



Administrative
Office of the
United States
Courts

Washington, D.C. 20544

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Annual Report of the Director

Administrative Office
of the United States
Courts

James C. Duff, Director

2009



In 2009 Director James C. Duff, of the Administrative Office participated in several collaborative efforts...

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2009

Annual Report of the Director

Activities of the Administrative Office of the U.S. Courts

James C. Duff, Director

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Director's Message

James C. Duff

became the Director of the Administrative Office of the United States Courts in July 2006. Since then, he has worked to strengthen the collaborative spirit in the federal Judiciary. As part of that effort, he has guided the development of court and AO staff work and information exchanges, both within the AO and with courts, that increase teamwork and understanding in our service to the public.

As we finalized this Annual Report and entered 2010, another stark episode of security challenges confronted the Judiciary and the country. On January 4, 2010, Stanley Cooper, a Court Security Officer in the federal courthouse in Las Vegas, Nevada, was killed in the line of duty while guarding the building. He, along with Deputy U.S. Marshal Richard Gardner, who was shot, and other security personnel on the scene, saved the lives of many employees and visitors to the court. We in the Judiciary are fortunate and grateful for the dedicated protection we receive from our security officers. I encourage all court employees to extend their gratitude to those who protect us, not just when there is a tragic event, but every day.

There are many in the federal Judiciary who have earned the gratitude of our citizens for providing a Judiciary that has their confidence and trust. The manner in which the Judiciary has been called upon and has responded to recent crises facing our country demonstrates this point.

In the midst of the economic crises in 2009, in a period of weeks, our bankruptcy court in the Southern District of New York efficiently managed and addressed the main objectives, thus far, of the bankruptcy filings of two of the world's largest automobile manufacturers. Staff from bankruptcy courts and the Administrative Office spent several months preparing for cases of this magnitude. Their preparation paid off. Governmental success stories rarely receive media attention. That was the case here, but we in the Judiciary certainly recognize the extraordinary work involved in such cases and commend those involved for their leadership.

Additionally, federal judges in Mississippi and Louisiana have completed approximately 16,500 civil cases

that were filed over the past four years in the aftermath of the disaster from Hurricane Katrina. The judges have managed these cases admirably. Their efficiency and fairness serve as a model for the courts.

The efforts over the past several years of our border courts in handling the enormous workload created in large part by immigration and drug cases are also remarkable. These courts need help, and we are seeking it. But the dedication of the judges and staff who manage, for example, 7,926 criminal cases a year in the U.S. District Court for the Western District of Texas alone, deserve our attention and gratitude.

The Chief Justice observed in his Year End Report that the courts are operating soundly, and this is because we have such dedicated public servants. He also noted that many of the needs of the Judiciary highlighted in previous years remain to be addressed. Certainly among them is our highest priority of obtaining reasonable compensation for our judges and staff. He deferred pressing this and other issues in his Year End Report because of the hardships facing so many of our fellow citizens at this time. We will take up the cause with Congress again when the economic climate improves.

The Judicial Conference of the United States has recommended to Congress that 63 new Article III judgeships be created to help with the workloads of the courts. The Conference requests for new judgeships have gone largely unanswered for 20 years in Congress. In the meantime, there are also 100 vacancies on the federal bench that need to be filled as of this writing.

In the administrative realm, we express our appreciation to court staff across the country and at the AO for their dedicated work this year. We are also very pleased

with the success of our Leadership Exchange Program that we initiated in 2009. Four outstanding participants from the courts have joined us at the AO for a year. They immersed themselves in substantial projects for the courts. We have benefited greatly from their practical experience and input. It is a sacrifice in the short term for the courts to spare such qualified leaders to spend a year at the AO. But we believe the Judiciary will receive a longer term benefit from the exchange when the participants return to their courts.

Of particular note in the Exchange Program was an extremely informative and rewarding experience 12 people from the AO had in the Seventh Circuit. The AO staff attended oral arguments, sentencing hearings, and motion calls; met with judges; and accompanied probation officers on client visits. The judges and staff who participated were very organized and gracious with their time. These first-hand experiences will help the AO better serve the courts.

Similarly, my visit to our border courts in Tucson and El Paso in August with the Director of the U.S. Marshals Service, John Clark, was enlightening. It is one thing to read statistics, such as those in this report, but it is quite another to observe first-hand the challenges and hardships—both workload and security risks—faced in those courts. In one day, the U.S. District Court for the District of Arizona in Tucson processed 323 detainees. Facilities and personnel are strained to the point that a courtroom has been converted to a processing center. Thanks to Chief Judge John Roll in Tucson and Judges Kathleen Cardone and Frank

Exceptional times required exceptional public service: Federal judges and court staff developed system solutions to address major automaker bankruptcy filings without disruption in service to the public, and ably managed workload related to civil cases filed in the aftermath of Hurricane Katrina.

Montalvo in El Paso, both Director Clark and I returned to Washington better informed to help seek relief from Congress. Relief is needed, not only on the borders, but in district courts such as the Eastern District of Louisiana and the Middle District of Florida, where they are carrying substantially more than the national average of 480 weighted filings per judgeship, and in the Eastern District of California, where the weighted filings per judgeship are more than twice the national average.

We had a very successful legislative year in 2009. Congress provided us with a sound budget to operate our courts. We are grateful to those in Congress who helped us secure an open season in 2009 for our judges to participate in the Judicial Survivors' Annuities System. The open season began on September 11, 2009, and by the end of the year 191 judges made open season elections.

Finally, we were pleased in 2009 to coordinate with the Federal Judicial Center for one of its excellent programs on a Capital Markets Overview and to provide a condensed version of the program to over 70 staff members in Congress. It was educational and well received by the staff. It also helped us in our attempts to build better relationships with Congress.

These are a few of the highlights from 2009. The following report prepared by our staff at the AO provides a more indepth review of our accomplishments this past year. ■

Jim Duff

Legislative Activity

Judicial Conference representatives appeared before Congress during the year to explain Conference positions and provide a judicial perspective on legislation. At a June 2009 hearing, Judge Barbara M.G. Lynn, Chair of the Conference Committee on Administration of the Bankruptcy System, said that the need for new bankruptcy judgeships is critical. Testifying with her were Bankruptcy Judge David S. Kennedy of the National Conference of Bankruptcy Judges, shown here to her left, the Government Accountability Office's William Jenkins, Jr., also shown, and Cary D. Ebert of the National Association of Consumer Bankruptcy Attorneys.



Administrative Office staff maintain regular communications and interactions with Congress. Staff convey and explain policies adopted by the Judicial Conference and monitor legislation that could affect the operations of the federal courts. They also respond to congressional inquiries regarding legislative proposals and constituent concerns, and coordinate with the Government Accountability Office (GAO) on congressional studies affecting the Judiciary.

The first session of the 111th Congress was marked by significant actions in support of the Judiciary as Congress acted on a wide range of issues important to the Judiciary during the year.

Judicial Salary Restoration Initiative

Given the nation's economic climate, extensive efforts to pursue the full judicial salary restoration initiative were held in abeyance. Senator Dianne Feinstein (CA) introduced the "Federal Judicial Fairness Act of 2009," which would allow judges to receive enhanced annual pay adjustments equal to the overall average pay increases authorized for the General Schedule. The bill would also repeal section 140 of Public Law No. 97-92 that requires affirmative action by Congress each year before judges can receive their annual salary adjustment. Senate Judiciary Committee Chairman Patrick Leahy (VT), and Senators Orrin Hatch (UT) and Lindsey Graham (SC) were also original cosponsors of this legislation. In her floor speech introducing the bill, Senator Feinstein noted how inflation-adjusted pay for federal judges has declined dramatically over the last 30 years and cited examples of judges forced to leave the bench for financial reasons.

Judicial Survivors' Annuities System

On August 12, 2009, the President signed into law the "Judicial Survivors Protection Act of 2009" (Pub. L. No. 111-49). This legislation enacted two Judicial Conference legislative proposals. First, incumbent federal judges who had not enrolled previously in the Judicial Survivors' Annuities System (JSAS) were given a limited six-month period to opt into the system. These new enrollees had to pay an enhanced contribution rate in order to preserve the financial integrity of the JSAS Fund. They also could make extra deposits and pay interest to receive credit for their prior judicial service. They thereby gained immediate coverage and protection for their survivors, obviating the 18-month vesting period. Second, the law allowed all federal judges to increase voluntarily their contributions to JSAS to enhance the value of their survivors' annuities.

Article III Judgeships

Legislation to create additional Article III judgeships to address workload needs, consistent with the recommendations of the Judicial Conference, was introduced in both the Senate and the House. In the Senate, Judiciary Committee Chair Patrick Leahy (VT) led 17 original cosponsors in introducing the "Federal Judgeships Act of 2009" on September 8, 2009. A few weeks later in the House, the Chair of the Judiciary Subcommittee on Courts and Competition Policy, Hank Johnson (GA), joined full Committee Chair John Conyers (MI) and others in offering substantially similar legislation.

A hearing on the Senate bill was held before the Senate Judiciary Subcommittee on Administrative Over-

sight and the Courts, where Judge George Z. Singal testified as Chair of the Judicial Conference Committee on Judicial Resources. He thanked Sen. Leahy for introducing S.1653, which reflects the Judicial Conference Article III judgeship recommendation that Congress establish 63 new judgeships in the courts of appeals and district courts, convert five temporary district court judgeships to permanent status, and extend one temporary district court judgeship.

Securing Adequate Funding

Fiscal Year 2009 Funding

Fiscal year 2009 was a successful year for Judiciary appropriations. After a continuing resolution was in place until mid-March, the Omnibus Appropriations Act funded fully the Judiciary's amended budget request. In addition, the Act contained key legislative provisions, such as a retroactive cost of living adjustment (COLA) for judges, a one-year extension of the temporary judgeships in the Districts of Kansas, Hawaii, and Ohio-Northern, the FEGLI fix for bankruptcy and territorial district judges with the same coverage under the Federal Employee Group Life Insurance Program as Article III, magistrate, and claims court judges, and language making permanent procurement authorities granted to the Judiciary in FY 2006.

Overall, the Judiciary received \$6.481 billion to support its operations in fiscal year 2009. The resulting court allotments grew by 3.7 percent over fiscal year 2008 levels and 5.3 percent over fiscal year 2008 obligations, allowing the courts to hire staff

Congressional funding in fiscal year 2009 allowed the courts to hire staff to address workload requirements.

to address workload needs. For the second year in a row, funding was included to increase the hourly rate paid to private attorneys who represent eligible defendants under the Criminal Justice Act (CJA), from \$100 to \$110 for non-capital cases, and from \$170 to \$175 for capital representations.

Court security program funding was again fully supported in fiscal year 2009 appropriations and provided improved court security staffing and equipment, as well as additional reimbursable staff at the U.S. Marshals Service (USMS) to enhance program oversight responsibilities. Congress also included the funding and authori-

zation to continue the Judiciary pilot project at several courthouses for USMS perimeter security services previously performed by the Federal Protective Service. Once the pilot project ends in mid-2010, an evaluation will be provided to the Financial Services and General Government Appropriations Subcommittees.

Supplemental Funding for Fiscal Year 2009

An additional \$10 million was provided the Judiciary in the FY 2009 Emergency War Supplemental to address workload requirements in the courts resulting from immigration and other law enforcement initiatives.

The USMS received \$4 million for enhanced personal security of judges in districts along the southwest border (SWB). The Administrative Office has worked closely with the USMS on security priorities.

Fiscal year 2010 funding provided an increase to the hourly rates for non-capital Criminal Justice Act panel attorneys and allowed a cost-of-living adjustment to the hourly rate for attorneys in capital cases.



Fiscal Year 2010 Funding

Most federal agencies, including the Judiciary, began the fiscal year operating under a continuing resolution (CR) at the 2009 funding level. However, unlike recent years, the CR was in place for a much shorter duration, and a six-bill Consolidated Appropriations Act, which included funding for the Judiciary, was signed into law on December 16, 2009. Congress again showed strong support of the Judiciary. Overall, the Judiciary received nearly \$6.9 billion in appropriations. This represents a 5.7 percent increase over fiscal year 2009 appropriations and essentially funds fully our amended request. The appropriation addresses Judiciary salaries and expenses, court security, and top courthouse construction priorities. In addition, the budget funds an increase to the non-capital CJA panel attorney rate from \$110 to \$125 per hour, and a cost-of-living adjustment to the capital rate from \$175 to \$178 per hour, effective January 1, 2010.

The Judiciary will continue its outreach to Congress and dedication to cost containment. The process has helped improve the Judiciary's financial position and educate Congress about court requirements.

Courthouse Construction

Fiscal year 2009 also was a very successful year for courthouse construction funding, as Congress appropriated nearly \$600 million for courthouses in three separate bills. Funds to complete the San Diego, California courthouse, and major renovations of courthouses in Chicago, Illinois and New Bern, North Carolina were included in the FY 2009 Omnibus Appropriations Act.

The Judiciary was also able to obtain stimulus funding for courthouses this year through the American Recovery and

Reinvestment Act of 2009, signed into law in February. The Act provided a lump sum of funding to the General Services Administration (GSA), the agency that constructs the Judiciary's courthouses. GSA chose to allocate some of those funds to the construction of three new courthouses: Austin, Texas, the first project on the Judiciary's plan for fiscal year 2010, and Bakersfield, California and Billings, Montana, both of which were originally planned as build-to-suit leases and therefore not on the Judiciary's five-year building plan. GSA also used stimulus money to make up shortfalls in three other courthouse projects already under construction: Little Rock, Arkansas; Jackson, Mississippi; and El Paso, Texas. Finally, several hundred million dollars in stimulus funds were allocated to modernize and renovate about 100 existing court facilities.

Fiscal year 2010 appropriations for GSA were included in the FY 2010 Consolidated Appropriations Act, signed into law on December 16, 2009. The Act provided funding for the remaining courthouse construction projects proposed by the Judiciary in its five-year plan for fiscal year 2010: Salt Lake City, Utah; Savannah, Georgia; San Antonio, Texas; and partial funding for Mobile, Alabama. In addition, funds were included for courthouse projects in Greenbelt, Maryland, which was on the Judiciary's list for fiscal year 2011, and for Lancaster, Pennsylvania, which had been planned as a build-to-suit lease and therefore was not in the plan. The conference report that accompanied the Act also included language in support of GSA using previously appropriated funds for construction of a new courthouse in Yuma, Arizona.

Early in the year, several members of the House of Representatives formed a new Congressional Courthouse Caucus. This caucus wrote to the Administration to urge funding for courthouses in the annual budget and also wrote several times during the year to appropriators and authorizers in support of the Judiciary's courthouse construction program.

Congress continues to closely scrutinize the courthouse construction program. The GAO was asked by the House committee that authorizes courthouse projects to conduct a study of the Judiciary's courthouse construction program, focusing particularly on whether there can be even more sharing of courtrooms than already required by the Conference for senior judges and magistrate judges.

Court Improvements

The "Federal Judiciary Administrative Improvements Act of 2009" was introduced in both the House and Senate by the chairs and ranking members of the Judiciary Committees and their subcommittees. These bills contain nine Judicial Conference-initiated proposals to improve federal court operations. The House passed its bill in October 2009.

The legislation resolves a workload conflict regarding the role of senior judges in the selection of magistrate judges that was inadvertently created by sections 503 and 504 of the "Court Security Improvement Act of 2007" (Pub. L. No. 110-177). Specifically, Section 503 of the Act broadly allows senior judges to participate in court governance matters once they carry at least the equivalent of a six-month active workload of an active judge in the court. Section 504 of the Act focuses only on senior judge participation in the selection of magistrate judges and has no workload requirement for that participation.

The bills also allow for the separate filing of the "statement of reasons" that judges issue upon sentencing, so as to better protect confidential information such as the identity of government informants. In addition, the legislation improves the timely collection and assimilation of wiretap data needed for the annual report to Congress by extending some reporting deadlines. An in-

flationary index is created for the threshold amount that triggers the need for approval by a chief judge of reimbursements for costs of expert witnesses and investigators hired to represent indigent defendants.

Cameras in the Courtroom

Bills were introduced in the House and Senate that would provide presiding judges with the discretion to permit electronic media coverage of proceedings in the district courts, courts of appeals, and U.S. Supreme Court. They give any non-party witness the right to request that faces and voices be disguised or obscured to the broadcast audience. The bills also bar interlocutory appeals of decisions to permit, deny, or terminate electronic media coverage and preclude all electronic media coverage of jurors and of the jury selection process.

Separate legislation is also pending to require the Supreme Court to permit television coverage unless the Court decides, by majority vote of the justices, that allowing such coverage would constitute a violation of the due process rights of one or more parties before the Court. The Judicial Conference and the Supreme Court oppose the use of cameras in the courtroom.

Jurisdiction and Venue Clarification Act

The “Federal Courts Jurisdiction and Venue Clarification Act of 2009” was introduced in the house in November 2009. This bill was introduced at the request of the Judicial Conference following years of study and is related to legislation pursued by the Conference beginning in the 109th Congress. The pending bill would facilitate the administration of justice by clarifying the operation of jurisdictional statutes and make it easier to identify the

appropriate forum—state or federal court—where certain actions should proceed. The bill also solves problems related to venue and transfer.

In particular, the bill addresses removal and remand issues, including clarifying provisions governing timeliness of removal notices and consent, and participating in the use of stipulations to specify the actual amount in controversy. The bill also provides that unincorporated associations will be treated the same as incorporated associations for determining venue and grants discretion to a court to transfer a case anywhere within the district upon its own motion or upon the request of a party.

Government Accountability Office Studies

The Administrative Office, in coordination with Judicial Conference committees and the courts, responds to the GAO's studies and requests for information on behalf of Congress. It reviews and comments on GAO draft reports. In fiscal year 2009, the GAO conducted eight studies involving the Judiciary, of which five were completed or closed. Final reports addressed:

- Bankruptcy Data Issues in Fulfilling the 2005 Bankruptcy Legislation
- Treatment of Crime Victims in the Federal Court System
- Foreign Language Interpreters
- Federal Protective Service Contract Guards
- Superfund Program

At year end, there were three active studies: Federal Court-house Planning and Use, Deferred Prosecution and Non-Prosecution Agreements, and the National Guard and Reservist Debt Relief Act of 2008. ■

Direct Impact On The Public

The Judiciary's work is generally low-profile, but can be high-impact and often results in a significant number of services that directly affect the public.



Each day, the federal Judiciary works to deliver justice in our federal courts. Much of the work is behind the scenes. Some of it has a vast impact on lives of Americans beyond what is obvious when they visit the courthouse. Although generally low-profile, the Judiciary's work can be high-impact and often results in a significant number of services that directly affect the public. Several examples follow.

Automaker Bankruptcy Filings

The Administrative Office partnered with the courts in many ways during the year to address unique situations and maintain service to the public. When rumors swirled that one or more American car makers could file for bankruptcy, the AO worked with the Southern District of New York, Eastern District of Michigan, and Delaware bankruptcy courts to prepare for the potential filings that could affect one of them.

An ad hoc team of AO staff specializing in court administration, support to judges, and information technology strategized ways to ease the burden a huge filing might have on the Case Management/Electronic Case Filing (CM/ECF) and the public access (PACER) systems, and to prepare for other workload impacts.

Over the course of several months, the ad hoc team held conference calls with the three courts to help plan for additional personnel needs, physical space demands, public and media inquiries, and additional security. The ad hoc team, a legal team, and the courts worked before any filings took place to address all issues surrounding these potential mega cases. In addition, public affairs staff

helped the three courts deal with media and general public inquiries about how citizens would be affected.

Technology was critical to preparing the courts for the filings without disruptions resulting from heavy filing traffic. Dedicated servers were set up and tested at an outside data center, to avoid interference with more regular daily court business. This planning was designed to reduce data communications network and public access traffic at the courts.

When Chrysler, and later General Motors, filed in the Southern District of New York Bankruptcy Court, the clerk of court contacted AO court administration staff, and systems were monitored to make sure the servers handled the traffic. Although traffic was high, there was no degradation of service, thanks to the advance planning by the courts and the AO.

Simplifying Jury Service

Creating a positive experience for jurors leads to greater public enthusiasm for the responsibility of jury service. Prospective jurors now have the option of providing and obtaining jury service information online via a district court's web page.

With the eJuror enhancement to the Jury Management System (JMS), jurors have 24-hour online access to complete qualification questionnaires and other forms; query status and reporting information; request excuses and deferments; and stay informed about other jury-related functions. In addition to providing better and more timely service for jurors, the eJuror application reduces work requirements for court staff and decreases postage costs.

Clerk’s office staff from 10 district courts worked with the Administrative Office over two years to develop and test the application. National deployment of eJuror began in June 2009 and will continue through April 2010 in waves. As of October 2009, more than 35 courts had installed eJuror, and 12 of those courts were “live.”

requirements and user needs. PACER (Public Access to Court Electronic Records) was established in 1988 as a dialup service. Through implementation of the CM/ECF system, PACER has evolved into an Internet-based service providing the courts, litigants, and public with access to court dockets, case reports, and over 500 million documents filed with the courts through CM/ECF. PACER is a portal to CM/ECF, which is in turn integral to public access.

Electronic Public Access Program

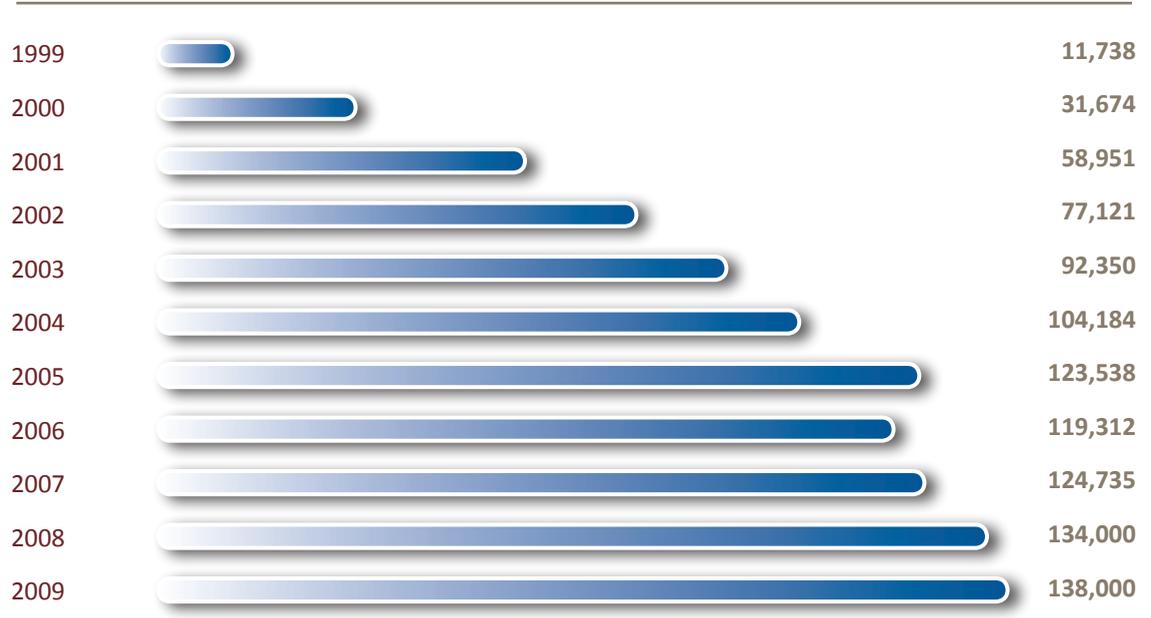
The Electronic Public Access program provides electronic public access to court information in accordance with legislation and with Judiciary policies, security

PACER registrations last year surpassed one million user accounts—a program milestone. Customers include members of the bar; city, state and federal employees; and the general public. During fiscal year 2009, PACER Ser-

PACER

Users are voicing opinions about possible future enhancements to the Judiciary’s Electronic Public Access program.

New PACER Customers By Year: 1999 - 2009



vice Center support staff responded to nearly 150,000 calls and more than 35,000 emails from users.

The Judiciary began a year-long assessment of the program's services in 2009 to identify future enhancements that the public wants and needs. Interviews and focus groups were held with representative users from the courts, the media, litigants, attorneys, researchers, and bulk-data collectors. As part of the information gathering effort, several user surveys are being conducted in fiscal year 2010.

Currently, seven courts are participating in a pilot program to make digital audio files of court hearings available to the public through PACER. The presiding judge determines which audio files are made available. Through the pilot, audio files of the major automaker bankruptcy hearings were made available. This proved to be particularly popular with the litigants, interested parties, the media, and the public.

As mandated by Congress, the PACER program is funded entirely through user fees set by the Judicial Conference at \$0.08 per page, with a \$2.40 maximum charge for any single document, no matter its length. The fee does not apply to opinions—which are available through PACER free of charge. Certain categories of users may be exempted by the court from paying the fee, and the fee is waived for usage amounting to less than \$10.00 per year. The fees are published in the *Electronic Public Access Fee Schedule*, available on uscourts.gov. In fiscal year 2009, nearly 50 percent of PACER users did not pay fees as a result of fee waivers and exemptions. The Electronic Public Access fee revenue is used exclusively to fund program expenses and enhancements that increase public access to the courts, including court websites and courtroom technology.

Attorney and litigant adherence to Judicial Conference privacy policies concerning personal data identifiers has been integral to the success of the Judiciary's Electronic Public Access

program. Because it has been nearly two years since federal rules of practice and procedure based on the policies were enacted, the Rules Committee has established a subcommittee to revisit the privacy rules, and examine how they have worked in practice.

The AO is also taking steps to ensure that the privacy protections established in the federal rules can be more easily followed. For example, the CM/ECF system has been modified to include a reminder notice that litigants are obligated to follow the rules redaction requirements. Also, the AO has encouraged courts to stress the rules redaction requirements with those who file, and has received input from courts on actions they have taken to ensure compliance with the privacy rules. ■

Judges Programs

Judicial workload, supporting international judicial relations, and extensive work on simplifying and modernizing Federal Rules of Evidence were a few of the areas staff focused on during 2009 to support the work of federal judges.



Judge Changes

In fiscal year 2009, the AO processed many changes in judicial status for judges. There were 48 new judges welcomed into the Judiciary this year, including 10 district judges, five bankruptcy judges and 33 magistrate judges. In addition to the 48 new judge appointments, one sitting judge was elevated. Seven circuit judges and 43 district judges took senior status and one circuit judge and six district judges left the Judiciary. In addition, 10 bankruptcy judges and 12 magistrate judges retired. Sadly, 25 judges passed away in fiscal year 2009, including one circuit judge, 14 district judges, three bankruptcy judges, and seven magistrate judges.

Bankruptcy Judgeships

Every two years, the Judicial Conference submits to Congress its recommendation for legislation to ensure adequate bankruptcy judgeships. The 2009 recommendation is based on a national survey conducted by the Committee on the Administration of the Bankruptcy System to determine resource needs. It requests 13 additional bankruptcy judgeships, and also calls for the conversion of 22 temporary judgeships to permanent status and the extension of two existing temporary judgeships.

In June 2009, Judge Barbara M.G. Lynn, Chair, Conference Committee on the Administration of the Bankruptcy System, testified before the House Judiciary Committee's Subcommittee on Commercial and Administrative Law in support of the Judicial Conference's 2009 bankruptcy judgeship recommendations. Chief Bankruptcy Judge David S. Kennedy, as bankruptcy judge

representative to the Judicial Conference, testified in support of the Conference's recommendations on behalf of the National Conference of Bankruptcy Judges.

New Bankruptcy Workload Study

AO staff is assisting the Federal Judicial Center (FJC) in completing a bankruptcy court workload study. The study will culminate in a new case weight formula to determine the number of bankruptcy judgeships needed in each judicial district. Current factors, e.g., pro se debtors and mega-cases, were factored into the new study, as was additional work required by the 2005 Bankruptcy Act.

Bankruptcy judges recorded their time on different matters for 10 weeks in a "diary study." FJC and AO staff are analyzing the data results. The Committee on the Administration of the Bankruptcy System will submit its recommendation to the Judicial Conference in 2010, to be available for the 2010 judgeship needs survey cycle.

Intercircuit Assignments

The Committee on Intercircuit Assignments recommended, and the Chief Justice approved, 221 intercircuit assignments for 127 Article III judges, including two retired associate justices. The number of judge vacancies and the need for additional judgeships have created an even more pressing need for visiting judge assistance.

The Committee expanded its efforts to recruit visiting judges to assist overburdened courts. In October 2008, the Committee initiated a Special Work Assistance

Taskforce, and in 2009, continued to make presentations at orientations and meetings for judges, and publish articles in several Judiciary publications.

Judges' Orientation and Outreach Programs

Seventeen new chief judges benefited from orientation sessions addressing court, administrative, and operational matters. A new software program designed to facilitate the graphic display of statistical data was used in fiscal year 2009 to present caseload statistics to incoming chief judges. These presentations allow chief judges to assess quickly how their courts' data have changed over time on key caseload metrics and how their courts compare to other courts. After a year in their roles, chief judges may participate in the Follow-Up Chief Judge Program, to discuss specific court issues.

AO staff also conducted orientation programs for Article III judge nominees, to inform them on such topics as judicial governance, procurement, chambers staffing, ethics, security, and supplemental benefits.

Financial Disclosure

The Committee on Financial Disclosure and the AO worked to enhance features in the filing software. A self-audit function permits filers to check their report prior to submission and avoid inadvertent errors, further reducing the number of reporting errors requiring communication between the Committee and filers. The Committee also has begun exploring new ways for technology to better serve the Judiciary and the public in the financial disclosure process.

Members of the Committee on Financial Disclosure and AO staff worked to educate judges, judicial assistants, new chief probation officers, and federal public defenders through instructional videos and published articles in several Judiciary publications.

International Judicial Relations

In support of the International Judicial Relations Committee, AO staff coordinated briefings for 55 international delegations, including 470 judges, court administrators, and other officials from 100 countries. United States judges and court administrators participated in some of these briefings. Through the Open World Program at the Library of Congress, AO staff hosted six orientation programs in Washington, D.C. for 152 judges from Georgia, Kyrgyzstan, Russia, Turkmenistan, and Ukraine. These judges were then hosted in courts and communities throughout the United States.

AO staff supported the Committee's work with several executive branch agencies. The chair of the committee spoke at the U.S. Department of Justice's International Resident Legal Advisor Conference, discussing ways to request assistance from federal judges to support international rule of law efforts. In addition, AO staff supported federal judges invited by the U.S. Department of State to discuss the rule of law in Ukraine and Pakistan, and effective courtroom space and facilities planning in Serbia.

Temporary Emergency Fund

Circuit judicial councils, court executives, and AO staff worked together to manage the Temporary Emergency Fund (TEF), which provides judges with additional chambers staff to

Educational programs for various staff specialists keep the Judiciary workforce informed and current to accomplish their jobs. A summer 2009 workshop was tailored to the needs of judicial assistants and judicial secretaries.



assist with unanticipated vacancies or increased caseloads. AO staff communicated with circuit executives, judges, and court employees regarding the allocation, use, and other policies relating to the Fund. AO staff also assisted circuit judicial councils in their requests to the Director for supplemental funding.

Judicial Assistants and Judicial Secretaries

In August, 155 judicial assistants and other chambers staff from appellate, district, territorial, and bankruptcy courts representing each circuit in the federal Judiciary attended the Jumpstart Workshop in Washington, D.C. The agenda was designed in collaboration with veteran judicial assistants. The workshop

included presentations on travel regulations, ethics, financial disclosure reporting and public disclosure, personal and courthouse security, non-case related reports, chambers and case management, and electronic case filing.

Law Clerk Assistance Program

The Law Clerk Assistance Program (LCAP) remains a practical way for a judge to assign legal research and writing tasks electronically to a federal law clerk in another court with the lending judge's permission. Similar to intercircuit assignments for judges, LCAP promotes the sharing of existing law clerk talent, which has become increasingly necessary as caseloads increase

but the number of judgeships does not. Really Simple Syndication (RSS) web technology allows judges and chambers staff to communicate new assistance requests.

New Time Counting Rules

The Judicial Conference Rules Committees approved over 90 amendments to the various Federal Rules of Procedure that simplify and make consistent the method for computing time periods under the rules. The new rules count all days, no longer excluding weekends and holidays. In addition, most deadlines in the rules were amended to be expressed in multiples of seven days, and virtually all short deadlines were extended to account for the new time-counting provisions. Following Supreme Court approval in March, the amendments took effect on December 1, 2009.

The “Statutory Time-Periods Technical Amendments Act of 2009” (Pub. L. No. 111-16), changed critical, often-used time periods in 28 statutory provisions. The changes are consistent with the changes to the national rules and also took effect on December 1, 2009. Judge Lee H. Rosenthal, chair of the Committee on Rules of Practice and Procedure, and AO staff played vital roles in securing passage of the legislation.

Finally, Judge Rosenthal advised all chief judges that the national rules amendments affect time deadlines in local rules. As a result, many local rule time deadlines were adjusted, and amendments to local rules were implemented on December 1, 2009.

The Law Clerk Assistance Program shares law clerk services electronically, based on changing work requirements.

Rewriting the Federal Rules of Evidence

The Advisory Committee on Evidence Rules, with support from AO staff, rewrote the entire Federal Rules of Evidence in plain English to clarify, simplify, and modernize them. The six-month public comment period ends on February 16, 2010. The project is modeled on previous successful restyling of other federal rules: Federal Rules of Civil Procedure, effective in 2007; the Federal Rules of Criminal Procedure, effective in 2002; and the Federal Rules of Appellate Procedure, effective in 1998.

Changes to Bankruptcy Rules and Forms

Under the direction of the Advisory Committee on Bankruptcy Rules, several Official Bankruptcy Forms and Director’s Procedural Forms have been amended, effective December 1, 2009. Many of the changes relate to the overall revision of the time-computation methodology, as 39 bankruptcy rules, one official bankruptcy form, and five procedural forms were amended to conform to the new template.

Non-time-period amendments to several Bankruptcy Rules and forms also were effective on December 1, 2009. In addition, proposed amendments to five bankruptcy rules, two proposed new rules, and proposed amendments to three Official Forms were published in 2009 for comment.

Magistrate Judge Reporting

Most district courts are now reporting magistrate judges workload statistics using Magistrate Judge Statistics Through Automated Records (MJSTAR), the automated reporting function in the CM/ECF system. The goal of MJSTAR is to improve the consistency and reliability of magistrate judge statistical information nationwide by minimizing manual entry of data and standardizing data collection methods throughout the courts. As of January 1, 2010, 79 district courts were “live” on MJSTAR. AO staff have worked closely with magistrate judges and court staff to have all courts live on MJSTAR in the coming year.

International Prisoner Transfer Program

As provided by statute, magistrate judges conduct proceedings to verify a convicted offender’s voluntary consent to transfer to the country of which he or she is a citizen to serve the remainder of his or her sentence pursuant to a prisoner transfer treaty. In FY 2009, magistrate judges conducted consent verification proceedings in Mexico, Korea, Costa Rica, Venezuela, Canada, Japan, and Spain.

Statistical Modernization

The AO has undertaken a multi-year effort to capture, analyze, and report on additional aspects of case activity that might more fully represent the courts’ workload. An enhanced information system for the bankruptcy courts is nearly complete, and AO staff are capturing and reviewing new case-event data for possible use in judgeship surveys and for other purposes. A companion project has been launched to gather better information on district

court caseloads. Another project involves developing policies and procedures to gather test data or respond to one-time requests for information from the courts about pending legislation or proposed rule changes. The policies address privacy concerns, court notification, and data dissemination practices.

Streamlined Statistical Reporting

The New Streamline Timely Access to Statistics (NewSTATS) project continues to replace the components of the legacy system that collect, process, and report caseload data. In June 2009, the AO deployed a NewSTATS software release including legacy reports on the bankruptcy caseload and all new reports requested by the Judicial Conference Committee on the Administration of the Bankruptcy System. Current efforts address the migration of data and reporting functionality for Civil Justice Reform Act (CJRA) reports to the new software. In April 2010, NewSTATS will become the statistical system of record for CJRA reports.

Working with a group of court staff volunteers knowledgeable about the CM/ECF system, AO staff also coordinated extensive revisions of two guides used by the district courts, *Civil Statistical Guide* and *Criminal Statistical Guide*, to describe new CM/ECF processes and clarify other reporting procedures. Two groups of court staff volunteers reviewed and commented on draft versions of these guides. Final versions of the revised guides have been posted on the J-Net, the Judiciary’s intranet. ■

Facilities, Security, and Emergency Planning

Facilities and security initiatives emphasized preparations for a possible influenza pandemic, assuring workforce security throughout the Judiciary, and support to courts affected by natural disasters.



Remote Detention of Pretrial Detainees

In 2008, an Ad Hoc Remote Detention Group was formed to address the issue of where federal pretrial defendants are housed and the impact it is having on the criminal justice system. Representatives to the group are from the Judicial Conference Committees on Judicial Security, Defender Services, Criminal Law, and the Budget, court unit executives, and executive branch personnel, including staff from the USMS and the Office of the Federal Detention Trustee (OFDT). The group met several times and discussed current policy considerations and practices of the USMS and OFDT in determining where to house pretrial detainees, concerns of the Judiciary, particularly with respect to remote placement of pretrial detainees, the problems of access and costs incurred by federal defenders and CJA panel attorneys and pretrial services and probation staff in visiting detainees; and possible solutions to these problems. After the first meeting, representatives from the Bureau of Prisons and the Executive Office for U.S. Attorneys joined the ad hoc group.

The group gathered information from districts about the severity of particular remote detention problems via a “self-evaluation” survey, which was developed by the group and administered by the OFDT. After reviewing the results and other detention information, the group’s primary recommendation was that each district should create a District Detention Committee (DDC) to allow for better coordination and greater influence in mitigating existing and potential remote detention issues.

The group oversaw creation of a website rolled out in August, www.ddcworksites.com, which allows users to look at their individual district’s data, national data, and their severity ranking. A white paper includes suggestions

on how to address remote detention problems within a district and suggested actions grouped by severity ratings.

New Judge Identification Cards

In January 2009, the AO began issuing new ID cards to all United States judges and circuit executives on a circuit-by-circuit basis. The new cards were designed and approved by the Judicial Conference Committee on Judicial Security to replace the ID card for federal judges that was created in 1996. The new judge ID card is in full compliance with the Transportation Security Administration regulations for use as the sole form of airport identification as long as judges agree to include date of birth and gender information on the card. The card was required to have an expiration date and a serial number that can be tracked in the event it is lost or stolen.

Emergency Preparedness and Pandemic Response

The AO continued to assist the courts in emergency preparedness efforts through training initiatives and by responding to natural events that affect judicial employees and operations and cause damage to facilities and equipment. As part of those preparations, the AO has provided guidance to courts concerning continuity and pandemic influenza preparedness. Nearly all courts have finished a pandemic annex as an integral part of their continuity of operations plans. Over 30 probation and pretrial services offices have established Critical Incident Stress Management response teams.

At the Administrative Office, pandemic response plans were tested, including an agency-wide telework test to verify the AO's ability to work remotely without disruption in services and support to the Judiciary.

Continuity Conferences Focus on Preparedness and Response

With the support of the FJC, and a training program planning team, the AO coordinated a program of instruction for the Ninth Circuit Continuity Conferences in January and March 2009. Similar training was conducted for the First and Second Circuits in 2009, and is planned for the Third Circuit in summer 2010.

H1N1 Outbreak Triggers Response

In April and May of 2009, the outbreak of H1N1 influenza forced many communities to consider appropriate responses, including increased awareness, hand sanitizing, social distancing, and school closures. The AO participated in a Cross-Sector Co-ordination Planning Conference held in Indianapolis, Indiana in June, and assisted the Southern District of Indiana, a co-sponsor of the event. In addition to representatives from the district court, other federal organizations represented included FEMA, the Centers for Disease Control and Prevention, GSA, USMS, and the National Archives and Records Administration.

The AO broadcasted the conference live from Indianapolis. Training materials from the conference have been made available to district courts interested in similar planning and community coordination.

In July 2009, AO staff attended the White House H1N1 Influenza Preparedness Summit at the National Institutes of Health. The purpose of the summit was to share the latest information on the behavior of the virus and suggested community responses to

a second wave of infections. In August 2009, AO staff conducted a nationwide court survey to identify major concerns, issues, and questions pertaining to preparation and response in a pandemic flu situation. Staff received more than 400 responses to the survey. After the AO reviewed results, a panel of experts conducted a series of H1N1 conference calls for all circuits on issues related to human capital, communications, telework, law enforcement and health services.

Emergency Response Team Helps Court Affected by Natural Disaster

Advance testing of occupant emergency and continuity plans helped prepare the North Dakota District Court in Fargo cope with severe storms and Red River flooding in March 2009. Court operations were quickly relocated to Bismarck. The Judiciary Emergency Response Team provided support to judges and court managers in addressing this weather disaster.

Thurgood Marshall Federal Judiciary Building Perimeter Security

The Administrative Office of the U.S. Courts (AO) in conjunction with the Architect of the Capitol (AOC) is implementing perimeter security upgrades for the Thurgood Marshall Federal Judiciary Building (TMFJB). The upgrades will improve the safety and security of building occupants and visitors by installing bollards around the building perimeter and vehicular delta barriers at building entry points. The project is expected to be completed in early 2010.

A perimeter security installation is bringing the Administrative Office's Washington, DC building up to standards for federal facility security.



Emergency Notification

The Emergency Notification System (ENS), developed by AO staff with substantial court input, helps courts and the AO notify staff of emergencies and to verify staff safety in emergencies. Court staff can be reached during or after work hours via work or home phone, work or personal email, and work or personal cell phone.

The system's value was demonstrated many times over during FY 2009. In over 80 instances, courts used the ENS to advise

personnel of courthouse closures or delayed openings due to weather, power loss, street closings, and other events. The ENS proved to be a great tool during Hurricane Gustav, and for drills and training exercises. The AO has used the system this past year to notify employees and staff during building emergencies; prepare for the presidential inauguration; and to share Department of Homeland Security changes in security level.

Southwest Border Conferences

In March 2009, the Judicial Security Committee hosted a one-day border security meeting with southwest border judges. At the meeting, the USMS and other law enforcement agencies briefed judges on threats and violent activity in Mexico, and discussed possible security measures to step up protection of judges.

Director Duff and USMS Director John Clark visited the Southwest border in July for a firsthand assessment of the courts' workload and security needs. There have been significant increases in the workload of the five judicial districts adjacent to the border with Mexico, along with reports of border violence and its possible implications for the security of judges. The trip began in Tucson, Arizona and concluded in El Paso, Texas. In Tucson alone, felony cases and defendants increased by almost 50 percent

Five judicial districts along the U.S.-Mexico border have had to address a massive increase in workload and a rise in threats to security for judges and court staff. Congress provided supplemental funding during 2009 to enhance security.



from the previous fiscal year. The Border Patrol, with increased growth and resources, has been assisting the USMS in its efforts to protect the Judiciary. El Paso faces different challenges from Tucson because of its location right at the border. Judges there have dealt with anonymous juries because family members of a jury who reside in Mexico can be victims of intimidation or retaliation. The Director visited the El Paso Intelligence Center (EPIC) and received a briefing on the center's infrastructure.

The USMS received \$4 million in supplemental funding during the latter half of FY 2009 to assist with security along the border. A number of programs will improve security for all members of the Judiciary in the southwest border districts. Security will be enhanced for judges' work and home locations. An additional \$10 million was provided to the Judiciary for border security through September 30, 2010.

In November 2009, the southwest border judges and chief probation and pretrial services officers convened again to discuss the USMS judicial protection strategy and enhancements, current intelligence regarding Mexican drug cartel activity, immigration enforcement along the border, and strategies to address detention issues.

Rent Validation and Related Efforts

To ensure that courthouse rent bills are accurate, a national rent validation program has been underway for the last few years. This program entails verifying the accuracy of rent bills for each court, challenging rental rates where applicable, and educating court employees so they can monitor their GSA rent bills and verify any future changes to the rent bills and space assignments. The work associated with validating the rent bills is complete, with much of the remaining effort focused on working with the

GSA to ensure that appropriate rent adjustments and credits are applied to the rent bill. To date, the Judiciary has saved over \$60 million dollars in GSA rent adjustments and credits. As a follow-on to the rent validation work that has been accomplished, the Northern District of New York and the AO have partnered to develop and implement a strategy to validate the accuracy of the appraisals that GSA uses to determine the rental rates it charges to the Judiciary in federally-owned facilities.

A tool in that effort is JRent, web-based software developed by New York-Northern and the AO and implemented at the start of fiscal year 2009 to help courts monitor their space rental costs. A searchable online database of past and current rent bill information is available to court and AO staff in a user-friendly format. Space-related documentation is also provided, along with a user guide and some options to personalize screen views of data. New software features will be added to enhance the tool during 2010.

Now that asset management and space validation programs are in place, a National Space and Security Circuit Training program is being developed to help courts manage their space. With the help of 10 court managers and the FJC, specific space and facilities training needs were identified in five areas: circuit rent budgets, courtroom technology and communications, asset management planning, rent validation, and space and facilities planning. Court officials from the Second Circuit participated in a pilot of the training program in September 2009. The next training session will be provided to the Fifth Circuit court units. ■

Business Improvements, Studies, and Activities

Financial management systems and procedures were refined during the year through technology advances and training.



Budget Management Tools

As part of the fiscal year 2009 financial plan, courts were provided additional budget management tools. The Capital Investment Fund is a new initiative, which allows local court units to deposit and carry forward funds for specific capital investments such as tenant alterations, cyclical facilities maintenance, and courtroom technology. The Budget and Finance Advisory Council suggested the fund as a tool to help courts realize savings. The Judicial Conference and Congress approved the fund as a pilot program through fiscal year 2012. More than 200 court units deposited nearly \$10 million into the Fund during fiscal year 2009.

Another new tool provided to the courts was a formula-based direct allotment for tenant alterations. This new formula provides a predictable stream of resources to the courts for tenant alterations instead of requiring the courts to fund these needs through reprogramming, as before. Court and AO input to the Budget Committee led to Judicial Conference and Congressional approval of a portion of the direct allotment, about \$6 million, as part of the fiscal year 2009 financial plan. Full implementation will occur in the FY 2010 financial plan.

Financial Management

A study is nearing completion to identify the best technical solution for consolidating the financial management system, FAS₄T, used in the courts with the latest version already in use at the Administrative Office. In addition, follow-on work will identify the business process changes and impacts brought about by this software upgrade.

Civil Criminal Accounting and Cash Receipting

The AO continues to implement the Civil Criminal Accounting Module of the financial management system (CCAM). This system is now used by 76 courts to perform civil and criminal accounting and cash receipting functions. In FY 2008, the implementation strategy began to place more emphasis on data reconciliation and check-points for monitoring each court's readiness before moving to the operational state. CCAM is expected to be fully operational in all courts in early fiscal year 2011.

Criminal Justice Act Panel Attorney Payment System Upgrade

The AO is finalizing implementation plans for upgrading the Criminal Justice Act (CJA) payment system to a web-based application to be hosted at the Judiciary's data service facility. The CJA payment system is used by courts to pay panel attorneys who represent individuals charged with federal crimes but who cannot pay for their legal defense. The upgrade modernizes the system's platform to improve reliability, performance, and reporting. Implementation is scheduled to be completed by late FY 2010.

Guide Redesign Project

The Administrative Office is revising its primary policy document for federal courts, the *Guide to Judiciary Policies and Procedures (Guide)*. The redesign effort seeks

to improve the clarity, accuracy, and timely delivery of the guidance. In March 2009, the Director created a Guide Redesign Editorial Review Board to shepherd the project and design an effective long-term system to keep the *Guide* updated. At the Board's recommendation, the publication has been renamed the *Guide to Judiciary Policy* and refocused to encompass all Judiciary administrative policies promulgated by the Judicial Conference and the Director. The redesign of the *Guide* is scheduled to be completed in 2010.

Automated Court Reporter Application

In March of fiscal year 2009, the AO announced the availability of the Automated Court Reporter Application (ACRA) for use by Federal Official Court Reporters. ACRA is a web-based application that automates the submission of the attendance and transcripts forms and the statement of earnings forms. ACRA has been used to capture the data reported on these forms, beginning in calendar year 2009, and incorporates digital signatures as an official approval, using the industry standard of Public Key Infrastructure digital certificates. As of October 2009, ACRA start-up instructions have been provided to 68 of the 94 district courts for nearly 600 of the approximately 733 court reporters and 94 court officials.

Staff court reporters now file their quarterly activity reports and yearly earnings reports online using the Automated Court Reporter Application that cuts paperwork and mailings.



District Methods Analysis Program

Court administration staff, as part of the District Methods Analysis Program, worked with the judges program staff, and the Judicial Panel on Multi-District Litigation to establish a working group to address best practices for the management of multi-district litigation (MDL) cases in the district courts. Comprising subject matter experts, the court staff volunteers “map” MDL case processing in their respective offices. The group met in September 2009 to discuss and develop best practices for managing MDL cases as transferee and transferor courts. The group will post best practices for reference and use by court colleagues on the Judiciary’s intranet site.

Central Violations Bureau

The Central Violations Bureau (CVB) provides participating U.S. district courts and federal law enforcement agencies with an efficient processing system for handling petty offenses and some misdemeanor cases initiated by a violation notice.

During fiscal year 2009, the CVB processed more than 350,000 citations and collected approximately \$21 million in fines and forfeitures, which have been deposited in the Crime Victims Fund. In addition, approximately \$5.7 million was collected through a \$25 processing fee, and those funds were used to support Judiciary operations. The CVB also fielded approximately a half-million telephone calls and emails from the public, courts, and law enforcement agencies.

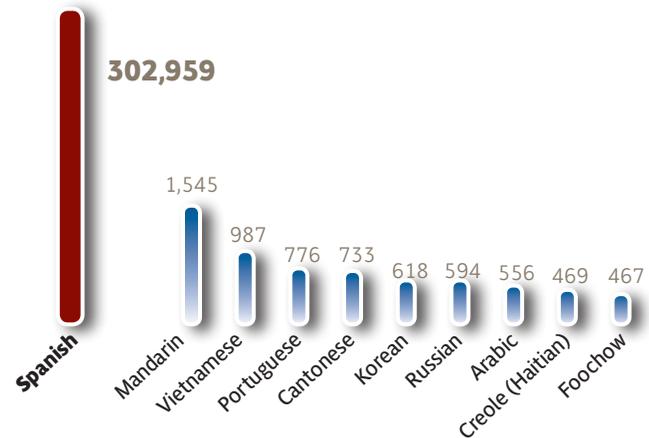
Court Interpreting

In fiscal year 2009, there was an 11.0 percent increase in the number of events requiring the use of interpreters in the courts. District courts reported that they used interpreters in 313,969 events, compared to 282,733 events reported in fiscal year 2008. The number of languages requiring interpretation increased from 113 in 2008 to 120 in 2009.

Interpreter Certification

In fiscal year 2009, a record 473 candidates took the oral examination component of the Spanish/English Federal Court Interpreter Certification Examination, and 85 candidates passed the exam and received certification. The written examination was offered in August 2008 in 33 locations nationwide, and will

Court Interpreting: Fiscal year 2009 Events Requiring the Use of an Interpreter



be offered again in fiscal year 2010. Those who pass the written examination are eligible to take the oral examination, which will be offered in fiscal year 2011.

National Court Interpreter Database

The web-based National Court Interpreter Database (NCID) contains the names of 968 active certified interpreters and 3,155 otherwise qualified interpreters in 145 languages. The number of otherwise qualified interpreters listed in the NCID grew by 475 in fiscal year 2009.

Telephone Interpreting

The Judiciary's Telephone Interpreting Program (TIP) provides remote interpretation in short proceedings where certified or otherwise qualified court interpreters are not locally available. The TIP saved an estimated \$1.1 million in interpreter travel and contract costs in fiscal year 2009, and \$7.8 million over the life of the program. More importantly, TIP ensured that qualified interpreters were available for defendants in court proceedings. In fiscal year 2009, the Judiciary's TIP services were used in more than 3,740 events in 43 languages, with Spanish used for 92 percent of TIP events. In total, 47 district courts used TIP services.

High qualification standards, including the stringent Spanish/English Federal Court Interpreter Certification Examination, contribute to the critical role that interpreters play in federal court proceedings.



The eight provider courts this year were: the Central District of California; District of New Mexico; Northern District of Illinois; Southern District of Florida; District of Columbia; Southern District of California; District of Nebraska; and the District of Rhode Island. Staff interpreters handled 75 percent of TIP proceedings. The other 25 percent of the proceedings were handled by contract interpreters.

Bankruptcy Forms Modernization

The Forms Subcommittee of the Advisory Committee on Bankruptcy Rules, with AO staff support, has undertaken a multi-year Forms Modernization Project to develop recommendations for making the bankruptcy forms more user-friendly to reduce errors, and to take better advantage of technology. The Project has elicited comments from judges, clerks, and other participants in the bankruptcy system, and representatives from a number of groups within the Judiciary have shared their specialized expertise.

A subgroup is evaluating new technologies to allow clerks and judges easier access to data contained in bankruptcy forms, as well as better preparation of customized reports, and increased search capabilities. The process of reformatting and rephrasing the hundreds of questions on the forms also is underway.

The Project continues to solicit feedback from users of the forms through a series of questionnaires, and has also provided to the Next Generation CM/ECF project a list of functional requirements. Using feedback, the Advisory Committee developed an amended reaffirmation forms package to make it easier for debtors and creditors to understand and complete it with fewer errors. The revisions should also make the form easier for the courts to review. The reaffirmation package has been issued by the Administrative Office, effective December 1, 2009.

Bankruptcy Noticing Contract

The new performance-based bankruptcy noticing contract the Administrative Office awarded to BAE Systems Information Technology, Inc. took effect on October 1, 2008. The transition to the new contract was an overwhelming success, largely due to the many contributions made by the bankruptcy court community.

Building on past success, new value-added features and solutions are increasing efficiencies and providing additional cost savings to the Judiciary. A very practical cost-saving improvement began in February 2009 with the elimination of duplicate notices to joint debtors at the same address by sending a single copy of each notice in a jointly-addressed envelope. This improvement in joint cases—approximately 30 percent of cases nationally—is anticipated to provide savings of over \$500,000 each year, while providing better service to joint debtors by reducing the number of duplicate notices they must handle.

The new contract provides more services at pricing approximately 36 percent below the former contract rates. Assuming a 10 percent annual increase in BNC program usage, the Judiciary will realize a 10-year reduction of over \$50 million compared to the previous rates. This is in addition to the approximately \$70 million saved since 1994 for combined salaries, supplies, postage, and equipment savings over court-based noticing. Implementation of the new BNC contract is an excellent example of collaborative efforts involving AO staff and court personnel. ■

Key Studies and Activities

By renewing its strategic plan, the Judiciary will enhance its focus on key challenges and trends.



Courtroom Policies and Studies

Based on the findings of a 2008 study by the Federal Judicial Center (FJC) of courtroom use in district courts, the Committee on Court Administration and Case Management (CACM) proposed, and, at its meeting in September 2009, the Judicial Conference adopted, a courtroom sharing formula for magistrate judges. This formula, which was developed in consultation with the committees on the Administration of the Magistrate Judges System and on Space and Facilities, provides one courtroom for every two magistrate judges, plus one additional courtroom in courthouses with three or more magistrate judges, to ensure that a courtroom would be available in a timely manner for criminal duty proceedings. It also contains a number of issues to be considered by the Space and Facilities Committee, should an exemption from the policy be requested. The FJC is continuing its study of courtroom use in bankruptcy courts, with a report expected to the CACM Committee by its meeting in December 2010.

Judiciary Planning

An Ad Hoc Advisory Committee on Judiciary Planning has been working since the fall of 2008 to develop a new strategic plan for the Judiciary, and to establish an ongoing process to sustain planning efforts. The Committee includes judges who are current or recent Judicial Conference committee chairs or Executive Committee members, as well as two circuit executives, a clerk of court, and the AO Director.

The Advisory Committee produced a draft strategic plan intended to complement current mechanisms

for policymaking and administration and preserve the Judiciary's excellence in delivering equal justice under the law. The draft plan is organized around a set of strategic issues—fundamental policy questions or challenges reflecting key trends. The draft plan, including goals to enhance the Judiciary's accessibility, timeliness and efficiency; its ability to attract and retain highly competent judges and staff; the effectiveness of its relationships with Congress and the executive branch; and the trust and confidence of the public.

Strategic Planning for Circuit Libraries

AO staff continued to work with circuit librarians on strategic planning. Issues discussed included potential improvements in legal research service delivery; raising awareness of library services; library collection development policies; and, increasing staff skills—particularly with new technology. Librarians identified several action items for follow-up. Several libraries invited AO staff to assist in local strategic planning sessions and implementation of changes.

As the year ended, the Court Administration and Case Management Committee requested that the Administrative Office work with librarians and others to determine how a significant reduction in law book funding in FY 2012 and beyond would impact court libraries and library services. The focus of the study is on the new role of libraries in the digital age and will include an investigation and report on the potential savings to be gained with clear options for change.

Audits and Program Reviews

The Administrative Office conducts financial audits, reviews, assessments, and evaluations to promote effectiveness, efficiency, and economy in both AO and court operations. The AO's Office of Audit carries out a comprehensive program of financial audits covering all court units, Judiciary funds, and financial systems. Court audits are conducted on a four-year cycle for most courts, and on a 30-month cycle for larger courts. In 2009, the Administrative Office issued final reports for 51 cyclical financial audits of the courts. It completed 50 other financial audits, including audits of Chapter 7 trustees, Criminal Justice Act grantees, and audits in response to a change of clerk and to follow up on prior reviews.

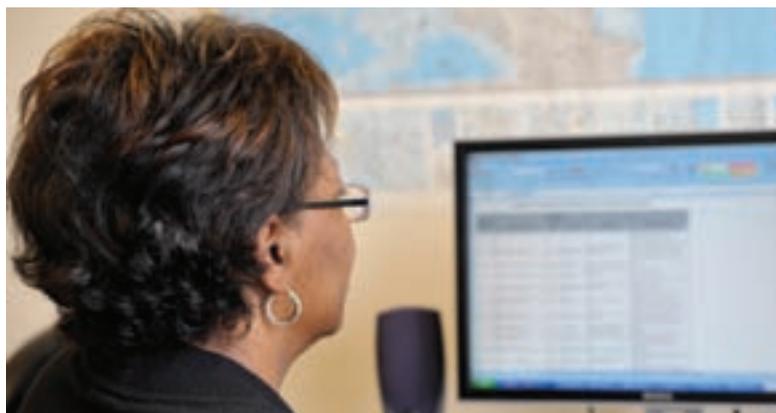
As a result of Section 603 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, required audits of randomly selected debtors began in 2007 to determine the accuracy, veracity, and completeness of the information contained in the petitions, schedules, and statements filed by individual Chapter 7

and 13 debtors; 304 debtor audits were conducted in 2009.

Each year, on-site management assistance and program reviews of various kinds are conducted in the courts. Reviews may cover jury administration, court reporting, program operations and management, human resources management, property management, procurement, information technology operations, security, and continuity of operations plans and disaster preparedness. Review procedures generally include observations of office operations, interviews with key staff, and the evaluation of records and files.

During fiscal year 2009, on-site reviews were conducted in two appellate courts, five district courts, six bankruptcy courts, 17 federal defender organizations, and 21 probation/pretrial services offices in 19 districts. In addition, the AO, upon request, conducted comprehensive reviews of one circuit library program and of the automation program in another circuit in FY 2009. Areas for service enhancements, staff training, and streamlined operations were addressed. ■

Courts often streamline business operations, add staff training, and adopt best practices after Judiciary audits and program reviews are conducted.



Human Resources



Four distinct exchange programs were launched under the Court-AO Exchange Program during fiscal year 2009. The program builds on effective partnerships between the courts, federal defender organizations, and the AO, strengthening the Judiciary's ability to address major challenges as a united team.

2009 AO Director's Awards

Outstanding Leadership



Theodore Johnson, chief probation officer, Western District of Pennsylvania. During a period of growth and change in his office, Johnson initiated a workforce development program that has benefited offenders and ex-offenders; participants in the program have a very low recidivism rate. Johnson also has incorporated an offender risk hierarchy into supervision practices to focus resources on areas of greatest need. His efforts to conserve and improve Judiciary resources have included establishing an active internship program. Interns contribute and develop valuable skills while the office benefits from their contribution.

Excellence in Court Operations (Mission Requirements)



Sarah Pfeiler, pretrial services officer, U.S. District Court, Northern District of Ohio. Pfeiler developed Project Penalty Awareness to raise understanding throughout her community about federal penalties for drug-related crimes. Target audiences are juveniles, gang members, and drug users. The Cleveland Public Schools have adopted the program as part of the eighth grade social studies curriculum. Her work on this program has enhanced the public's image of the Judiciary.



Wendy Landry, supervisory probation officer, Northern District of Texas. Landry implemented a mobile office program that increased accessibility to officers and the community, and resulted in cost savings for the Judiciary. The program has improved services to clients and contributed to flexible and productive work arrangements for officers.

Extraordinary Actions



The Bankruptcy Clerk's Office, Northern District of Iowa: Nicole Becker, Kent Boese, Ruth Dean, Rhonda Hansen, Becky Hoefer, Nancy South, and Theresa Stapelman, case administrators; Shane Deam, programmer/analyst; Som Many Greigg and Julie Hubbell, courtroom deputies; Tina Hall, operations supervisor; Karen Hanover, CM/ECF administrator; Jean Hekel, chief deputy clerk; Tim Mielke, automation specialist; and Sharon Mullin, financial administrator. The team was commended for their efforts in successfully activating their court continuity of operations plan (COOP) during the 2008 flood that devastated their community. They were recognized for outstanding communication efforts with the AO and other organizations, as well as for their concern for others who work in their facility. They were commended for their efforts to resume essential court functions in service to the public within 24 hours of activating their COOP.



Robert L. Phelps, clerk of court, U.S. District Court, Northern District of Iowa. Phelps' court management staff nominated him for his exceptional efforts during the 2008 flood. He was recognized for managing an extensive logistical operation to keep court employees safe while continuing court operations during the natural disaster. He has shared lessons learned through presentations at Judiciary meetings and conferences.

2009 AO Director's Awards

2009 Award for Exemplary Service to the Courts



Four years ago, the Judicial Conference Committee on the Administrative Office instituted the Leonidas Ralph Mechem Award to recognize AO employees for significant accomplishment on a specific project or effort that has improved court administration, internal controls, program effectiveness, communications, or efficiency in the courts or the AO. The winners of this year's awards were James Wannamaker, Bankruptcy Judges Division, and Neal Dillard, Infrastructure Management Division. The Committee selected Wannamaker because of his extraordinary efforts assisting the Bankruptcy Rules Advisory Committee and the entire bankruptcy system in implementing the Bankruptcy Abuse Prevention and Consumer Protection Act. Dillard was recognized for his work developing and deploying four major components of the Judiciary's telecommunications networks, including the Data Communications Network (DCN), public access network (PACERNet), local area networks (LANs), and two Internet gateways.

The Year of Employee Empowerment

Collaboration between the AO and courts was the theme for three FY 2009 technology initiatives that changed how employees manage their personal and payroll information. The initiatives, applications within the Judiciary's centrally managed Human Resources Management Information System (HRMIS), are driven by court needs and priorities. Courts participated in needs analysis, application requirements definition, and implementation planning through the Human Resource Specialist Advisory Group and HRMIS User Panel. After development, court HR staffs assisted in end user testing, application piloting, and implementation to court employees throughout the nation.

Overall, the key benefits delivered with these technology initiatives included direct and indirect cost savings, direct online access to employee information, and reduced court HR staff transaction paper processing. Court HR staffs now have more time for strategic HR activities such as recruitment and workforce planning. Additionally, these collaborative initiatives position the Judiciary for future cost savings or avoidance, efficiency improvement opportunities, and enhanced management decision making in FY2010 and FY2011. Briefly, the technology initiatives are:

eService

eService empowers the 33,000 Judiciary employees to view their personal information and payroll earnings statements online and to make changes without the need for HR staff to process paper. These changes include name and address, direct deposits, allotments and W-4 updates.

As a result, the cost of biweekly and monthly printing, mailing and distribution of many paper products is eliminated.

eOP

eOP enables employees to view and print online documents from their Official Personnel Folder 24 hours/day. OPFs are now updated within days instead of months, staff no longer need to copy and file tens of thousands of paper documents, and the system is highly secure. Implementing in partnership with the Office of Personnel Management, the Judiciary will garner further savings through major reductions in filing and distribution of paper products, now transmitted, stored, and viewed electronically.

Leave Tracking

Thirty courts now use this HRMIS application, a primary alternative to existing leave and time management systems maintained on court servers. Leave requests and work time are tracked and approved online and employees see their leave balances on their biweekly earnings statements. By using this centrally maintained application, courts save on maintenance and other costs. Additionally, administrative audits are easier for courts that use Leave Tracking. A multi-year implementation strategy is in place that will allow additional courts to adopt Leave Tracking in the future.

eBenefits on the Judiciary Benefits Center

In October 2009, online self-service enrollment for health insurance became available for judges and Judiciary employees. Self-service enrollment for life insurance became available in May 2009, and self-service for the Thrift Savings Plan will become available in 2010.

These services are available on the Judiciary Benefits Center, an online, confidential, one-stop resource for information and tools regarding the Judiciary's benefit programs. The Judiciary Benefits Center was launched in 2008 as an expansion of the self-service website offered for many years by SHPS, the third party administrator of the Judiciary's flexible benefit and commuter benefit programs.

eBenefits streamlines benefits enrollment and administration, eliminates unnecessary paperwork, and empowers judges and employees to manage their benefits directly. Self-service has proven its value in other Judiciary benefits programs that are already online.

Nearly 13,000 judges and employees enrolled in health care accounts and dependent care accounts for the 2009 Flexible Benefit Program plan year. This marks the tenth straight year of increased enrollments since the program began in 2000.

Enrollments in the Federal Employees Dental and Vision Insurance Program for the 2009 coverage year total 17,836, which is a 25 percent increase over 2008 levels. Enrollments in 2008 increased 28 percent from 2007, which was the first year of the program's operation.

There were nearly 1,700 new applications for coverage during the final open enrollment for the Federal Judiciary Group Long-Term Care Insurance Program held last summer. This increased the number of participants by 30 percent, to 7,518.

Performance Management

Human resources staff provided advice and assistance to courts as they developed plans to implement the performance management guidelines that were approved by the Judicial Conference in September 2008. The plans will support the discretionary granting of step increases to Court Personnel System employees beginning in October 2010. Staff also supported a working

The HR Academy gives human resources managers hands-on training in Judiciary personnel practices and prepares them to support and develop the court workforce.



group of court unit executives in the development and delivery of training on the Judicial Conference-approved performance management guidelines.

Court Personnel System Benchmarks

In January 2009, the revised Court Personnel System benchmarks, which were developed with the participation of a court unit executive working group, went into effect. Human resources staff supported the implementation through the posting of a set of frequently asked questions, the incorporation of the benchmarks into an HR Academy module on classification, and the delivery of training to court unit executives in October 2008. The revised benchmarks are intended to achieve a cost savings of \$52 million through fiscal year 2017.

Human Resources Academy

In August, two sessions of the HR Academy were conducted by AO and court faculty. The HR Academy, which was developed in collaboration with the Human Resources Specialist Advisory Group, provided in-person training for HR specialists. The training focused on hands-on practical skill development. Twelve hours of online training was required as a prerequisite. A total of 98 HR professionals with less than three years of experience attended.

Human Resources Initiatives at the AO

The Director appointed a Human Resources Working Group to provide advice and recommendations on human resource policies, practices, and programs of importance to all AO employees. The group's formation was a result of input from an ad hoc court advisory group and internal AO planning teams that developed strategies to implement the advisory group's recommendations. In the last year, based on the HR Working Group's recommendations, an AO Internal Exchange Program and the use of staffing

plans to speed up the recruitment process have been implemented, and planning for an AO Mentoring Program and a new performance management system are well underway.

Benefits and Retirement Programs for Judges

During FY 2009, 25 benefits and retirement programs were held for over 300 judges and their spouses. These programs provide information to judges new to the Judiciary, in mid-career,

At one work session held during the year, court unit executives and AO staff brainstormed about partnership activities to support court administration needs at the local level.



and those approaching retirement. This year, programs were conducted at New Judge Orientations sponsored by the FJC. Programs were conducted at FJC Circuit Workshops, Circuit Judicial Conferences, judge retreats, and at several individual courts. The retirement planning programs are offered to judges who are within a few years of retirement eligibility. The agenda includes information on health, life, dental and vision insurance, the flexible benefits program, long-term care insurance, Thrift Savings Plan, and the Judicial Survivors' Annuities System. Retirement information is provided on senior and recall status, full retirement from the Article III bench, the Judicial Retirement Systems, the Federal Employees Retirement System, and the Civil Service Retirement System, in addition to Social Security benefits and Medicare.

Work Measurement

The Judicial Conference, at its September 2009 session, endorsed the process of developing full staff requirements through consensus-developed, empirically derived, and transparently coordinated work measurement formulas. As a result of the endorsed process, the Conference approved staffing formulas for appellate clerks, bankruptcy appellate panel clerks, staff attorneys, district clerks' offices, pro se law clerks, and the bankruptcy administrator program for implementation in fiscal year 2010. Teams of court experts built work center descriptions with assistance from the Administrative Office (AO). The Judicial Resources Committee's work measurement subcommittee oversaw all work measurement issues, increasing judge involvement and influence in the process.

Online System for Clerkship Application and Review

In February 2009, the Online System for Clerkship Application and Review (OSCAR) Program seamlessly transferred from the U.S. District Court for the District of Columbia to the Administrative Office. The effort involved transferring the program assets and staff, setting up a new help desk ticketing system and telephone lines, and integrating the OSCAR informational website that was maintained by the district court into the current OSCAR system. OSCAR participation significantly grew to 1,440 judges using the system to maintain a judge profile, post their clerkship positions, and accept electronic applications. ■

Technology

Infrastructure improvements, security testing, and consolidation of vendor management programs were several areas examined by information technology forums and committees.



CM/ECF Status

By 2003, the majority of the courts had implemented CM/ECF, and now the system is used in virtually all district, bankruptcy and circuit courts, in the Court of Federal Claims, and the Court of International Trade. And work is underway with the Judicial Panel on Multidistrict Litigation to determine if it, too, can benefit from CM/ECF. The volume of electronic filings continues to grow, with over 5 million documents filed each month and nearly 450,000 attorneys using the electronic filing feature. Attorney electronic filings now account for 40 percent of the docket entries in district courts. In the bankruptcy courts, attorneys electronically enter 70 percent of all docket entries and 90 percent of all case openings. Staff continuously work with the appellate, district, and bankruptcy courts to further enhance CM/ECF to meet additional user needs. New software releases are regularly delivered to provide new functions and features. Recent releases have focused especially on delivering added features for chambers use. In addition, new servers are now being delivered to the courts. These new servers are significantly more powerful than the old servers they are replacing and should provide excellent reliability and performance for all courts.

Planning for the Future

Now that the Judiciary has had over a decade of hands-on experience with CM/ECF and the progressive changes that it has enabled, the courts are evaluating more comprehensively their

More than 5 million documents are electronically filed in the courts each month, and nearly 450,000 attorneys file electronically.

business processes and their system needs for the future. This CM/ECF “Next Generation” project—endorsed by the Judicial Conference Committees on Court Administration and Case Management, Information Technology, and Administration of the Bankruptcy System—is now well underway. Integrated efforts in the bankruptcy, district, and appellate communities, are defining the requirements for a next generation system.

Steering groups and work groups made up of judges, clerks and court staff, and management groups and support teams from the AO, have been created to guide and accomplish

the work of the project. Groups are looking at chambers, clerk’s office and additional stakeholder needs. All judges and court staff will have numerous opportunities to become involved in the requirements-gathering process. Group discussions are being held at various locations around the country where judges and others can meet face-to-face with their colleagues to discuss how they do their work and how a new CM/ECF could help them work more efficiently. Ideas from all the various sources are being assessed by the workgroups, and those developed into written requirements are being posted on the J-Net for review and comment by the full Judiciary community.

Operational Practices Forums

CM/ECF Operational Practices Forums have been a valuable way for users to discuss experiences, issues, and practices.

Electronic case management and filing has been successful because ideas and requirements from stakeholders have been collected and applied to shape the system. With the CM/ECF Futures project, that approach continues.



The Bankruptcy and District Court Administration Divisions, with faculty assistance from the FJC, have held forums for both bankruptcy and district court users for the past several years.

In fiscal year 2009, both forums continued to offer courts the option of reviewing locally developed tools and applications and allowing the AO to share national updates. Nearly 600 judges, case administrators, chambers staff, and systems and operations managers attended the District Operational Practices Forum in Washington, D.C. Nearly 500 judges, chambers staff, clerks, deputy clerks, and AO staff attended the Bankruptcy Operational Practices Forum, hosted by the Northern District of Texas Bankruptcy Court. Audio files and notes of the forum sessions transcribed by volunteer court personnel have been posted on the Judiciary's intranet site.

Voice, Video, and Data Communications Services

In July, AT&T was awarded the Judiciary National Network Order (JNNO) to provide the courts with voice, video, and data services through March 2017. Under the GSA Network Universal Contract, JNNO replaces the FTS2001/Sprint services contract that ends in May 2011. The Judiciary's transition from FTS/Sprint to Network/AT&T began last summer and will conclude in early FY 2011. The GSA Network contracts are designed to provide the federal government with the lowest cost telecommunications services available, based on volume pricing.

Communications Infrastructure Improvements

AO information technology staff and the IT Security and Network Management Working Group have together planned and coordinated infrastructure improvements to help courts leverage the capabilities provided through the Networx contract. Improvements focus on two key areas.

Local Area Network Assessments

The AO is offering two types of assessments to help courts maintain peak network performance: a comprehensive on-site assessment of the local communications infrastructure, and a smaller-scale remote assessment that assists courts in reviewing requirements through conference calls and email. To date, eight on-site and seven remote assessments have been conducted, and another seven assessments have been scheduled for 2010. A multi-year contract is being developed to provide this service to 20 or more courts annually.

Network Management

Since the AO made available the Observer Network Management toolset in December 2008, nearly every court in the Judiciary has requested it. The Observer tool enables local court IT staff to readily identify, analyze, and resolve network performance issues and gives the Judiciary a standard tool to assess network problems. More than 600 court staff received training on the tool through sessions at each of the five 2009 circuit IT conferences and customized webinars. Computer-based training modules on networking technology also were produced.

Information Technology Security Initiatives

IT Security is a major AO priority. Staff are developing services and flexible contract options vehicles to enhance the Judiciary's IT security posture.

Circuit-Level Security Assistance Program

An AO pilot program makes available at the circuit level a full-time IT security expert to support the security needs of individual courts. The specialist would work in the circuit executive's office to create security designs, track vulnerabilities, optimize security and network management tools, conduct security awareness training, and assist network managers in mitigating identified risks.

The Administrative Office helped place circuit-level IT security experts in the District of Columbia, and in the First and Tenth Circuits. In addition, the Second, Third, and Sixth Circuits have hired dedicated government IT security staff. AO staff talk weekly with these circuit-level IT security experts to identify national trends and areas for improvement.

Comprehensive Contracting Vehicle for Security Services

Court and Administrative Office staff are defining requirements for a comprehensive court security services contract. A wide range of IT security services would be available to the courts, including: vulnerability scanning; penetration testing; web application testing; anti-virus management; security incident response desks; management and support for audit log coordination; design and implementation of intrusion detection and intrusion prevention systems for local-area networks; planning and

implementation for desktop, laptop, and removable media encryption; design, integration, and implementation for secure wireless systems; security training and awareness programs; and general security support.

Court IT Security Assessments

A pilot program is underway that provides on-site assessments by a team of security experts who analyze the local IT security framework and provide court units with a confidential report detailing findings and ways to enhance technology security

locally. The Eastern District of Arkansas, the Pretrial Services Office in the Central District of California, and several units in the Third Circuit have piloted the program. The Administrative Office will expand the program in 2010, offering the service to other federal courts nationwide.

Security Testing

In addition, security testing is being performed on nationally supported applications. Penetration testing is performed using state-of-the-art commercial penetration and assessment tools, and

Courts are able to purchase IT equipment and many services locally through contracts that the Administrative Office negotiates at the national level.



is based on recognized government and industry standard best practices and benchmarks.

Consolidated Vendor Management Program

OIT identified new and previously unsupported court needs and negotiated with numerous vendors to realize savings to the Judiciary:

Novell Support: AO staff analyzed actual court utilization of Novell software products and technical support services to negotiate a more than \$1 million reduction in costs for the final two years of the contract.

Server Maintenance: Several hundred thousand dollars will be saved annually after negotiations with the providers of the Judiciary's national servers and hardware maintenance support. Improvements in server technology and reliability are the basis for savings.

IT Vendor Management: Information technology technical contracts will be managed as a comprehensive portfolio to eliminate unnecessary overlap and better acquire and utilize major IT equipment and services.

IT Improvements at the Administrative Office

Several IT improvement efforts this past year provided AO staff with a reliable, mobile, and secure IT environment to better serve court customers. The AO desktop upgrade provided AO users with an improved standard desktop configuration coupled with significant network management upgrades. These are resulting in measurably reduced security vulnerabilities and

improved help desk support. As the AO moved to a more mobile environment during FY 2009, the need arose to protect laptops if they were lost or stolen. In response, the AO completed a laptop encryption effort.

The AO's disaster recovery capabilities were enhanced in 2009. Additional IT infrastructure changes and related employee training have positioned the AO to respond to the H1N1 pandemic threat, allowing users to work remotely while keeping data secure.

Growing Teleconference Services

Several highly visible and successful teleconferences highlighted the value of these services and the benefits in continuing to enhance them. A number of meetings between former and sitting judges, the State Department, and Supreme Court delegations from several countries made good use of teleconferencing technology. ■

Probation and Pretrial Services

Innovations in supervision
include applying research-
based techniques and
interventions.



Research-Proven, Evidence-Based Supervision Techniques

The federal probation and pretrial services system strives to reduce recidivism through the use of supervision techniques that research has proven to work. These evidence-based supervision strategies include using statistical and clinical methods to identify which defendants and offenders are most likely to commit future crimes, and matching individuals with the services and interventions related to their risk and to which they are likely to respond.

The AO established the Research-to-Results (R2R) grant program in 2007 to assist districts with implementing evidence-based practices. During 2009, probation and pretrial services offices in 16 districts continued their partnership with the AO in this effort. The practices fell into four areas: cognitive behavioral techniques, motivational interviewing, risk assessment, and workforce development. In fiscal year 2010, the R2R funding will be extended to training for districts beyond the pilot.

In an effort to meet the core evidence-based goal of identifying which offenders are most likely to commit future crimes and targeting the correct set of services toward the higher-risk population, the federal probation system decided to address risk assessment. The system has been well served by a second-generation risk assessment tool for the past decade, but advances in the field of risk and needs assessment required a system-wide upgrade. During 2009, the AO developed a new, fourth-generation risk assessment tool that will be implemented in FY 2010. The

Several years of experience with the National Training Academy have shown the benefits of centralized, consistent training for probation and pretrial services officers.

tool will assist officers in establishing the level of supervision appropriate in a given case and will identify the specific areas in an offender's life that require intervention. In addition to the post-conviction tool, a new actuarial assessment instrument for pretrial services will soon assist officers in making recommendations regarding which defendants should be released on bond. National implementation is underway and is scheduled for completion in the first half of FY 2010.

National Training Academy

In fiscal year 2009, the U.S. Probation and Pretrial Services Training Academy conducted 33 classes and trained 704 officers. Since the January 2005 opening of the academy in Charleston, South Carolina a total of 1,216 new officers and 1,180 officers serving as firearms and safety instructors in their districts have been trained there. For the U.S. probation and pretrial services system, a centralized focus on training has enhanced uniformity and cohesiveness in policy and program implementation. Officers who have completed training at the academy overwhelmingly report that they are better prepared to perform their jobs.

The academy's six-week new officer training program provides officers with in-depth training on the core responsibilities of pretrial services investigations, presentence reports, and various supervision responsibilities. The program offers specialized classes on mental health, sex offenders, domestic violence, location monitoring, officer ethics, and legal liability. The officers

With officers spending more time in the field, AO IT support has met the challenge by adapting case data and reporting applications to mobile devices.



are also offered practical exercises in which they interact with role players in realistic settings. The new officers also are trained in defensive tactics, firearms, non-emergency driving, and other important areas.

Officers serving as firearms and safety instructors for their districts are certified in a two-week training program and receive re-certification in a one-week program. These programs are designed to provide firearms and safety instructors with the tools

necessary to instruct staff on safety and defensive tactics and to provide firearms training in their respective districts.

Technology

The AO continued to work with the courts in developing technology that helps probation and pretrial services staff to complete their work better and quicker.

To reduce paperwork burdens on probation and pretrial services officers, the AO launched a pilot of the Electronic Reporting System (ERS). It uses self-help kiosks to collect routine administrative data from defendants so that officers can focus their personal interactions on more critical issues. Similarly, the Electronic Probation and Pretrial Services System (EPPS) was enhanced to allow case-related documents to be imaged and shared electronically, easing record-keeping and paper-filing requirements. With new “Cosign” software from the AO, officers can complete national forms and applications with digital signatures.

The AO’s Safety and Information Reporting System (SIRS) makes reporting of hazardous incidents and search and seizure data more uniform for officers. And, working with IT staff from three different clerk’s offices, the AO developed an automated system to inform probation officers of fine and restitution payments made by defendants to clerk’s offices across the country.

To see data in a more useful and graphic way, the AO upgraded the Probation Automated Case Tracking System (PACTS) to display address information via Google maps. The feature allows officers to determine the proximity of defendants’ homes to treatment centers and areas of known drug and gang activity. The Decision Support System (DSS) was also enhanced to display more operational data in dashboards and dynamic reports to help managers in probation and pretrial services offices with a variety of day-to-day and strategic decision making.

The AO continued to make officers more mobile and self sufficient. The AO designated the Blackberry as the standard smart-phone device and created mobile applications such as the Access to Law Enforcement Systems (ATLAS) so that officers can instantaneously conduct license plate checks and search the status of warrants and defendants’ criminal histories.

Program Reviews and Technical Assistance Visits

The AO conducted 22 program reviews in 19 districts in fiscal year 2009, representing 11 combined probation and pretrial services offices, eight probation offices, and three pretrial services offices. The reviews focused on the probation and pretrial services offices’ compliance with statutory requirements and Judicial Conference policies. In addition, the AO conducted more than 30 technical assistance and training visits related to various aspects of probation and pretrial services operations. ■

Defender Services

Training is offered to enhance the quality of representation services provided under the Criminal Justice Act.



Federal Defender Compensation Study

The AO analyzed attorney and administrative support job compensation in federal defender organizations compared with the compensation for similar jobs in U.S. attorneys' offices. The Criminal Justice Act (CJA), 18 U.S.C. § 3006A (g)(2)(A), gives federal public defenders authority to fix salaries of their staffs at levels comparable to those in U.S. attorney offices. Judicial Conference policy reflects and amplifies this statutory standard: "The Congress...should fund the CJA appropriation at a level sufficient to adjust the salaries of the personnel of federal defender offices to a level equal to comparable positions in the United States attorneys' offices" (*Report of the Judicial Conference of the United States on the Federal Defender Program*, March 1993, p. 26). The study found a considerable degree of parity between federal defender and U.S. Attorney compensation of attorney and graded personnel, and revealed no patterns of federal defender over-compensation relative to U.S. attorney personnel.

Adequate compensation for federal defender organization attorneys and staff was studied during 2009 to help guide future planning and funding requests.

Criminal Justice Act Training

The AO presented and supported more than 30 training events for federal defender staff, CJA panel attorneys, and other CJA practitioners in FY 2009, including a new, week-long Federal CJA Trial Academy, produced in collaboration with federal defenders, and attended by 55 attorneys from federal defender organizations. It was designed to be comparable with trial advocacy training provided to Department of Justice lawyers and state prosecutors throughout the year at the Department's National Advocacy Center. Hundreds of federal defender organization staff accessed the Judiciary Online University web-based training. In addition, a website for CJA practitioners is an expanding resource for information and educational materials. ■

Communications

Growing digital media services are expanding the reach of the Judiciary's public web communications.



Outreach

Civics Education Features Naturalization Ceremonies

To mark Constitution and Citizenship Day on September 17, AO staff produced a video slide show for the web highlighting naturalization ceremonies presided over by federal judges across the nation. The presentation heightens public awareness of this important federal court responsibility. Titled “The American Mosaic,” the piece features naturalized citizens, both well known and unknown, being sworn in as new citizens in different venues, including a Detroit Tigers baseball game. The video, which can be used at naturalization ceremonies and student programs, is available on the educational resources pages of the federal courts’ website at <http://www.uscourts.gov/outreach/index.html>.

Realistic Jury Experiences Prepare Future Jurors

In 2009, court outreach programs advanced the objective established in 1999 to motivate young people to serve on juries willingly when called. As it does every year, the U.S. District Court for the District of Columbia tested a variation on the annual Open Doors to Federal Courts jury experience with high school students visiting Washington, D.C. from across the nation. Working with judges, assistant U.S. attorneys, and federal public defenders, students at the D.C. courthouse were selected for juries, and then compared their in-court experience with media portrayals of the process. Like every courtroom program, this one was made available to all federal courts in an effort to reach thousands of high school students and their teachers with jury trial simulations on issues relevant to teens.

Video Communications

AO staff completed nearly 80 video products in FY 2009 covering a variety of news and educational topics for Judiciary employees, the public, and Congress. Most of these products were released as “streaming” programs for desktop viewing via the Judiciary’s public website, uscourts.gov, or the Judiciary’s intranet. Others were broadcast on the closed-circuit satellite network, distributed in DVD packages, or produced as live webcasts for targeted Judiciary audiences.

Designed for the general public and released in Spanish and Creole language versions as well as in English, the “Bankruptcy Basics” videos were played more than 5,000 times per week on uscourts.gov. The series explains the different types of bankruptcy available to citizens, and procedures for filing. Developed with the FJC, it is based on a public service program produced by the Florida Bar Association and other legal organizations.

A recruitment series introducing job hunters to the variety of employment in the federal Judiciary generated nearly 8,000 plays in the six months after its debut on uscourts.gov. To maximize court participation in certain meetings and training conferences, and contain travel costs, the Judiciary also produced six live webcasts during FY 2009, on topics ranging from human resource and financial management, to court interpreter training.

Media Relations and News

The Office of Public Affairs serves as the central point of contact for public information about the nation’s federal courts and as the chief liaison between the Judi-

The AO created several webcasts during fiscal year 2009, as an effective way to inform and train court staff who need to remain at the office.



ciary and the news media. Its staff responded to several hundred queries from reporters nationwide during FY 2009. Some of those queries were follow-ups to information posted on the Newsroom page of the federal Judiciary's external website, uscourts.gov. And as it has in the past several years, the Public Affairs staff hosted the Paul Miller Fellows, a group of Washington-based regional journalists, for a discussion of federal court coverage. They also continued to participate in the Judges-Journalists programs,

which for the past decade have been cosponsored by the Judicial Branch Committee and the First Amendment Center.

The Third Branch is the Judiciary's newsletter of record, reaching 12,000 legislators, members of the Judiciary, attorneys, academics, and interested citizens each month. Primarily a print publication, the newsletter is experiencing growth in online readers, and that number is expected to grow during 2010 when a new design is incorporated into the public website.

The “New” Internet for Judiciary Communications

Uscourts.gov is the Judiciary’s external website and its primary tool for reaching the media and the public at large. A redesigned and restructured site, when launched in early 2010, will offer an enhanced user experience, including the latest multimedia and Web 2.0 features to those interested in learning more about the federal Judiciary. It is projected that uscourts.gov will register more than 34 million page views in 2009. Several new web tools were added during 2009, and more are under development for 2010.

Email Delivery Service

Five thousand users subscribe to uscourts.gov email updates for free alerts about news releases, newsroom updates, new publications, emergency notifications, and significant content updates.

Multimedia: Video, Podcasts, Photos, YouTube Channel

News videos have been available on uscourts.gov for several years. Recently, two informational video series, Bankruptcy Basics and Working for the Federal Judiciary, were added and have been viewed widely. Many federal courts link to these videos from their sites.

Audio podcasts of federal rules hearings were added to uscourts.gov during fiscal year 2009, so that interested listeners can download the files and listen at their convenience. Producing and posting the podcasts to uscourts.gov expends minimal resources and reaches an important target audience. Multimedia use will expand on the new uscourts.gov with areas for video and podcasts as well as photos and a link to the Judiciary’s YouTube channel that is under development.

New Web Tools Will Expand Reach

The Judiciary is exploring development of new web tools to educate the public as other government agencies are doing. Uscourts.gov will continue to expand use of RSS or Really Simple Syndication. RSS is a web format used to distribute content updates to blogs, news, publications, audio, and video. Plans to share dynamic content with court and other websites will expand with widgets, web-based tools designed for content sharing.

In addition, the new public website will feature a bookmark tool to encourage visitors to return to the site, and to email content or post it to another site including De.icio.us, Digg, or other networking sites. In the coming year, uscourts.gov users will be able to view and use content from the website on mobile devices. Finally, translation of some uscourts.gov content into additional languages is being explored; a Spanish version of Bankruptcy Basics will be posted in early 2010. ■

In Profile

As the central support organization for the judicial branch, the AO provides a wide range of administrative, legal, financial, management, program, and information technology services to federal courts nationwide.



The Administrative Office of the U.S. Courts

Statutory Authority. 28 U.S.C. §§ 601-612. Congress established the Administrative Office of the U.S. Courts in 1939 to provide administrative support to federal courts.

Supervision. The Director of the Administrative Office carries out statutory responsibilities and other duties under the supervision and direction of the principal policy-making body of the Judiciary, the Judicial Conference of the United States.

Responsibilities. All responsibility for the Administrative Office of the U.S. Courts is vested in the Director, who is the chief administrative officer for the federal courts. Under his direction, the agency carries out the following functions:

- Implements the policies of the Judicial Conference of the United States and supports its network of 24 committees (including advisory and special committees) by providing staff to plan meetings, develop agendas, prepare reports, and provide substantive analytical support to the development of issues, projects, and recommendations.
 - Supports about 2,000 judicial officers, including active and senior appellate and district court judges, bankruptcy judges, and magistrate judges.
 - Advises court administrators regarding procedural and administrative matters.
 - Provides program leadership and support for circuit executives, clerks of court, staff attorneys, probation and pretrial services officers, federal defenders, panel attorneys, circuit librarians, conference attorneys/circuit mediators, bankruptcy administrators, and other court employees.
 - Provides centralized core administrative functions such as payroll, personnel, and accounting services.
- Administers the Judiciary's unique personnel systems and monitors its fair employment practices program.
 - Develops and executes the budget and provides guidance to courts for local budget execution.
 - Defines resource requirements through forecasts of caseloads, work-measurement analyses, assessment of program changes, and reviews of individual court requirements.
 - Provides legislative counsel and services to the Judiciary; acts as liaison with the legislative and executive branches.
 - Prepares manuals and a variety of other publications.
 - Collects and analyzes detailed statistics on the workload of the courts.
 - Monitors and reviews the performance of programs and use of resources.
 - Conducts education and training programs on administrative responsibilities.
 - Audits court financial operations and provides guidance on management oversight and stewardship issues.
 - Handles public affairs for the Judiciary, responding to numerous inquiries from Congress, the media, and the public.
 - Develops new ways for handling court business, and provides assistance to court employees to help them implement programs and improve operations.
 - Develops and supports automated systems and technologies used throughout the courts.
 - Coordinates with the General Services Administration the construction and management of the Judiciary's space and facilities.
 - Monitors the U.S. Marshals Service's implementation of the Judicial Facilities Security Program, including court security officers, and executes security policy for the Judiciary.

ORGANIZATION

Director

James C. Duff

Serves as the chief executive of the Administrative Office, Secretary to the Judicial Conference and ex officio member of the Executive Committee of the Judicial Conference, and the Board of Directors of the Federal Judicial Center.

Deputy Director

Jill C. Sayenga

Chief advisor to the Director on day-to-day management, strategic, and tactical planning, and operational matters; ensures that activities of all agency elements are functioning in support of stated management goals.

Associate Director and General Counsel

William R. Burchill, Jr.

Robert K. Loesche, Deputy

Provides legal counsel and services to the Director and staff of the Administrative Office and to the Judicial Conference; responds to legal inquiries from judges and other court officials regarding court operations; represents agency in bid protests and other administrative litigation.

Judicial Conference Executive Secretariat

Laura C. Minor, Assistant Director

Wendy Jennis, Deputy

Jeffrey A. Hennemuth, Deputy

Coordinates the agency's performance of the staff functions required by the Judicial Conference and its committees; maintains the official records of the Judicial Conference; responds to judges and other court personnel regarding Conference activities; and coordinates the advisory group process.

Legislative Affairs

Cordia A. Strom, Assistant Director

Daniel Cunningham, Deputy

Provides legislative counsel and services to the Judiciary; maintains liaison with the legislative branch; manages the coordination of matters affecting the Judiciary with the states, legal entities, and other organizations; develops and produces judicial impact statements.

Public Affairs

David A. Sellers, Assistant Director

Carries out public information, community outreach, and communications programs for the federal Judiciary; manages publishing efforts for the Administrative Office.

Court Administration

Noel J. Augustyn, Assistant Director

Glen K. Palman, Deputy

Provides support to the courts for circuit executives, clerks of court, court librarians, staff attorneys, conference attorneys, court reporters, and interpreters, including the development of budgets, allocation of resources, and management of national programs.

Defender Services

Theodore J. Lidz, Assistant Director

Steven G. Asin, Deputy

Provides policy guidance and administrative, analytical, training, and evaluative services relating to the Criminal Justice Act and support to federal public and community defender organizations.

Facilities and Security

Ross Eisenman, Assistant Director

William J. Lehman, Deputy

Manages services provided to the courts in the areas of court security and space and facilities, and serves as the primary contact on real property administration matters with the General Services Administration and on court security matters with the U.S. Marshals Service.

Finance and Budget

George H. Schafer, Assistant Director

Michael N. Milby, Deputy

Manages the budget, accounting, and financial systems of the Judiciary; prepares financial analyses of Judiciary programs; manages relocation and travel services for the courts; and serves as the Judiciary's point of contact for Congress on budget matters.

Human Resources

Patricia J. Fitzgibbons, Assistant Director

Manages services provided to the courts in the areas of personnel, payroll, health and retirement benefits, workforce development, and employee dispute resolution.

Information Technology

Howard Grandier, Assistant Director

Joseph R. Peters, Jr., Deputy

Administers the information resources management program of the Judiciary; oversees the development, delivery/deployment, security, and management of all national IT systems.

Internal Services

Doreen G.B. Bydume, Assistant Director

Manages the Judiciary's procurement function; provides administrative support and services to the Administrative Office in areas such as budget, facilities, personnel, information technology and information management; and administers the Administrative Office's fair employment practices program.

Judges Programs

Peter G. McCabe, Assistant Director

R. Townsend Robinson, Deputy

Provides support and services for judges and chambers staff in program management and policy development; coordinates and supports federal rules of practice and procedure; gathers, analyzes, and reports statistical data.

Probation and Pretrial Services

John M. Hughes, Assistant Director

Matthew Rowland, Deputy

Determines the resource and program requirements of the probation and pretrial services system, and provides policy guidance, program evaluation services, management and technical assistance, and training to probation and pretrial services officers. ■

A STRATEGIC DIRECTION FOR THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS FISCAL YEARS 2009-2013

Our Vision

To be the most effective service organization in government – a team that is trusted, respected, and accountable.

Our Mission

Under the supervision and direction of the Judicial Conference of the United States, the Administrative Office of the United States Courts supports the constitutional and statutory mission of the Judicial Branch of Government – to provide equal justice under law. Working in partnership with the federal courts, we:

- Aid the development and implementation of Judiciary policies and procedures;
- Deliver administrative, legal, and technological services to the courts;
- Seek, on behalf of the Judiciary, needed resources, legislation, and other assistance from Congress and the Executive Branch; and
- Promote accountability to the public and perform required oversight.

Our Values

We strive for: A dynamic, diverse culture of creativity and accomplishment, defined and supported by trust, open communication, and clear priorities.

We are committed to:

Service – leadership, responsiveness, timeliness, consistency

Excellence – expertise, critical thinking, attention to detail, results

Integrity – honesty, accountability, reliability, fairness

Teamwork – transparency, openness, respect, collaboration

People – empowerment, development, opportunity, recognition.