

United States Courts for the First Circuit



2021 Annual Report

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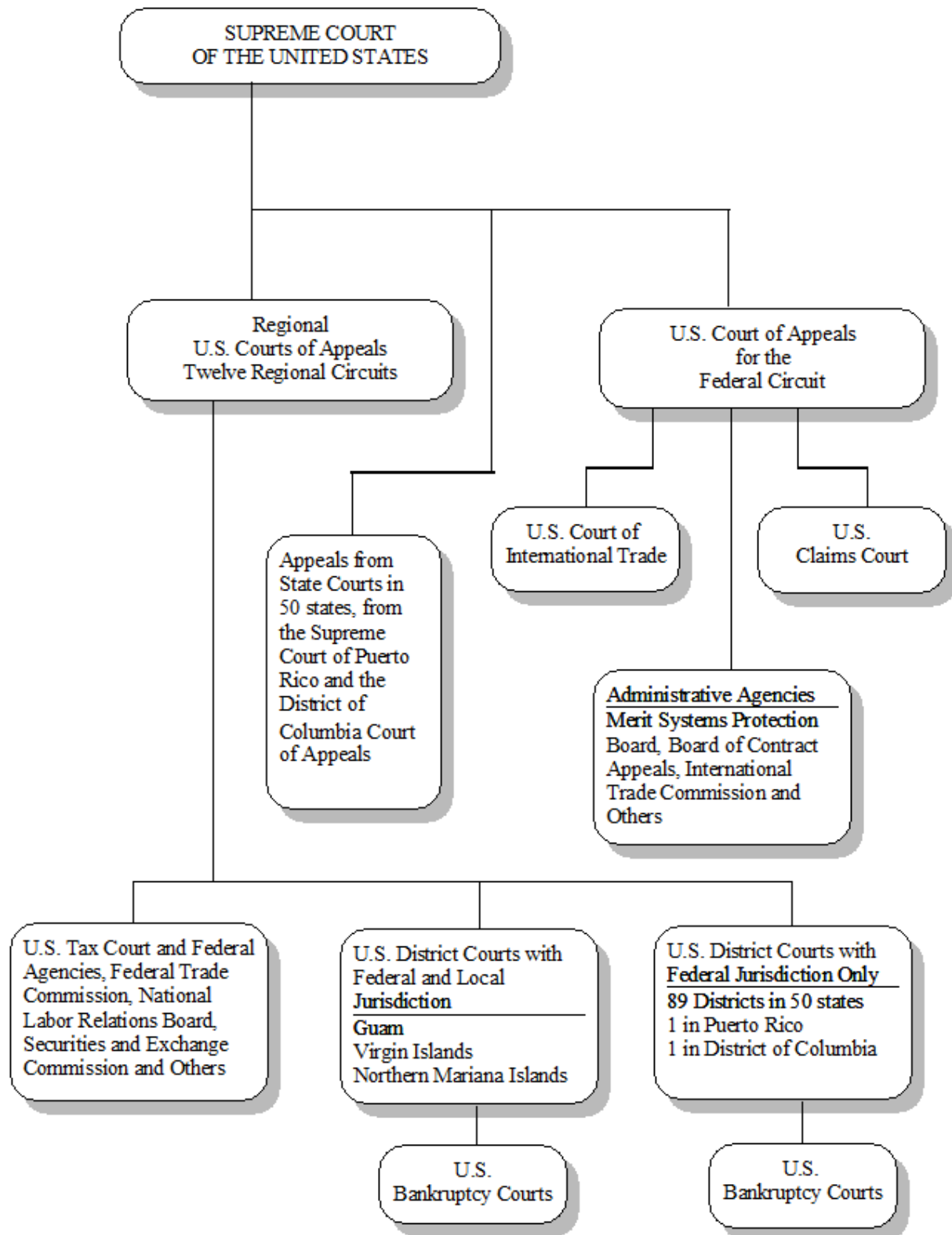
Foreword**Susan J. Goldberg**
Circuit Executive

This 2021 Annual Report of the Courts of the First Circuit illustrates the continued efficiency of the circuit's judges and court staff in judicial and administrative work, even in light of the continuing challenges presented by the global pandemic. I commend the ongoing commitment to maintaining the high standards of the branch and the courts of the circuit by all judges and staff.

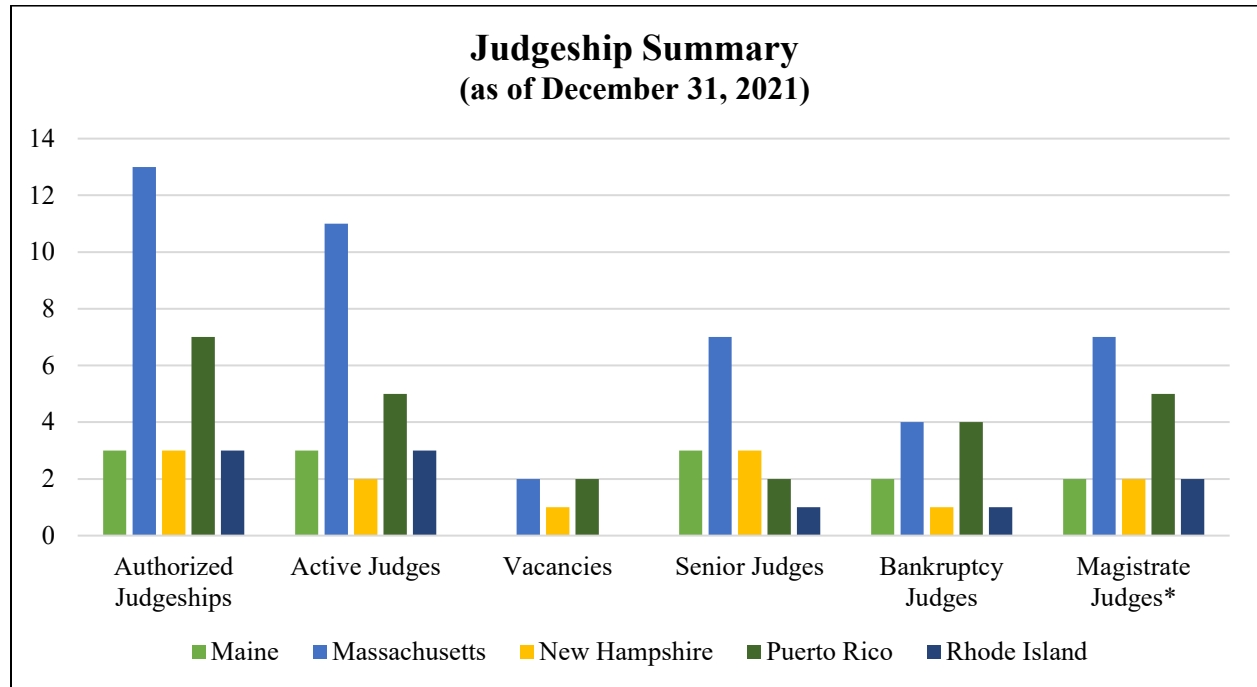
Sincere thanks to the unit executives circuit-wide who provided the information in this Report. Special thanks to those who assembled the material including, from the Office of the Circuit Executive: Amy Campbell, Sierra Dennison, Jessica Pace, Florence Pagano, Gina Riccio, and Kristen Vogl.

Thank you for your interest in the First Circuit.

Structure of the Federal Judiciary



Judges and Judicial Milestones



Judgeship Summary (as of December 31, 2021)						
Districts	Authorized Judgeships	Active Judges	Vacancies	Senior Judges	Bankruptcy Judges	Magistrate Judges*
Maine	3	3	0	3	2	2
Massachusetts	13	11	2	7	4	7
New Hampshire	3	3	0	3	1	2**
Puerto Rico	7	5	2	2	3	5
Rhode Island	3	3	0	1	1	2
Total Dist. Ct.	29	25	4	16	11	18
Total Court of Appeals	6	6	0	3	-	-
Total 1st Cir.	35	31	4	19	11	18

* Does not include recalled judges.

** Includes one part-time magistrate judge.

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Honorable Jeffrey R. Howard, Chief

Honorable Bruce M. Selya
Honorable Norman H. Stahl
Honorable Sandra L. Lynch
Honorable Kermit V. Lipez

Honorable O. Rogeriee Thompson
Honorable William J. Kayatta, Jr.
Honorable David J. Barron
Honorable Gustavo A. Gelpí

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Honorable Jon D. Levy, Chief
Honorable Nancy Torresen
Honorable Lance E. Walker

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

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MAINE

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

**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)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Honorable F. Dennis Saylor, IV, Chief	Honorable Allison D. Burroughs
Honorable Nathaniel M. Gorton	Honorable Angel Kelley
Honorable Richard G. Stearns	Honorable Rya W. Zobel
Honorable Patti B. Saris	Honorable William G. Young
Honorable Denise J. Casper	Honorable Mark L. Wolf
Honorable Timothy S. Hillman	Honorable Douglas P. Woodlock
Honorable Indira Talwani	Honorable Edward F. Harrington
Honorable Mark G. Mastroianni	Honorable Michael A. Ponsor
Honorable Leo T. Sorokin	Honorable George A. O'Toole, Jr.

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS

Honorable Christopher J. Panos, Chief	Honorable Elizabeth D. Katz
Honorable Frank J. Bailey	Honorable Janet Bostwick

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

Honorable M. Page Kelley, Chief	Honorable Katherine Robertson
Honorable Marianne B. Bowler	Honorable Donald L. Cabell
Honorable Judith G. Dein	Honorable Robert B. Collings (recalled)
Honorable Jennifer C. Boal	Honorable Kenneth P. Neiman (recalled)
Honorable David H. Hennessy	Honorable Jerome J. Niedermeier (recalled)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

Honorable Landya B. McCafferty, Chief Honorable Joseph A. DiClerico, Jr.
Honorable Joseph N. Laplante Honorable Paul J. Barbadoro
Honorable Samantha D. Elliott Honorable Steven J. McAuliffe

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW HAMPSHIRE

Honorable Bruce A. Harwood, Chief

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

Honorable Andrea K. Johnstone
Honorable Daniel Lynch

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Honorable Raúl Arias-Marxuach, Chief Honorable Silvia Carreño-Coll
Honorable Aida M. Delgado-Colón Honorable Daniel R. Domínguez
Honorable Francisco A. Besosa Honorable Jay A. García-Gregory
Honorable Pedro A. Delgado-Hernández

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

Honorable Mildred Cabán, Chief Honorable Edward A. Godoy
Honorable Enrique S. Lamoutte

**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 Marshal D. Morgan
Honorable Giselle López Soler

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

Honorable John J. McConnell, Jr., Chief
Honorable William E. Smith
Honorable Mary McElroy
Honorable Mary M. Lisi

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF RHODE ISLAND

Honorable Diane Finkle

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

Honorable Lincoln D. Almond
Honorable Patricia A. Sullivan

Judicial Milestones and Other Highlights

Court of Appeals

On October 19, 2021, Judge Gelpí was sworn in as a circuit judge for the U.S. Court of Appeals for the First Circuit.

On December 15, 2021, Judge Boudin retired.

Bankruptcy Appellate Panel

Judge Lamoutte of the U.S. Bankruptcy Court for the District of Puerto Rico was commemorated for 25 years of service.

In 2021, Judge Hoffman of the U.S. Bankruptcy Court for the District of Massachusetts retired.

District of Maine

On November 20, 2021, Judge Gene Carter passed away, after decades of distinguished judicial service to the people of Maine.

Chief Judge Levy administered and oversaw the District's response to the Covid-19 pandemic and served on the District Court Pandemic Team, the Federal Judges Association Board and Pay and Benefits Committee, and the Maine State/Federal Judicial Council. He also presented training to the evidence/trial practice class at the University of Maine School of Law, delivered training to new judges appointed to the State of Maine Judiciary, and hosted multiple talks and participated in a number of town-hall sessions with the federal bar in Maine and Court staff.

Judge Torresen chaired the District of Maine Court Security Committee and served on the First Circuit Judicial Council Workplace Conduct Committee.

Judge Walker chaired the District's Criminal Law Committee and POWER Act Committee and was a member of the First Circuit Judicial Council and the Judicial Conference of the United States (JCUS) Committee on Financial Disclosure. In September 2021, he hosted the District's annual POWER Act event.

Judge Hornby authored an article for the Green Bag, "*A Mysterious Disappearance: What Happened to a 'Final Oil Painting' Depicting the First African American Lawyer?*" He was also an emeritus member of the Council of the American Law Institute and a member of the Maine State/Federal Judicial Council.

Judge Singal served on the United States Foreign Intelligence Surveillance Committee and was a member of the Maine State/Federal Judicial Council.

Judge Woodcock served on the Administrative Office of the U.S. Court's (AO) Committee on Space and Facilities, the University of Maine School of Law Board of Visitors, and the Maine State/Federal Judicial Council (Executive Committee Member). He sat by designation in the U.S. Court of Appeals for the First Circuit in May and October 2021.

Magistrate Judge Rich served on the Maine Justice Action Group (JAG) (Vice-Chair), JAG's standing Pro Bono Committee (Co-Chair), and the District's standing Local Rules Advisory Committee (Judicial Liaison).

Magistrate Judge Nivison served on the District's Criminal Law Committee and the District Court Operations Advisory Committee, and chaired a working group on pro se litigants' access to the courts. He also served on the faculty of Thomas College in Waterville.

Magistrate Judge Cohen was recalled for an additional year.

District of Massachusetts

Judge Gorton served on the Judicial Panel on Multidistrict Litigation.

Judge Casper received the Haskell Cohn Award for Distinguished Judicial Service from the Boston Bar Association (BBA) in 2021.

Judge Hillman served on the First Circuit Judicial Council IT Committee.

Judge Talwani served on the JCUS Committee on Criminal Law and the First Circuit Judicial Council.

Judge Mastroianni served on the JCUS Committee on the Administration of the Magistrate Judges System.

Judge Sorokin served on the JCUS Committee on Court Administration and Case Management.

Judge Burroughs served on the JCUS Committee on Information Technology.

On September 15, 2021, Judge Kelley was sworn in as a district judge for the District of Massachusetts.

Judge Zobel was recognized by the U.S. Citizenship and Immigration Services as an Outstanding American by Choice.

Judge Young was conferred the Order of the Rising Sun by the government of Japan for his work with Japanese judges on sabbatical in the Boston area. He assumed senior status on July 1, 2021.

Judge O'Toole served on the JCUS Committee on Judicial Security.

Magistrate Judge Boal served on the Civil Rules Advisory Committee.

District of New Hampshire

Chief Judge McCafferty received the Gender Equality Committee's Philip S. Hollman Award at the New Hampshire Bar Association's Virtual Midyear Meeting in February 2021. Additionally, she continued to oversee the District's educational outreach program with an emphasis on reaching more rural areas of the state and virtually visited Hopkinton High School and White Mountain Regional High School. She also served on the JCUS Committee on Defender Services and the First Circuit Judicial Council Workplace Conduct Committee and chaired the Facility Security Committee.

Judge Laplante served on the JCUS Court Administration and Case Management Committee, the First Circuit Judicial Council, the First Circuit Information Technology Committee, and the New Hampshire Bar Association's Committee on Cooperation with the Courts, and co-chaired the New Hampshire Supreme Court Access to Justice Commission. He also taught statutory interpretation at Boston College Law School, Georgetown Law School, and University of New Hampshire Franklin Pierce School of Law. Judge Laplante visited the eighth-grade class at Timberlane Regional Middle School for an educational outreach program on jury service.

On December 22, 2021, Judge Elliott was sworn in as a district judge for the District of New Hampshire.

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

On March 1, 2021, Judge Barbadoro transitioned to senior status.

Magistrate Judge Johnstone continued to serve on the New Hampshire Bar Association's Committee on Cooperation with the Courts and the Daniel Webster-Batchelder Inn of Court. She also co-hosted the 2021 POWER Act event, "Legal Advocacy Fosters Victim Safety and Financial Self-Sufficiency," which explored the wide-ranging needs of survivors of domestic violence and encouraged attorneys to provide pro bono representation.

Clerk of Court/Magistrate Judge Lynch served on the District Clerks Advisory Group, the Operational Impact of the Federal Rule Amendments Working Group, the New Hampshire Committee on the Judiciary and the Media, and the New Hampshire Bar Association's Committee on Cooperation with the Courts.

District of Puerto Rico

Chief Judge Arias-Marxuach was sworn in as Chief Judge for the District of Puerto Rico, in October 2021, when Judge Gelpí was elevated to the U.S. Court of Appeals for the First Circuit. Chief Judge Arias-Marxuach served on the First Circuit Judicial Council in 2021.

Judge Delgado-Colón served as a member of the First Circuit Judicial Council Workplace Conduct Committee.

Judge Delgado-Hernández was a member of the JCUS Committee on the Administration of Bankruptcy Systems.

On January 8, 2021, Judge Giselle Lopez-Soler was sworn in as magistrate judge for the District of Puerto Rico.

On February 28, 2021, Judge Cerezo retired after 40 years on the bench. Judge Cerezo was the first Hispanic woman appointed to the federal bench and the first female chief judge of the District of Puerto Rico.

District of Rhode Island

Chief Judge McConnell continued to serve on the JCUS Codes of Conduct Committee and the First Circuit Workplace Conduct Committee. He completed his service on the First Circuit Judicial Council in 2021.

Judge Smith continued to serve on the JCUS Judicial Resources Committee. Judge Smith also served as faculty and mentor for new judges and on other programs for the Federal Judicial Center (FJC), and taught at Roger Williams University School of Law and chaired its Board of Directors.

Judge McElroy began to serve on the First Circuit Judicial Council.

Bankruptcy Court for the District of Maine

In 2021, Chief Judge Cary served on the following committees: First Circuit Judicial Council Workplace Conduct Committee; National Conference of Bankruptcy Judges (NCBJ) Endowment Committee and Committee on the Annual Meeting; and State-Federal Judicial Council Executive Committee. Chief Judge Cary presented at programs sponsored by the American Bankruptcy Institute (ABI), the Maine State Bar Association, and the Massachusetts Bar Association. In addition, Chief Judge Cary was an organizer and presenter at the FJC Onward and Upward Bankruptcy

Conversations and at the first National Bankruptcy Appellate Panel (BAP) Seminar and presented on workplace conduct at the District of Maine Law Clerk Orientation program. He compiled a BAP Information Guide and hosted a related virtual seminar for approximately 75 bankruptcy judges and staff across the country. Chief Judge Cary also hosted an in-court presentation for students from the Greenheart High School International Exchange Program.

Judge Fagone served on the following committees: JCUS Committee on Federal State Jurisdiction; the First Circuit Judicial Council Information Technology Committee; ABI's Board of Directors and Executive Committee; and John Waldo Ballou Inn of Court Planning Committee. Judge Fagone presented at four continuing education programs and hosted a group of students from Husson University.

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

Judge Melvin S. Hoffman retired effective June 30, 2021, Judge William C. Hillman (retired) passed away in May 2021, and Judge Robert Somma (retired) passed away in September 2021.

In 2021, Chief Judge Christopher J. Panos served as Co-Chair of the Local Rules Advisory Committee and the Diversity Initiative Task Force, and as a member of the M. Ellen Carpenter Financial Literacy Program, a collaboration between the BBA and the Bankruptcy Court. Chief Judge Panos was also a member of the American College of Bankruptcy Judicial Outreach Committee, the Massachusetts Bar Association Complex Commercial Litigation Section Council, and the Bankruptcy Court's Technology Committee. He also served as a planning committee member and as the Boston Judicial

Chair on the JCUS Bankruptcy Committee Diversity Working Group's "Pathways to the Bench" program. In 2021, Chief Judge Panos was the Bankruptcy Court non-voting representative on the District of Massachusetts Technology and Budget Committees and was a member of the District of Massachusetts Central Division Courthouse Security Committee and Bench Bar Program Planning Committee.

Judge Frank J. Bailey served as Chair to the NCBJ Online Bankruptcy Learning Committee and served alongside Chief Judge Panos as Co-Chair of the Local Advisory Committee and of the Diversity Initiative Task Force. Judge Bailey served many roles in the American Bar Association (ABA), such as, Co-Chair of the Business Law Section's Committee on Bankruptcy Appeals, Judicial Member at Large for the ABA Board of Governors, Co-Chair for the Judicial Division's Committee on the Diversity of the American Judiciary, member of the Minority Student Judicial Clerkship Program, and Board Liaison to the National Conference of Federal Trial Judges. In 2021, Judge Bailey was also a member of the OSCAR Working Group Committee for the JCUS, the NCBJ Finance Committee, and the Massachusetts Bar Association Business Law Section's Executive Committee.

Judge Melvin S. Hoffman served as Co-Chair of the Local Rules Advisory Committee, as a member of the Bankruptcy Court's Automation Committee and the JCUS Advisory Committee on Bankruptcy Rules, and as Associate Editor for the American Bankruptcy Law Journal.

Judge Elizabeth D. Katz served as Co-Chair of the Court's Pro Bono Committee, Chair of the Building Security Committee at the Springfield Courthouse, and as a member of the NCBJ Public Outreach Committee.

Judge Janet E. Bostwick served as Co-Chair of the Court's Local Rules Advisory and Pro Bono Committees. Judge Bostwick also served as a member of the Court's Technology Committee. Additionally, she served as a member of the NCBJ New Member, Member Services, and Next Gen Committees. She also served as Chair for the Pro Bono Committee of the American College of Bankruptcy Foundation and as Director of the American College of Bankruptcy Foundation. Further, Judge Bostwick served as the ABA Co-Chair for the Business Bankruptcy Committee's Subcommittee on Administration and Courts, under the Business Law Section.

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

Chief Judge Harwood continued his term as Secretary of the ABI, serving on its Board of Directors and its Executive Committee. He also spoke on several panels at the ABI's Annual Spring Meeting in April and at its Winter Leadership Conference in December. Chief Judge Harwood continued to serve as an observer member of the First Circuit Judicial Council.

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

Chief Judge Mildred Cabán was appointed to the Board of the FJC, continued to serve on the FJC Education Committee for Bankruptcy Judges, and attended an FJC virtual training in coaching. Chief Judge Cabán helped plan two FJC National Bankruptcy Judges Workshops and moderated a panel at one such program. She served as the First Circuit Governor for the NCBJ, chaired the NCBJ Security Committee, and served as the liaison for the Hispanic National Bar Association and the NCBJ. Chief Judge Cabán also served on the Federal Bar Examination Committee for the District of Puerto Rico. Chief Judge

Cabán created a new quarterly program for the local bar, called "brown bag lunches," at which speakers present on various bankruptcy topics for the local bar. She was also a volunteer coordinator and a member of the Advisory Board for Credit Abuse Resistance Education (C.A.R.E.).

Judge Lamoutte served on the Federal Bar Examination Committee for the District of Puerto Rico. He also participated in the Seventh Bankruptcy Symposium, at which he participated in the chapter 13 case law update panel. Judge Lamoutte also participated in the Bankruptcy Symposium sponsored by the University of Puerto Rico School of Law Trust.

Judge Godoy served as a member of the First Circuit Judicial Council's Information Technology Committee. Judge Godoy served as Co-Chair of the Planning Committee for the NCBJ Schwartz Roundtable. He also taught virtually at the ABI's Northeast Bankruptcy Conference & Consumer Forum and participated virtually in a roundtable at the XVII Congress of the "Instituto Iberoamericano de Derecho Concursal." Additionally, Judge Godoy served as a moderator in the 95th Annual Conference of the NCBJ.

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

In 2021, Judge Finkle served as a member of the NCBJ and on its Ethics Advisory Committee. Judge Finkle was also a member of the AO's Bankruptcy Judges Advisory Group and the judicial chair of the ABI's Advisory Board for the ABI 2021 Annual Northeast Bankruptcy Conference, which she attended. Judge Finkle also continued her service on the First Circuit BAP.

Work of the Courts

Court of Appeals

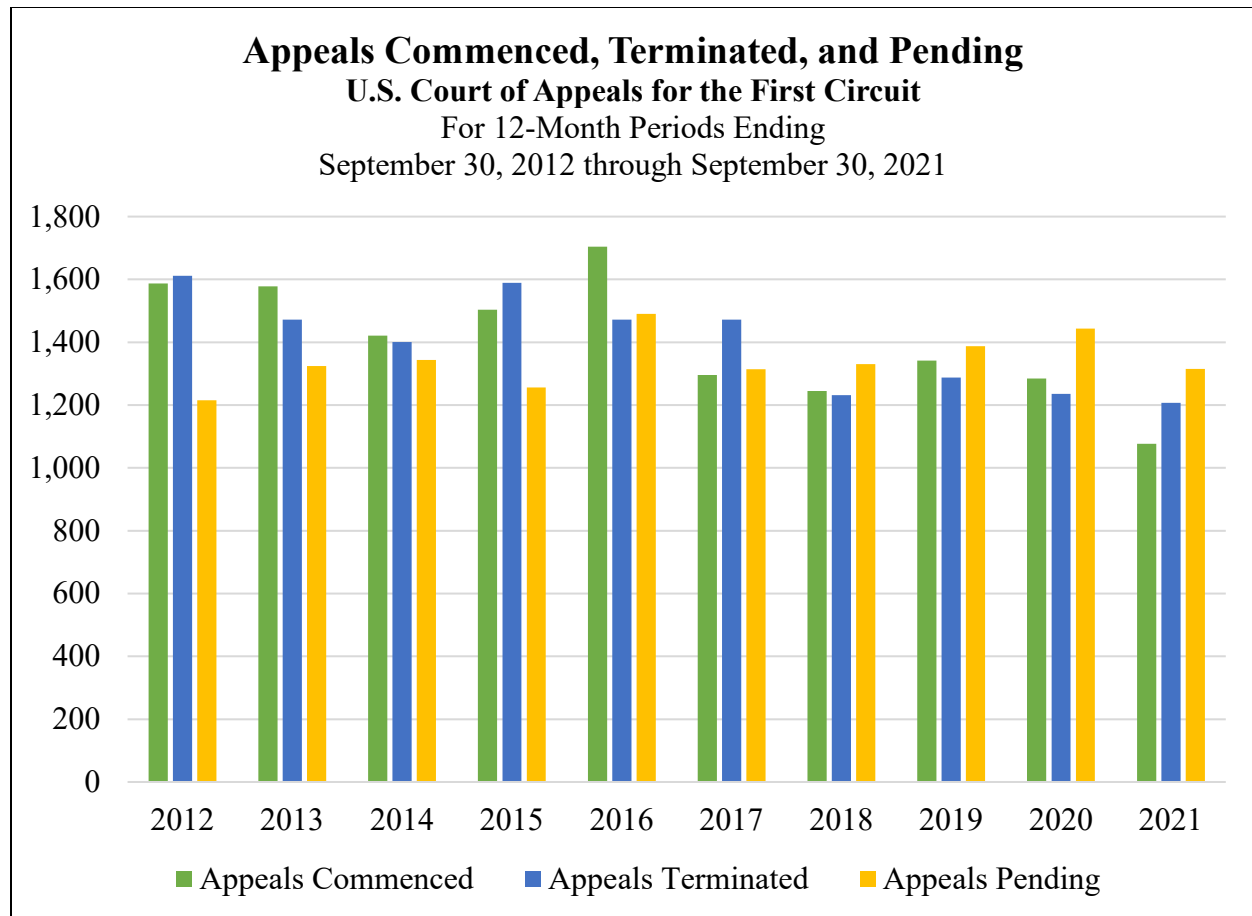
Statistical Report

Courts of Appeals Caseload Summary									
Appeals Commenced, Terminated, and Pending, by Circuit									
For 12-Month Periods Ending September 30, 2020 and September 30, 2021									
Circuit	<u>Commenced</u>			<u>Terminated</u>			<u>Pending*</u>		
	2020	2021	% Change	2020	2021	% Change	2020	2021	% Change
Total	48,190	44,546	-7.6%	48,300	47,748	-1.1%	38,754	35,552	-8.3%
D.C.	1,118	878	-21.5%	972	1,022	5.1%	1,246	1,102	-11.6%
First	1,284	1,077	-16.1%	1,236	1,207	-2.3%	1,445	1,315	-9.0%
Second	4,698	4,079	-13.2%	4,496	4,585	2.0%	4,315	3,809	-11.7%
Third	2,877	2,630	-8.6%	3,574	2,701	-24.4%	2,107	2,036	-3.4%
Fourth	4,680	4,226	-9.7%	4,200	4,259	1.4%	3,209	3,176	-1.0%
Fifth	6,401	6,427	0.4%	6,154	6,754	9.7%	4,880	4,553	-6.7%
Sixth	4,306	3,866	-10.2%	4,347	4,028	-7.3%	2,714	2,552	-6.0%
Seventh	2,609	2,524	-3.3%	2,525	2,622	3.8%	1,796	1,698	-5.5%
Eighth	2,766	2,942	6.4%	2,998	3,129	4.4%	1,536	1,349	-12.2%
Ninth	10,400	9,487	-8.8%	10,504	10,872	3.5%	11,165	9,780	-12.4%
Tenth	1,737	1,599	-7.9%	1,794	1,697	-5.4%	1,194	1,096	-8.2%
Eleventh	5,314	4,811	-9.5%	5,500	4,872	-11.4%	3,147	3,086	-1.9%

* Pending caseloads for 2020 as revised by the AO.

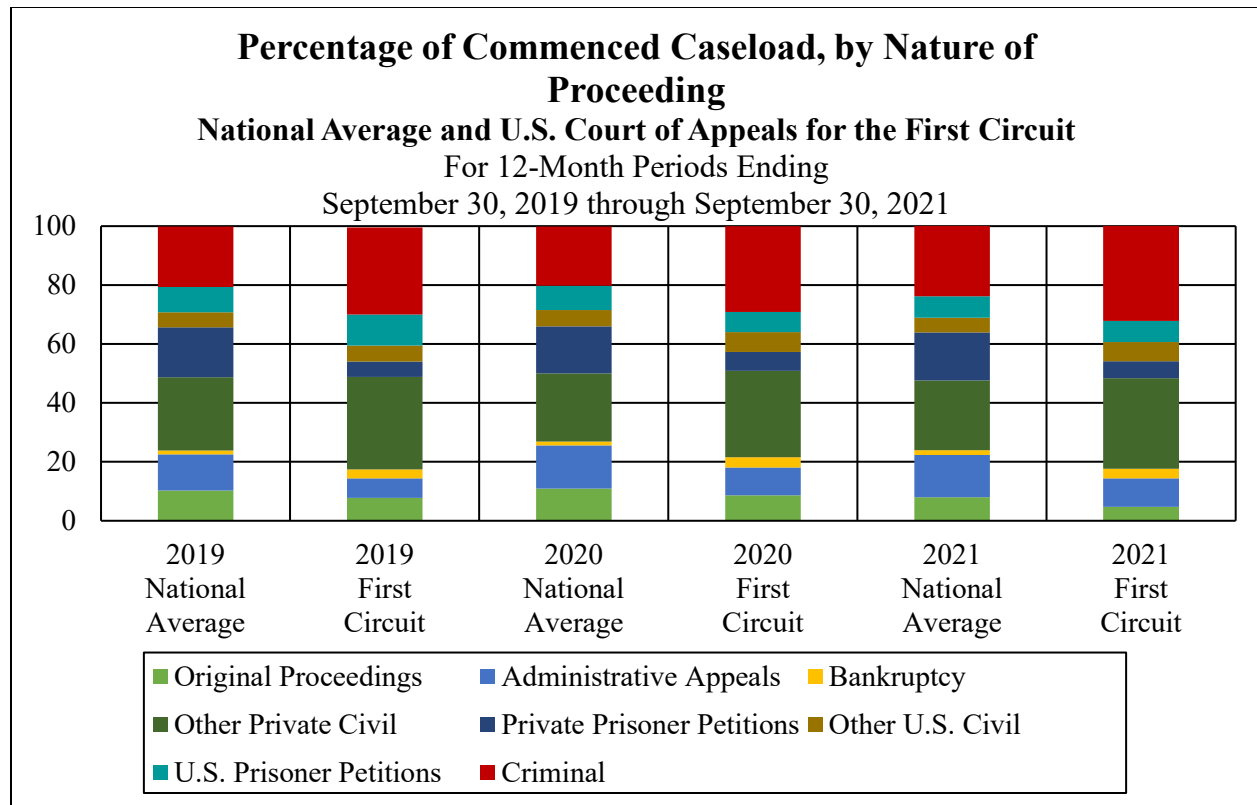
Source of Appeals and Original Proceedings U.S. Court of Appeals for the First Circuit For 12-Month Periods Ending September 30, 2014 through September 30, 2021								
Source	2014	2015	2016	2017	2018	2019	2020	2021
First Circuit Totals*	1,421	1,504	1,704	1,296	1,245	1,342	1,284	1,077
Maine	113	206	117	116	102	103	97	113
Massachusetts	418	506	499	377	464	486	448	341
New Hampshire	74	74	86	90	82	78	67	61
Puerto Rico	425	399	461	372	284	376	329	295
Rhode Island	94	61	45	87	71	66	65	78
Bankruptcy	29	34	28	33	39	40	45	34
U.S. Tax Court	4	3	4	2	3	0	1	0
National Labor Relations Board	5	11	8	6	3	3	8	5
Board of Immigration Appeals	144	113	83	68	84	76	106	93
Administrative Agencies (Total)	161	139	105	88	100	88	122	104
Original Proceedings	107	85	363	133	103	105	111	51

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



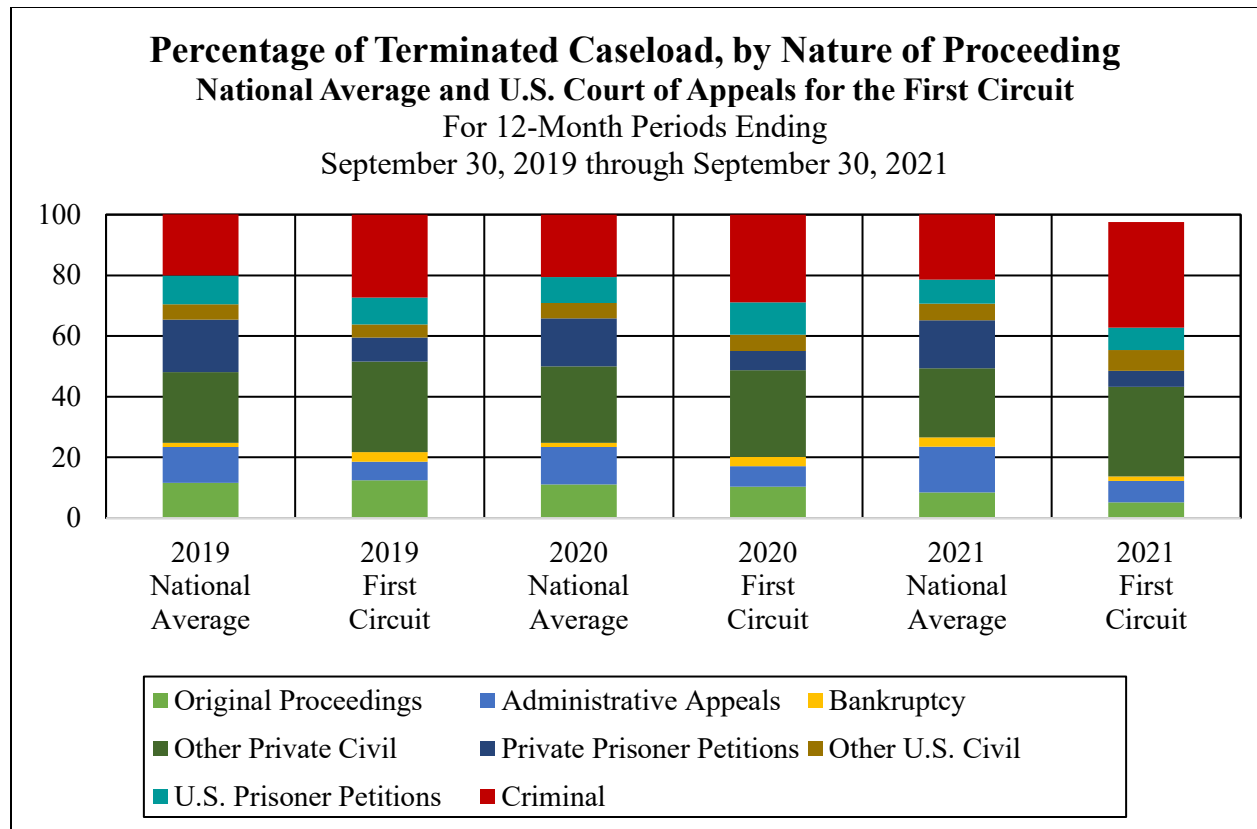
Appeals Commenced, Terminated, and Pending U.S. Court of Appeals for the First Circuit For 12-Month Periods Ending September 30, 2012 through September 30, 2021										
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Appeals Commenced	1,587	1,578	1,421	1,504	1,704	1,296	1,245	1,342	1,284	1,077
Appeals Terminated	1,612	1,472	1,401	1,589	1,472	1,472	1,232	1,288	1,236	1,207
Appeals Pending*	1,215	1,324	1,343	1,256	1,490	1,317	1,330	1,387	1,445	1,315

*Pending caseloads for 2012 - 2020 as revised by the AO.



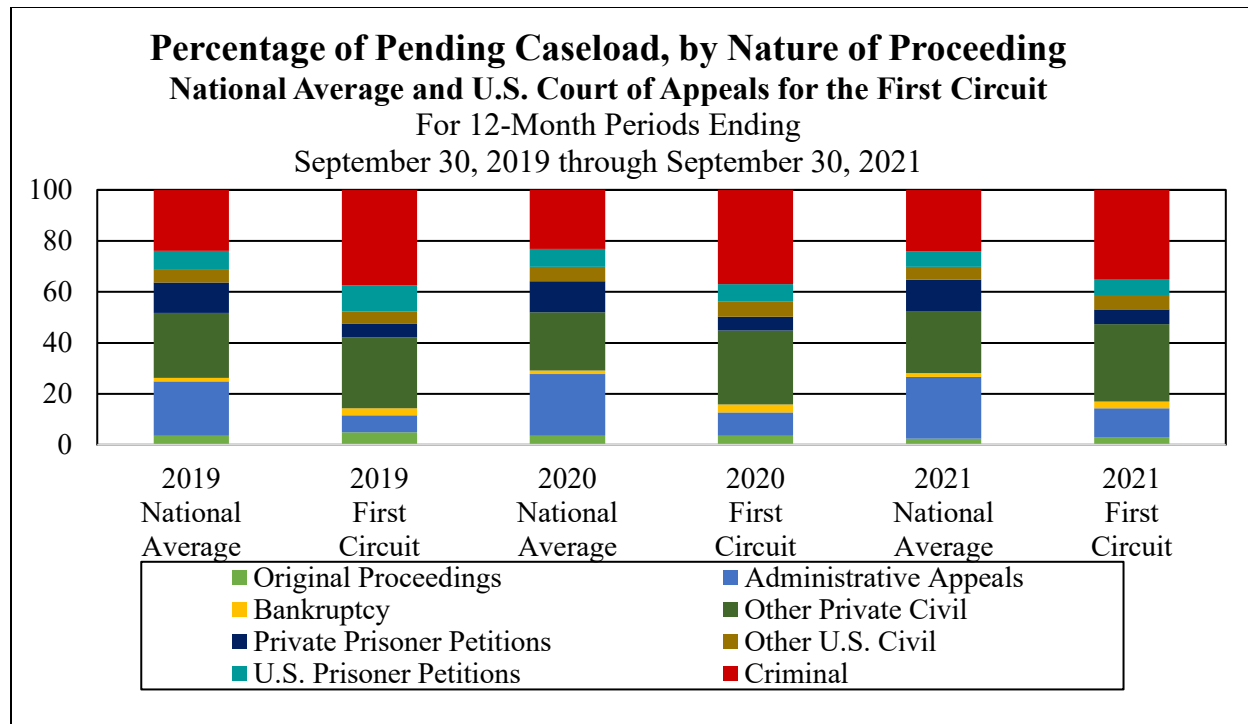
Percentage of Commenced Caseload, by Nature of Proceeding
National Average and U.S. Court of Appeals for the First Circuit
For 12-Month Periods Ending September 30, 2019 through September 30, 2021

	2019		2020		2021	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
Criminal	20.6	29.5	20.1	29.1	23.9	32.3
U.S. Prisoner Petitions	8.5	10.5	8.3	6.9	7.3	7.1
Other U.S. Civil	5.1	5.5	5.5	6.7	5.0	6.6
Private Prisoner Petitions	17.0	5.2	16.0	6.4	16.3	5.7
Other Private Civil	24.9	31.4	23.1	29.3	23.7	30.8
Bankruptcy	1.3	3.0	1.3	3.5	1.6	3.2
Administrative Appeals	12.2	6.6	14.7	9.5	14.3	9.7
Original Proceedings and Miscellaneous Applications	10.3	7.8	10.9	8.6	8.0	4.7



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, 2019 through September 30, 2021

	2019		2020		2021	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
Criminal	20.1	27.3	20.6	28.9	23.2	34.8
U.S. Prisoner Petitions	9.5	8.9	8.5	10.7	7.9	7.4
Other U.S. Civil	5.1	4.3	5.1	5.3	5.5	6.9
Private Prisoner Petitions	17.3	7.9	15.8	6.4	15.8	5.3
Other Private Civil	23.3	29.9	25.2	28.5	22.8	29.5
Bankruptcy	1.4	3.1	1.4	3.1	1.4	3.8
Administrative Appeals	11.8	6.1	12.3	6.7	15.0	7.1
Original Proceedings and Miscellaneous Applications	11.6	12.5	11.1	10.4	8.5	5.2



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, 2019 through September 30, 2021

	2019		2020		2021	
	National Average	First Circuit	National Average	First Circuit	National Average	First Circuit
Criminal	23.9	37.3	23.2	36.9	24.0	34.8
U.S. Prisoner Petitions	7.2	10.2	7.1	6.8	6.2	6.7
Other U.S. Civil	5.2	4.8	5.6	5.9	5.0	5.3
Private Prisoner Petitions	12.0	5.4	12.2	5.5	12.5	5.8
Other Private Civil	25.4	27.9	22.9	29.0	24.1	30.3
Bankruptcy	1.4	2.7	1.3	3.1	1.5	2.6
Administrative Appeals	21.3	6.7	24.3	9.1	24.3	11.4
Original Proceedings and Miscellaneous Applications	3.6	4.9	3.5	3.6	2.4	3.0

*Pending caseloads for 2019 and 2020 as revised by the AO.

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, 2021 (From Filing of Notice of Appeal to Final Disposition)		
Circuit	No. of Cases	Interval
National Average	28,485	9.9
D.C.	472	11.3
First	828	13.8
Second	2,363	14.5
Third	1,680	8.6
Fourth	2,801	7.8
Fifth	3,645	10.4
Sixth	2,661	7.8
Seventh	1,405	9.0
Eighth	2,398	4.3
Ninth	6,344	13.1
Tenth	1,092	10.2
Eleventh	2,796	8.6

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, 2017 through September 30, 2021						
		2017	2018	2019	2020	2021
After Oral Hearing	1st Cir.	25.5%	24.5%	20.3%	22.4%	30.0%
	Nat'l	18.7%	18.7%	18.9%	17.7%	20.1%
After Submission	1st Cir.	68.2%	69.1%	74.0%	72.2%	61.2%
	Nat'l	74.7%	74.6%	73.8%	74.0%	73.0%
By Consolidation	1st Cir.	6.3%	6.4%	5.7%	5.4%	8.8%
	Nat'l	6.6%	6.7%	7.3%	8.3%	6.9%

Clerk's Office

Statistics

In Fiscal Year (FY) 2021, the Court of Appeals reported 1,077 filings, compared with 1,284 filings in FY 2020, a 16.1% decrease in filings. Case terminations decreased by 2.3%, from 1,236 in FY 2020 to 1,207 in FY 2021. During the same period, pending cases decreased by 9.0%, from 1,445 in FY 2020 to 1,315 in FY 2021. See supra p. 13.

For this time period, the largest sources of appeals were the Districts of Massachusetts (341) and Puerto Rico (295). The number of appeals from the Districts of Maine, Rhode Island, and New Hampshire were 113, 78, and 61, respectively. There were 104 appeals from administrative agencies, most of which were from the Board of Immigration Appeals (93). The remaining cases were original proceedings and miscellaneous applications (51) and bankruptcy appeals (34). See supra p. 14.

In FY 2021, civil cases (including prisoner petitions) represented 50.2% of the appeals commenced in the First Circuit, and criminal appeals represented 32.3% of appeals commenced. The remaining 17.6% consisted of agency appeals, bankruptcy appeals, original proceedings, and miscellaneous applications. See supra p. 16.

Clerk's Office Staff

In 2021, Administrative Attorney Amy Lederer retired after 17 years of dedicated service to the Court.

CJA Panel

In April 2021, the Court of Appeals began accepting applications from counsel to serve on the court's Criminal Justice Act (CJA)

Panel, including both new applications and reapplications. To be considered for membership on the Court's CJA Panel, an attorney must: be a member of the bar of the court in good standing; have a demonstrated knowledge of, and experience with, federal criminal law and appellate procedure; have a commitment to indigent criminal defense; and be willing to accept at least one CJA appellate appointment each year.

In September 2021, 73 attorneys were appointed to the Court's CJA Panel, including 31 new panel members and 42 members with renewed terms.

Highly Sensitive Documents

On February 9, 2021, the Court of Appeals issued an order implementing new procedures for the filing of highly sensitive documents (HSDs). The new security procedures protect any HSDs filed with the Court that, if improperly disclosed, could cause harm to the United States, the federal judiciary, litigants, or others. Examples of HSDs include unclassified sealed documents involving national security, foreign sovereign interests, criminal activity related to cybersecurity or terrorism, investigation of public officials, and extremely sensitive commercial information likely to be of interest to a foreign power. Pursuant to the procedures implemented, a filer must file in paper a motion to treat a document as an HSD with an explanation as to why the proposed document should be treated as such, in conjunction with a motion to seal the document.

Office of the Staff Attorneys

The Office of the Staff Attorneys (Staff Attorneys' Office) performs research for the judges of the Court of Appeals. During calendar year 2021, the office consisted of one senior staff attorney, one supervisory staff

attorney, approximately 15 staff attorneys, and one support staff.

The following numbers of matters were referred by the Clerk's Office to the Staff Attorneys' Office for processing in 2021 (172 fewer matters than in 2020):

January	184
February	167
March	235
April	193
May	186
June	191
July	201
August	155
September	161
October	164
November	158
December	165
Total	2,160

In addition, there were 100 pro se or social security submitted cases (14 fewer than in 2020) and 50 sua sponte summary dispositions assigned in counseled, briefed cases (7 more than in 2020).

Types of matters referred to the Staff Attorneys' Office included: applications for certificate 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; section 1292(b) petitions; applications to file an interlocutory appeal under Fed. R. Civ. P. 23(f); and other miscellaneous matters.

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 electronic 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. If a case does not settle during the initial conference, settlement counsel will follow-up with counsel by telephone. Prior to the Covid-19 pandemic, most conferences were conducted in-person; however, due to the pandemic, most conferences are now conducted via Zoom or Microsoft Teams.

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 2021, of the 284 cases that were opened, one or more conferences were held in 111 cases, which produced 29 settlements (approximately 26% of mediated cases).

Library

Overview

The First Circuit U.S. Court Library system provides services to the judges and court staff of the First Circuit Court of Appeals, and the district and bankruptcy courts in the Circuit. There are four libraries in the system: the headquarters Library, located in the Moakley U.S. Courthouse in Boston, Massachusetts; and satellite libraries in the district courthouses in Concord, New Hampshire; Hato Rey, Puerto Rico; and Providence, Rhode Island. There is no satellite library in Maine. The Satellite Librarian in Concord, New Hampshire, provides services to the Maine District and Bankruptcy Courts located in Portland and Bangor.

Personnel

On-board staff at the end of FY 2021 was distributed among the libraries as follows: five full-time staff in Boston (including the Circuit Librarian); two full-time staff in Hato Rey; one full-time staff in Concord; and one full-time staff working between Providence and Boston. The Boston library has a larger staff due to the centralized budget and financial

responsibilities, a larger collection, and the need to provide services to the public.

Legal Research Resources

The Library's FY 2021 legal research resources allotment decreased 6.7% from FY 2020, while prices for both print and electronic resources continued to rise. The percentage increase varied among the legal resource vendors, ranging from 5% to 11%. Spending in electronic resources was approximately 10.2% of the legal resources budget, an increase from the previous year. The Library continued to work with chambers in reducing print subscriptions.

Space and Facilities

The library in Concord reduced its footprint, which allowed for the construction of new chambers, by relocating print materials and either disposing of or recycling over 5,000 items.

Bankruptcy Appellate Panel

Overview

The BAP, which employs a clerk, a law clerk, and a part-time case manager, is located at the John Joseph Moakley U.S. Courthouse. In 2021, the BAP continued to conduct oral arguments virtually by using Microsoft Teams, a practice established in July 2020.

Conferences/Outreach

In 2021, BAP staff organized and hosted a two-part annual judges' meeting, featuring speakers who addressed administrative and relevant legal developments, and conducted a series of trainings about processing appeals for various bankruptcy courts' clerk's office staff in the Circuit. BAP staff attended the BBA's 31st Annual Bankruptcy Bench Meets

Bar Conference, the First BAP Symposium, and the 23rd Annual New England Bankruptcy Law Conference in 2021. The BAP mentored intern Marissa Persichini, a student at Suffolk University Law School.

Clerk of Court Leslie Storm presented at the Town Hall Meeting of the U.S. Bankruptcy Court for the District of Puerto Rico, the Virtual Brown Bag Lunch Program of the U.S. Bankruptcy Court for the District of Puerto Rico, and the Bankruptcy Symposium of the University of Puerto Rico. Further, she served as a coach for Suffolk University Law School students participating in the Duberstein Moot Court Competition. Clerk Storm continued to attend BAP Clerks Advisory Group meetings.

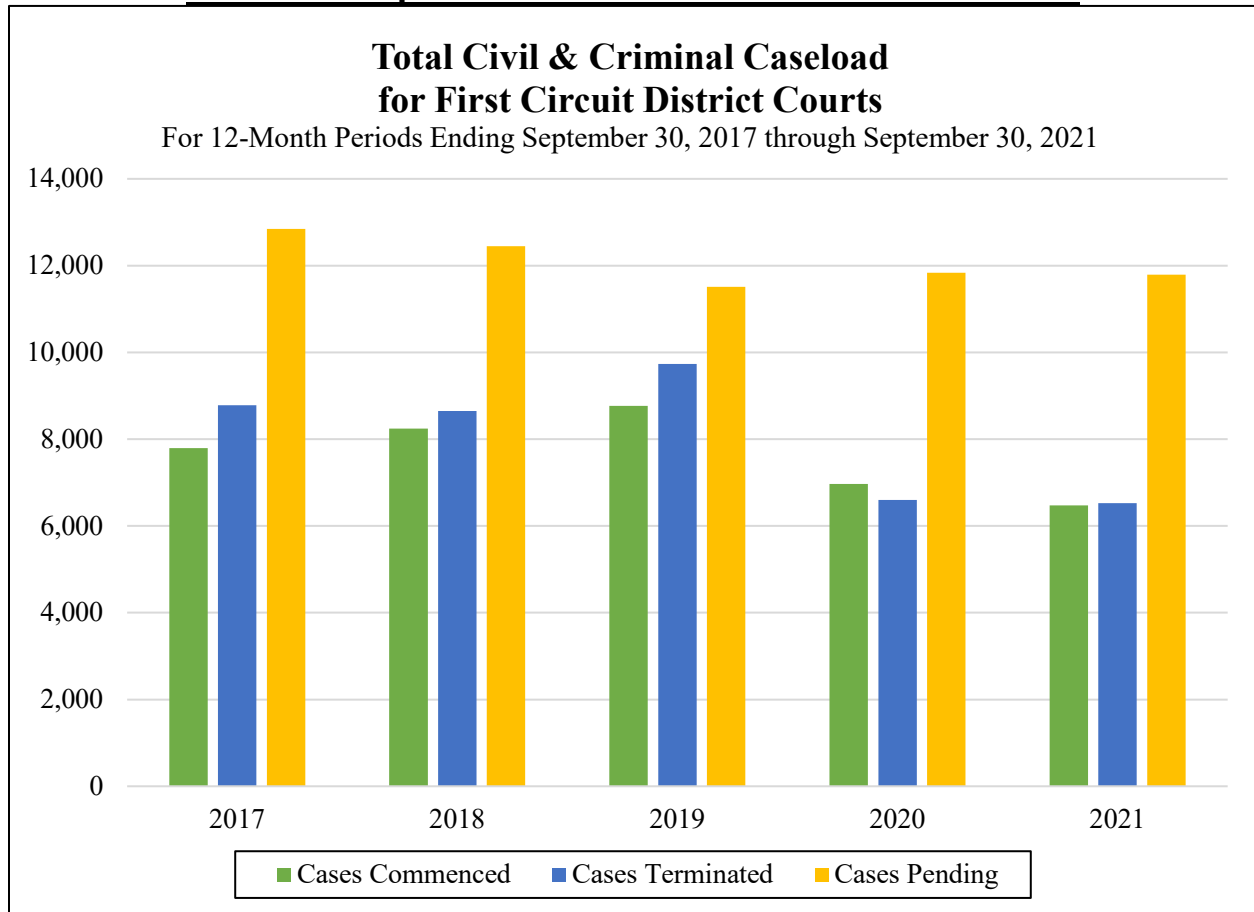
Statistics

The BAP's caseload decreased during 2021, as was the trend nationally. The majority of cases received by the BAP in 2021 came from the bankruptcy court for the District of Puerto Rico (39%), followed by the District of Massachusetts' bankruptcy court (33%). Pro se litigants continued to file appeals in the BAP regularly, accounting for 33% of the total cases filed during this reporting period.

U.S. Bankruptcy Appellate Panels									
Cases Commenced, Terminated, and Pending, by Circuit									
For 12-Month Periods Ending September 30, 2020 and September 30, 2021									
Circuit	Filed			Terminated			Pending*		
	2020	2021	% Change	2020	2021	% Change	2020	2021	% Change
First	60	33	-45.0	51	48	-5.9	30	15	-50.0
Sixth	35	34	-2.9	28	29	3.6	27	32	18.5
Eighth	30	17	-43.3	39	18	-53.8	6	5	-16.7
Ninth	339	270	-20.4	362	297	-18.0	129	102	-20.9
Tenth	61	54	-11.5	65	50	-23.1	10	14	40.0
Total	525	408	-22.3	545	442	-18.9	202	168	-16.8

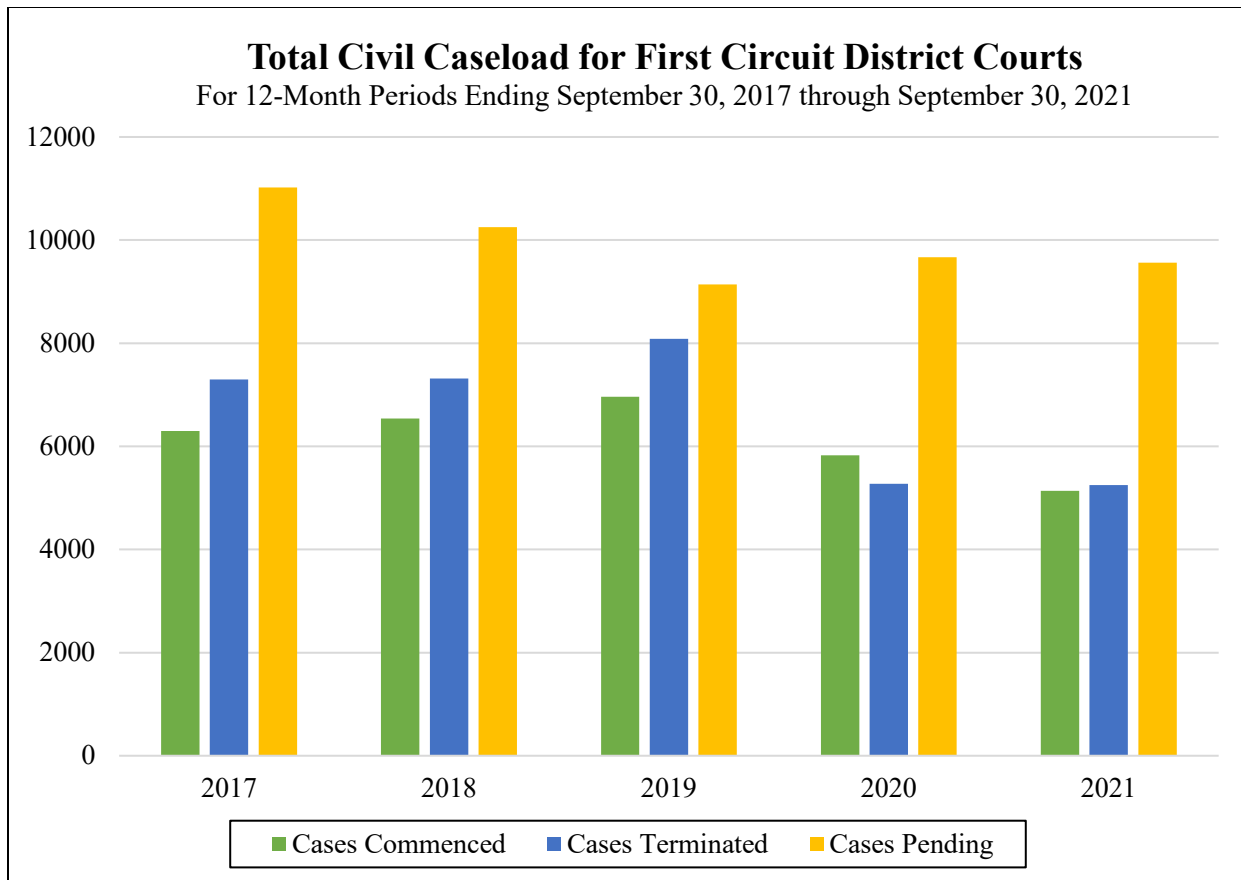
* Pending caseloads for 2020 as revised by the AO.

Statistical Report for District Courts in the First Circuit



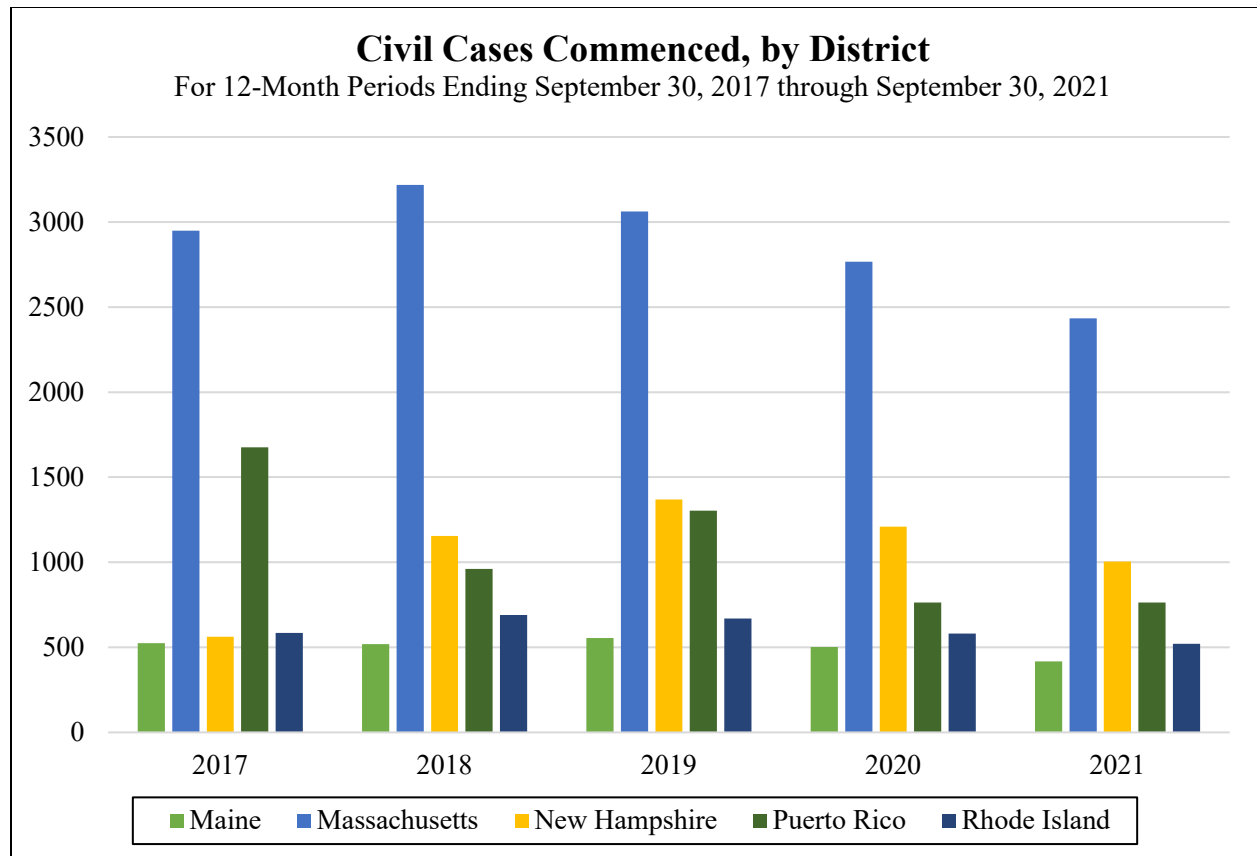
Total Civil & Criminal Caseload for First Circuit District Courts For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	7,794	8,246	8,766	6,968	6,476
Cases Terminated	8,781	8,652	9,737	6,601	6,525
Cases Pending*	12,848	12,451	11,509	11,832	11,794

* Pending caseloads for 2017 - 2020 as revised by the AO.

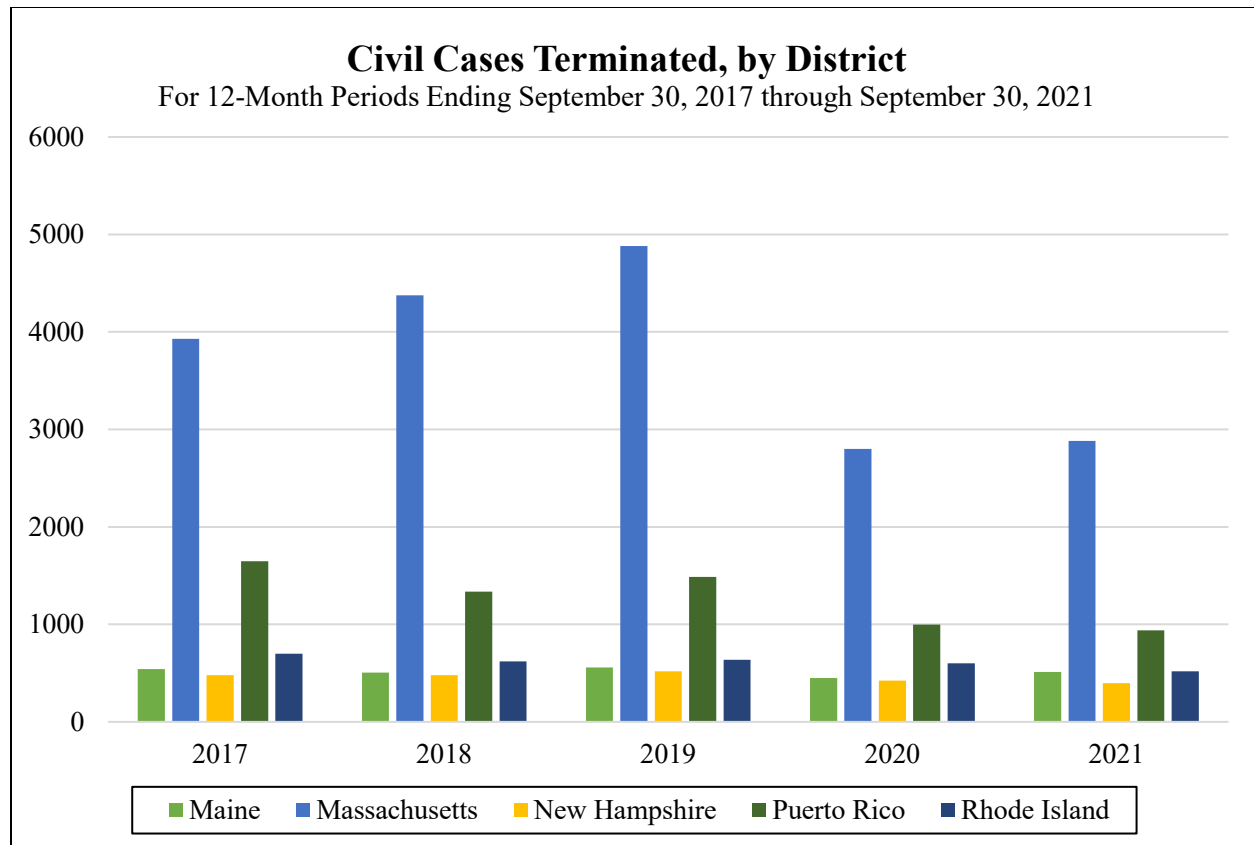


Total Civil Caseload for First Circuit District Courts					
For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	6,297	6,543	6,960	5,824	5,139
Cases Terminated	7,296	7,316	8,083	5,274	5,247
Cases Pending*	11,023	10,250	9,113	9,669	9,561

* Pending caseloads for 2017 - 2020 as revised by the AO.

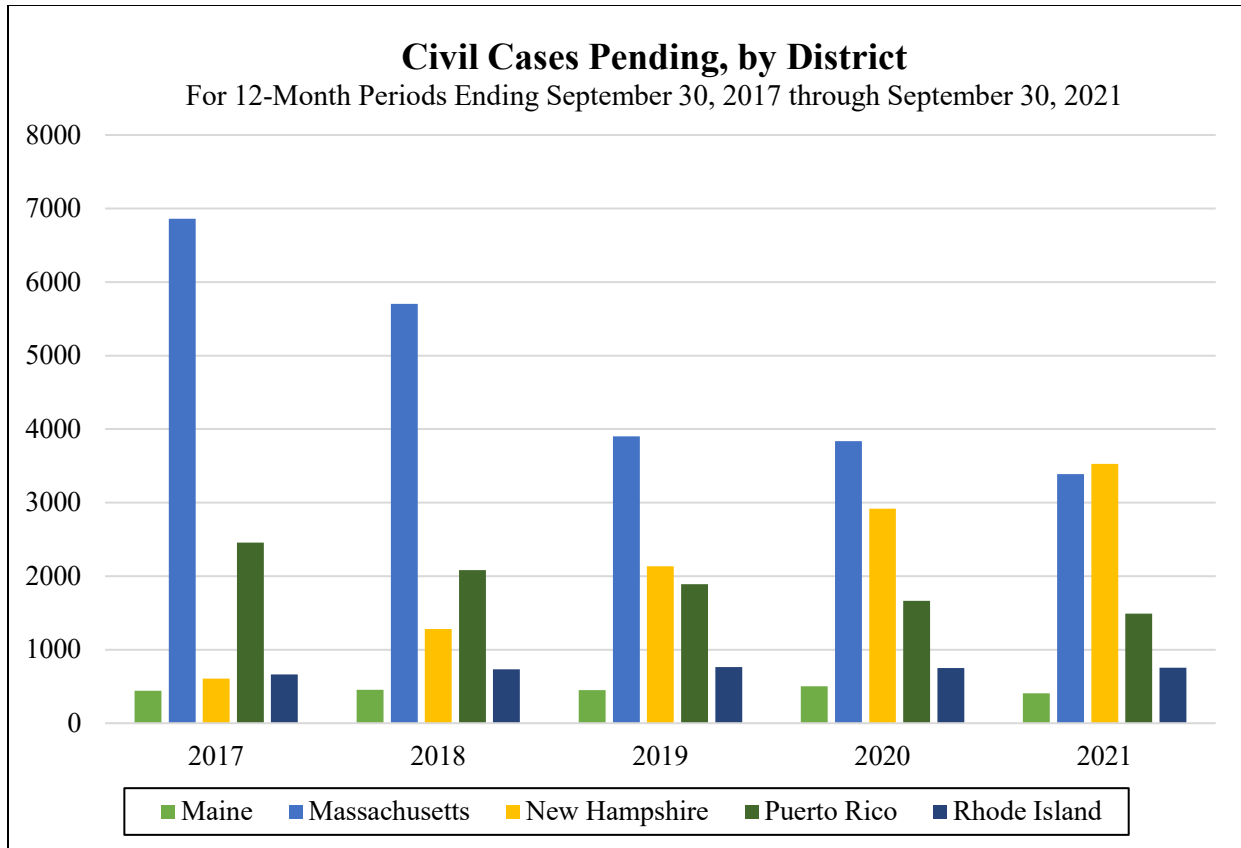


Civil Cases Commenced, by District For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
District	2017	2018	2019	2020	2021
Maine	524	519	554	502	417
Massachusetts	2,949	3,219	3,063	2,767	2,434
New Hampshire	563	1,154	1,370	1,209	1,004
Puerto Rico	1,676	961	1,303	764	763
Rhode Island	585	690	670	582	521



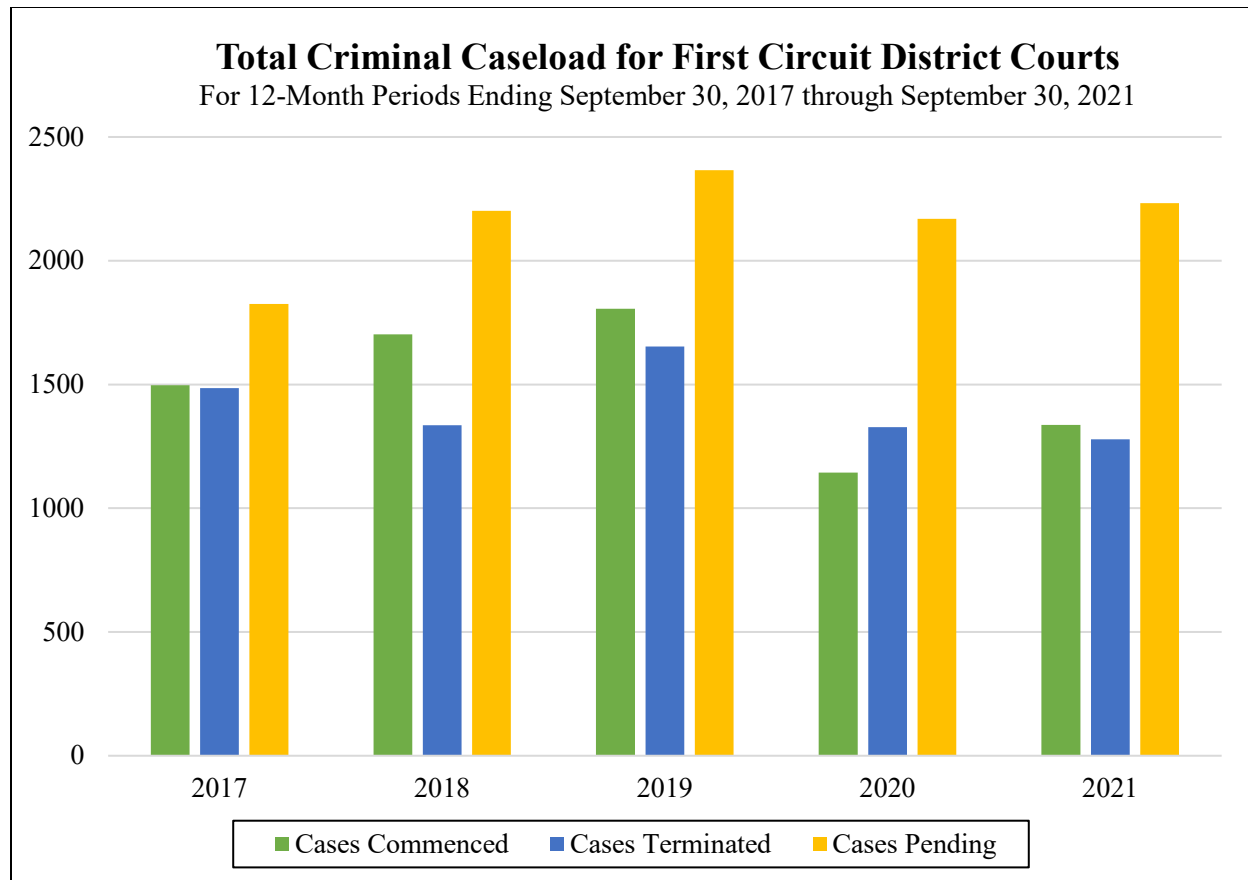
Civil Cases Terminated, by District
For 12-Month Periods Ending September 30, 2017 through September 30, 2021

District	2017	2018	2019	2020	2021
Maine	543	505	558	450	511
Massachusetts	3,928	4,375	4,882	2,800	2,882
New Hampshire	478	478	519	424	398
Puerto Rico	1,649	1,337	1,487	998	938
Rhode Island	698	621	637	602	518

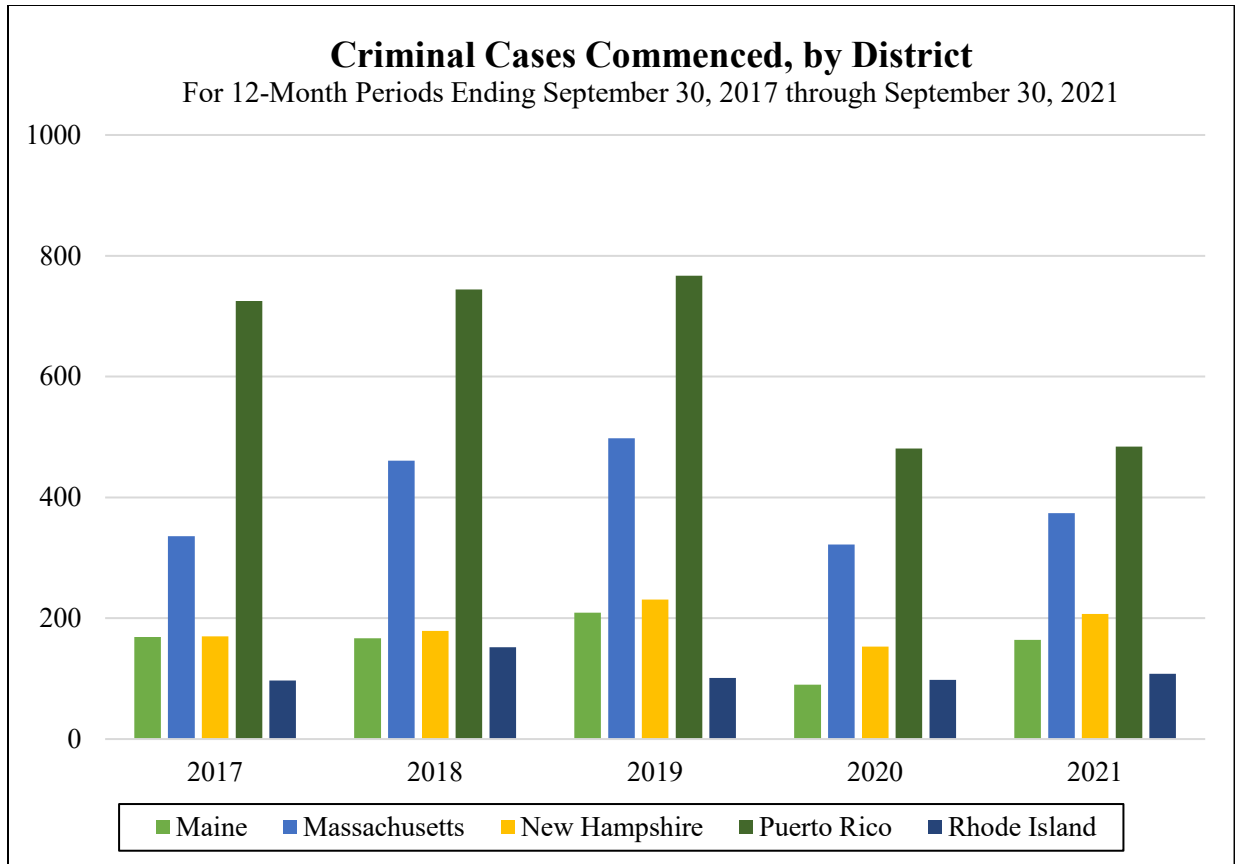


Civil Cases Pending,* by District					
For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
District	2017	2018	2019	2020	2021
Maine	441	455	450	501	407
Massachusetts	6,859	5,703	3,870	3,834	3,386
New Hampshire	605	1,281	2,133	2,919	3,525
Puerto Rico	2,456	2,080	1,892	1,664	1,489
Rhode Island	662	731	768	751	754

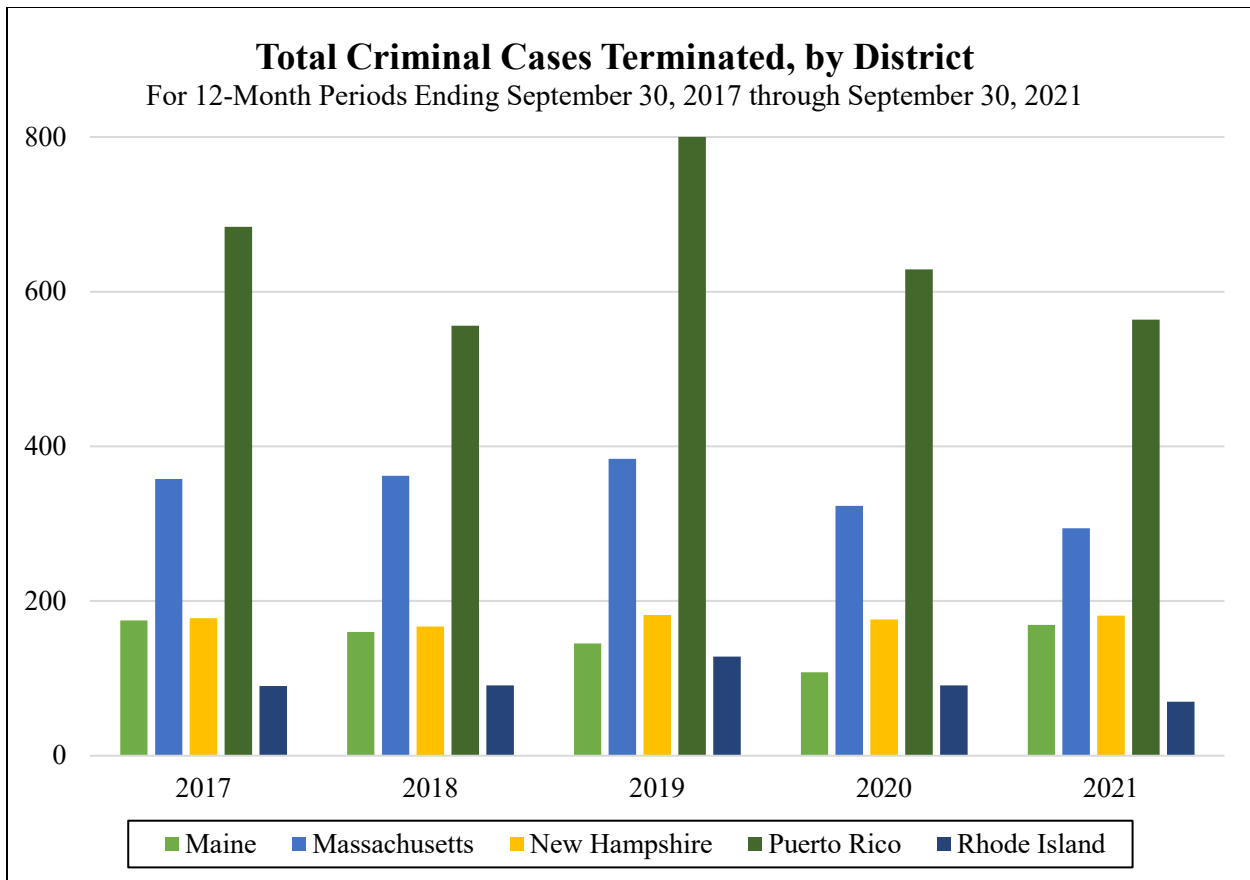
* Pending caseloads for 2017 - 2020 as revised by the AO.



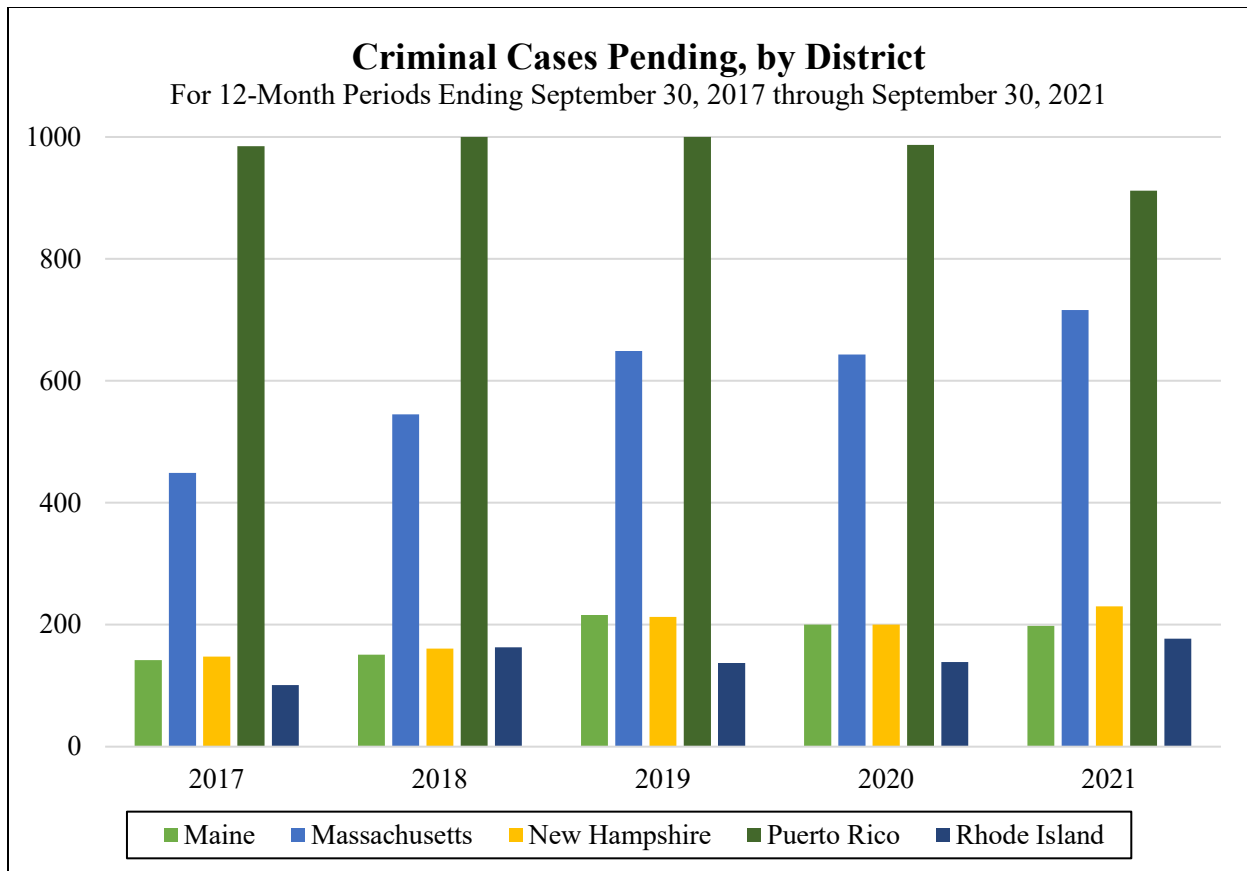
Total Criminal Caseload for First Circuit District Courts For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	1,497	1,703	1,806	1,144	1,337
Cases Terminated	1,485	1,336	1,654	1,327	1,278
Cases Pending	1,825	2,201	2,366	2,169	2,233



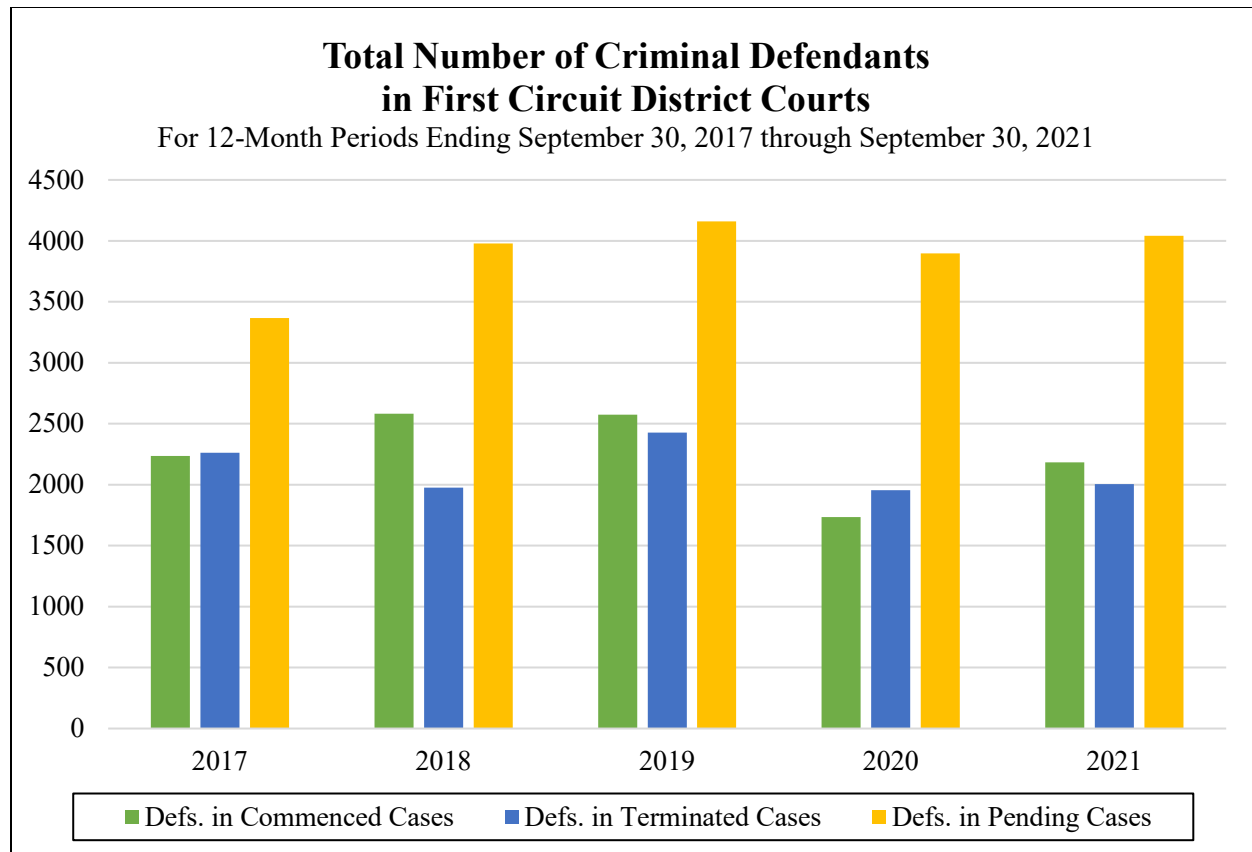
Criminal Cases Commenced, by District For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
District	2017	2018	2019	2020	2021
Maine	169	167	209	90	164
Massachusetts	336	461	498	322	374
New Hampshire	170	179	231	153	207
Puerto Rico	725	744	767	481	484
Rhode Island	97	152	101	98	108



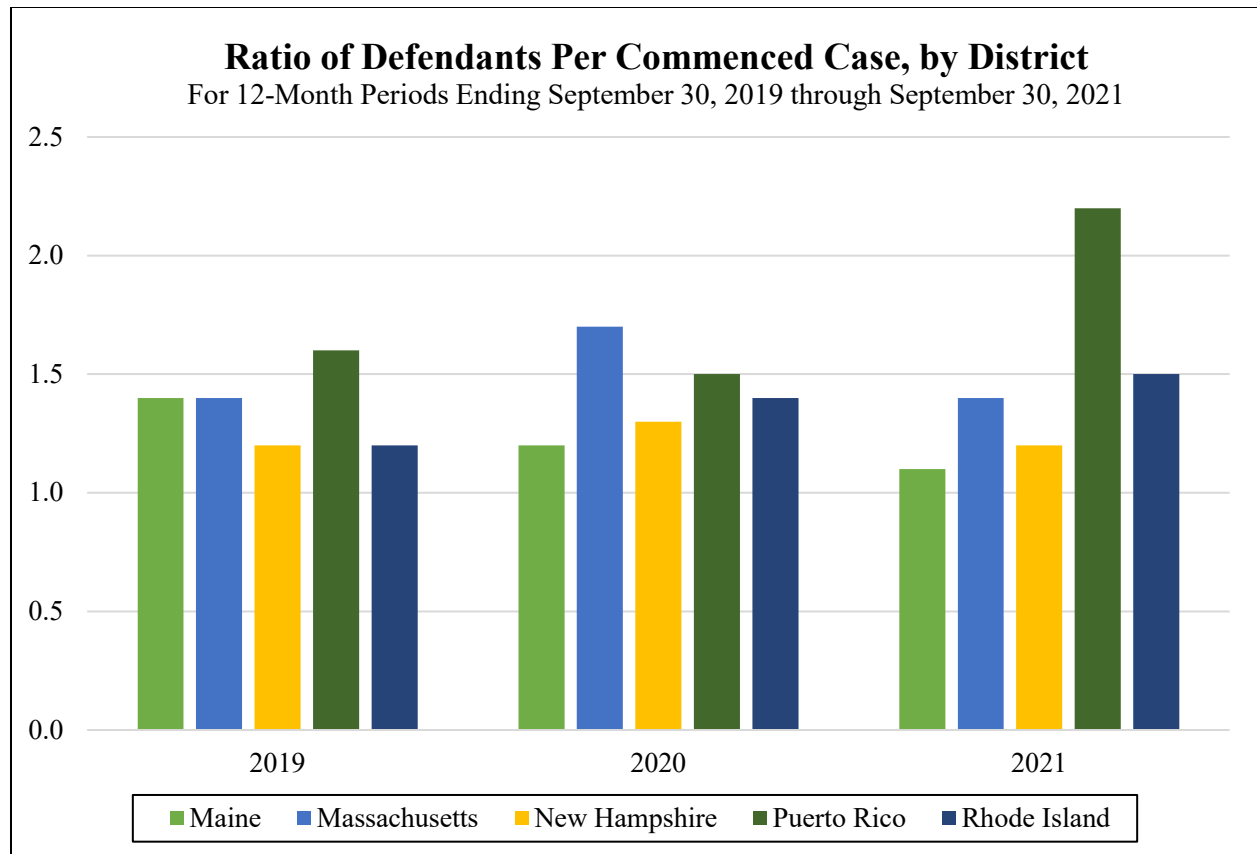
Criminal Cases Terminated, by District For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
District	2017	2018	2019	2020	2021
Maine	175	160	145	108	169
Massachusetts	358	362	384	323	294
New Hampshire	178	167	182	176	181
Puerto Rico	684	556	815	629	564
Rhode Island	90	91	128	91	70



Criminal Cases Pending, by District For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
District	2017	2018	2019	2020	2021
Maine	142	151	216	200	198
Massachusetts	449	545	649	643	716
New Hampshire	148	161	213	200	230
Puerto Rico	985	1,181	1,151	987	912
Rhode Island	101	163	137	139	177

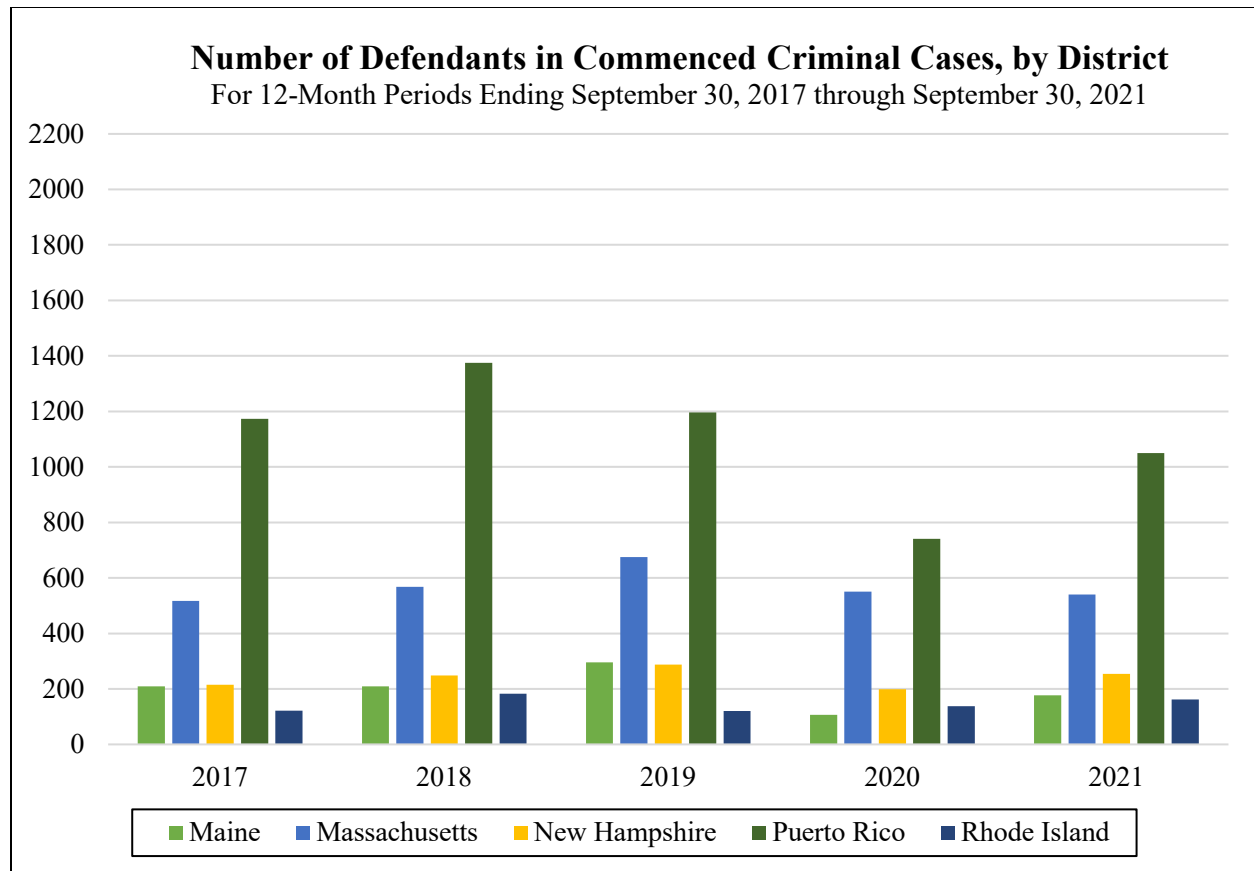


Total Number of Criminal Defendants in First Circuit District Courts For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
No. of Defendants Commenced Criminal Cases	2,236	2,583	2,575	1,735	2,183
No. of Defendants Terminated Criminal Cases	2,262	1,975	2,427	1,956	2,005
No. of Defendants Pending Criminal Cases	3,366	3,979	4,160	3,896	4,042

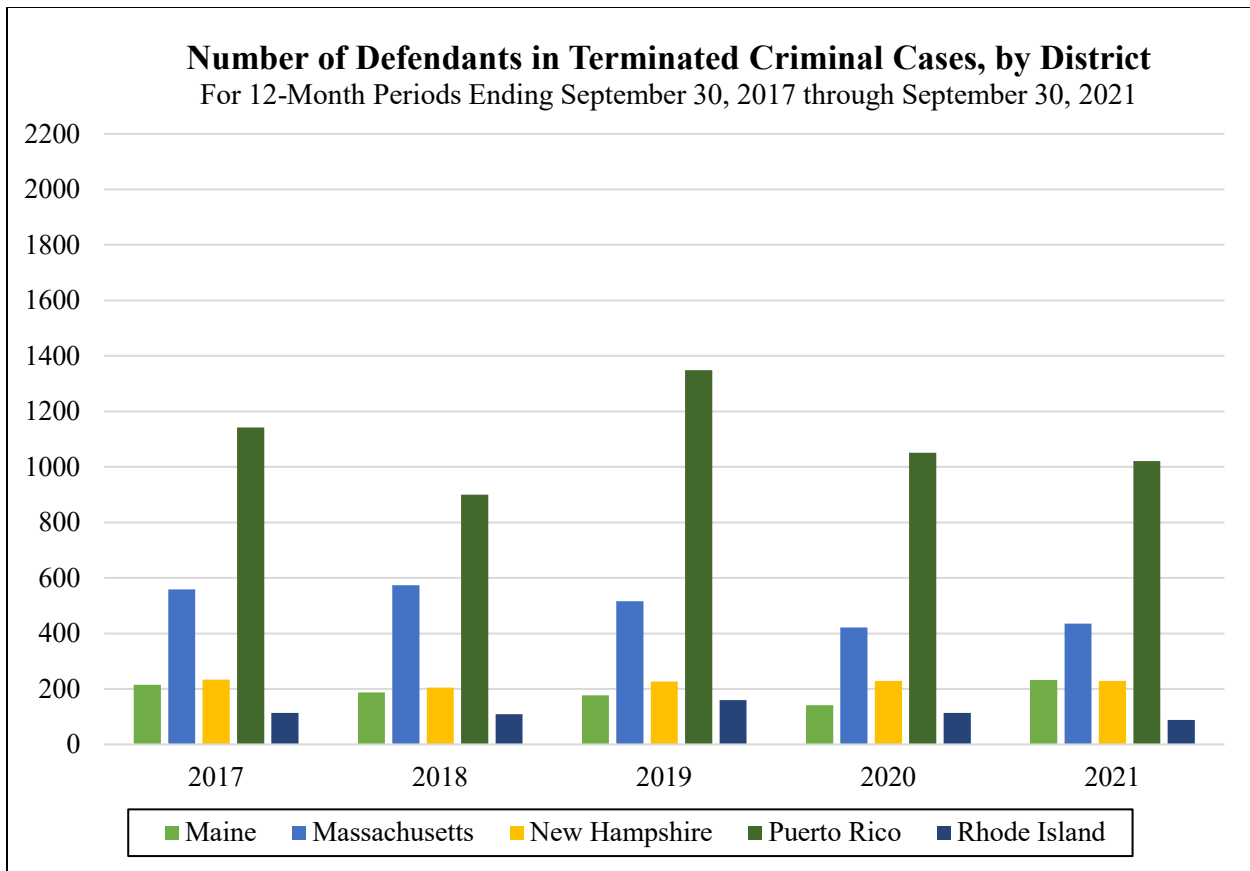


Number of Commenced Criminal Cases and Defendants and Ratio of Defendants Per Commenced Case, by District
For 12-Month Periods Ending September 30, 2019 through September 30, 2021

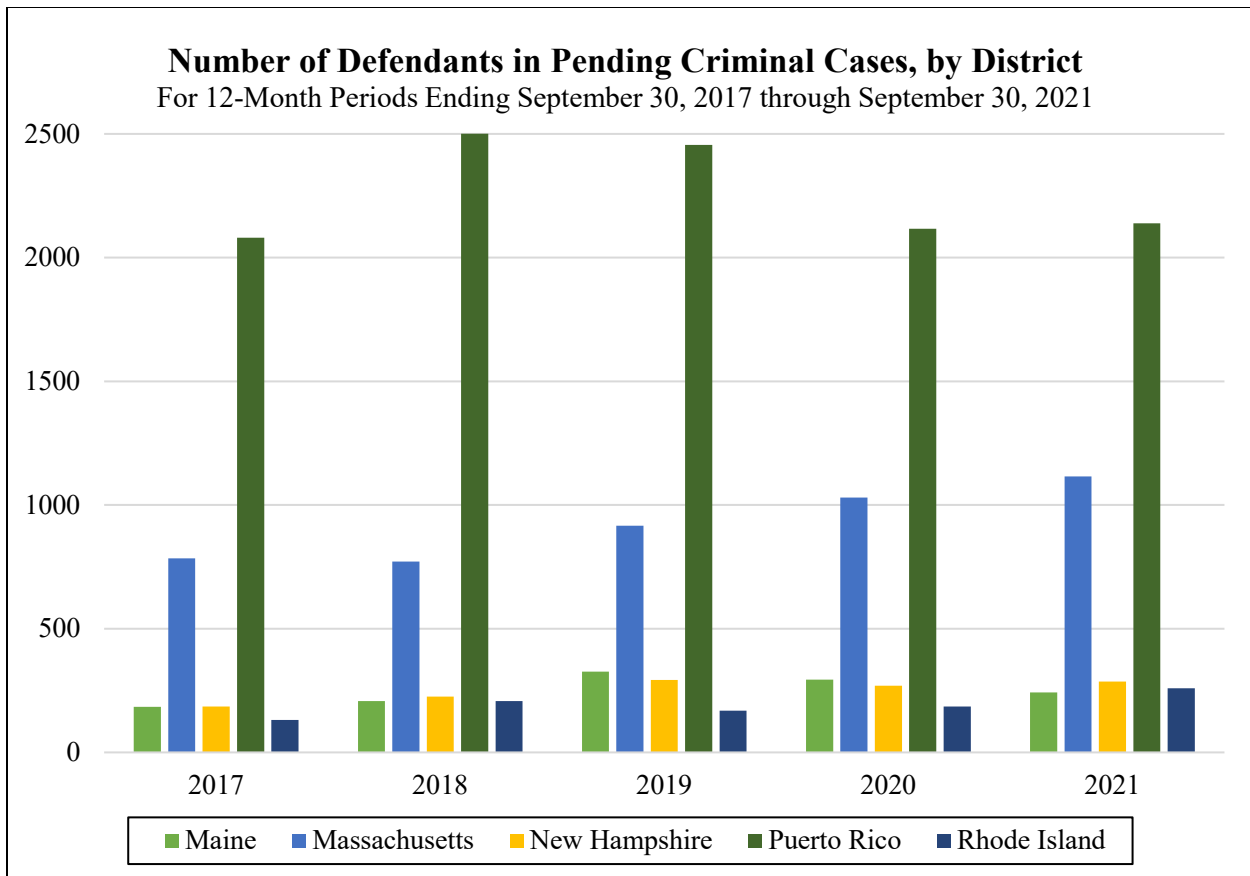
District	2019		Avg. No. of Defs./ Case	2020		Avg. No. of Defs./ Case	2021		Avg. No. of Defs./ Case
	Cases	Def.		Cases	Def.		Cases	Def.	
Maine	209	296	1.4	90	107	1.2	164	177	1.1
Massachusetts	498	675	1.4	322	550	1.7	374	540	1.4
New Hampshire	231	288	1.2	153	199	1.3	207	254	1.2
Puerto Rico	767	1,196	1.6	481	741	1.5	484	1,050	2.2
Rhode Island	101	120	1.2	98	138	1.4	108	162	1.5



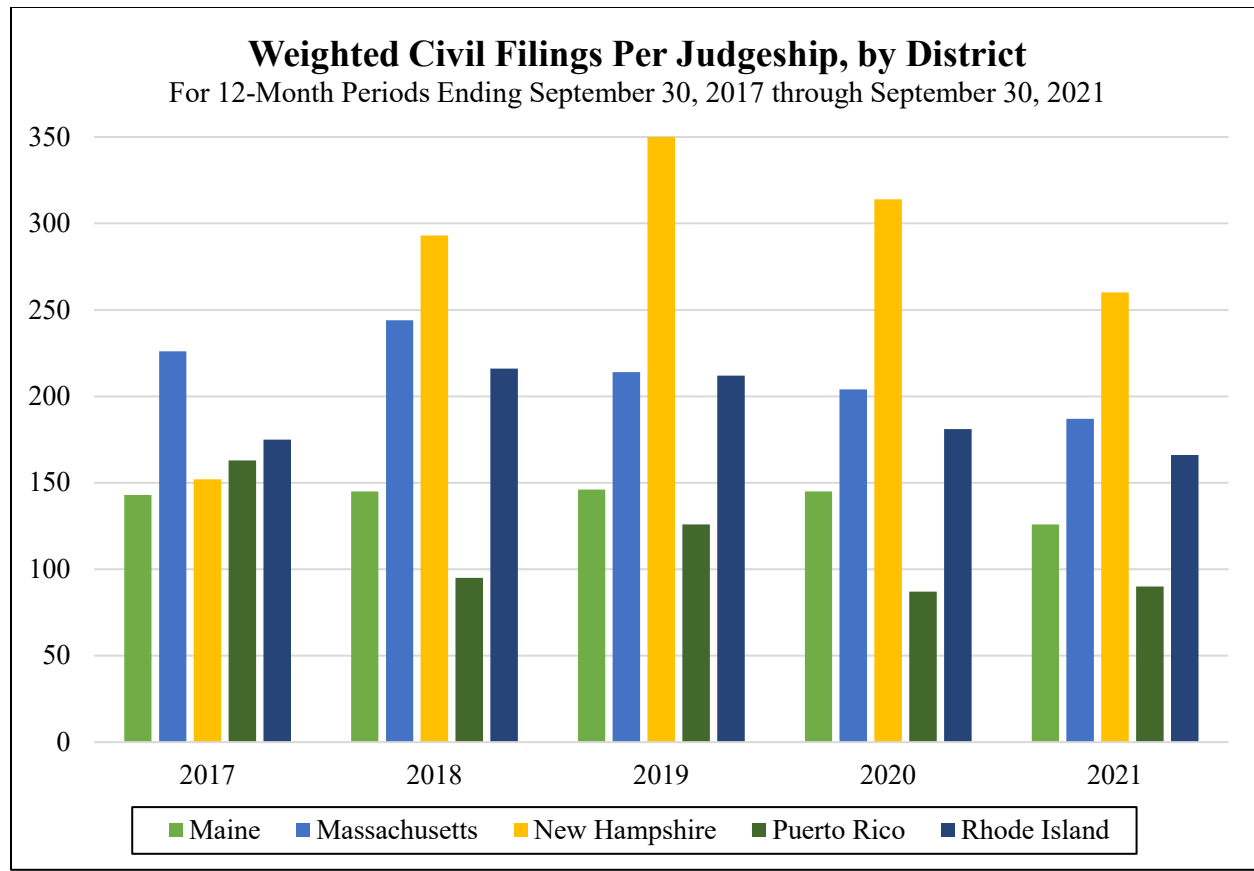
Number of Defendants in Commenced Criminal Cases, by District For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
District	2017	2018	2019	2020	2021
Maine	209	209	296	107	177
Massachusetts	517	568	675	550	540
New Hampshire	215	248	288	199	254
Puerto Rico	1,173	1,375	1,196	741	1,050
Rhode Island	122	183	120	138	162



Number of Defendants in Terminated Criminal Cases, by District For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
District	2017	2018	2019	2020	2021
Maine	215	187	177	141	232
Massachusetts	559	574	516	421	435
New Hampshire	233	205	226	229	229
Puerto Rico	1,142	900	1,348	1,051	1,021
Rhode Island	113	109	160	114	88

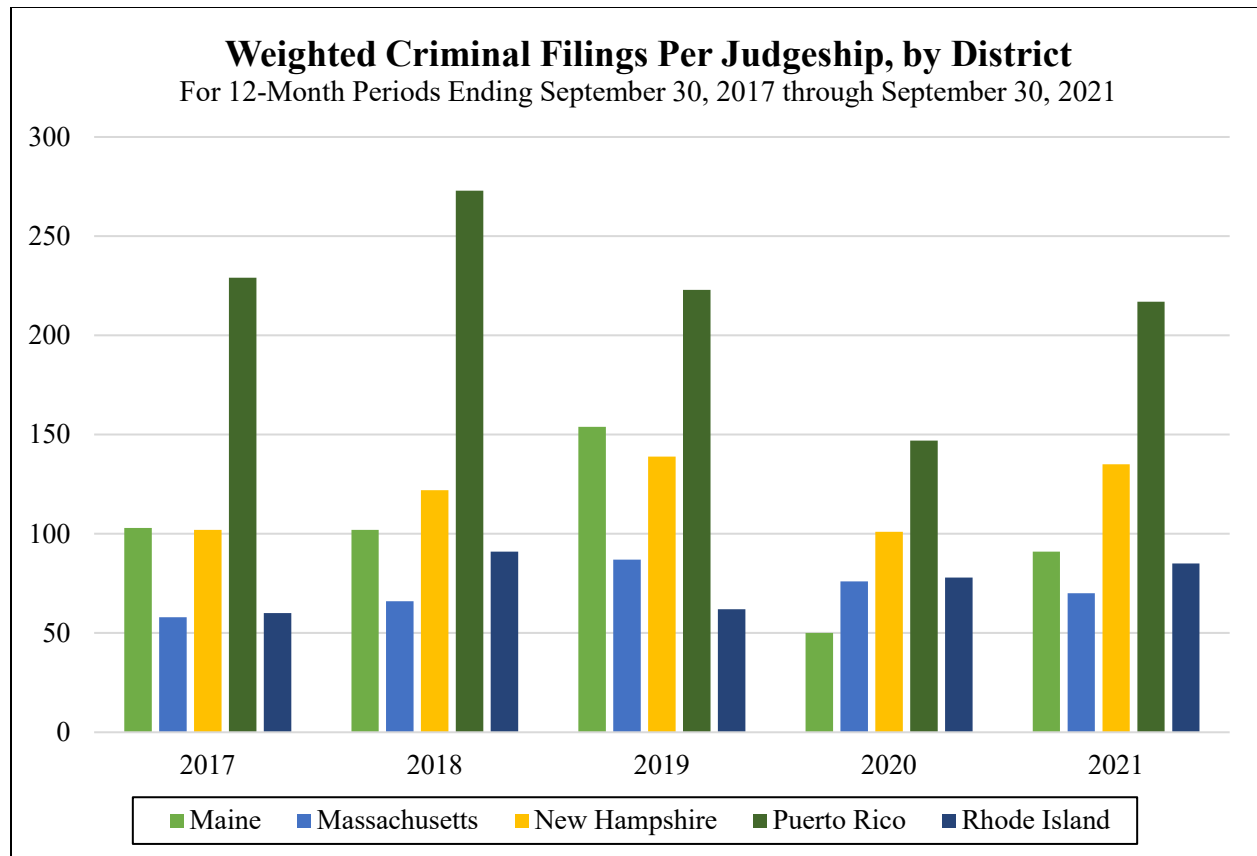


Number of Defendants in Pending Criminal Cases, by District For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
District	2017	2018	2019	2020	2021
Maine	184	208	327	294	242
Massachusetts	785	771	916	1,030	1,115
New Hampshire	185	226	293	269	287
Puerto Rico	2,081	2,567	2,455	2,117	2,139
Rhode Island	131	207	169	186	259

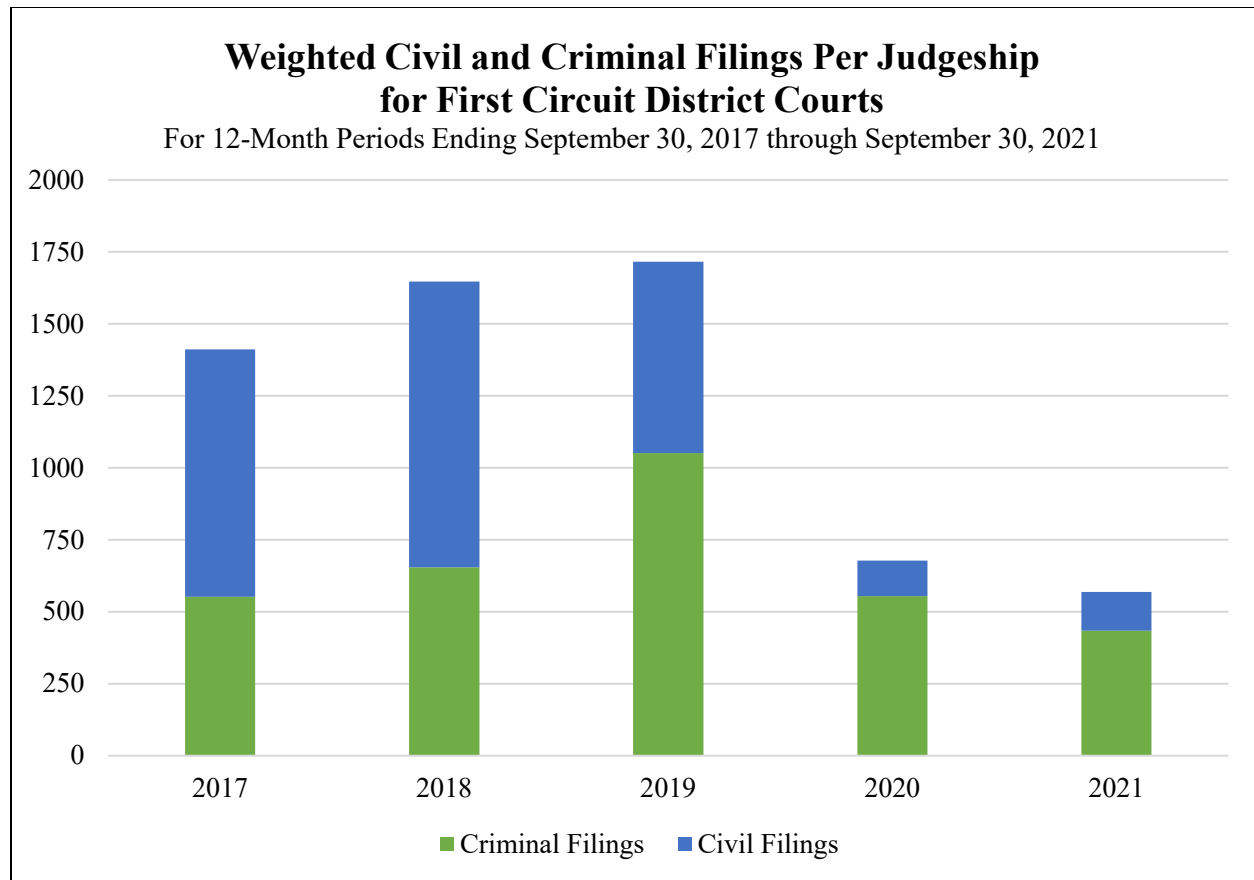


Weighted Civil Filings Per Judgeship, by District
For 12-Month Periods Ending September 30, 2017 through September 30, 2021

District	Judgeships	2017	2018	2019	2020	2021
Maine	3	143	145	146	145	126
Massachusetts	13	226	244	214	204	187
New Hampshire	3	152	293	353	314	260
Puerto Rico	7	163	95	126	87	90
Rhode Island	3	175	216	212	181	166

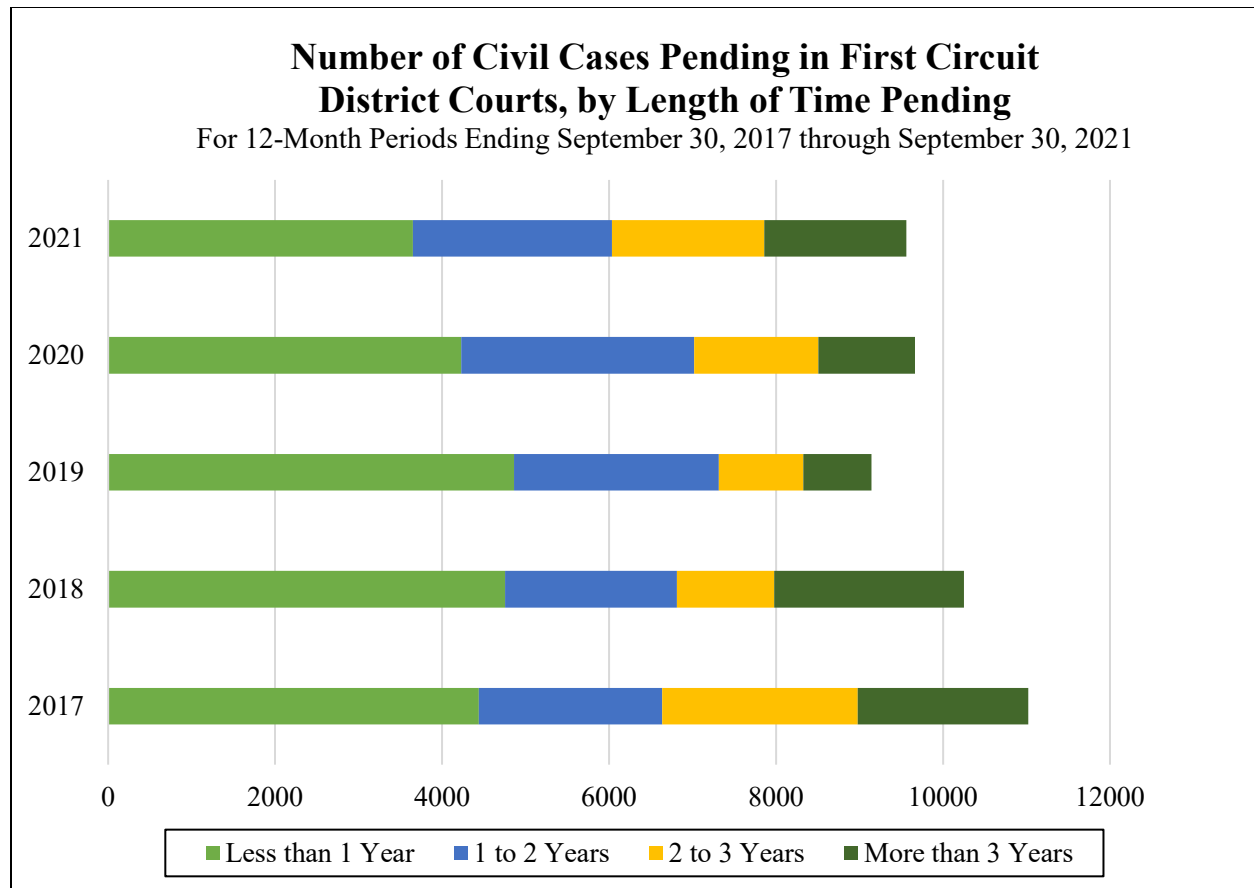


Weighted Criminal Filings Per Judgeship, by District For 12-Month Periods Ending September 30, 2017 through September 30, 2021						
District	Judgeships	2017	2018	2019	2020	2021
Maine	3	103	102	154	50	91
Massachusetts	13	58	66	87	76	70
New Hampshire	3	102	122	139	101	135
Puerto Rico	7	229	273	223	147	217
Rhode Island	3	60	91	62	78	85



Weighted Civil and Criminal Filings Per Judgeship For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Civil Filings	859	993	1,051	554	434
Criminal Filings	552	654	665	124	135
Total Combined Filings	1,411	1,647	1,716	681	573

Number of Civil Cases Pending and Length of Time Pending, by District For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
MAINE					
Less than 1 Year	319	346	353	357	258
1 to 2 Years	94	63	64	115	100
2 to 3 Years	22	31	17	19	37
More than 3 Years	9	15	18	11	12
MASSACHUSETTS					
Less than 1 Year	2,030	2,140	1,871	1,828	1,604
1 to 2 Years	1,031	956	1,022	900	845
2 to 3 Years	1,943	610	500	435	476
More than 3 Years	1,838	1,997	509	674	461
NEW HAMPSHIRE					
Less than 1 Year	427	1,005	1,191	1,053	885
1 to 2 Years	115	200	772	991	890
2 to 3 Years	33	43	127	725	911
More than 3 Years	26	33	43	149	839
PUERTO RICO					
Less than 1 Year	1,268	811	999	611	542
1 to 2 Years	812	689	414	570	363
2 to 3 Years	283	422	308	233	296
More than 3 Years	112	158	170	244	288
RHODE ISLAND					
Less than 1 Year	397	452	447	381	361
1 to 2 Years	145	150	183	212	186
2 to 3 Years	59	59	59	76	107
More than 3 Years	60	70	76	79	100

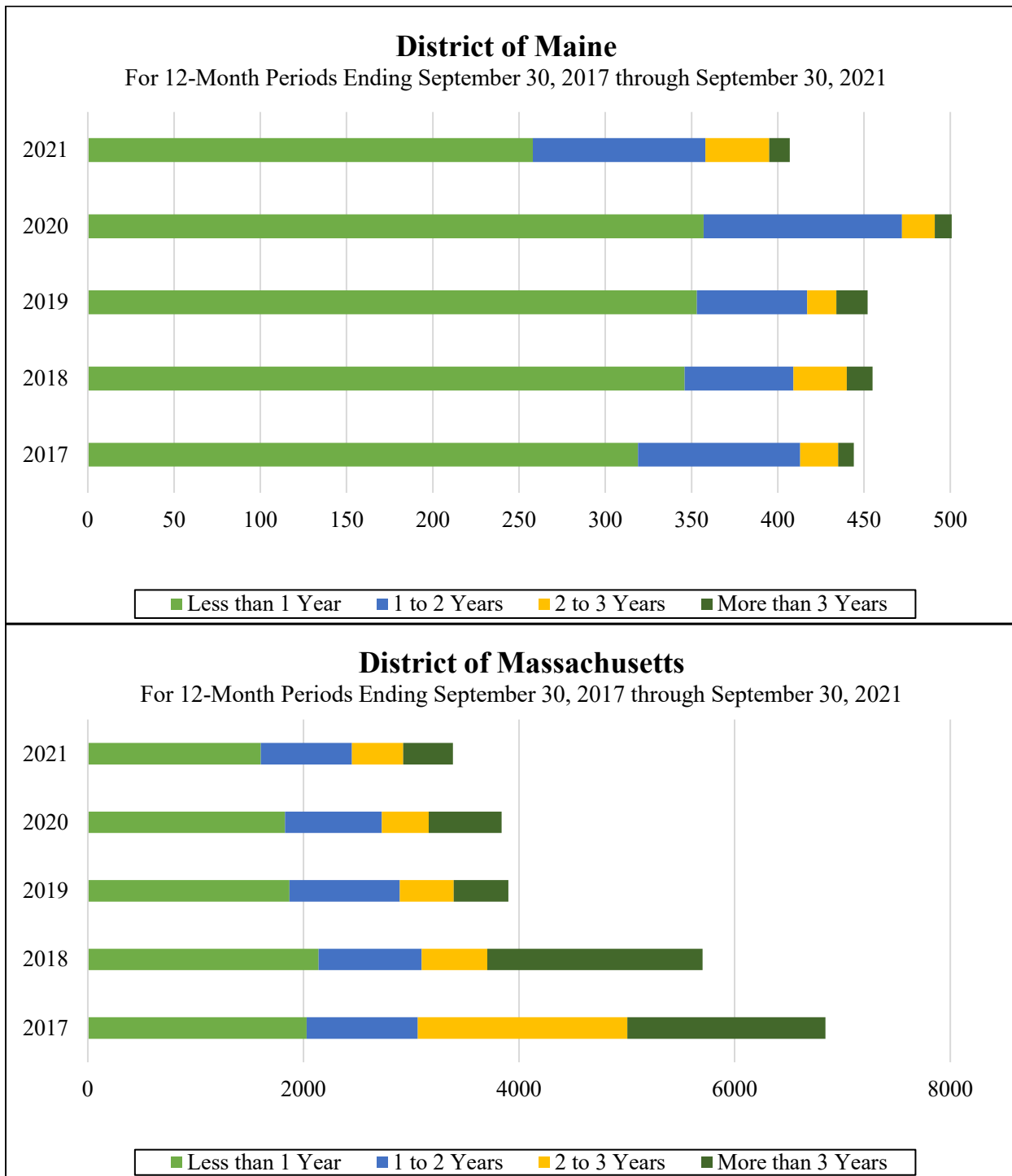


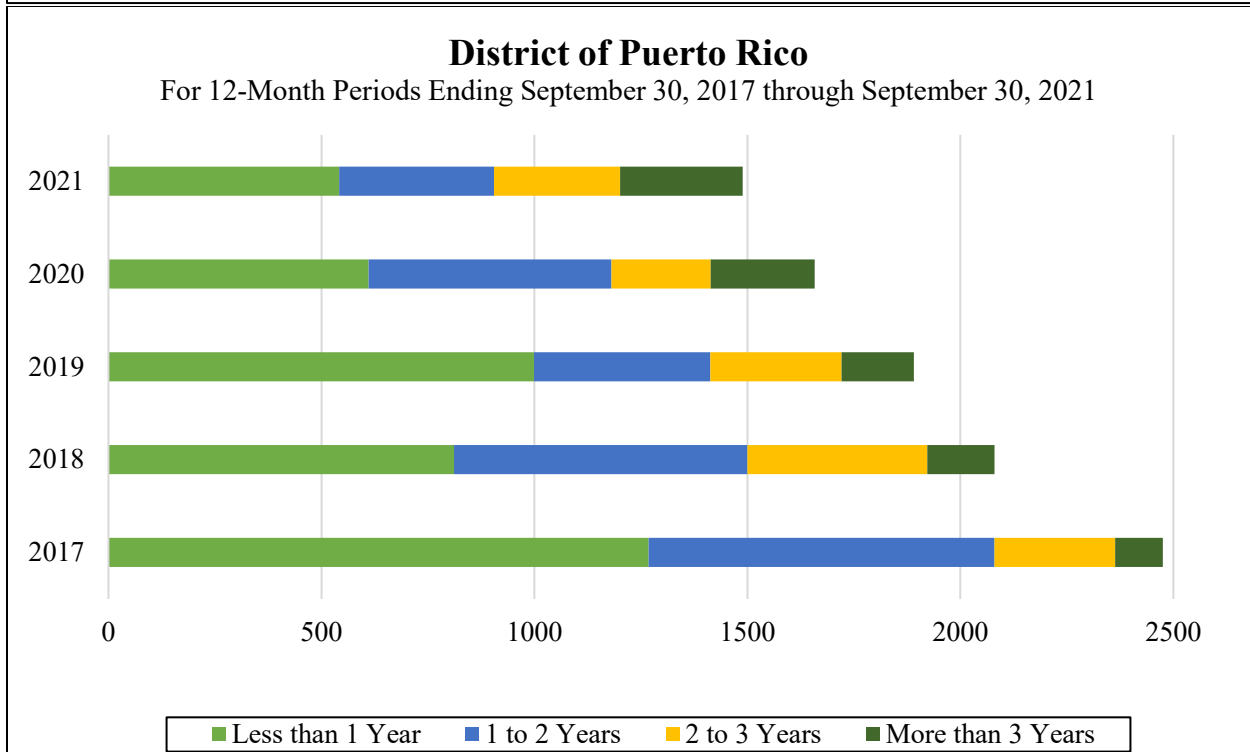
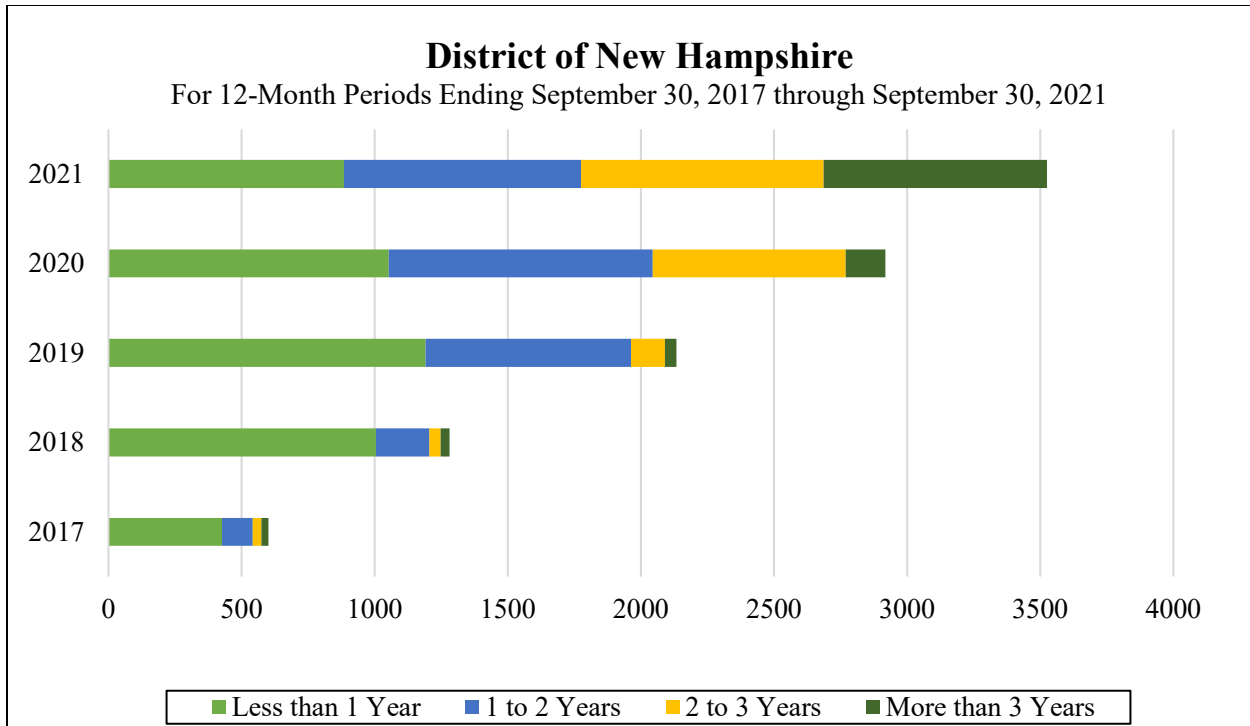
Number of Civil Cases Pending for First Circuit District Courts, by Length of Time Pending (and % Total)

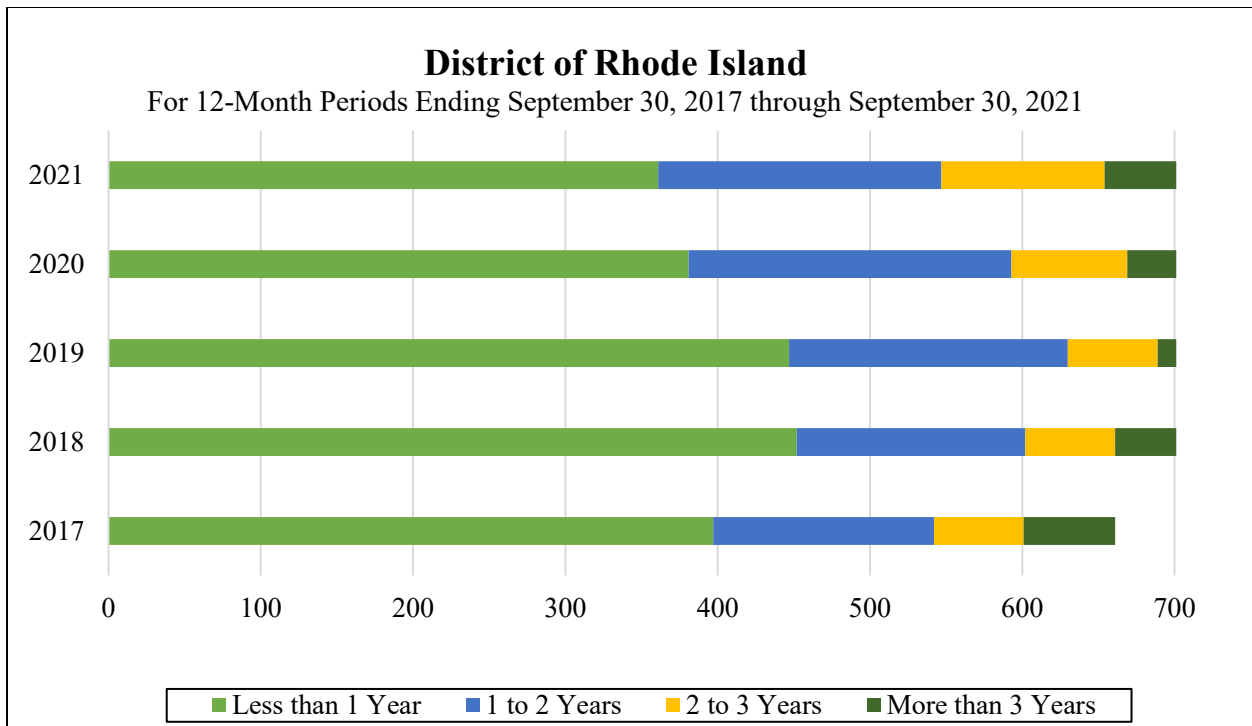
For 12-Month Periods Ending September 30, 2017 through September 30, 2021

	2017	2018	2019	2020	2021
Less than 1 Year	4,441 (40.3%)	4,754 (46.4%)	4,861 (2.3%)	4,230 (1.2%)	3,650 (38.2%)
1 to 2 Years	2,197 (19.9%)	2,058 (20.1%)	2,455 (19.3%)	2,788 (3.2%)	2,384 (24.9%)
2 to 3 Years	2,340 (21.2%)	1,165 (11.4%)	1,011 (-13.2%)	1,488 (3.3%)	1,827 (19.1%)
More than 3 Years	2,045 (18.6%)	2,273 (22.2%)	816 (-64.1%)	1,157 (2.2%)	1,700 (17.8%)

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







Report for the District of Maine

Court Profile

In 2021, the District had three district judges, three senior district judges, and two magistrate judges. The Clerk's Office had 29 employees.

The District's caseload declined 16% in 2021, which was more significant than the national decline of 9.5%. The top three types of civil filings were civil rights (21%), Social Security appeals (16%), and real property (15%). The prevailing offenses charged in 2021 (totaling 70% of criminal cases filed) included: other drugs; firearms and explosives; and sex offenses.

Merit Selection Panels

Chief Judge Levy convened two merit selection panels to evaluate the reappointment request of Magistrate Judge John C. Nivison and to recommend applicants for the magistrate judge vacancy resulting from Magistrate Judge Rich's expected retirement, respectively.

Community Outreach

In 2021, the Court held a panel discussion with the bar and members of Maine's domestic violence support community to encourage members of the bar to provide pro bono assistance to victims of domestic violence.

The Court hosted three citizenship ceremonies via video conference.

Local Rules

In 2021, the District adopted amendments to Local Rules 83.4, 132, 132.1, 157.6, and Appendix IV.

Information Technology

The IT Department migrated all district court employees to the Judiciary's SharePoint Online platform, installed a new audio system in the Gignoux Courthouse, and migrated data to the Judiciary's cloud data centers.

Clerk's Office

In 2021, the Clerk's Office participated in a cyclical audit and in the AO Work Measurement Study on Financial Transactions, upgraded the eVoucher system, implemented procedures for handling HSDs, and re-opened its physical office and began supporting in-person court proceedings.

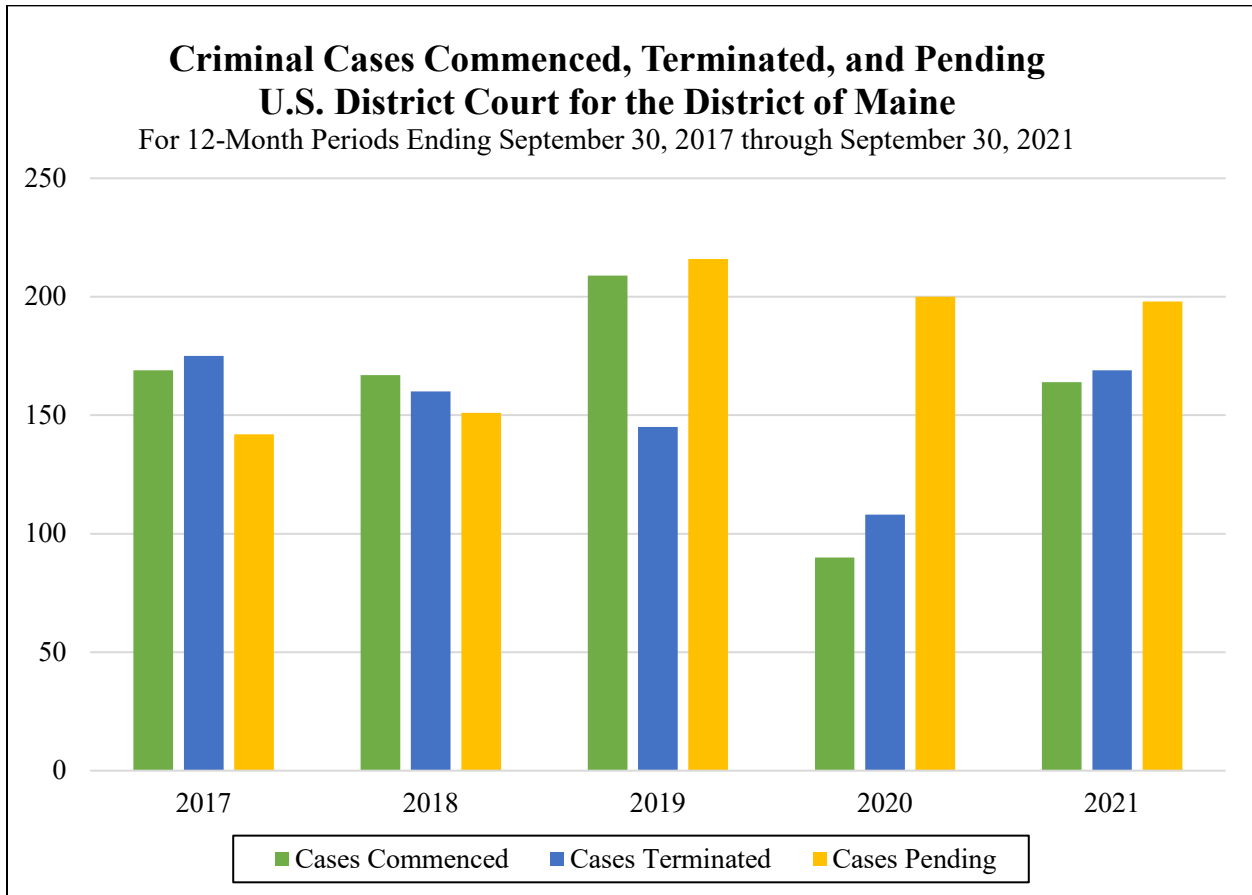
Human Resources/Staff Training

The District Court, Bankruptcy Court, and U.S. Probation and Pretrial Services Office (PPSO) shared administrative services, including a financial administrator, budget administrator, and human resources specialist.

In 2021, the District held an orientation and training for new and existing law clerks.

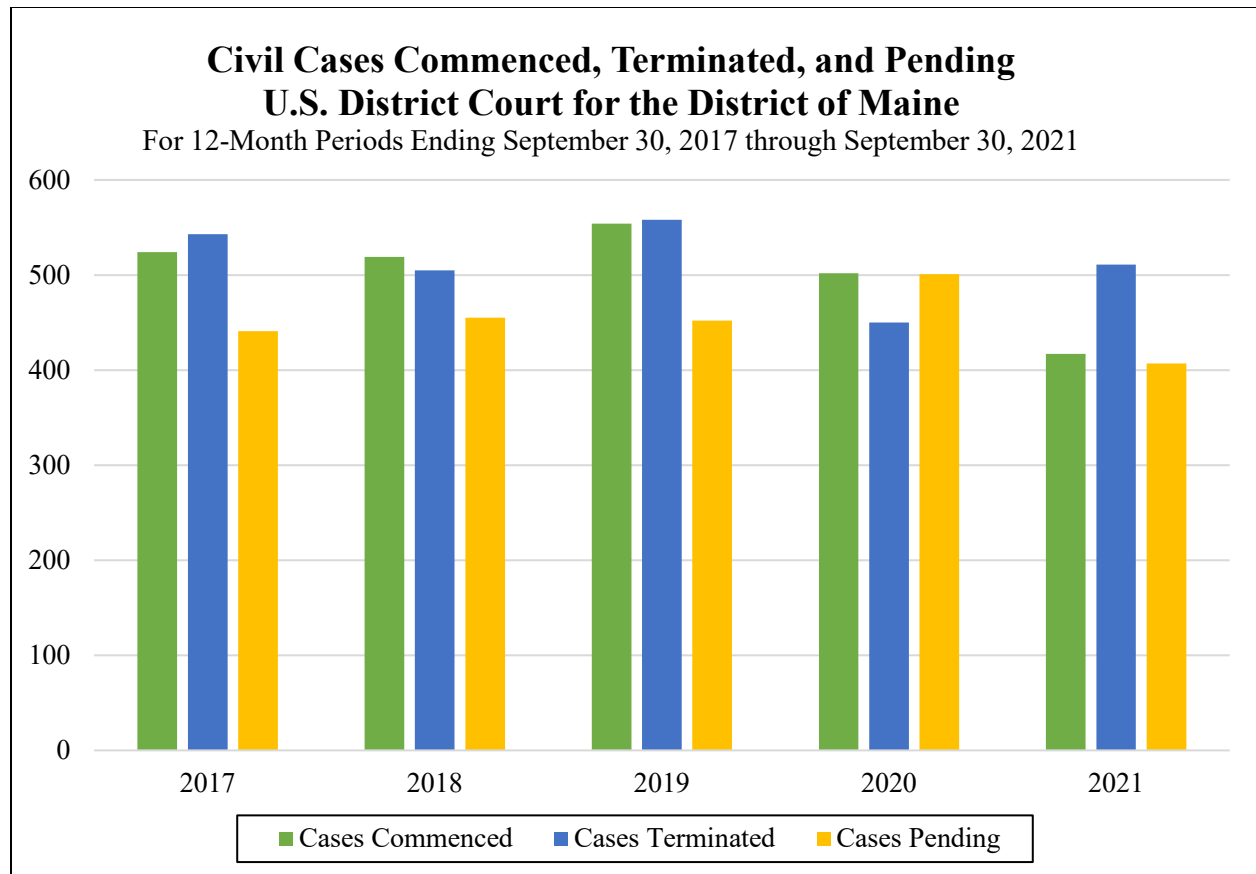
Space, Facilities, and Security

The United States Marshals Service (USMS) updated its facility access card readers throughout the Gignoux Courthouse. The Court Security Committee and the Bangor Facility Committee met regularly to address issues concerning security. A plan to install new HVAC and building announcement systems in the Gignoux Courthouse was discussed and is expected to begin in 2024.



Criminal Cases Commenced, Terminated, and Pending
U.S. District Court for the District of Maine
For 12-Month Periods Ending September 30, 2017 through September 30, 2021

	2017	2018	2019	2020	2021
Cases Commenced	169	167	209	90	164
Cases Terminated	175	160	145	108	169
Cases Pending	142	151	216	200	198



Civil Cases Commenced, Terminated, and Pending					
U.S. District Court for the District of Maine					
For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	524	519	554	502	417
Cases Terminated	543	505	558	450	511
Cases Pending*	441	455	450	501	407

* Pending cases for 2017 - 2020 as revised by the AO.

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

District Update

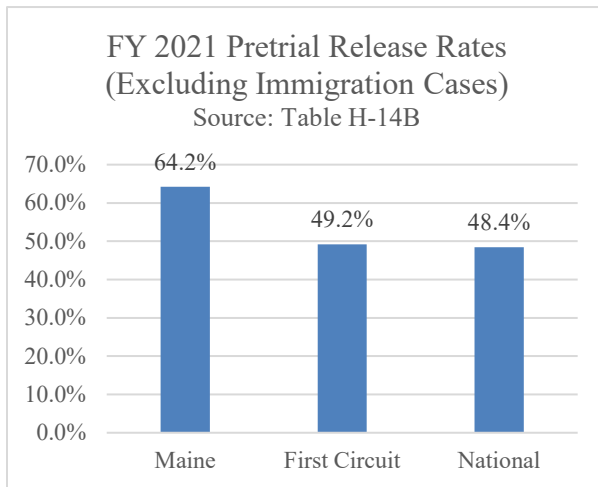
The office returned to more normal operations, after modifying operations in response to the Covid-19 pandemic. The District kept many of the positive adjustments from the pandemic, such as teleworking, utilizing virtual meetings and gatherings, and leveraging technology both to reduce costs and Covid-19 exposure risks.

Personnel

Senior U.S. Probation Officer Sharon Reinheimer continued to serve a temporary duty assignment with the AO focusing on pretrial services work.

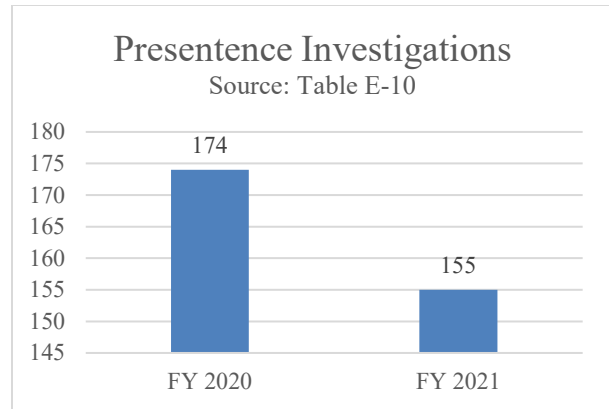
Pretrial Services

For the fourth consecutive year, the District had release rates exceeding the national average.



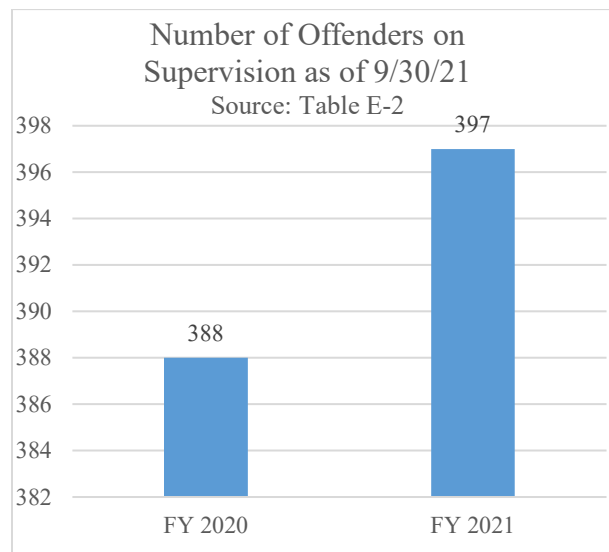
Presentence Investigations

The District saw a decline in the number of presentence investigation reports assigned and completed during the fiscal year.



Post-Conviction Supervision

For the second consecutive year, the District saw an increase in the number of post-conviction supervision cases.



Report for the District of Massachusetts

Court Profile

At the end of 2021, the District had 11 district judges, six senior district judges, seven magistrate judges, and three recalled magistrate judges.

Community Outreach

The District continued to support Discovering Justice's work with youth civics education, and judges and Clerk's Office staff participated in virtual events. The Court, with Discovering Justice, informally launched a new "Courts and Community" event partnership to host hybrid events for the public.

The Nelson Fellowship: Twelve public school students participated in the Fellowship, a summer program encouraging civic engagement and higher education, and named for the late Judge David S. Nelson, the first African American federal judge appointed to the District of Massachusetts. The program was held in a hybrid format.

The Lindsay Fellowship: Six college students participated remotely in the 11th year of the Lindsay Fellowship, named for the late Judge Reginald C. Lindsay. Fellows were assigned to a judge and either the U.S. Attorney's Office, the Federal Defender program, or U.S. Probation and Pretrial Services. The Fellows attended a research and writing program, competed in moot court, and participated in a client counseling component. A new instructor, Taisha Sturdivant, was welcomed to the program.

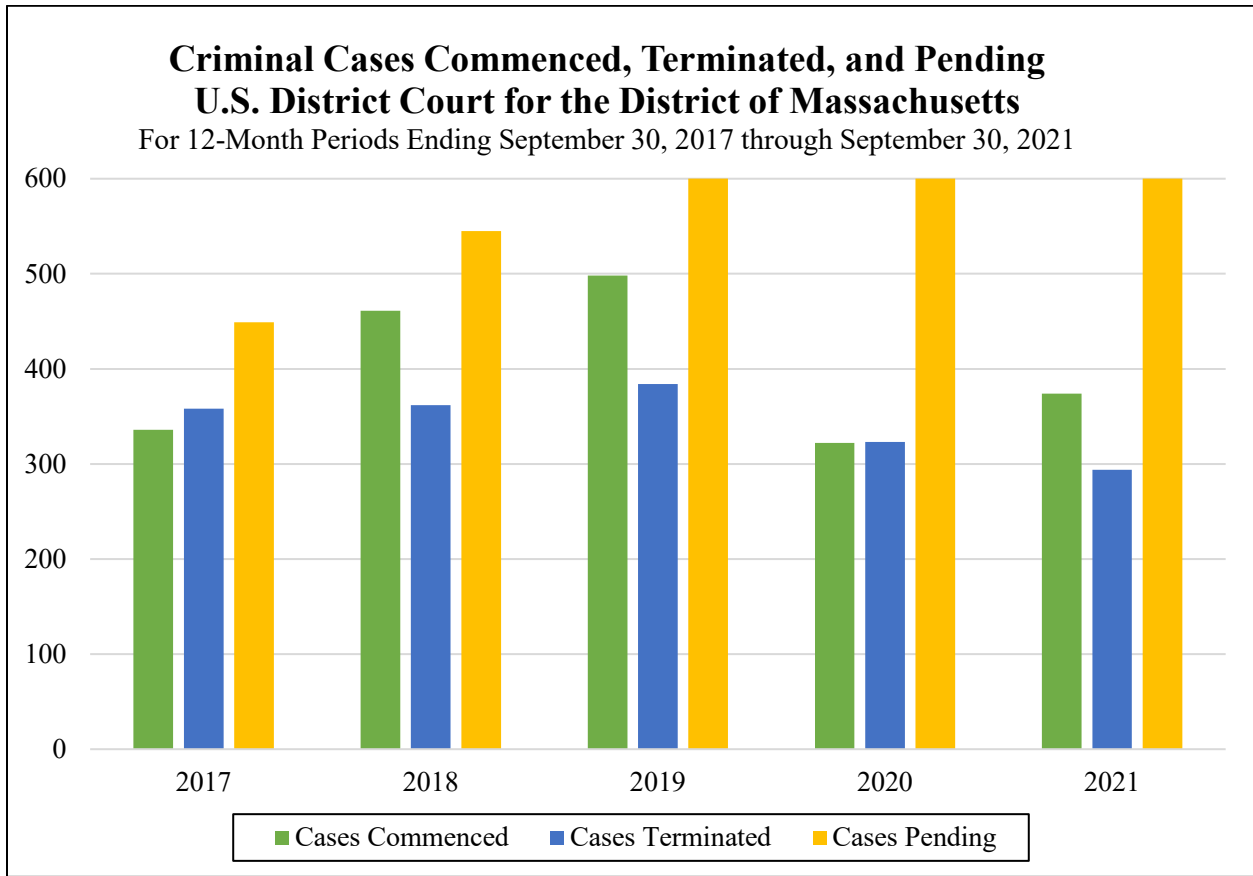
Operations

Civil filings decreased 9.9%, from 2,705 cases in calendar year 2020 to 2,438 cases in

calendar year 2021. The number of criminal defendants charged in calendar year 2021 increased 4.8% to 480 from 458 in 2020.

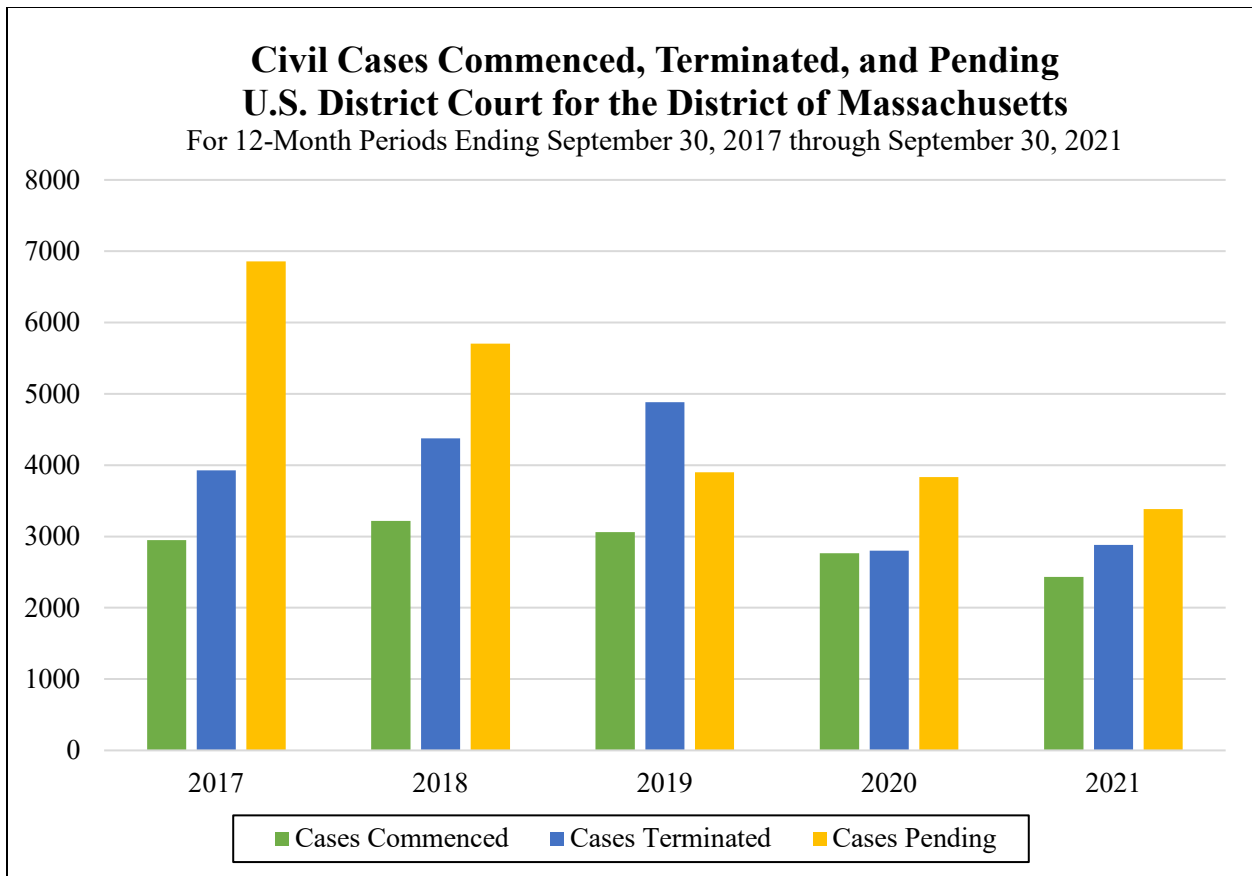
In 2021, the District closed one multi-district litigation (MDL). There were six pending MDLs, with 684 pending member cases.

In 2021, the District conducted 136 trials (58 civil and 78 criminal). Judges spent 1,590 hours conducting trials and 2,340 hours conducting other proceedings.



Criminal Cases Commenced, Terminated, and Pending
U.S. District Court for the District of Massachusetts
For 12-Month Periods Ending September 30, 2017 through September 30, 2021

	2017	2018	2019	2020	2021
Cases Commenced	336	461	498	322	374
Cases Terminated	358	362	384	323	294
Cases Pending	449	545	649	643	716



Civil Cases Commenced, Terminated, and Pending U.S. District Court for the District of Massachusetts For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	2,949	3,219	3,063	2,767	2,434
Cases Terminated	3,928	4,375	4,882	2,800	2,882
Cases Pending*	6,859	5,703	3,870	3,834	3,386

* Pending cases for 2017 - 2020 as revised by the AO.

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

Personnel

In 2021, there were five retirements, three resignations, and five transfers (two out and three in), and 12 new staff members joined the office (one as an officer and nine to the support team). Additionally, one person from the support team was temporarily rehired.

Investigations and Supervision:

Pretrial Investigations: In FY 2021, the PPSO activated 562 cases.

Year	Cases Activated	Release/ Detention Rate	Interview Rate
2019	766	46% / 54%	55%
2020	648	48% / 52%	79%
2021	562	54% / 46%	67%

Pretrial Supervision: In FY 2021, 866 defendants were under supervision. The office focused on the least restrictive standard for making recommendations to the Court. Of the total number of pretrial defendants who were supervised during 2021, 14 failed to appear as scheduled, 22 were rearrested, 114 committed technical violations, and 22 had their supervised release revoked.

Presentence Investigations:

Year	Cases Assigned	Cases Sentenced w/o PSR
2019	600	6
2020	382	13
2021	500	7

Offense types covered by presentence investigations and reports included drugs, financial, immigration, robbery, sex, obstruction, tax, and under the influence offenses. Officers continued to prescreen defendants for placement in the Bureau of Prisons Residential Drug and Alcohol Program, handle re-sentencings, and recommend individuals for participation in the Court Assisted Recovery Effort (CARE), Reentry: Empowering Successful Todays and Responsible Tomorrows (RESTART), and Repair, Invest, Succeed, Emerge (RISE) programs. Investigations officers handled First Step cases and other re-sentencings.

Post-Conviction Supervision: In FY 2021, 1,988 post-conviction clients were under supervision, 36% of whom were considered moderate or high risk. Officers continued to prioritize resources based on risk assessments and target criminogenic needs through a variety of intervention and monitoring strategies. The District's revocation rate of 26.3% was below the national average (30%).

The Probation Office facilitated treatment services for approximately 805 individuals during FY 2021.

Space Initiatives

In 2021, the Boston office urine collection project was completed, planning renovations continued for the Worcester office, and planning began for updates to the Boston office's carpet and paint.

District Resources and Initiatives

In FY 2021, the PPSO continued its efforts to provide full service to the Court and community through its initiatives, including the Release-Engage-Network-Employ-Win, RISE, CARE, Restorative Justice, RESTART

West (in Springfield), and Nurturing Fathers programs. Nurturing Fathers had more than 20 graduates in 2021 and partnered with Emerson College for participants to attend adjunct classes, develop pro-social relationships, and grow skills.

Training, Professional Development, & National Workgroups

Staff returned to in-person training, including, but not limited to, initial probation officer training at the Federal Probation and Pretrial Academy in Charleston, South Carolina; safety and firearms programming; investigations and supervision of defendants and offenders training; and evidence-based practices training. Several staff members participated in national events, and the District hosted various local events.

Report for the District of New Hampshire

Conferences/Educational Programs

The Federal Court Advisory Committee met regularly in 2021 to discuss the incremental reconstitution of operations during the Covid-19 pandemic and local rule amendments, as well as other issues of importance to federal practitioners. The Federal Practice Institute Continuing Legal Education (CLE) continued to be postponed due to the pandemic. The Court held its annual CJA Panel meeting and training in March 2021.

The Court held a "town hall" style meeting with a virologist that allowed staff and the public to ask the doctor questions about Covid-19 risks and safety measures.

Information Technology

The IT Department launched a new intranet site, upgraded all employee-issued mobile phones, implemented a network monitoring service and a new web application filter, established replication datacenters, and enrolled in Workspace One. IT staff continued to support teleworking and remote hearings as needed.

Local Rules/Procedure

The Court continued to consult with a virologist to develop protocols in response to the Covid-19 pandemic and to adjust those protocols as local cases and transmission rates fluctuated.

The District amended its Local Rules in December 2021. These revisions included revising most responsive deadlines from the "service" date to the "filing" date, defining the term "good standing" as it relates to attorney admissions, updating the discovery form, and

changing rules related to the deposit of registry funds.

Operations

The District completed an annual financial self-audit.

Case Management

Civil filings decreased from 1,180 cases in 2020 to 1,089 in 2021. Filings related to In Re: Atrium Medical Corp. C-Qur Mesh Products Liability Litigation, an MDL case assigned to Chief Judge McCafferty, increased. Criminal filings increased, from 177 defendants charged in 2020 to 228 in 2021.

Human Resources/Staff Training

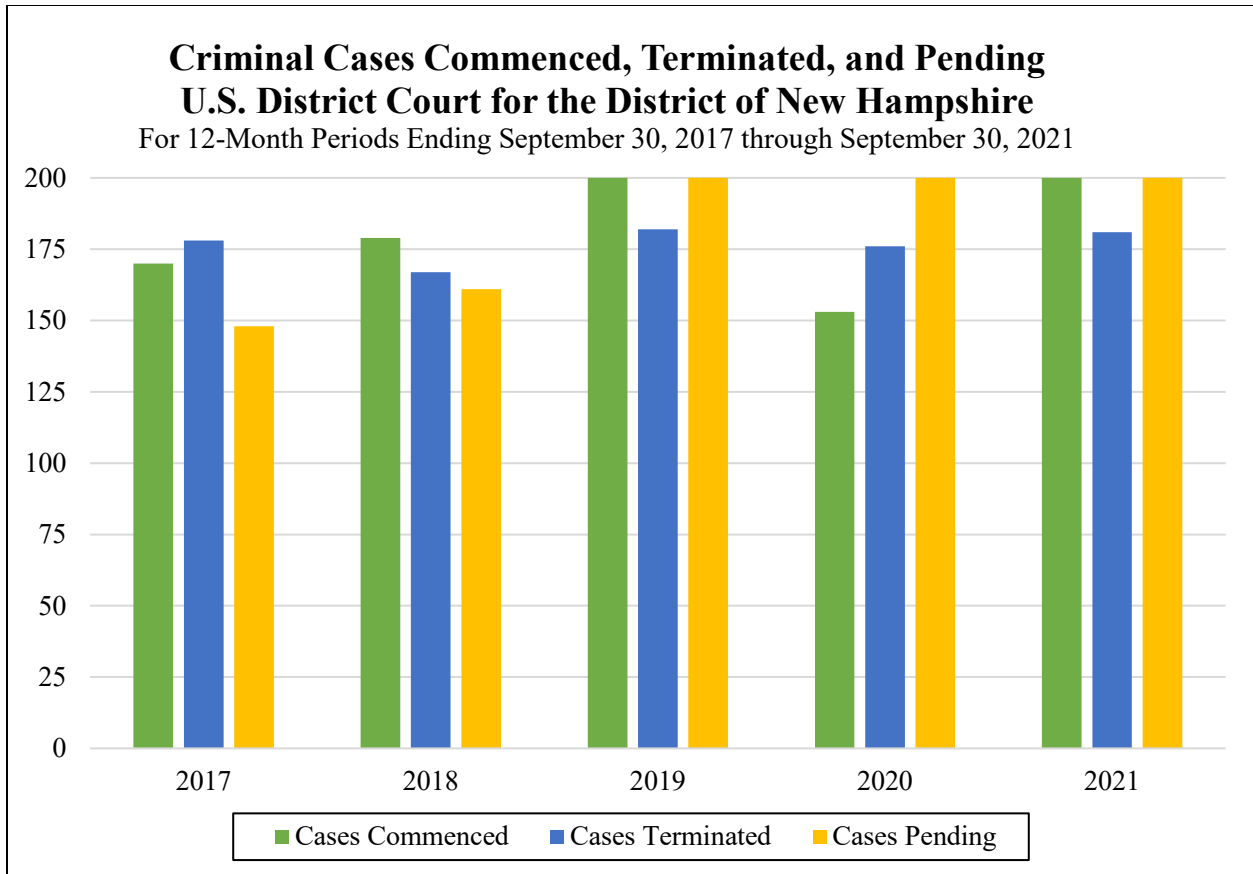
In 2021, Judge Elliott began hiring her chambers staff, and the hiring process began for the Operations Support Clerk position.

IT staff provided district-wide quarterly trainings on topics such as IT security recommendations and tips for using OneDrive.

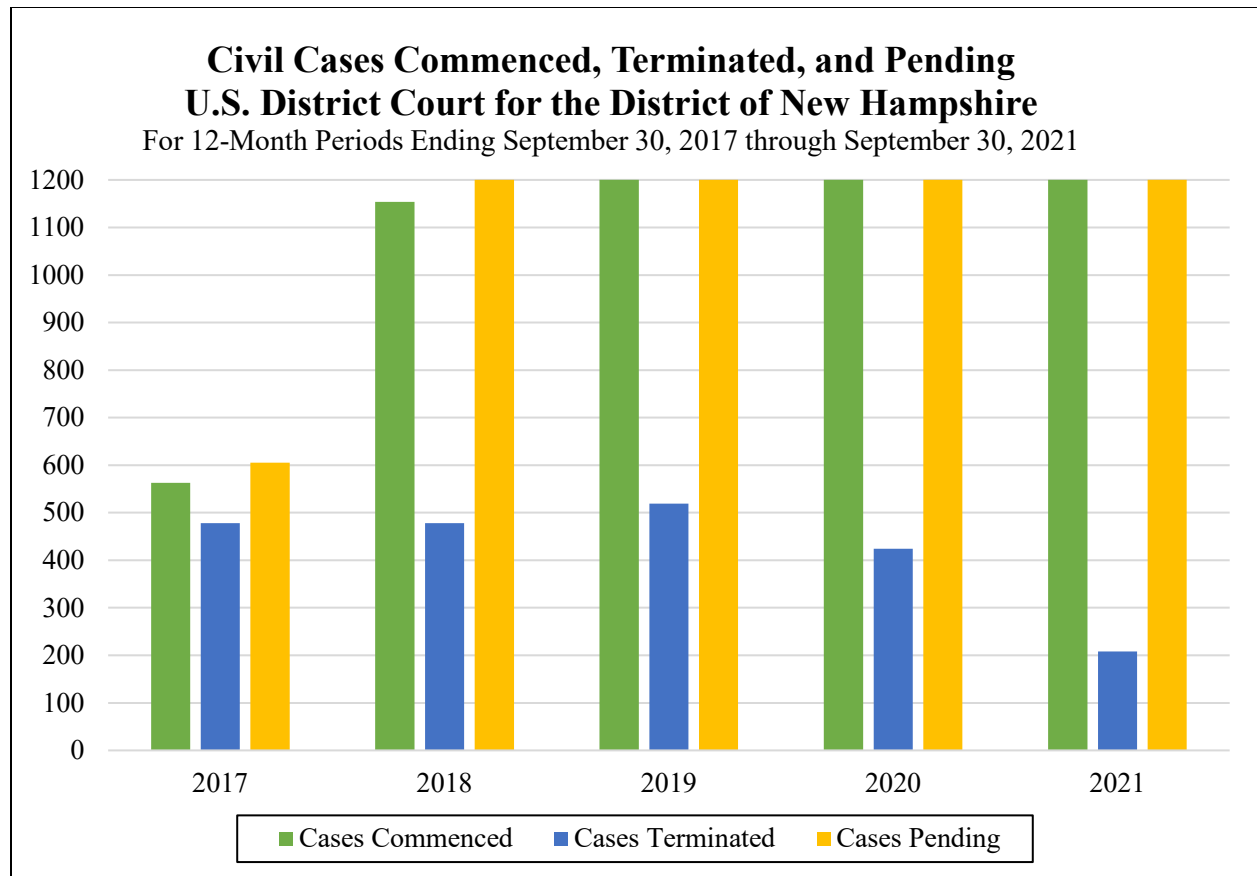
Space & Facilities

Construction/Consolidation

In 2021, the Court, working with the General Services Administration (GSA), completed the first phase of a lighting upgrade to the courthouse LED fixtures, upgraded the courthouse security system, and completed repairs to the HVAC infrastructure. Planning began for renovating the former library annex to create new chambers, replacing the air conditioning system, and upgrading the fire alarm system in multiple buildings.



Criminal Cases Commenced, Terminated, and Pending U.S. District Court for the District of New Hampshire For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	170	179	231	153	207
Cases Terminated	178	167	182	176	181
Cases Pending	148	161	213	200	230



Civil Cases Commenced, Terminated, and Pending U.S. District Court for the District of New Hampshire For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	563	1,154	1,370	1,209	1,004
Cases Terminated	478	478	519	424	398
Cases Pending*	605	1,281	2,133	2,919	3,525

* Pending cases for 2017 - 2020 as revised by the AO.

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

Personnel

U.S. Probation Clerk Timothy King was hired on January 4, 2021. U.S. Probation Support Technician Maggie Gildea was hired on June 21, 2021. U.S. Probation Officer Assistant JoAnna Peters was promoted on August 30, 2021.

Pretrial Services

In FY 2021, the office activated 248 new cases, a 25% increase over FY 2020. Drugs were the largest proportion of charged offenses (57.7%). Officers conducted 171 pretrial interviews in FY 2021, compared to 135 in FY 2020 (27% increase). Officers recommended release 63.5% of the time (excluding immigration cases). The District received 104 new cases for pretrial supervision in FY 2021 and, as of October 1, 2021, was supervising 133 defendants, nearly unchanged from 134 defendants under supervision as of September 30, 2020.

In FY 2021, there were 82 pretrial service violations across 65 defendants.

Presentence Investigations

The office completed 191 presentence investigations in FY 2021, including eight expedited/modified reports, a 14% decrease from FY 2020. The office completed 47 compassionate release investigations in FY 2021, over twice the amount in FY 2020 (22 investigations).

Post-Conviction Supervision

In FY 2021, the Supervision Unit continued to experience a rising workload, with a total of 411 cases on active post-conviction

supervision, a significant increase from FY 2020 (16%). Of these cases, 90.3% were on supervised release, and 48% were for drug offense convictions. Cases deemed intense or elevated risk accounted for 47% of post-conviction supervision, compared to 36% nationally. Further, the Supervision Unit underwent a variety of personnel shifts, as well as adjustments to several officers' geographical territories for supervision assignments, mostly due to the increase in the post-conviction supervision workload.

In FY 2021, the office closed 157 cases from active supervision, 43 (27%) of which were closed due to revocation. Of those revoked, 38 (88%) were considered technical violations, four (9%) were major violations, and one (2%) was a minor violation. Total cases revoked increased by 13% from 38 cases in FY 2020 to 43 cases in FY 2021.

In FY 2021, the office terminated 15 cases early from supervision, a slight increase from the 14 cases terminated early in FY 2020, resulting in significant savings.

Treatment Services

Treatment services costs significantly decreased by 28% from FY 2020. Participation in post-conviction substance use testing decreased by 50%, largely due to Covid-19. Location monitoring and mental health services costs increased in FY 2021 by 29% and 48%, respectively.

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 PPSO, the Federal Public Defender Office (FPDO), and the USMS. The LASER Docket offers treatment and sanction alternatives to

address defendant/offender behavior, promote rehabilitation, reduce recidivism, and ensure community safety. During FY 2021, ten pretrial defendants were approved for the program, bringing the total number of participants for FY 2021 to 28, and 17 participants graduated from the program, which was an all-time high for number of graduates in a fiscal year.

Information Technology

The office continued to share IT services with the District and Bankruptcy Courts. In 2021, the District achieved the following goals: refreshing iPhones district wide; establishing replication between AO datacenters; implementing Web Application Filter; replacing Cisco IP Communicator with Jabber; implementing SolarWinds Network Monitoring service; launching SharePoint Intranet Sites; and enrolling in Workspace One.

Officer Safety

The Officer Response Tactics team conducted and participated in a variety of trainings during FY 2021, including, but not limited to, a virtual safety training called "Concealing Your Identity" in collaboration with staff from Maine and Rhode Island, and outdoor firearm trainings.

Training and Professional Development

In FY 2021, staff participated in several national, regional, and local trainings, including, but not limited to: Suicide Awareness and Prevention; Recovery Capital; New Hampshire Treatment Court Conference; Probation and Pretrial Services Automated Case Tracking System (PACTS) 360; Sex Offender Specific Training; RISE21 – National Association of Drug Court Professionals; Bureau of Prisons Designation

and Computation; Data Collection Training; and Quarterly IT Training.

Recognition

During FY 2021, on the recommendation of the Employee Recognition Committee, the following staff were cited for outstanding work:

- JoAnna Peters – Chief's Award for Quality Improvement
- Steve Seero – District Award for Sustained Superior Performance
- Wendy Fosher – District Award for Sustained Superior Performance
- Scott Christensen – Dan Gildea Award
- William Carroll – Character Award

Report for the District of Puerto Rico

Court Profile

The District had five district judges, two senior district judges, five magistrate judges, and two Article III vacancies at the conclusion of 2021. Chambers staff totaled 37, including one full-time pro se law clerk. Clerk's Office staff totaled 77, including six court reporters and eight court interpreters.

Shared Services

On September 23, 2021, the Court and the PPSO signed a "Memo of Understanding for Shared Automation Services and Support."

Conferences/Educational Programs

The District and the USMS sponsored an Active Shooter Awareness Training for all Court staff, featuring a theoretical presentation and practical application exercise.

The District and the PPSO, in partnership with the Commonwealth of Puerto Rico's Women Advocate Office, held a POWER Act event discussing the importance of case management and attorneys' responsiveness to the needs of domestic violence and sexual assault victims during the Covid-19 pandemic.

The District and the U.S. Sentencing Commission (USSC) sponsored a sentencing guidelines training for judges, law clerks, members of the bar, and staff from the United States Attorney's Office, the FPDO, and the PPSO.

The District sponsored a virtual CLE for more than 500 members of the bar.

Local Rules/Procedure

The Court unanimously adopted amendments to Local Civil Rule 9 after public notice and comment.

Interpreters

In 2021, staff interpreters completed 5,218 Spanish language interpreting events, and contract interpreters completed 969 Spanish language events.

District Bar Examination

In May and November 2021, a total of 343 individuals took the district bar exam, resulting in a 26% aggregate passing rate. A total of 119 attorneys were admitted to practice in the District during 2021, including those who passed the test in previous years.

Civil Pro Bono Program

In 2021, 450 attorneys were selected to serve on the Civil Pro Bono Panel, and 131 pro bono appointments were made.

Naturalization Ceremonies

The Court held four naturalization ceremonies, during which 33 persons were sworn in as citizens.

Information Technology

The IT Department continued to improve the District and the PPSO onsite and remote work environments. IT staff dedicated significant time toward complying with the AO IT security directives, implementing security configuration and tools, and improving the backbone infrastructure. The IT Department, with the support of the Operations

Department, effectively transitioned to CM/ECF NextGen.

Capital Security Project (CSP), and selection of furniture for the Clerk's Office.

Community Outreach

RESCATE (Reentry Supervised Released Court Alternative): On April 30, 2021, Chief Judge Arias-Marxuach entered an Order announcing the Court's sponsorship of the joint initiative between the United States Attorney's Office, the FPDO, and the PPSO establishing a post-conviction reentry pilot program to be launched in June 2021. The goals of the program are to reduce re-arrest rates, promote community safety by means of intensive supervision, and provide work and other opportunities to participants.

Student and Youth Visits: In 2021, the Court hosted several visits from high school and college students.

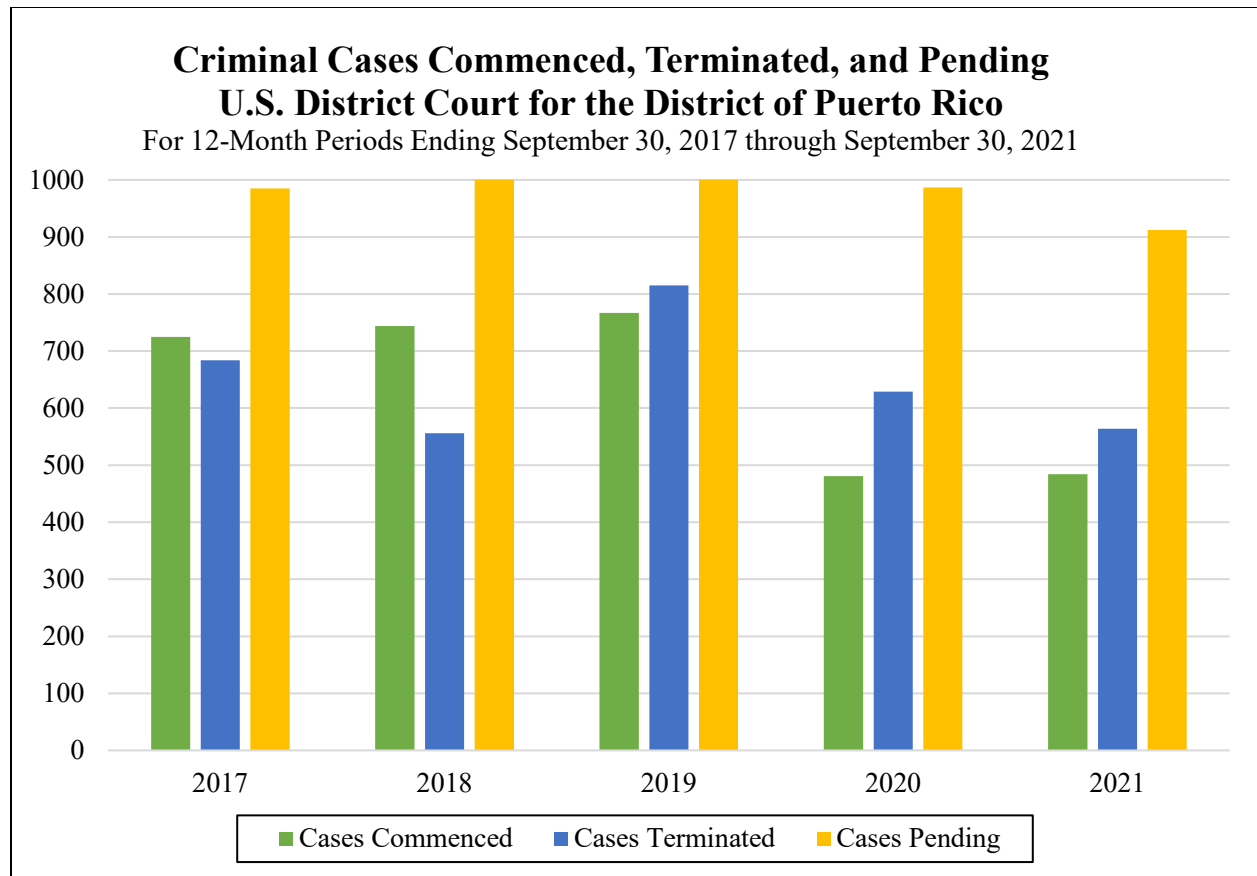
Combined Federal Campaign (CFC): The Court continued its outstanding contribution to the CFC for Puerto Rico and the U.S. Virgin Islands.

Space and Facilities

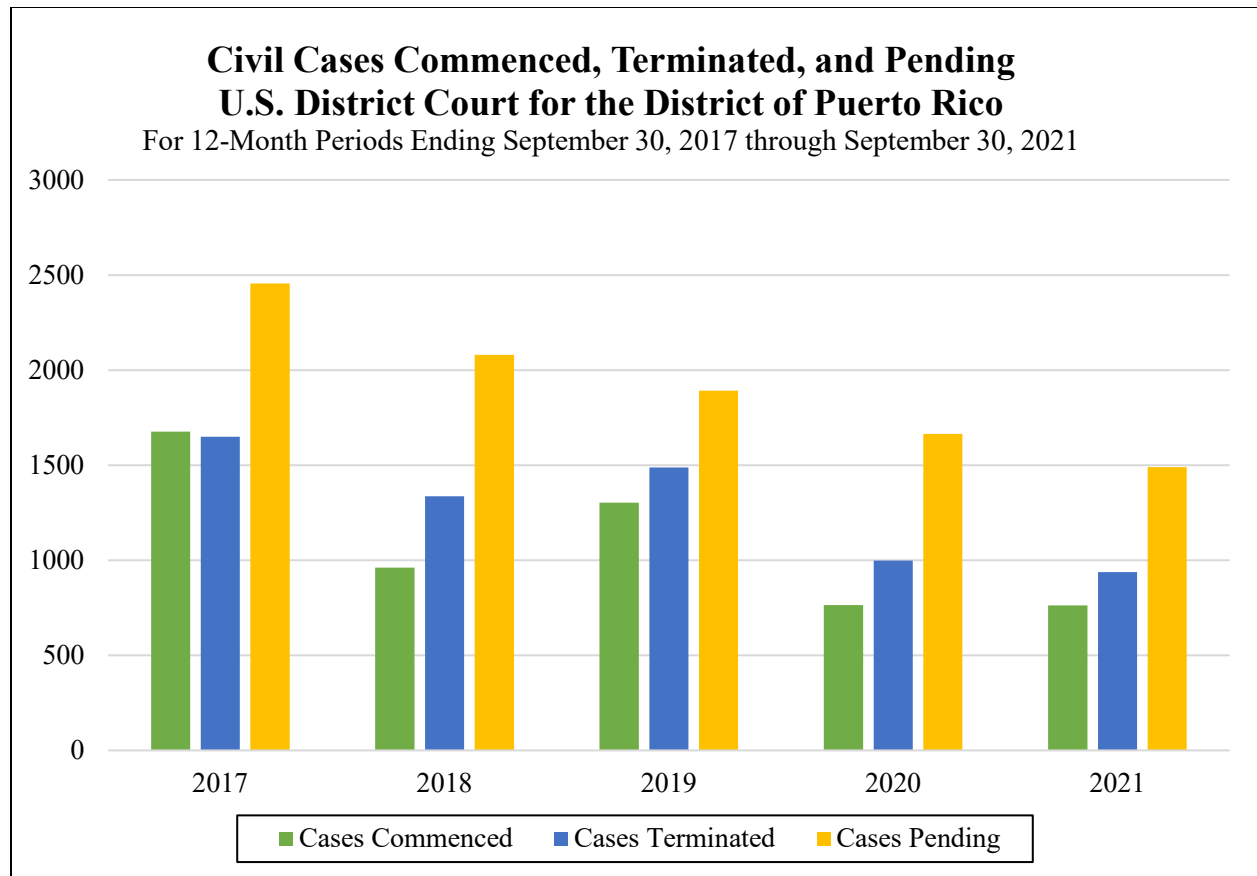
The request submitted to the JCUS for construction of a Courthouse Annex in Hato Rey was approved, and the Design Phase is scheduled to start at the end of 2022.

Projects completed included installation of a new air conditioning unit and new data conduits for the José V. Toledo Courthouse, and renovations to chambers, the Court Interpreter's area, the Clerk's Office administrative area, the IT department, and the Grand Jury Room at the Federal Office Building.

Projects commenced included construction for the modernization of the José V. Toledo Courthouse elevators, construction for the



Criminal Cases Commenced, Terminated, and Pending U.S. District Court for the District of Puerto Rico For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	725	744	767	481	484
Cases Terminated	684	556	815	629	564
Cases Pending	985	1,181	1,151	987	912



Civil Cases Commenced, Terminated, and Pending U.S. District Court for the District of Puerto Rico For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	1,676	961	1,303	764	763
Cases Terminated	1,649	1,337	1,487	998	938
Cases Pending*	2,456	2,080	1,892	1,664	1,489

* Pending cases for 2017 - 2020 as revised by the AO.

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

Overview

Due to the Covid-19 pandemic, the office continued operating with flexible remote work options and began to increase gradually personnel's physical presence in the office and in the community.

Personnel

The office hired seven probation officers and two probation services technicians. Seven staff members separated due to retirement.

Investigations and Supervision

Court Services: The Court Services Division had seven full-time supervisors, 29 full-time officers, one part-time officer, and nine support staff. During FY 2021, the division opened 1,028 new bail investigations and completed 679 bail reports. Division managers continued to meet regularly to address issues identified during a previous audit, developed strategies to correct the findings and improve effectiveness, and focused on providing training sessions for officers.

Pretrial Services Investigations: During FY 2021, the office opened 712 cases. Controlled substances remained the most common offense type, followed by firearms and violent crimes.

Supervision Division: The division focused on addressing issues related to the Location Monitoring program and addressing the impact of the Covid-19 pandemic on bail release caseloads.

Post-Conviction Supervision: The division operated with seven full-time supervisors, 36 full-time officers, one task force officer, six

support staff, and two laboratory technicians. In FY 2021, 2,583 post-conviction cases were activated, and 277 were closed by revocation. The FY 2021 revocation rate (24%) was similar to that in FY 2020 (18%).

The division continued to provide reentry services, including collaborative agreements with other community resources for Graduate Equivalency Diplomas, workforce development workshops, and driver's licenses. The reentry team provided several virtual and in-person activities for individuals under supervision. The office continued to have one of the highest investments nationwide in Second Chance Funds for Offender-Defendant Reentry Services.

<i>Cases Revoked and Closed</i>	<i>FY 2020</i>	<i>FY 2021</i>
Total Cases Closed	1,580	1,173
Cases Closed by Early Termination	536	166
Revocations	277	280
Revocation Rate	18%	24%

<i>Persons under Supervision (Pretrial Services and Diversion)</i>	<i>FY 2020</i>	<i>FY 2021</i>
	781	837

District Initiatives

During FY 2021, 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 assist non-profit organizations within the District. Despite the Covid-19 restrictions, the office held a total of three virtual outreach activities to schools.

Training and Professional Development

The office provided a total of 23 in-house virtual or in-person training sessions to employees, and selected staff also participated in trainings outside of the office.

Space Initiatives

In FY 2021, the office adapted its recently completed Integrated Workplace Initiative construction to accommodate Covid-19 protocols. The office's carpets were cleaned and, the office, in collaboration with other agencies, provided a gym to employees.

Report for the District of Rhode Island

Committee Membership

Clerk of Court Hanorah Tyer-Witek continued to serve on the First Circuit IT Committee.

Chief Deputy Clerk Frank Perry continued to serve as faculty for the FJC's New Deputy Court Unit Executive (CUE) program and Experienced Deputy CUE program. He was appointed to serve on the AO's Criminal Operations Advisory Council.

IT Director Heather Restifo served on the AO's Court IT Operations Working Group, was appointed to the AO's IT Security Task Force, and participated in the Technical Data Categorization Working Group.

Court Services Manager Michael Simoncelli continued to serve on the AO's Restitution Expert Panel Working Group and participated in the AO management team assist visit.

Case Manager Nisshy Urizandi continued to serve on the First Circuit Clerk's Office Advisory Committee.

Alternative Criminal Case Programs

Deferred Sentencing Program: There were five participants in the program at the end of 2021, two of whom graduated and received non-prison sentences.

HOPE Court: In 2021, four individuals joined and three individuals graduated from the Helping Offenders Prepare for reEntry (HOPE) program.

Human Resources/Staffing

Event Coordinator Lisa Quartino retired after 23 years of dedicated service to the Court. Software Manager Stephen McWilliams

retired after 20 years of dedicated service. Case Manager Barbara Barletta retired after 25 years of dedicated service.

In August 2021, Meghan Kenney and Kayla DaCruz were hired as case administrators, and Sahira Lora was hired as an administrative assistant.

Conferences/Educational Programs

Attorney Admissions Program: In 2021, 61 new attorneys were admitted to the District's bar.

Educational Programs: The Court held several CLE programs for members of the bar and virtual programs for interns.

Local Rules/Procedures

As in the previous year, the District's local rules committee process was suspended due to the pandemic.

Information Technology

The IT Department matured security tools and business approaches in the PPSO by removing old software and approaches and replacing them with contemporary systems. Additionally, the Court upgraded to CM/ECF NextGen and to the new Jury Management System Unify system.

The IT Department implemented a new system for paperless capabilities and a new computing environment for critical business systems and virtual desktops, and developed a system -- "ECFInsight" -- that allows for dynamic reporting of data from CM/ECF.

Courtrooms A, B, and C were upgraded to support new technology and increasing workload for the magistrate judges.

Staff Training

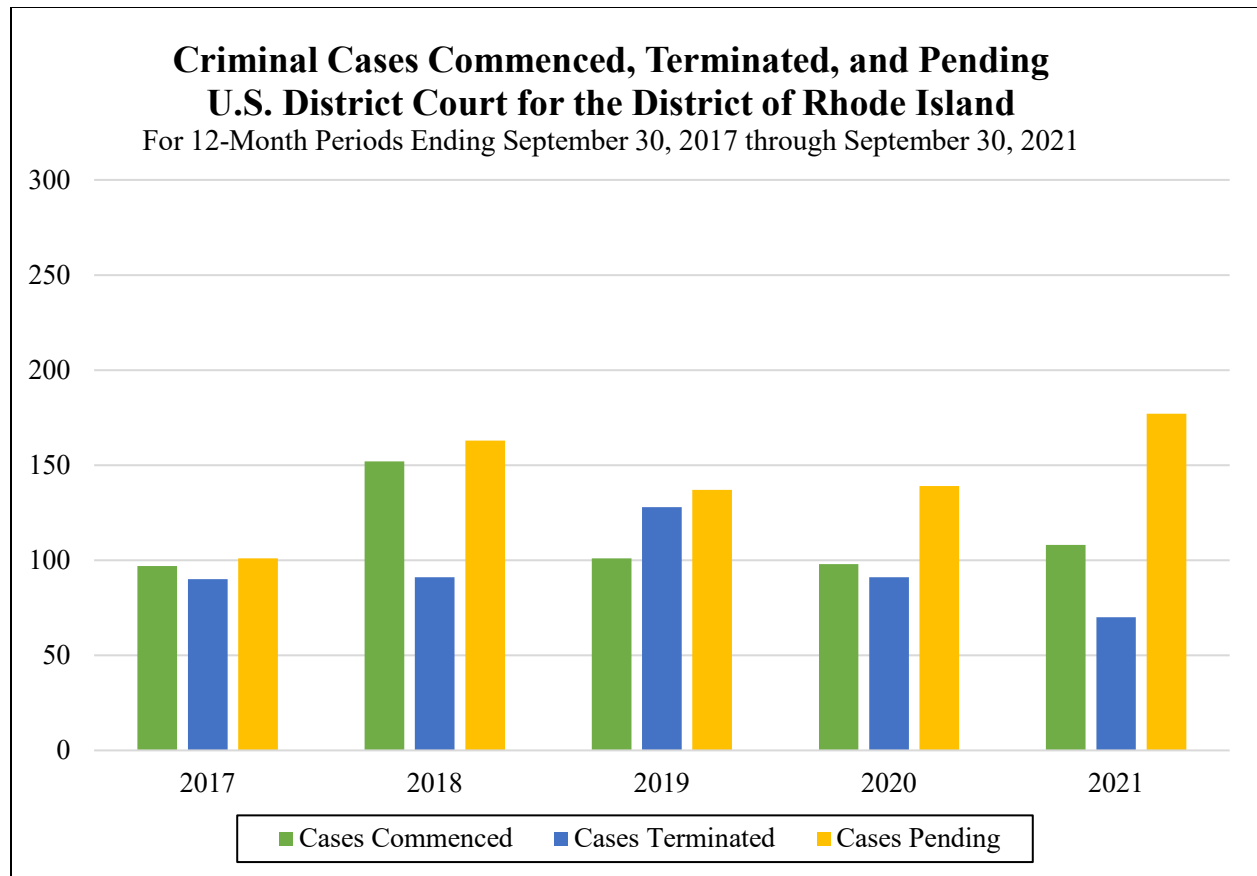
The Clerk's Office Leadership Team attended "Lessons from Leaders – Antietam" in September 2021. All District staff attended the required Employment Dispute Resolution (EDR) and IT Security Awareness Refresher training.

The Diversity and Inclusion Committee continued to meet regularly to discuss relevant issues and share personal experiences.

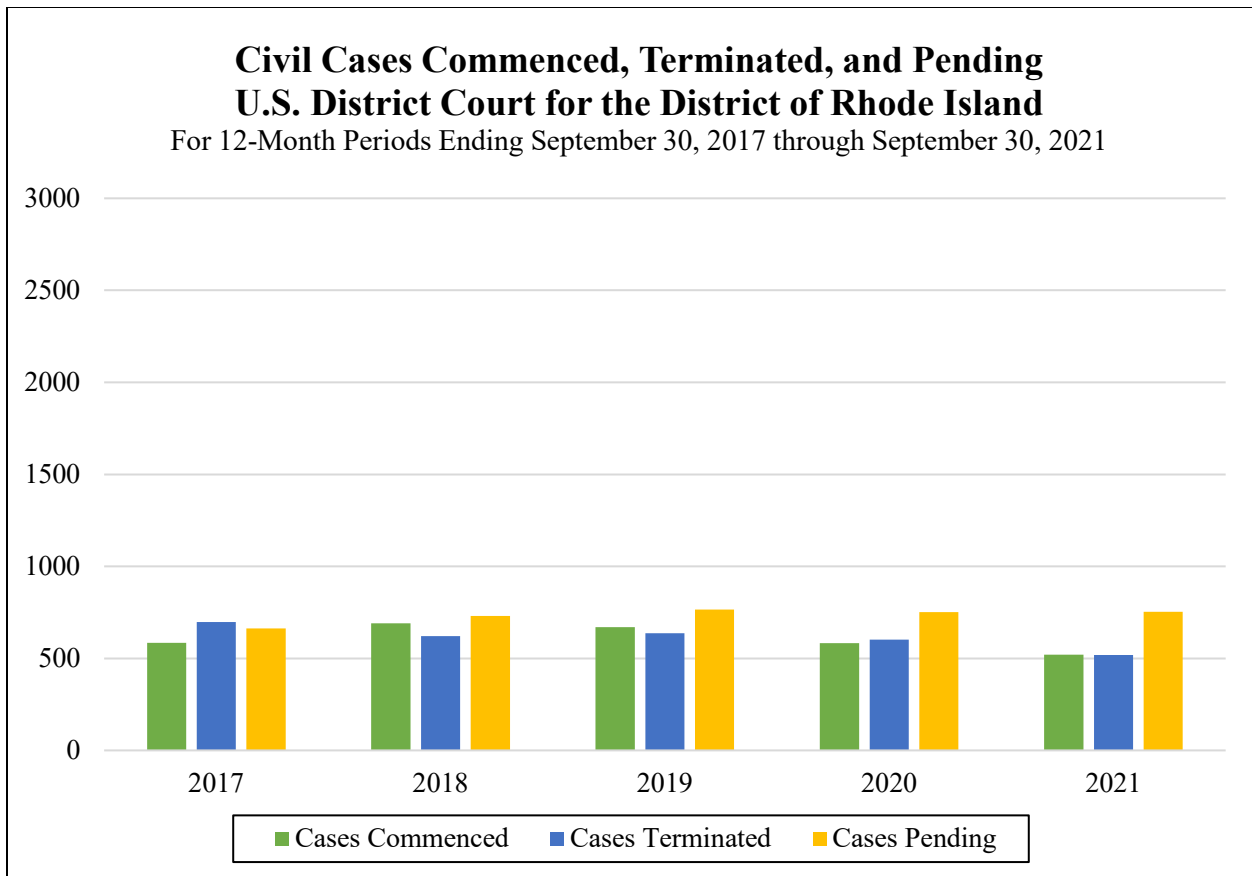
Community Outreach

Civic Education Programs: The Court facilitated mock interviews with students as part of the Rhode Island College "Career Empowerment Opportunity" program in April 2021. The Court also hosted a high school aged group, known as Princes to Kings, for mock arguments in August 2021.

Naturalization Ceremonies: The Court naturalized 329 new citizens and conducted eight off-site ceremonies in 2021.



Criminal Cases Commenced, Terminated, and Pending U.S. District Court for the District of Rhode Island For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	97	152	101	98	108
Cases Terminated	90	91	128	91	70
Cases Pending	101	163	137	139	177



Civil Cases Commenced, Terminated, and Pending U.S. District Court for the District of Rhode Island For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	585	690	670	582	521
Cases Terminated	698	621	637	602	518
Cases Pending*	662	731	768	751	754

* Pending cases for 2017 - 2020 as revised by the AO.

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

Personnel

U.S. Probation Officer Brandon Miles was promoted to Intensive Supervision Specialist, a new position in the office dedicated to assist in the supervision of the District's increased sex offender and location monitoring cases. During 2021, the office began transitioning from fully remote work operations to a hybrid workplace.

Pretrial Services

In 2021, the office activated 162 new cases, an 8.7% increase from 2020. The District's FY 2021 pretrial release rate, excluding immigration cases, was 63%, compared to the national average of 43%. Pretrial release supervision cases increased by 23% from 2020. On average, the PPSO supervised 152 pretrial defendants each month. The office also completed four pretrial diversion investigations.

Presentence Investigations

The PPSO completed 98 presentence investigations, a 10% increase over 2020. The office prepared one expedited report and completed 75 collateral responses, obtaining criminal history information for other districts.

Post-Conviction Supervision

In 2021, the office supervised an average of 349 offenders per month, an 11% decrease from 2020. At the end of 2021, 332 individuals were on supervision, with a majority on supervised release (307 defendants). The District's revocation rate for FY 2021 was 19.9% and was below the national average of 29.8%. The District

utilized a total of \$11,467 in Second Chance funds, a 59% decrease from FY 2020.

Treatment Services

Treatment services costs increased by 6% in 2021. In 2021, treatment services began to transition back to in-person treatment.

District Initiatives

In February 2021, the AO conducted a remote Office Review, and the results in all areas of the review exceeded 80% compliance with policy and procedures and were above the national averages from the prior fiscal year.

In 2021, there were five active participants in the Court's Deferred Sentencing Program, which provides eligible defendants with a framework of supervision and services in lieu of incarceration, and one participant completed the program.

The HOPE Court, which supports high risk offenders with intensive supervision strategies and targeted services, operated with an average of eight participants, with four participants graduating in 2021. In addition to biweekly court meetings, the HOPE Court incorporated the Recovery Capital pilot program through the University of Derby and Mass General Hospital into the program, which provides a strength-based approach to help individuals locate support and resources within their communities to better identify and address their needs.

In 2021, the District continued to participate in the FJC's Supervising Officers in an Evidence-Based Environment program, which provides supervisors with education and training to support more effectively supervision of defendants and offenders and to ensure that supervision corresponds with evidence-based practices.

During the holiday season of 2021, office staff participated in the Rhode Island State Police's Kids, Cops, and Christmas donation drive, through which donated gifts were provided to the Rhode Island State Police to fulfill holiday wishes of community children in need.

Professional Development and Training

Chief U.S. Probation Officer John Marshall was selected to join the FJC's Executive Education Advisory Committee, and he continued to serve as the co-chair of the PPSO's Post-Conviction Procedures Working Group, which is working to create efficient procedures and practices for post-conviction supervision.

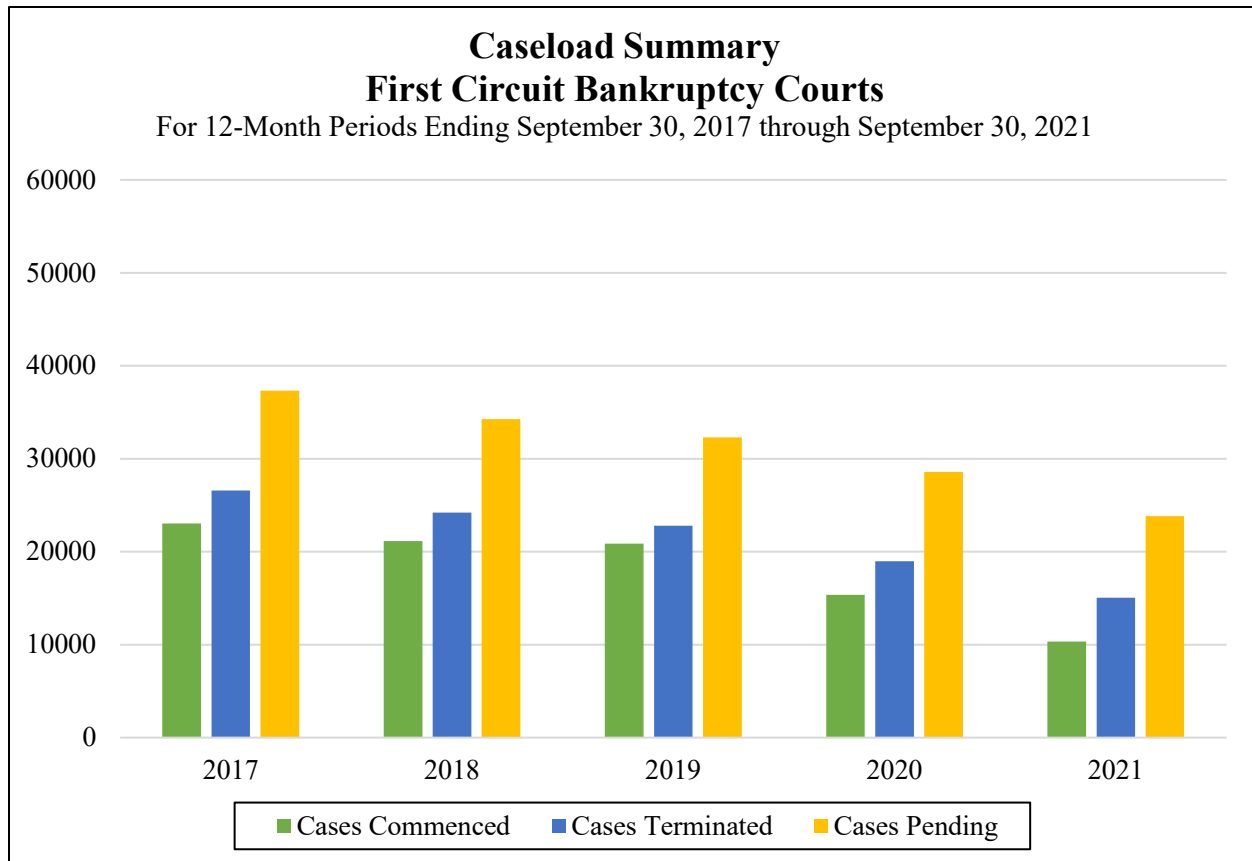
Supervising U.S. Probation Officer Heather Maloney continued her role as a member of the First Step Act Working Group, which assists the PPSO with identifying the aspects of the First Step Act that may impact probation officers' workloads.

The District of Rhode Island was chosen by the AO to be one of six pilot districts to implement the national transition from the Probation and PACTS to the updated PACTS 360. U.S. Probation Officers Andrea Edgar and Brandon Miles were selected to be User Acceptance Testers for PACTS 360.

Several staff members participated in AO Office Reviews for other districts.

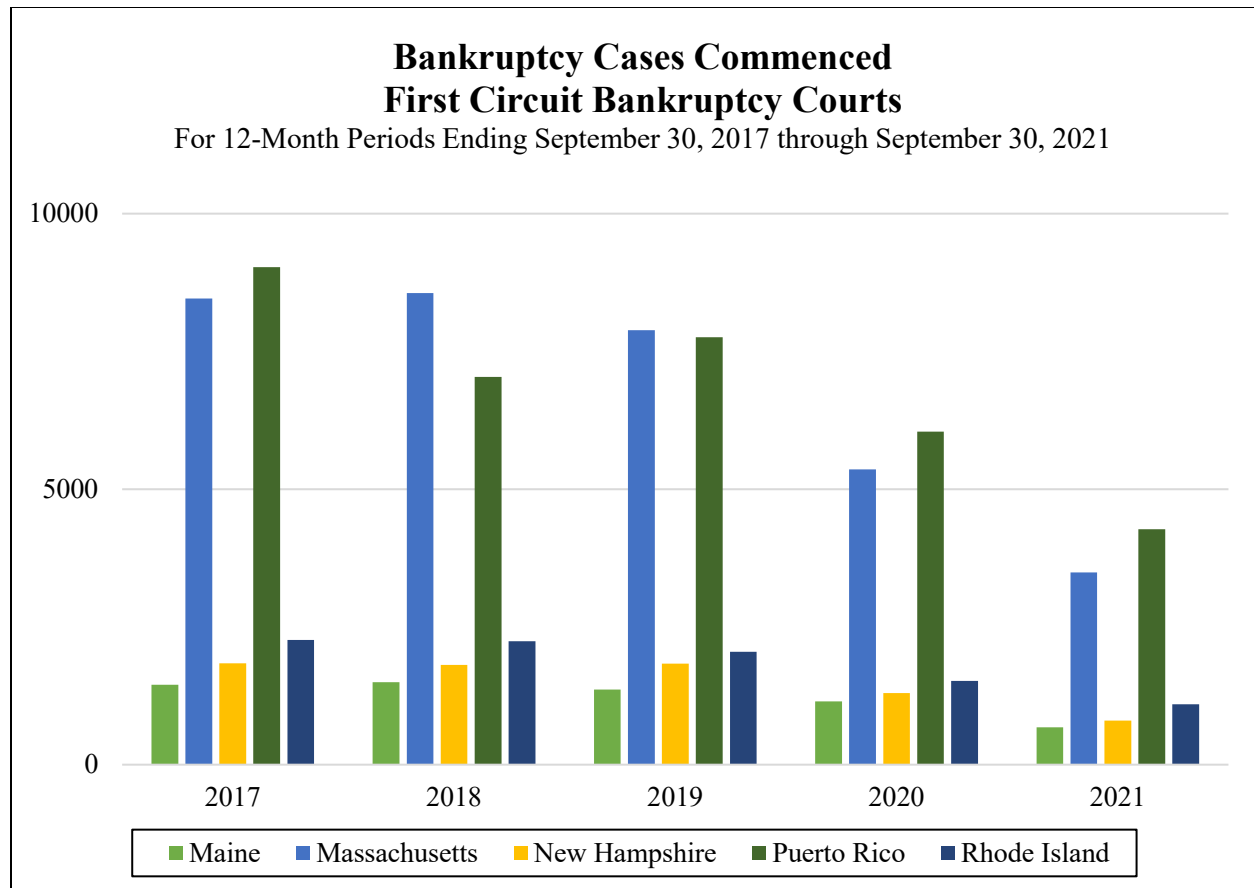
Staff participated virtually as attendees and/or presenters, in several national, regional, and local training seminars on topics such as PACTS 360, NAPSA virtual conference, Concealed Identity, Recovery Capital, Exploring Restorative Justice, Diversity and Inclusion, USSC Guidelines, and wellness. In-person trainings included, but were not limited to, the Core Correctional Practices and firearms officer safety trainings.

Statistical Report for the Bankruptcy Courts in the First Circuit



Caseload Summary					
First Circuit Bankruptcy Courts					
For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	23,038	21,145	20,884	15,367	10,334
Cases Terminated	26,600	24,221	22,793	18,962	15,059
Cases Pending*	37,321	34,248	32,310	28,565	23,841

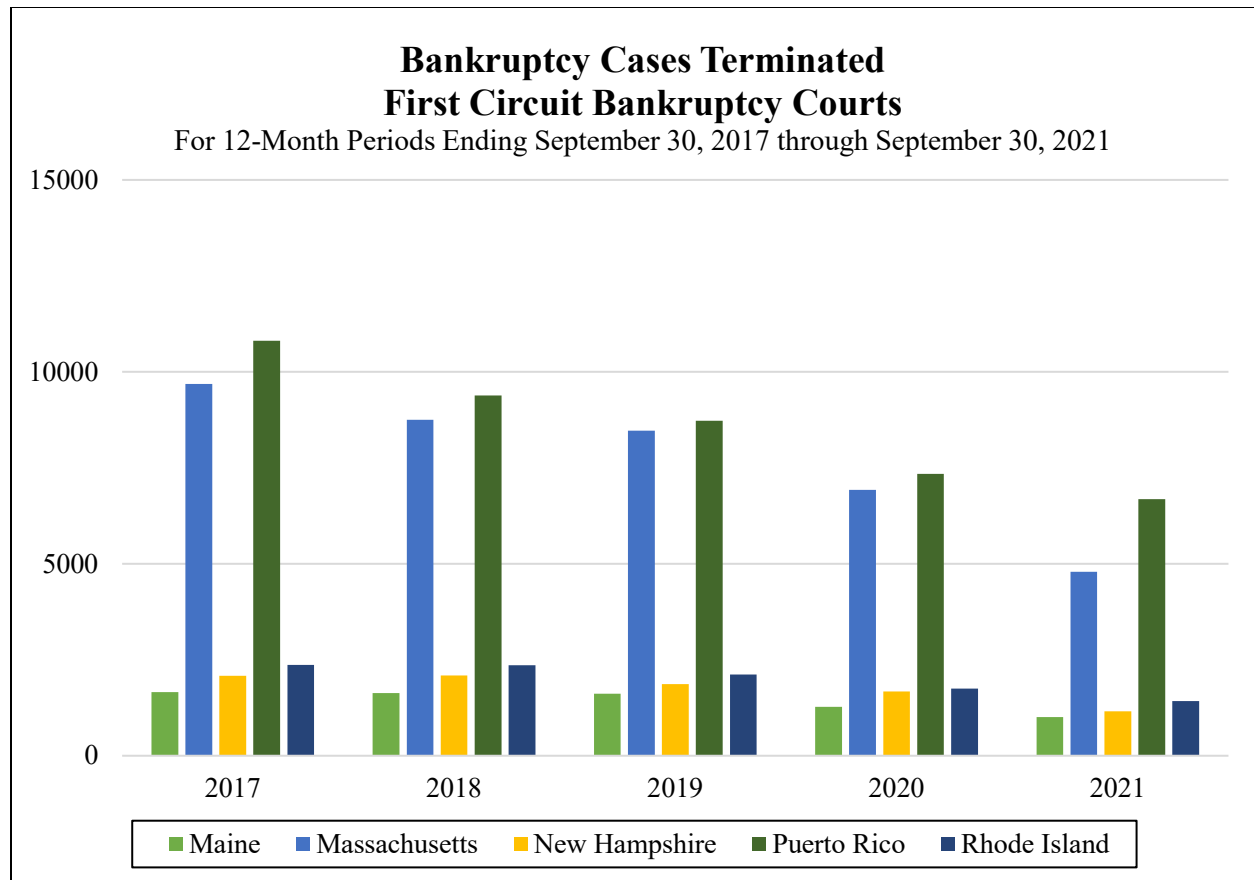
* Pending caseloads for 2017 - 2020 as revised by the AO.



Bankruptcy Cases Commenced First Circuit Bankruptcy Courts

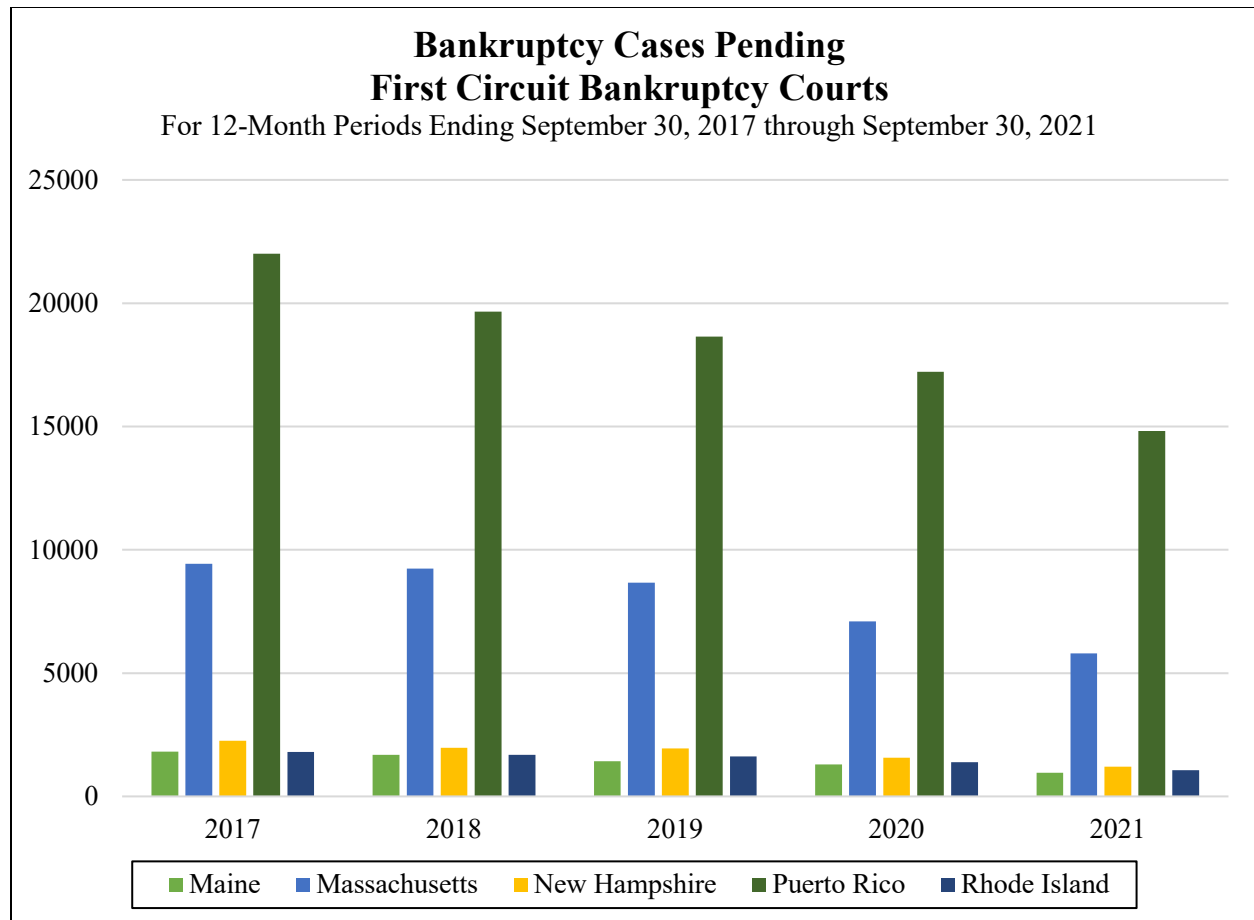
For 12-Month Periods Ending September 30, 2017 through September 30, 2021

District	2017	2018	2019	2020	2021
Maine	1,450	1,497	1,362	1,148	677
Massachusetts	8,458	8,556	7,883	5,357	3,489
New Hampshire	1,840	1,812	1,836	1,297	798
Puerto Rico	9,028	7,038	7,756	6,046	4,273
Rhode Island	2,262	2,242	2,047	1,519	1,097



**Bankruptcy Cases Terminated
First Circuit Bankruptcy Courts**
For 12-Month Periods Ending September 30, 2017 through September 30, 2021

District	2017	2018	2019	2020	2021
Maine	1,657	1,633	1,618	1,275	1,010
Massachusetts	9,681	8,748	8,465	6,923	4,790
New Hampshire	2,082	2,093	1,868	1,671	1,155
Puerto Rico	10,813	9,386	8,728	7,343	6,680
Rhode Island	2,367	2,361	2,114	1,750	1,424



Bankruptcy Cases Pending*
First Circuit Bankruptcy Courts
For 12-Month Periods Ending September 30, 2017 through September 30, 2021

District	2017	2018	2019	2020	2021
Maine	1,816	1,680	1,423	1,294	961
Massachusetts	9,433	9,244	8,665	7,094	5,793
New Hampshire	2,252	1,971	1,939	1,565	1,208
Puerto Rico	22,012	19,664	18,659	17,219	14,813
Rhode Island	1,808	1,689	1,624	1,393	1,066

* Pending caseloads for 2017 - 2020 as revised by the AO.

Business Bankruptcy Filings, by chapter First Circuit Bankruptcy Courts For 12-Month Period Ending September 30, 2021				
District	chapter 7	chapter 11	chapter 12	chapter 13
Maine	24	15	3	4
Massachusetts	153	69	1	12
New Hampshire	38	9	0	3
Puerto Rico	39	43	8	12
Rhode Island	32	4	0	2

Nonbusiness Bankruptcy Filings, by chapter First Circuit Bankruptcy Courts For 12-Month Period Ending September 30, 2021			
District	chapter 7	chapter 11	chapter 13
Maine	549	1	81
Massachusetts	2,461	19	774
New Hampshire	625	0	123
Puerto Rico	1,755	7	2,409
Rhode Island	913	0	146

Report for the Bankruptcy Court for the District of Maine

Committee Membership

Team Leader Kristen Ford successfully completed the National Conference on Bankruptcy Clerks (NCBC) Lead Academy, and served on the Advisory Committee to the First Circuit Workplace Conduct Committee and the NCBC Education Committee and Mentorship Committee. ECF Case Administrator Rachel Parker served on an Expert Panel on Pro Se Electronic Filing facilitated by the AO.

Information Technology

The Court deployed, implemented, and trained on Microsoft Teams and Zoom, the latter of which has been used extensively for courtroom proceedings and judicial settlement conferences.

Case Management

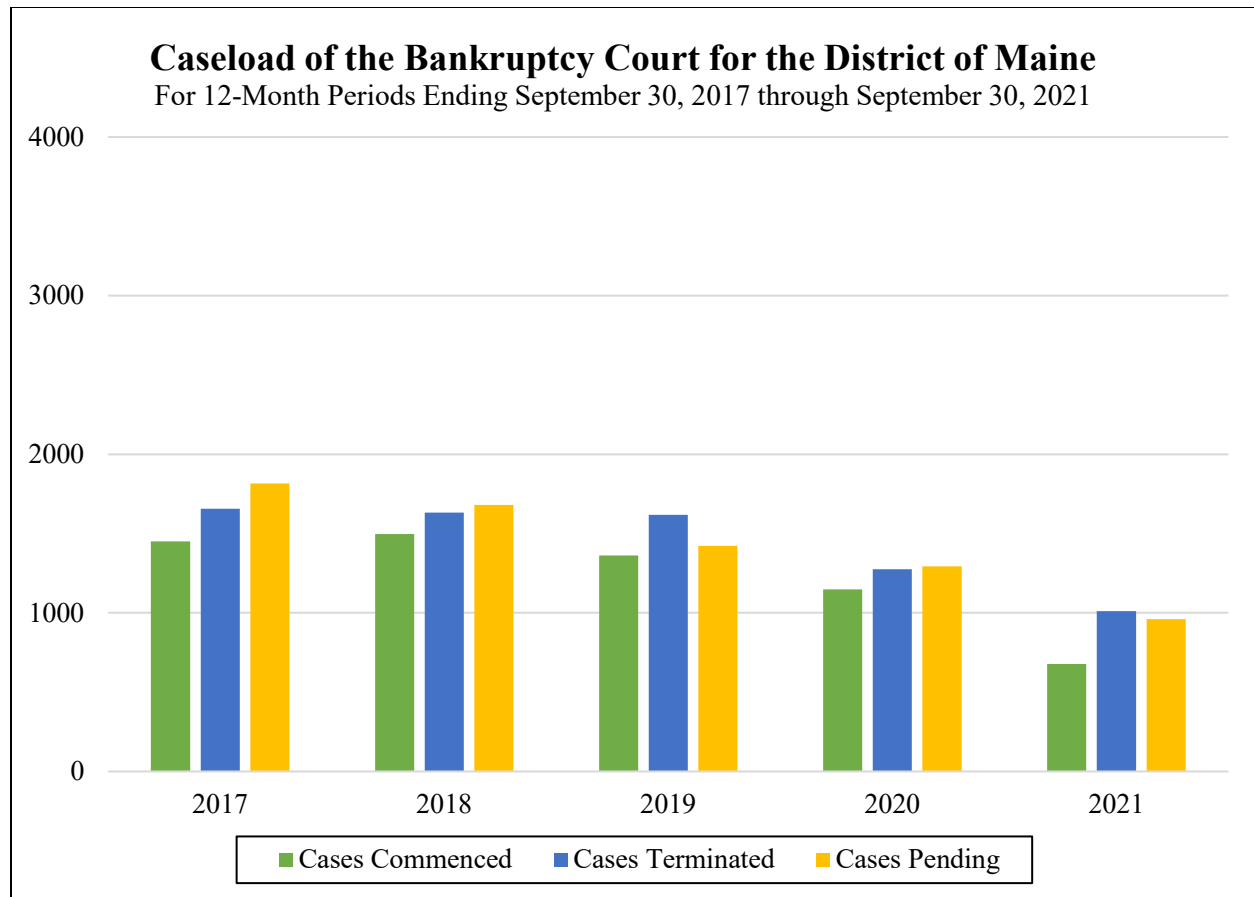
The Court successfully implemented NextGen CM/ECF in July 2021.

Space and Facilities

The Court installed a new audiovisual video conferencing system in the Bangor courtroom.

Conferences/Educational Programs

The Court hosted a Zoom Brown Bag Luncheon in April, which more than 60 members of the bar attended.



Caseload for the Bankruptcy Court for the District of Maine For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	1,450	1,497	1,362	1,148	677
Cases Terminated	1,657	1,633	1,618	1,275	1,010
Cases Pending*	1,816	1,680	1,423	1,294	961

* Pending caseloads for 2017 - 2020 as revised by the AO.

Report for the Bankruptcy Court for the District of Massachusetts

Human Resources/Staffing

In July 2021, the Court reopened to the public and welcomed staff back to the office.

Staff Training

In September 2021, all staff received training in American Sign Language.

Committee Membership

Clerk of Court Mary P. Sharon served as a member on the AO Human Resources Advisory Council and AO Bankruptcy Clerks Advisory Group.

Statistics

Between calendar years 2020 and 2021, filings decreased by 21%.

Community Outreach

The bankruptcy judges and the Clerk of Court served as panelists on local, regional, and national programs presented by Massachusetts CLE, 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 Katz and Judge Bostwick, continued its efforts to increase the number of attorneys available to accept pro bono cases from people in financial distress. In March 2021, the Court issued a statement regarding the Supreme Judicial Court Lawyer Well-Being Standing Committee Report.

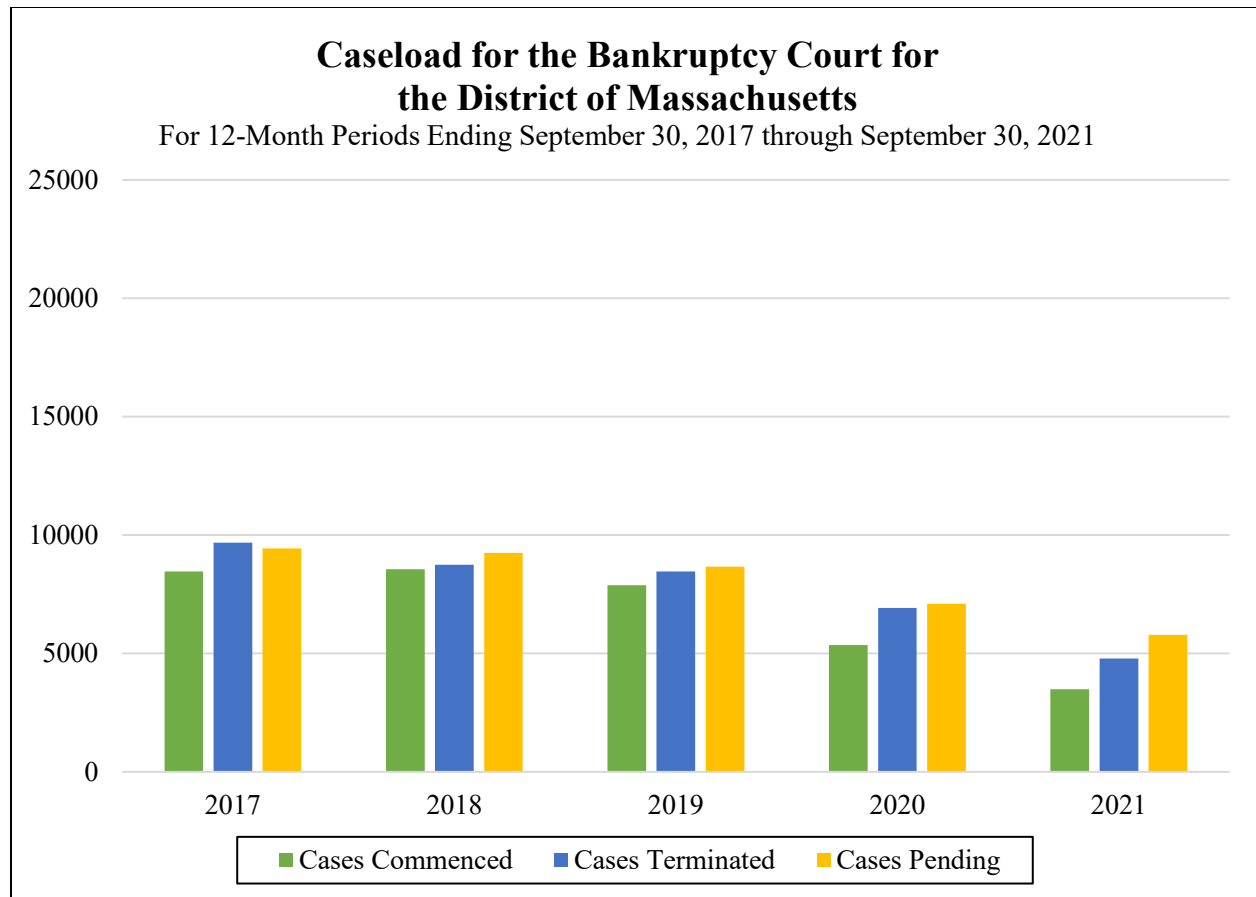
Local Rules

The Local Rules Advisory Committee met quarterly to review and discuss proposed

modifications and improvements to the Local Rules. The Modernization Subcommittee reviewed the Local Rules, and the full Committee will finalize all new and amended rules and forms following the Subcommittee's review.

Space and Facilities

The Court engaged in routine maintenance and upkeep.



Caseload for the Bankruptcy Court for the District of Massachusetts For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	8,458	8,556	7,883	5,357	3,489
Cases Terminated	9,681	8,748	8,465	6,923	4,790
Cases Pending*	9,433	9,244	8,665	7,094	5,793

* Pending caseloads for 2017 - 2020 as revised by the AO.

Report for the Bankruptcy Court for the District of New Hampshire

Human Resources/Staffing

The Bankruptcy and District Courts continued to share human resources, IT, and procurement services.

Local Rules/Procedures

The Court adopted Administrative Orders 5005-6 (directing parties to file HSDs under seal, as detailed in LBR 5005-5), 4008-2 (lease assumptions in chapter 7 cases), and 7067-1 (deposit, investment, and withdrawal of registry funds and new procedures for handling interpleader funds). The Court issued two General Orders regarding court operations under the exigent circumstances created by the Covid-19 pandemic.

Case Management

Due to the ongoing Covid-19 pandemic, operations and courtroom staff continued to modify several processes and procedures as needed for the Clerk's Office to serve the public in the most efficient and effective way possible, including when the Rudman Courthouse reopened to the public in June 2021.

In 2021, the Court implemented new case management procedures to address a new type of discharge in chapter 13 cases under the Consolidated Appropriations Act, and the Clerk's Office began allowing limited users/creditors to file electronically transfers of claims. Further, the Clerk's Office implemented two programs that are accessible on the Court's website: ePOC, a program through which proofs of claim can be filed in CM/ECF; and eFinCert, a program that allows for the filing of financial management course certificates in CM/ECF.

Information Technology

Throughout the year, IT staff played an integral role in maintaining the Court's ability to hold hearings remotely during the Covid-19 pandemic.

Staff Training

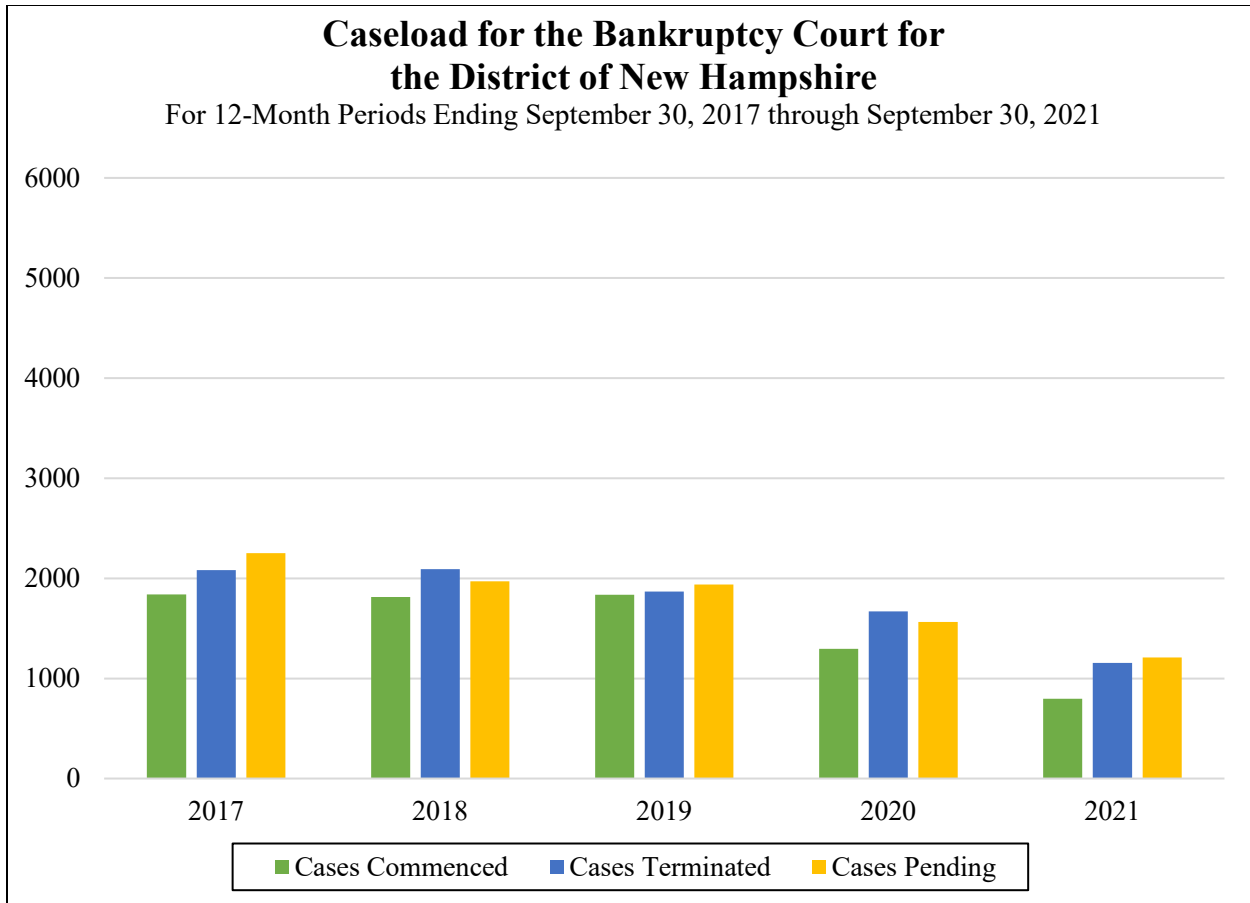
With the retirement of two veteran operations staff members in 2021, the Clerk's Office continued its focus on training newer operational staff on CM/ECF, case management and courtroom-related tasks, and payment card industry data security standards. Administrative staff attended the Citibank/GSA SmartPay Virtual Training Forum, and staff were trained on financial and procurement tasks, registry funds, and a new trustee payment process. All employees participated in quarterly training programs on various topics, including IT security, workplace conduct, and the Court's new EDR process.

Community Outreach

Due to the Covid-19 pandemic, community outreach initiatives were suspended in 2021.

Space and Facilities

The Rudman/Cleveland complex's fire alarm project continued, and the on-site portion of the project commenced in August 2021. GSA began the process of designing a replacement to the Rudman Courthouse's cooling towers and chillers. GSA also started the first phase of a lighting upgrade project in the Rudman Courthouse.



Caseload for the Bankruptcy Court for the District of New Hampshire For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	1,840	1,812	1,836	1,297	798
Cases Terminated	2,082	2,093	1,868	1,671	1,155
Cases Pending*	2,252	1,971	1,939	1,565	1,208

* Pending caseloads for 2017 - 2020 as revised by the AO.

Report for the Bankruptcy Court for the District of Puerto Rico

Local Rules/Procedures

cases; 48 chapter 11 cases; five chapter 12 cases; and 2,311 chapter 13 cases.

In 2021, the Court adopted procedures for filing service and managing HSDs.

Information Technology

The Court's IT staff continued to provide support to employees working remotely, the public, and the bar. IT staff also continued to provide technical support and assistance to the District Court to help manage the PROMESA cases in CM/ECF. IT staff worked on the annual IT cyclical replacement. The Court worked on the NextGen pre-implementation plan developed by the AO, with the goal of deploying NextGen in 2022.

Case Management

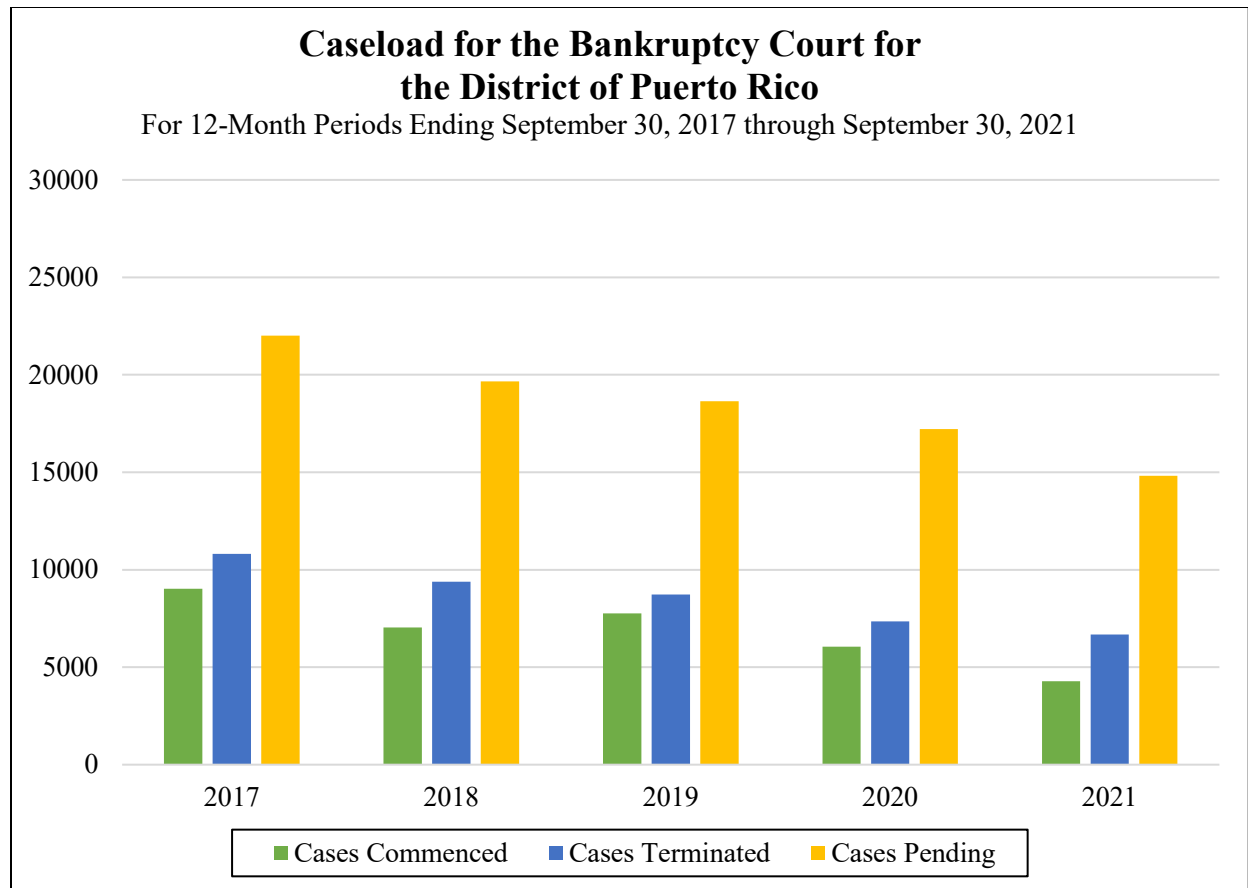
In 2021, the Court continued under Phase One of the Reconstitution Plan. The case management department continued to provide full services remotely. The court services personnel rotated time in the office to provide all necessary in-person services.

Staff Training

All staff were required to complete IT security awareness, ethics, Office 365, and EDR trainings. The Court offered several Benefit for Life and Worklife4You webinars. At the Court's annual training, a doctor in psychology presented a program called "Back on Track: Reconnecting with Purpose," which was designed to prepare employees to return to the office following the Covid-19 pandemic.

Statistics

Between calendar years 2020 and 2021, filings decreased by 24.2%. In 2021, there were 5,247 new bankruptcy filings: 1,613 chapter 7



Caseload for the Bankruptcy Court for the District of Puerto Rico For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	9,028	7,038	7,756	6,046	4,273
Cases Terminated	10,813	9,386	8,728	7,343	6,680
Cases Pending*	22,012	19,664	18,659	17,219	14,813

* Pending caseloads for 2017 - 2020 as revised by the AO.

Report for the Bankruptcy Court for the District of Rhode Island

Human Resources

The Bankruptcy Court continued to share administrative services in procurement and contracting with the District Court and continued to partner with the District of New Hampshire Bankruptcy Court to perform annual internal controls reviews.

Staff Training

Court staff attended various conferences and remote trainings offered by the FJC, AO, the First Circuit, and other organizations, on topics including, but not limited to: NextGen; Reentry Resilience; BAP Appeals; EDR; Workplace Conduct; IT Security; Work Measurement Validation; the Bankruptcy Administration Improvement Act; Data Counts; Re-Opening Courts; Engaging in Challenging Conversations; and Focusing on a Respectful Workplace.

Committee Membership

Clerk of Court Susan Thurston served as a member of the AO's Judiciary Data Working Group and the Bankruptcy Clerks Advisory Group's Rules and Legislation Subcommittee, and as a board member for the Federal Bar Association Bankruptcy Law Section. Operations Supervisor Amy Geraghty served on the AO's Bankruptcy Noticing Working Group, and PC Systems Administrator Stephen Stricklett served as a member of the First Circuit Director of Workplace Relation's Clerk's Office Advisory Committee.

Information Technology

The Court implemented NextGen CM/ECF, the Mobile Check Capture Application for receiving checks and money orders, the national LAN Health Monitoring tool to allow

the National Help Desk to remedy internal network problems 24/7, and the Judiciary Electronic Travel System.

Case Management

The Court implemented new procedures for protecting HSDs, updated the Case Manager User Manual for internal use among operations staff, and developed internal instructional manuals to provide guidance on creating technical documentation in various electronic formats.

Community Outreach

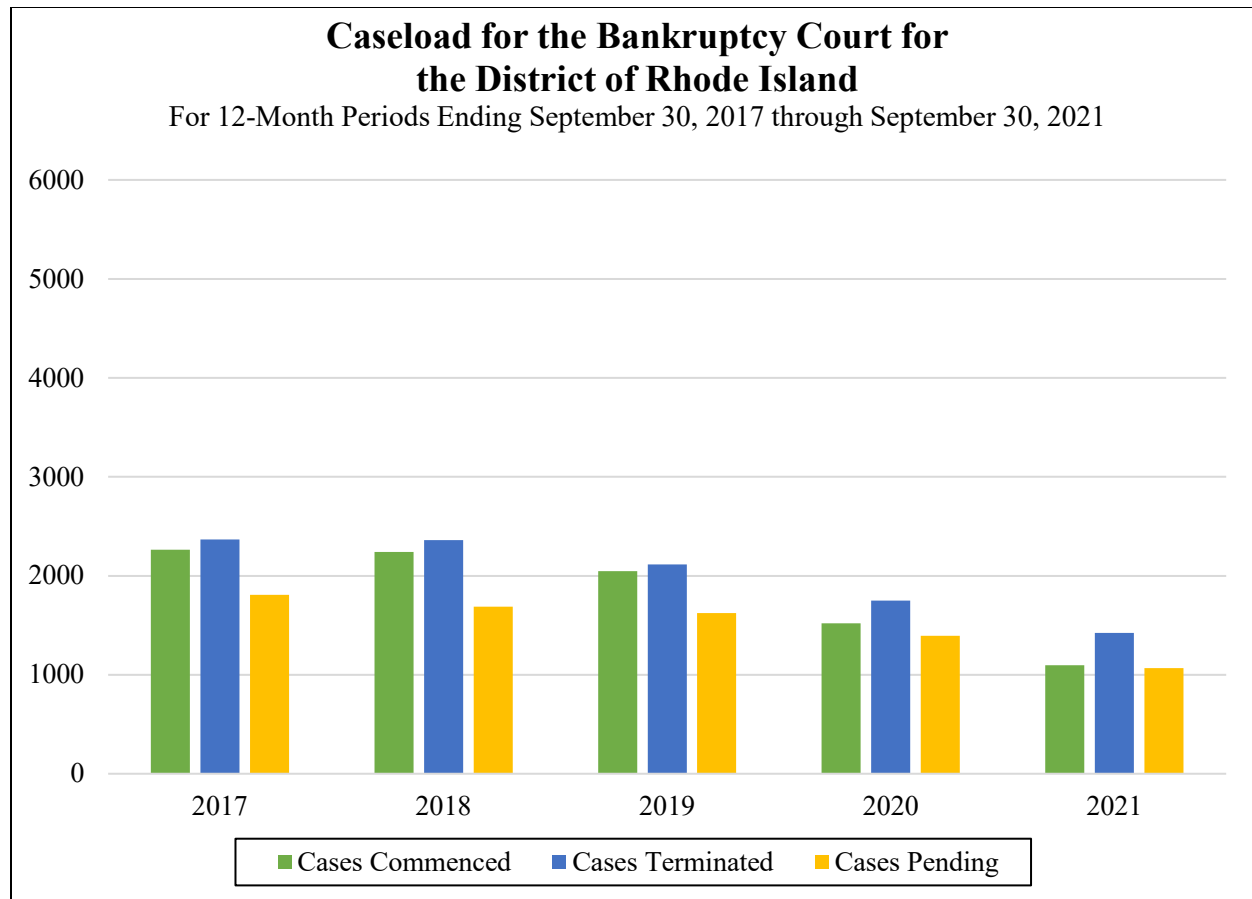
The Court created training materials for members of the bar on the Consolidated Appropriations Act of 2021 and NextGen CM/ECF.

Local Rules

The Court adopted two amendments to Local Rules LBR 5001-2 and 9018-1 (both effective on February 11, 2021), the latter of which addresses HSDs. The Court issued two new general orders and amended previous orders regarding the Covid-19 pandemic, including the announcement of reopening in-person operations as of June 1, 2021.

Statistics

In 2021, there were 961 new bankruptcy filings: 788 chapter 7 cases; 4 chapter 11 cases; and 145 chapter 13 cases.



Caseload for the Bankruptcy Court for the District of Rhode Island For 12-Month Periods Ending September 30, 2017 through September 30, 2021					
	2017	2018	2019	2020	2021
Cases Commenced	2,262	2,242	2,047	1,519	1,097
Cases Terminated	2,367	2,361	2,114	1,750	1,424
Cases Pending*	1,808	1,689	1,624	1,393	1,066

* Pending caseloads for 2017 - 2020 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 JCUS 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 2021 and September 2021 Judicial Conferences, AO Director James C. Duff reported on judicial business and AO matters; FJC Director John S. Cooke spoke about FJC programs; and Judge Charles R. Breyer, of the Northern District of California, reported on USSC activities in his role as Commissioner. Additionally, at the March 2021 Judicial Conference, Judge Thomas M. Hardiman presented a special IT security report as chair of the Committee on Information Technology, and Judge David W. McKeague presented a special judicial security report as chair of the Committee on Judicial 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	First Circuit	2015	Open
Aida M. Delgado-Colón	DJ	Puerto Rico	2021	2023

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

			<u>Start Date</u>	<u>End Date</u>
Pedro A. Delgado Hernández	DJ	Puerto Rico	2017	2023

COMMITTEE ON CODES OF CONDUCT

			<u>Start Date</u>	<u>End Date</u>
John J. McConnell, Jr.	DJ	Rhode Island	2017	2023

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

			<u>Start Date</u>	<u>End Date</u>
Leo Sorokin	DJ	Massachusetts	2018	2024
Patricia A. Sullivan	MJ	Rhode Island	2016	2022

COMMITTEE ON CRIMINAL LAW

			<u>Start Date</u>	<u>End Date</u>
Indira Talwani	DJ	Massachusetts	2016	2022

COMMITTEE ON DEFENDER SERVICES

			<u>Start Date</u>	<u>End Date</u>
Landya B. McCafferty	DJ	New Hampshire	2015	2022

COMMITTEE ON FEDERAL-STATE JURISDICTION

			<u>Start Date</u>	<u>End Date</u>
Michael A. Fagone	BJ	Maine	2021	2024

COMMITTEE ON FINANCIAL DISCLOSURE

			<u>Start Date</u>	<u>End Date</u>
Lance E. Walker	DJ	Maine	2021	2023

COMMITTEE ON INFORMATION TECHNOLOGY

			<u>Start Date</u>	<u>End Date</u>
Alison Dale Burroughs	DJ	Massachusetts	2021	2023

COMMITTEE ON JUDICIAL RESOURCES

			<u>Start Date</u>	<u>End Date</u>
William E. Smith	DJ	Rhode Island	2018	2024

COMMITTEE ON JUDICIAL SECURITY

			<u>Start Date</u>	<u>End Date</u>
George A. O'Toole, Jr.	DJ	Massachusetts	2021	2023
Donald L. Cabell	MJ	Massachusetts	2021	2024

COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM

			<u>Start Date</u>	<u>End Date</u>
Mark G. Mastroianni	DJ	Massachusetts	2017	2023
John H. Rich III	MJ	Maine	2018	2021

ADVISORY COMMITTEE ON BANKRUPTCY RULES

			<u>Start Date</u>	<u>End Date</u>
Melvin S. Hoffman	BJ	Massachusetts	2016	2022

ADVISORY COMMITTEE ON CIVIL RULES

			<u>Start Date</u>	<u>End Date</u>
Jennifer C. Boal	MJ	Massachusetts	2018	2024

ADVISORY COMMITTEE ON CRIMINAL RULES

			<u>Start Date</u>	<u>End Date</u>
Bruce J. McGiverin	MJ	Puerto Rico	2017	2023

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

			<u>Start Date</u>	<u>End Date</u>
William J. Kayatta, Jr.	CJ	First Circuit	2018	2024

COMMITTEE ON SPACE AND FACILITIES

			<u>Start Date</u>	<u>End Date</u>
David J. Barron	CJ	First Circuit	2019	2022

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 different formats. One 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. No conference was held in 2021 due to the pandemic.

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 district judge from each of the five 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 2021, there were two Judicial Council meetings. The spring Council meeting, held on May 4 and the fall session, held on October 5, were held remotely via Microsoft Teams. Many matters were decided by email 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 2021 are provided at pages 99-100.

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 2021 included: review of the federal judiciary's budget; 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; and review of privacy rules.

Members of the Judicial Council of the First Circuit
as of December 31, 2021

Honorable Jeffrey R. Howard, Chief Judge	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 Gustavo A. Gelpí	Court of Appeals
Honorable Lance Walker	District of Maine
Honorable Mark G. Mastroianni	District of Massachusetts
Honorable Joseph N. Laplante	District of New Hampshire
Honorable Raúl Arias-Marxuach	District of Puerto Rico
Honorable Mary McElroy	District of Rhode Island

Observing Members

Honorable Judith G. Dein	District of Massachusetts Magistrate Judge
Honorable Bruce Harwood	District of New Hampshire Bankruptcy Judge

Court Unit Executives
as of December 31, 2021

- FIRST CIRCUIT CLERKS OF COURT -

Maria Hamilton
Court of Appeals

Christa K. Berry
District of Maine

Robert Farrell
District of Massachusetts

Daniel Lynch
District of New Hampshire

Maria Antongiorgi
District of Puerto Rico

Hanorah E. Tyer-Witek
District of Rhode Island

- FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT -

Monica Bigley
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 -
as of December 31, 2021

Kimberly Rieger
District of Maine

Ricardo R. Carter
District of Massachusetts

Jonathan E. Hurtig
District of New Hampshire

Luis O. Encarnacion Canales
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

Space and Facilities

Covid-19

A majority of 2021 was spent addressing Covid-19 related facility concerns throughout the Circuit. Such efforts included, but were not limited to, HVAC and ventilation assessments, remote working assessments, working with GSA to implement cleaning protocols, and monitoring and managing changing conditions.

Court of Appeals

In May 2021, the long-range facilities planning process was initiated to identify and propose solutions to housing deficiencies through the next fifteen years. The final draft report is anticipated in the summer of 2022 and will be issued to the Chief Judge for review and acceptance.

Several cyclical maintenance projects were completed in 2021, including replacing the carpet in the En Banc and Panel Courtrooms in the Moakley Courthouse. Funds were also allocated in Boston to recarpet and paint a chambers space, and replace the flooring and repaint the walls in the judges' elevator lobbies in the basement. Additionally, several alterations projects began due to the growth of the Court, including dividing a resident chambers into two non-resident chambers in Boston, converting non-chambers space in Providence into resident chambers, and requesting funding through the No Net New program to renovate the fourth-floor chambers in Old San Juan to allow for additional office space for non-resident judges during the Court of Appeals sittings in Puerto Rico.

A number of projects were initiated in collaboration with the IT staff, including obtaining funding to secure the IT equipment within the Moakley Courthouse demark room

and to design the connection of 27 data closets to the computer room's uninterruptible power supply at the Moakley Courthouse. Cyclical replacement of numerous components of the computer room inergen fire suppression system was also completed.

Structural deficiencies in the leased location for CAMP in San Juan were identified as part of the lease renewal process. Alterations of the first-floor space were funded, and construction to relocate CAMP's space to the Toledo Courthouse began in 2022.

District of Maine

On September 30, 2020, the House Committee on Transportation and Infrastructure authorized GSA's spending plan that included upgrades to the HVAC and fire alarm systems at the Gignoux Courthouse. The design contract was awarded in the spring of 2021, and the target completion date is in 2025. Further, the USMS funded design and construction reinforcement for the Gignoux Courthouse's entry lobby screening area and installation of a gate arm at the entry to the judges' courtyard. Construction began in the fall of 2021.

As the Bankruptcy Court's lease in Portland is set to expire in 2022, the process to renew the lease has been initiated and improvements (e.g., enhanced entry screening and HVAC upgrades) have been provided to GSA. A project to upgrade the Probation Office urinalysis lab was completed in July 2021.

District of Massachusetts

In May 2021, the long-range facilities planning process to identify and propose solutions to housing deficiencies through the next fifteen years was initiated for the District

of Massachusetts and will be issued to the Chief Judge for review and acceptance.

GSA has funded an additional review of the impact of tidal rise on the Moakley Courthouse, which was originally funded in 2018, with the goal of designing and installing watertight pedestrian doors in FY 2022 and making changes to the great lawn and garage entry and exit in FY 2023. Additionally, GSA funded full design and partial upgrade of the Moakley Courthouse fire alarm system to a non-proprietary system with the remainder of the project to be included in the Moakley Prospectus project.

Efforts to replace the public elevators in the Moakley Courthouse were initiated in 2021, with additional funding for FY 2022 requested through the national elevator program between GSA and the judiciary. If approved, the judiciary will issue a Reimbursable Work Authorization for the elevator replacement work, and GSA will reduce the judiciary's rent accordingly.

In reassessing the Moakley Courthouse landscaping master plan, the firm Reed Hilderbrand reviewed existing landscaping conditions, recommended modifications to the plantings, offered options for hardscaping along the streetscapes, and reviewed options to address resiliency needs. The firm's work will be shared with GSA to aid in future planning efforts.

Modifications to the U.S. District Court intake area of the Moakley Courthouse have been designed to plan for future staffing growth, and funding was requested through the No Net New program in September 2021. The Moakley Courthouse bollard wall and exterior lighting enhancement project was completed in the spring of 2021 but did not include additional lighting fixtures that were needed.

The Probation Office in Springfield was modified to include secure urinalysis toilet/interview rooms.

The FPDO approved a satellite office in Springfield. It is anticipated that the project will be completed in the fall of 2022.

District of New Hampshire

GSA requested a prospectus level project to upgrade the Rudman Courthouse building systems, as some are aging and have caused issues over the past couple of years. Additionally, GSA funded a project to upgrade the fire alarm systems at the Rudman Courthouse and Cleveland buildings, which is expected to be complete in 2023.

A project was funded to convert the library annex into chambers. Construction is expected to begin in 2022.

A project to provide secure interview rooms, a urinalysis toilet, and additional staff office space in the Probation Office in Concord was funded under the No Net New program in FY 2021 and is expected to be complete in the summer of 2022.

District of Puerto Rico

In September 2020, the JCUS declared a judicial space emergency for the Hato Rey complex, prioritizing the annex, beginning in FY 2022. Design of the CSP in Hato Rey is being revised based on the prioritization of the annex as a judicial space emergency. The modifications will avoid conflicts between the CSP and the future annex, minimizing financial waste. Construction will begin in the spring of 2022. Further, in March 2021, the long-range facilities planning process was initiated for the District of Puerto Rico. The final draft report is anticipated in the summer of 2022, is expected to reinforce the need for

the annex, and will be issued to the Chief Judge for review and acceptance.

Construction of the Hato Rey link extension was completed this year. This AO-funded project enhanced security for the complex. GSA funded a project to replace the Jose V. Toledo Courthouse elevators. Design is complete, and construction of the first judges' elevator is underway.

In 2018, GSA received approximately \$25 million to make necessary repairs to federal buildings in Puerto Rico following Hurricane Maria. This work, primarily focused in Hato Rey and Old San Juan, includes elevator repairs or replacements and generator installment, and is approaching completion.

District of Rhode Island

GSA funded a study of the U.S. Courthouse and Pastore building, focusing on repair and/or replacement of the windows and conducted review of the HVAC systems. A project was funded to recarpet the bankruptcy court judge's chambers.

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).

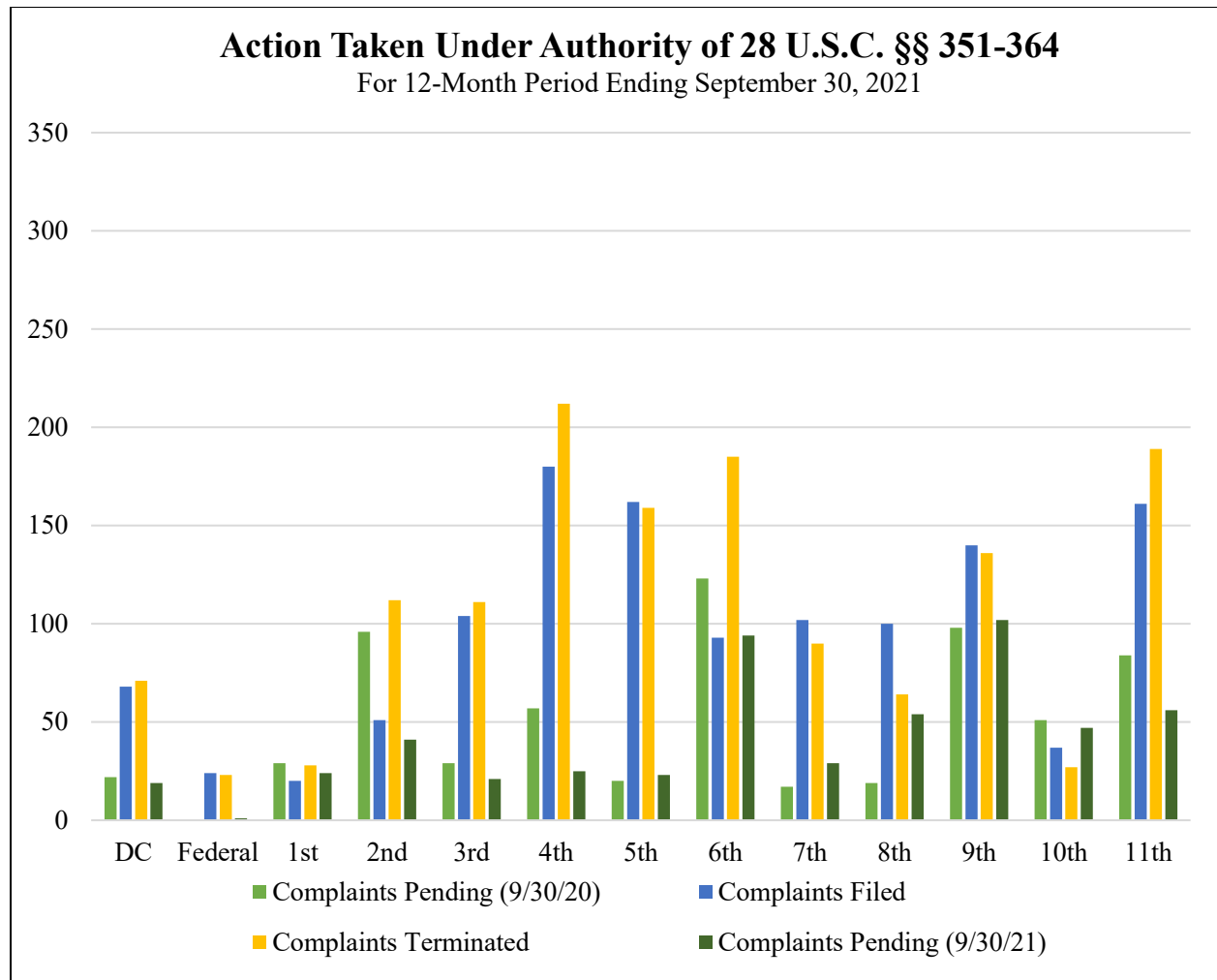
The adoption of uniform mandatory rules was intended to provide national standards and procedures for handling judicial misconduct and disability proceedings. The Rules of Judicial-Conduct were also intended to effectuate many of the recommendations included in the “Breyer Committee Report,” 239 F.R.D. 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 and March 2019.

Pursuant to 28 U.S.C. § 352(d) and the Rules of Judicial-Conduct, the Chief Circuit Judge annually designates two 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.

Summary of First Circuit Complaints of Judicial Misconduct or Disability, 2021*	
Complaints Filed in 2021 (Calendar Year)	18
Orders of Dismissal Issued by Chief Judge	15
Petitions for Review Filed with Judicial Council	12
Orders of Dismissal Affirmed by Judicial Council	6
Show Cause Orders Issued	3
Preclusion Orders Issued	1
Total Number of Complainants in 2021 (Calendar Year)	13**

* *This table includes actions taken on matters filed in 2020.*

** *Two 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, 2021													
Summary of Activity	Circuit												
	DC	Fed.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Pending (9/30/20)	22	0	29	96	29	57	20	123	17	19	98	51	84
Complaints Filed	68	24	20	51	104	180	162	93	102	100	140	37	161
Complaints Terminated	71	23	28	112	111	212	159	185	90	64	136	27	189
Complaints Pending (9/30/21)	19	1	25	41	21	25	23	94	29	54	102	47	56

* Pending caseloads for 2020 as revised by the AO.

Attorney Discipline

During 2021, the Court of Appeals for the First Circuit handled twenty attorney disciplinary cases under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement). Four attorney discipline cases resulted in disbarment, and fourteen resulted in suspensions. Nineteen matters arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement, and the Court of Appeals initiated one proceeding.

Work of the Federal Public Defender

Report for the Federal Public Defender for the District of Maine

The District of Maine's FPDO remained one of the smallest FPDOs in the country, with four lawyers and four and a half support professionals divided between the Portland and Bangor offices. Due to the Covid-19 pandemic, most court proceedings and client meetings continued to be conducted virtually. Staff transitioned back to working in the office after working remotely in 2020, although remote work is permitted once per week or as necessary. The FPDO continued to operate at or below budget in all areas of its operation.

The FPDO hosted Attorney Grainne Dunne, who completed a one-year Harvard Law School fellowship as a Special Assistant Federal Defender. Attorney Dunne assisted on existing cases and completed her tenure as lead counsel in multiple cases.

Statistics

In 2021, the FPDO opened 134 new cases, a slight increase from 2020. The FPDO was able to address much of the backlog from 2020 by closing 157 cases, an increase of 63 cases from 2020.

The SWiTCH drug court, a year-long program for the highest risk and neediest clients on supervised release, continued to be paused.

Audit Report

The FPDO received a clean audit report with no findings or recommendations.

Information Technology

The FPDO hired its first full-time Computer Systems Administrator, Jack Duffy, due to the increased IT needs of the office.

Committee Membership

David Beneman continued his service on the District's CJA, Criminal Law, Local Rules, Conference Planning, and Court Securities Committees, and on the First Circuit CJA Screening Committee and CJA Education Committee, and attended the District Administrative Meetings.

Conferences/Educational Programs

The FPDO provided training to CJA panel attorneys through national, virtual programs coupled with individual consultation and e-mail newsletters.

FPDO employees were encouraged to participate in as many virtual training offerings as their schedules would allow, as all staff trainings and annual conferences were virtual in 2021.

CJA Panel

The District's CJA Committee continued to diversify the CJA panel by increasing representation by women and younger attorneys as panel openings became available. The size of the CJA panel remained consistent with approximately 40 members in Portland and 20 members in Bangor.

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

Massachusetts						
	Cases Opened				Cases Closed	Cases Pending
	Total	Prosecutions	Appeals	Other		
FY 2016	1,102	227	138	737	1,063	448
FY 2017	507	222	39	246	527	423
FY 2018	552	279	9	264	651	324
FY 2019	608	325	58	225	442	475
FY 2020	487	238	19	230	401	554
FY 2021	440	223	19	198	512	482

New Hampshire						
	Cases Opened				Cases Closed	Cases Pending
	Total	Prosecutions	Appeals	Other		
FY 2016	363	140	52	171	311	171
FY 2017	232	137	19	76	283	118
FY 2018	198	127	7	64	199	117
FY 2019	247	164	11	72	198	172
FY 2020	207	103	8	48	227	158
FY 2021	214	130	10	74	248	126

Rhode Island						
	Cases Opened				Cases Closed	Cases Pending
	Total	Prosecutions	Appeals	Other		
FY 2016	290	67	101	122	199	184
FY 2017	167	61	17	89	252	101
FY 2018	121	61	1	59	127	95
FY 2019	147	71	0	76	148	94
FY 2020	126	78	0	48	107	114
FY 2021	124	70	0	54	121	117

Statistics

The number of opened cases declined in all three districts between 2020 and 2021, largely due to the Covid-19 pandemic.

District Trainings/Outreach

In 2021, the Boston office hosted three in-house trainings and three trainings for CJA panel attorneys. All trainings were done over Zoom due to the pandemic, which allowed

lawyers from across the First Circuit to attend. The in-house training topics included section 4246 cases, record preservation, and the intersection of criminal cases and care and protection cases. The trainings for the CJA panel included: a presentation called “Speaking Truth to Power;” an update on the Court’s Restorative Justice program; a training on allocution and letters of support; an update on compassionate release motions; and a presentation on how to advocate for medication-assisted treatment for their clients.

FPDO attorneys presented at trainings and conferences, spoke at law schools, and authored chapters in training manuals. The office's summer internship program was revamped in 2021 to increase recruiting efforts, organize programming and events for the interns, provide interns with mentors in the office, and ensure that each intern leaves the internship with a writing sample.

The Rhode Island office presented three CLE programs by Zoom to the CJA panel and the defense bar. Assistant Federal Public Defender (AFPD) Kevin Fitzgerald presented a program on best sentencing advocacy and practices in the spring and, in July, moderated a panel of three district judges discussing sentencing practices. In August, AFPD Joanne Daley moderated a panel of magistrate judges discussing initial appearances and detention issues.

The New Hampshire office held a CJA training in the spring.

Diversity Committee

The FPDO's Diversity Committee was comprised of eight members representing the District's three offices and included trial, appellate, and research and writing attorneys, an investigator, and a paralegal. The Committee met monthly throughout the year. In FY 2021, at least one representative from the Committee participated in each hiring panel. These representatives worked to implement the Committee's recommendations to supervisory staff about recruiting for diversity and following fair hiring practices intended to lessen the influence that unconscious bias has on hiring. In addition, the Committee applied for the office to host a Defender Services Diversity Fellow, and the office was selected. The Committee members reviewed over 200 applications and interviewed over 20 candidates to select the

fellow for a two-year term. The Committee also worked with the office's Internship Committee to hire interns according to the Internship Committee's hiring recommendations and ensure interns received meaningful mentorship and supervision. The Diversity Committee continued to work with the First Circuit Director of Workplace Relations and the office's EDR representatives to spread awareness about the EDR process.

Notable Matters

The Boston office had two jury trials -- a wire fraud/aggravated identity theft case and an attempted arson case. The Boston office, and in particular AFPD Sandra Gant, coordinated the screening and assignment of 296 compassionate release cases in the District to either FPDO or CJA Panel attorneys.

The Rhode Island office had three trials cancelled due to Covid-19 related issues. Two AFPDs defended a client charged in a 19-count money laundering and fraud scheme. After an eight-day trial, the jury found the client not guilty of 18 counts. He was found guilty of a single count of illegal money transmitting.

The New Hampshire office had one jury trial in FY 2021, which resulted in a guilty verdict. The client received a time-served sentence, which was substantially below guidelines. The office successfully litigated two motions to suppress, resulting in dismissal or derailment of the prosecution. Further, the office successfully litigated motions for compassionate release, including a mandatory third-strike life sentence in a drug case that was reduced to a term of 25 years, and another where compassionate release was granted on a second attempt. The drug court (LASER Docket) remained strong, with the office represented ten participants.

Human Resources

Administrative Officer Susan Laing retired after 24 years with the office. The office welcomed new Administrative Officer Shaina Aubourg, Paralegals Fiorella Castillo and Maggie Elizabeth Keen, Legal Assistants Nashalis Ayala and Vidya Ganga, and Investigator Tiffany Thomas.

Information Technology

The FPDO completed several IT projects in 2021, including: implementing a help-desk ticketing system; converting all three offices from analog faxing to eFaxing; replacing laptops; converting from on-premise hardware to a virtual setting; increasing file storage; restructuring shared common drives; deploying anti-virus software; upgrading all users to Microsoft 365 and defender data 7; replacing firewalls and copiers/printers in Boston, Concord, and Providence; disposing of outdated equipment; and completing the Judiciary IT Security Scorecard.

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

Office Initiatives

In 2021, the office formally organized a Diversity Program and a Trial Program. The Diversity Program, led by AFPD Cherrelle Herbert, has a committee that consists of FPDO employees and local bar members with the goal to create a more diverse workplace at the FPDO. The committee's mission includes applying for diversity fellowships, creating hiring guidelines, updating the FPDO's recruitment practices, and involving the program's leader in all attorney hiring processes. The Trial Program, led by AFPDs Vivianne Marrero and John Connors, was designed to assist trial attorneys with upcoming trials; coordinate the inclusion of the FPDO's Appellate Unit, investigators, and IT staff as the trial attorney(s) prepare for trial; and aid trial attorneys in filing pre-trial motions, jury questions, voir dire, etc. The Trial Program was also designed to help schedule and organize brainstorming sessions and mock juries as the attorneys prepare for trial and to encourage attorneys to take advantage of FPDO resources and identify and preserve appellate issues.

Statistics

In 2021, the District of Puerto Rico FPDO opened 1,185 new cases and closed 1,174 cases, both of which were increases over 2020 (857 and 1,019 cases, respectively). Of the newly opened cases, 32.7% (388 cases) involved violations of supervised release. In the District of Puerto Rico, 50.6% of federal criminal matters involved drugs, and 18.7% of the District's caseload involved firearms.

Human Resources

During 2021, the office consisted of the Federal Public Defender; 22 AFPDs; nine

Research and Writing Attorneys, and 28 non-attorney staff members. One non-attorney staff member from Puerto Rico spent the year in Washington, D.C., aiding in the Defender Services Office's ongoing national effort to assess defender offices. FPDO transitioned to a hybrid in-person and teleworking arrangement in 2021.

Educational Programs

During 2021, Federal Defender staff sat on the Local Rules and CJA Committees and a designated office staff member sat on the board of the Puerto Rico Association of Criminal Defense Lawyers (PRACDL). The FPDO hosted seven live and virtual trainings for CJA, PRACDL, and FPDO staff.

Informational Technology

The IT staff wrote and deployed new case management software to aid attorney supervisors in evaluating both numerical and weighted caseloads handled by each attorney. This software was distributed to other FPDOs, and IT staff held a national training on deploying the new case management software. The IT staff continued to provide support for the U.S. Virgin Island's FPDO. IT staff supported a network of computers, using remote software, deployed by the FPDO throughout various local detention facilities for attorney-client visits via video conferencing and to ensure clients could attend court hearings via video conferencing. The IT staff purchased and maintained the FPDO's drone, which was deployed for mitigation videos and investigative purposes.