

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**



FISCAL YEAR 2010 ANNUAL REPORT

Deborah K. Chasanow, Chief Judge
Felicia C. Cannon, Clerk

DISTRICT JUDGES

(3 Vacancies)

Active Judges

Richard D. Bennett
Catherine C. Blake
Deborah K. Chasanow, Chief
Benson Everett Legg
J. Frederick Motz*
William D. Quarles, Jr.
Roger W. Titus
Alexander Williams, Jr.
Vacancy (as of September 1, 2008)
Vacancy (as of November 10, 2009)
*Vacancy (Judge Motz will take
Senior Status upon qualification of
his successor.)

Senior Judges

Walter E. Black, Jr. (retired)
Marvin J. Garbis
Alexander Harvey II (retired)
Peter J. Messitte
William M. Nickerson
Frederic N. Smalkin (retired)
Joseph H. Young (retired)

MAGISTRATE JUDGES

(No Vacancies)

Full-Time

James K. Bredar
William Connelly
Charles B. Day
Thomas M. DiGirolamo
Susan K. Gauvey
Beth P. Gesner
Paul W. Grimm, Chief
Jillyn K. Schulze

Part-Time

Victor H. Laws

BANKRUPTCY JUDGES

(No Vacancies)

Active Judges

Nancy M. Alquist
Thomas J. Catliota
Robert A. Gordon
Duncan W. Keir, Chief
Wendelin I. Lipp
Paul Mannes
James F. Schneider

Senior Recalled Judges

E. Stephen Derby

COURT UNIT EXECUTIVES

Felicia C. Cannon, Clerk, U.S. District Court
Mark Sammons, Clerk, U.S. Bankruptcy Court
William Henry, Chief, U.S. Probation and Pretrial Services Office

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MILESTONES

The fiscal year began with the sixth biennial Bench-Bar Conference, which was held on October 30, 2009, at the Greenbelt courthouse. The keynote speaker for this event was the Honorable Rebecca Love Kourlis, Executive Director of the Institute for the Advancement of the American Legal System. The theme of the conference was “Making Discovery Manageable.” The Conference closed with a “State of the Court” address by Chief Judge Benson Everett Legg, and a reception followed.

On January 4, 2010, Judge Deborah K. Chasanow became Chief Judge of the United States District Court for the District of Maryland, succeeding Judge Benson Everett Legg. Judge Chasanow was appointed as a United States Magistrate Judge in 1987, and commissioned as a United States District Judge on October 20, 1993. On January 25, 2010, the Federal Bar Association hosted a luncheon honoring Judges Chasanow and Legg, and celebrating the appointment of Judge Andre M. Davis to the United States Court of Appeals for the Fourth Circuit. On January 29, 2010, a Transition Ceremony was held at the Baltimore courthouse, in honor of Judge Legg’s seven years of service as Chief Judge and welcoming Judge Chasanow to her new administrative role on the bench. Chief Judge Chasanow is the first woman to serve as Chief Judge in the District of Maryland, and the first judge from the court’s southern division to fill this position.

The district also had the privilege of celebrating the appointment of Judge Andre M. Davis to the United States Court of Appeals for the Fourth Circuit. Judge Davis was commissioned as a United States District Judge on August 14, 1995, and as a Court of Appeals judge on November 10, 2009. On April 30, 2010, more than 500 guests attended the Investiture Ceremony of Judge Davis at the Baltimore courthouse. A reception followed at the University of Maryland School of Law.

On April 21, 2010, Judge Ellen Lipton Hollander and Magistrate Judge James K. Bredar were nominated to positions on the court, and, after hearings before the Senate Judiciary Committee, were reported for consideration to the floor. On July 21, 2010, Magistrate Judge Charles B. Day was nominated to the third vacant position on the court. Their nominations remain pending. The court appointed a Merit Selection Panel for the anticipated magistrate judge vacancies and the process for the selection of new magistrate judges has begun.

The court amended its Local Rules in December 2009 and July 2010. The amended rules primarily adjusted local filing deadlines to comply with the Statutory Time-Periods Technical Amendments Act of 2009 and companion amendments to federal procedural rules concerning computation of time periods. Additional amendments include updating terminology and court procedures, clarifying attorney disciplinary and admissions practices, and revising the court’s discovery guidelines.

DISTRICT COURT

General Case Statistics

During the fiscal year ending September 30, 2010, 3,627 civil cases and 651 criminal cases (involving 1000 defendants) were filed. On average, each district judge presided over 10 jury trials. As of September 2010, our district weighted case filing per judgeship was 477.

Multidistrict Litigation

The following five multidistrict litigation (MDL) cases are assigned to judges on our court:

- (i) KBR, Inc., Burn Pit Litigation was certified and transferred to the District of Maryland on October 19, 2009. This MDL is assigned to Judge Roger W. Titus and currently has 46 pending cases;
- (ii) Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litigation was certified as an MDL and transferred to our district on October 17, 2008. It is assigned to Judge Richard D. Bennett and has eight pending cases;
- (iii) Mutual Funds Investment Litigation was assigned to three judges – Judges Blake, Davis, and Motz – due its size and complexity. Upon the elevation of Judge Andre M. Davis to the United States Court of Appeals for the Fourth Circuit, his portion of the MDL was reassigned to Judge Motz, who is the lead judge. The MDL has 371 pending cases;
- (iv) Michelin North America, Inc., PAX System Marketing and Sales Practices Litigation, which is assigned to Judge Roger W. Titus, was transferred to our district on February 20, 2008. The MDL has one pending case; and
- (v) Municipal Mortgage & Equity, LLC, Securities and Derivative Litigation was certified as an MDL and transferred to our district on August 14, 2008. It is assigned to Judge Marvin Garbis and currently has 12 pending cases.

Civil Justice Reform Act (“CJRA”)

Our bench reported the following motions that were pending for six months or longer:

<u>Report Date</u>	<u>Number of Motions Pending for Six Months or Longer</u>
March 31, 2010	18
September 30, 2010	7

Death Penalty Cases

I. Resolved Death Penalty Prosecutions

Chief Judge Deborah K. Chasanow: United States v. Israel Cruz, et al., DKC-05-CR-0393. Defendant: Roberto Antonio Argueta. The trial and penalty phases took place over thirty-eight days in February and March, 2010. Mr. Argueta was convicted and sentenced to life, plus a consecutive term of 420 months.

Chief Judge Deborah K. Chasanow: United States v. Israel Cruz, et al., DKC-05-CR-0393. Defendant: Juan Carlos Moreira. The Attorney General granted permission to withdraw the notice of intention to seek the death penalty. The court accepted the defendant's guilty plea, and the defendant was sentenced to life without the possibility of release.

II. Other Death Penalty Litigation

Senior Judge Peter J. Messitte: Higgs v. United States, PJM-05-CV-3180. The defendant moved to vacate his sentence of death in a case tried by Judge Messitte. On April 7, 2010, Judge Messitte filed an opinion denying the defendant's motion to vacate his sentence.

Judge Catherine C. Blake: Miles v. Wainwright, CCB-07-CV-2135. The petitioner was convicted in the Circuit Court for Queen Anne's County, Maryland, and has filed a petition for a writ of *habeas corpus*. The case has been stayed pending further proceedings in state court.

Clerk's Office

In fiscal year 2010, the Clerk's Office was allotted 89.8 work units, including two temporary additives, and twelve court reporters. One Clerk's Office employee retired during the year, two employees transferred to other federal agencies, four employees resigned, and the Clerk's Office welcomed twelve new employees, some of whom filled vacancies from fiscal year 2009. On-board staffing at the end of September 2010 was 81.0 work units and ten court reporters. In maintaining the office's conservative approach to staffing, only essential vacant positions are being filled at this time. The Human Resources Department also processed 33 law clerk exit interviews and conducted orientation and review of benefits packages for 34 new law clerks in the seven week "law clerk season" time period.

The Clerk's Office continues to support alternative work arrangements where desirable. Some members of the Clerk's Office staff in both our Baltimore and Greenbelt divisional offices are permitted to telework or to work flexible or compressed schedules.

Clerk's Office employees participated in training on a variety of topics, including information technology ("IT"), human resources information systems, and management skills. Following the lead of the Fourth Circuit, the Clerk's Office has successfully shifted from WordPerfect to Microsoft Word. With the assistance of a full-time IT trainer, the office converted all current documents and hundreds of form templates to Microsoft Word. Operations

and IT staff also worked together to redesign the Forms and Manuals webpage on our intranet website to make these documents more accessible.

The office's Human Resources Department successfully organized a district-wide retirement information outreach program. The program was geared toward employees able to retire in the next three years, and offered these individuals an hour-long personalized retirement counseling session from a member of the AO's Retirement Office. The session was open to the families of the employees and provided dollar amounts and exact dates to help the employees make decisions and plans based on facts. Many members of the Clerk's Office, as well as chambers staff, are seriously considering retirement in the very near future.

The Human Resources Department also created a webpage specifically designed for incoming employees. A link to this webpage is sent to employees as soon as they accept their position, which allows them time to complete all necessary paperwork and research benefit options, such as health insurance. Having this information ahead of time allows for a smooth entrance on their first day on the job. In addition to the webpage, our management team developed a "Passport through the Clerk's Office" for new employees. This is a casual way for new employees to familiarize themselves with the supervisors in the Clerk's Office, to learn the function of each department, and to understand how they will be interacting with each department in their new positions.

At the request of the Judges, the Human Resources Department has been photographing all Clerks' Office employees, law clerks, chambers staff, and court security officers in Baltimore and Greenbelt. The photos are being uploaded into a directory on the court's intranet site.

The Finance Department has implemented several new processes to improve efficiencies in its section, including the Treasury Check Information System (TCIS), a web-based application that assists staff in performing check traces and stopping pay in a timely and effective manner, and the Paper Check Conversion Over-the-Counter system, which electronically processes checks presented for payment and automates the collection and settlement processes. The system also provides on-line reporting and research capability for reconciliation of accounts and customer service inquiries. Furthermore, we are now able to import electronically the interest from our Bank of America money market accounts into CCAM, our Civil Criminal Accounting Module, instead of doing manual, daily calculations.

Two joint initiatives for bankruptcy court and district court employees continued during fiscal year 2010. The Wellness Committee and Saving Money and Resources Together (SMART) sponsor informational newsletters and awareness programs focused on the health and well-being of court staff.

Information Technology

Over the past fiscal year, the Clerk's Office implemented CM/ECF 4.0, which included major enhancements, such as the addition of many civil events and the ability for attorneys and court users to seal documents as they are filed. Attorney manuals for both civil and criminal cases were updated, and training classes continue to be conducted on a monthly basis. In

addition, seven e-learning modules were published on our website to help attorneys learn the new features of CM/ECF 4.0. In connection with this implementation, the CM/ECF server was upgraded with new hardware, as well as an enhanced operating system, database version, and data migration.

The District of Maryland continues to work on the CVB/CMECF national database initiative with the Western District of Louisiana and the Administrative Office of the Courts. Our IT programmer/analyst developed a “Lotus Notes Quickr” site for the team to use to collaborate on the project and store meeting minutes and project documents. In addition, court staff has participated in monthly conference calls to develop and finalize the system’s requirements documentation. In October 2009, our IT Supervisor and Clerk of Court gave the CM/ECF Working Group an overview of the project at a meeting in Washington, D.C. Various staff members attended the CVB/CM/ECF working group meeting for the Fourth, Fifth, and D.C. Circuit clerks after their conference in New Orleans, and court staff participated in several presentations at the CM/ECF Operations Forum in Washington, D.C., in August 2010. We hope to go live with the CVB/CM/ECF database with CM/ECF version 6.0.

In preparation for Voice over Internet Protocol (VoIP) communications technology, the District of Maryland undertook a major network infrastructure upgrade in both divisions, as well as at the Salisbury courthouse. In a joint project with the United States Probation Office and the bankruptcy court, all fiber runs to the main computer rooms were upgraded to 12 or 24 strands with redundant paths. These court agencies shared in the procurement and implementation of new Cisco 6500/4500, dual-homed core switches. A T1 line was installed in the Salisbury courthouse, connecting it to the DCN. This not only prepares Salisbury for VoIP, but also allows remote connections for immediate IT support.

A number of web-based applications were developed, including the completion of phase II of the Event Registration Project, which now includes wait lists and reminder e-mails. Several other local systems were enhanced, including Opinion Posting, Personnel Directory, and MDL Internet Posting. The purchase request system that was developed last year by Mike Davis, our programmer analyst, was made available to court units in all 94 districts *via* Ed’s Place, a resource sharing website on the J-Net for locally-developed programs. Mr. Davis also fixed and enhanced the Webcats travel voucher program.

Several changes were made to the court’s intranet and Internet pages this fiscal year to support our mission of making these sites as user-friendly as possible. IT staff worked with the office’s management team to create an operations intranet page where we will capture documentation on all case processing functions and court procedures. The main intranet page now includes a list of most frequently used applications, for the court and for the individual user, as well as a display of the daily calendar for both divisions. On the Internet site, staff added a search feature to the opinions page, which aids users in finding court opinions; a redesigned and updated court forms page; and a revised standing orders page, which is consistent with the Judicial Conference’s Report and Recommended Guidelines on Standing Orders.

Jury Statistics

A total of 12,423 jurors were summoned for jury service in fiscal year 2010, and 4,509 trial jurors reported to the court for participation in 99 trials that proceeded to verdict. Sixty-three jury trials were held in criminal cases, and 33 were held in civil cases. A total of 4,169 grand jurors spent 1,155 hours in session, convening 209 times during the year. District and magistrate judges on our local Jury Committee hosted luncheons for departing grand jurors to discuss general concerns with the overall process and recommendations for improving the term of service.

A new Master Jury Wheel was created in fiscal year 2010. Approximately 60,000 questionnaires were printed and mailed to prospective jurors in order to create a qualified jury wheel and to provide enough jurors for the two-year period.

Public Outreach

Several of our judges serve on the Federal Court Liaison Committee, which includes members of the federal and state bar associations. This committee meets every other month to discuss local rules and procedures and joint ventures of the bench and bar.

The Baltimore and Greenbelt courthouses continue to host judges from foreign countries. Our international outreach efforts over the past few years include hosting guests from Argentina, Brazil, Bolivia, Chile, Columbia, Costa Rica, Dominican Republic, eastern Caribbean, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Israel, Italy, Japan, Jordan, Kazakhstan, Korea, Lebanon, Malaysia, Moldova, Nicaragua, Nigeria, Paraguay, Peru, Philippines, Russia, Turkey, Uruguay, and Venezuela. Some of our judges traveled to Argentina, China, Russia, and Turkey for judicial education programs.

The Clerk's Office arranged for federal agencies to use courtrooms for executive branch agency hearings. Those agencies included 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 district also hosted several Federal Bar Association programs, the United States Attorney's Office award ceremony, and several CJA panel training sessions.

On October, 15, 2009 and September 22, 2010, Patrick L. Clancy, of the law firm Venable, LLP, and Judge Roger W. Titus conducted their annual employment law seminar for new law clerks. The seminars were held in Greenbelt and a luncheon followed the program.

On October 20, 2009, Judge Grimm participated in a Federal Bar Association program on the admissibility of electronically-stored information at the Baltimore Courthouse.

On October 23, 2009, the Court held its annual employee educational retreat and appreciation luncheon for Clerk's Office staff from both divisions at the Baltimore courthouse. The theme of the retreat was "Preparing for Disaster." Retired Army Lt. Todd Morris gave an overview of emergency preparedness training; courtroom deputy Cynthia Crawford shared her real life experience from Hurricane Katrina; and Wendy Snowden reviewed our Court Continuity

of Operations Plan (COOP). After lunch, the bench recognized retirees Betsy Michael and Charlotte Wyatt for their many years of dedicated service to the court.

During the week of October 20, 2009, Clerk's Office and chambers staff participated in a week long "Training for Trainers" pilot program in Baltimore, which was sponsored by the Federal Judicial Center and the Administrative Office of the Courts.

In December 2009, holiday open houses and staff holiday luncheons were held in the Baltimore and Greenbelt courthouses to thank staff, all court units, and members of the bar for their commitment and dedication to the court throughout the year.

On January 6, 2010, Jury Services staff members gave a presentation on our Automated Jury Systems and Jury Management to a delegation from the Shandong Province of the People's Republic of China.

On March 4, 2010, the court hosted the joint dinner meeting of the J. Franklin Bourne Bar Association and the Prince George's Bar Association in Greenbelt.

On April 16, 2010, Magistrate Judge Susan K. Gauvey hosted an Open Doors program in Baltimore. The program, which involved children from various local high schools, included mock trials, discussions with unit executives and judges, and lunch with the bench.

On April 19, 2010, Chief Judge Deborah K. Chasanow sat with Judge Marvin J. Garbis and inactive senior Judge Alexander Harvey II, as they approved the long awaited settlement of the historic Baltimore City schools special education lawsuit, *Vaughn G., et al. v. Mayor and City Council of Baltimore, et al.*, after 26 years of litigation. The bench acknowledged the extraordinary efforts of Special Master Amy Totenberg in bringing the parties to settlement.

During fiscal year 2010, 1,351 applicants were naturalized and sworn as new citizens in 32 ceremonies in our court. On April 23, 2010, Magistrate Judge Beth P. Gesner presided over a special naturalization ceremony that was sponsored by the fourth grade class of Chesapeake Academy. The students prepared gift booklets, packets, and flags for each new citizen. The students also led the Pledge of Allegiance. The students of Chesapeake Academy hosted a reception following the ceremony.

On April 30, 2010, the Greenbelt courthouse hosted a Law Day program for Prince George's County High School students. This program included a mock trial. The Greenbelt courthouse also hosted the annual Humphrey Fellows program for lawyers, professors, and judges from other countries studying at American University Washington College of Law.

On May 27, 2010, the bench sat *en banc* for the annual Law Clerk Admission Ceremony. The law clerks of the Fourth Circuit, district court, magistrate, and bankruptcy judges based in Baltimore and Greenbelt attended this ceremony at the Greenbelt courthouse. Many of their family members were on-hand to witness their admission to the bars of the District of Maryland and the Fourth Circuit Court of Appeals, and to celebrate at the reception that followed.

On June 24, 2010, Judge Susan K. Gauvey and Judge Paul W. Grimm hosted a brown bag lunch for summer interns and law clerks. The program was repeated on July 8, 2010, with Judge Richard D. Bennett and Judge Benson Everett Legg serving as hosts.

On July 19, 2010, Judge Roger W. Titus, Judge Marvin J. Garbis, and Clerk of Court Felicia Cannon toured the Northern Branch Correctional Institution and the Western Correction Institution in Cumberland, Maryland.

On July 22, 2010, the district judges traveled to Washington, D.C., to have lunch with the Maryland congressional delegation. This luncheon has become an annual event, giving the judges an opportunity to discuss pressing matters in the judiciary with local members of Congress.

In September and October, 2010, several members of the Clerk's Office partnered with staff from the Administrative Office of the Courts to participate in diversity, recruitment and outreach programs at various college campuses in the Baltimore/Washington region.

On September 24-25, 2010, the court's law clerks traveled to Richmond, Virginia, for the Fourth Circuit's biannual law clerk workshop.

Throughout the year, artwork from local arts councils was on display in the Greenbelt courthouse, and several receptions were held to honor the various local artists who displayed their work.

Space and Facilities

The Baltimore courthouse was placed on the Five-Year List in 1998. After almost a decade on the list, Baltimore made no progress toward building a new courthouse. Congress did not approve enough money annually to keep projects moving up the list toward completion. As a result, in 2008, the AO decided to revamp the Five-Year Plan process.

Baltimore was taken off the list. The AO prepared a draft asset management plan to address Baltimore's needs. The Long-Range Facilities Plan for the District of Maryland recommends that the Baltimore courthouse should be renovated, rather than replaced. The Plan does not, however, provide a blueprint for renovating the building, nor does it include a funding source. The court has not accepted the Long-Range Facilities Plan, and the document in its present form needs substantial work.

If the Garmatz building will be used as a courthouse for another 30 years, it needs a comprehensive master plan addressing all needs of its tenants. The courthouse is in need of major renovations. No source of funding for these renovations has been identified, however, and judiciary resources are too scarce to fund projects of this size. GSA has told the court that it must devote its entire annual budget for the Baltimore courthouse for the next twenty years to upgrade the electrical, plumbing, and HVAC systems. There is no money for anything else. A top-to-bottom master plan for the building and a funding strategy are needed.

Several projects were completed in Baltimore this fiscal year. Audio and video systems, carpeting, and painting were installed in Courtrooms 5A and 5C. We also completed the design of the upgrades for the existing systems in Courtrooms 7A and 7D.

The Greenbelt courthouse opened in 1994 and reached full occupancy in 1995. Since then, personnel have been crammed into every available nook and cranny. As of today, there is simply no more room and, unless an annex is built, substantial numbers of cases and personnel will have to be transferred from Greenbelt to Baltimore.

The court has been pushing hard for a Greenbelt Annex for the last ten years. This effort has been long, difficult, and frustrating; however, with the support of our congressional delegation – Majority Leader Hoyer, in particular – progress has been made. We are pleased to report that Congress appropriated money last fiscal year for the design of the Greenbelt Annex. Chief Judge Chasanow, along with Charles “Bob” Coffman of the Fourth Circuit Executive’s Office and Lisa Rosenthal and Felicia Cannon of the Clerk’s Office, participated in the selection of the architectural firm that will design the addition. Although the court is struggling with recent limitations placed on the number of courtrooms that can be built in the Annex, we remain optimistic that the Annex will provide sufficient growth for the southern division of the court for the next decade.

Fiscal year 2010 saw the installation of an audio and video system, carpeting, and painting in Courtroom 4B in Greenbelt. An identical system designed for Courtroom 2A is slated for completion in fiscal year 2011. We were also able to take a visiting judge’s office and space from the Fourth Circuit law library in Greenbelt and carve out a small, temporary chambers for Magistrate Judge Thomas M. DiGirolamo. We extend our sincere thanks to Circuit Executive Samuel W. Phillips for allowing the court to use circuit library space to give Judge DiGirolamo his long-awaited chambers.

CRIMINAL JUSTICE ACT (CJA) SUPERVISING ATTORNEY

Donna Shearer continues to act as the liaison between the court and the CJA felony panel attorneys. She works closely with Pretrial Services and the United States Attorney’s Office to insure that attorneys are assigned at the earliest stage, the defendant’s initial appearance. She coordinates and maintains conflict lists in all large multiple defendant cases. In fiscal year 2010, her office made 867 assignments in CJA cases, a slight increase from the 844 assignments made in 2009. Ms. Shearer also reviews and approves all requests for expert and investigative funding if the requested amount is less than the statutory maximum. If the request is for funding in excess of that amount, she reviews the request, makes a recommendation, and prepares a draft confidential memorandum to Chief Judge Traxler for the presiding judicial officer.

Ms. Shearer is assisted by Nicole Bierman, our CJA technician. Both Ms. Shearer and Ms. Bierman attended training for the new CJA payment system 6.1.5. The transition to the new payment system was time consuming because all of the data had to be verified and all vendors and attorneys had to be entered into the new payment system, along with all open case assignments. The transition to the new payment system was completed by the end of August.

Ms. Shearer reviews all voucher claims for reasonableness and her office process all the vouchers for payment. The following is a comparison of yearly CJA expenditures:

Payments	FY 2007	FY 2008	FY 2009	FY 2010
Attorneys	\$ 4,062,221.59	\$ 3,943,119.22	\$ 5,461,427.82	\$ 4,004,183.68
Experts (Felony and Capital cases)	\$ 332,315.86	\$ 414,648.46	\$ 444,303.01	\$ 626,300.85
Total Paid (includes transcripts and GTA)	\$ 4,498,246.02	\$ 4,514,541.34	\$ 6,113,815.27	\$ 4,803,669.85
Total Capital Case Costs	\$ 1,516,324.90	\$ 1,657,944.99	\$ 3,042,940.45	\$ 982,895.81
% CJA Costs attributed to capital cases	34%	37%	50%	20%

The voucher totals since FY 2000 are as follows:

FY 2000	692 vouchers processed for payment
FY 2001	788 vouchers processed for payment
FY 2002	723 vouchers processed for payment
FY 2003	1,048 vouchers processed for payment
FY 2004	1,162 vouchers processed for payment
FY 2005	1,335 vouchers processed for payment
FY 2006	1,294 vouchers processed for payment
FY 2007	1,413 vouchers processed for payment
FY 2008	1,616 vouchers processed for payment
FY 2009	1,607 vouchers processed for payment
FY 2010	1,566 vouchers processed for payment

The number of vouchers processed remained steady this year. The small decrease may be attributed to the introduction of the new payment system, which resulted in a two-week period during which vouchers could not be processed for payment. In this fiscal year, two capital cases were resolved, but the final interim capital vouchers are still under review. This year also saw the trials and resolution of two mega-cases, which increased the amount paid to attorneys in non-capital cases.

Ms. Shearer continues to budget all capital cases and hopes to begin budgeting for mega-cases during FY 2011. She has developed expertise on all CJA issues and presented at several national workshops in FY 2010. At the request of the Office of Defender Services, she also provided training to court staff and panel attorneys in Saint Croix and Saint Thomas, and

prepared a manual for the Courts in the Virgin Islands on CJA procedures, which contained sample funding requests.

Ms. Shearer has continued to assist the Office of Defender Services with the joint application design for the Electronic Voucher Project. She also continued her work with the Expert Audit Group and provided training on CJA issues to interpreters for the courts and court staff.

Ms. Shearer also staffs the Court's CJA Committee meetings. She reviews and makes recommendations on all applications to the felony panel. A mentoring program for inexperienced attorneys has proved to be of substantial benefit to the panel and young attorneys at law firms who wish to gain criminal trial experience. Ms. Shearer also prepares the CJA Committee meeting minutes and continues her work as the court's in-house counsel on CJA matters.

PRO SE STAFF ATTORNEYS

In fiscal year 2010, cases filed by *pro se* prisoner litigants accounted for 23% of all civil filings in this district. Non-prisoner *pro se* filings comprised an additional 11% of the civil docket. When these figures are combined, new case filings by self-represented litigants totaled more than one-third of all civil filings in the District of Maryland.

Among prisoner cases, civil rights filings lead the way, with 454 new cases filed in 2010. Challenges to federal convictions also continue to be filed at a steady rate, while state *habeas corpus* applications continue to decline. The length of time for disposition of state post-conviction challenges appears to have a direct and negative impact on the number of filings by state prisoners in federal court. The court continues to see an increase, however, in the 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. Often, these motions must be re-characterized as § 2255 motions to vacate.

The tremendous volume of motions filed as a result of Amendment 706 to the Sentencing Guidelines for crack cocaine convictions has greatly declined. The staff attorneys helped track and prepare initial orders in these cases and worked with the court committee to implement effective ways to ensure their review. Prisoner correspondence regarding the Fair Sentencing Act, signed into law on August 3, 2010, is increasing. Staff attorneys are working with chambers staff to draft responses to the inquiries, and have worked with Clerk's Office personnel so that relevant cases can be tracked in the event that the Act's provisions are construed as applying retroactively. Staff attorneys are also tracking the Sentencing Commission's promulgation of a temporary proposed emergency amendment to implement the new statute.

Prisoner civil rights filings alleging gang-related violence in state prisons remain high and have received local media attention in the past year. Prison transfers due to concerns for personal safety in light of gang violence continue to generate many civil rights challenges. Law

suits regarding health care concerns and allegations of assault at the hands of correctional personnel also remain high.

Compared to past years, fewer cases are being dismissed on procedural grounds, likely because prisoners are aware of the “three strikes” provision of the PLRA and the time limits for filing *habeas corpus* petitions. Consequently, the time needed to process the average case continues to increase.

UNITED STATES MAGISTRATE JUDGES

While the magistrate judges primarily sit in the Baltimore and Greenbelt courthouses, they also hold hearings at off-site locations, including the Salisbury courthouse, the Aberdeen Proving Grounds, Andrews Air Force Base, the Naval Academy, Fort Ritchie/Fort Detrick, Fort Meade, and the Patuxent River Naval Air Station. Magistrate judges also hear cases on the United States Park Police docket and dockets covering the National Institutes of Health and five other federal facilities. When combined, these dockets constitute the largest volume of traffic and parking violations in the country, as well as the largest miscellaneous and Class A misdemeanor dockets in the federal judiciary.

Various federal arresting agencies issued 26,659 new misdemeanor and petty offense citations in fiscal year 2010. The magistrate judges presided over 7,592 mandatory appearances and 13,783 collateral appearances during the fiscal year, and 25,435 citations reached disposition. Magistrate judges issued a number of fines and \$2,132,937.12 has been collected.

One of the magistrate judges’ primary duties is holding settlement conferences. This fiscal year, they conducted 497 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 that a seemingly intractable case has been resolved.

BANKRUPTCY COURT

The bankruptcy court has experienced a significant increase in filings over the past fiscal year. Filings for fiscal year 2010 totaled more than 29,300 new cases, which is a 23% increase from fiscal year 2009. There was a 21% increase in Chapter 7 filings, a 10% increase in Chapter 11 filings, and Chapter 13 filings rose by nearly 31%. Despite this significant increase, the Bankruptcy Clerk’s Office was able to maintain the high level of service it provides to the bench, bar, and public without a significant increase in staff.

Although the caseload is rising, three of the district’s seven bankruptcy judgeships are temporary. Chief Judge Duncan W. Keir announced his intention to retire and seek recall status as of April 1, 2011, and David E. Rice, Esq., has been designated as his successor. Should vacancies occur on the bench after that date, however, the temporary judgeships will expire

unless legislation is enacted to convert them into permanent positions. Thus, the court faces the prospect of losing judgeships while the caseload continues to increase.

The local bankruptcy rules were revised in December 2009 to comport with the national rules, particularly those that impact the computation of time. The Bankruptcy Bar Association and U.S. District Court's Liaison Committee also updated the guidance provided to practitioners concerning appeals and withdrawal of reference.

The Debtor Assistance Project (DAP) is a program designed to better serve an increasing number of *pro se* parties. As of September 28, 2010, the program has provided free legal assistance to 818 debtors or potential debtors since its 2009 launch date. In FY 2010, the program was able to increase the number of hours it provides services in Baltimore due to receipt of a grant by one of the court's partner legal services agencies. Additionally, in collaboration with Eastern Shore Pro-Bono, Inc., DAP opened an office in Easton so that it is better able to serve debtors and potential debtors on the Eastern Shore of Maryland. The court recognized the assistance provided by DAP's volunteer attorneys with a ceremony and reception in April.

The court, which has been designated as a Monitor Live Operations court by the Administrative Office, was the first bankruptcy court in the nation to upgrade to Release 4.0 of CM/ECF. The court was also a lead court in the migration to the new G6 server platform. The court's system staff developed a CM/ECF quality control program that was demonstrated at two national conferences and has been implemented by four other courts and requested by several others. Additionally, the court completed a project, in collaboration with the Fourth Circuit and the district court, to upgrade the fiber and ethernet cabling infrastructure throughout both the Baltimore and Greenbelt courthouses. With the upgrade complete, the court has been selected, along with the other court units in the district, to be a pilot site for National Internet Protocol Telephony Service implementation.

Chief Judge Keir was selected by the United States House of Representatives to serve as an expert witness in the impeachment proceedings of G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana. Chief Judge Keir also testified before both the House Judiciary Committee's Task Force on Judicial Impeachment and the Senate Impeachment Trial Committee.

Bankruptcy Judge Nancy V. Alquist, Vice Chairperson of the International Relations Committee of the National Conference of Bankruptcy Judges, assisted the Judicial Conference Committee on International Relations by hosting a delegation of judges from the Supreme Court of the Philippines. Working in collaboration with the World Bank, Judge Alquist made a presentation to four associate justices and staff members of that court. Following a briefing by Judge Alquist and Bankruptcy Clerk's Office personnel, the delegation from the Philippines observed a demonstration of CM/ECF. Judge Alquist also assisted the United States Court of Appeals for the Second Circuit in hosting a four-day Bankruptcy Study Tour in New York City for judges from The People's Supreme Court of China.

Staff members of the Bankruptcy Clerk's Office served on a number of panels and workgroups this past year that have benefitted both the court and the judiciary. For example, the

Clerk of Court participated in a Training for Trainers for performance management panel organized by the Administrative Office and the Federal Judicial Center. The Clerk also served as faculty for the new Clerk/Chief Deputy orientation at the Administrative Office, and participated with the Next Generation Architecture stakeholder group. All three court unit executives participated in a series of videos produced by the FJC promoting the need for court units to prepare their networks for the National Internet Protocol Telephony service. The Information Technology Manager was a member of the CM/ECF Bankruptcy Working Group and was selected as a financial subject matter expert for the Next Generation of CM/ECF Clerk's Office Functional Requirements Group. The Financial Administrator served on the development and testing team for the JFINSYS program. Another staff member was selected by the Administrative Office to assist with improving the Judiciary's diversity recruitment and outreach effort at colleges and universities. Finally, a staff member was selected for the Federal Court Leadership Program sponsored by the Federal Judicial Center.

UNITED STATES PROBATION AND PRETRIAL SERVICES OFFICE

Probation and pretrial services functions in the District of Maryland are consolidated under the leadership of William Henry. Mr. Henry has organized his office into three distinct departments: (i) the Pretrial Services Department, which has 22 employees; (ii) the Presentence Investigation Department, which has 24 employees; and (iii) the Supervision Department, which has 81 employees. Additionally, there are 39 employees that directly support the work of the officers in all departments. Over the past fiscal year, Mr. Henry's office supervised approximately 4,000 men and women and conducted approximately 1,800 pretrial and presentence investigations.

Among the organizational initiatives and achievements of the Probation and Pretrial Services Office in FY 10 was the implementation of a new performance management system using a customizable vendor product. This effort began with an organization-wide analysis and the development of job factors for every position. The new automated performance management system uses a rating system in which each factor (or competency) is described and defined. Each factor's performance level standards are also clearly outlined. The automated system promotes consistency and ensures that managers and employees understand the basis for the ratings.

Supervision Department managers are participating in ongoing training to develop foundational knowledge of evidence-based practices and the use of the Post Conviction Risk Assessment (PCRA) tool. The PCRA is an instrument that will provide officers with a roadmap to supervision based on the risk and needs presented by each offender. The PCRA will be implemented in our district following officer training, which is scheduled to take place in April 2011. One of our officers serves as a national trainer on the PCRA implementation team.

In September 2010, the office held a two-day conference, which opened with remarks from Chief Judge Chasanow. The conference's focus was on communication and camaraderie, and sessions were conducted on team-building, communication styles, multi-generational workforce, stress management, and healthy living.

The office continued to work with the One Stop Career Centers throughout Maryland to ensure that our offenders are receiving quality services. In Baltimore, we continue to have a full time Workforce Development Case Manager who works exclusively with our offenders. A similar position has been added in Prince George's County on a part-time basis.

PRETRIAL DETENTION

On any given day, Johnny L. Hughes, the United States Marshal for the District of Maryland, is responsible for the custody of over 600 individuals awaiting trial or designation to a federal prison. This number has doubled in size since the late 1990s. Because there is no central federal or state facility that can house these individuals, they are scattered among over thirty different facilities, including jails and detention centers as far away as Ohio and Tennessee. This dispersion creates exceptional logistical difficulties for the Marshal's Office, as well as for defense counsel, who must drive long distances to meet with their clients.

The State of Maryland and the Federal Detention Trustee are working on an arrangement under which the State would renovate the "Supermax" facility in Baltimore City. Following this renovation, pursuant to a contract between the State and the Detention Trustee, only federal pre-trial detainees would be housed at the facility. This proposal is moving forward, and the court is cautiously optimistic that it will partially ameliorate the longstanding problem of housing for the district's pretrial detainees.

CONCLUSION

The bench wishes to thank recalled Magistrate Judge Barry L. Garber, of the United States District Court for the Southern District of Florida, who volunteered his time and effort to assist the court during the past fiscal year. The bench also thanks the employees of the district and bankruptcy courts, and related agencies, for their continued hard work and dedication.