge Cabán also led discussions at the Bankruptcy Bar Association of the Southern District of Florida's Annual Retreat. Judge Cabán participated as a judge for the Hispanic National Bar Association's (HNBA) Mock Trial Competition, moderated a bankruptcy panel for the HNBA's Corporate Counsel Conference, and was Chair of the NCBJ's Liaison Committee to the HNBA. She also volunteered for Credit Abuse Resistance Education.

Judge Tester spoke at the ABI's Caribbean Insolvency Symposium and Northeast Conference and Consumer Forum. He also attended the National Workshop for Bankruptcy Judges. Judge Tester was invited by the U.S. Department of Commerce's Commercial Law Development Program (CLDP) to lecture at a series of bankruptcy conferences and workshops held for judicial officers and other government officials in Singapore and Saudi Arabia. CLDP draws upon experienced regulators, judges, policymakers, business leaders, and attorneys to facilitate changes to the legal and business

environments of the host countries. Judge Tester also continued teaching as an adjunct professor at the Interamerican University School of Law.

Judge Godoy spoke at the Colegio de Abogados de Puerto Rico's Bankruptcy Workshop. He also attended the NCBJ Annual Meeting and Conference, and the FJC's National Workshop for Bankruptcy Judges and Seminar on Law and Genetics for Judges.

***Bankruptcy Court  
for the District of Rhode Island***

On May 28, 2017, Judge Votolato passed away.

Judge Finkle served on the BAP, as well as the NCBJ's Cost Containment and Bankruptcy Rules Committees. Judge Finkle served as a panelist at the ABI's Northeast Conference, the National Conference of Administrative Law Judges (ALJ), MCLE's Annual New England Bankruptcy Law Conference, and the District Court's Bar seminar. She also delivered a presentation to the Rhode Island Municipal Tax Collectors Association on the impact of bankruptcy filings on collection efforts of municipal tax collectors. Judge Finkle also attended the NCBJ Annual Meeting and Conference.



**Work of the Courts**

**Court of Appeals**

***Statistical Report***

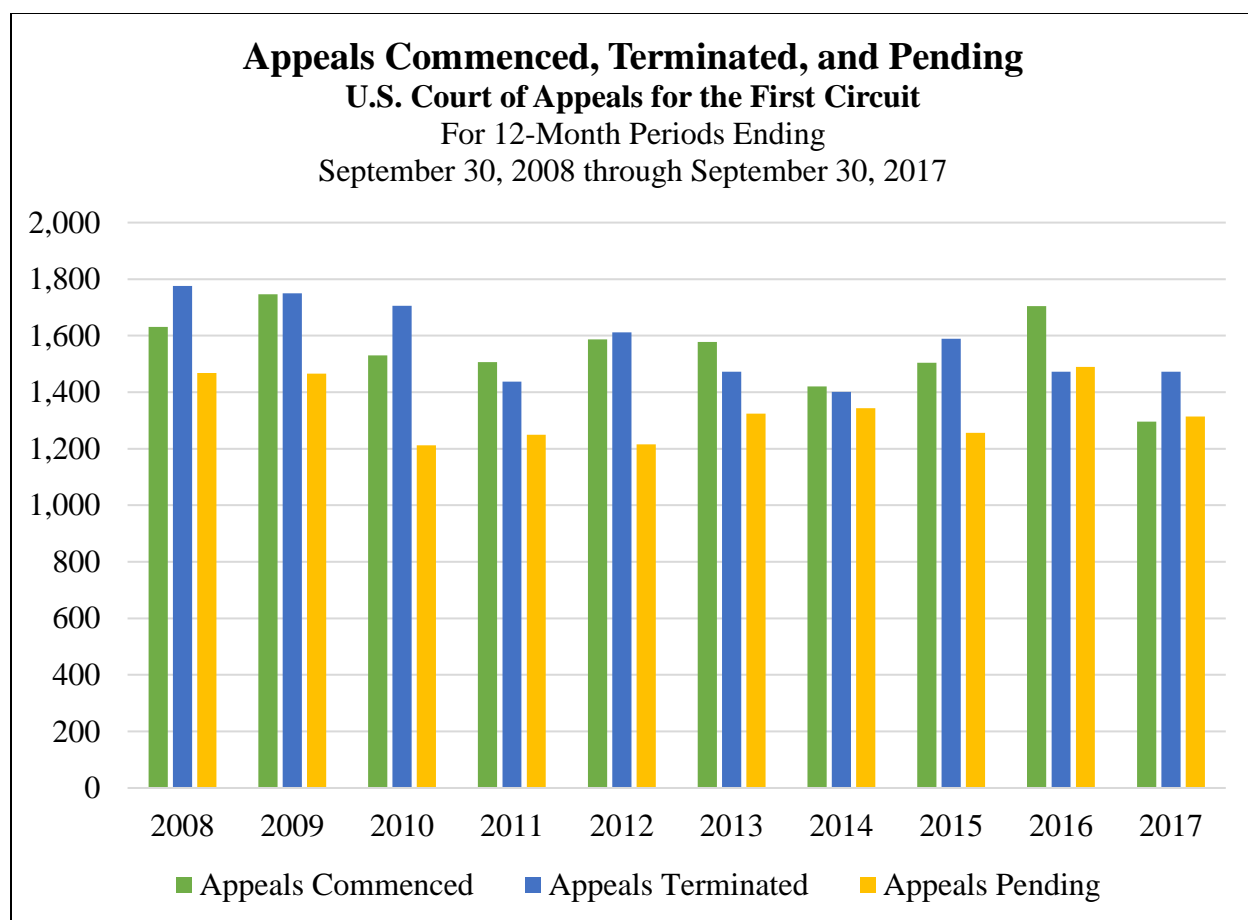
<b>Courts of Appeals Caseload Summary</b>									
Appeals Commenced, Terminated, and Pending, by Circuit									
For 12-Month Periods Ending September 30, 2016 and September 30, 2017									
<b>Circuit</b>	<b><u>Commenced</u></b>			<b><u>Terminated</u></b>			<b><u>Pending*</u></b>		
	<b>2016</b>	<b>2017</b>	<b>% Change</b>	<b>2016</b>	<b>2017</b>	<b>% Change</b>	<b>2016</b>	<b>2017</b>	<b>% Change</b>
<b>Total</b>	60,357	50,506	-16.3	57,744	54,347	-5.9	43,241	39,400	-8.9
<b>D.C.</b>	1,197	951	-20.6	1,173	1,050	-10.5	1,418	1,319	-7.0
<b>First</b>	1,704	1,296	-23.9	1,472	1,472	0.0	1,490	1,314	-11.8
<b>Second</b>	4,640	4,337	-6.5	4,661	4,125	-11.5	3,325	3,537	6.4
<b>Third</b>	3,618	2,941	-18.7	3,344	3,729	11.5	2,909	2,121	-27.1
<b>Fourth</b>	6,411	4,497	-29.9	6,234	4,626	-25.8	2,607	2,478	-4.9
<b>Fifth</b>	8,664	7,099	-18.1	7,899	7,942	0.5	5,593	4,750	-15.1
<b>Sixth</b>	5,242	4,591	-12.4	4,857	5,105	5.1	3,458	2,944	-14.9
<b>Seventh</b>	3,382	2,787	-17.6	3,360	2,947	-12.3	1,797	1,637	-8.9
<b>Eighth</b>	3,665	2,957	-19.3	3,088	3,170	2.7	2,088	1,875	-10.2
<b>Ninth</b>	11,473	11,096	-3.3	11,798	11,867	0.6	13,330	12,559	-5.8
<b>Tenth</b>	2,338	1,856	-20.6	2,228	1,959	-12.1	1,320	1,217	-7.8
<b>Eleventh</b>	8,023	6,098	-24.0	7,630	6,355	-16.7	3,906	3,649	-6.6

\* Pending caseloads for 2016 as revised by the AO.

<b>Source of Appeals and Original Proceedings</b> <b>U.S. Court of Appeals for the First Circuit</b> For 12-Month Periods Ending September 30, 2010 through September 30, 2017								
Source	2010	2011	2012	2013	2014	2015	2016	2017
<b>First Circuit Totals</b>	1,530	1,507	1,587	1,578	1,421	1,504	1,704	1,296
<b>Maine</b>	97	125	140	118	113	206	117	116
<b>Massachusetts</b>	509	518	516	497	418	506	499	377
<b>New Hampshire</b>	103	90	86	95	74	74	86	90
<b>Puerto Rico</b>	497	409	431	501	425	399	461	372
<b>Rhode Island</b>	73	91	98	89	94	61	45	87
<b>Bankruptcy</b>	37	29	27	35	29	34	28	33
<b>U.S. Tax Court</b>	8	6	5	4	4	3	4	2
<b>National Labor Relations Board</b>	7	5	10	4	5	11	8	6
<b>Administrative Agencies (Total)</b>	158	171	216	165	161	139	105	88
<b>Original Proceedings*</b>	56	74	73	78	107	85	363	133

\*Beginning in 2014, miscellaneous applications are included in this category.

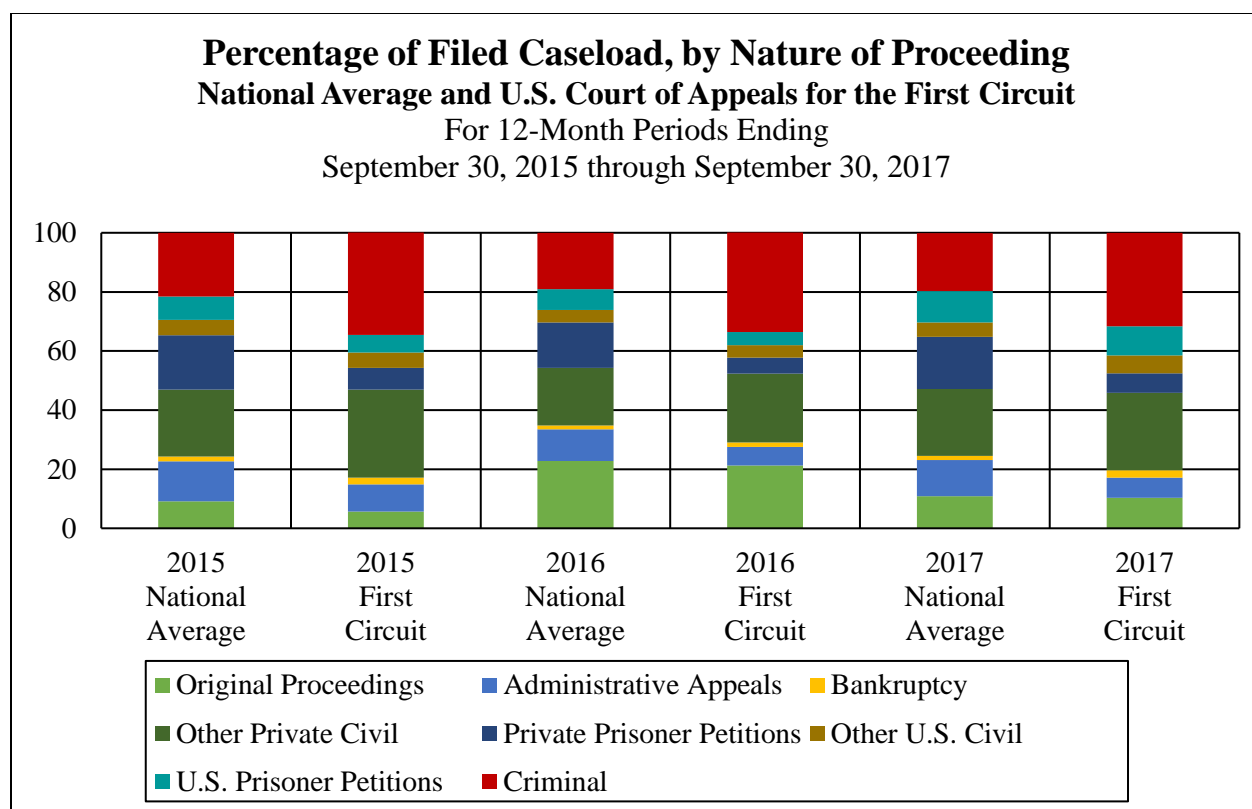
NOTE: Totals include reopened, remanded, and reinstated appeals, as well as original appeals.



**Appeals Commenced, Terminated, and Pending**  
**U.S. Court of Appeals for the First Circuit**  
 For 12-Month Periods Ending September 30, 2008 through September 30, 2017

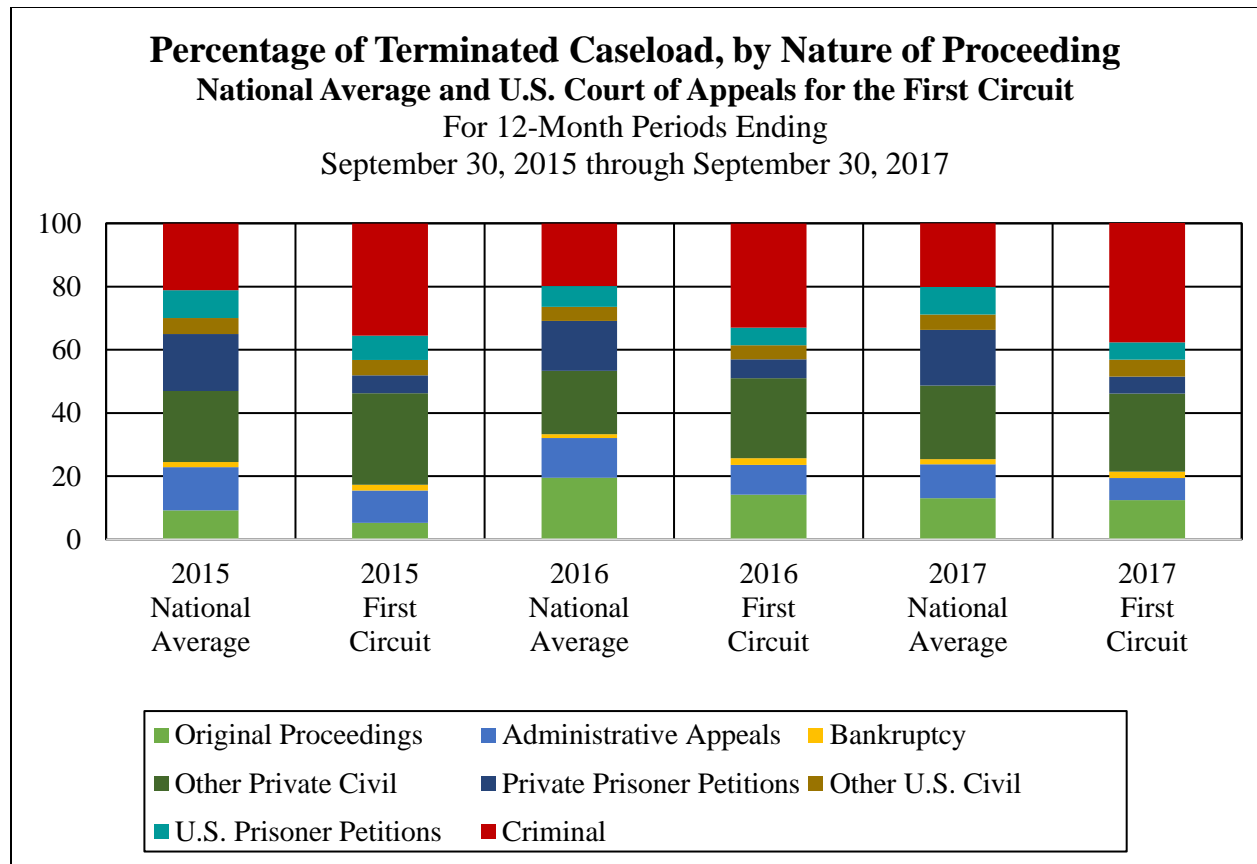
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Appeals Commenced</b>	1,631	1,746	1,530	1,507	1,587	1,578	1,421	1,504	1,704	1,296
<b>Appeals Terminated</b>	1,776	1,750	1,706	1,437	1,612	1,472	1,401	1,589	1,472	1,472
<b>Appeals Pending*</b>	1,468	1,466	1,212	1,250	1,215	1,324	1,343	1,256	1,490	1,314

\*Pending caseloads for 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016 as revised by the AO.



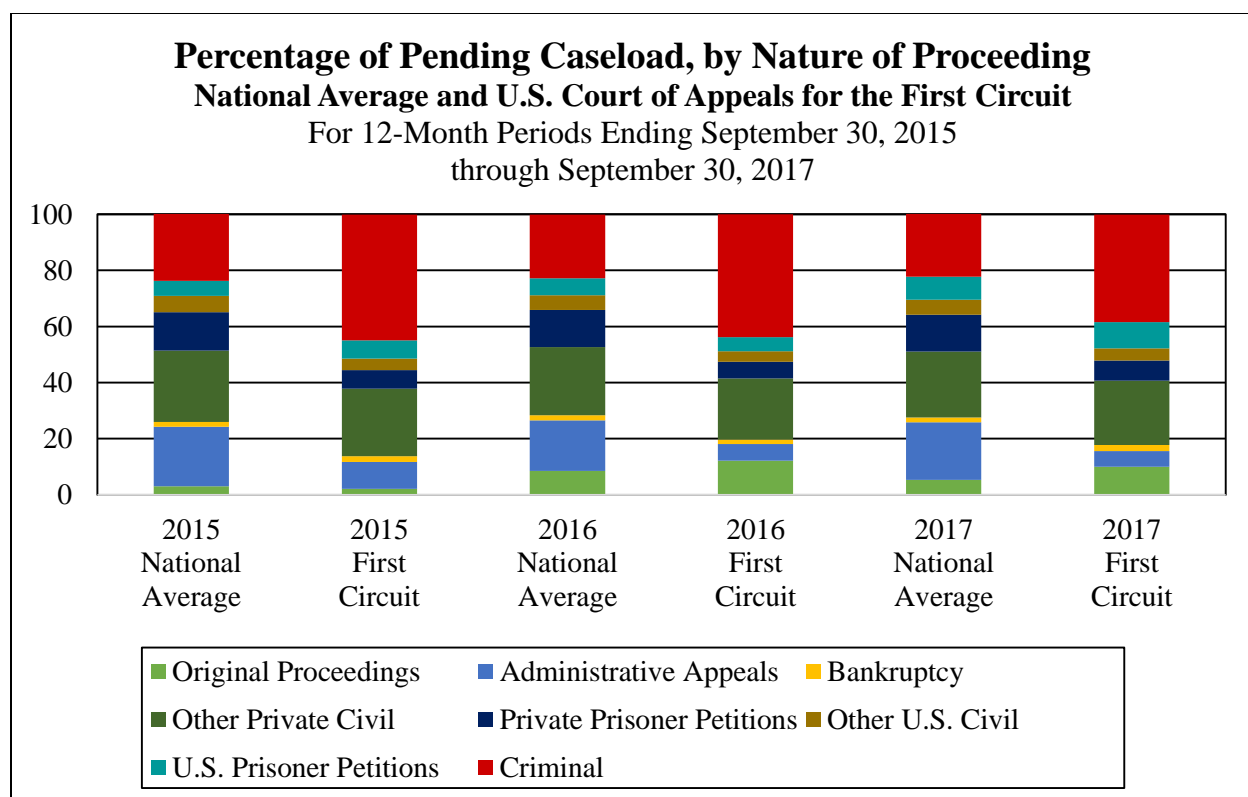
**Percentage of Filed Caseload, by Nature of Proceeding**  
**National Average and U.S. Court of Appeals for the First Circuit**  
 For 12-Month Periods Ending September 30, 2015 through September 30, 2017

	2015		2016		2017	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
<b>Criminal</b>	21.6	34.7	19.1	33.7	19.6	31.6
<b>U.S. Prisoner Petitions</b>	7.9	5.9	7.0	4.4	10.6	9.9
<b>Other U.S. Civil</b>	5.2	5.2	4.2	4.2	4.9	6.1
<b>Private Prisoner Petitions</b>	18.4	7.4	15.4	5.5	17.7	6.6
<b>Other Private Civil</b>	22.6	29.7	19.5	23.2	22.6	26.2
<b>Bankruptcy</b>	1.6	2.3	1.3	1.6	1.4	2.5
<b>Administrative Appeals</b>	13.6	9.2	10.7	6.2	12.2	6.8
<b>Original Proceedings and Miscellaneous Applications</b>	9.1	5.7	22.8	21.3	10.9	10.3



**Percentage of Terminated Caseload, by Nature of Proceeding**  
**National Average and U.S. Court of Appeals for the First Circuit**  
 For 12-Month Periods Ending September 30, 2015 through September 30, 2017

	2015		2016		2017	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
<b>Criminal</b>	21.1	35.4	19.7	32.9	20.1	37.8
<b>U.S. Prisoner Petitions</b>	8.8	7.7	6.6	5.6	8.7	5.4
<b>Other U.S. Civil</b>	5.0	4.9	4.5	4.4	4.9	5.4
<b>Private Prisoner Petitions</b>	18.0	5.7	15.8	6.0	17.6	5.4
<b>Other Private Civil</b>	22.5	28.9	20.0	25.3	23.3	24.7
<b>Bankruptcy</b>	1.6	1.8	1.2	2.1	1.6	2.0
<b>Administrative Appeals</b>	13.7	10.2	12.6	9.4	10.8	7.0
<b>Original Proceedings and Miscellaneous Applications</b>	9.2	5.3	19.5	14.2	13.0	12.4



**Percentage of Pending Caseload\*, by Nature of Proceeding**  
**National Average and U.S. Court of Appeals for the First Circuit**  
 For 12-Month Periods Ending September 30, 2015 through September 30, 2017

	2015		2016		2017	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
<b>Criminal</b>	23.8	44.8	22.7	43.8	22.3	38.3
<b>U.S. Prisoner Petitions</b>	5.4	6.5	6.1	5.0	8.3	9.4
<b>Other U.S. Civil</b>	5.8	4.2	5.2	3.8	5.3	4.3
<b>Private Prisoner Petitions</b>	13.7	6.6	13.3	5.9	13.1	7.2
<b>Other Private Civil</b>	25.4	24.0	24.3	21.8	23.5	23.0
<b>Bankruptcy</b>	1.8	2.1	1.8	1.6	1.7	2.1
<b>Administrative Appeals</b>	21.2	9.6	18.0	5.9	20.6	5.6
<b>Original Proceedings and Miscellaneous Applications</b>	3.0	2.1	8.5	12.2	5.3	10.0

\*Pending caseloads for 2015 and 2016 as revised by the AO.

<b>U.S. Courts of Appeals Median Time Intervals in Months, by Circuit, For Cases Terminated After Hearing or Submission For 12-Month Period Ending September 30, 2017 (From Filing of Notice of Appeal to Final Disposition)</b>		
<b>Circuit</b>	<b>No. of Cases</b>	<b>Interval</b>
<b>National Average</b>	34,561	9.0
<b>D.C.</b>	481	11.9
<b>First</b>	904	13.0
<b>Second</b>	2,355	10.2
<b>Third</b>	2,662	10.3
<b>Fourth</b>	3,397	5.7
<b>Fifth</b>	4,608	10.0
<b>Sixth</b>	3,616	8.1
<b>Seventh</b>	1,699	8.1
<b>Eighth</b>	2,472	7.3
<b>Ninth</b>	7,456	13.0
<b>Tenth</b>	1,297	8.1
<b>Eleventh</b>	3,614	8.4

<b>Percentage of Terminations on the Merits National Average and U.S. Court of Appeals for the First Circuit For 12-Month Periods Ending September 30, 2013 through September 30, 2017</b>						
		<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>After Oral Hearing</b>	<b>1st Cir.</b>	26.0%	26.3%	29.1%	26.1%	25.5%
	<b>Nat'l</b>	18.3%	18.0%	19.0%	16.3%	18.7%
<b>After Submission</b>	<b>1st Cir.</b>	67.9%	66.0%	62.9%	68.2%	68.2%
	<b>Nat'l</b>	75.1%	74.5%	73.4%	76.8%	74.7%
<b>Disposed of by Consolidation</b>	<b>1st Cir.</b>	6.1%	7.6%	8.0%	5.7%	6.3%
	<b>Nat'l</b>	6.7%	7.4%	7.7%	6.9%	6.6%

### Clerk's Office

In 2017, the Clerk's Office implemented NextGen CM/ECF, which includes an enhanced interface and permits filers to use the same user name and password in all federal courts that have upgraded to NextGen. The Clerk's Office also implemented a CM/ECF module that permits electronic filing of case-initiating documents, including emergency motions, at any time.

In connection with these changes, the Court amended Local Rules 11.0 and 25.0 and Internal Operating Procedure VI, and the Clerk's Office updated training materials and the First Circuit CM/ECF User's Guide.

The Clerk's Office and the Library continued to address the problem of changing or vanishing Internet citations in court opinions. The Library has been capturing webpages cited in First Circuit opinions and posting them into a repository. In November 2017, the Clerk's Office began entering PDFs of the webpages onto the public docket.

Changes were also made to the Clerk's Office physical space, including the construction of a new sealed records room and space reorganization, as well as the start of a major archiving project.

In fiscal year (FY) 2017, the Court of Appeals reported 1,296 filings, a 23.9% decrease from the 1,704 filings in FY 2016. See supra, at 13. The large drop in filings was due in part to a decrease (-63.4%) in original proceedings, which spiked in 2016 after the Supreme Court's decision in Welch v. United States, 136 S. Ct. 1257 (2016). The Court also reported a significant decrease (-28.7%) in criminal appeals.

Case terminations remained constant, with 1,472 in both FY 2016 and FY 2017. Pending cases decreased 11.8% from the end of FY 2016 to 1,314 at the end of FY 2017. See supra, at 12.

For this same time period, Massachusetts (377) and Puerto Rico (372) represented the largest sources of appeals. The number of appeals from Maine, New Hampshire, and Rhode Island were 116, 90, and 87, respectively. There were 88 appeals from administrative agencies, most of which were from the Board of Immigration Appeals (68). The remaining cases were bankruptcy appeals (33) and original proceedings and miscellaneous applications (133). See supra, at 14.

In FY 2017, civil cases (including prisoner petitions) represented 48.8% of the appeals commenced in the First Circuit; criminal appeals represented 31.6%. The remaining 19.6% consisted of administrative agency appeals, bankruptcy appeals, original proceedings, and miscellaneous applications. See supra, at 16. The Court's median time interval in months for merits terminations of appeals was 13 months in FY 2017. See supra, at 19.

### Office of the Staff Attorneys

The Office of the Staff Attorneys conducts research for the Court's judges. In 2017, the Office consisted of one (1) senior staff attorney, one (1) supervisory staff attorney, 18-19 staff attorneys (the fluctuation in numbers is due to a retirement), and one (1) support staff.

The following numbers of matters were referred by the Clerk's Office to the Staff Attorneys' Office for processing in 2017 (151 more than in 2016):

January	145
February	129
March	220
April	159
May	262
June	221
July	255
August	218



September	123
October	172
November	147
December	172
<b>Total</b>	<b>2,223</b>

In addition, there were 121 pro se or social security submitted cases (35 fewer than in 2016) and 27 sua sponte summary dispositions assigned in counseled, briefed cases (1 more than in 2016).

The types of matters referred to the Office for research included: applications for certificates of appealability; applications for leave to file second or successive habeas petitions; motions for summary affirmance or dismissal; mandamus petitions; Anders briefs; motions for stay or bail; § 1292(b) petitions; and applications to file interlocutory appeals.

### **Civil Appeals Management Program**

The First Circuit’s Civil Appeals Management Program (CAMP) is governed by Local Rule 33.0. After a notice of appeal is filed in the Clerk’s Office, the Court notifies the appellant of the program. The Clerk also notifies settlement counsel of all civil appeals considered eligible for the program.

Pursuant to the Local Rule, settlement counsel may direct counsel to attend a conference to consider settlement, the simplification of issues, and any other matters that may facilitate disposition of the proceeding. The Local Rule applies to civil appeals, except habeas corpus, prisoner petitions, pro se cases, National Labor Relations Board appeals, enforcement petitions, and original proceedings. Generally, settlement counsel requires pre-argument conferences in eligible cases, unless settlement counsel determines that there is no reasonable likelihood of settlement.

Appellants are required to submit electronically copies of the orders,

memoranda, or opinions from which the appeal has been taken. If the parties choose, they may also file a confidential memorandum containing, *inter alia*, the history of any settlement negotiations, the major points of error on appeal, factors which may affect a party’s chances of prevailing upon appeal, and the terms and conditions upon which the case may reasonably be settled. The attorneys are also informed that their clients are required to attend the conference unless excused.

Conferences can last from a few hours to a full day or more. In special circumstances, a conference may be conducted by telephone, but in-person conferences, which are much more likely to produce positive results, are preferred. After the initial conference, settlement counsel may conduct follow-up conferences, by telephone or in person.

When the process is complete, a report is filed with the Clerk’s Office indicating whether the case settled. The substance of any conference discussions or other information is confidential.

Honorable Patrick J. King (ret.) mediates cases appealed from the Districts of Massachusetts, Rhode Island, Maine, and New Hampshire. Honorable Charles A. Cordero (ret.) mediates cases appealed from the District of Puerto Rico.

In FY 2017, of the 209 cases that were opened, one or more conferences were held in 163 cases, which produced 61 settlements (approximately 37% of mediated cases).

### **Library**

#### *Overview*

The First Circuit Library continued to serve the judges and staff of the Court of Appeals and the district and bankruptcy courts in Maine, New Hampshire, Massachusetts, Puerto Rico, and Rhode Island.

There are four (4) libraries in the system: the Headquarters Library, located in the Moakley Courthouse; and satellite libraries in the federal courts in Concord, New Hampshire; Hato Rey, Puerto Rico; and Providence, Rhode Island. Librarians in Boston provided service to chambers and court staff in Portland and Bangor, Maine, as well as to chambers and court staff in Springfield and Worcester, Massachusetts. The Satellite Librarian in Concord provided service to the bankruptcy court in Manchester, New Hampshire. The staff of the Hato Rey Library provided service to chambers and court staff in Old San Juan, Puerto Rico.

*Personnel:* On-board staff at the end of FY 2017, including the Circuit Librarian, was distributed as follows: 6.8 in Boston; two (2) in Hato Rey; and one (1) each in Concord and Providence.

*Space Reduction:* In June 2017, the Boston Headquarters Library space-reduction project was completed. The Headquarters Library now occupies approximately 10,000 square feet. Additional compact shelving was installed to accommodate the reduced collection and provide for growth space. A shared training room was also added.

*Legal Research Funds:* The law book and other legal research allotment was slightly higher than in FY 2016, primarily due to the lower financial plan reduction. The Library's Collection Development Committee completed a two-year project to review subject areas of the collection and to update and add resources as needed. The need for cancellations, less expensive alternatives, and more efficient access using electronic resources continued.

*Projects/Events of Note:* The Satellite Librarian in Concord maintains the archival database of Internet sources cited in First Circuit Court of Appeals opinions. The Circuit Librarian, Concord Satellite Librarian,

and the Clerk of Court for the First Circuit drafted guidelines for chambers, library, and Clerk's Office staff to ensure accurate website captures and timely entry into case dockets.

The Technical Services Librarian and the Satellite Librarian in Concord are members of two national Circuit Libraries' Strategic Plan Working Groups (Data and Metrics; and Research and Education).

The Circuit Librarian was one of three Circuit Librarians working with the AO Court Services Office on the analysis of law book spending. The JCUS's Executive and Budget Committees requested that the Committee on Administration and Case Management (CACM) prepare this analysis as part of ongoing cost containment efforts.

*Statistics:* In FY 2017, staff responded to approximately 5,600 reference questions. The Library circulated over 2,100 print materials and submitted 120 requests for translations of decisions from the Puerto Rico Supreme Court and Puerto Rico Court of Appeals. Staff also conducted 264 training sessions for chambers and court staff and processed over 200 interlibrary loan requests. The Library staff also distributed news and opinion summaries, including: *Today's News* (249 recipients); *Today's U.S. Supreme Court* (249); *Daily Opinion Summaries of U.S. First Circuit Court of Appeals* (Findlaw) (236); *U.S. Supreme Court Opinions Summaries* (Findlaw) (236); *Weekly Watch* (215); and *First Circuit Sentencing Guide* (180).

### Bankruptcy Appellate Panel

The BAP, which employs a clerk, a law clerk, and a part-time case manager, moved in November 2017 from the John W. McCormack Post Office and Courthouse to the Moakley Courthouse. The BAP generally conducts oral arguments in Boston, Massachusetts and continues to travel to San Juan, Puerto Rico once a year, depending upon the caseload.

In April 2017, Clerk Mary Sharon left the BAP following her appointment as Clerk of Court for the Bankruptcy Court for the District of Massachusetts. In May 2017, Leslie Storm,

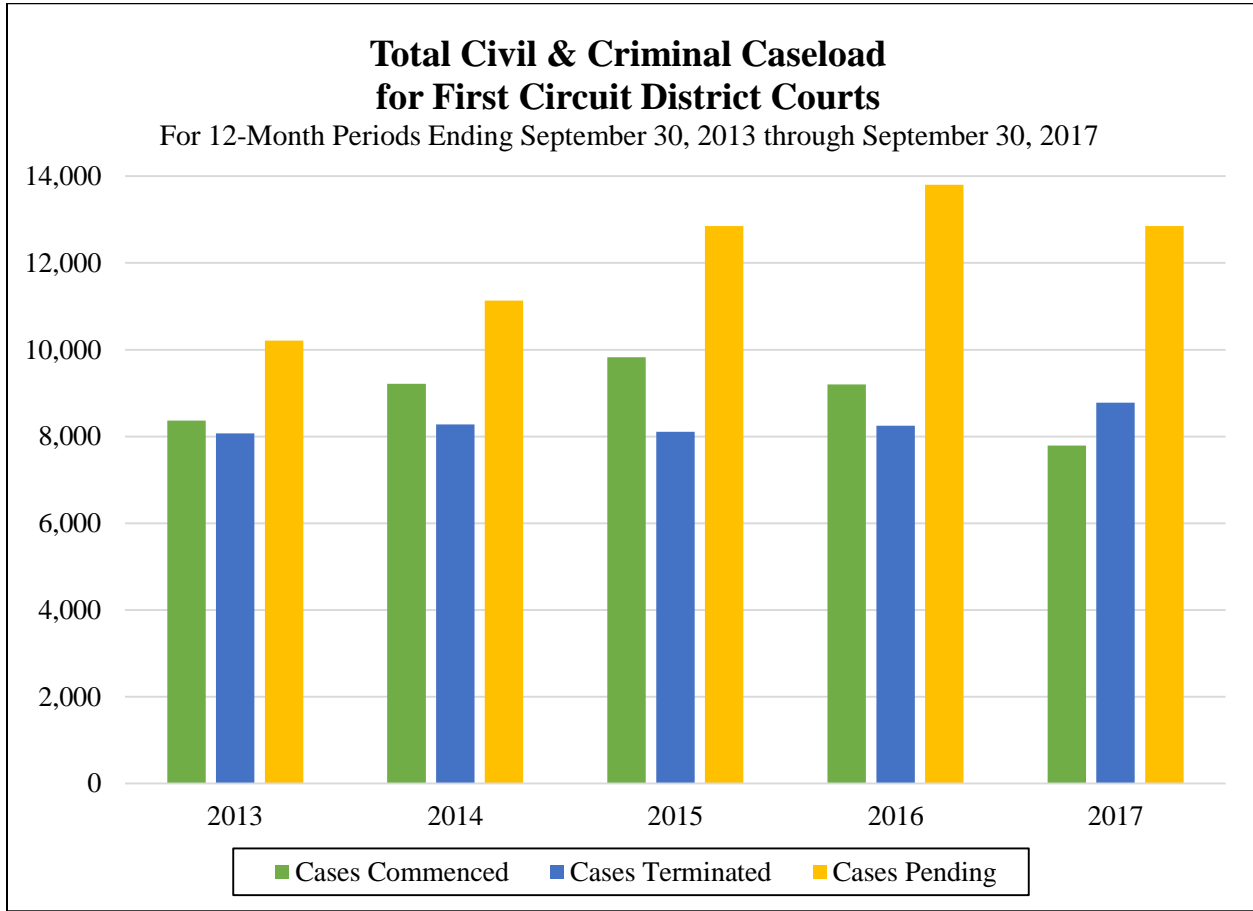
who previously served as staff attorney for the BAP, was appointed as BAP Clerk of Court. Since assuming this role, Leslie has participated in the Appellate and BAP Clerks Advisory Committee and was appointed to serve on the Appellate Court and Circuit Offices Staffing Formula Development Subject-Matter Expert Working Group.

For FY 2017, the BAP experienced a 15.4 % decrease in case filings. Hurricanes Irma and Maria affected the rate of filing of Puerto Rico appeals. For the period from June 2016 through June 2017, approximately 50% of the appeals from the Circuit's bankruptcy courts were filed with the BAP.

<b>U.S. Bankruptcy Appellate Panels</b>									
<b>Cases Commenced, Terminated, and Pending, by Circuit</b>									
For 12-Month Periods Ending September 30, 2016 and September 30, 2017									
<b>Circuit</b>	<b>Filed</b>			<b>Terminated</b>			<b>Pending*</b>		
	<b>2016</b>	<b>2017</b>	<b>% Change</b>	<b>2016</b>	<b>2017</b>	<b>% Change</b>	<b>2016</b>	<b>2017</b>	<b>% Change</b>
<b>First</b>	65	55	-15.4	69	55	-20.3	14	14	0.0
<b>Sixth</b>	58	42	-27.6	47	52	10.6	43	33	-23.3
<b>Eighth</b>	35	34	-2.9	36	40	11.1	14	8	-42.9
<b>Ninth</b>	429	425	-0.9	444	453	2.0	213	185	-13.1
<b>Tenth</b>	48	61	27.1	61	51	-16.4	11	21	90.9
<b>Total</b>	635	617	-2.8	657	651	-0.9	295	261	-11.5

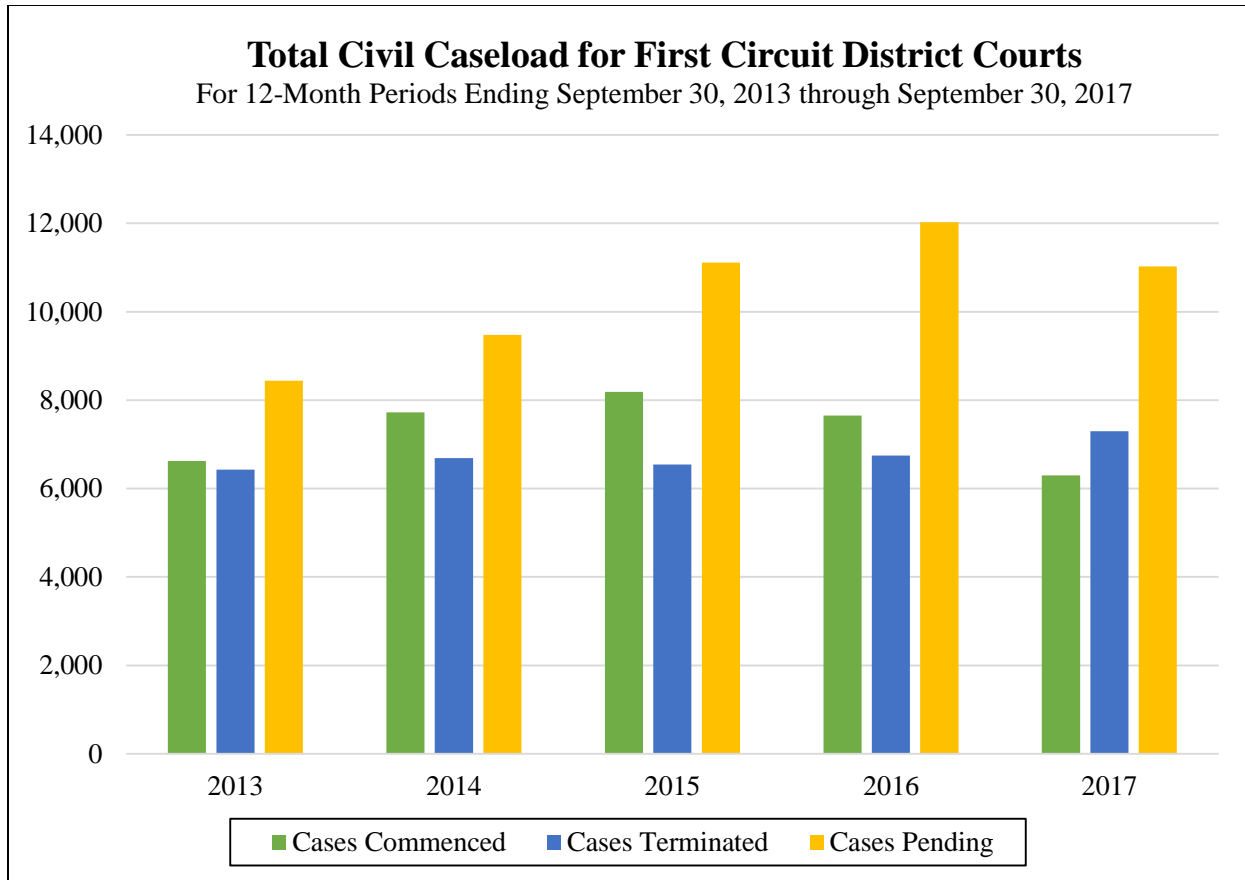
\* Pending caseloads for 2016 as revised by the AO.

**Statistical Report for District Courts in the First Circuit**



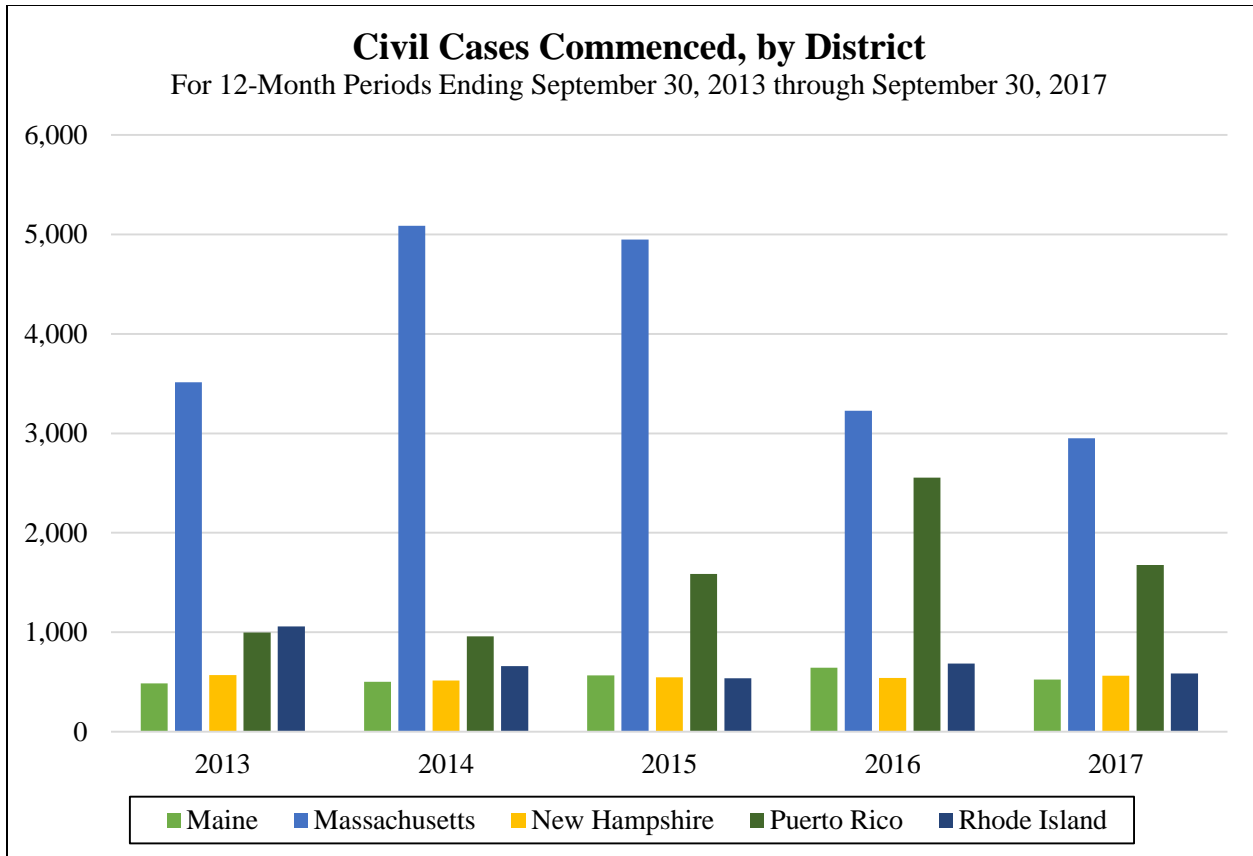
<b>Total Civil &amp; Criminal Caseload for First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Cases Commenced</b>	8,369	9,214	9,825	9,198	7,794
<b>Cases Terminated</b>	8,072	8,279	8,109	8,246	8,781
<b>Cases Pending*</b>	10,212	11,135	12,848	13,803	12,848

\* Pending caseloads for 2013, 2014, 2015, and 2016 as revised by the AO.

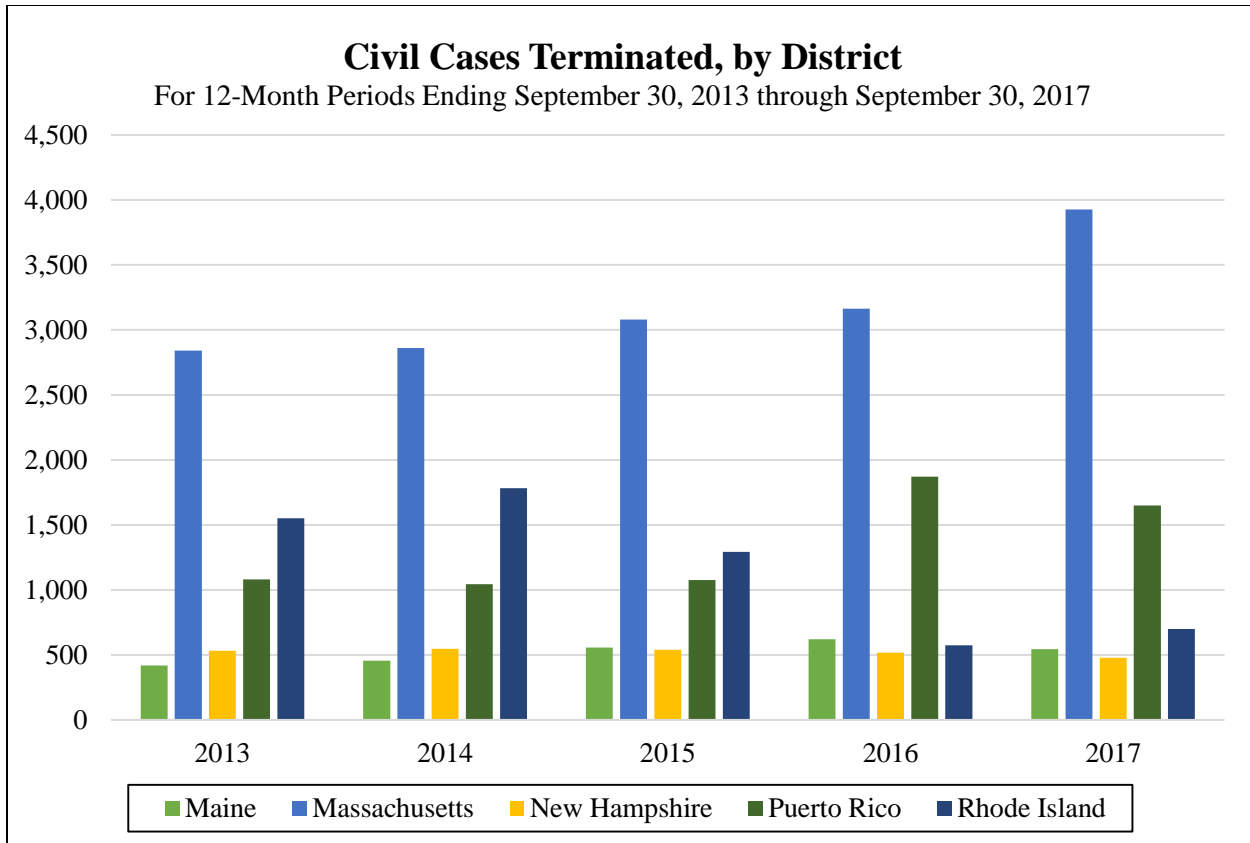


<b>Total Civil Caseload for First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Cases Commenced</b>	6,624	7,723	8,184	7,652	6,297
<b>Cases Terminated</b>	6,425	6,691	6,546	6,744	7,296
<b>Cases Pending*</b>	8,443	9,479	11,110	12,022	11,023

\* Pending caseloads for 2013, 2014, 2015, and 2016 as revised by the AO.

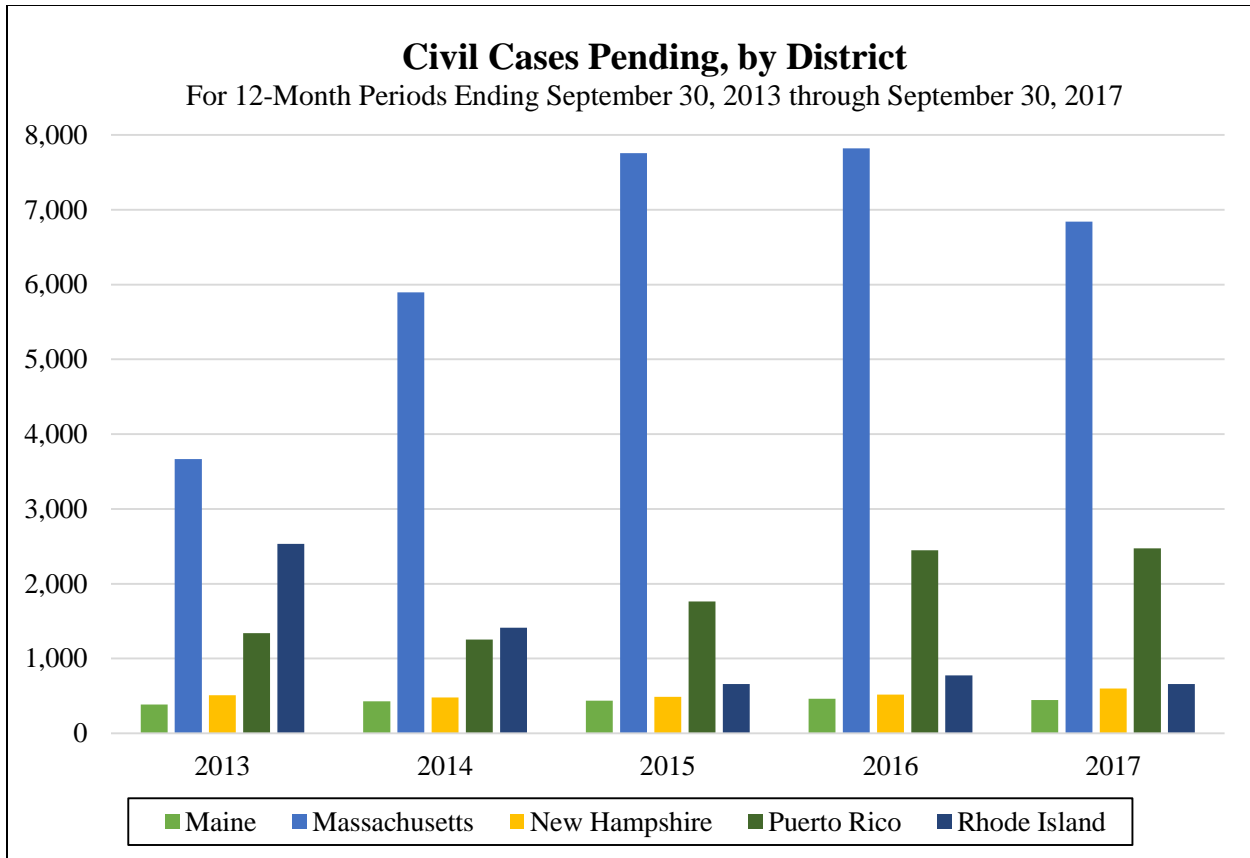


<b>Civil Cases Commenced, by District</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
District	2013	2014	2015	2016	2017
<b>Maine</b>	485	501	566	645	524
<b>Massachusetts</b>	3,513	5,088	4,947	3,226	2,949
<b>New Hampshire</b>	569	516	547	541	563
<b>Puerto Rico</b>	997	958	1,585	2,556	1,676
<b>Rhode Island</b>	1,060	660	539	684	585



**Civil Cases Terminated, by District**  
For 12-Month Periods Ending September 30, 2013 through September 30, 2017

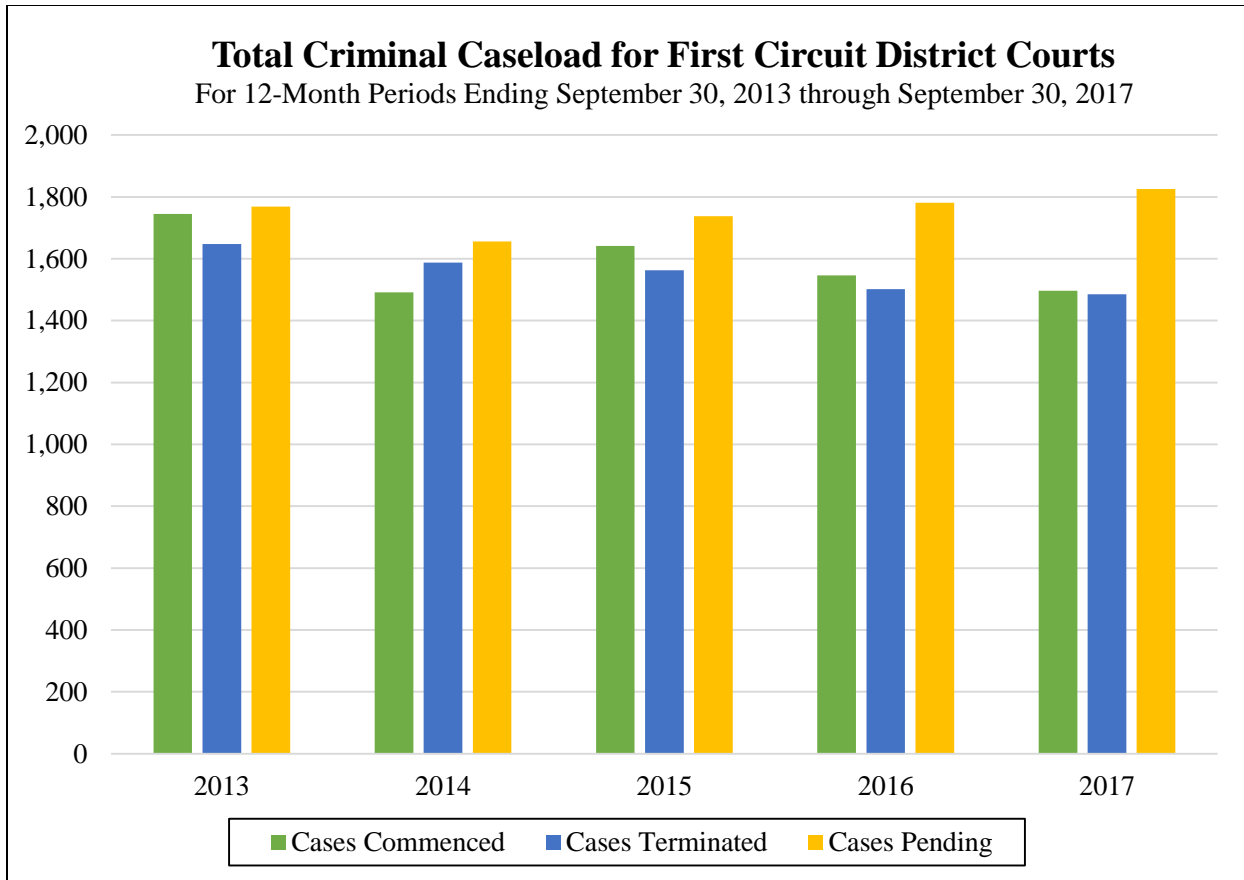
District	2013	2014	2015	2016	2017
<b>Maine</b>	418	456	557	620	543
<b>Massachusetts</b>	2,842	2,861	3,081	3,163	3,928
<b>New Hampshire</b>	532	547	538	517	478
<b>Puerto Rico</b>	1,081	1,044	1,077	1,871	1,649
<b>Rhode Island</b>	1,552	1,783	1,293	573	698



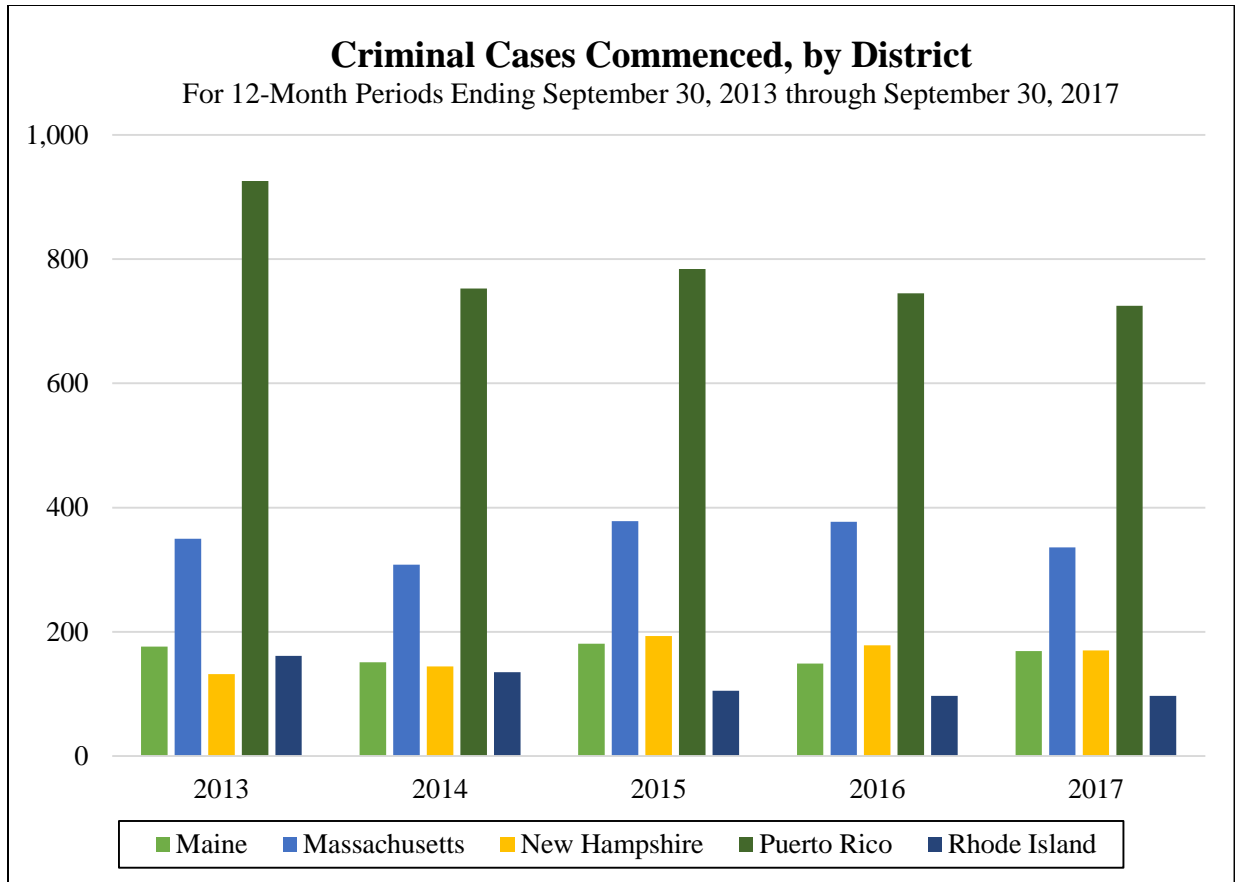
<b>Civil Cases Pending*, by District</b>					
For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
District	2013	2014	2015	2016	2017
<b>Maine</b>	385	430	437	463	444
<b>Massachusetts</b>	3,669	5,898	7,758	7,821	6,842
<b>New Hampshire</b>	511	481	490	516	601
<b>Puerto Rico</b>	1,341	1,255	1,764	2,448	2,475
<b>Rhode Island</b>	2,537	1,415	661	774	661

\* Pending caseloads for 2013, 2014, 2015, and 2016 as revised by the AO.

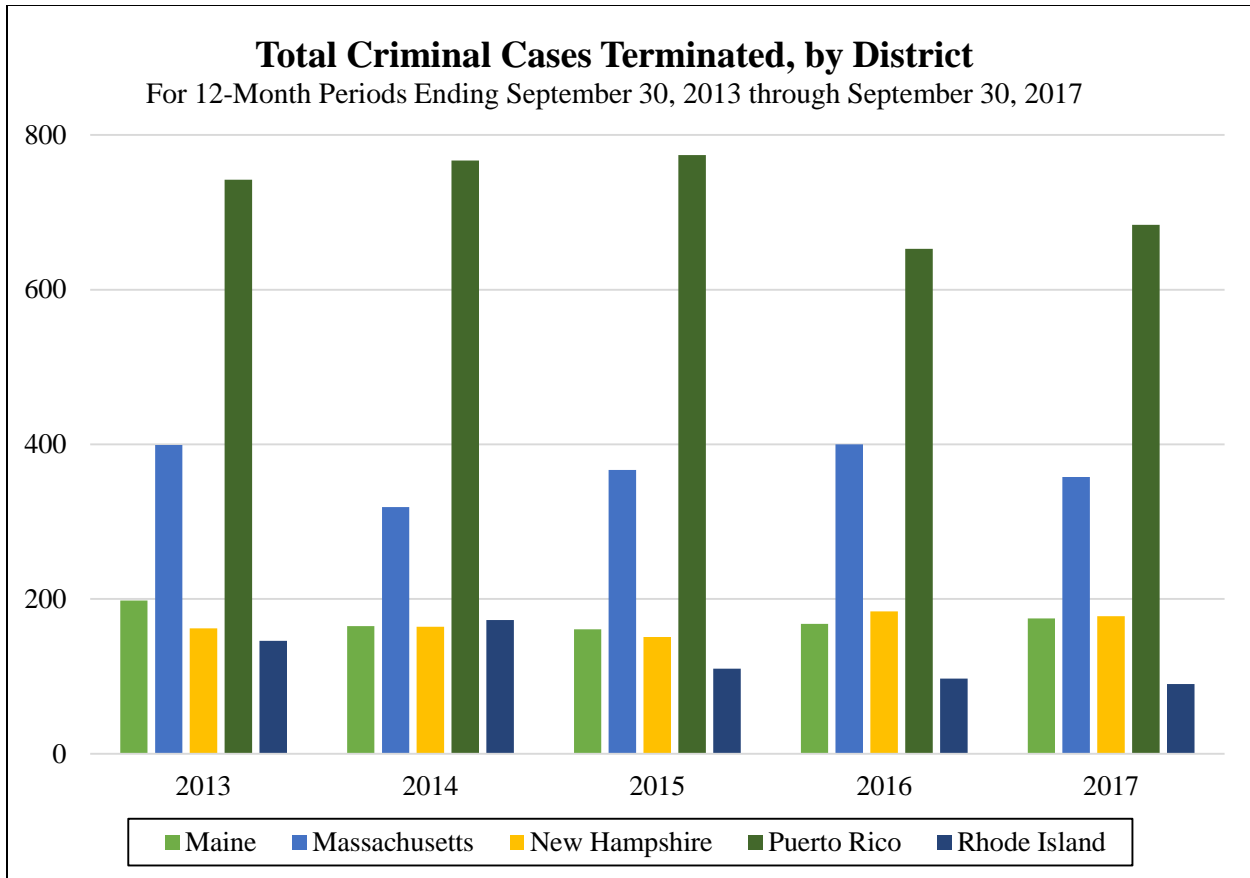




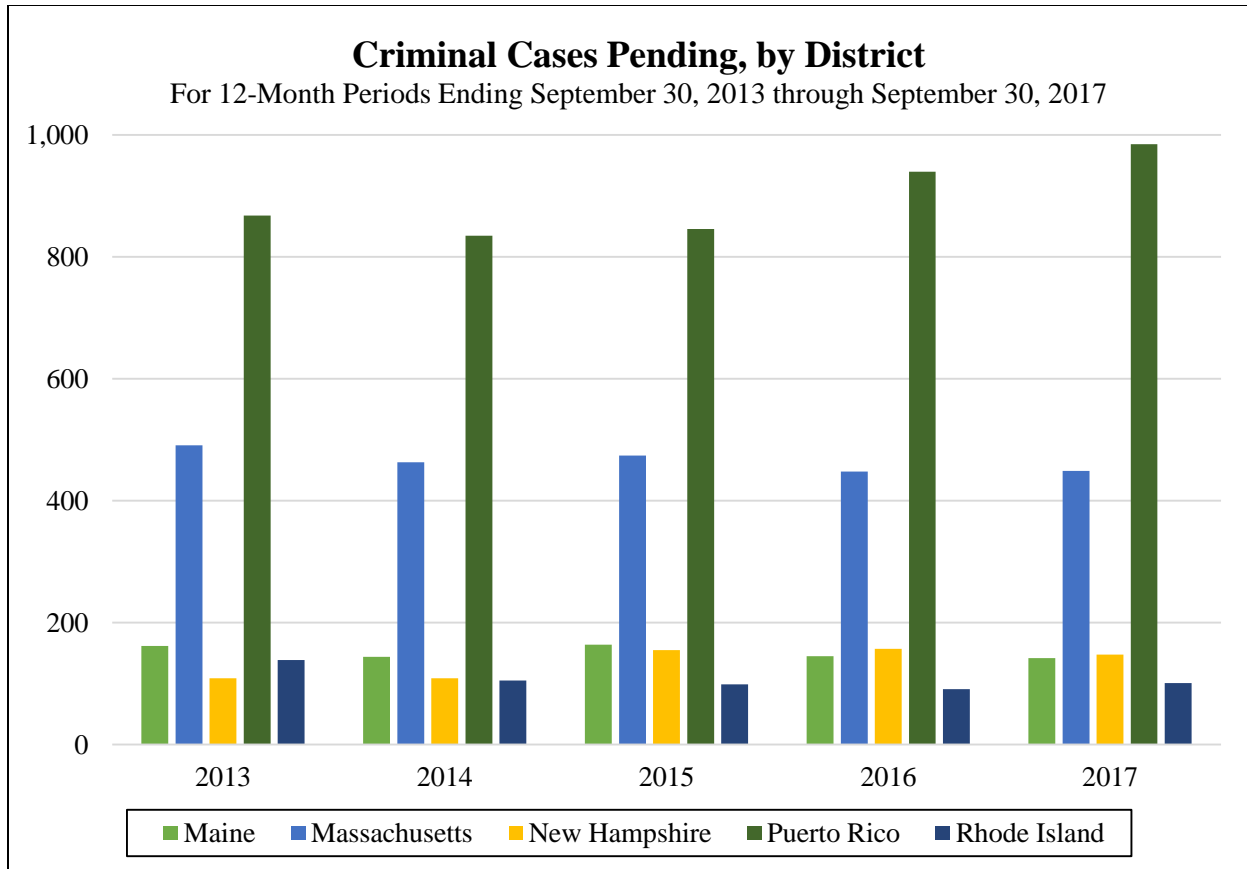
<b>Total Criminal Caseload for First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Cases Commenced</b>	1,745	1,491	1,641	1,546	1,497
<b>Cases Terminated</b>	1,647	1,588	1,563	1,502	1,485
<b>Cases Pending</b>	1,769	1,656	1,738	1,781	1,825



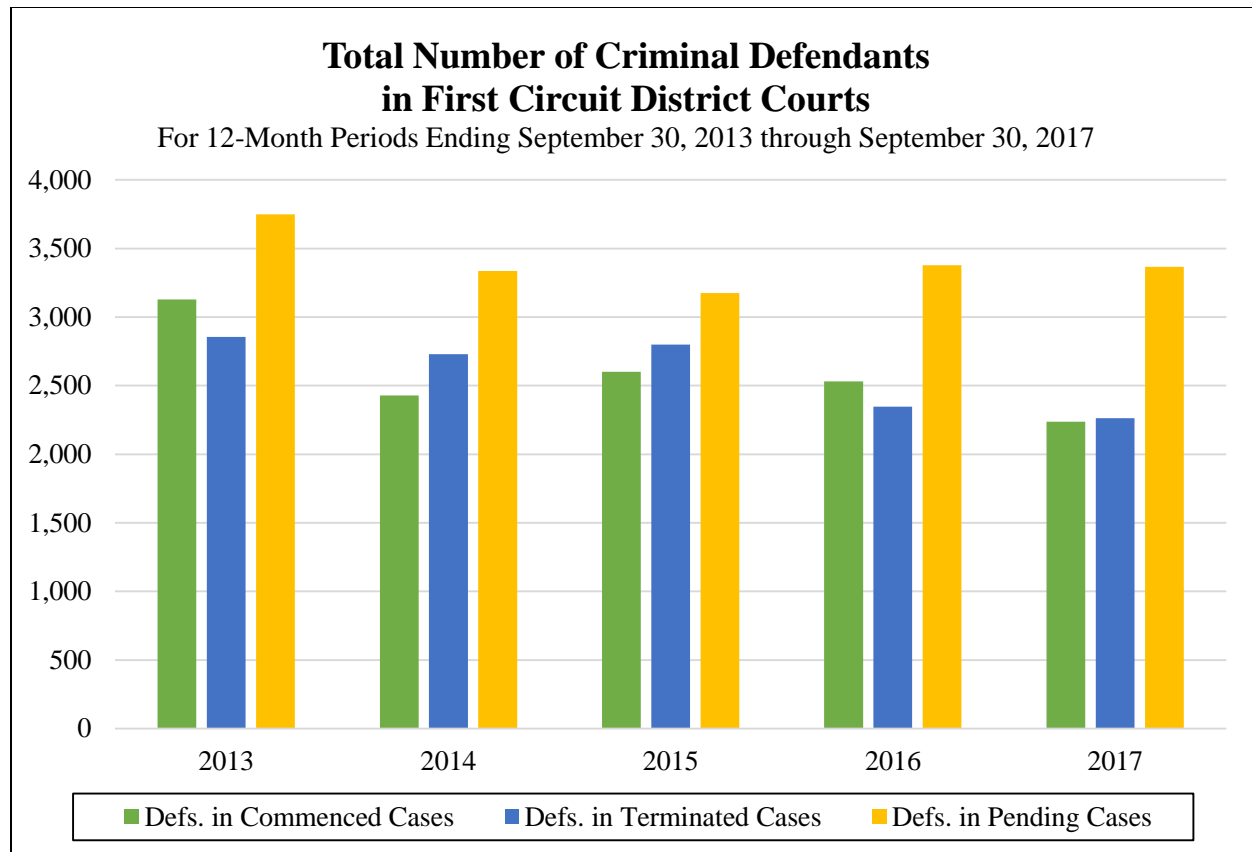
<b>Criminal Cases Commenced, by District</b>					
For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
District	2013	2014	2015	2016	2017
<b>Maine</b>	176	151	181	149	169
<b>Massachusetts</b>	350	308	378	377	336
<b>New Hampshire</b>	132	144	193	178	170
<b>Puerto Rico</b>	926	753	784	745	725
<b>Rhode Island</b>	161	135	105	97	97



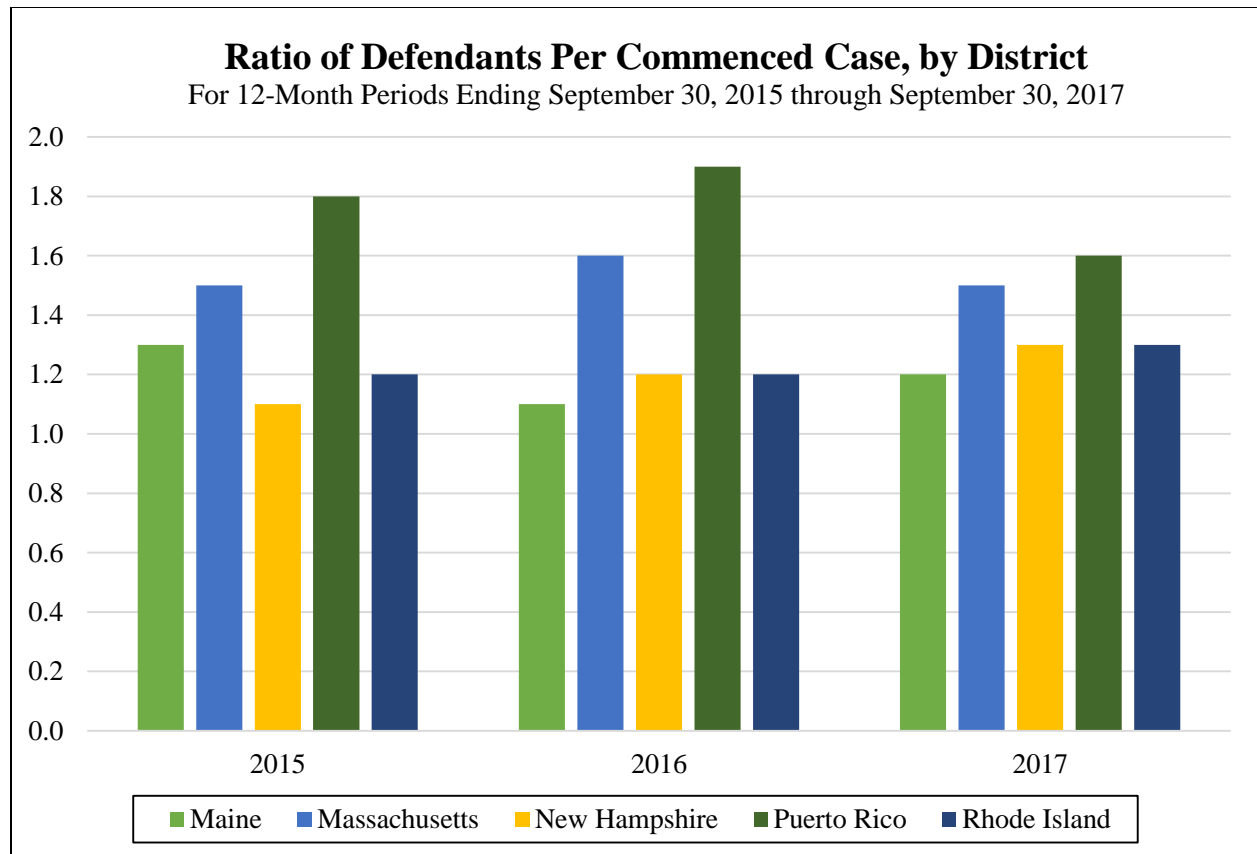
<b>Criminal Cases Terminated, by District</b>					
For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
District	2013	2014	2015	2016	2017
<b>Maine</b>	198	165	161	168	175
<b>Massachusetts</b>	399	319	367	400	358
<b>New Hampshire</b>	162	164	151	184	178
<b>Puerto Rico</b>	742	767	774	653	684
<b>Rhode Island</b>	146	173	110	97	90



<b>Criminal Cases Pending, by District</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
<b>District</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Maine</b>	162	144	164	145	142
<b>Massachusetts</b>	491	463	474	448	449
<b>New Hampshire</b>	109	109	155	157	148
<b>Puerto Rico</b>	868	835	846	940	985
<b>Rhode Island</b>	139	105	99	91	101

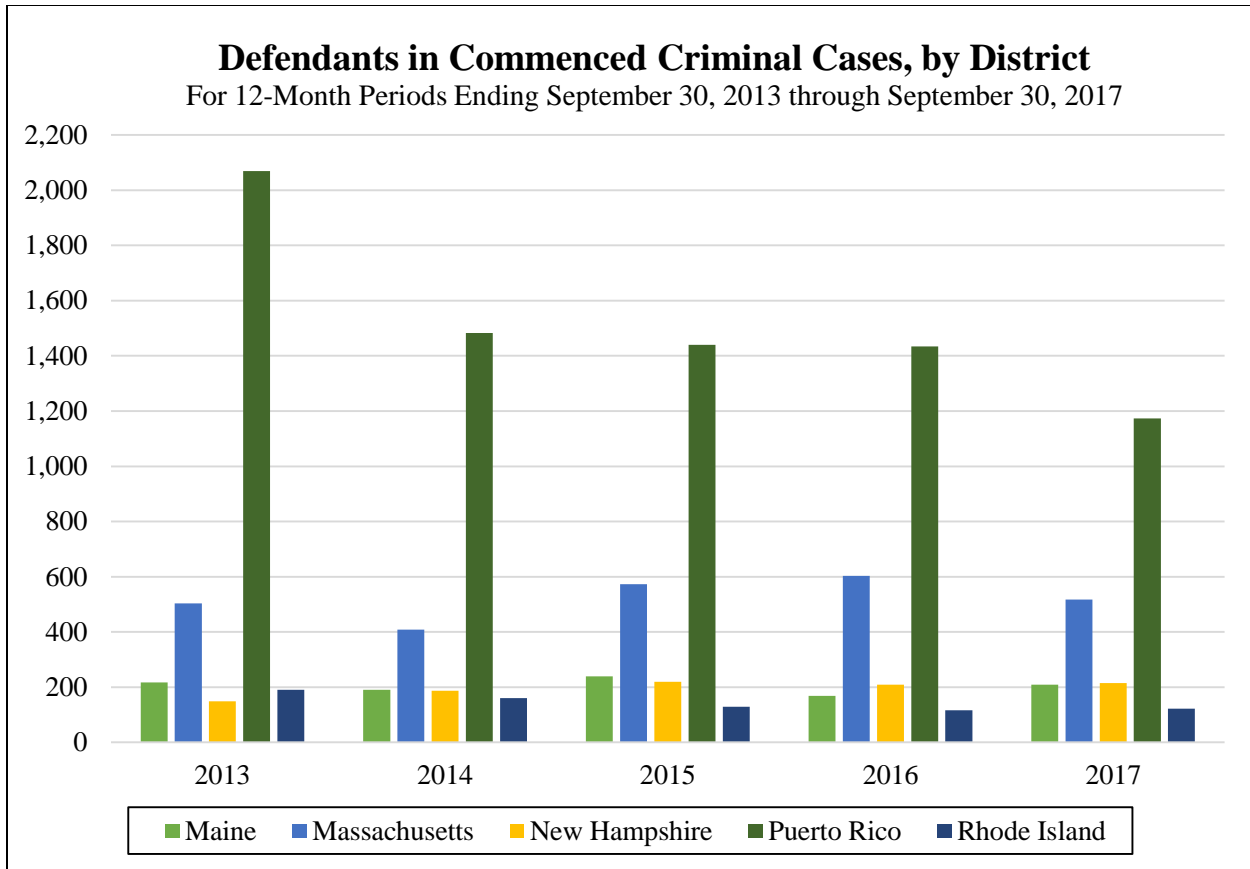


<b>Total Number of Criminal Defendants in First Circuit District Courts</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>No. of Defendants Commenced Criminal Cases</b>	3,129	2,428	2,601	2,530	2,236
<b>No. of Defendants Terminated Criminal Cases</b>	2,855	2,795	2,799	2,347	2,262
<b>No. of Defendants Pending Criminal Cases</b>	3,750	3,335	3,174	3,377	3,366

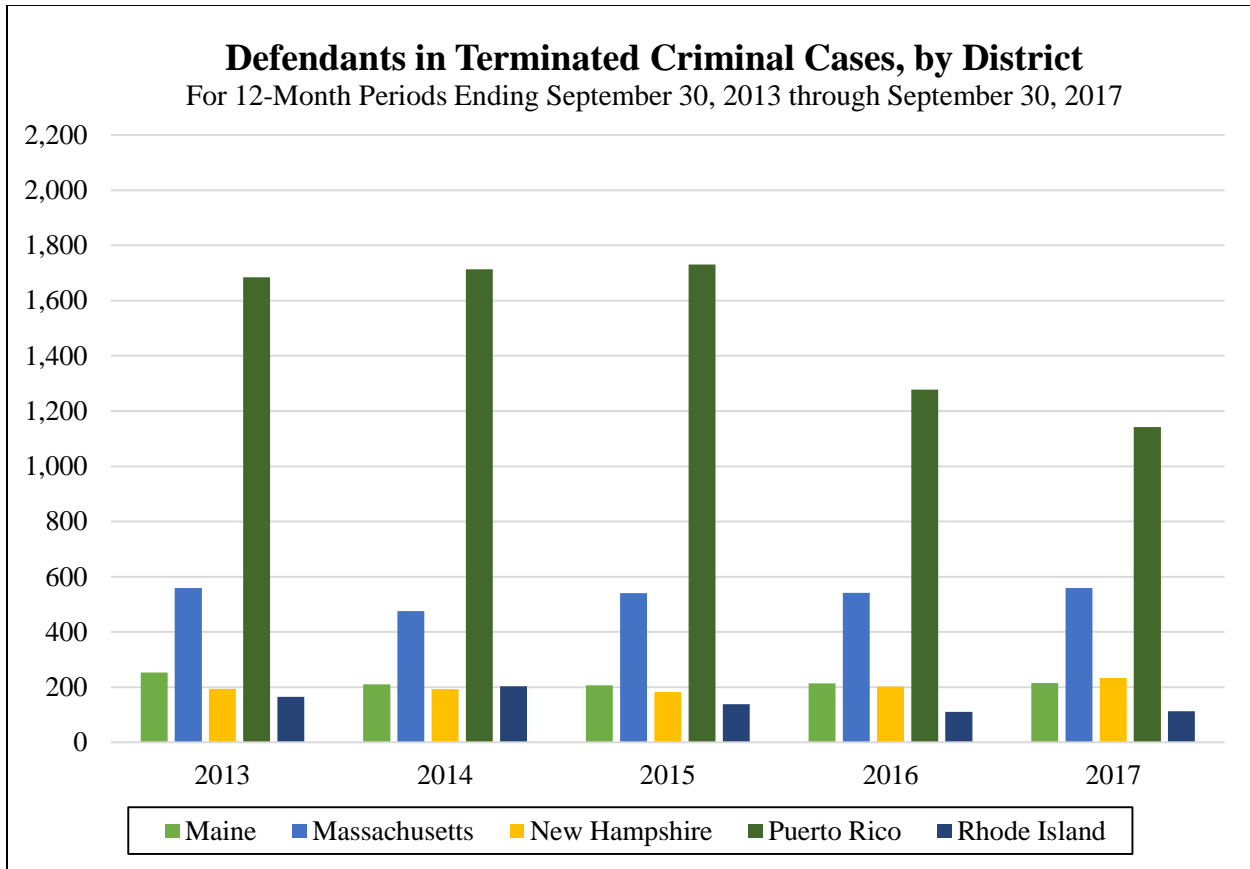


**Number of Commenced Criminal Cases and Defendants and Ratio of Defendants Per Commenced Case, by District**  
For 12-Month Periods Ending September 30, 2015 through September 30, 2017

District	2015		Avg. No. of Defs./ Case	2016		Avg. No. of Defs./ Case	2017		Avg. No. of Defs./ Case
	Cases	Def.		Cases	Def.		Cases	Def.	
Maine	181	239	1.3	149	168	1.1	169	209	1.2
Massachusetts	378	573	1.5	377	603	1.6	336	517	1.5
New Hampshire	193	220	1.1	178	209	1.2	170	215	1.3
Puerto Rico	784	1,440	1.8	745	1,434	1.9	725	1,173	1.6
Rhode Island	105	129	1.2	97	116	1.2	97	122	1.3

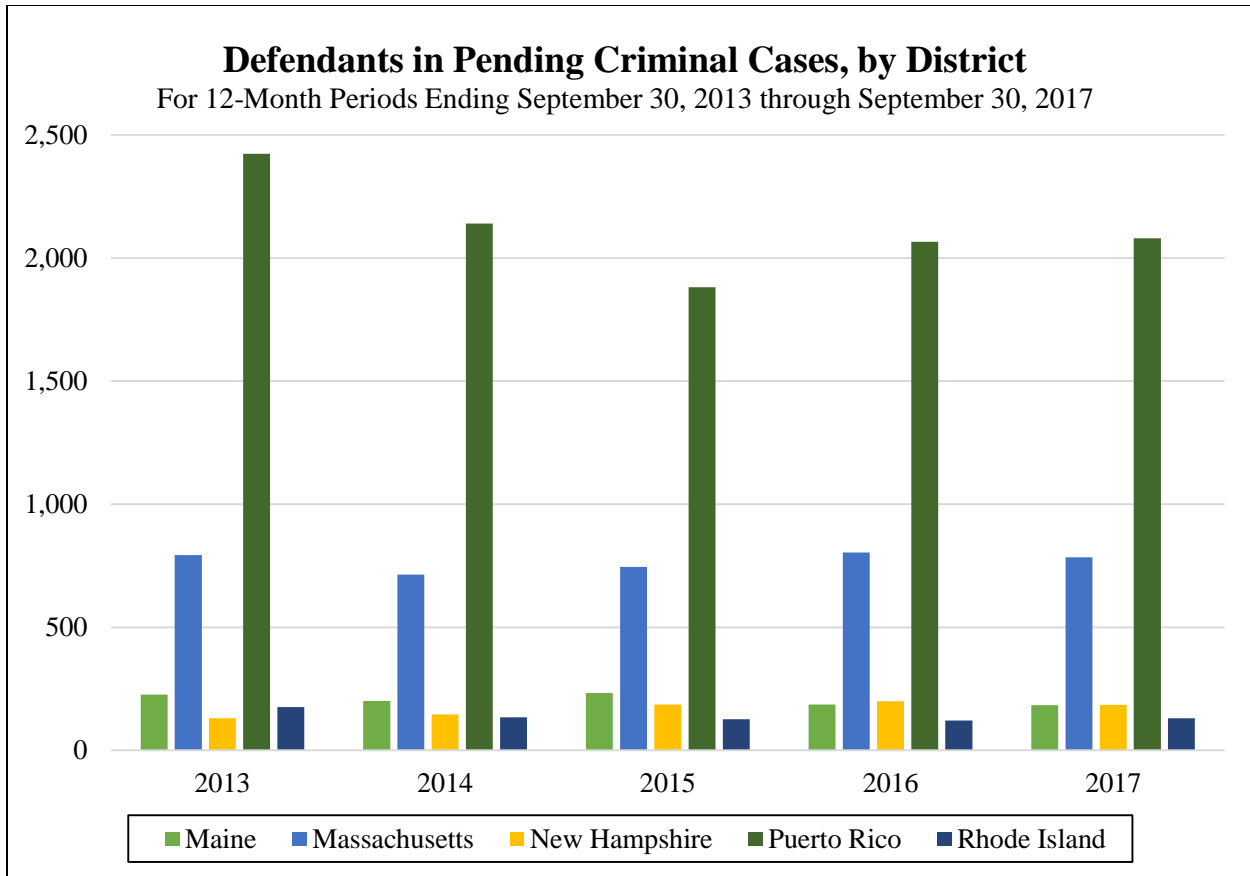


<b>Defendants in Commenced Criminal Cases, by District</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
<b>District</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Maine</b>	217	190	239	168	209
<b>Massachusetts</b>	504	408	573	603	517
<b>New Hampshire</b>	149	187	220	209	215
<b>Puerto Rico</b>	2,069	1,483	1,440	1,434	1,173
<b>Rhode Island</b>	190	160	129	116	122

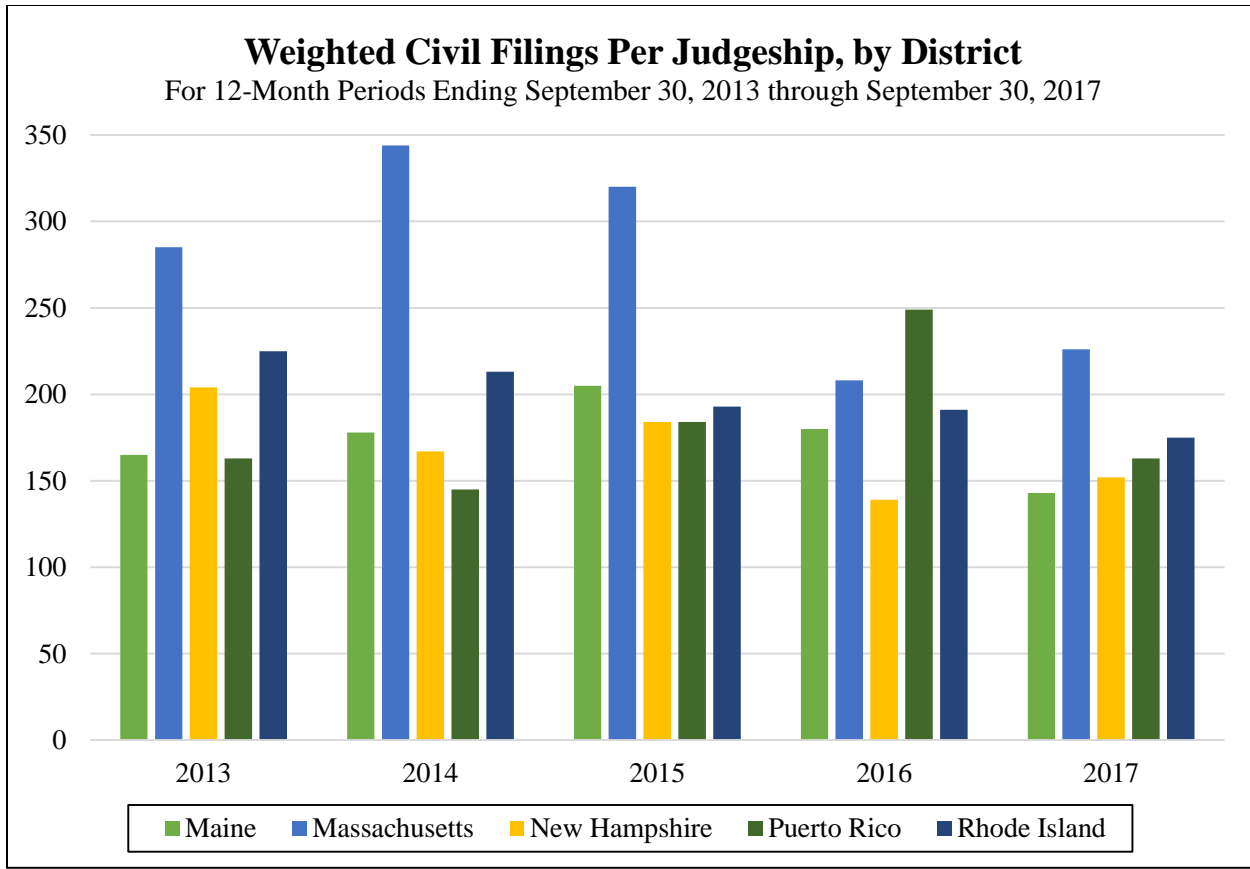


<b>Defendants in Terminated Criminal Cases, by District</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
District	2013	2014	2015	2016	2017
<b>Maine</b>	253	210	207	214	215
<b>Massachusetts</b>	559	476	541	542	559
<b>New Hampshire</b>	194	193	182	202	233
<b>Puerto Rico</b>	1,684	1,713	1,713	1,278	1,142
<b>Rhode Island</b>	165	203	138	111	113



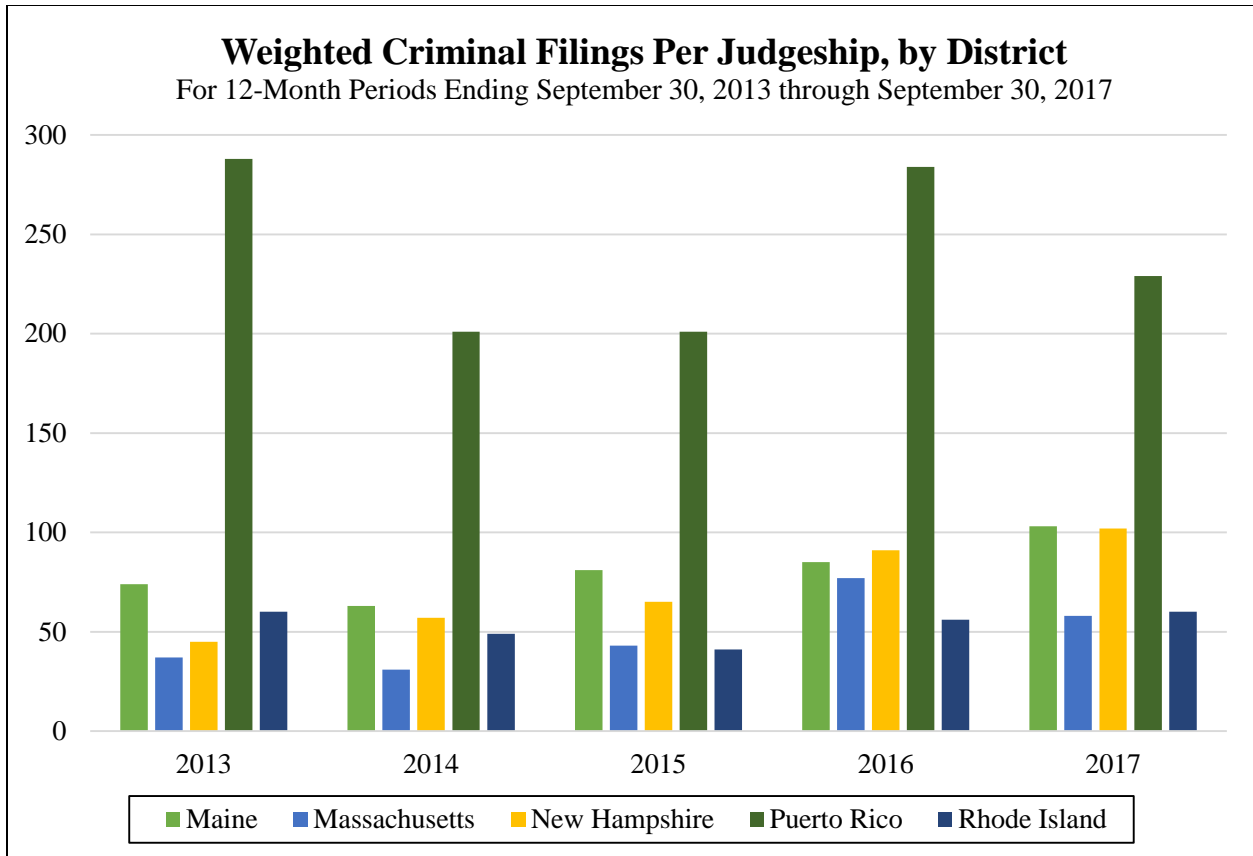


<b>Defendants in Pending Criminal Cases, by District</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
District	2013	2014	2015	2016	2017
<b>Maine</b>	227	201	233	186	184
<b>Massachusetts</b>	794	714	746	804	785
<b>New Hampshire</b>	130	146	187	199	185
<b>Puerto Rico</b>	2,423	2,140	1,882	2,066	2,081
<b>Rhode Island</b>	176	134	126	122	131



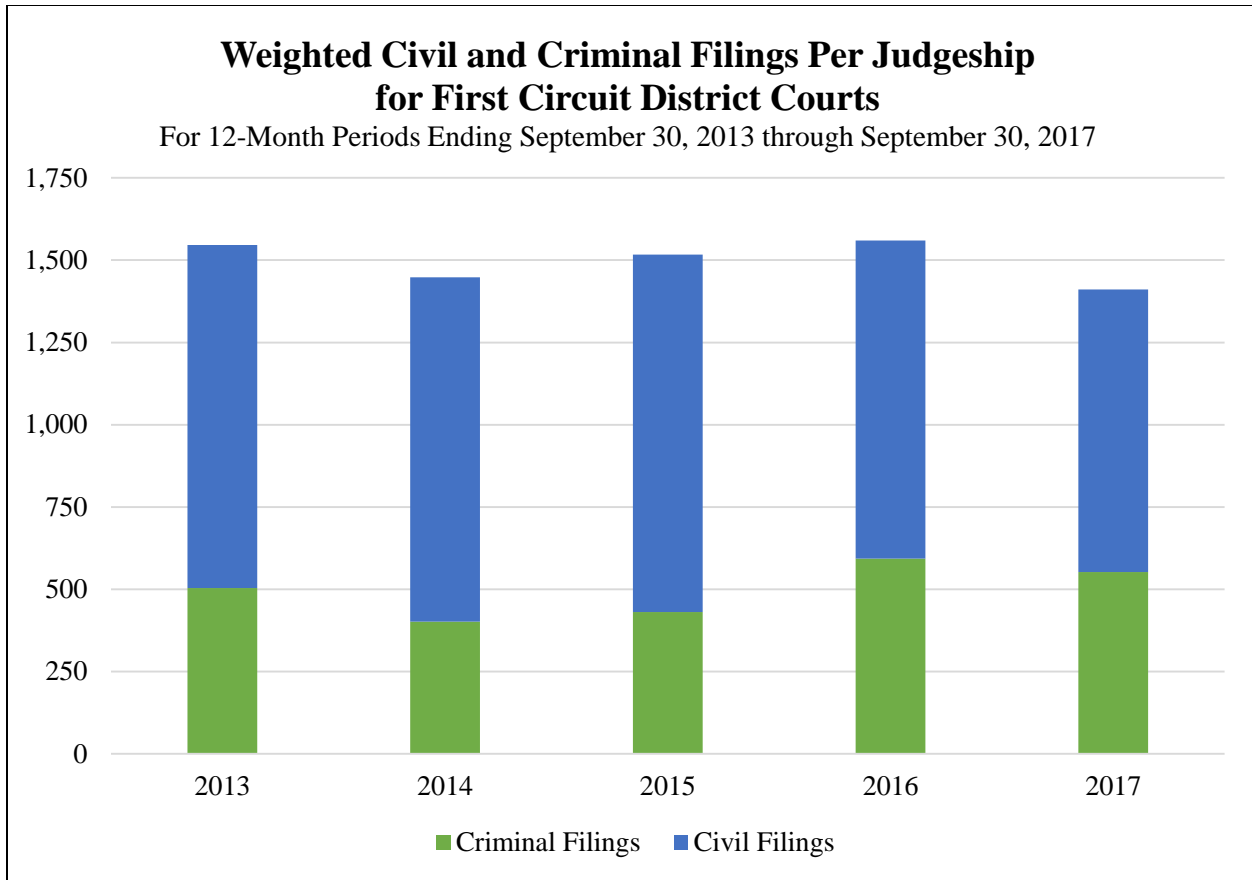
**Weighted Civil Filings Per Judgeship, by District**  
For 12-Month Periods Ending September 30, 2013 through September 30, 2017

District	Judgeships	2013	2014	2015	2016	2017
Maine	3	165	178	205	180	143
Massachusetts	13	285	344	320	208	226
New Hampshire	3	204	167	184	139	152
Puerto Rico	7	163	145	184	249	163
Rhode Island	3	225	213	193	191	175



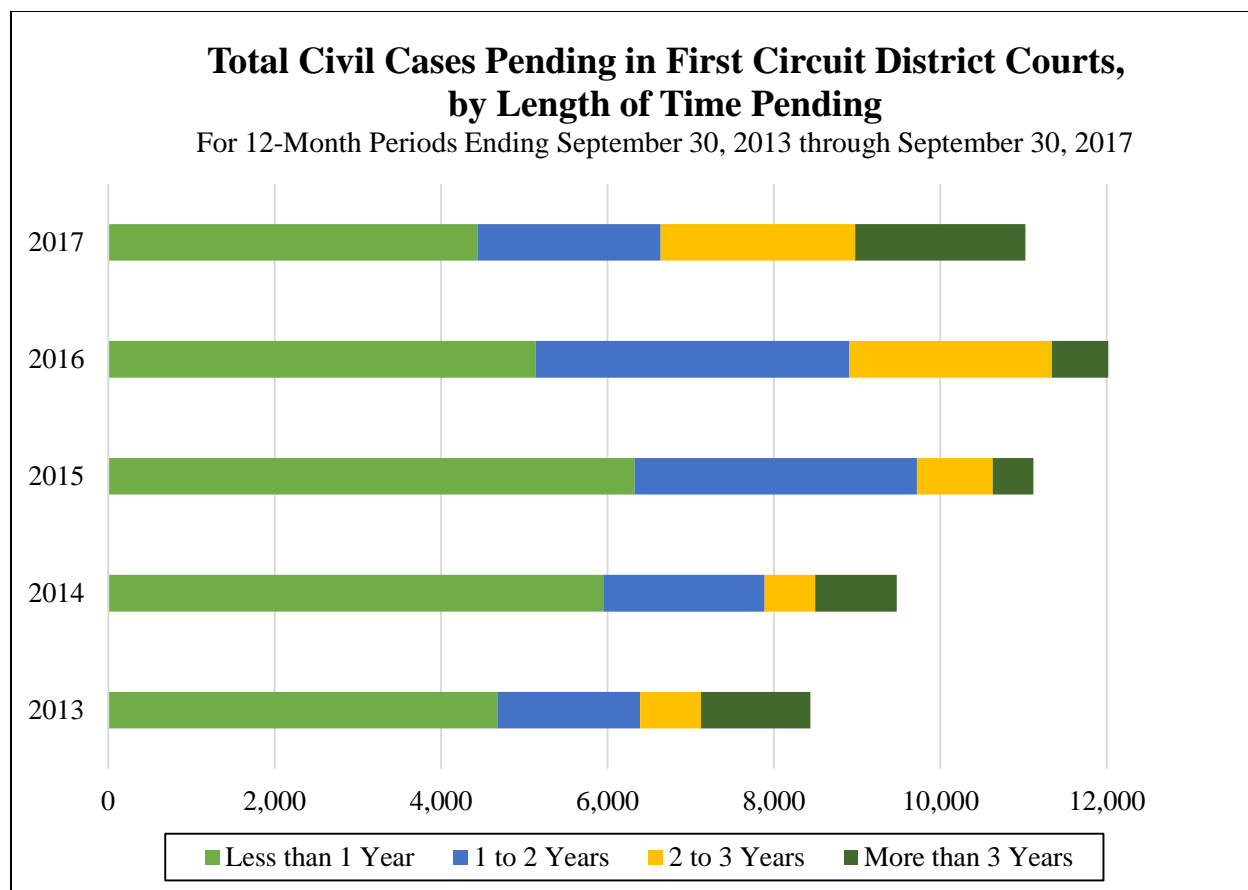
**Weighted Criminal Filings Per Judgeship, by District**  
For 12-Month Periods Ending September 30, 2013 through September 30, 2017

District	Judgeships	2013	2014	2015	2016	2017
Maine	3	74	63	81	85	103
Massachusetts	13	37	31	43	77	58
New Hampshire	3	45	57	65	91	102
Puerto Rico	7	288	201	201	284	229
Rhode Island	3	60	49	41	56	60



<b>Weighted Civil and Criminal Filings Per Judgeship</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Civil Filings</b>	1,042	1,047	1,086	967	859
<b>Criminal Filings</b>	504	401	431	593	552
<b>Total Combined Filings</b>	1,546	1,448	1,517	1,560	1,411

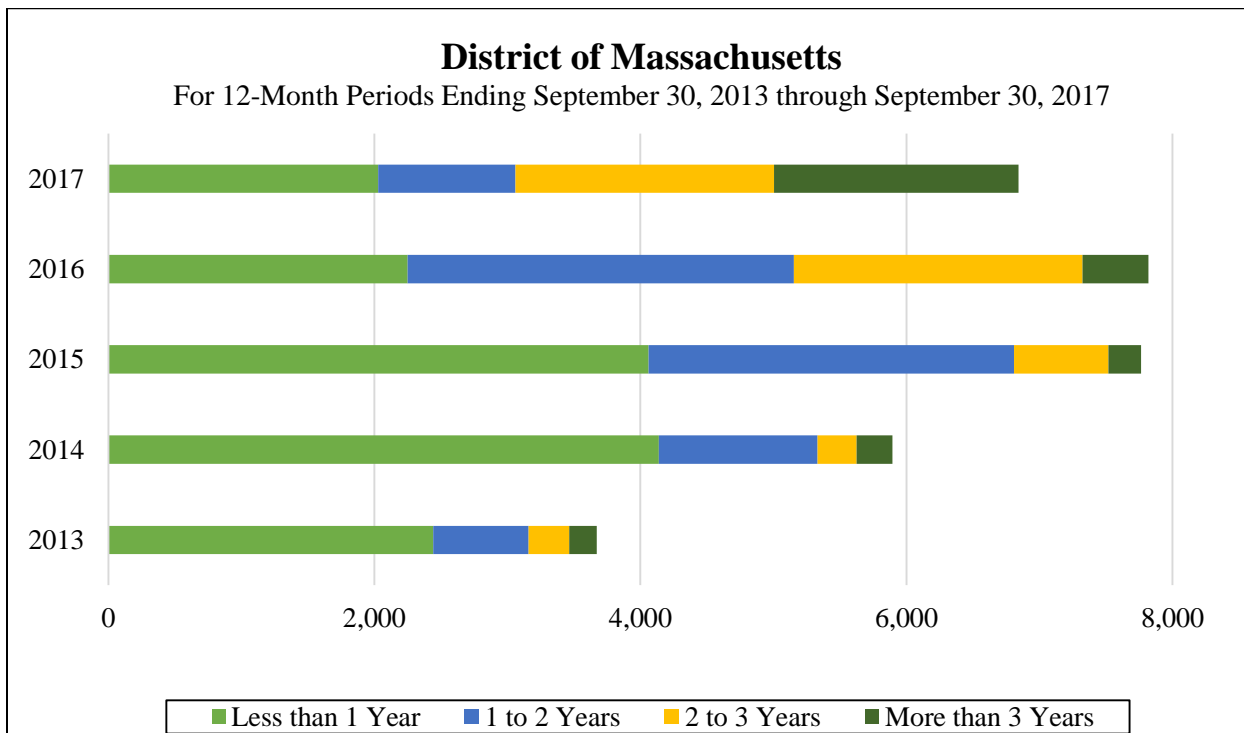
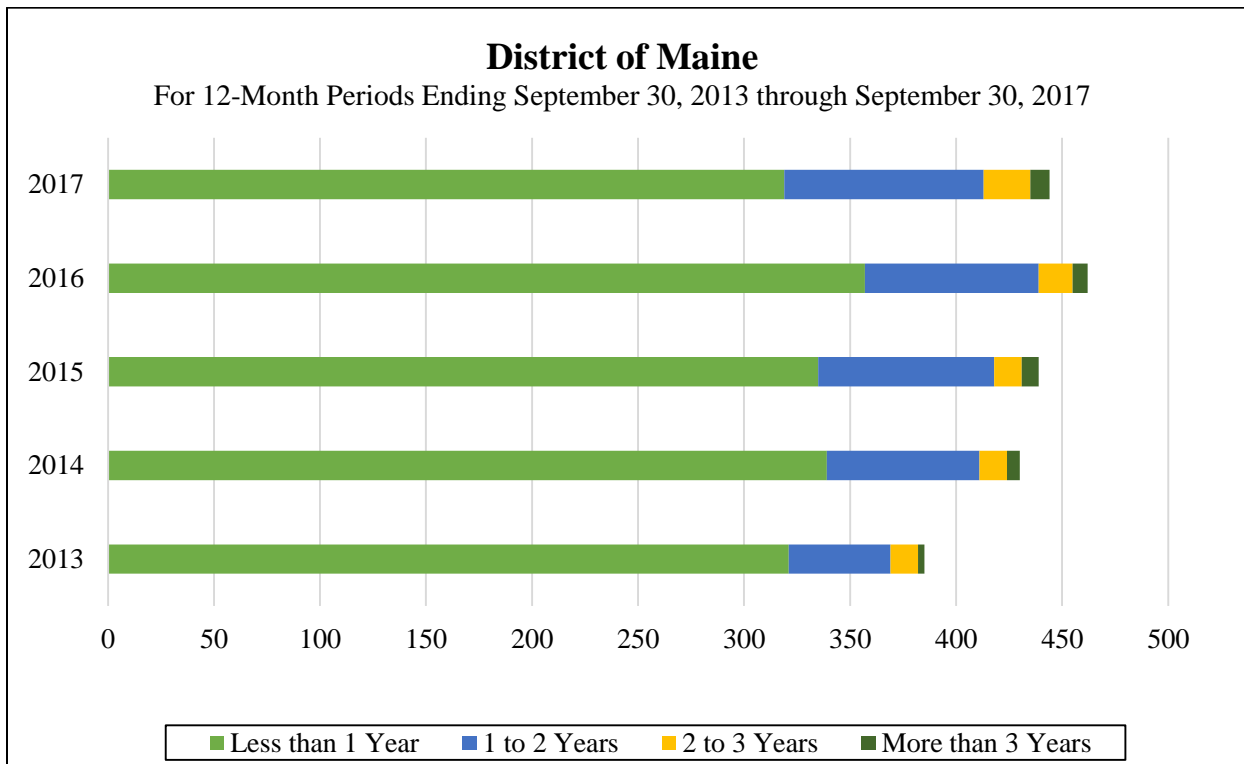
<b>Civil Cases Pending and Length of Time Pending, by District</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>MAINE</b>					
<b>Less than 1 Year</b>	321	339	335	357	319
<b>1 to 2 Years</b>	48	72	83	82	94
<b>2 to 3 Years</b>	13	13	13	16	22
<b>More than 3 Years</b>	3	6	8	7	9
<b>MASSACHUSETTS</b>					
<b>Less than 1 Year</b>	2,443	4,138	4,061	2,250	2,030
<b>1 to 2 Years</b>	717	1,194	2,749	2,905	1,031
<b>2 to 3 Years</b>	306	293	710	2,170	1,943
<b>More than 3 Years</b>	207	271	244	496	1,838
<b>NEW HAMPSHIRE</b>					
<b>Less than 1 Year</b>	360	330	354	376	427
<b>1 to 2 Years</b>	99	98	88	93	115
<b>2 to 3 Years</b>	46	29	19	25	33
<b>More than 3 Years</b>	6	23	29	20	26
<b>PUERTO RICO</b>					
<b>Less than 1 Year</b>	731	708	1,208	1,651	1,268
<b>1 to 2 Years</b>	360	309	332	537	812
<b>2 to 3 Years</b>	183	146	121	168	283
<b>More than 3 Years</b>	65	92	102	93	112
<b>RHODE ISLAND</b>					
<b>Less than 1 Year</b>	821	437	371	504	397
<b>1 to 2 Years</b>	493	262	136	153	145
<b>2 to 3 Years</b>	183	128	51	54	59
<b>More than 3 Years</b>	1,035	587	103	61	60

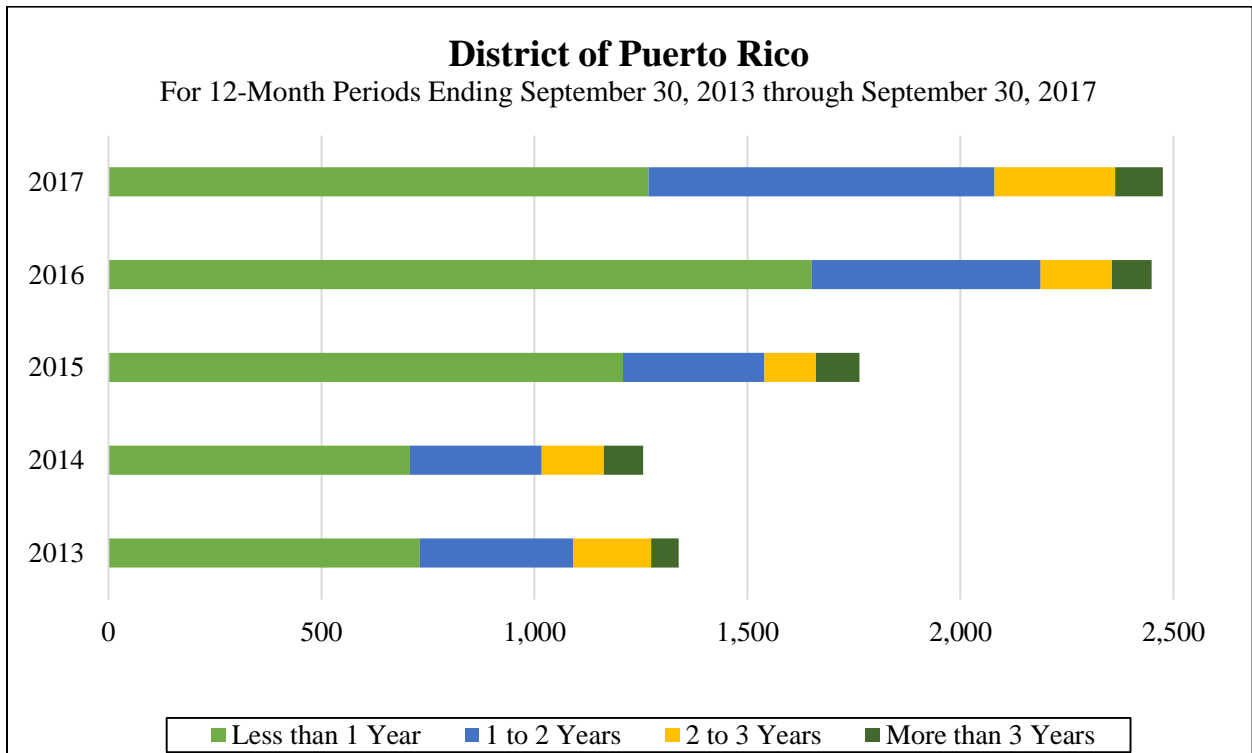
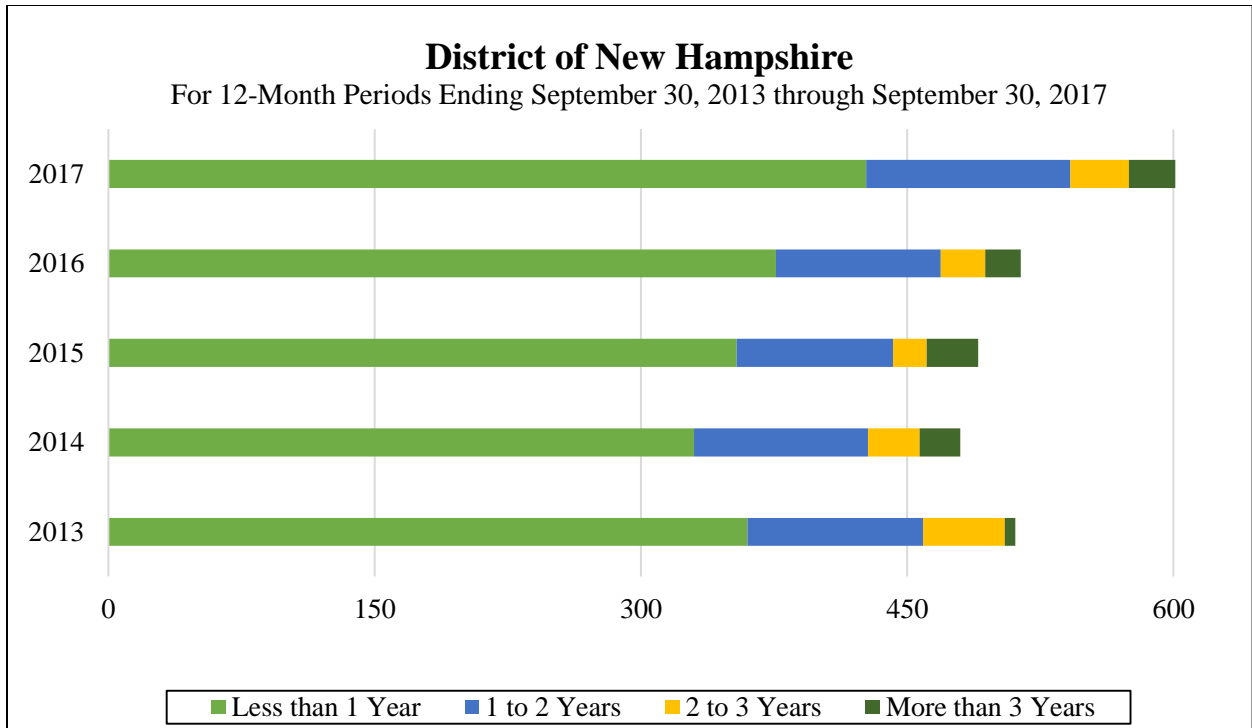


**Total Civil Cases Pending for First Circuit District Courts,  
by Length of Time Pending (and % Total)**  
For 12-Month Periods Ending September 30, 2013 through September 30, 2017

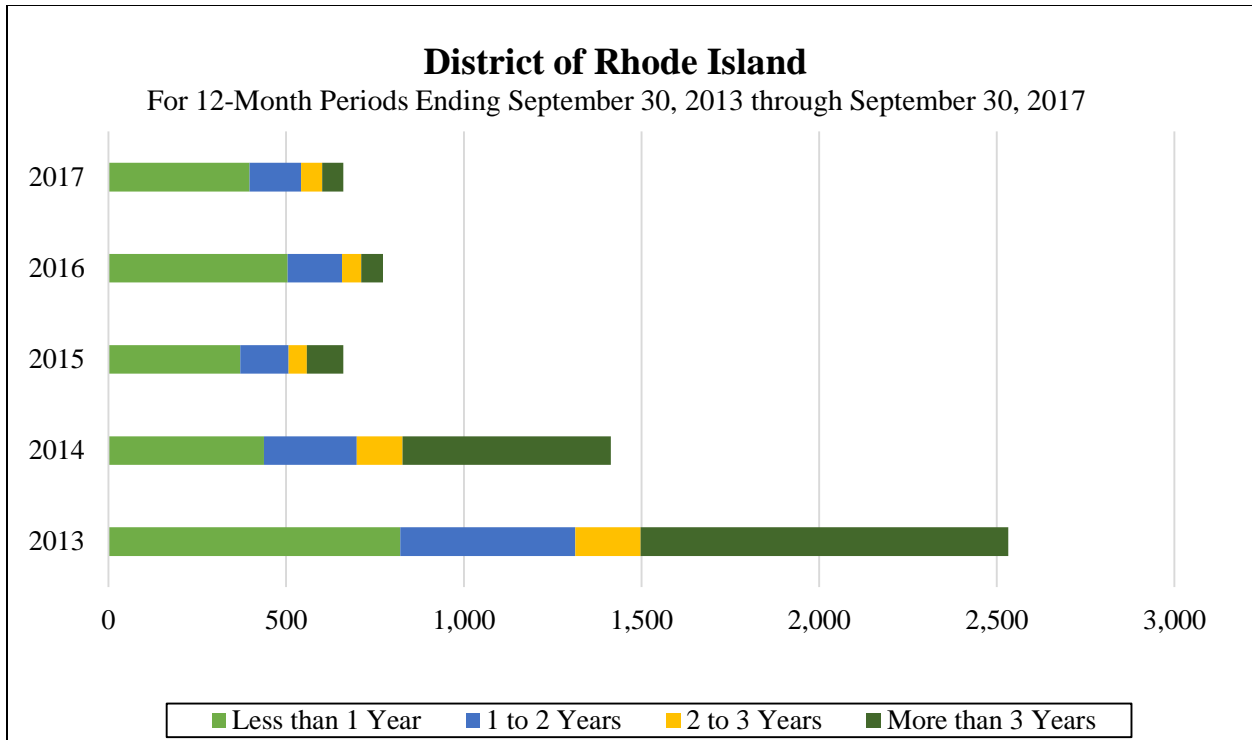
	2013	2014	2015	2016	2017
<b>Less than 1 Year</b>	4,676 (55.4%)	5,952 (62.8%)	6,329 (56.9%)	5,138 (42.8%)	4,441 (40.3%)
<b>1 to 2 Years</b>	1,717 (20.3%)	1,935 (20.4%)	3,388 (30.5%)	3,770 (31.4%)	2,197 (19.9%)
<b>2 to 3 Years</b>	731 (8.7%)	609 (6.4%)	914 (8.2%)	2,433 (20.2%)	2,340 (21.2%)
<b>More than 3 Years</b>	1,316 (15.6%)	979 (10.3%)	486 (4.4%)	677 (5.6%)	2,045 (18.6%)

**Civil Cases Pending in First Circuit District Courts,  
 by Length of Time**









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**Report for the District of Maine**

***Court Profile***

In 2017, the District had three (3) district judges, three (3) senior district judges, and two (2) magistrate judges. The Clerk's Office operated with 26 employees and five (5) court reporters.

In FY 2017, the District's weighted filings per judgeship decreased 6.7%, and total filings per judgeship declined 9.4%. The number of defendants charged with felonies increased 22.0% and civil filings declined 18.8%, compared to the same period in FY 2016. The median disposition time was 7.3 months for civil cases and 10.0 months for criminal cases. The percentage of jurors who were not selected, did not serve or were not challenged was 23.4%, a reflection of the Court's efficient juror utilization practices.

***Committee Membership***

Clerk Christa K. Berry is a member of the District Court Local Rules Advisory Committee, the District Court Criminal Law Committee, District Clerks Advisory Committee, the AO Forms Working Group, and the Human Resources Advisory Council.

***Local Rules***

The District approved amendments to Local Rules (LR) 7, 26, 83.1, 83.3, 83.6, and 147. In December, the Court adopted LR 6 and 145.

***Information Technology***

The IT Department improved its virtual work environment and security profile.

***Clerk's Office***

The Clerk's Office hired Network Engineer John Whetstone and Case Manager Margaret Melanson.

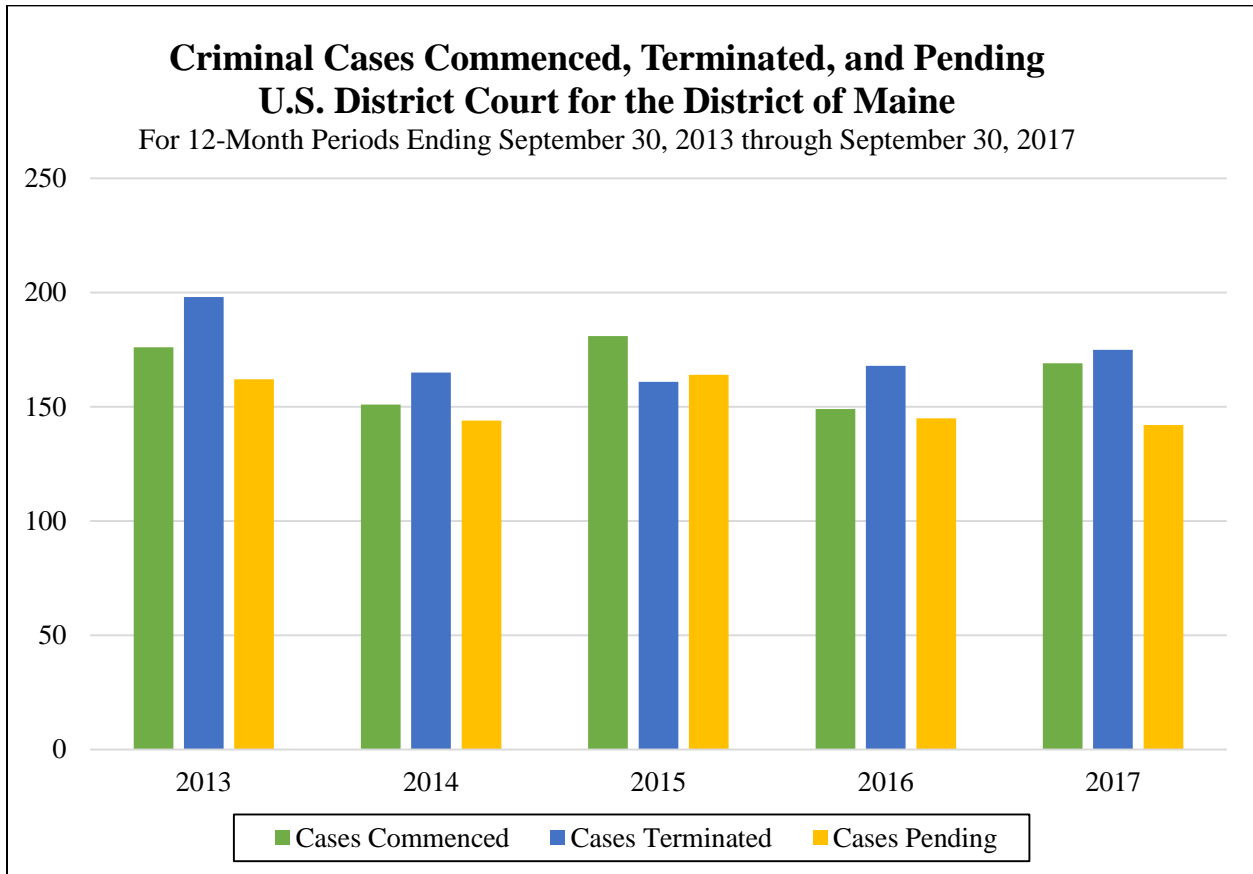
In 2017, the Court compiled a new Master Jury Wheel using Maine's list of active licensed drivers as a supplemental source list. The supplemental source list helped the District reach more of its jury-eligible population (adding an additional 254,571 (24%) potential jurors to the Master Wheel). The District also implemented e-Juror as the primary method for qualifying prospective jurors.

Information Systems Coordinator Robert A. Guptill, Jr., was chosen to serve as a Resident in the 2017 Director's Leadership Program on the Procurement Training Development Project.

***Staff Training and Security***

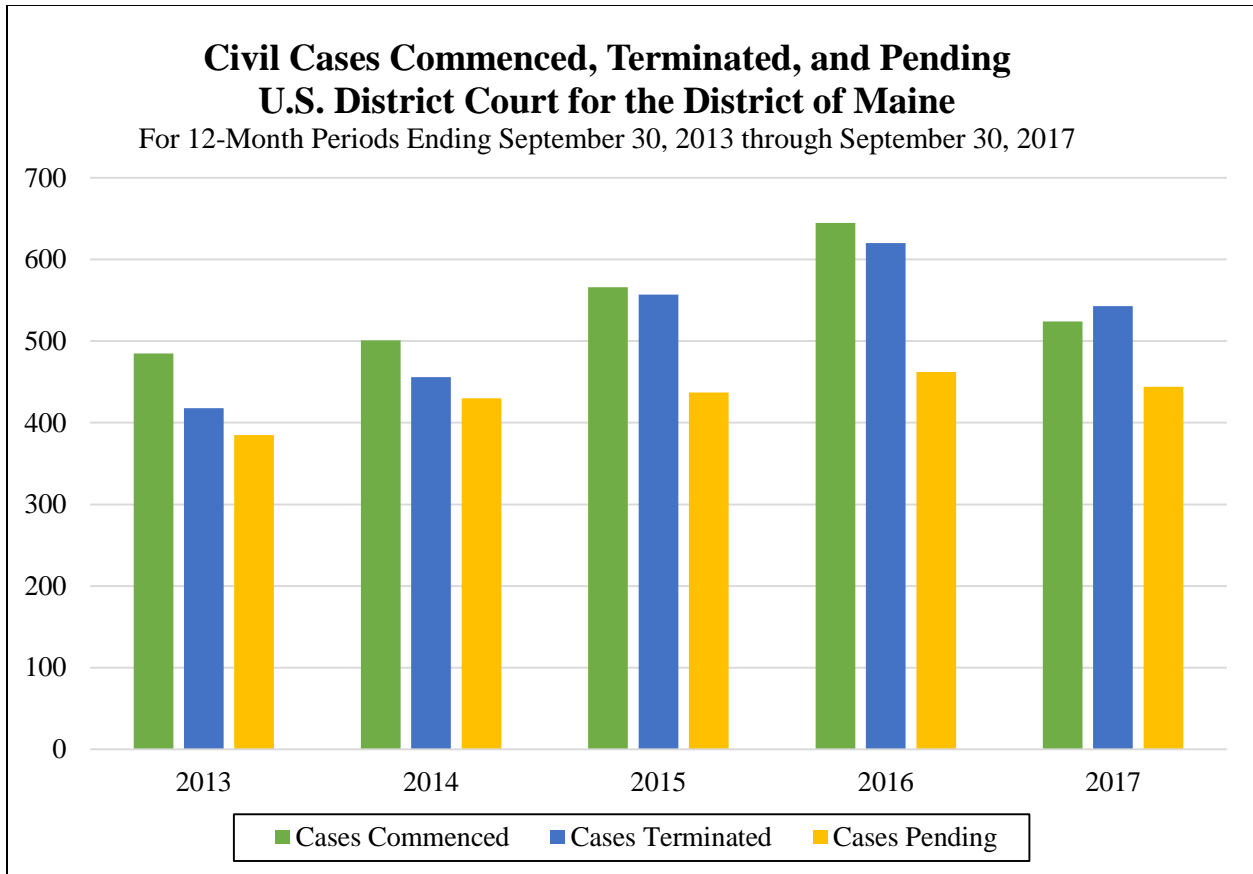
In March, court employees participated in training on appreciating alternative points of view. Several court employees attended the Federal Court Clerks Association (FCCA) Conference and the Operational Practices Forum.

In October, the District and the U.S. Marshals Service (USMS) provided active shooter training for all court employees in the Gignoux Courthouse.



**Criminal Cases Commenced, Terminated, and Pending**  
**U.S. District Court for the District of Maine**  
For 12-Month Periods Ending September 30, 2013 through September 30, 2017

	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	176	151	181	149	169
<b>Cases Terminated</b>	198	165	161	168	175
<b>Cases Pending</b>	162	144	164	145	142



<b>Civil Cases Commenced, Terminated, and Pending</b> <b>U.S. District Court for the District of Maine</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	485	501	566	645	524
<b>Cases Terminated</b>	418	456	557	620	543
<b>Cases Pending*</b>	385	430	437	463	444

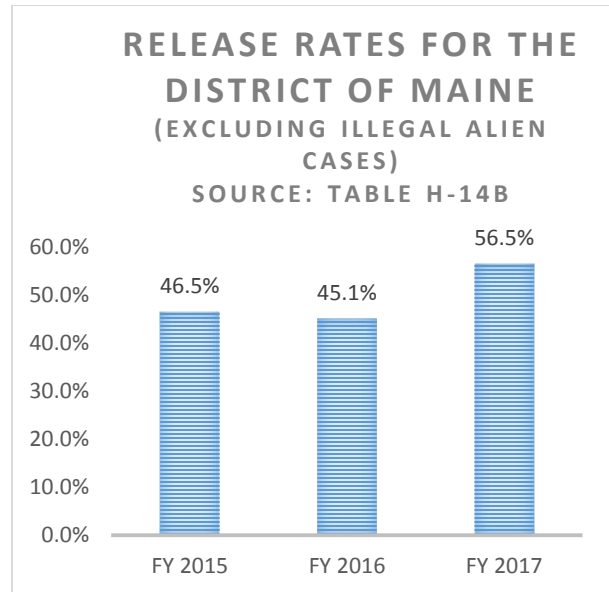
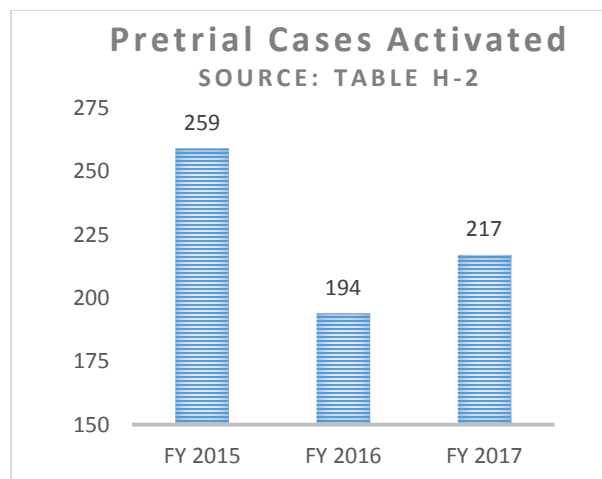
\* Pending cases for 2016 as revised by the AO.

**Probation & Pretrial Services Office,  
 District of Maine**

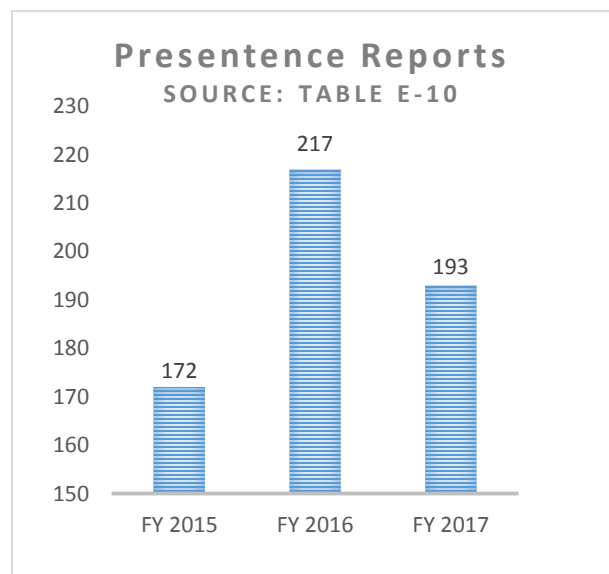
In 2017, the District’s pretrial release rates increased, in part through expanded use of the national Pretrial Risk Assessment. Members of the investigations team attended the Alternatives to Incarceration symposium. The Office also increased the number of officers on its sex offender team to address an increase in these cases and to prepare for an additional increase projected to occur in FY 2018.

**Workload & Budget**

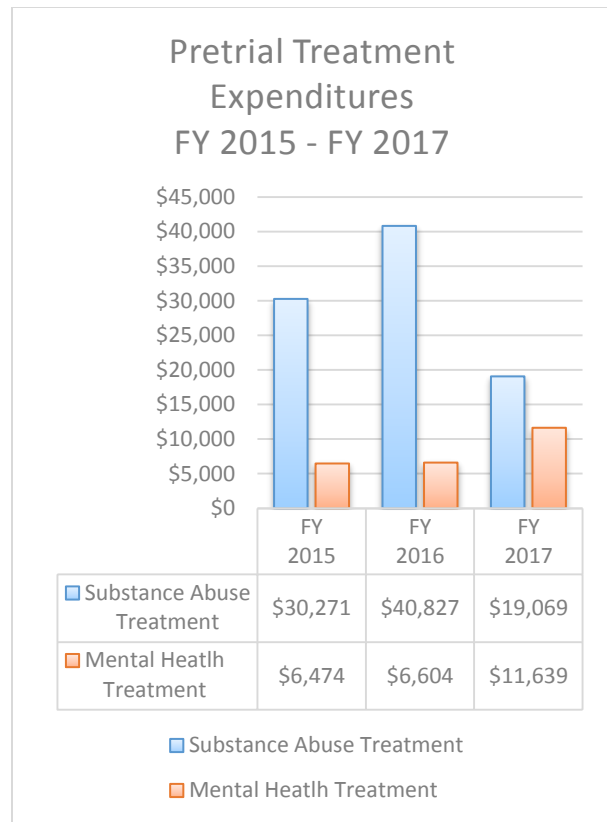
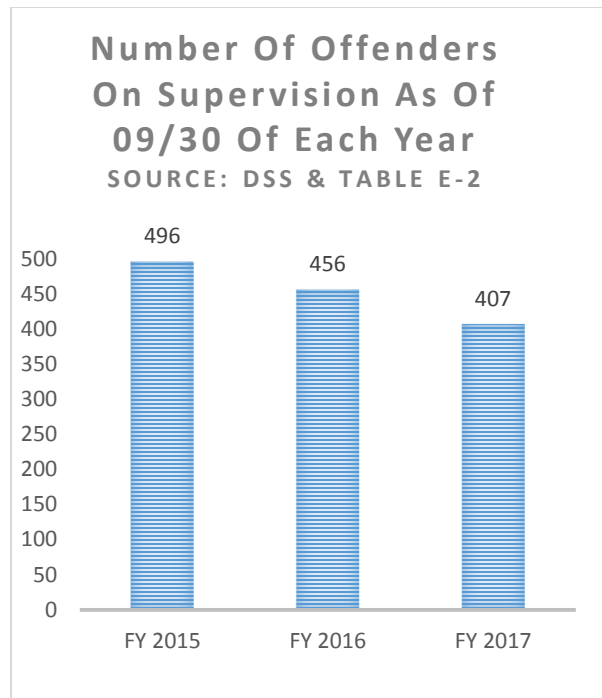
Pretrial Services workload increased 11.9% in FY 2017, from 194 cases to 217 cases. The District’s release rate increased from 45.1% to 56.5%, consistent with the Office’s focus.



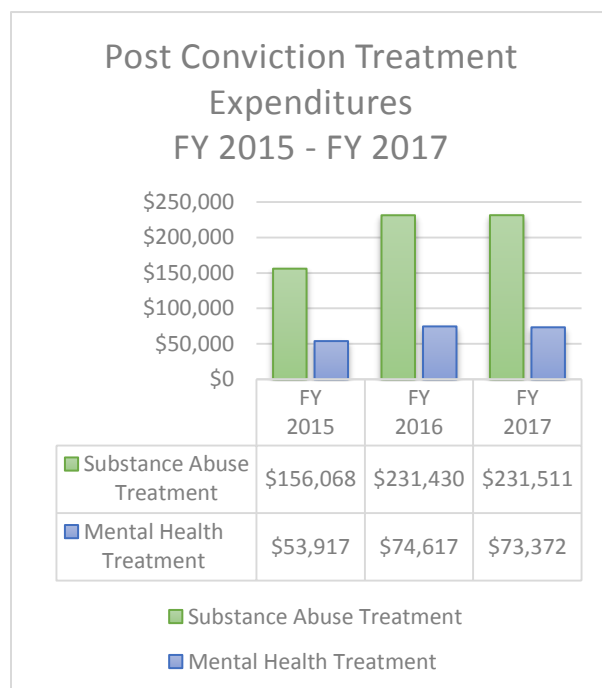
As anticipated, presentence investigations declined slightly in FY 2017, following the decline in pretrial cases from FY 2016.



For the second year, post-conviction supervision cases have decreased to return to historic averages. The increases seen in FY 2015 have not continued beyond the initial early releases resulting from the Johnson decision.



Like other districts in the Northeast, and certain pockets of the country, the District has seen a marked increase in opiate-dependency, which significantly impacted treatment services expenditures in FY 2016 and FY 2017 for post-conviction supervision. However, pretrial services inpatient treatment costs declined in FY 2017.



## **Report for the District of Massachusetts**

In 2017, the District had eleven (11) district judges, seven (7) senior judges, seven (7) magistrate judges, and three (3) recalled magistrate judges.

In September, the District hosted a session of the United States Judicial Panel on Multidistrict Litigation (MDL).

### ***Local Rules/Procedures***

In July, the Court incorporated Local Rule 40.1 to allow the transfer of criminal cases between district judges in limited cases to provide for more efficient administration.

In late 2017, the District convened a committee of local attorneys to review and revise Local Rule 16.6, regarding the handling of patent cases.

### ***Community Outreach***

The District continued to support Discovering Justice's work with youth civics education. The program expanded in 2017 to include all three (3) courthouses in the District and educational programs in the surrounding communities. Judges and Clerk's Office staff participated in semi-annual mock trial events.

The Nelson Fellowship: Twelve (12) students participated in the 20th year of the Fellowship, a summer program encouraging civic engagement and higher education. Participants met community leaders, visited colleges, and were introduced to organizations that facilitate the college application process.

The Lindsay Fellowship: Five (5) college students participated in the Lindsay Fellowship, named for the late Judge Lindsay. Fellows are assigned first to a judge and then to the U.S. Attorney's Office or the Federal Defender Program; they attend a research and writing program and compete in moot court.

### ***Reentry & Presentence Programs***

The District continued to offer two (2) reentry courts – Court Assisted Recovery Effort and Reentry: Empowering Successful Todays and Responsible Tomorrows (RESTART) – providing judicial oversight with the aim to reduce recidivism and to successfully reintegrate individuals, focusing on employment, housing, and drug and mental health counseling.

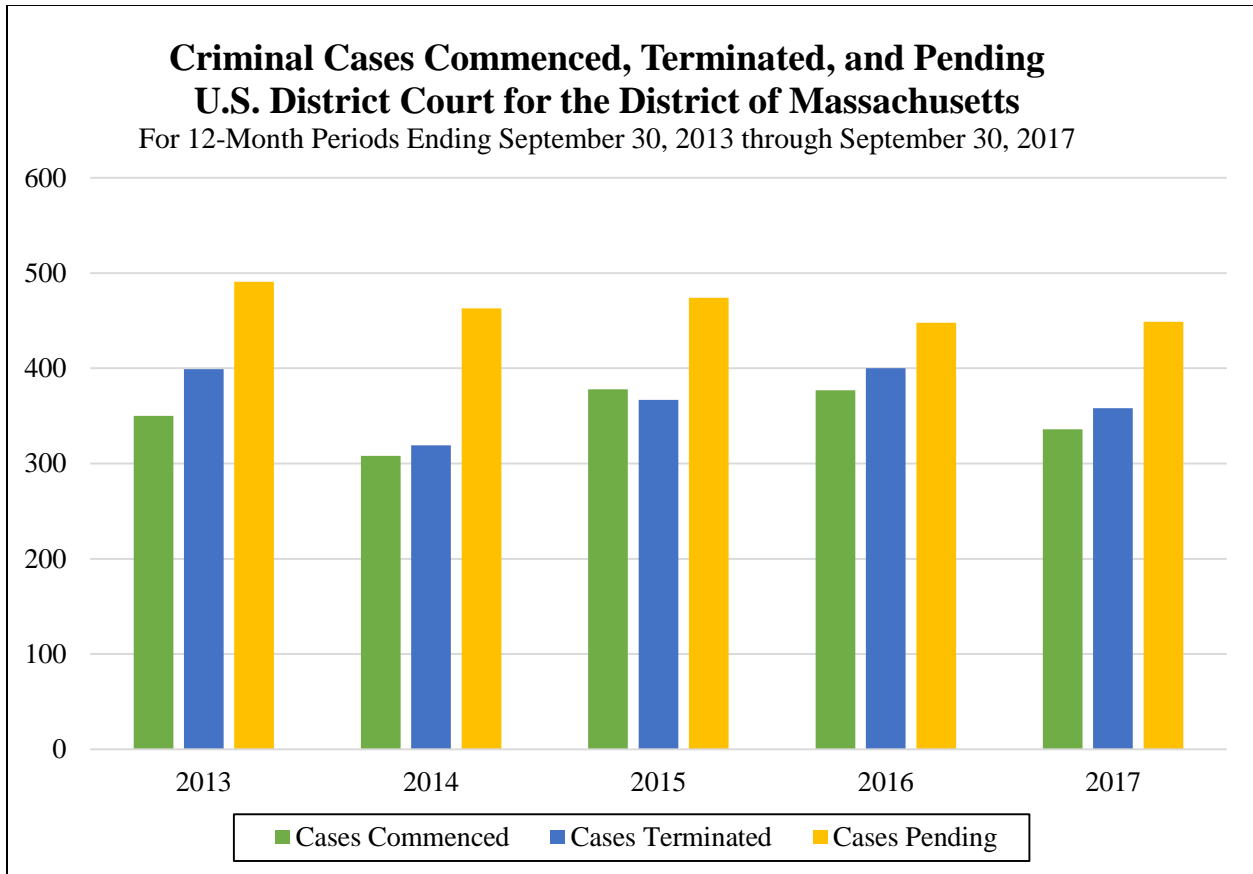
The District continued to develop the front end court – Repair, Invest, Succeed, Emerge (RISE) – that occurs during the presentence phase and addresses the complex family and social issues that develop around drug abuse and drug-related crimes.

### ***Operations***

Civil filings decreased 3.4%, from 3,107 cases in calendar year 2016 to 3,002 cases in calendar year 2017. The number of criminal defendants charged in calendar year 2017 decreased 20.2%, to 486 from 609 in calendar year 2016.

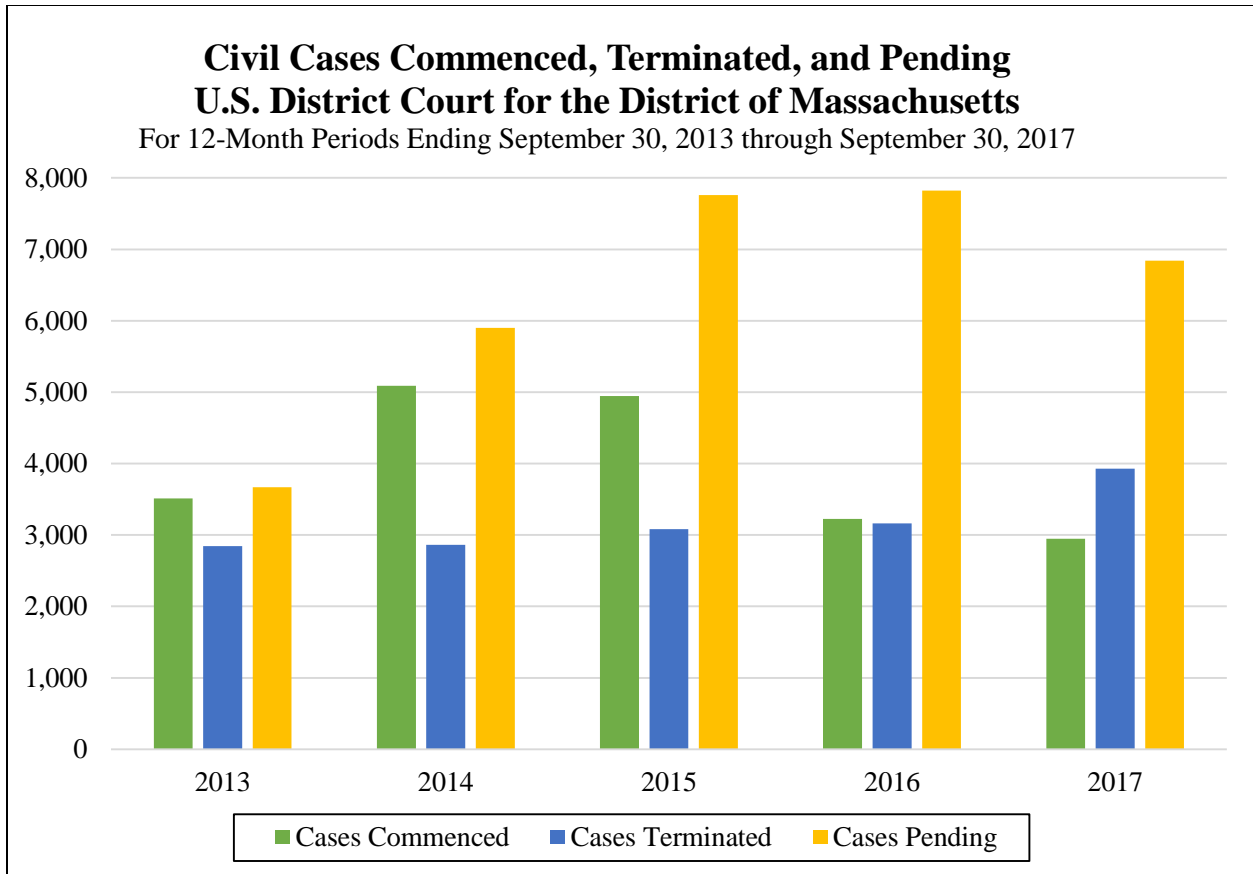
In 2017, the District closed one (1) MDL matter and was assigned an additional MDL matter, resulting in a total of 12 pending MDLs, with 3,925 pending member cases.

The District conducted 147 trials (78 civil and 69 criminal). Judges spent 2,449 hours conducting trials and 2,486 hours conducting other proceedings.



<b>Criminal Cases Commenced, Terminated, and Pending</b> <b>U.S. District Court for the District of Massachusetts</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	350	308	378	377	336
<b>Cases Terminated</b>	399	319	367	400	358
<b>Cases Pending</b>	491	463	474	448	449





**Civil Cases Commenced, Terminated, and Pending**  
**U.S. District Court for the District of Massachusetts**  
For 12-Month Periods Ending September 30, 2013 through September 30, 2017

	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	3,513	5,088	4,947	3,226	2,949
<b>Cases Terminated</b>	2,842	2,861	3,081	3,163	3,928
<b>Cases Pending*</b>	3,669	5,898	7,758	7,821	6,842

\* Pending cases for 2016 as revised by the AO.

**Probation & Pretrial Services Office  
 District of Massachusetts**

***Personnel***

Martin Flynn, Paul Prevey, Rachelle Lee, and Tracy Weisberg retired. Jesse Gomes transferred to the District of Connecticut. The Office welcomed new staff members Taylor Wertz and Patrick Crogan.

***Investigations and Supervision***

Pretrial Investigations: In 2017, 531 new cases were activated, a 13.1% decrease from 2016.

Year	Cases Activated	Release/ Detention Rate	Interview Rate
2013	547	54% 46%	60%
2014	488	56% 44%	57%
2015	612	54% 46%	58%
2016	611	47% 53%	56%
2017	531	51% 49%	51%

Pretrial Supervision: At the end of 2017, 307 defendants were being supervised in the community, which is consistent with the numbers over the past several years.

Officers monitored compliance with release conditions and approached the Court to modify conditions as necessary, reporting over 250 case developments to the Court.

Presentence Investigations:

Year	Cases Assigned	Cases Sentenced w/out PSR
2013	453	14
2014	503	17
2015	483	26
2016	459	27
2017	519	47

Offense types covered by presentence investigations and reports included: drugs; financial; immigration; weapons; robbery;

sex; obstruction; tax; and operating under the influence (OUI). Officers continued to pre-screen defendants for placement in the Bureau of Prisons' (BOP) Residential Drug and Alcohol Program (RDAP). Officers also continued to handle re-sentencings, including post- Johnson v. United States cases, and to recommend individuals for participation in the Court Assisted Recovery Effort and RISE programs.

Post-Conviction Supervision: In 2017, 1,450 post-conviction clients were under supervision in the District.

***Space Initiatives***

In spring 2017, the Office relocated and reconfigured its Lawrence office space.

***District Resources and Initiatives***

In November 2017, the Office conducted a Domestic Violence and Healthy Relationships workshop for individuals under supervision in partnership with Brigham and Women's Hospital.

The Office partnered with state counterparts on a pilot program for community-based day reporting centers for federal clients to provide services including educational programming, substance abuse treatment, and vocational training.

The Office continued a series of BBA presentations for individuals under supervision on topics including financial literacy, family law, housing, low-income benefits, and CORI (criminal record) guidance. Continued initiatives also included: a BOP orientation session for convicted individuals and family members; community-based drug treatment programs for graduates of RDAP; a cognitive behavioral journaling program (Courage to Change); moral reconnection therapy (MRT); and Staff Training Aimed at Reducing Re-arrest (STARR). The Office also provided restorative justice (RJ)

programming to defendants participating in the RISE Program and continued implementing RJ reading groups at Wyatt Detention Center.

***Training, Professional Development, & National Workgroups***

Staff participated in numerous training and professional development opportunities, including: the Federal Probation and Pretrial Officers' Association Conference; High Risk of Violence Symposium; the United States Sentencing Commission (USSC) National

Guidelines Conference; FJC programs (as participants and/or facilitators); the National Association of Pretrial Services Agencies Conference; and national conferences focused on information technology, location monitoring, sex offenders, and STARR. Locally, staff participated in training on leadership, medication-assisted treatment, gangs, domestic violence, computer monitoring, response tactics, and RJ. Officers also continued to participate in AO district program reviews, temporary duty placements, and national workgroups.

## **Report for the District of New Hampshire**

### ***Human Resources/Staffing***

Case Manager/Courtroom Deputy Debbie Eastman-Proulx retired in January, and Property and Procurement Administrator Valerie Allen retired in July. Following the Bankruptcy Court's move to the Rudman Courthouse, Dana Bauer became IT Director for all three court units in the District.

### ***Conferences/Educational Programs***

The Federal Court Advisory Committee (FCAC) provided feedback to the Court regarding upcoming CLE programs, courtroom technology upgrades, and local rule amendments. The FCAC also reviewed expenditures from the Court's library fund.

In September, the District hosted the New Hampshire Supreme Court Society's King Lecture, featuring retired Associate United States Supreme Court Justice David Souter.

In November, in conjunction with the UNH School of Law and the New Hampshire Judicial Branch Office of Mediation and Arbitration, the District hosted a mediation CLE featuring John Lande and Susan Yates.

### ***Information Technology***

In anticipation of the Bankruptcy Court's move to the Rudman Courthouse, the District completed high-definition and wireless technology upgrades in two (2) additional courtrooms. All six (6) working courtrooms now feature digital technology.

### ***Local Rules/Procedure***

The District amended its Local Rules to address filing formats, filing periods for replies and surreplies, disclosure of defendants' medications at plea hearings, removal actions, and a new civil form for disclosure of interested parties in bankruptcy appeals.

The Court converted from Electronic Leave Management Organizer (ELMO) to Human Resources Management Information System (HRMIS) Leave Tracking.

### ***Staff Training***

Clerk's Office staff attended the following security-related trainings: a demonstration on safe handling and safe transfer of firearms; a safety presentation by Federal Protective Service (FPS) officers; a floor warden refresher; and a presentation on workplace violence.

In September, Clerk's Office employees attended a multi-day training on structured writing. In October, human resources (HR) administrator Tom Van Beaver provided training on the HRMIS Leave Tracking system.

### ***Community Outreach***

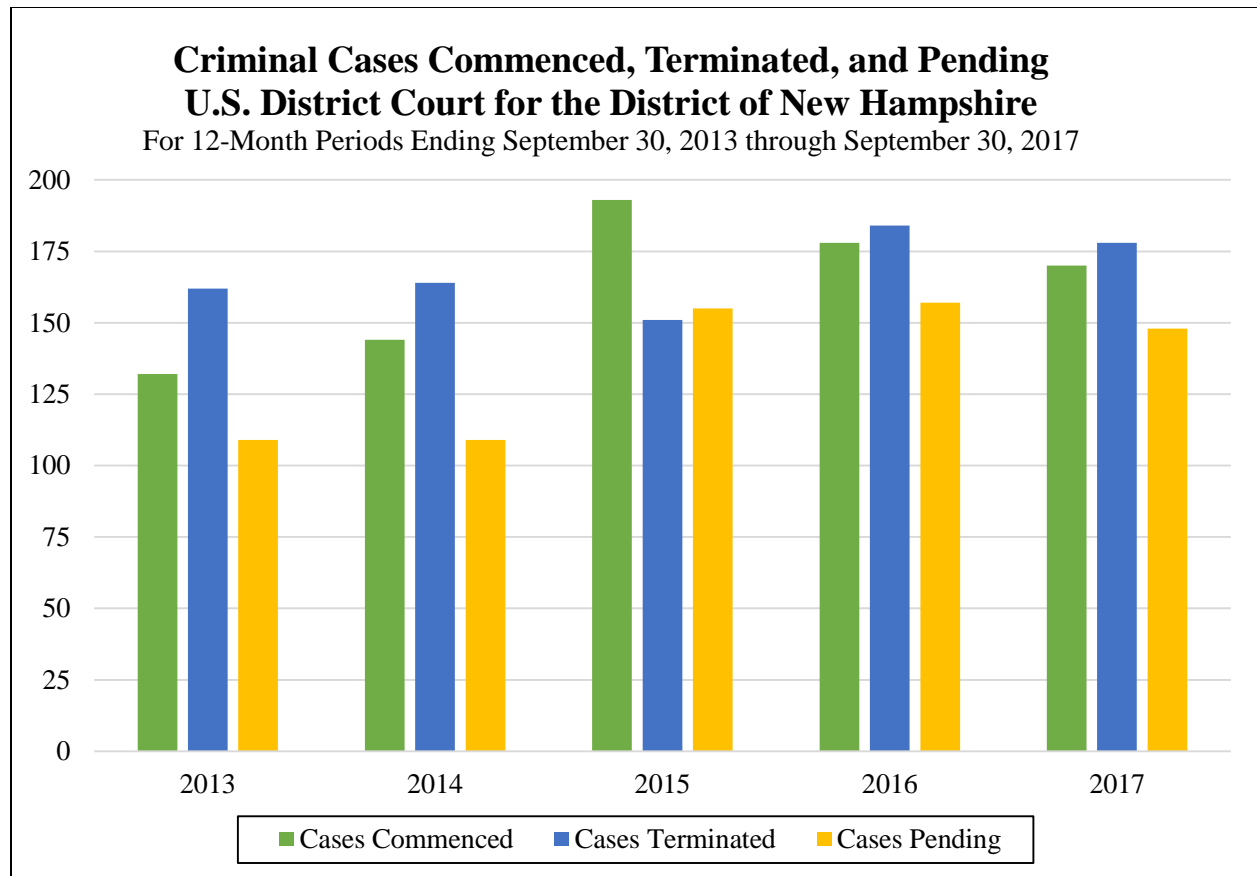
The Court provided tours and educational programming for local students. In August, Judge McCafferty partnered with the National Constitution Center to present a teacher workshop on the adoption of the 13th, 14th, and 15th Amendments.

The District also hosted ministry officials and judges from Turkmenistan and China, who toured the courthouse and attended courtroom technology demonstrations.

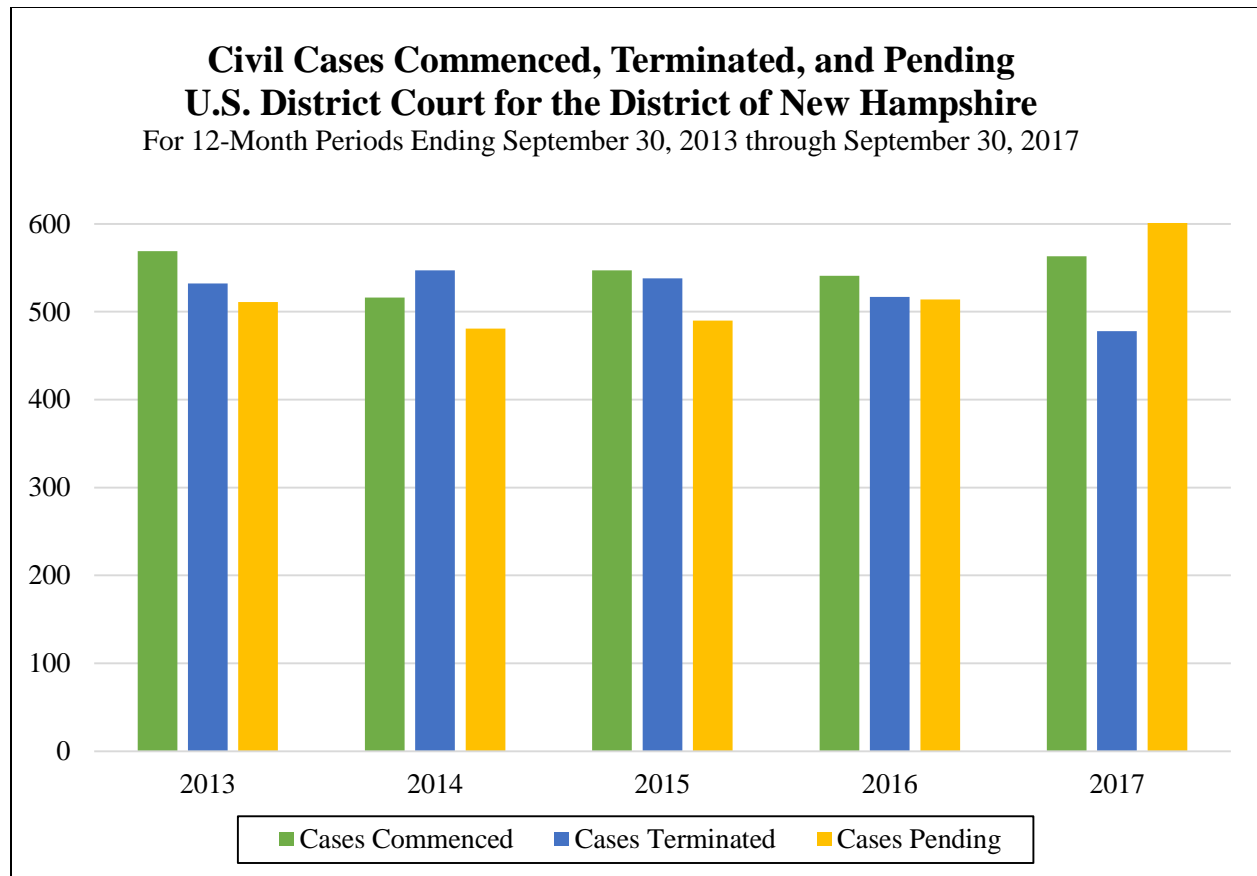
### ***Space & Facilities***

In November, the Bankruptcy Court moved from its previous location in Manchester to the Rudman Courthouse in Concord. The Bankruptcy Court joined the shared IT services agreement between the District and the Probation and Pretrial Services Office.

The District also renovated its jury assembly room and staff kitchen and installed new carpet and workstations in the Clerk's Office.



<b>Criminal Cases Commenced, Terminated, and Pending</b> <b>U.S. District Court for the District of New Hampshire</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Cases Commenced</b>	132	144	193	178	170
<b>Cases Terminated</b>	162	164	151	184	178
<b>Cases Pending</b>	109	109	155	157	148



<b>Civil Cases Commenced, Terminated, and Pending</b> <b>U.S. District Court for the District of New Hampshire</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	569	516	547	541	563
<b>Cases Terminated</b>	532	547	538	517	478
<b>Cases Pending*</b>	511	481	490	516	601

\* Pending cases for 2016 as revised by the AO.

**Probation & Pretrial Services Office,  
District of New Hampshire**

***Personnel Changes and Highlights***

Officer Theresa Duncan joined the Office, Senior Officer Tim Brown retired, and Training Supervisor Charles Robinson transferred to the AO.

***Pretrial Services***

In FY 2017, pretrial activations (224) increased by 8.7% from FY 2016. Drugs were the largest proportion of charged offenses with 42.0% (94). The District's pretrial release rate in FY 2017 was 52.5% (excluding immigration cases).

There were 33 pretrial supervision violation investigations in FY 2017, a 36% increase from FY 2016.

***Presentence Investigations***

A total of 211 presentence investigations were completed in FY 2017, including two (2) retroactive amended guideline reports, a 7.6% increase from FY 2016. In FY 2017, the highest percentage of cases involved drugs, including a significant number of heroin and fentanyl cases in light of the ongoing opioid epidemic. The Office also continued to receive immigration, firearms, fraud, and sex-related cases.

***Post-Conviction Supervision***

At the end of FY 2017, 343 cases were on active post-conviction supervision. The majority (87%) were on supervised release, with 47% of all supervision cases for drug offense convictions. For post-conviction supervision cases, 45.5% were intense or elevated risk, compared to 30.7% nationally. The dynamic risk factors of those under supervision were consistent with national averages, with the exception of cognitions, which was significantly higher in the District (47% compared to 34% nationally).

In FY 2017, 175 cases were closed from active supervision, 58 (33.1%) of which were closed due to revocation. Of those revoked, 42 (72.4%) were considered technical violations, 10 (17.2%) were major violations, and six (6) (10.3%) were minor violations. Major violations decreased 44% from FY 2016.

Ten (10) cases were terminated early from supervision, resulting in savings of \$45,232.

***Treatment Services***

Treatment services costs increased 66.9% in FY 2017. Post-conviction substance abuse treatment increased 36.7%. This increase was due largely to a rise in residential treatment admissions. Location monitoring costs also increased in FY 2017, as services increased 50%. In FY 2017, the number of individuals participating in MRT also increased.

Overall treatment services rendered to pretrial defendants increased by 156.5% from FY 2016 to FY 2017.

***LASER Docket Program***

Since 2010, the District has operated the Law-Abiding, Sober, Employed, and Responsible (LASER) Docket, a cooperative effort between the Court, the U.S. Attorney's Office, the Probation and Pretrial Services Office, the USMS, and the Federal Defender's Office. The LASER Docket offers treatment and sanction alternatives to address defendant/offender behavior, promote rehabilitation, reduce recidivism, and ensure community safety. During FY 2017, nine (9) pretrial defendants were approved for the program, bringing the total number of participants to fourteen (14). Finally, three (3) participants graduated from the program, and two (2) participants were terminated.

***Information Technology***

The Office continues to share IT services with the Clerk's Office. In FY 2017, the District:

- Migrated the District Court to Virtual Desktops; staff to the National Fax System; IT service desk to a new server and a later version; Keypass to ManageEngine Password Manager; and 2003 and 2008 servers to Windows 2012 virtual environment;
- Upgraded CM/ECF for the District and Bankruptcy Courts;
- Added two (2) public terminals in Probation and Pretrial Services and two (2) in the Bankruptcy Court;
- Updated training room monitors;
- Created the Probation and Pretrial Services' intranet site and migrated its Internet site to a newer version of Drupal;
- Installed a new/updated Nutanix system for virtual server and desktop deployment; and
- Replaced a power protection system for the server room.

### ***Officer Safety***

At Officer Response Tactics (ORT) training in July, officers reviewed safety-related policies and practiced officer response techniques.

In January, the ORT team provided basic defensive techniques to the Clerk's Office as part of the "Run-Hide-Fight" response to active shooter situations.

In June, two (2) officers participated in a multi-district safety training hosted by the District of Vermont at the Vermont Criminal Justice Academy.

### ***Training and Professional Development***

The Office staff participated in a number of national, regional, and local training seminars as attendees and/or presenters, including:

- Active Shooter;
- Small Purchasing Procedures;
- National Association of Drug Court Professionals (NADCP) Annual Training Conference;
- National Information Standards Conference;
- U.S. Sentencing Guidelines Training;
- STARR;
- Gang Intelligence Training Conference;
- Deradicalization Training;
- Occupancy Emergency Review Training;
- Drug Courts: Where Justice and Treatment Meet; and
- Experienced Deputy Court Unit Executives Program.

In February, Scott Christensen and Scott Davidson entered the District's Leadership Exploration and Development (LEAD) program, in which participants shadow leaders and experts within and outside probation to cultivate skills, enhance self-awareness, and build emotional intelligence.

### ***Recognition***

During FY 2017, on recommendations from the Employee Recognition Committee, the following staff members were cited for outstanding work:

- District Award for Exceeding Expectations - Jodi Gauvin; Sean Buckley; Scott Davidson; Riaka McCormick; Theresa Duncan; Wendy Fosher; Kelley West; and Jessica Avelar
- District Award for Sustained Superior Performance - Tammy Greenwood
- Chief's Award for Quality Improvement – Matt DiCarlo



## **Report for the District of Puerto Rico**

The Clerk's Office operated with a staff of 67 full-time employees, and eight (8) interpreters, as of December 31, 2017. Chambers staff totaled 36, including one (1) part-time pro se law clerk. The District had eight (8) court reporters. Six (6) active district judges, two (2) senior judges, and four (4) magistrate judges managed the Court's caseload.

### ***Information Technology***

In 2017, the District:

- Prepared and imported a new jury wheel into the Jury Management System (JMS);
- Upgraded all computers to Microsoft Office 2016 and Windows 10;
- Provided technical support to the Pretrial Services and Probation Office regarding the Integrated Workplace Initiative (PRP IWI) Project; and

### ***Court Technology***

The District upgraded the capabilities of all courtrooms to include high definition video and video conferencing (VTC) capabilities. These upgrades were crucial for handling the high VTC demand of the PROMESA case multi-site hearings.

### ***Space and Facilities***

Courthouse and Federal Building air conditioning and electrical system upgrades were completed with American Recovery and Reinvestment Act (ARRA) funds.

Restroom renovations were completed in jury rooms, the district judges' restrooms in the Courthouse, the magistrate judges' chambers, and the Clerk's Office. The Judges' Conference Room was also renovated.

### ***CLE Programs***

In August 2017, the Court and the USSC sponsored a Sentencing Guidelines Training

Program for judges, law clerks, members of the bar, and staff from the U.S. Attorney's Office, the Federal Public Defender's Office, and the Probation and Pretrial Services Office.

In July 2017, the Court sponsored a two (2)-day CLE Program for over 500 attorneys on: Government Conflicts of Interest and Lawyers Ethics, Intellectual Property, Securities Regulations and Litigation, and Immigration and Refugee Law.

### ***District Bar Examination***

In April and November 2017, 328 individuals took the examination and 147 passed. The aggregate passing rate was 45%. A total of 152 attorneys were admitted to practice in the District during 2017, including those who passed the test in previous years.

### ***Civil Pro Bono Program***

During FY 2017, 195 attorneys were selected to serve on the Civil Pro Bono Panel. A total of 102 pro bono appointments were made.

### ***CJA Committee***

In April, three (3) new members joined the Criminal Justice Act (CJA) Committee. In April and May, several interviews for new appointments and reappointments were conducted.

Staff continued to offer eVoucher trainings to CJA Panel Attorneys and service providers. In November, a presentation on a new CJA eVoucher feature was offered to CJA Panel Attorneys.

### ***Naturalization Ceremonies***

The Court held 17 naturalization ceremonies in 2017, during which 1,067 persons were sworn in as new United States citizens. In March, Chief Judge Delgado-Colón presided over a ceremony held at the Courthouse, with Governor Ricardo Rosselló Nevarez as a guest

speaker, to commemorate the 100th anniversary of Puerto Ricans' United States citizenship. In August, Judge Gelpí presided over a naturalization ceremony held at the Puerto Rico State Department, with former Puerto Rico Deputy Secretary of State Javier B. González as a guest speaker.

### ***Human Resources***

After the devastating passage of Hurricane Maria through Puerto Rico, the Clerk's Office helped employees reintegrate into their duties, allowing the Court to reopen and resume operations. The HR Department assisted Chief Judge Delgado-Colón and Clerk of Court Ríos de Morán in facilitating a secure and stable work environment. With the aid of the AO and the First Circuit Court of Appeals, the Court was able to provide essential items such as food, bottled water, generators, fuel, and batteries to employees.

### ***Interpreting Services***

In 2017, there was a spike in the translation work of the Court as a result of PROMESA. The monthly average number of words translated since the passage of PROMESA tripled, from an average 11,766 words per month for the period of January to April 2017, to an average of 35,821 words per month from May to December 2017.

Staff interpreters also introduced the use of a speech recognition, dictation, and translation tool, reviewed the written Federal Bar Exam, and assisted judges with large transcripts.

In the aftermath of Hurricane Maria, staff interpreters also offered interpreting and coordinating services in the Southern District of Mississippi, where many of the District's inmates were temporarily relocated.

### ***Community Outreach***

Student Visits: In 2017, the Court hosted five (5) visits from high school and college students. Chief Judge Delgado-Colón and

other judges welcomed law students from the University of Puerto Rico, the Interamerican University, and the Pontifical Catholic University. These visits included lectures, discussion, and attendance at court proceedings. In April 2017, the Court also hosted the Fifth Trial Advocacy Competition.

From October to December, due to the damage suffered from Hurricane Maria, the Court provided temporary classrooms to professors and students from the University of Puerto Rico School of Law.

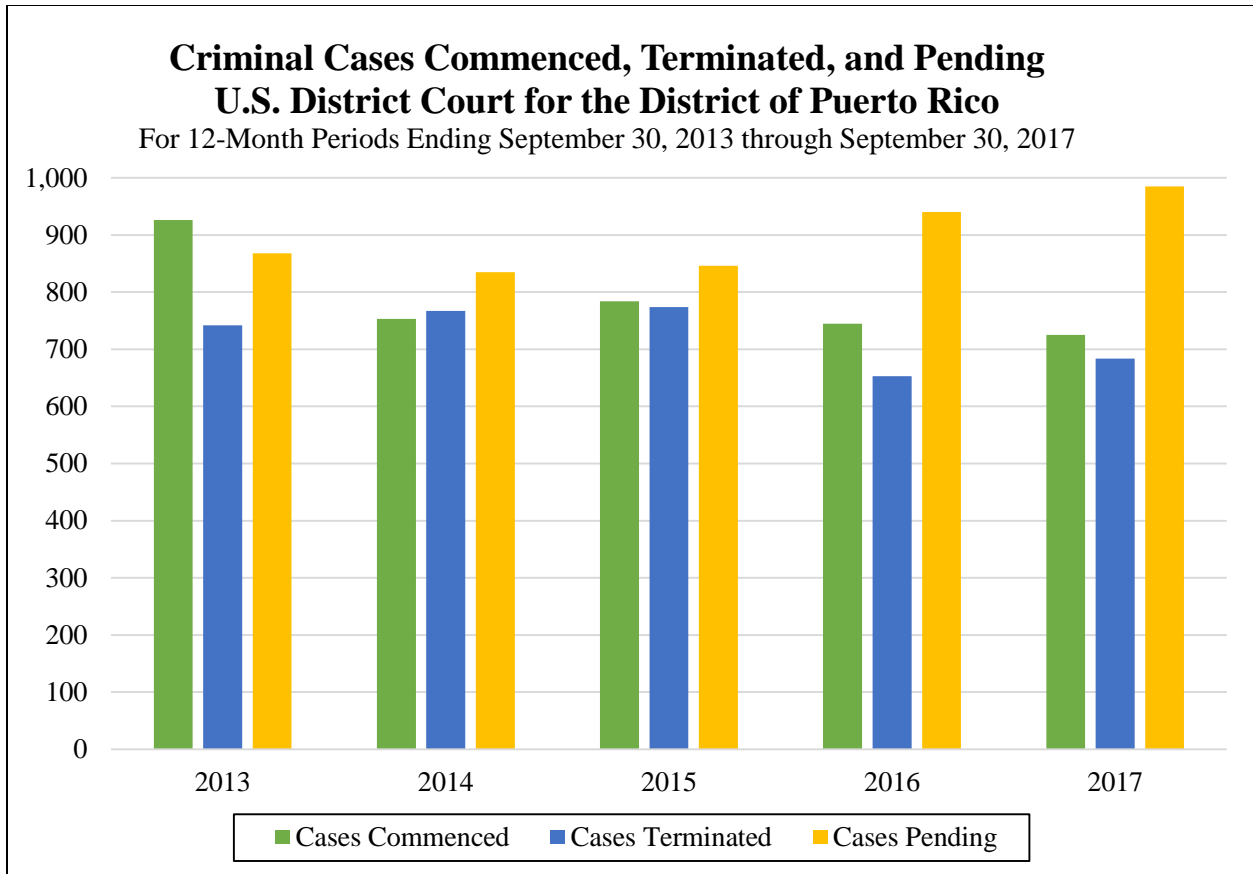
Combined Federal Campaign (CFC): The Court continued its outstanding contribution to the CFC Campaign for Puerto Rico and the U.S. Virgin Islands.

Clerk's Office Blood Drives: In January and October, the Clerk's Office sponsored blood drives, with the Medical Center Blood Bank. The District and Bankruptcy Courts, the Probation and Pretrial Services Office, and the USMS participated.

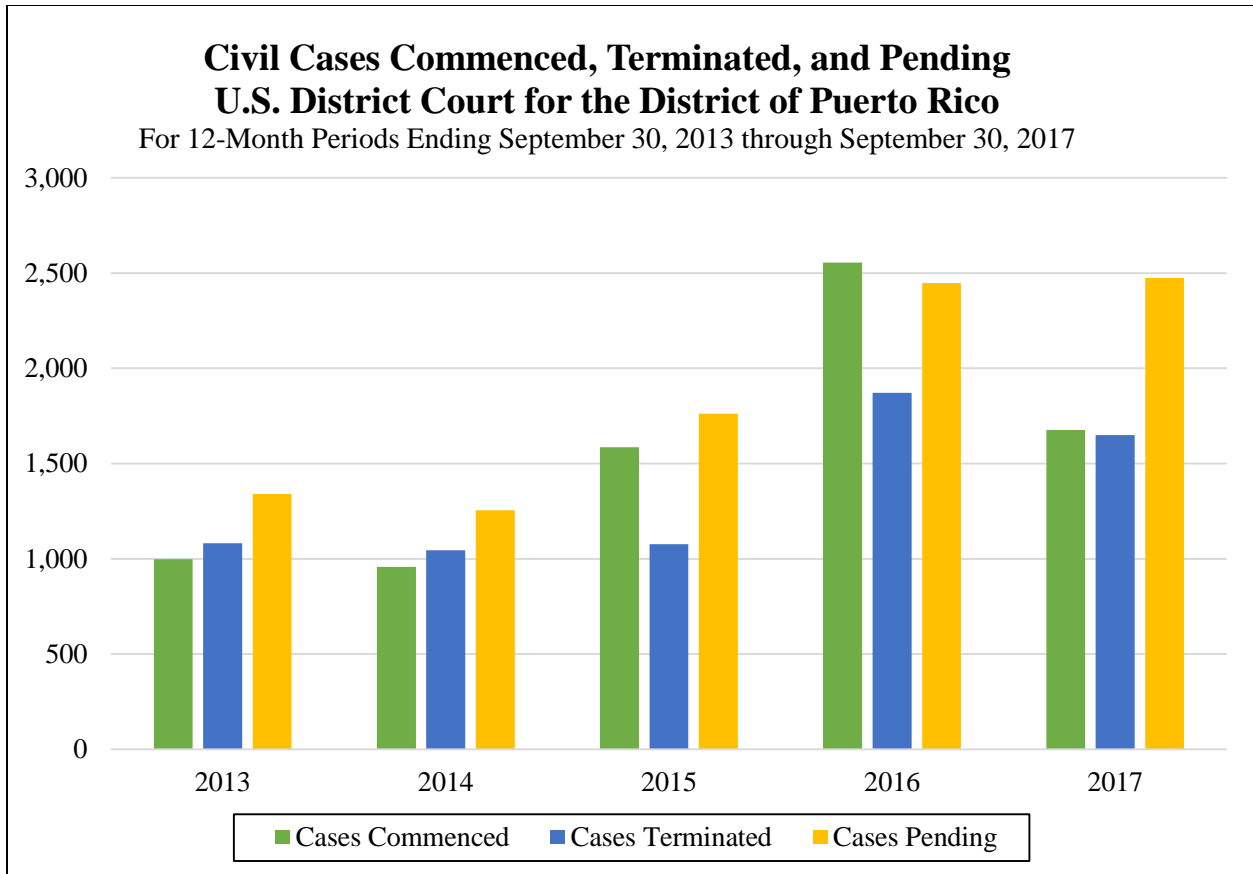
Truman Scholarship Foundation: The Clerk continued to serve as Chair of the Truman Scholarship Foundation for Puerto Rico.

### ***Training***

The District's judges remained committed to contributing to quality judicial and other educational programs, such as the DOJ's Judicial Studies Institute (JSI), Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT). The District hosted seven (7) JSI-OPDAT visits from judges from Central and South American countries.



<b>Criminal Cases Commenced, Terminated, and Pending</b> <b>U.S. District Court for the District of Puerto Rico</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	926	753	784	745	725
<b>Cases Terminated</b>	742	767	774	653	684
<b>Cases Pending</b>	868	835	846	940	985



<b>Civil Cases Commenced, Terminated, and Pending</b> <b>U.S. District Court for the District of Puerto Rico</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	997	958	1,585	2,556	1,676
<b>Cases Terminated</b>	1,081	1,044	1,077	1,871	1,649
<b>Cases Pending*</b>	1,341	1,255	1,764	2,448	2,475

\* Pending cases for 2016 as revised by the AO.

**Probation & Pretrial Services Office,  
 District of Puerto Rico**

FY 2017 marked a challenging year for the Office in the aftermath of Hurricanes Irma and Maria. In spite of widespread damage, Office staff immediately reported to work, offering their services to those who were unable to reach the Federal Building. Staff set up car pools to help their co-workers who had transportation issues and brought food, ice, and other supplies to share. Two (2) weeks after Hurricane Maria, the Office was the first law enforcement agency conducting active investigations and supervision in the community. A plan was developed to target and locate high-risk violent offenders, clients with electronic monitoring conditions, and sex offenders. Five (5) teams of Deputy U.S. Marshals and Probation Officers contacted and visited over 200 high risk offenders in the field.

Immediately after the hurricanes, the Office coordinated with the Chief District Judge for the issuance of an order allowing for temporary residential reentry center (RRC) placement for supervised released offenders. This order allowed offenders to be placed in RRCs on the mainland until stable housing was available in Puerto Rico or the district accepting transfer.

Additionally, the hurricanes forced the evacuation of the Guaynabo Metropolitan Detention Center (MDC). Inmates were transferred to institutions in Mississippi and Florida, and the Office deployed a group of officers on temporary duty status to conduct pre-release, pretrial, and pre-sentence work in those states.

***Operations***

Court Services: The Court Services Division had 27 full-time officers, one (1) part-time officer, and six (6) operations support specialists conducting presentence and pretrial investigations.

The Division improved the quality of its investigations, increasing community contacts and visits and providing in-depth case staffing; focusing on evidence-based practices; and preparing comprehensive reports addressing defendants’ risks, needs, and responsivity factors.

During FY 2017, the Division had a 98% completion rate for Pretrial Risk Assessments (PTRA) and completed 996 presentence reports.

Pretrial Services: During FY 2017, 1,221 cases were opened, the highest number of activations in the Circuit. Controlled substances remained the most common offense type, followed by firearms and violent crimes.

Supervision Division: The workload of the Supervision Division continued to grow. Pursuant to JCUS policy, the Supervision Division emphasized evidence-based practices. The Division continued to focus on early terminations in qualifying cases and increased supervisions for higher risk cases. Caseload distribution by risk level continued to be a focus in FY 2017.

The Office continued to have one of the highest investments in second chance funds for Offender-Defendant Services.

<i>Persons Under Supervision</i>	<i>FY 2016</i>	<i>FY 2017</i>	<i>% Change</i>
Pretrial Services (and Diversion)	833	780	-6.4%
Post-Conviction	3,272	3,509	7.2%

<i>Cases Revoked and Closed</i>			
	<i>FY 2015</i>	<i>FY 2016</i>	<i>FY 2017</i>
Total Cases Closed	541	573	589
Cases Closed by Early Termination	91	106	38
Revocations	130	125	199
Revocation Rate	24%	22%	34%

Community Outreach Program: During FY 2017, the Office continued its community outreach efforts to raise public awareness about safety, familiarize the public with the mission and responsibility of the agency, and materially assist non-profit organizations within the District.

***Organization***

Human Resources: The Office hired one (1) probation officer, one (1) probation services technician, and one (1) budget analyst. An additional probation officer transferred from another district. Six (6) staff members separated due to retirement or transfer.

Training and Conferences: The Office provided 39 in-house employee training sessions. Staff also participated in 37 different training events outside of the jurisdiction.

Space and Facilities – Procurement: The Office is scheduled to relocate by September 2018 to a new space with an open design, training rooms, and secured areas under the PRP IWI. Construction commenced in March 2017.

The IWI design supports mobility and incorporates an open plan, collaborative spaces, interview rooms, and urinalysis operations located within the secured reception area, and a specialized training area. The IWI design also offers a separate waiting bail secured area with interview rooms and urinalysis operations.

During construction, administrative staff have been located in temporary swing space.

## **Report for the District of Rhode Island**

### ***Committee Membership***

Deputy Clerk Frank Perry served on the District Best Practices Working Group – Technology Subgroup. Additionally, he served as faculty for the FJC’s New Deputy Court Unit Executive (CUE) program and continued to serve as a coach for the FJC’s Federal Court Leadership Program.

IT Director Heather Restifo continued to serve as Co-Chair of the Court IT Operations Working Group.

### ***Alternative Criminal Case Programs***

Deferred Sentencing Program: There were six (6) participants in the program at the end of 2017.

HOPE Court: In 2017, nine (9) individuals joined and four (4) individuals graduated from the Helping Offenders Prepare for reEntry (HOPE) program.

### ***Human Resources/Staffing***

On April 1, 2017, David A. DiMarzio, Clerk of Court, retired. Hanorah E. Tyler-Witek was appointed Clerk of Court on May 30, 2017, following a 20-year career as an officer and judge advocate with the United States Marine Corps.

### ***Conferences/Educational Programs***

District Conference: In March, the District held a day-long conference, “The eLawyer Era and the Court Challenges for the Future.” Over 400 members of the bench and bar attended. The keynote speaker was Ted Olson, former Solicitor General of the United States.

Attorney Admissions Program: In February, 66 attorneys were admitted to the District bar.

Litigation Academy: The District, in partnership with the Roger Williams

University School of Law and the Rhode Island Chapter of the Federal Bar Association (FBA), continued its Litigation Academy, a program designed to improve attorneys’ federal litigation skills with two (2) sessions on mediation skills and direct and cross-examination skills held in May and September, respectively.

CJA Panel Luncheon: In December, the Court held its annual CJA Panel Luncheon, featuring a presentation by Chief U.S. Probation Officer John Marshall on the risk assessment instruments used by the Probation and Pretrial Services Office in assessing individuals during pretrial release and post-conviction supervision. Judges, court staff, and 24 attorneys from the District’s CJA Panel and Federal Public Defender satellite office attended.

Administrative Law Judge Conference Reception: In September, the Court held a reception for 40 local and national ALJs during their annual conference.

### ***Local Rules/Procedures***

In December, the District approved amendments to its Local Rules related to criminal and civil motion practice and adopted an amendment to reflect the Court’s implementation of the Court Registry Investment System (CRIS) for acceptance of funds into the Court registry.

### ***Information Technology***

The IT Department embarked on a number of projects including: the launch of new internal websites, compliance with the IT Security Scorecard, standardization, and other infrastructure and national systems initiatives.

### ***Case Management***

The Clerk’s Office began using CM/ECF to standardize notices, forms, and orders and

increase staff efficiency, and expanded the filing of Miscellaneous Actions to CM/ECF to allow attorney submission of these case initiation documents electronically.

***Staff Training***

Clerk's Office staff were represented at all of the AO-sponsored forums in 2017. Internally, the staff conducted active shooter, IT security, and standards of conduct trainings.

***Community Outreach***

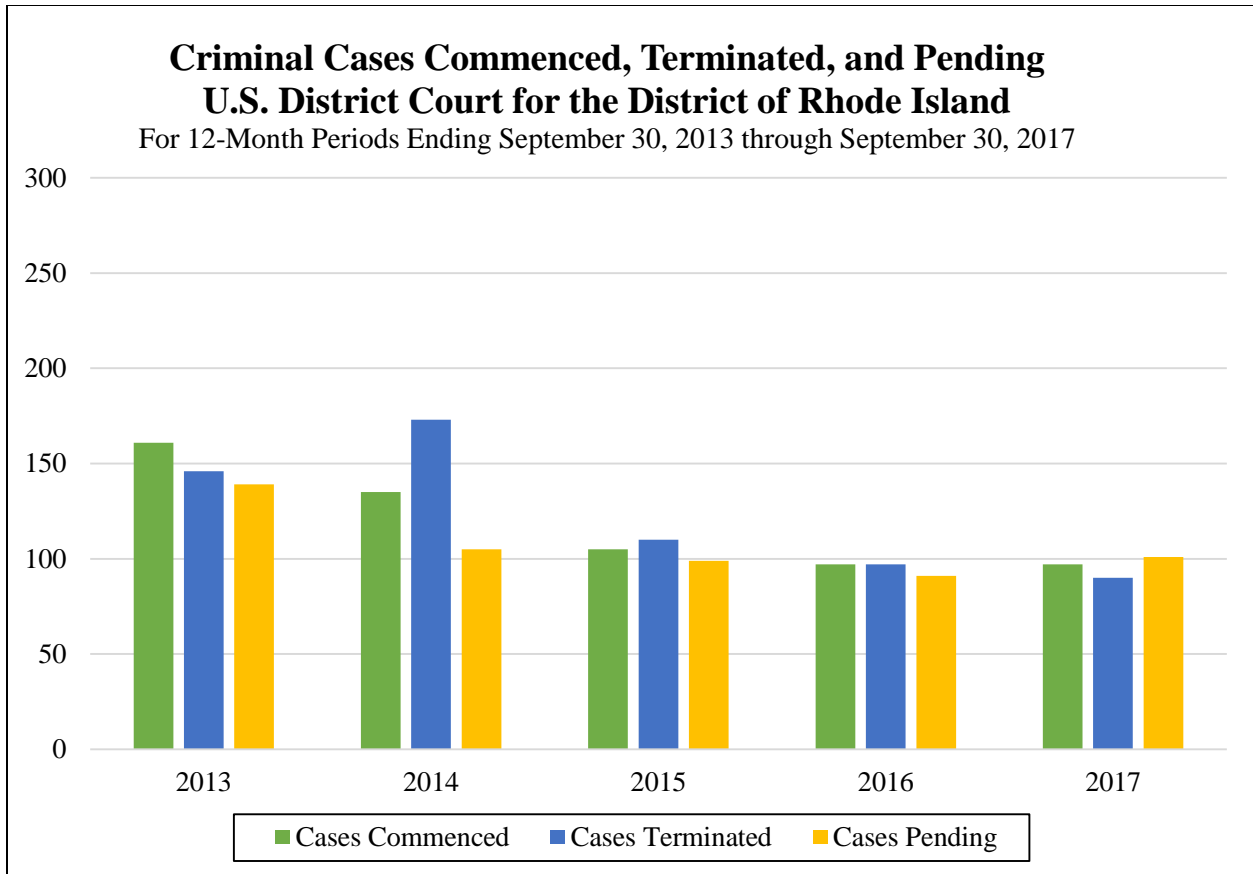
Civics Education Program: In partnership with the FBA Rhode Island Chapter, the Court conducted a civics education program for elementary, middle, and high school students, including a mock trial and a sentencing exercise.

Special Naturalization Ceremonies: The Court held two (2) special naturalization ceremonies, at McCoy Stadium in Pawtucket and at Roger Williams National Memorial Park in Providence.

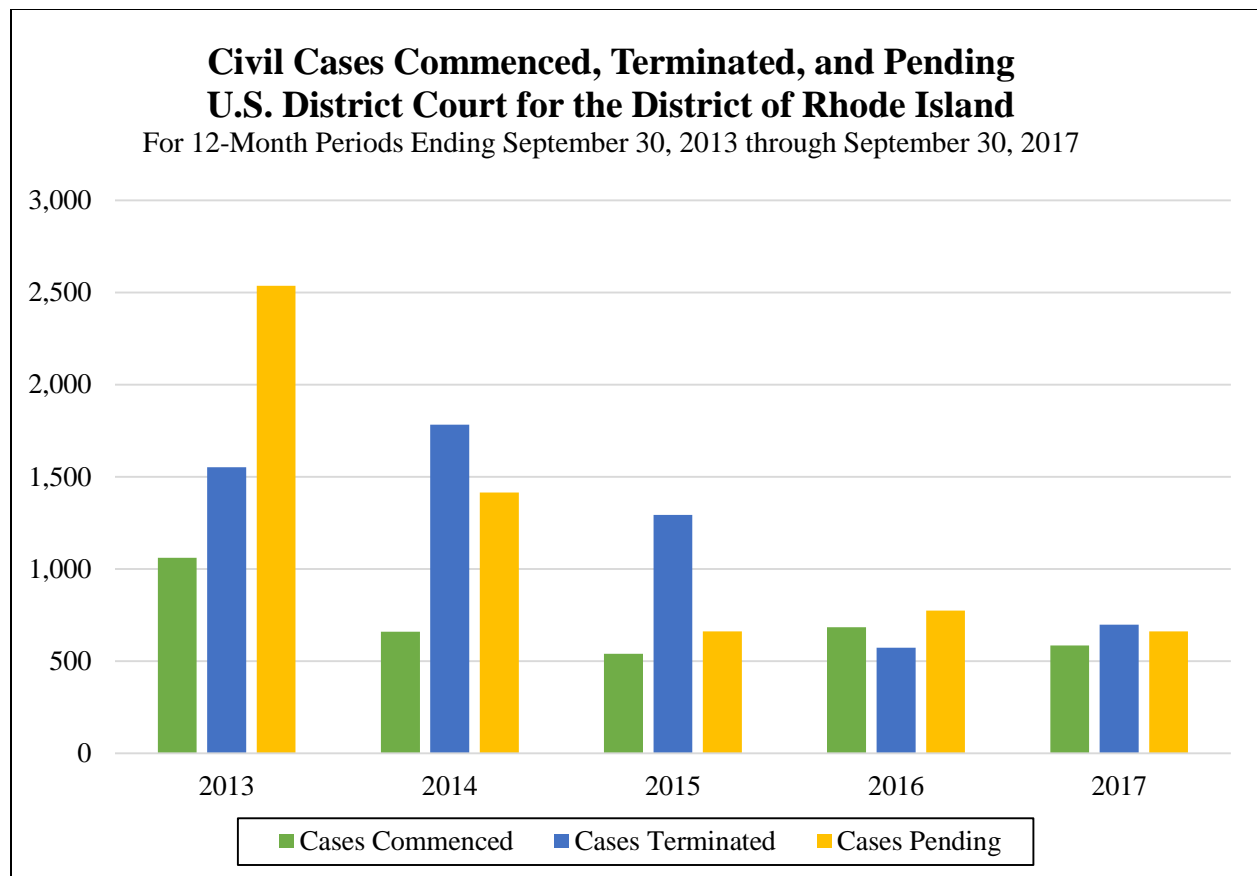
***Space and Facilities  
Construction/Consolidation***

In 2017, the Court completed a fiber repair between the Courthouse and the Pastore Federal Building, which was necessary for several courtroom technology initiatives.





<b>Criminal Cases Commenced, Terminated, and Pending</b> <b>U.S. District Court for the District of Rhode Island</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	161	135	105	97	97
<b>Cases Terminated</b>	146	173	110	97	90
<b>Cases Pending</b>	139	105	99	91	101



<b>Civil Cases Commenced, Terminated, and Pending</b> <b>U.S. District Court for the District of Rhode Island</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	1,060	660	539	684	585
<b>Cases Terminated</b>	1,552	1,783	1,293	573	698
<b>Cases Pending*</b>	2,537	1,415	661	774	661

\* Pending cases in 2016 as revised by the AO.

**Probation & Pretrial Services Office,  
District of Rhode Island**

***Human Resources***

John G. Marshall was appointed Chief U.S. Probation Officer upon the retirement of Kurt E. O'Sullivan, after 29 years of service.

Supervising Officer Kathleen Hopkins retired after 25 years of service. Amie Blanchette was promoted to Supervising Officer. Officer Andrea Edgar transferred from the Middle District of Florida, and Officer Brendan Jaffe transferred to the Western District of North Carolina. Jason Whitlock was hired as an Office Technician.

***Pretrial Services***

In 2017, 148 new cases were activated (excluding Rule 5 cases), a 45% increase from 2016. For FY 2017, the District's pretrial detention rate was 59%, compared to the national average of 72%. On average, 60 pretrial defendants were supervised each month. Twenty-four (24) pretrial supervision investigations and 27 collateral investigations for other districts were completed.

***Presentence Investigations***

The Office completed 90 presentence investigations, which remained steady from 2016. Fourteen (14) investigations were completed for resentencing cases under Johnson v. United States. In addition, 72 collateral investigations were completed for other districts.

***Post-Conviction Supervision***

In 2017, the monthly average of offenders supervised was 453, a 5% increase from 2016. The majority (88%) were on supervised release, while 12% were on probation. Approximately 68% of supervision cases were for drug or firearm offenses (49% drugs and 19% firearms). Sixty-two percent (62%) of offenders were scored medium to high risk,

compared to the national average (49%). Despite supervising significantly higher risk offenders, the District's revocation rate (29%) was slightly less than the national average (30.4%). During 2017, the Office completed 229 supervision violation investigations.

All pretrial and post-conviction supervision officers were trained on STARR.

In 2017, the Houston House, an RRC contracted by the BOP, opened in Pawtucket. This is the first RRC in Rhode Island, and its opening has assisted the District with release planning and provided additional options for addressing non-compliance during supervision.

***Treatment Services***

Treatment services costs for substance abuse, mental health, and sex offender treatment decreased slightly (approximately -4%) from last year. Defendant and offender co-payments collected increased approximately 20%.

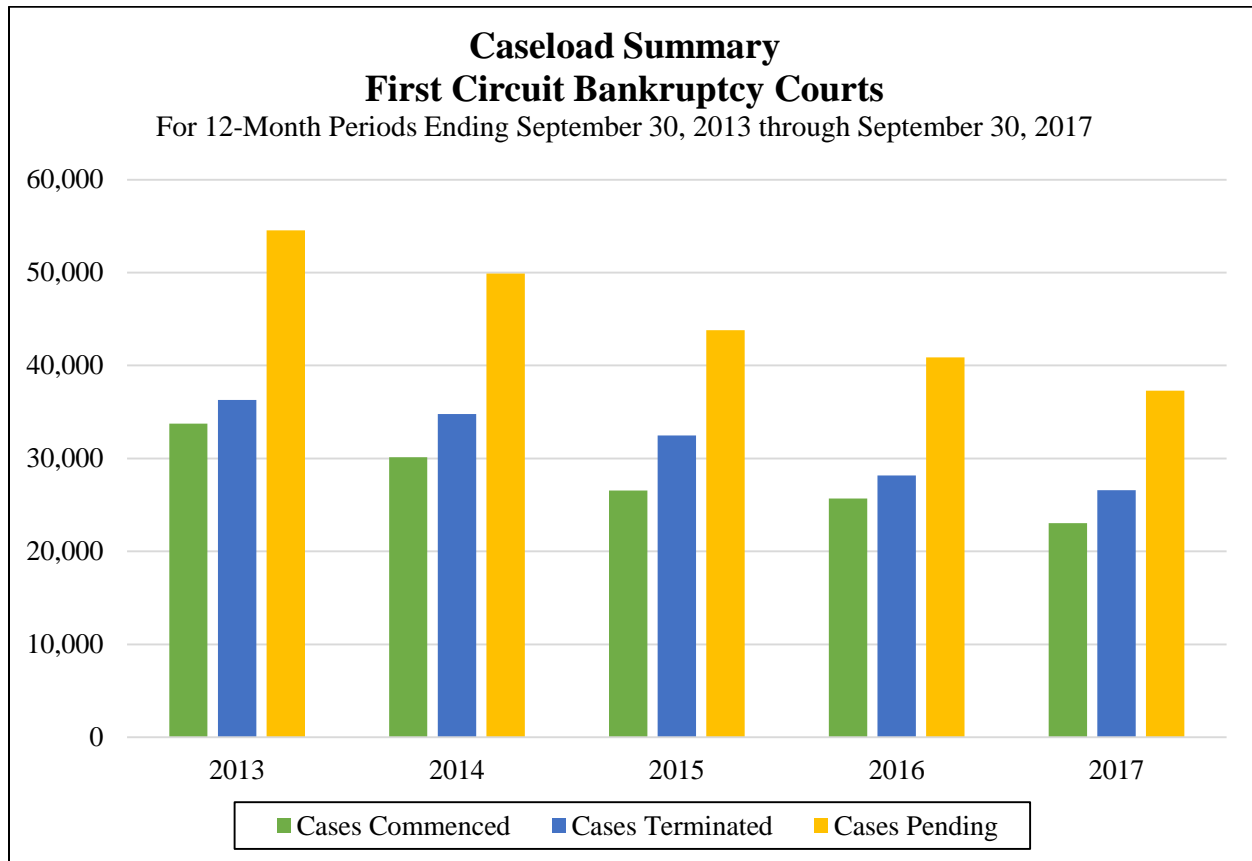
***District Initiatives***

The District continued to co-facilitate an offender MRT group for HOPE Court participants and high risk offenders.

***Training and Professional Development***

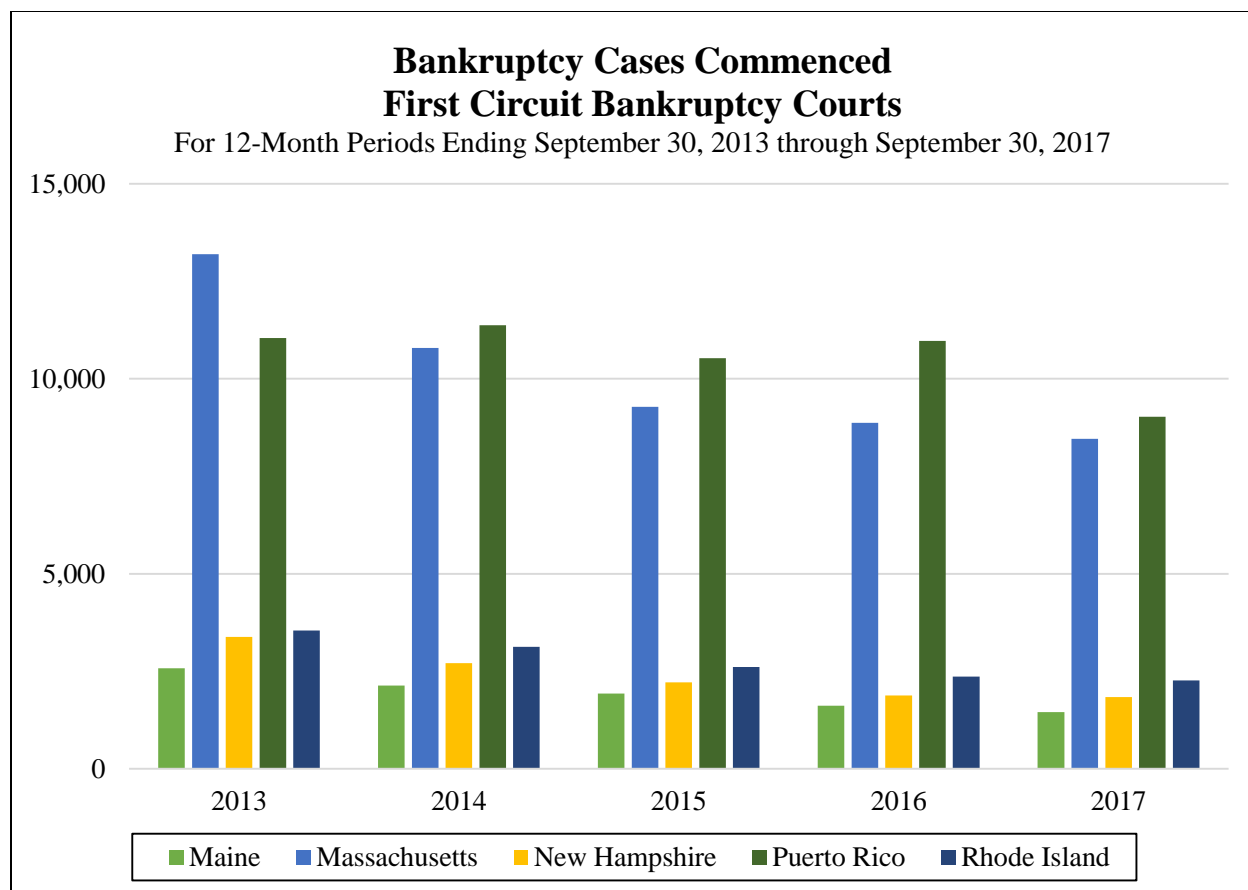
As attendees and/or presenters, staff participated in a number of national, regional, and local training seminars, including: STARR training; USSC Guidelines Seminar; officer response tactic training; sex offender training; Federal Probation and Pretrial Services Officer Association Seminar; Deradicalization Training; drug trends in New England; FJC programs; and National Information Standards Conference.

**Statistical Report for the Bankruptcy Courts in the First Circuit**

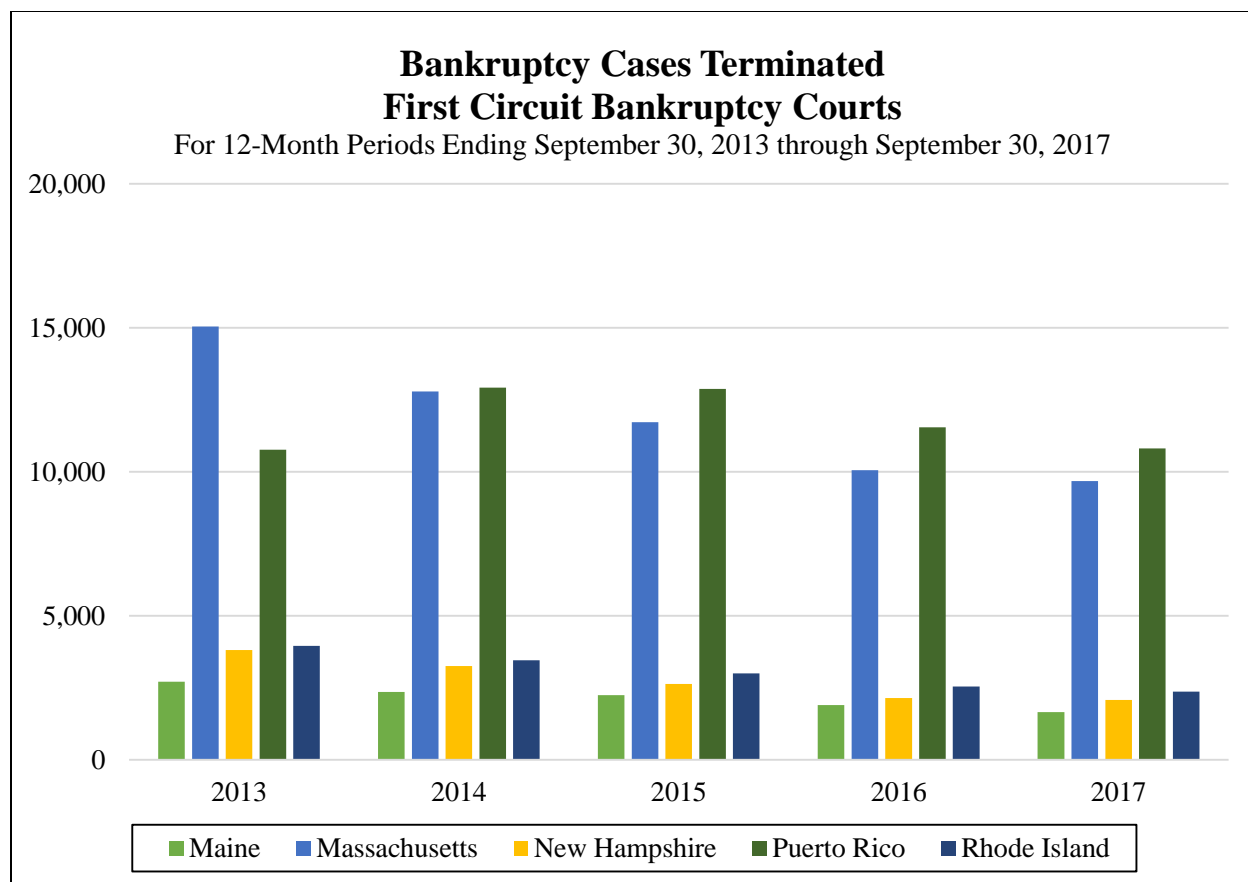


<b>Caseload Summary</b> <b>First Circuit Bankruptcy Courts</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Cases Commenced</b>	33,742	30,129	26,565	25,701	23,038
<b>Cases Terminated</b>	36,288	34,783	32,484	28,180	26,600
<b>Cases Pending*</b>	54,543	49,910	43,815	40,868	37,308

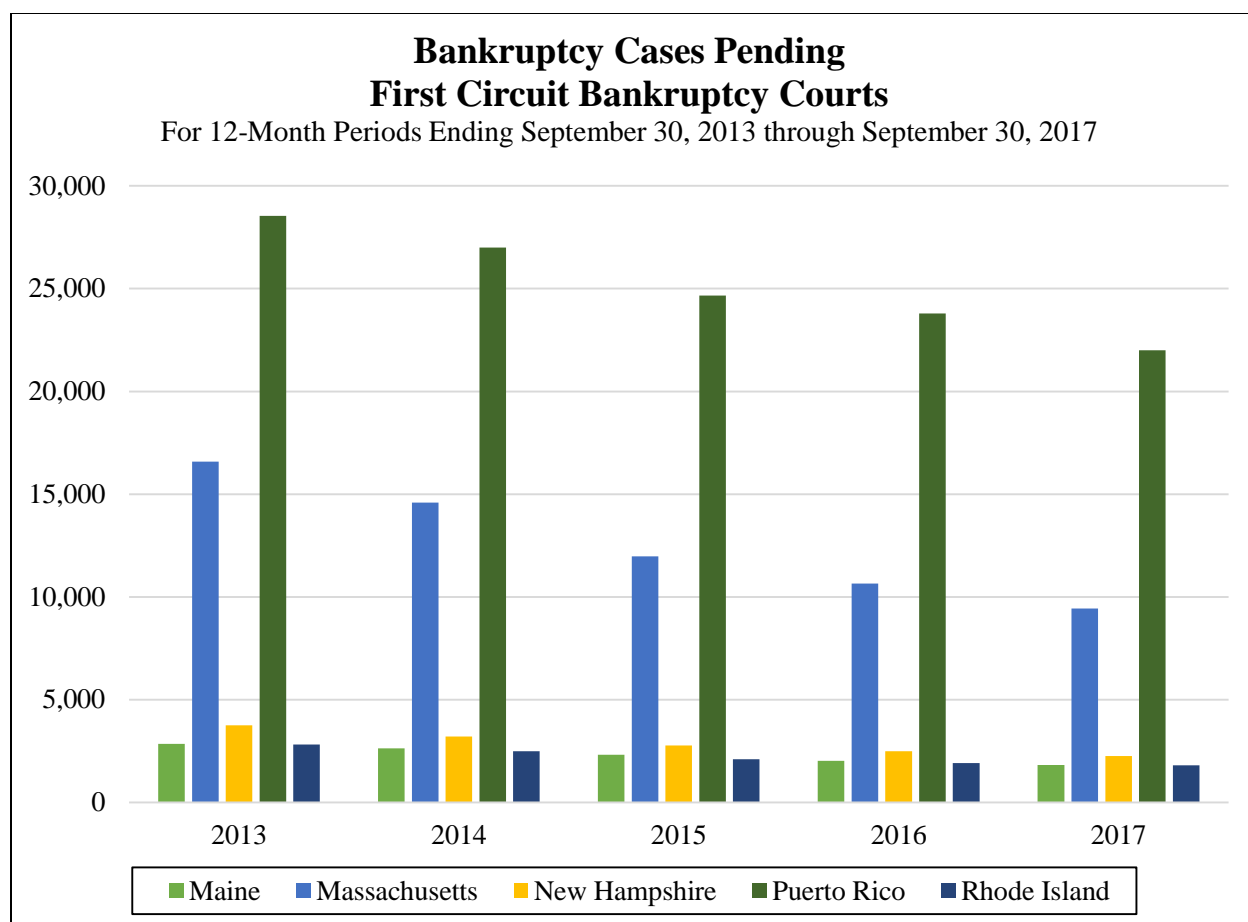
\* Pending caseloads in 2013, 2014, 2015, and 2016 as revised by the AO.



<b>Bankruptcy Cases Commenced First Circuit Bankruptcy Courts</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
District	2013	2014	2015	2016	2017
<b>Maine</b>	2,575	2,135	1,930	1,613	1,450
<b>Massachusetts</b>	13,201	10,789	9,280	8,873	8,458
<b>New Hampshire</b>	3,376	2,704	2,211	1,878	1,840
<b>Puerto Rico</b>	11,043	11,377	10,533	10,973	9,028
<b>Rhode Island</b>	3,547	3,124	2,611	2,364	2,262



<b>Bankruptcy Cases Terminated First Circuit Bankruptcy Courts</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
<b>District</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Maine</b>	2,705	2,352	2,244	1,896	1,657
<b>Massachusetts</b>	15,052	12,793	11,724	10,054	9,681
<b>New Hampshire</b>	3,810	3,254	2,633	2,146	2,082
<b>Puerto Rico</b>	10,764	12,926	12,882	11,543	10,813
<b>Rhode Island</b>	3,957	3,458	3,001	2,541	2,367



**Bankruptcy Cases Pending\***  
**First Circuit Bankruptcy Courts**  
For 12-Month Periods Ending September 30, 2013 through September 30, 2017

District	2013	2014	2015	2016	2017
Maine	2,847	2,630	2,315	2,020	1,813
Massachusetts	16,581	14,590	11,969	10,650	9,429
New Hampshire	3,755	3,205	2,768	2,494	2,252
Puerto Rico	28,538	26,995	24,660	23,794	22,009
Rhode Island	2,822	2,490	2,103	1,910	1,805

\* Pending caseloads for 2013, 2014, 2015, and 2016 as revised by the AO.

<b>Business Bankruptcy Filings, by Chapter</b> <b>First Circuit Bankruptcy Courts</b> For 12-Month Period Ending September 30, 2017				
District	Chapter 7	Chapter 11	Chapter 12	Chapter 13
Maine	64	8	4	18
Massachusetts	234	73	11	26
New Hampshire	60	16	1	2
Puerto Rico	90	131	18	73
Rhode Island	62	16	0	6

<b>Non-Business Bankruptcy Filings, by Chapter</b> <b>First Circuit Bankruptcy Courts</b> For 12-Month Period Ending September 30, 2017			
District	Chapter 7	Chapter 11	Chapter 13
Maine	1,126	1	229
Massachusetts	5,331	32	2,750
New Hampshire	1,294	0	467
Puerto Rico	3,680	25	5,011
Rhode Island	1,662	1	515



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**Report for the Bankruptcy Court for the District of Maine**

***Human Resources/Staffing***

In 2017, IT Director Andy Maxfield oversaw all IT staff and resources in both the Bankruptcy Court and Probation and Pretrial Services Office.

***Information Technology***

In 2017, the first phase of a comprehensive plan to upgrade audio, video, and courtroom technology equipment was completed with the replacement of the audio system in Portland. Contracts were also signed for the next two (2) phases (a new evidence presentation system in Portland and a new audio system in Bangor), which will be completed in early 2018. Additionally, the Court installed web filtering software, a new LAN firewall, and additional measures to improve IT security.

***Space and Facilities***

In 2017, new carpeting, sound (wall) panels, LED lighting, and bench cushions were installed in the Portland courtroom.

***Local Rules & Conferences/Educational Programs***

Following changes to Chapter 13 rules and the amendment of corresponding federal bankruptcy rules, a subcommittee of the Court's Local Rules Committee drafted a new local Chapter 13 plan form (effective December 1, 2017). In November, the Court sponsored and presented two (2) half-day training sessions on the new form in Bangor and Portland.

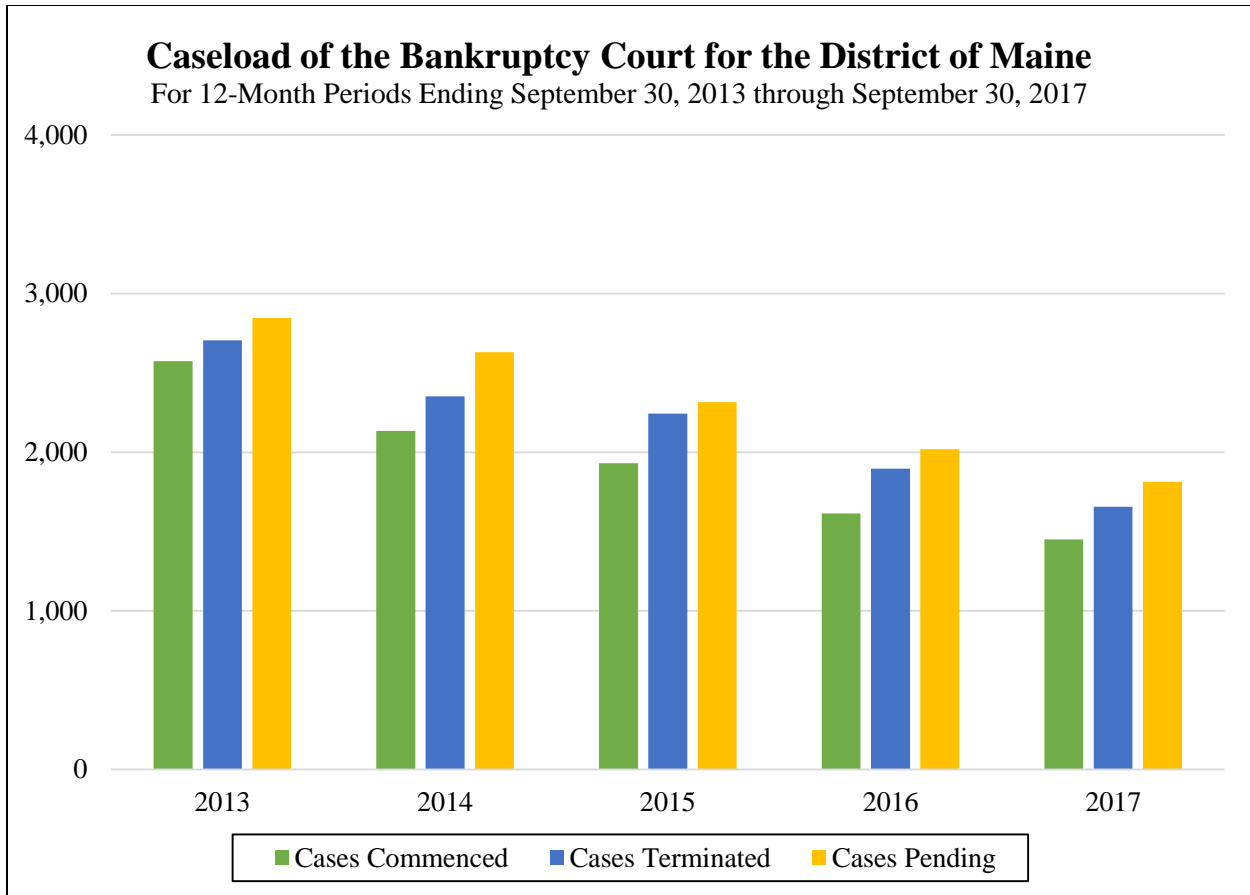
Chief Judge Cary and Judge Fagone continued the Court's tradition of holding informal "brown bag lunches" for members of the bar to discuss the operation of the Court.

***Caseload***

In 2017, Chief Judge Cary and Judge Fagone handled bankruptcy cases and performed alternative dispute resolution (ADR) services in matters from the District of New Hampshire.

***Community Outreach***

The Court remained active in a national financial literacy program. Through this outreach program, bankruptcy professionals, including judges, Clerk's Office staff, and practicing attorneys, educated young adults on budgeting, saving, and obtaining and using credit responsibly.



<b>Caseload for the Bankruptcy Court for the District of Maine</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	2,575	2,135	1,930	1,613	1,450
<b>Cases Terminated</b>	2,705	2,352	2,244	1,896	1,657
<b>Cases Pending*</b>	2,847	2,630	2,315	2,020	1,813

\* Pending caseload for 2013, 2014, 2015, and 2016 as revised by the AO.

**Report for the Bankruptcy Court for the District of Massachusetts**

***Human Resources/Staffing***

On April 30, 2017, James M. Lynch retired as Clerk of Court after 22 years of service. On May 1, 2017, Mary (Molly) P. Sharon, formerly the Clerk of the BAP, replaced Clerk Lynch. In April, Ed Perkins stepped down as IT Director and was replaced by Kieran Murphy.

***Statistics***

Filings in calendar year 2017 decreased by 0.7%, from 8,579 new cases in 2016 to 8,517 in 2017; pending cases dropped 9.5%, from 10,247 to 9,269.

***Community Outreach***

Continuing the Court's tradition of educational outreach, the bankruptcy judges and the Clerk served as panelists on local, regional, and national programs presented by Massachusetts Continuing Legal Education (MCLE), the BBA, the Practicing Law Institute, the NCBJ, the National Association of Consumer Bankruptcy Attorneys, the ABI, the Hamden County Bar Association, area law schools, and the ABA.

The Court's Pro Bono Committee, chaired by Judge Feeney and Judge Katz, continued its efforts to increase the number of attorneys available to accept pro bono cases from people in financial distress. The Committee held an award ceremony in Worcester to recognize those members of the bar who have taken on pro bono cases.

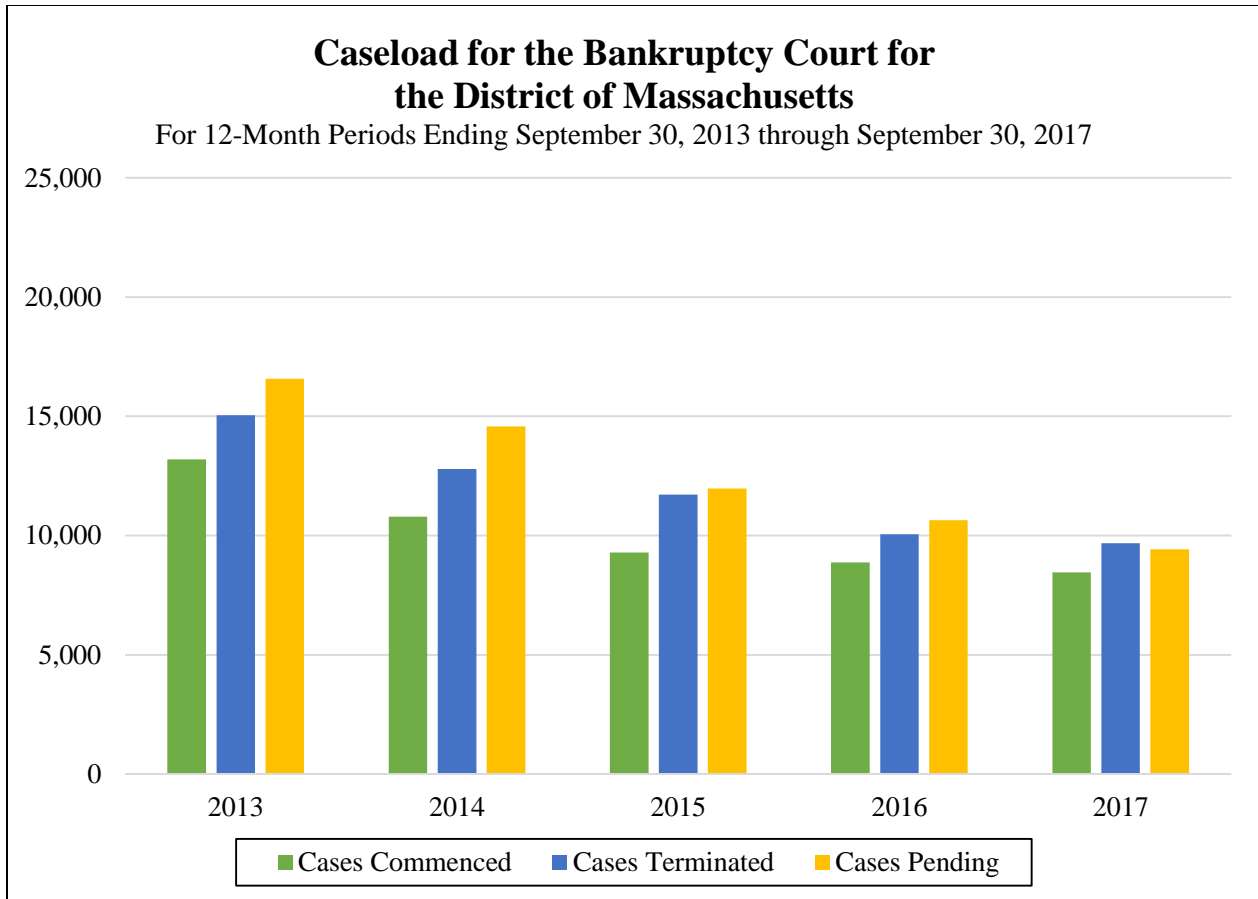
Chaired by Judge Bailey and Judge Panos, the Bankruptcy Court's Diversity Initiative Task Force continued to work with local bar associations, law schools, and affinity groups to increase the diversity of attorneys who practice bankruptcy law. In 2017, the Task Force held events at Western New England School of Law and Suffolk University Law School.

***Local Rules***

The Bankruptcy Court's Local Rules Advisory Committee, co-chaired by Chief Judge Hoffman and Judge Panos, met quarterly to review and discuss proposed modifications and improvements to the Local Rules, particularly those rules and forms that related to a new national Chapter 13 plan. The Court adopted a revised set of Local Rules and forms in December.

***Space and Facilities***

In December, after considering the caseload and costs and benefits to the bar, the Bankruptcy Court discontinued hearings in Barnstable. The Court will review annually whether to reinstitute the session.



<b>Caseload for the Bankruptcy Court for the District of Massachusetts</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	13,201	10,789	9,280	8,873	8,458
<b>Cases Terminated</b>	15,052	12,793	11,724	10,054	9,681
<b>Cases Pending*</b>	16,581	14,590	11,969	10,650	9,429

\* Pending caseloads for 2013, 2014, 2015, and 2016 as revised by the AO.

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**Report for the Bankruptcy Court for the District of New Hampshire**

***Internal Operating Procedures***

In March, the Court completed the annual internal controls audit utilizing the self-assessment training tool.

***Intra-District Activities***

The Bankruptcy Court, the District Court, and the Pretrial and Probation Services Office continued to meet regularly on administrative matters, with Chief Judge Harwood, Chief Judge Laplante, other judges, and court unit executives and their deputies in attendance.

In cost-containment efforts, the District and Bankruptcy Courts continued to share in the areas of procurement, human resources, IT, and budget management.

The Bankruptcy Court relocated to Concord in November. Co-location will have an anticipated annual cost savings of approximately \$680,000.

***National and Local Education Training***

Employees attended numerous training programs, including the First Circuit Court Unit Executive and Chief Deputy Conference, National Conference of Bankruptcy Clerks (NCBC) Human Resources Forum, and HRMIS Leave Tracking Training.

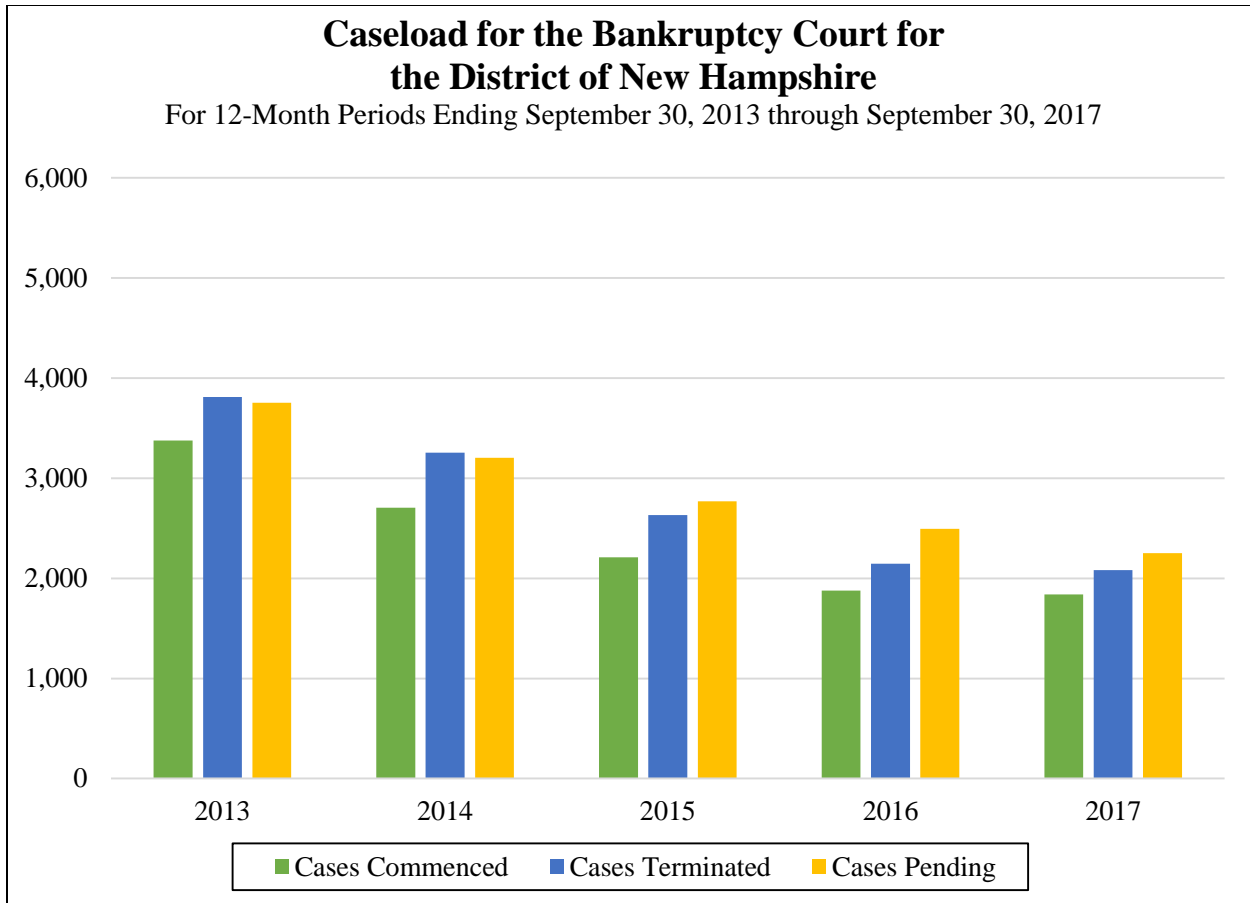
***New National Programs***

In August, Virtual Desktop Infrastructure (VDI) was deployed. The Court migrated to the HRMIS Leave Tracking system in September.

***Statistical Information***

The Bankruptcy Court experienced an overall decrease in bankruptcy case filings (-1.1%) in calendar year 2017, which was slightly higher than the national decrease (-0.7%). The Court also experienced a 76.7% decrease in adversary proceeding filings, compared to a 4.5% national decrease.

Courtroom hours for Chief Judge Harwood and Judge Deasy increased 17.8%, from 303 hours for calendar year 2016 to 357 hours for calendar year 2017. The Court's overall courtroom hours increased 23%, to 373 hours, including visiting judges' hours.



<b>Caseload for the Bankruptcy Court for the District of New Hampshire</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	3,376	2,704	2,211	1,878	1,840
<b>Cases Terminated</b>	3,810	3,254	2,633	2,146	2,082
<b>Cases Pending*</b>	3,755	3,205	2,768	2,494	2,252

\* Pending caseloads for 2013, 2014, 2015, and 2016 as revised by the AO.

## **Report for the Bankruptcy Court for the District of Puerto Rico**

### ***Local Rules/Procedures***

The Court amended Local Bankruptcy Rule 3015-2, effective December 1, 2017, to compel the use of the Chapter 13 Plan Local Form G for all plans filed pursuant to 11 U.S.C. § 1321 or 1329(a).

### ***Information Technology***

The Court implemented the Debtors Bankruptcy Noticing (DeBN) Service, which allows debtors to request delivery of orders and court notices by email.

Following the impact of Hurricanes Irma and Maria, IT ensured that the Court's computer systems were operational and assisted in providing Internet service to attorneys at the courthouse for filings.

### ***Case Management***

In May, the AO's Court Services Office conducted a management review of the Court.

The Court continued to work on its Quality Control Program, including the development of an online operations procedures manual.

The Court also supported the opening of cases filed under PROMESA, including user training and support.

### ***Staff Training***

Training efforts included programs on information security awareness, ethics, benefits, compensation, recognition, project management, and Judiciary Online University. The Court held a retreat on performance management. A special session was provided by the Court's Federal Occupational Health (FOH)/Employee Assistance Program (EAP) Staff Consultant to help employees cope with

the aftermath of Hurricane Maria. Systems staff participated in a Security Plus training.

Court personnel attended the NCBC Conference, the Case Management Assist (CMA) Roundtable, the Annual Government Financial Management Conference, the FJC Management Development Program, the Inter-Connecting Cisco Networking Devices Part 1 Training, the Computer Information Technology Conference, and the Space and Security Forum. The Chief Deputy Clerk attended the HR Forum (along with the Court's HR Specialist) and the Court Unit Executive and Chief Deputy Operational/Administrative Training Conference.

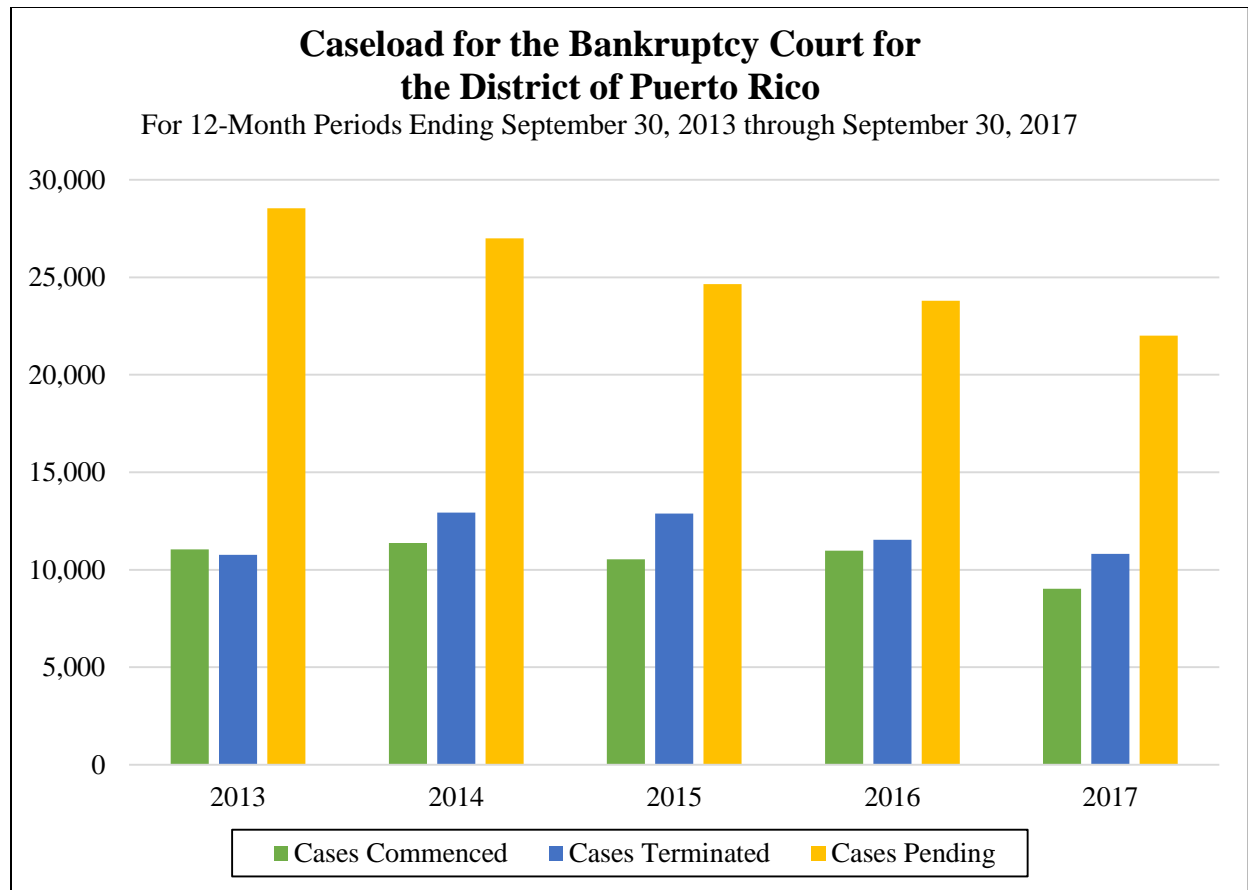
### ***Community Outreach***

In December, the Court delivered presentations to the bar on the new Chapter 13 Plan Form.

### ***Statistical Information***

For calendar year 2017, there were 7,604 new bankruptcy filings, a 26% decrease from calendar year 2016. The filings by chapter were as follows: 3,197 Chapter 7 cases; 119 Chapter 11 cases; 13 Chapter 12 cases; and 4,275 Chapter 13 cases.

The Court's 2017 caseload statistics were impacted by Hurricanes Irma and Maria. Court operations were limited for a few weeks in September and October, and the Court was not opened to the public until early November. Accordingly, deadlines were extended during this time. Further, filings dropped dramatically as most of the island was without power and Internet services from September through the end of the year.



<b>Caseload for the Bankruptcy Court for the District of Puerto Rico</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	11,043	11,377	10,533	10,973	9,028
<b>Cases Terminated</b>	10,764	12,926	12,882	11,543	10,813
<b>Cases Pending*</b>	28,538	26,995	24,660	23,794	22,009

\* Pending caseloads for 2013, 2014, 2015, and 2016 as revised by the AO.



## **Report for the Bankruptcy Court for the District of Rhode Island**

### ***Committee Membership***

Clerk of Court Susan Thurston served on the AO's Bankruptcy Clerks Advisory Group and the Judiciary Data Working Group. Courtroom Deputy Holly D'Agostino served on the NextGen CM/ECF Expert Panel Working Group.

### ***Human Resources/Staffing***

The Bankruptcy Court renewed the following three (3) memoranda of understanding (MOU): with the District Court for shared procurement administrative services; with the Bankruptcy Court for the District of Delaware for quality control services; and with the Bankruptcy Court for the Middle District of Tennessee for CM/ECF dictionary services.

### ***Conferences/Educational Programs***

In April, the Court conducted legal clinic training with volunteer attorneys.

In June, Judge Finkle and the Clerk convened an Attorney Advisory Committee (AAC) meeting to finalize local rule and form changes, including the revised Chapter 13 Plan form, and provide an update and feedback on the new Bankruptcy Legal Clinic.

### ***Local Rules/Procedure***

The Court revised its Local Rules and forms effective December 1, 2017, to address and conform to Federal Rules of Bankruptcy Procedure and Official Bankruptcy Form changes, including the adoption of a revised local Chapter 13 Plan form.

In December, the Court published a new edition of its Local Rule Book and prepared a variety of educational materials about the national and Local Rule changes.

### ***Information Technology***

The Disposal Officer worked with IT staff to dispose of excess IT property. IT upgraded the Court's Cisco switch configuration and network connectivity. The Clerk's Office migrated to the HRMIS ePerformance system and to the Judiciary Integrated Financial Management System (JIFMS). The Court implemented the Agile Project Management system for tracking and managing IT projects.

### ***Case Management***

Several case managers worked with the Clerk to assist the FJC in the development of national Chapter 9 resource materials, including the creation of a national clerk's office manual and video program.

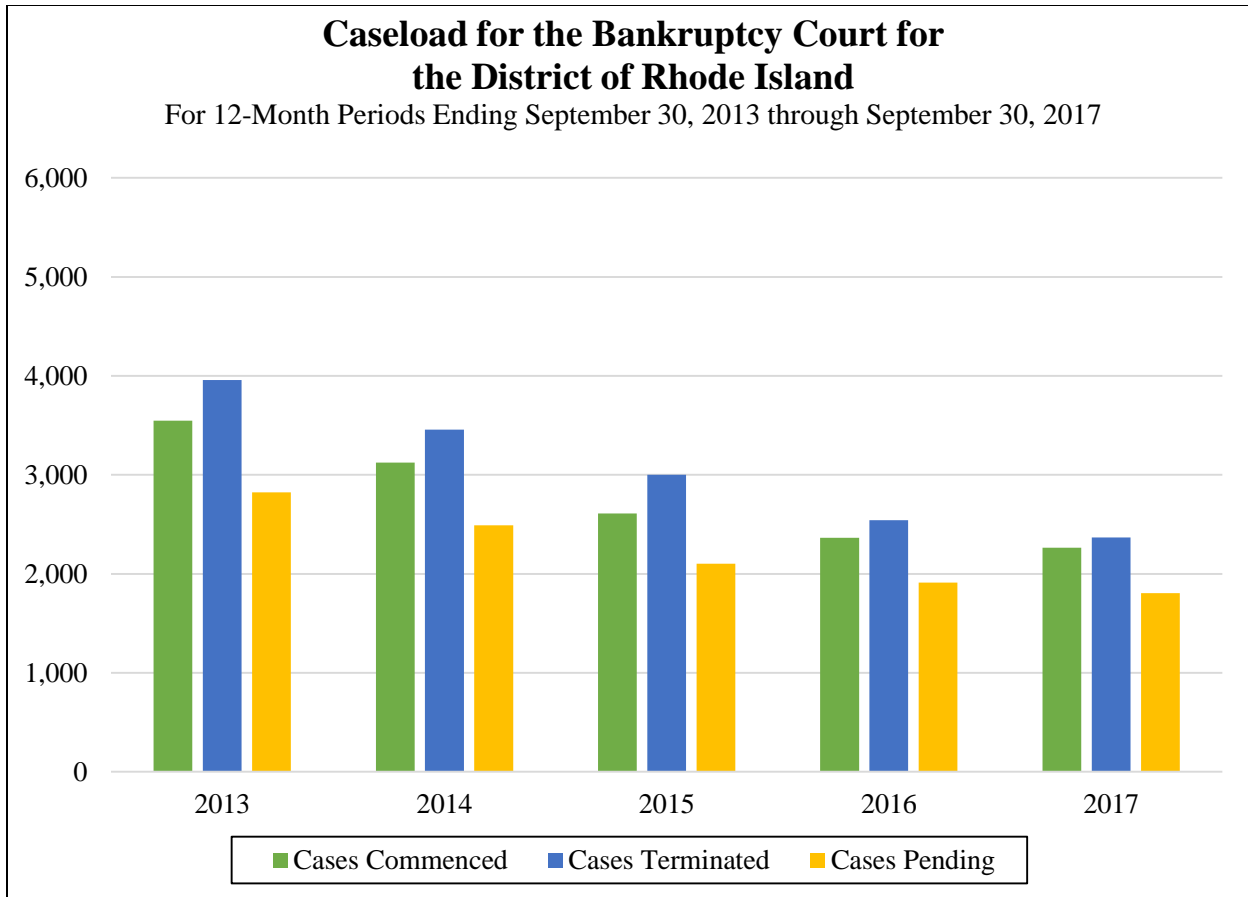
### ***Staff Training***

Clerk Susan Thurston and Chief Deputy Clerk Kristen Batty attended the Court Unit Executive Circuit Conference. The Chief Deputy Clerk attended the HR Forum. IT Systems Manager Craig Balme and Personal Computer (PC) Systems Administrator Steve Stricklett attended the Multi Circuit IT Conference. Operations Supervisor Amy Geraghty attended the CMA Assist Roundtable.

Court staff also participated in an active shooter training exercise, attended the NCBC Conference, and received training on ePerformance, the ethics of social media and politics, PC security, and IT security.

### ***Community Outreach***

In January, the Court's Bankruptcy Legal Clinic for pro se filers went live and currently has 18 volunteer attorneys supporting the Clinic's work.



<b>Caseload for the Bankruptcy Court for the District of Rhode Island</b> For 12-Month Periods Ending September 30, 2013 through September 30, 2017					
	2013	2014	2015	2016	2017
<b>Cases Commenced</b>	3,547	3,124	2,611	2,364	2,262
<b>Cases Terminated</b>	3,957	3,458	3,001	2,541	2,367
<b>Cases Pending*</b>	2,822	2,490	2,103	1,910	1,805

\* Pending caseloads for 2013, 2014, 2015, and 2016 as revised by the AO.

## **Judicial Administration**

### **The Judicial Conference of the United States**

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

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

The Judicial Conference is statutorily required to make a comprehensive survey of the conditions of business in the courts of the United States; to prepare plans for the assignment of judges to or from courts of appeals or district courts, where necessary; to submit suggestions to the various courts to promote uniformity of management procedures and the expeditious conduct of court business; to exercise authority provided in Chapter 16 of Title 28 of the United States Code for the review of circuit council conduct and disability orders filed under that chapter; and to carry on a continuous study of the operation and effect of the general rules of practice and procedure in use within the federal courts, as prescribed by the Supreme Court pursuant to law. See 28 U.S.C. § 331.

The Judicial Conference meets twice a year, in March and September. The Judicial Conference's members are the Chief Justice of the United States presiding, the chief judges of each of the circuit courts of appeal, the Chief Judge of the U.S. Court of International Trade, and one elected district judge from each of the 12 regional circuits. The Conference works mostly through its committees and is staffed by employees from the AO.

At the March 2017 Judicial Conference, AO Director James C. Duff reported to the Conference on the judicial business of the courts and on matters relating to the AO, Judge Fogel spoke to the Conference about FJC programs, and Judge Pryor of the Eleventh Circuit Court of Appeals reported on USSC activities in his role as Acting Chair. Judge Gibbons of the Sixth Circuit Court of Appeals, Chair of the Committee on the Budget, presented a special report on budgetary matters.

At the September 2017 Judicial Conference, Director Duff reported to the Judicial Conference on the judicial business of the courts and on matters relating to the AO, Judge Fogel spoke to the Conference about FJC programs, and USSC Staff Director Kenneth P. Cohen reported on USSC activities. Judge Hardiman of the Third Circuit Court of Appeals, Chair of the Committee on Information Technology, presented a special report on IT security.

**First Circuit Judges Serving on the Judicial Conference,  
Judicial Conference Committees, Special Courts, and Boards**  
[Generally, terms begin and expire on October 1 of the year noted.]

MEMBERS OF THE JUDICIAL CONFERENCE

			<u>Start Date</u>	<u>End Date</u>
Jeffrey R. Howard	CJ	New Hampshire	2015	2022
Nancy Torresen	DJ	Maine	2017	2020
Paul J. Barbadoro	DJ	New Hampshire	2013	2017

EXECUTIVE COMMITTEE

			<u>Start Date</u>	<u>End Date</u>
Paul J. Barbadoro (Chair)	DJ	New Hampshire	2016	2017

COMMITTEE ON AUDITS AND AO ACCOUNTABILITY

			<u>Start Date</u>	<u>End Date</u>
Gustavo A. Gelpí	DJ	Puerto Rico	2013	2019

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

			<u>Start Date</u>	<u>End Date</u>
Pedro A. Delgado-Hernández	DJ	Puerto Rico	2017	2020
Francisco A. Besosa	DJ	Puerto Rico	2011	2017

COMMITTEE ON CODES OF CONDUCT

			<u>Start Date</u>	<u>End Date</u>
John J. McConnell, Jr.	DJ	Rhode Island	2017	2020
George Z. Singal	DJ	Maine	2011	2017

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

			<u>Start Date</u>	<u>End Date</u>
Joseph N. Laplante	DJ	New Hampshire	2012	2018
Patricia A. Sullivan	MJ	Rhode Island	2016	2019

COMMITTEE ON CRIMINAL LAW

			<u>Start Date</u>	<u>End Date</u>
Indira Talwani	DJ	Massachusetts	2016	2019

COMMITTEE ON DEFENDER SERVICES

			<u>Start Date</u>	<u>End Date</u>
Landya B. McCafferty	DJ	New Hampshire	2015	2018

COMMITTEE ON FEDERAL-STATE JURISDICTION

			<u>Start Date</u>	<u>End Date</u>
Timothy S. Hillman	DJ	Massachusetts	2013	2019

COMMITTEE ON FINANCIAL DISCLOSURE

			<u>Start Date</u>	<u>End Date</u>
Rya W. Zobel	DJ	Massachusetts	2013	2019

COMMITTEE ON INFORMATION TECHNOLOGY

			<u>Start Date</u>	<u>End Date</u>
O. Rogeriee Thompson	CJ	First Circuit	2014	2020

COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS

			<u>Start Date</u>	<u>End Date</u>
Richard G. Stearns	DJ	Massachusetts	2014	2020

COMMITTEE ON JUDICIAL RESOURCES

			<u>Start Date</u>	<u>End Date</u>
Douglas P. Woodlock	DJ	Massachusetts	2011	2018

COMMITTEE ON JUDICIAL SECURITY

			<u>Start Date</u>	<u>End Date</u>
Denise J. Casper	DJ	Massachusetts	2015	2020

COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM

			<u>Start Date</u>	<u>End Date</u>
Mark G. Mastroianni	DJ	Massachusetts	2017	2020
George A. O'Toole	DJ	Massachusetts	2011	2017

ADVISORY COMMITTEE ON BANKRUPTCY RULES

			<u>Start Date</u>	<u>End Date</u>
Melvin S. Hoffman	BJ	Massachusetts	2016	2019

ADVISORY COMMITTEE ON CRIMINAL RULES

			<u>Start Date</u>	<u>End Date</u>
Bruce J. McGiverin	MJ	Puerto Rico	2017	2020

ADVISORY COMMITTEE ON EVIDENCE RULES

			<u>Start Date</u>	<u>End Date</u>
John A. Woodcock, Jr.	DJ	Maine	2011	2017

COMMITTEE ON SPACE AND FACILITIES

			<u>Start Date</u>	<u>End Date</u>
Aida M. Delgado-Colón	DJ	Puerto Rico	2013	2019

FJC BOARD OF DIRECTORS

			<u>Start Date</u>	<u>End Date</u>
George Z. Singal	DJ	Maine	2016	2020

FOREIGN INTELLIGENCE SURVEILLANCE COURT

			<u>Start Date</u>	<u>End Date</u>
F. Dennis Saylor, IV	DJ	Massachusetts	2011	2018

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### **First Circuit Judicial Conferences**

Circuit judicial conferences are periodic circuit-wide meetings convened pursuant to 28 U.S.C. § 333. A modification to this statute, which formerly mandated an annual conference, permits the circuit judicial conference to be held in alternate years. A 1996 modification of § 333 made attendance optional; formerly, active circuit and district judges were required to attend unless excused.

In the First Circuit, circuit judicial conferences are generally conducted in two (2) different formats. One (1) type of conference, a “workshop,” is designed primarily for judicial officers. In addition to the judges, others who attend include the Circuit Executive, senior court personnel, and representatives of the AO and the FJC. These conferences are organized by a committee of judges, appointed by the Chief Circuit Judge, with the assistance of the Circuit Executive and staff.

The other meeting format is the full-scale conference. Attendees at these conferences include those who attend the workshops and, pursuant to First Circuit Court of Appeals Local Rule 47.1, representatives from the districts, such as presidents of the state and commonwealth bar associations, deans of accredited law schools, state court chief justices, the public defenders, and the U.S. Attorneys. Public officials from the city and state in which the conference is being held are also invited, as are a substantial number of lawyers who are members of the federal bar.

In planning the full-scale conference, the Judicial Council selects the approximate dates of the conference and assigns one of the districts in the Circuit to act as a host district. The Chief Circuit Judge appoints a Planning Committee to organize and conduct the conference. This planning is usually done one-and-a-half to two years prior to the conference.

The selection of the attorney invitees to a full-scale conference is handled in the following manner. After the Planning Committee has selected a site and received the approval of the Chief Circuit Judge, the number of invitees that the site can accommodate is determined, and a number of invites is assigned to each district (roughly based on the proportion of the number of judges in a given district to the total number of judges in the First Circuit, plus an allotment for the Court of Appeals). The district court chief judges, in consultation with their respective judges, supply lists of nominees to receive invitations. Based on these lists, invitations are then extended by the Chief Circuit Judge.

The Office of the Circuit Executive assists the Planning Committee in all aspects of its work. The Circuit Executive also provides the point of contact for continuity purposes, is the custodian of the Judicial Conference Fund, and serves as Secretary of the conference.

A full-scale First Circuit Judicial Conference was held in Rockport, Maine, on October 16-18, 2017.

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### **Business of the First Circuit Judicial Council**

Circuit judicial councils were created by Congress in 1939, along with the AO and circuit judicial conferences, to assist in the management of the courts. The Chief Circuit Judge presides over the Council, and its membership consists (in this Circuit) of all the active judges of the Court of Appeals and one (1) district judge from each of the five (5) districts in the Circuit. Each judicial council has administrative responsibility for all courts in its circuit. It is authorized to “make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit . . . .” 28 U.S.C. § 332(d).

Council meetings in the First Circuit are generally held twice a year. In 2017, there were two Judicial Council meetings. The spring Council meeting, held on May 2, 2017, was in Boston, Massachusetts. The fall session was held on October 18, 2017, in Rockport, Maine, during the First Circuit Judicial Conference. Many matters were decided by mail vote between meetings.

One task of the Judicial Council involves the consideration of complaints of judicial disability or misconduct. An explanation of the Council’s role in these matters and a summary of final actions taken by the Council during 2017 are provided at pages 98-99.

Another primary task of the Judicial Council is to review caseload statistics of individual courts and judges. The Council undertakes this task, in part, with a view towards providing additional help where assistance is required.

Other Judicial Council actions taken during 2017 included: review of the federal judiciary’s budget; adoption of continued Circuit-wide cost containment measures; review of courthouse construction projects and expenditures; review of juror utilization, trials, and other court activity statistics; review of judicial vacancies; review of court security measures; review of privacy rules; and approval of bankruptcy judge assignments.

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**Members of the Judicial Council of the First Circuit**  
as of December 31, 2017

Honorable Jeffrey R. Howard, Chief Judge	Court of Appeals
Honorable Juan R. Torruella	Court of Appeals
Honorable Sandra L. Lynch	Court of Appeals
Honorable O. Rogeriee Thompson	Court of Appeals
Honorable William J. Kayatta, Jr.	Court of Appeals
Honorable David J. Barron	Court of Appeals
Honorable Jon D. Levy	District of Maine
Honorable Timothy S. Hillman	District of Massachusetts
Honorable Joseph N. Laplante	District of New Hampshire
Honorable Pedro A. Delgado-Hernández	District of Puerto Rico
Honorable John J. McConnell, Jr.	District of Rhode Island

**Observing Members**

Honorable Bruce J. McGiverin	District of Puerto Rico Magistrate Judge
Honorable Frank J. Bailey	District of Massachusetts Bankruptcy Judge



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**Court Unit Executives**  
as of December 31, 2017

**- FIRST CIRCUIT CLERKS OF COURT -**

Margaret Carter  
*Court of Appeals*

Christa K. Berry  
*District of Maine*

Robert Farrell  
*District of Massachusetts*

Daniel Lynch  
*District of New Hampshire*

Frances Ríos de Morán  
*District of Puerto Rico*

Hanorah E. Tyer-Witek  
*District of Rhode Island*

**- FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT -**

Alec Leddy  
*District of Maine*

Mary P. Sharon  
*District of Massachusetts*

Bonnie L. McAlary  
*District of New Hampshire*

María de los Ángeles González  
*District of Puerto Rico*

Susan M. Thurston  
*District of Rhode Island*

**- FIRST CIRCUIT CHIEFS OF PROBATION AND PRETRIAL SERVICES -**

Karen-Lee Moody  
*District of Maine*

Christopher Maloney  
*District of Massachusetts*

Jonathan E. Hurtig  
*District of New Hampshire*

Eustaquio Babilonia  
*District of Puerto Rico*

John Marshall  
*District of Rhode Island*

**- FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS -**

David Beneman  
*District of Maine*

Miriam Conrad  
*Districts of Massachusetts, New Hampshire, and Rhode Island*

Eric Vos  
*District of Puerto Rico*

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## **Space and Facilities**

### ***Space Reduction Initiative***

In January 2014, the First Circuit Judicial Council approved a plan to pursue several space reduction measures to achieve the Circuit's target reduction of 26,255 usable square feet (USF) by the end of FY 2018. By the end of calendar year 2017, the Circuit had released 36,412 USF, with an additional 3,695 USF for release in process.

### ***Court of Appeals***

Construction concluded on a project to reduce the footprint of the Circuit's Headquarters Library in Boston by 6,100 USF. Occupancy was achieved in June.

A project to relocate the BAP from the McCormack Building in Boston to the Moakley Courthouse was completed in November. The project included restacking the existing Circuit Executive's Office space.

Several cyclical maintenance projects were completed in 2017, including repainting the Moakley Courthouse chambers corridors and the replacement of carpet in Judge Torruella's Old San Juan chambers.

Funding was also acquired to relocate courtroom audio equipment.

### ***District of Maine***

The District Court continued to work with the General Services Administration (GSA) on a number of heating, ventilation, and air conditioning (HVAC) issues in the Gignoux Courthouse.

A project to upgrade existing infrastructure in the bankruptcy courtroom in Portland was completed in the fall.

Steps were taken to renew the lease for the Probation and Pretrial Services Office in Portland beyond 2019.

### ***District of Massachusetts***

Designs for a secure interview room in the Probation and Pretrial Services Office in Boston and an enhanced urinalysis testing lab and additional interview room in Taunton were completed. Construction for these projects is expected to begin in winter 2018.

Relocation of the Probation and Pretrial Services Office's Lawrence facility to a new, smaller space was completed in May.

Design for modifications to Probation and Pretrial Services Office space in the Springfield Courthouse was completed this year with construction anticipated in late FY 2018.

### ***District of New Hampshire***

The District and Bankruptcy Courts agreed to co-locate operations in the Warren B. Rudman Courthouse in Concord. Construction was completed and occupancy was achieved in November.

### ***District of Puerto Rico***

In September, the island of Puerto Rico experienced a direct hit from Hurricane Maria. The courts worked quickly and diligently to reconstitute operations. Several repair projects were initiated to address damage.

A fifth magistrate judge was approved for the District Court, requiring design and construction of a new chamber. Design intent plans were developed and submitted for estimate.

GSA continued to upgrade the HVAC systems at the Clemente Ruiz-Nazario Courthouse. A new contract has been awarded to complete unfinished ARRA work. Construction is anticipated to continue through 2018.

GSA awarded a contract to complete HVAC upgrades at the Federico Degetau Federal

Building in fall 2016. Construction commenced in early 2017 and will likely continue through 2018.

Design of an enhanced screening station at the Hato Rey campus continued. Construction will likely begin in fall 2018.

Construction has begun on the reduction of the Probation Office in Hato Rey. Occupancy is anticipated in August 2018.

The process to procure a new lease agreement for the Federal Public Defender's Office in Hato Rey continued. Design commenced and occupancy is expected in late 2018.

### ***District of Rhode Island***

The District Court initiated design of a new space to house its IT department this year. Construction is expected to begin in spring 2018.

The District Court planned to upgrade the fiber to the Courthouse and Pastore building. This project was funded, and construction is anticipated in spring 2018.

Design intent plans were created for the modification of chambers space on the third floor of the Courthouse to better accommodate staff. Construction is anticipated in 2018.

Design for modifications to the ADR space in the Courtroom has been funded locally and construction is expected to start in fall 2018.

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### **Judicial Misconduct and Disability**

The Judicial Misconduct and Disability Act, codified as 28 U.S.C. § 351 et seq., authorizes “any person” to file a complaint alleging that a judge has engaged in “conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability . . . .” 28 U.S.C. § 351(a). See also Judicial Improvements Act of 2002, P.L. 107-273. After staff of the Circuit Executive’s Office receives a complaint, the Chief Circuit Judge reviews the complaint, in accordance with 28 U.S.C. § 352. The Chief Judge may then dismiss the complaint, conclude the proceeding for corrective action taken or intervening events, or, where necessary, appoint a special committee to further investigate the charges of judicial impropriety. See 28 U.S.C. §§ 352 and 353.

Both the complainant and the subject judge have the right to file a petition for Judicial Council review of a final order entered by the Chief Circuit Judge. See 28 U.S.C. § 352(c). Except where a special committee has been appointed, and in other limited circumstances, see 28 U.S.C. § 354, the orders issued by the Judicial Council are “final and conclusive.” 28 U.S.C. § 357(c).

In March 2008, pursuant to 28 U.S.C. §§ 331 and 358, the JCUS adopted the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct).

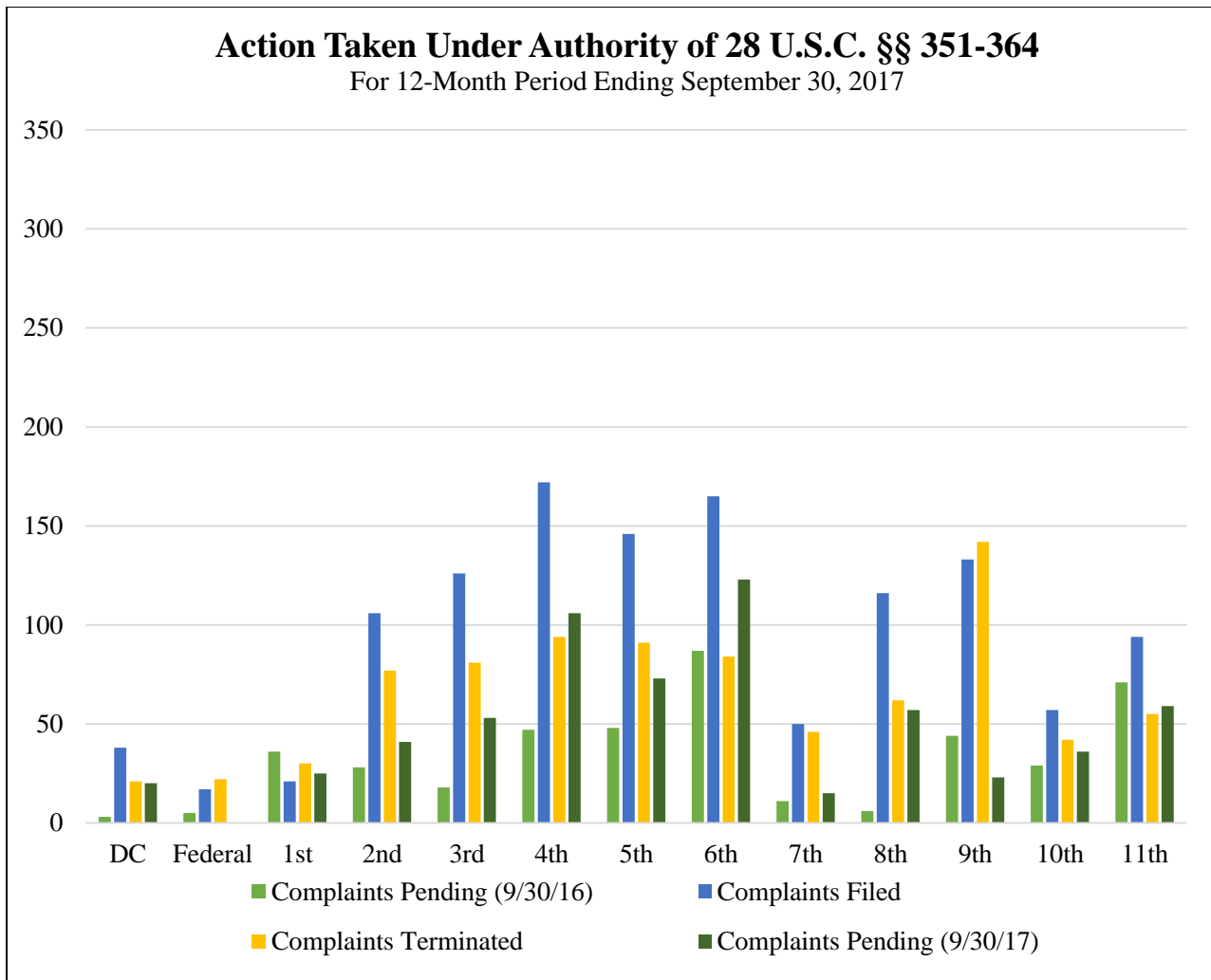
The adoption of uniform mandatory rules was intended to provide national standards and procedures for handling judicial misconduct and disability proceedings. The Rules of Judicial-Conduct were also intended to effectuate many of the recommendations included in the “Breyer Committee Report,” 239 F.R.D. 116 (Sept. 2006), which was issued in 2006 after a study, commissioned by Chief Justice Roberts, on the implementation of the Judicial Conduct and Disability Act of 1980. The JCUS amended the Rules of Judicial-Conduct in September 2015.

Pursuant to 28 U.S.C. § 352(d) and the Rules of Judicial-Conduct, the Chief Circuit Judge annually designates two (2) review panels to act for the Judicial Council on petitions for review. This amendment was adopted in response to a provision of the Judicial Improvements Act of 2002 that explicitly authorized the referral of petitions for review to “a panel of no fewer than 5 members of the council, at least 2 of whom shall be district judges.” 28 U.S.C. § 352(d). Any member of the review panel may vote to refer the petition to the full Judicial Council. While judicial misconduct proceedings are confidential, final written orders issued by the Chief Circuit Judge and Judicial Council are publicly available and are published on the First Circuit’s website. See 28 U.S.C. § 360.

<b>Summary of First Circuit Complaints of Judicial Misconduct or Disability, 2017*</b>	
Complaints Filed in 2017 (Calendar Year)	24
Orders of Dismissal Issued by Chief Judge	19
Petitions for Review Filed with Judicial Council	27
Orders of Dismissal Affirmed by Judicial Council	32
Show Cause Orders Issued	0
Preclusion Orders Issued	1
Total Number of Complainants in 2017 (Calendar Year)	13**

\* *This table includes actions taken on matters filed in 2016.*

\*\* *Three (3) complainants filed complaints against more than one judicial officer.*



Action Taken Under Authority of 28 U.S.C. §§ 351-364 For 12-Month Period Ending September 30, 2017													
Summary of Activity	Circuit												
	DC	Fed.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
<b>Complaints Pending* (9/30/16)</b>	3	5	36	28	18	47	48	87	11	6	44	29	71
<b>Complaints Filed</b>	38	17	21	106	126	172	146	165	50	116	133	57	94
<b>Complaints Terminated</b>	21	22	30	77	81	94	91	84	46	62	142	42	55
<b>Complaints Pending (9/30/17)</b>	20	0	25	41	53	106	73	123	15	57	23	36	59

\* Pending caseloads for 2016 as revised by the AO.

**Attorney Discipline**

During 2017, the Court of Appeals for the First Circuit handled 23 attorney disciplinary cases under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement). Seven (7) attorney discipline cases resulted in disbarment, 15 resulted in suspensions, and one (1) remained pending. Twenty-one (21) matters arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement, and the Court of Appeals initiated two (2) proceedings.



## **Work of the Federal Public Defender**

### **Report for the Federal Public Defender for the District of Maine**

In 2017, case openings returned to pre-Johnson levels. In 2016, the Office opened approximately 200 Johnson review cases, compared to eight (8) in 2017. The Office closed 143 district level cases, bringing its open and pending cases to the lowest levels since 2010. The Office closed six (6) appeals and had one (1) matter pending resolution at the Circuit.

New cases reflected the same offenses as in past years, although drug cases were below average and benefit fraud and sex cases (including child pornography) continue to rise. Drug abuse and mental health issues continue to be a factor in most cases.

The Office continued to operate at or below budget in all areas of its operation. The Office had a successful audit with no material findings in any area within its control. The Office continued to participate in a shared services agreement with other court entities in the procurement and employee benefits shared functions.

The Office opened 12 cases for new participants in SWiTCH drug court and closed five (5) cases of successful graduates of the program. The entire SWiTCH drug court team, led by Chief Judge Torresen, attended a two-day training workshop addressing best practices for drug courts and the newest empirical data on treatment programs.

Senior Legal Assistant Patricia Lane retired after 11 years of service with the Office, as well as several years of service with Judge Singal and the state courts. In April, the Office hired a new Senior Legal Assistant, Kayleigh Love. Administrative Officer Margaret Laughlin retired after 12 years of

service with the Office. In December, the Office hired Devon Richards as the new Administrative Officer. Richards previously worked for over 10 years at the District Court, including as the jury administrator for the past eight (8) years.

David Beneman was reappointed to a fourth term as Federal Public Defender for the District of Maine, beginning December 30, 2017.

David Beneman served on the national Federal Defender Performance Measurements Steering Committee, a national initiative in conjunction with the AO to develop a new staffing and budgeting model for Federal Defender offices.

David Beneman completed his service as the sole Federal Defender representative to the Judiciary Ad Hoc Study of Email and Collaboration Tools Replacement. The AO has accepted and is currently implementing the Study's recommendations.

David Beneman continued to serve on the District's CJA, Criminal Law, Local Rules, and District Conference Committees.

In conjunction with the Clerk's Office and Criminal Law Committee, the Office completed a major revision to the District's CJA Plan based on the CJA Model Plan, with customization for local practice. Related local rules changes were also adopted.

In May, the Office sponsored a criminal law training in conjunction with the District Court, the Probation and Pretrial Services Office, and the U.S. Attorney's Office, featuring speakers from the BOP, as well as presentations by Probation, the USMS, and judges.

**Report for the Federal Public Defender for the Districts of  
Massachusetts, New Hampshire, and Rhode Island**

The Office's caseload in FY 2017, compared to prior years, was as follows:

<b><u>Massachusetts</u></b>						
	<b>Cases Opened</b>				<b>Cases Closed</b>	<b>Cases Pending</b>
	<b>Total</b>	<b>Pros'ns</b>	<b>Appeals</b>	<b>Other</b>		
<b>FY 2012</b>	540	223	29	288	547	395
<b>FY 2013</b>	469	193	12	264	487	377
<b>FY 2014</b>	423	218	16	189	448	352
<b>FY 2015</b>	579	248	26	305	552	409
<b>FY 2016</b>	1,102	227	138	737	1,063	448
<b>FY 2017</b>	507	222	39	246	27	423

<b><u>New Hampshire</u></b>						
	<b>Cases Opened</b>				<b>Cases Closed</b>	<b>Cases Pending</b>
	<b>Total</b>	<b>Pros'ns</b>	<b>Appeals</b>	<b>Other</b>		
<b>FY 2012</b>	154	101	1	52	162	98
<b>FY 2013</b>	142	96	10	36	146	94
<b>FY 2014</b>	165	111	1	53	170	89
<b>FY 2015</b>	225	131	6	88	195	119
<b>FY 2016</b>	363	140	52	171	311	171
<b>FY 2017</b>	232	137	19	76	283	118

<b><u>Rhode Island</u></b>						
	<b>Cases Opened</b>				<b>Cases Closed</b>	<b>Cases Pending</b>
	<b>Total</b>	<b>Pros'ns</b>	<b>Appeals</b>	<b>Other</b>		
<b>FY 2012</b>	156	105	3	48	172	108
<b>FY 2013</b>	139	97	4	38	144	103
<b>FY 2014</b>	124	85	2	37	136	91
<b>FY 2015</b>	198	66	2	130	196	93
<b>FY 2016</b>	290	67	101	122	199	184
<b>FY 2017</b>	167	61	17	89	252	101

The reduced caseload from FY 2016 reflects the slowing of filings resulting from the Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015). Nonetheless, the Office continued to spend substantial time on Johnson litigation in FY 2017 on behalf of its clients and assisting CJA panel members.

New prosecutions declined slightly in all three (3) districts.

In 2017, the Office hired a new trial Assistant Federal Public Defender in Boston, Jamiel Allen.

**Report for the Federal Public Defender for the  
District of Puerto Rico**

***Hurricane Maria***

The impact of Hurricane Maria in September had a significant impact on the Office's staff and operations. The Office closed for three (3) weeks after the storm, while staff continued to face many personal challenges in the ensuing months as the island recovered.

Immediately after Hurricane Maria, the Federal Metropolitan Detention Center in Puerto Rico was forced to close, and the BOP transported approximately 1,200 pretrial detainees to federal detention centers in Florida, Mississippi, and Alabama. Most clients were housed in Yazoo City, Mississippi. The District Courts for the District of Puerto Rico and the Southern District of Mississippi entered into an agreement allowing the District of Mississippi to handle matters for transferred detainees housed in their jurisdiction. For a period of more than two (2) months, the Office sent attorneys to Mississippi to handle supervised release violations, detention hearings, and sentencing. The BOP began returning detainees to Puerto Rico in January 2018.

***Space and Facilities***

In October, the Office provided space to CJA panel attorneys who lost offices and power in the aftermath of Hurricane Maria. This allowed panel members to service clients locally and those housed in detention centers elsewhere. The Office also set up video teleconference space and equipment allowing private attorneys to meet with their clients on the mainland.

The Office continued to work with GSA on preparation for relocation to a larger space, with anticipated completion in December 2018.

***Case Management***

Despite the hurricane's impact, the Office's case openings increase 98.7%, from 1,369 in 2016 to 2,720 in 2017, as compared to an approximate 30% decrease nationally. Of the 2,720 new cases, 1,382 opened cases were unrelated to Johnson habeas matters, 278 cases were Johnson habeas petitions, and 1,060 of the matters were "Johnson reviews," where no habeas petition was ultimately filed.

***Educational Programs***

The Office hosted training programs on a number of topics, including: experts, funding for investigators, firearms, and habeas practice. The Office also sent trainers to several Defender Services Office (DSO) Training Division events as speakers and facilitators.

***Human Resources***

Two (2) attorneys participated in a temporary full-duty detail (TDY) at the USSC, DSO's Legal and Policy Division, and the House Judiciary Committee.

***Information Technology***

The Office continued servicing the U.S. Virgin Islands Federal Defender Office, a task which was complicated by the aftermath of Hurricanes Irma and Maria.