

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**



**FISCAL YEAR 2019 ANNUAL REPORT**

**THE JUDICIAL BUSINESS OF THE  
DISTRICT OF MARYLAND**

## **DISTRICT JUDGES**

(No Vacancies)

### Active Judges

Richard D. Bennett  
Catherine C. Blake  
James K. Breddar, Chief  
Theodore D. Chuang  
Stephanie A. Gallagher  
Paul W. Grimm  
George Jarrod Hazel  
Ellen L. Hollander  
George L. Russell, III  
Paula Xinis

### Senior Judges

Deborah K. Chasanow  
Peter J. Messitte  
J. Frederick Motz

## **MAGISTRATE JUDGES**

(No Vacancies)

### Full-Time

Deborah L. Boardman  
A. David Copperthite  
J. Mark Coulson  
Charles B. Day  
Thomas M. DiGirolamo  
Beth P. Gesner, Chief  
Gina L. Simms  
Timothy J. Sullivan

### Part-Time

C. Bruce Anderson

### Recalled

Susan K. Gauvey  
Jillyn K. Schulze

## **BANKRUPTCY JUDGES**

(No Vacancies)

### Active Judges

Nancy V. Alquist  
Thomas J. Catliota  
Robert A. Gordon  
Michelle M. Harner  
Wendelin I. Lipp, Chief  
David E. Rice  
Lori S. Simpson

### Recalled Judges

Duncan W. Keir  
James F. Schneider

## **COURT UNIT EXECUTIVES**

Felicia C. Cannon, Clerk, U.S. District Court  
Mark A. Neal, Clerk, U.S. Bankruptcy Court  
Randall H. Canal, Chief, U.S. Probation and Pretrial Services

**COURTHOUSES AND FACILITIES OF THE DISTRICT OF MARYLAND**



**Northern Division Courthouse  
Baltimore, Maryland**



**Southern Division Courthouse  
Greenbelt, Maryland**



**Courtroom, M.R. Toulson Federal Building  
Salisbury, Maryland**

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## MILESTONES

The United States District Court for the District of Maryland passed numerous milestones during the 2019 fiscal year. On October 18, 2018, the eighth biennial Northrop Lecture was held at the Greenbelt Courthouse. The lecture featured keynote speaker Robert Barnes, the Supreme Court Correspondent for *The Washington Post*.

On December 6, 2018, the court held a formal retirement ceremony for Chief Probation Officer William F. Henry. Mr. Henry served as the Chief of the Pretrial Services Office from July 3, 1995, until his appointment as Chief of the consolidated Probation and Pretrial Services Office on April 30, 2001. Speakers included the Honorable Peter J. Messitte, the Honorable Catherine C. Blake and Clerk of Court, Felicia C. Cannon. A reception followed the ceremony.

On December 7, 2018, the district held a retirement breakfast for District Judge Marvin J. Garbis and his Judicial Assistant Jan Whitmore. Judge Garbis retired on June 26, 2018, after more than 29 years of dedicated service to the court, and Jan Whitmore retired on December 31, 2018, after 30 years of service to the court.

On February 28, 2019, the Honorable E. Stephen Derby retired as a Judge of the United States Bankruptcy Court for the District of Maryland after over 31 years of distinguished service. The Bankruptcy Court held a retirement breakfast for Judge Derby on March 28, 2019.

In March 2019, the District of Maryland mourned the passing of the Honorable Roger W. Titus. Judge Titus was born in Washington, D.C. in 1941. He received a B.A. degree from Johns Hopkins University in 1963, and a J.D. degree from the Georgetown University Law Center in 1966. Judge Titus was admitted to the Maryland and District of Columbia bars in 1966. Judge Titus was employed as an Assistant City Attorney for the City of Rockville from 1966 to 1969 and served as the City Attorney from 1970 to 1982. He began the private practice of law in 1967 and formed the firm of Titus & Glasgow in 1973. Titus & Glasgow was merged into the firm of Venable, Baetjer and Howard, LLP in 1988, and Judge Titus became the partner-in-charge of the firm's Montgomery County office until his appointment to the bench. On June 18, 2003, Judge Titus was nominated by President George W. Bush to a seat on the United States District Court for the District of Maryland. His nomination was confirmed by the Senate on November 5, 2003, and he received his commission on November 17, 2003. He assumed senior status on January 17, 2014 and served until his passing on March 3, 2019.

On April 10, 2019, Chief Judge Bredar signed an order appointing Bankruptcy Judge Wendelin I. Lipp as Chief Bankruptcy Judge, for a seven-year term, beginning 12:01 a.m. on June 1, 2019. Judge Lipp succeeded Bankruptcy Judge Nancy V. Alquist who ended a distinguished seven-year term of service on May 31, 2019.

On April 25, 2019, the district and magistrate judges sat *en banc* for the investiture ceremony for newly appointed Chief of the United States Probation and Pretrial Offices, Randall H. Canal. Mr. Canal, who was sworn in at an informal ceremony on December 24, 2019, was appointed to replace former Chief Probation Officer William F. Henry. Mr. Canal's original investiture date of January 31, 2019 was postponed due to an anticipated lapse in appropriations.

On July 12, 2019, the district held a retirement breakfast in Baltimore to celebrate the career of Jenifer Facelo, Jury Administrator, who retired after 29 years of service with the Court.

On September 19, 2019, the district held a retirement celebration in Greenbelt for Robin Shea, longtime Judicial Assistant to Judge Messitte, and Kathy Chiarizia, a Jury Clerk and former assistant secretary to Judge Messitte. Judge Messitte spoke fondly of both retirees at the celebration.

## **COURT ORGANIZATION AND GOVERNANCE**

The federal bench in Maryland has a long history of collegiality in conducting the business of the district. The district judges in both divisions maintain regular contact through weekly video-conferenced bench meetings. On the first Wednesday of each month, magistrate and bankruptcy judges, court unit executives, representatives of the United States Attorney's Office, the Federal Public Defender's Office, the United States Marshal Service, GSA, pro se staff attorneys, the Federal Bureau of Prisons, court reporters, and CJA Coordinating Attorney join the district judges in a consolidated bench meeting.

The court strives to focus on continuous communication and coordination of operations between its different divisions and court units. It relies on a strong committee system that actively involves judges, clerk's office personnel and members of the local bar. Frequent meetings, including those among the unit executives, are an essential part of the court's administration. The court units – the District Court, the Bankruptcy Court, and the consolidated Probation and Pretrial Services office – work closely together to manage the resources of the district. The unit executives meet formally and informally with the chief judge and each other to discuss budget and case management issues affecting the district.

In fiscal year 2019, the District Court approved amendments to Local Rules 108.2, 201.1, 701.1, Local Admiralty Rule (b)(3), and Local Admiralty Rule (e)(12). Following publication for public comment, these amendments became effective on December 1, 2018. Amendments to Local Bankruptcy Rules 5005-1, 7005-2, and 9013-4 were drafted by the Bankruptcy Court, published for public comment and implemented with an effective date of December 1, 2018. The amendments were necessitated by changes to the Federal Rules of Bankruptcy Procedure and Federal Rules of Civil Procedure that took effect December 1, 2018.

## **BENCH/BAR RELATIONSHIPS**

Cooperative efforts among the bench and bar continue with regular committee meetings, including the Attorney Admissions Fund Committee, the Bench-Bar Liaison Committee, and the Bankruptcy Bar Association/District Court Liaison Committee. At these meetings, committee members address court business, review local rules and procedures, and plan educational programs throughout the year in which the district's judges actively participate. The court holds a biennial Bench-Bar Conference, which includes the presentation of an award recognizing an attorney, law firm, or group of attorneys for outstanding service to the court.

## COMMUNITY AND INTERNATIONAL OUTREACH

### **Community**

Several of the district's judges serve on committees governing the administration of the federal courts. In fiscal year 2019, Judge Messitte continued to serve as Special Advisor to ABA Rule of Law Initiative for Latin America and the Caribbean. Judge Messitte is also Representative of U.S. Federal Judiciary on the International Hague Judicial Network under the Hague International Child Abduction Convention.

The District Court Clerk's Office continued to arrange for state and federal agencies to use courtrooms for events and trainings in fiscal year 2019. These agencies include the United States Department of Labor, the National Transportation Safety Board, the United States Tax Court, and the United States Merit Systems Protection Board. The Baltimore Courthouse again hosted the Maryland Judiciary's annual historical series program on October 5, 2018. The all-day training program was attended by the members of the state judiciary.

The district also hosted the U.S. Attorney's Office training day and U.S. Attorney's awards ceremony in the Baltimore Courthouse. Federal Public Defender Jim Wyda and CJA Attorney Maureen Essex continue to host annual CJA Panel Trainings in the Baltimore and Greenbelt courthouses.

The court hosted educational programs for several schools, university visitors and legal professionals throughout the year. On Friday, November 2, 2018, Magistrate Judge Stephanie A. Gallagher and Mark S. Saudek, Esquire hosted the annual Open Doors program in Baltimore. The program, which was organized and hosted by Magistrate Judge Susan K. Gauvey for over a decade, introduces students from various local high schools to the federal judiciary system and includes mock trials and discussions with unit executives and judges. Bankruptcy Judge Robert A. Gordon was again the welcome speaker and a host for the Open Doors program.

On November 29, 2018, Judge Michelle M. Harner appeared on the Eye on Bankruptcy series sponsored by the Rochelle News and the American Bankruptcy Institute. In April 2019, Judge Harner was named vice president of research grants for the American Bankruptcy Institute. In July 2019, Judge Robert A. Gordon was a guest speaker at the Bankruptcy Law Section Reception at the National Bar Association convention. Also in July, the ABI Journal published Judge Gordon's article, entitled "The Unfinished Bench: Fostering Diversity in the Bankruptcy Court."

In December 2018, holiday open houses were held in the Baltimore and Greenbelt Courthouses to thank staff members of all court units and members of the bar for their commitment and dedication to the court throughout the year. The District Court also held the annual Employee Recognition Luncheon in both divisions in December 2018.

On February 23, 2019, Bankruptcy Judge Lori S. Simpson and her chambers staff again volunteered at the Pathfinders for Autism Night at the National Aquarium. Judge Simpson and her staff handed out maps and helped direct families with children on the autism spectrum through

the aquarium in an event that provides use of the entire National Aquarium in Baltimore and is free for all families who register.

On April 4, 2019, the MSBA Labor and Employment Section hosted a program on Employment Law in the Greenbelt Courthouse. Additionally, Judge DiGirolamo hosted a visiting group of teachers and students with Classical Conversations Homeschool group of Beltsville. On April 30, 2019, the group participated in a mock trial with Judge DiGirolamo.

On May 24, 2019, the Maryland Chapter of Federal Bar Association hosted their annual luncheon at the Hyatt Regency in Baltimore featuring guest speaker former Deputy Attorney General and former U.S. Attorney for the District of Maryland, Rod Rosenstein. Magistrate Judges Stephanie A. Gallagher and Beth P. Gesner received the Peter A. DiRito award in recognition of their distinguished careers and selfless dedication to public service. On May 30, 2019, the Baltimore Courthouse hosted the law clerk ceremony as a thank you to the service of the exiting law clerks.

On June 27, 2019, Judge Hazel hosted the FJC/ABA Summer Institute for Teachers in the Greenbelt Courthouse. On the same day, the Maryland Chapter of the Federal Bar Association hosted the Introduction to Federal Practice program in the Baltimore Courthouse.

During the summer of 2019, in conjunction with a Bankruptcy Court community outreach program, Judge Hazel hosted a visiting group of young adults who sat in on a pre-trial hearing.

The Bankruptcy Court continued to provide support to the University of Maryland Francis King Carey School of Law's clinical program, Consumer Bankruptcy: Legal Theory and Practice, which entered its fourth year in fiscal year 2019. This clinical law program assists low income individual debtors in various aspects of the bankruptcy process, including the preparation and filing of Chapter 7 and Chapter 13 bankruptcy petitions and the resolution of issues that arise in those cases. The program further enables students to learn substantive law and represent debtors under the supervision of licensed attorneys. On August 23, 2019, Judge Harner and the Bankruptcy Chief Deputy Clerk Thomas Kearns presented a bankruptcy law primer to students participating in the clinical law program, and on August 26 staff from the Clerk's Office, including Director of Operations Kelly Grant, provided the students with training and a demonstration on the court's CM/ECF system. Judge Alquist, Judge David E. Rice, and Judge Harner also made special presentations to the clinical students as part of the students' core curricula.

On September 10-12, 2019, and September 24-26, 2019, Courtroom 2A in Greenbelt was reserved for Judge Keith Bell from the Occupational Safety and Health Review Commission to hold proceedings.

During fiscal year 2019, the District Court continued its commitment to providing law clerks and summer interns with the tools they need to assist judges, foster close relationships with the bench and its clerks, and to show its appreciation for the vital services the law clerks provide. The annual judges, law clerks, and interns summer softball game took place in June at Centennial Field in Ellicott City. In the same month, District Judge Ellen L. Hollander, District Judge Richard D. Bennett, Magistrate Judge A. David Copperthite and Bankruptcy Judge Robert A. Gordon



hosted brown bag luncheon training sessions for summer interns.

The new law clerk year began in September 2019. On September 18, 2019, Judge Grimm hosted the Titus Employment Law Seminar for new law clerks. The program was started by Judge Titus soon after he came on the bench in 2003. The presenters were Diane Seltzer Torre, Esquire and Darrell VanDeusen, Esquire. The seminar was followed by a luncheon for Judges and law clerks, and then the afternoon included active shooter and emergency preparedness training presented by the U.S. Marshal service for the law clerks, summer interns, and chambers staff in the Greenbelt Courthouse. The annual Hargrove Breakfast for incoming law clerks was held on September 26, 2019. This annual tradition is hosted by the bench in memory of District Judge John R. Hargrove, Sr. who worked tirelessly to support the collegiality of the bench and the enrichment of the lives of law clerks who served this court. The breakfast was followed by both an educational program on discovery conducted by Judge Grimm and active shooter training presented by the U.S. Marshal Service for all incoming law clerks.

On September 26, 2019, the FBA hosted a very well-attended Women in the Law program at the Baltimore Courthouse. Fourth Circuit Judges Diana Gribbon Motz, Stephanie Thacker and Pamela Harris were guest speakers. District Judge Paula Xinis served as moderator.

In fiscal year 2019, the District of Maryland continued its practice of inviting the arts into the courthouse. The Greenbelt Courthouse hosted several arts related events including the art exhibitions and receptions for the Muddy Creek Art Guild - Three Figurative Artists, Annapolis Quilt Guild and University of Maryland University College art exhibits.

### **International Outreach**

The Baltimore and Greenbelt courthouses carried on a tradition of hosting judges, attorneys, administrators, and students from foreign countries. In the past several years, the court has welcomed guests from Argentina, Australia, Bolivia, Chile, China, Columbia, Costa Rica, the Dominican Republic, the Eastern Caribbean, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Israel, Italy, Japan, Jordan, Kazakhstan, Korea, Kyrgyzstan, Lebanon, Malaysia, Moldova, Nicaragua, Nigeria, Pakistan, Paraguay, Peru, the Philippines, Russia, Turkey, Ukraine, Uruguay, and Venezuela. Judges in this District have also traveled to Argentina, China, Estonia, Iraq, Portugal, Russia, Ukraine and Turkey for judicial education programs.

During fiscal year 2019, Judge Messitte hosted a visiting group of award-winning students and teachers from Dante Alighieri College in São Paulo, Brazil. Judge Messitte also hosted visiting groups of prosecutors from Myanmar and Brazil in the Greenbelt Courthouse. In Baltimore, Judge Bennett continued his practice of hosting various groups from Russia, the Republic of Georgia and Ukraine. Judge Bennett continued to work closely with the United States Agency of International Development (“USAID”) of the Department of State with respect to judicial reform in Ukraine. In December of 2018, Judge Bennett hosted a Russian LGBTQ delegation in the Baltimore Courthouse. In September of 2019, Judge Simms hosted a visiting judge from Japan, Judge Sonoda. The Greenbelt Courthouse also welcomed a group of Mexican law students (winners of an international Moot Court Competition).

Judge Alquist traveled to Kabul, Afghanistan in July 2019 to participate in a program providing training to Afghan judges, accountants, and bankers with respect to Afghanistan's newly enacted insolvency laws.



Judge Alquist with several of the first Women of the Afghan judiciary.

## **DISTRICT COURT**

### General Case Statistics

During the fiscal year ending September 30, 2019, 3,884 civil cases were filed as compared to 3,949 civil case filings in fiscal year 2018. Our criminal cases included 497 filings (involving 766 defendants) at the end of September 2019, compared to 539 criminal cases (involving 764 defendants) filed in fiscal year 2018. The judges also closed 3,474 civil and 527 criminal cases during this fiscal year. As of September 30, 2019, our district weighted case filing per judgeship was 466 as compared to 487 at the end of September 2018.

### Multidistrict Litigation

The District of Maryland has two pending multidistrict litigation (MDL) cases, In Re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation (MDL 2775), which was certified and transferred to our district on April 5, 2017. The case is assigned to Judge Blake and currently has over 700 pending cases. On February 6, 2019, In Re Marriott International, Inc., Customer Data Security Breach Litigation was transferred to the District of Maryland and assigned to Judge Paul W. Grimm. It currently has 77 pending cases.

### Intercircuit Assignments

Our district has a longtime practice of assisting other courts by offering to serve on intercircuit assignments throughout the year; however, in fiscal year 2019, the judges did not sit for any intercircuit assignments.

## Civil Justice Reform Act Reporting

The District Court, which consistently performs well in managing its pending caseload, reported eight pending motions for six months or longer on the March 31, 2019 report and one pending motion on the September 30, 2019 report. The bench also reported 43 cases pending three years or more on the March 31, 2019 report and 61 cases pending three years or more on the September 30, 2019 report.

### Death Penalty Litigation

With the exception of the case *United States v. Lighty* (PJM-03-0457), the following cases were pending a determination by the Department of Justice regarding pursuit of the death penalty. For *United States v. Lighty*, a motion to vacate under 28 U.S.C. § 2255 is pending.

(1) *United States v. Lighty* (PJM-03-0457)

Judge: Peter J. Messitte

Counsel: Seth Rosenthal and Julie Brain

(2) *United States v. Taylor* (CCB-16-0597)

Judge: Catherine C. Blake

Counsel: William Purpura and Christopher Purpura

(3) *United States v. Frazier*

Judge: Catherine C. Blake

Counsel: Christopher M. Davis and Adam Harris

(4) *United States v. Flores-Ventura* (JKB-18-0070)

Judge: James K. Bredar

Counsel: Lawrence Woodward and Joseph A. Balter

(5) *United States v. Argueta-Bermudez* (JKB-18-70)

Judge: James K. Bredar

Counsel: Edward Ungvarsky and Jenifer Wicks

(6) *United States v. Lovos-Ayala* (JKB-18-70)

Judge: James K. Bredar

Counsel: Joseph Flood and Eugene Gorokhov

(7) *United States v. Edges* (JKB-18-326)

Judge: James K. Bredar

Counsel: William Purpura and Christopher Purpura

(8) *United States v. McCants* (JKB-18-326)

Judge: James K. Bredar

Counsel: Gary E. Proctor and Jenifer Wicks

(9) United States v. Guerra-Castillo (JKB-16-259)

Judge: James K. Bredar

Counsel: Gary E. Proctor and Jennifer Wicks

(10) United States v. Brizuela (JKB-16-259)

Judge: James K. Bredar

Counsel: Christopher M. Davis and Manuel Retureta

(11) United States v. Portillo-Rodriguez (JKB-16-259)

Judge: James K. Bredar

Counsel: Paul D. Hazlehurst and Laura K. Rhodes

(12) United States v. Rosa-Moreno (JKB-16-259)

Judge: James K. Bredar

Jay McCamic and Alan R. L. Bussard

(13) United States v. Alvarado-Requeno (PX-17-382)

Judge: Paula Xinis

Counsel: Michael E. Lawlor

(14) United States v. Contreras (PX-17-382)

Judge: Paula Xinis

Counsel: Paul D. Hazlehurst and Mirriam Seddiq

(15) United States v. Jacome (PX-17-382)

Judge: Paula Xinis

Counsel: Edward B. MacMahon and Elita Amato

(16) United States v. Flores-Reyes (PX-17-382)

Judge: Paula Xinis

Counsel: Joseph A. Balter and Christopher C. Nieto

(17) United States v. Mosley (GJH-17-667)

Judge: George J. Hazel

Counsel: Harry J. Trainor and Stephen B. Mercer

(18) United States v. Davis (RDB-19-398)

Judge: Richard D. Bennett

Counsel: Federal Defender and Michael E. Lawlor

(19) United States v. Weaver (RDB-19-144)

Judge: Richard D. Bennett

Counsel: Federal Defender

Patent Pilot Project

The District Court continued its eighth year of participation in a ten-year national pilot program for studying patent cases. In fiscal year 2019, nine new patent cases were filed in the district, three of which (or approximately 33%) were either initially assigned or randomly reassigned to our pilot judge: District Judge George J. Hazel.

The following chart shows the District Court’s patent case statistics for the year ending on September 30, 2019, as well as the statistics for the two prior fiscal years.

	<b>2017</b>	<b>2018</b>	<b>2019</b>
Patent Cases (NOS: 830)	10*	7*	9*
Patent Cases Assigned or Reassigned to Patent Judges	5	3	3
Percent of Patent Cases with Patent Judges	50%	43%	33%

**\*Excluding multidistrict litigation assignments**

Magistrate Judge Statistics

Various federal arresting agencies issued 19,654 new misdemeanor and petty offense citations in fiscal year 2019, and 9,755 of these were referred to our court. The magistrate judges presided over 3,287 mandatory appearances, and 6,468 collateral appearances. Dispositions were reached as to 25,035 citations. Of the fines issued by magistrate judges, \$1,783,811.68 has been collected.

**United States Magistrate Judge Statistics Preliminary Felony Matters FY 2019**

	<b>Initial Appearances</b>	<b>Detention Hearings</b>	<b>Arraignments</b>	<b>Arrest Warrants</b>	<b>Search &amp; Seizure Warrants</b>	<b>Criminal Complaints</b>
<b>Northern Division</b>	842	348	351	823	2,094	123
<b>Southern Division</b>	324	182	161	495	528	132
<b>TOTAL</b>	1,166	530	512	1,318	2,622	255

The magistrate judges play an integral role in management of the civil docket of the District Court. With the consent of the parties, the magistrate judges may conduct all proceedings, including jury trials in all types of civil cases. During the past year, consents were filed in 803 cases (400 of which were Social Security Administration appeals, and 83 were Magistrate Pilot Consent cases). Magistrate judges also handled 108 referrals for discovery motions, 109 referrals for post-judgment matters, and 699 referrals for other reasons (primarily settlement conferences).

Beginning on November 1, 2018, the Court launched a three-year pilot project to randomly assign a limited number of civil cases directly to the Court's magistrate judges for all proceedings and the entry of final judgment, subject to the consent of all parties. This project aims to increase the utilization of our magistrate judges as well as the availability of civil trials. So far, the project has been successful in achieving both goals.

One of the primary responsibilities of magistrate judges is holding settlement conferences. In fiscal year 2019, the magistrate judges conducted 679 Settlement/Mediation conferences. This program has been very successful because the magistrate judges devote the time necessary to master the record and explore settlement in depth with the parties and counsel. The court frequently receives letters from counsel expressing gratitude for the assistance of magistrate judges in resolving seemingly intractable cases.

#### Interpreter Statistics

<b>Language</b>	<b>Event(s)</b>	<b>Cost</b>
American Sign Language	3	\$1,816
Arabic	1	\$418
Burmese	1	\$535
Cambodian (Use Khmer)	1	\$569
Creole	1	\$340
French	7	\$1,619
Hebrew	19	\$25,532
Korean	3	\$1,005
Mandarin	10	\$3,533
Nepali/Nepalese	10	\$15,681
Nigerian/Yoruba	4	\$1,360
Romanian	11	\$5,578
Rwanda (Kinyarwanda)	1	\$340
Spanish	598	\$122,525
Thai	3	\$907
Tigrinya	2	\$680
Urdu	5	\$2,489
Vietnamese	9	\$3,273
<b>TOTAL</b>	<b>689</b>	<b>\$186,200</b>

#### Clerk's Office

##### Finance

In fiscal year 2019, the finance office managed a deposit fund of \$6,277,101.43 and a registry fund with a balance of \$3,720,715.00. The District Court also continued to maintain a non-appropriated attorney admissions fund. The balance on this account was \$317,856.01 as of the end of September 2019. Additionally, the department created and processed approximately

7,607 payment vouchers. These vouchers included payments to travelers, interpreters, and various vendors. Finance also processed 3,628 jury vouchers.

The department was also busy during the fiscal year with internal and external audits. The cyclical audit which takes place approximately every four years was one of the best audits the department has seen. While in the midst of the audit, we were also preparing to go live on JIFMS/CCAM. This new add on functionality of JIFMS tracks criminal debt. Since going live on JIFMS/CCAM (June 2019), finance has created over 600 party/payees.

## Human Resources

### **Community Outreach**

The Human Resources department of the Clerk's Office coordinated and processed the paperwork for the annual Combined Federal Charities campaign, which provides staff the opportunity to donate to their favorite charities through payroll deduction. To help support the Combined Federal Charities Campaign even further, the Human Resources department held a silent auction to raise funds for The Johns Hopkins Children's Center.

### **Staffing**

In fiscal year 2019, the District Court Clerk's Office was allotted 115 positions, including court reporters and pro se staff attorneys. This year's budget allowed the Clerk's Office to continue to fill additional vacancies and the Clerk's Office increased on-board staffing from 96 positions in fiscal year 2018 to 100 positions in fiscal year 2019. The Clerk's Office continued to examine job responsibilities and workflows prior to making any hiring decisions.

During the 2019 fiscal year, the District Court bade farewell to several judges and staff members. Sadly, we mourned the passing of the Honorable Roger W. Titus. In the Clerk's Office, Tracee Jones, Human Resources Specialist; Nicole Dupree, IT Technician; Keisha Lynch, Management Analyst; Ken Sitton, Financial Specialist; Lauren Demanovich, Pro Se Law Clerk; Joanne Meighoo, Executive Assistant and Sade Parker, Case Administrator, left the court to pursue other opportunities. Judicial Assistants Ashley Migliore, Olivia Ziegler and Christine Collins also left the court to pursue outside opportunities. Additionally, Jenifer Facelo, Jury Administrator; Kathy Chiarizia, Admin Support and Jury Clerk; Jennifer Lewis, Case Administrator and Robin Shea, Judicial Assistant, all retired from judicial service.

This fiscal year, the District Court saw the elevation of Judge Gallagher from a U.S. Magistrate Judge to a U.S. District Judge and welcomed the Honorable Deborah L. Boardman as U.S. Magistrate Judge and Tonya Allen as her Judicial Assistant, as well as Derrick Pack, Judicial Assistant to Judge Simms. The Clerk's Office saw multiple new hires including Daisy Gomez, Yasmeen Barnett, and Olivia Lewis as Generalist/Case Administrators; Veronica Thomas as Jury Specialist; Keisha-Ann Carter and Michael Mani as Courtroom Deputy Clerks; Joel Butler and Ryan Sipes as IT Technicians; and Peter Lopez as Human Resources Specialist.

The District Court prides itself on promoting from within whenever there are qualified internal applicants. During the 2019 fiscal year, Nicole Bierman was promoted from Jury and Naturalization Clerk to Jury Administrator; Vangelis Alexandris was promoted from HR and Finance Technician to Financial Technician; John Williams transferred from the Courtroom Deputy department to Judge Hazel's Judicial Assistant; Marie Worden transferred to Judge Grimm's career law clerk; Lisa Bergstrom transferred to Judge Boardman's career law clerk; Joel Butler was promoted from IT Technician to Systems Administrator; and Kadeem Moore was promoted from Case Administrator to Procurement/Space & Facilities Technician.

Additionally, the Clerk's Office is responsible for the entrance and exit of all term law clerks for the District Court, as well as the law clerks for the Fourth Circuit judges based in Maryland. In fiscal year 2019, human resources staff prepared exit paperwork and conducted individual exit interviews for 32 law clerks leaving the court. During the same period, entrance paperwork, form processing, orientations, and individual meetings were prepared and conducted for 32 incoming District Court law clerks and 10 Fourth Circuit law clerks.

## **Policies and Procedures**

During fiscal year 2019, the Human Resources department prepared for the implementation of HRMIS Leave Tracking by pulling data from our aging ELMO leave tracking program, creating a variety of training materials, updating records, and training staff. In May 2019, the Human Resources department successfully implemented HRMIS-LT.

Throughout fiscal year 2019, the Human Resources department continued its collaborative cyclical review of the court's employee policies and procedures. Several of these policies were posted for employee comment before the proposed changes were approved and finalized.

## **Training**

In June 2019, Clerk's Office staff traveled to Savage Mill to participate in an all-day training event. Bettina Straight, independent training consultant and the organizational development consultant at Mercy Medical Center, presented "When Seeing is Not Believing: Identifying Unconscious Bias". The second half of the session was on retirement planning and the TSP investments available to staff. This session was presented by Henry Broitman, Retirement Specialist with the Administrative Office of the U.S. Courts. The training included breakfast and lunch and afforded staff from both divisions the opportunity to meet, mingle and work together during the group exercises.

In addition to the office-wide training sessions, the human resources staff continued to take opportunities to stay current on HR and benefits issues that affect staff. During fiscal year 2019, HR staff participated in multiple WebEx programs on a vast array of human resources topics and policies. Many of these offerings were set up as video conference sessions for staff to attend whenever possible.



## Information Technology

During fiscal year 2019, the IT Department led several district-wide IT infrastructure design, upgrade and deployment projects, including the effort to complete installation of the cellular Distributed Antenna System (DAS) in Greenbelt. As a result of the DAS project, there is now adequate Verizon cellular coverage throughout the Greenbelt courthouse.

With the retirement of Microsoft Windows Server 2008 in January of 2020, the programmer analyst upgraded the local application and IIS servers, as well as the AO hosted web application servers. In addition to the OS upgrade, the programmer analyst upgraded to the current Microsoft SQL Server version and current programming language platforms across our various applications. The CM/ECF administrator completed multiple upgrades to the application in preparation for the implementation of Next Gen CM/ECF in fiscal year 2020. The IT supervisor and network administrator lead the NSS team's project to move to National Active Directory (NAD) prior to the upcoming migration to Microsoft Exchange/Outlook. Additionally, the IT supervisor and IT trainer worked with the Bankruptcy court to complete the prep work and planning needed for the migration to Microsoft Exchange/Outlook occurring early in fiscal year 2020.

Significant IT resources were expanded on troubleshooting, stabilizing, and tuning the outside CM/ECF server. On January 1, this server first froze and then crashed, and the IT team worked around the clock to restore the corrupt service within 24 hours. Subsequently and for several weeks thereafter the outside CM/ECF server periodically froze. After weeks of painstaking troubleshooting, the IT team identified a server memory parameter that was causing the server to freeze. With the offending parameter adjusted, the outside CM/ECF server stabilized and again performed normally.

The IT Department completed the Office365 implementation. The IT staff thoroughly tested the latest versions of Microsoft technology, designed a comprehensive implementation plan, and conducted extensive end-user training to eliminate any impact on business operations and to ease user adaptation. The IT Department also migrated and upgraded the Court's instance of the Judiciary Financial System (JFinSys). JFinSys is a Generally Accepted Accounting Principles (GAAP) compliant system that addresses accounting requirements for bankruptcy courts and is utilized across the judiciary.

Fiscal year 2019 continued the increasing trend of cybersecurity activity and attacks. The court encountered and mitigated numerous cybersecurity related incidents, including ransomware attempts and malicious software execution on end-user PCs. The IT Department provided information and training to end users during National Cybersecurity Awareness Month in October 2018, and throughout the year, and ran numerous phishing exercises to keep staff aware of potential cybersecurity incidents.

The IT Department patched the court's Administrative Office-hosted Linux systems as part of the Administrative Office Security Operations Center annual systems security scanning audit. Systems' kernel and libraries software were updated and settings changed according to the vendor's recommendations. The IT Department also executed a complete backup audit due to the additional

risk associated with increasing ransomware related events taking place industry-wide.

The District of Maryland continued to improve technology services within the courtrooms during fiscal year 2019. The court technology specialist completed the current multi-year courtroom upgrade of the control systems with the exception of two courtrooms which will be done by the end of the calendar year. The startup process of courtroom systems has been configured to not disrupt the proceedings during the day but turn off completely at night and during the weekends to extend the life of the equipment. The control system and audio system codes have been standardized and optimized so that the systems are more stable in performance and snappy in response. In addition to the courtroom upgrades, the jury lounge systems in Baltimore and Greenbelt courthouses were completely redesigned and newly installed.

The IT Department is also leading the Baltimore shared services server room redesign effort. This phased multi-year effort includes cosmetic upgrades, such as new workbenches and fresh paint, as well as operational enhancements, such as static dissipative flooring. In addition, as a part of the remodel all electrical power in the server room and leading to server room panels were readjusted in preparation for the now completed utilities sub-metering project.

The IT Department deployed a pilot exhibit presentation system in Baltimore Courtroom 9C. The system allows attorneys at the lectern to share electronic and hard copy exhibits with dedicated stations set-up on both counsel tables, on the bench (both for the judge and courtroom deputy), on the law clerk's desk, and on the witness stand. Electronic exhibits can be brought to the courtroom on thumb-drives, laptops, tablets, or mobile phones, and up to four pieces of content can be shared at the same time. Installation of the pilot electronic evidence presentation system in Greenbelt Courtroom 3E is scheduled for fiscal year 2020.

As noted, the court continued its long-standing tradition of sharing administrative services where doing so will increase efficiencies and reduce costs for the judiciary. Toward that end, the Bankruptcy Court continued the sharing agreement with the District Court for network support and shared server rooms. The Bankruptcy Court also collaborated with several other bankruptcy courts extending services for support activities and various projects. Such activities included providing CM/ECF support for the locally developed QCP program, as several courts continue to utilize QCP during and after their transition to CM/ECF Next Gen.

The District Court IT help desk continued to provide day-to-day support to meet the mission of the court, implemented new equipment and supported multiple user relocations due to construction projects. The IT help desk continues to participate in phishing simulations and hones its ability to respond to security incidents. The IT help desk continues to provide courtroom audio and video to overflow locations to support high-profile court hearings. The IT help desk provided custom support on a monthly and quarterly basis for a high-profile case. The IT team continues to provide support for investitures, various ceremonies, and FBA events.

## Jury

### **Petit Jury**

Trial jurors for our district are typically summoned to serve for a one-month or one trial term of service. During fiscal year 2019, 15,250 jurors were summoned for jury service. A total of 2,562 trial jurors reported to the court for participation in 46 jury trials. There were 30 jury trials held in criminal cases and 16 in civil cases. Below is a comparison of the last three years.

<b>FY 2017</b>	<b>FY2018</b>	<b>FY2019</b>
2,425 jurors reported 57 jury trials (26 cr/31 cv) 12,000 jurors summoned	3,486 jurors reported 74 jury trials (46 cr/28 cv) 14,000 jurors summoned	2,562 jurors reported 46 jury trials (30 cr/ 16 cv) 15,250 jurors summoned

### **Grand Jury**

The District of Maryland has five active grand juries, two sitting in Greenbelt and three sitting in Baltimore. During the fiscal year, 3,865 grand jurors spent 1,006 hours in session. The grand juries convened for a total of 192 days. Below is a comparison of the last three years.

<b>FY 2017</b>	<b>FY2018</b>	<b>FY2019</b>
4,196 grand jurors convened on 206 days, spending 1,209 hours in session	4,254 grand jurors convened on 215 days, spending 1,134 hours in session	3,865 grand jurors convened on 192 days, spending 1,006 hours in session

Three new grand juries were selected during FY 2019, one in Greenbelt and two in Baltimore. The three departing grand juries were given an appreciation luncheon and certificates of appreciation.

## Naturalization

Naturalization ceremonies are held in both Baltimore and Greenbelt Courthouses. In general, the ceremonies are scheduled twice monthly in Baltimore, and once a month in Greenbelt. Thirty-one ceremonies were held in FY 2019. In Baltimore, there were 810 applicants for citizenship. Greenbelt received 368 applicants. All were sworn in as new citizens, totaling 1,178 citizens naturalized for the year. Below is a three-year comparison.

<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>
1,476 citizens naturalized 31 ceremonies	1,367 citizens naturalized 30 ceremonies	1,178 citizens naturalized 31 ceremonies

On March 14, 2019, Chief Magistrate Judge Beth P. Gesner presided over a special ceremony in the Baltimore Courthouse. The fourth-grade class of Severn School participated. The students researched the countries represented and their own heritage and delivered speeches on the importance of the day.

Students from Gilman School visited our court to participate in the naturalization ceremony on April 11, 2019. Judge Stephanie A. Gallagher presided over the ceremony.

The League of Women Voters of Maryland and the Daughters of the American Revolution continue to participate with a post ceremony reception and assisting new citizens with registering to vote.

### Procurement

In fiscal year 2019, the Procurement department prepared approximately 981 obligations totaling more than \$9.5 million. These obligations included several furniture procurements including the purchase of furniture and furnishings for Greenbelt Chambers 355 as well as new courtroom counsel tables designed to withstand frequent moves. Contract awards for IT related initiatives were also issued, including a purchase order for digital court recording software as well as contracts for several courtroom technology upgrades.

In fiscal year 2019, the Bankruptcy Court prepared over 400 obligations totaling more than \$1.2 million. These obligations included several chambers and courtroom furniture replacement projects, routine service contracts, an air quality inspection and the transfer/recycling of aging Clerk's Office systems furniture. Contract awards for information technology related initiatives were also issued including replacement Cisco switches for the district, Virtual Desktop Access (VDA) licensing, Uninterrupted Power Supply (UPS) revitalization, digital courtroom recording upgrades, cyclical equipment replacement and an evidence/exhibit presentation system for two courtrooms.

From December 2018 to January 2019, the Judiciary experienced the longest government shutdown in U.S. history. This shutdown presented several unique, difficult and unfamiliar challenges. One such challenge included the need to sustain normal operations despite a lapse in appropriations. In light of this, the Judiciary was urged to recover all available funding. During this time, Procurement worked quickly and diligently to deobligate all applicable purchase orders. Ultimately, the Court was able to maintain normal operations throughout the entire length of the shutdown.

### Space & Facilities

In 2019, the Space and Facilities Department managed a list of projects that were funded in previous years. The Greenbelt courthouse projects consisted of continuing design work for the Greenbelt Clerk's Office renovation, renovation of six jury deliberation rooms, and installation of meters to properly account for overtime utilities usage in server room and network closets. The department also managed the complete renovation of one magistrate judge's chambers.

The department committed to several new projects for Greenbelt in fiscal year 2019. These projects include the renovation of one district judge's chambers and a cyclical maintenance touch up of a district judge courtroom.

In the Baltimore courthouse, the department managed a considerable list of projects that were funded in previous years. The list began with continuing design work for the Baltimore Clerk's Office renovation project. The department also managed the renovation of 12 jury deliberation rooms, installed meters in our server room to properly account for overtime utilities usage and continued to run the logistics surrounding our 4th floor server room renovation project. Additionally, the department managed the complete renovation of two district judges' chambers.

## **BANKRUPTCY COURT**

The Bankruptcy Court is staffed by seven active judges and two recalled judges as of the end of fiscal year 2019.

Throughout fiscal year 2019, the judges of the Bankruptcy Court as well as Clerk of Court Mark Neal actively participated in events sponsored by the Bankruptcy Bar Association for the District of Maryland (BBA). The judges and the Clerk participated at the BBA's annual Spring Break continuing legal education seminar held in Annapolis in May. In September, Judge Alquist and the Clerk addressed the BBA's Baltimore chapter about the state of the court. The Clerk made a similar presentation in September to the BBA's Greenbelt chapter.

In June, the judges attended the Maryland State Bar Association Consumer Bankruptcy Section's Spring Banquet where Judge Catliota reported on the state of the court and the Clerk provided bar members an update on Clerk's Office matters.

In July 2019, Judge Gordon attended the Federal Judiciary Center's Workshop for Bankruptcy Judges and Bankruptcy Best Practices in New York City.

The Bankruptcy Court continues to enjoy a collegial relationship with the District Court. The Bankruptcy Court collaborates with the District Court on matters of mutual interest through several committees that meet regularly throughout the year, including Budget, Attorney Admission Fund, Bankruptcy Bar Association/U.S. District Court Liaison, Disciplinary & Admissions, IT, Security and Related Facilities, and Court Unit Executives.

### **Bankruptcy Case Statistics**

Bankruptcy case filings in the district remained strong in fiscal year 2019, with 17,084 new bankruptcy cases and 509 new adversary proceedings filed. That number consists of 10,722 Chapter 7 liquidation filings; 6,261 Chapter 13 individual reorganization filings; 94 Chapter 11 business individual complex reorganization filings; and 7 Chapter 12 family farmer filings. In contrast to nationwide case filings, which increased slightly by .4% in fiscal year 2019, the district experienced a 1.2% decrease in total filings when compared to fiscal year 2018. However, Chapter 13 filings increased a robust 11% in fiscal year 2019.

One of the most significant burdens on the Court and Clerk's Office continues to be the extremely high number of bankruptcy cases filed without the assistance of counsel. For the year ending September 30, 2019, just over 20% of all bankruptcy cases were filed in the district by self-represented parties. The overall rate of self-represented filings in the district in Chapter 7 and Chapter 13 cases has risen sharply since 2011 and has been over 20% for five consecutive years. The district continues to rank as one of the top self-represented filing districts nationwide.

### Bankruptcy Clerk's Office

During fiscal year 2019, the Clerk's Office received and managed \$6,660,649 in funds relating to filing and other fees. In addition, the Clerk's Office managed unclaimed funds totaling \$5,152,996 as of September 30, 2019. These unclaimed funds are deposited with the court and maintained until the rightful owner comes forward to claim the funds. Finally, the Clerk's Office managed the deposit fund of \$155,262 and registry funds with a balance of \$74,690 as of September 30, 2019.

The court held its eighth annual Community Service Day on May 3, 2019. Numerous staff members volunteered at the following organizations: Maryland Council for Special Equestrians, Largo-Kettering Branch Library, Sunrise at Montgomery Village, and Maryland Food Bank.

On February 13, 2019, Director of Operations Kelly Grant and Division Manager Evangeline Alexandris met with an international judicial delegation from Japan that included Judge Yuri Tanno of the Tokyo District Court; Judge Daichi Sawa of the Chiba District Court; and Natsuko Terasawa, Assistant Director of Personnel Affairs Division, Chiba District Court. During their visit, the delegation learned about the court's electronic filing system and telecommuting programs.

The court provided staff members with numerous opportunities to enhance professional development throughout the year. This year the Operations Managers developed and facilitated a class focused on Communication. Clerk's Office staff also participated in Code of Conduct Training presented by the Office of General Counsel, Administrative Office of U.S. Courts.

Director of Operations Kelly Grant and Clerk Mark Neal attended the Joint Circuit Access to Justice Conference on February 27 to March 1 in New Paltz, NY. Topics included learning to better assist unrepresented litigants with their legal matters, sharing best practices, educating about changes in the law, learning how to deal with contentious customers and ways to reduce frustration, and leveraging mediation to manage case load issues and the needs of unrepresented litigants.

Staff members participated in a variety of training and professional development opportunities at the National Conference of Bankruptcy Clerks' (NCBC) annual conference held in Chicago in August 2019. Also, at the 2019 NCBC Conference Clerk Mark Neal and Chief Deputy Clerk Thomas Kearns once again presented a segment titled, "A Motion to What? Bankruptcy Law Made Easy...Or Your Money Back," a bankruptcy law and process presentation aimed at case administrators and other non-legally trained court personnel.

Director of Operations Kelly Grant, Director of Administrative Services Diane Hydovitz, Chief Deputy Clerk Thomas Kearns and Clerk Mark Neal attended the Fourth Circuit Workplace Conduct Conference on May 22-23, 2019 in Glen Allen, VA. The conference was designed to better equip attendees to handle workplace issues, with sessions providing information on the EDR process, plus interactive activities to reinforce skills and lessons learned, in order to promote a work culture founded on respect, civility, and professionalism.

In June 2018, the Bankruptcy Court recognized the hard work and dedication of its staff members at its Annual Employee Recognition Ceremony held in Columbia, Maryland. At the event, employees were presented with various awards, including length of service, team of the year, and employee of the year. Special recognition awards were presented to staff that performed exceptional service to chambers and the public.

A reorganization of the Clerk's Office 8<sup>th</sup> floor operations space in Baltimore was completed in fiscal year 2019. This multi-year reorganization focused on redesigning parts of the space to maximize efficiency and workflow, along with procurement of new furnishings for the area, replacement of the aging systems furniture and improved collaboration, sound attenuation, and lighting.

The Clerk's Office had a number of staffing changes in fiscal year 2019 with the retirement of Court Operations Specialist, Sandra Frank, and Case Administrator, Jean Johnson; the departure of Case Administrator, Calton Brown, and IT Support Specialist II, Steve Marvin; the hiring of Case Administrator I, Joseph Chandler; Case Administrator I, Chanel Paige; Case Administrator II, Erica Cumberland; Court Operations Specialist, Shanita Taylor; Systems Administrator, Damon Peay; and IT Technician II, Michelle Spruell. In addition, Asia Harris and Kizzy Fraser were promoted to Case Administrator II from Case Administrator I, and Liz Howley was reclassified with expanded duties as the district's first ever Information Technology Security Officer.

On May 3, 2019, the Bankruptcy Bar Association for the District of Maryland presented Clerk Mark Neal with The Honorable Paul Mannes Award. This award, which is named for the late Bankruptcy Judge Paul Mannes who served with distinction on Maryland's Bankruptcy Court for 34 years, was presented to Mr. Neal in recognition of Mr. Neal's commitment to the betterment of the bar association and the practice of bankruptcy law in Maryland.

On July 15, 2019, the Clerk's Office staff, with the assistance and participation of Judge Simpson and her chambers, District Court Judge Hazel, Magistrate Judge Sullivan, and the U.S. Marshall's staff in Greenbelt, hosted a community outreach presentation to a group from Time for Change about the workings of the court. Time for Change's mission is to counsel youth and young adults and provide guidance and an understanding of what is necessary to be successful in the workforce, while enhancing the betterment of individuals' thinking and livelihood.

Clerk Mark Neal was a member of the planning committee for the Administrative Office's Court Unit Executive and Chief Deputy Operational/Administrative Training Conference held in Indianapolis in September 2019. The Conference theme focused on mitigating risk and maximizing success. Mr. Neal and Chief Deputy Clerk Thomas Kearns also attended the

Conference in September.

Clerk Mark Neal continued to serve on the Bankruptcy Clerks Advisory Group (BCAG). The BCAG provides advice to the Administrative Office for U.S. Courts on issues affecting the administration of the bankruptcy system with respect to the bankruptcy clerk's offices, and among other things provides the opportunity for input on the development of policy recommendations.

## **PROBATION AND PRETRIAL SERVICES**

Probation and Pretrial Services functions in the District of Maryland are consolidated under the leadership of Randall H. Canal, who was appointed Chief in December 2018. The office is organized into three departments: Pretrial Services, Presentence Investigations, and Post-Conviction Supervision. The office currently has 149 staff members, which includes 109 officers, as well as 40 employees who directly support the work of the officers in all departments. Probation and Pretrial Services in the District of Maryland is the largest in the fourth circuit, and the ninth largest in the country.

### **Pretrial Services Department**

Pursuant to 18 U.S.C. §3142, pretrial services officers strive to interview defendants and prepare written reports on all defendants. Officers prepare reports for the Court that thoroughly, but succinctly describe a defendant's background, identify risk factors, and recommend appropriate release conditions, or detention as warranted. The availability of a written report at the defendant's initial appearance can help reduce "unnecessary detention" and better assist the Court in making prompt, informed release or detention decisions. In fiscal year 2019, more than 600 pretrial investigations were completed. Officers conducted interviews in 97% of all case activations, which is 44% higher than the national average. Despite the serious nature of offenses charged and the extensive criminal histories of those charged, the District of Maryland's detention rate was 58%, which is 17% lower than the national detention rate.

Following a defendant's release, pretrial services officers develop individual supervision plans to manage presented risks and monitor compliance with the conditions of release imposed by the Court. Supervision activities performed by officers include conducting field visits to the defendant's residence and place of employment, meeting with substance abuse and mental health counselors, contacting third party custodians, conducting frequent criminal record checks and coordinating random drug testing for defendants. For each supervision case, officers create detailed supervision plans consisting of a combination of activities and strategies that may be modified according to the defendant's adjustment to supervision. Supervision plans are designed to promote overall compliance with all conditions of release and to initiate appropriate intervention strategies to address defendant needs.

Regarding violations, of the total number of defendants under supervision in fiscal year 2019, approximately 20% violated a condition of release. Approximately 2% of those under supervision were re-arrested, which is consistent with the national average. Less than 1% of defendants failed to appear in Court, which is also consistent with the national average. While all violations are reported to the Court, most do not result in the revocation of a defendant's release



conditions or any Court action. Officers strive to implement creative supervision strategies and exhaust all reasonable alternatives to detention to mitigate the potential for future violations before recommending revocation of conditions of release.

## **Presentence Department**

The Presentence Department is committed to producing high quality reports and responding to inquiries posed by the Court and our stakeholders in a timely and accurate fashion during the sentencing process. This is accomplished by maintaining a high level of expertise with the United States Sentencing Guidelines (USSG), and in the sentencing factors enumerated under 18 U.S.C. §3553(a).

Determination of an appropriate sentence is one of the most important decisions made in the criminal justice system. The primary tool for assisting the Court with this function is the Presentence Report (PSR). The PSR also serves to assist the Bureau of Prisons with inmate designation, classification, programming and release planning. The information provided in the PSR enables the supervision officer to develop strategies that address risks as well as support the offender's transition back into the community. During the preparation of the presentence report, the presentence officer:

- promptly interviews the defendant following the Court proceeding
- conducts a comprehensive background investigation of the defendant's criminal history, employment, financial profile, social background, substance abuse and mental health history
- collaborates with the prosecutor, the defense attorney, law enforcement agencies, and pretrial services officers
- exercises independence as an officer of the Court while applying the USSG
- stays abreast of case law and amendments to the USSG while maintaining expertise in all areas of the sentencing process

In fiscal year 2019, presentence officers completed nearly 800 investigations. During the presentence investigation process, presentence officers spend much of their time developing a complete, thorough, and accurate summary of the defendant's criminal history. Criminal history can be the most critical section of the presentence report due to its impact on the severity of the sentence. Presentence investigation officers are required to stay abreast of case law governing qualifying predicate offenses because they must often make determinations on whether a defendant is a career offender or an armed career criminal.

Presentence officers also prepare pre-plea investigations when ordered by the Court, as well as supplemental reports for the Bureau of Prisons. A pre-plea investigation provides counsel with a preliminary criminal history report that assists them during plea negotiations. When a pre-plea investigation has been completed on a case that is ultimately referred for a presentence report,

the sentencing process can be expedited because factors in dispute regarding a defendant's criminal history have already been resolved. In fiscal year 2019, the presentence investigation department completed 275 pre-plea investigation reports.

During the fiscal year, several presentence officers attended the U.S. Sentencing Guideline Conference, to enhance their knowledge and skills. Throughout the year, the Presentence Department focused on consistency and uniformity in conducting investigations and writing presentence reports.

## **Post-Conviction Supervision Department**

The Post-Conviction Supervision Department strives to promote positive and lasting change in individuals while making all efforts to ensure the safety of the community. Probation officers use all suitable methods to aid persons under supervision to bring about improvements in their conduct and condition. Officers are also charged with keeping the Court and the U.S. Parole Commission informed of offender conduct and compliance with the conditions of their supervision. In fiscal year 2019, the Supervision Department supervised over 3000 individuals convicted of federal offenses. The District of Maryland supervised more individuals convicted of crimes of violence than any other district in the country. Of those under supervision, approximately 15% were convicted of crimes of violence, compared to the national average of 6%.

The Supervision Department practices community-based offender supervision. This entails:

- Conducting thorough prerelease investigations for individuals released from BOP facilities. These investigations include an inspection of prospective residences and confirmation that other occupants have no history of criminal justice involvement that might impede an offender's positive reintegration into the community. Prerelease plans document the investigation, identify and address risks, and formally request additional conditions of supervision, as needed.
- Meeting offenders upon their arrival at the BOP contracted Residential Reentry Centers (RRC) and coordinating with case managers to improve an offender's transition to the community. Conducting prerelease supervision of offenders while still in the RRC for up to four months prior to their release to community supervision.
- Conducting a thorough interview with the offender upon his or her release, to include reviewing supervision conditions, verifying residential and employment information, making treatment referrals, making employment and/or educational referrals, assessing third party risk, completing the Post-Conviction Risk Assessment (PCRA), and assessing an offender's ability to pay court ordered financial obligations.
- Preparing case plans addressing all Court or Parole Commission ordered conditions, specifying methods to enforce them, assessing an offender's skills and deficits, and citing objectives for the offender and officer strategies to facilitate success.

- Providing continuous monitoring of an offender's behavior in the community through contact with family members, employers, and treatment providers. Officers document their efforts in the Probation Automated Case Tracking System (PACTS).
- Providing assistance to offenders to obtain meaningful employment. This includes referring offenders to resources in the community that provide training and employment referrals, providing an orientation for offenders that are unemployed or underemployed to assist them with their job searches, and partnering with employers in the community who can provide stable and gainful employment to offenders.
- Addressing all non-compliance promptly, utilizing correctional and controlling strategies such as intermediate sanctions to mitigate risk and provide incentives to increase compliance. While all non-compliance is promptly reported to the jurisdictional authority, revocation is only pursued when all other interventions have failed or when the violation conduct endangers the community. In fiscal year 2019, of the total number of cases closed in the District of Maryland, 15% were revoked. Nationally, 29% of the cases closed in the fiscal year were revoked.

Providing effective treatment services continued to be an important supervision strategy throughout the fiscal year. Officers utilized substance abuse testing, outpatient and residential substance abuse services, mental health counseling, and aftercare recovery houses. Officers continually assess the efficacy of our treatment programs and make adjustments as necessary to better assist those under our supervision.

### **Training and Officer Development**

Throughout the fiscal year, officers participated in multiple trainings in house and in the community to further develop and expand their knowledge in a multitude of areas. Areas of training included: substance abuse, mental health, location monitoring, cybercrime, gangs, financial investigations, sentencing guidelines, computer monitoring, pretrial risk assessments, sex offender, firearms, defensive tactics, First Step Act, improving district review outcomes, workplace conduct, and stress management and wellness.

## ATTORNEY ADMISSIONS

As of the end of fiscal year 2019, the District Court bar had 12,019 active members. The court holds monthly admissions ceremonies in both courthouses and averages 41 newly admitted bar members each month. On June 27, 2019, the court held a special admission ceremony as part of the Federal Bar Association's Introduction to Federal Practice in the Baltimore Courthouse. Below is a comparison of the last three years.

	<b>2019</b>	<b>2018</b>	<b>2017</b>
<b>New Admissions</b>	489	467	408
<b>Renewed Members</b>	1459	1409	1331
<b>Reactivated and Reinstatement Members</b>	197	179	173
<b>Admissions Pro Hac Vice</b>	1356	1127	985

## CONTINUITY OF OPERATIONS PLAN (COOP) AND EMERGENCY PREPAREDNESS

The district has become involved in the city and state emergency preparedness plans because the Northern Division courthouse is in a major downtown area. In the event of an attack requiring the dispensing of medicine, the federal building across the street from the Baltimore Courthouse will become a dispensing site and certain identified federal employees will serve as form reviewers and medicine dispensers. In consultation with the United States Marshals Service, the district continues to conduct annual training on building evacuations and other emergency responses.

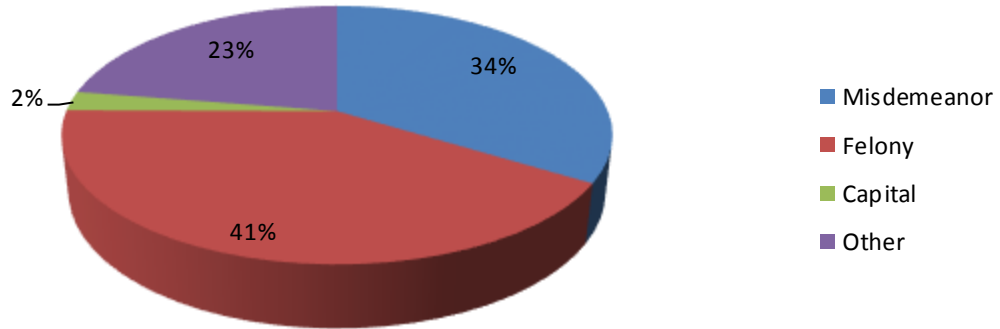
## CRIMINAL JUSTICE ACT (CJA) COORDINATING ATTORNEY

CJA Coordinating Attorney, Maureen Essex, continues to act as a liaison between the court and the CJA felony and misdemeanor panel attorneys. Ms. Essex works closely with the United States Attorney's Office and United States Pretrial Services Office to ensure that attorneys are appointed to represent defendants at the earliest stage of criminal proceedings. Her office coordinates appointments of counsel and maintains conflict lists in multiple defendant cases.

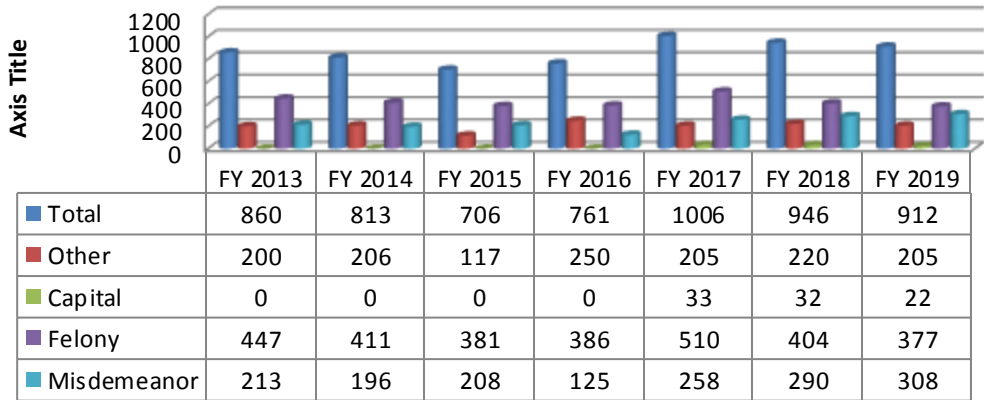
Ms. Essex is assisted by Kiara Snipes, CJA Technician, whose support is invaluable. Ms. Snipes carefully audits each voucher for mathematical accuracy and compliance with CJA Guidelines. Once a thorough review of the submitted vouchers has been completed, Ms. Snipes forwards them to Ms. Essex for a reasonableness review and approval if the voucher is below the case compensation maximum. If the voucher exceeds the case compensation maximum, Ms. Essex prepares a memorandum or letter as appropriate to support the claim for the presiding judicial officer.

In fiscal year 2019, Ms. Essex's office made 912 CJA appointments, representing a slight decrease as compared to fiscal year 2018. Though none of the cases eligible for the death penalty were authorized by the Department of Justice, capital cases represented a cost factor this fiscal year.

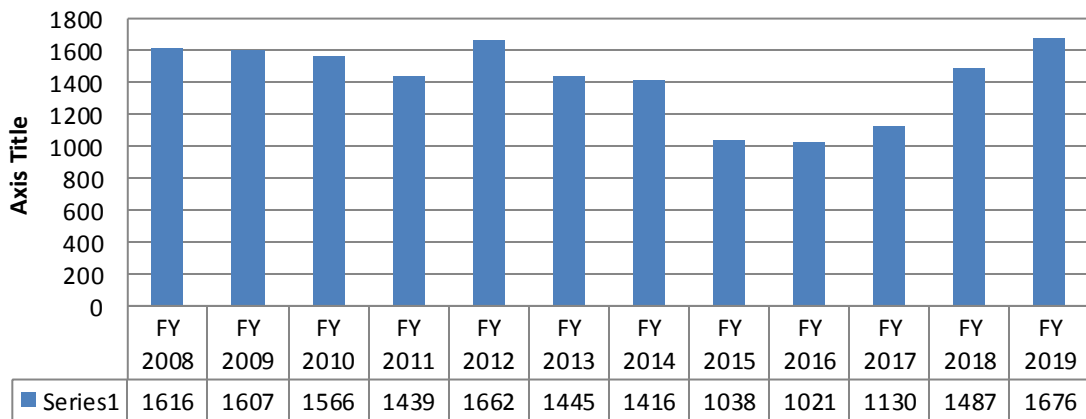
### CJA Appointments FY19



### CJA Appointments



### Vouchers Paid



Ms. Essex reviews all requests for expert funding. If the amount of funding requested is less than the statutory maximum and the requested funding is appropriate, she approves the request. If the requested funding level exceeds the statutory maximum of \$2,600.00, she reviews the request, makes a recommendation, and then prepares a draft confidential memorandum to the Fourth Circuit Court of Appeals Chief Judge Roger L. Gregory for the presiding judicial officer's review. Ms. Essex maintains a directory of experts and often attempts to negotiate a reduction in the requested hourly rate.

Ms. Essex attends the court's CJA Committee meetings. She reviews and makes recommendations on all applications for the felony panel to the CJA Committee. She also prepares the CJA Committee meeting agenda and minutes.

### **DEBTOR ASSISTANCE PROJECT**

The Debtor Assistance Project (DAP), a collaborative effort between the Bankruptcy Court and its partner agencies, continued in fiscal year 2019 to provide services to individuals who filed bankruptcy petitions without an attorney, or were considering filing for bankruptcy and planned to be self-represented. The program is staffed by volunteer bankruptcy attorneys and operates in the Baltimore and Greenbelt Courthouses, as well as on the Eastern Shore in Kent and Talbot Counties. Judge Gordon provided oversight of the program through December 2018. In June 2019, Chief Judge Lipp, Clerk Mark Neal and staff from the Clerk's Office met with representatives of Maryland Volunteer Services (MVLS) to explore, among other operational issues, potential alternative delivery methods for DAP services that will be tested in fiscal year 2020. Due in large part to scheduling and other administrative support from MVLS and Mid-Shore Pro Bono, two of the court's core DAP partners, the DAP and its volunteers were able to provide 210 DAP consultations in fiscal year 2019.

### **PRO SE STAFF ATTORNEYS**

For the 19th consecutive year, cases filed by self-represented prisoner<sup>1</sup> and non-prisoner<sup>2</sup> litigants accounted for more than one-fourth of all civil filings in the District of Maryland.

In fiscal year 2019, cases filed by self-represented prisoner litigants accounted for 20.3% of all civil filings in this district, slightly lower than in prior years. Civil rights cases comprised 57% of all prisoner filings, while habeas cases comprised 43%. Cases filed by self-represented non-prisoners comprised an additional 10% of the civil docket. The number of filings by self-represented non-prisoner litigants seeking removal of state court foreclosure actions or injunctions

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<sup>1</sup> These filings include 460 civil rights actions, 140 motions to vacate, 106 state habeas corpus petitions, 96 "other" habeas proceedings, a total of 802 cases. A typical prisoner case load ranges from 800 to 900 prisoner filings per Statistical Year. Additionally, the staff attorneys reviewed 10 motions for return of property, which in this district are part of the pro se staff attorneys' case load.

<sup>2</sup> In FY 2019, non-prisoner pro se litigants filed 403 cases.

to halt state court foreclosure proceedings has slowed. This downturn has not lessened the burden placed on screening such cases, as these litigants have submitted other, often vexatious filings which, although dismissed on initial review, are time-consuming.

The court continues to see a steady number of motions filed in closed criminal cases, particularly motions filed under Fed. R. Civ. P. 60, Fed. R. Crim. P. 35, and 18 U.S.C. § 3582, which often must be re-characterized as motions to vacate under 28 U.S.C. § 2255. The staff attorneys continue to assist Clerk's Office personnel in identifying and interpreting these motions and requests, while the staff attorneys' administrative assistant responds to all other correspondence generated by inquiries from state and federal prisoners that merit a response.

Actions regarding allegations of assault at the hands of correctional personnel remain steady. Litigation directed at the state prison health care system, including mental health services, reflects the urgent needs of a population that previously lacked such care and is on the rise, fueled in part by the aging prison population. Filings alleging gang-related violence in the state prisons remain steady, as do requests for transfers and concerns for personal safety, which often require emergency show cause responses. The court has seen an uptick in failure-to-protect, mail delay, and medical cases arising from conditions at Eastern Correctional Institution and Jessup Correctional Institution, prisons that had seen little litigation activity over the past several years. Petitions and civil rights complaints from those who are involuntarily committed at Clifton T. Perkins Hospital Center have risen.

Civil rights claims concerning access-to-courts and library deficiencies in all correctional facilities, including county detention centers, are also on the rise. Appointment of counsel is needed with greater frequency as it becomes increasingly difficult to resolve these cases on summary judgment. Further, fewer habeas corpus cases are dismissed in the early stages on procedural grounds given recent changes to federal habeas law. Resolving substantive habeas issues on the merits is time-consuming, and appointment of counsel has occurred in these cases as well.<sup>3</sup>

Thus far, the departure of an experienced staff attorney and the retirement of the seasoned supervising staff attorney in December 2019 have not caused any disruption to case administration and disposition.

## **PRETRIAL DETENTION**

In February 2011, the Maryland Correctional Adjustment Center – the state's former "Super Max" facility – became solely dedicated to federal pretrial detainees through a new memorandum of understanding between the state and federal authorities. The facility is now

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<sup>3</sup> There has been an increase in the number of prisoner plaintiffs filing requests for discovery pending summary judgment under Rule 56(d) which must be resolved. Sometimes discovery is ordered, adding another layer of analysis to these cases. *See Putney v. Likin*, 656 Fed. App'x 632, 638-39 (4th Cir. July 14, 2016) (directing this court to address plaintiff's request for discovery pending summary judgment although not properly presented under Rule 56(d)).

known as the Chesapeake Detention Facility. While the procurement of one facility dedicated to federal pre-trial detainees was a significant achievement, problems that arose in prior years have continued through fiscal year 2019. Although many issues with the facility have been addressed through a shower and elevator projects and installation of air conditioning, many projects such as updating the intercom system have been delayed. There have been some assaults on inmates over the past year.

Judge Bennett, as Co-Chair of the District Court's Criminal Justice Act Committee, has continued to press state officials to improve conditions and meet federal standards. In addition to the problems at the Chesapeake Detention Facility in Baltimore, problems have persisted at the Washington D.C. Jail, with which the U.S. Marshal's Service contracts.

The Court remains committed to working with the Marshal's Service in providing a secure environment for federal prisoners with adequate medical care; an effective and efficient visitation system for counsel and family members; and educational, counseling, and recreational opportunities. Although some progress has been made in providing these services through the contract with Chesapeake Detention Facility, no amount of effort or determination can overcome the obstacles presented by trying to convert a former super maximum prison into a functional pretrial detention facility.

In light of this problem, the U.S. Marshal's Service will continue its increasing reliance on contract beds from local detention facilities.

## CONCLUSION

The bench wishes to thank our visiting judges: Judge Stephanie D. Thacker of the United States Court of Appeals for the Fourth Circuit (Cross et al v. Brunner, Garnier-Theibaut, Inc. v. Castello 1935 Inc., et al, Beverly et al v. Azar, Caplan v. Synergi Holdings, Inc. et al, USA v. Jordan et al, USA v. Piccirilli, and USA v. Zavala-Calles); Chief Judge Thomas E. Johnston of the Southern District of West Virginia (USA v. Parks), Judge Liam O'Grady of the Eastern District of Virginia (Grimm v. Experian Information Services, Inc. and USA v. Ravenell); and Magistrate Judge Theresa C. Buchanan of the Eastern District of Virginia (USA v. Ravenell).

The bench would also like to thank the employees of the District and Bankruptcy Courts, Probation and Pretrial Services, and those of related agencies, for their continued hard work and dedication this year.