

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**



FISCAL YEAR 2021 ANNUAL REPORT

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

DISTRICT JUDGES

(One Vacancy)

Active Judges

Deborah L. Boardman
James K. Bredar, Chief
Theodore D. Chuang
Stephanie A. Gallagher
Lydia Kay Griggsby
Paul W. Grimm
George Jarrod Hazel
Ellen L. Hollander
George L. Russell, III
Paula Xinis

Senior Judges

Richard D. Bennett
Catherine C. Blake
Deborah K. Chasanow
Peter J. Messitte
J. Frederick Motz

MAGISTRATE JUDGES

(Three Vacancies)

Full-Time

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

(One Vacancy)

Active Judges

Nancy V. Alquist
Thomas J. Catliota, Chief
Maria Ellena Chavez-Ruark
Michelle M. Harner
David E. Rice
Lori S. Simpson

Recalled Judges

Duncan W. Keir

COURT UNIT EXECUTIVES

Catherine Stavlas, Clerk, U.S. District Court
Mark A. Neal, Clerk, U.S. Bankruptcy Court
Leon Epps, 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

Maria Ellena Chavez-Ruark was sworn in as a Bankruptcy Judge on November 18, 2020. Judge Ruark filled the vacancy for United States Bankruptcy Judge in the District of Maryland that was created by the untimely passing of Judge Wendelin I. Lipp in 2019.

Felicia Cannon, Clerk of Court for the District Court of Maryland, retired on May 31, 2021, after twenty-two years of distinguished service. The Bench selected Catherine M. Stavlas to succeed Felicia as Clerk of Court.

Deborah L. Boardman was sworn in as a District Judge on July 1, 2021. Judge Boardman filled the vacancy for United States District Judge in the District of Maryland that was created by Judge Richard D. Bennett assuming senior status. Judge Boardman previously served as magistrate judge.

Lydia Kay Griggsby was sworn in as a District Judge on July 23, 2021. Judge Griggsby filled the vacancy for United States District Judge in the District of Maryland that was created by Judge Catherine C. Blake assuming senior status.

Randall H. Canal, Jr., Chief Probation Officer for the District of Maryland, retired on July 17, 2021. The Bench selected Leon A. Epps Jr. to succeed Randall as Chief Probation Officer.

COURT ORGANIZATION AND GOVERNANCE

Amendments to Local Bankruptcy Rules (LBR) 2002-1(g) and 3003-1 were drafted by the Bankruptcy Court, published for public comment and implemented with an effective date of December 1, 2020. The amendment to LBR 2002-1(g) was necessary to extend applicability of the rule to Chapter 12 and Chapter 13 cases, in addition to Chapter 7 cases, in accordance with the December 1, 2020 amendments to Federal Bankruptcy Rule 2002. The amendment to LBR 3003-1 was necessary to clarify the deadline for timely filing proofs of claim by governmental entities in Small Business Reorganization Act (SBRA) cases. In addition, after considering a request from representative members of the District's bar associations, amendments were made to Appendix F of the Local Bankruptcy Rules, governing Chapter 13 Debtor's Counsel Responsibilities and Fees, effective August 1, 2021. Finally, Amended Complex Chapter 11 Case Procedures were effective September 1, 2021, superseding prior Administrative Order No. 02-03. The Amended Procedures are mandatory in all Complex Chapter 11 Cases and optional in all other Chapter 11 cases, including cases under subchapter V of Chapter 11.

BENCH/BAR RELATIONSHIPS

In October 2020, Judge Michelle M. Harner was the moderator for a segment titled, "State of the Economy," at the National Conference of Bankruptcy Judges.

In November 2020, Judge Harner was the moderator for session titled "First Day Orders and Getting the Case Started," at the National Association of Attorneys General Bankruptcy Seminar.

In December 2020, Judge Harner was a speaker on the topic, “Fraud and the Implications for Claims Trading and Plans,” at the American Bankruptcy Institute Winter Leadership Conference.

In January 2021, Judge Harner spoke to the Bar Association of Baltimore Young Lawyers’ Division’s Continuing Legal Education Committee, on “Bankruptcy Law Can Do What? Five Ways a Bankruptcy Case Can Impact Your Non-Bankruptcy Law Practice” and was a moderator for a presentation on the “Small Business Reorganization Act of 2019,” sponsored by the Maryland Bankruptcy Bar Association

In February 2021, Judge Chasanow was appointed as a member of the Judicial Conference Committee on the Judicial Branch. The Committee addresses issues affecting the judiciary as an institution as well as issues affecting the status of federal judicial officers.

In February 2021, Judge Harner was a Judge for the American College of Bankruptcy Fourth Circuit Moot Court, in Washington, DC.

In March 2021, Judge Harner was the moderator for a presentation titled, “The Wall of Corporate Debt, and Other Financial Legacies of COVID,” at the American College of Bankruptcy Annual Meeting.

In March 2021, Judge Hollander participated in the Federal Bar Association’s Civil Practice CLE and spoke on dispositive motions.

In April 2021, Judge Harner was the moderator for “Small Group Discussion Topics – SBRA Developments,” at the Federal Judiciary Center’s National Workshop for U.S. Bankruptcy Judges. Also in April 2021, Judge Harner was the moderator for a presentation titled, “The Small Business Reorganization Act: How It’s Going So Far?” at the American Bankruptcy Institute’s Annual Spring Meeting.

Judge Harner and one of her former interns published the following article in Spring 2021: Michelle M. Harner & Robert Hockenbury, Reflections on Business Bankruptcy Reform, 71 SYRACUSE L. REV. 501 (2021).

In July 2021, Judge Harner was a speaker on the topic, “Intersection of State Court Causes of Action and Bankruptcy,” at the American Bankruptcy Institute’s Southeast Bankruptcy Conference.

In August 2021, Judges Harner and Ruark were speakers on the topic, “Subchapter V Recent Case Law and Updates,” at the American Bankruptcy Institute’s Mid-Atlantic Bankruptcy Workshop.

Judge Lori S. Simpson and bar members Paul Sweeney and Dennis Shaffer presented a training for the bar in August 2021, titled “Evidentiary Hearings Using ZoomGov.” This training session presented best practices for the introduction of evidence during virtual hearings,

demonstrated how to use breakout rooms during a hearing, and explained how to handle rebuttal evidence and screen sharing for effective virtual advocacy.

In September 2021, Judge Harner was a Moderator for the “Kroger Lecture: The Wall of Corporate Debt, and Other Financial Legacies of COVID,” at the American Bankruptcy Institute’s Midwestern Bankruptcy Institute.

COMMUNITY AND INTERNATIONAL OUTREACH

Chief Judge Bredar was appointed to serve on the Judicial Conference Committee on the Budget, and he continues to serve as one of four chief judges on the Judiciary National Coronavirus Task Force.

In October 2020, Judge Hollander participated in the Federal Bar Association’s Employment Law Seminar and participated in a “Judicial Chat” with students at the University of Maryland Law School.

In October 2020, The District Court hosted the annual Titus Employment Law Seminar.

In February 2021, Judge Hollander judged the Federal Bar Association’s Essay Contest for High School Students to honor Black History Month and spoke to an undergraduate class, “Introduction to Courts, Law, and Justice,” at the University of Maryland

On June 15, 2021, Judges Hollander and Bennett hosted another successful “Brown Bag” lunch with area law students.

The District Court participated in the annual Combined Federal Charities campaign, which provides staff the opportunity to donate to their favorite charities through payroll deduction.

Judge Harner continued her work with the Maryland Chapter of CARE (Credit Abuse Resistance Education). Through the Maryland Chapter of CARE, Judge Harner along with members of the bar and her Chambers staff taught several virtual financial literacy classes for Maryland high school students in FY 2021. Judge Harner also was named to the CARE advisory board.

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 sixth year in the fall of 2020. 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. Judge Harner and Clerk Mark Neal remotely presented a bankruptcy law primer to students participating in the clinical law program, and staff from the Clerk’s Office, including Director of Operations Kelly Grant, remotely provided the students with training and a demonstration on the court’s CM/ECF system. Judges Catliota, Harner, and Alquist also made special virtual presentations to the clinical students as part of the students’ core

curricula. Judge Harner also provided guest virtual lectures at the University of Maryland Francis King Carey School of Law’s “Foundations in Business Law” and “Legal Profession” courses.

CONTINUITY OF OPERATIONS PLAN (COOP) AND EMERGENCY PREPAREDNESS

The District has become involved in 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.

DISTRICT COURT

During FY21, 3,450 civil cases and 413 criminal cases were filed. Of the 413 criminal cases, 597 defendants were charged. During FY20, the Court had approximately 200 more civil cases and 50 less criminal cases. Thus, during FY21, civil case openings decreased, and criminal case openings increased when compared against FY20. The Court closed 3,465 civil and 463 criminal cases during this FY21. At the end of FY21, our district weighted case filing per judgeship was 405 as compared to 385 at the end of FY20.

Civil Justice Reform Act Reporting

The District Court, which consistently performs well in managing its pending caseload, reported 17 and 36 pending motions for six months or longer on the March and September CJRA Reports, respectively. The bench also reported 351 and 519 cases pending three years or more on the March and September CJRA Reports, respectively. Of note, most of these cases arise as part of the Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation (MDL 2775) now pending before Judge Catherine C. Blake.

Death Penalty Litigation

There are 2 pending Death Penalty cases before the Court. In *United States v. Lighty*, a Motion to Vacate Under 28 U.S.C. § 2255 is pending. In *United States v. Tejan*, a determination by the Department of Justice regarding pursuit of the death penalty is pending.

(1) *United States v. Lighty* (PJM-8:03-0457)

Judge Peter J. Messitte

Counsel: Seth A. Rosenthal, Leann Renee, Beth Ann Muhlhauser, and Julie Brain

(2) *United States v. Tejan* (GJH-8:21-0101)

Judge George J. Hazel

Counsel: Christopher M. Davis and Mary E. Davis

Intercircuit Assignments

The Honorable Paul W. Grimm performed judicial duties in the U.S. District Court for the

Eastern District of Virginia in the case of Cherdak v. O’Grady (21-cv-00141).

Interpreter Statistics

Language	Events	Cost
Cambodian (Khmer)	4	\$1,338
Creole (Haitian)	5	\$4,534
Hebrew	4	\$904
Mandarin	6	\$1,356
Romanian	12	\$2,226
Sign Language (ASL)	1	\$400
Spanish	176	\$38,046
Vietnamese	2	\$452
Yoruba	3	\$1,020
Total FY 2021	213	\$50,276
Total FY 2020	328	\$89,081
Total FY 2019	689	\$186,200

Magistrate Judge Statistics

Various federal arresting agencies issued 11,045 new misdemeanor and petty offense citations in FY21; 2,275 of these were referred to our court. The magistrate judges presided over 1,320 mandatory appearances, and 955 collateral appearances. The magistrate judges disposed of 13,762 citations. Of the fines issued by magistrate judges, \$950,110.66 has been collected.

Below is a chart for the total of initial appearances (IA), detention hearings (DH), arraignments (AR), search and seizure warrants (SW), and criminal complaints (CC):

	IAs	DHs	ARs	AWs	SWs	CCs
Northern Division	381	158	141	273	177	9
Southern Division	374	182	159	546	1,985	198
TOTAL	755	340	300	819	2,162	207

In FY21, civil case consents to proceed before a magistrate judge were filed in 1,206 cases; 859 in Social Security appeals cases and 75 in the Magistrate Pilot Consent Project. Magistrate judges also handled 119 referrals for discovery motions, 91 referrals for post-judgment matters, and 682 referrals for other reasons. Of note, the majority of referrals were for settlement. In FY21, the magistrate judges conducted 676 Settlement Conferences.

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 approximately 600 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 approximately 70 pending cases.

Patent Pilot Project

The Patent Pilot Project, created under Public Law 111-349, was terminated on July 4, 2021. In FY21, the District Court completed its final year of participation in the ten-year national pilot program for studying patent cases. The AO submitted its final report to Congress on October 4, 2021.

DISTRICT COURT CLERK’S OFFICE

Attorney Admissions

At the end of FY21, the District Court had 11,789 active members in its Bar. The Court held monthly admission ceremonies and averaged 46 newly admitted bar members each month. During FY21, all regular admission ceremonies were held virtually. Below is a comparison of the attorney admissions statistics for the last three years.

	FY19	FY2021	FY22
New Admissions	489	367	548
Renewed Members	1459	1415	1312
Reactivated and Reinstatement Members	197	157	141
Admissions Pro Hac Vice	1356	1392	1248

Finance

In FY21, the Court managed a deposit fund of \$6,260,212.34 and a registry fund with a balance of \$13,711,027.77. The District Court also continued to maintain a non-appropriated attorney admissions fund with a year-end balance of \$493,140. The department created and processed approximately 2,508 payment vouchers. The department also edited the Attorney Admissions Fund Plan for bench review.

To continue financial activities during instances of limited staffing, the Court converted many manual financial systems into automated systems in compliance with the Internal Control Plan. One such example is inmate checks received under the Prison Litigation Report Act (“PLRA”) have been automated for more efficient processing. Another example is that payments for criminal debt can now be made electronically utilizing Pay.Gov’s services. These are two examples of the Court’s efforts in providing improved financial services to the public.

Human Resources

The District Court Clerk's Office, including court reporters and staff attorneys, was allotted 111 positions. This allotment remained consistent to the prior fiscal year, but due to expected budget cuts in the future, the Clerk's Office continued to examine job responsibilities and workflows prior to making any hiring decisions.

During the FY21, the District Court bade farewell to several staff members who left to pursue other opportunities: Management Analyst Chelsea Nunnally; Court Reporters Douglas Zweizig and Susan Watts; Procurement Specialist Andrew Moan; Systems Administrator Joel Butler; Attorney Admissions Clerk Sierra Dennison; CJA Technician Kiara Snipes; and Case Administrator Nushrat Uddin.

The District Court celebrated several retirements: CVB Clerk/Courtroom Deputy Roxanne Smith; Case Administration Manager Claudia Gibson; Jury Clerk Kathleen Vockroth; Court Reporter Cindy Davis; Courtroom Deputies Nadine Mitter and Jill Waryu; and, Clerk of Court, Felicia Cannon.

The Clerk's Office saw multiple new hires including Pro Se Staff Attorney Andrea Barnes; Case Administrators Danielle McLain and Monica Giron; Jury Clerk Daphne Posluszny; CJA Technician Tyra Wilson; Courtroom Deputies Russell Carrick, Telita Davis, and Brandford Kincaid; Court Reporters Melissa Clark, Susan Watts and Patricia Klepp; and, IT Technicians Peter Han and Noah Wineholt.

The District Court has always prided itself on promoting from within whenever there are qualified internal applicants. During the 2021 fiscal year, David Ciambuschini was promoted from Attorney Advisor to Chief Deputy of Operations; Victor Gamez from Human Resources/Finance Technician to Procurement Specialist; Ryan Sipes from IT Technician to Systems Administrator; Camille Powell from Courtroom Services Supervisor to Operations Manager; Katina Tyson from Courtroom Deputy to Courtroom Services Supervisor; Janet Fletcher from Case Administrator to Case Administration Supervisor; Azzi Riad from IT Technician to Courtroom Technology Specialist; and, Catherine Stavlas from Chief Deputy of Operations to Clerk of Court.

The Human Resources department also assisted in the recruitment and eventual selection of three U.S. Magistrate Judges to replace Judge Boardman who was elevated to a U.S. District Judge and the retirements of Judge DiGirolamo and Judge Day.

The Clerk's Office is responsible for the entrance and exit of all term law clerks, including law clerks for the Fourth Circuit judges based in Maryland. Human Resources prepared exit paperwork and conducted exit interviews for 29 law clerks. During the same period, Human Resources prepared entrance paperwork and onboarding materials for 42 law clerks. Approximately 45 interns were onboarded and offboarded during FY21.

Staff was encouraged to take individual courses through the many options available to court employees. Virtual orientations and training continued for incoming employees and law clerks rather than the in-person trainings previously offered.

Information Technology

IT continued to improve technology services within the courtrooms during FY21. In Baltimore, the Court Technology Specialist completed a multi-year project to upgrade the video systems in all courtrooms and the Clerk’s Office conference rooms. A second Technology Specialist was hired for support in the southern division. In Greenbelt, the IT team upgraded the audio/visual systems in the employee training and judicial conference rooms.

A major project for the district in FY21 was the implementation of Next Gen CM/ECF. IT was also busy migrating JMS from the CM/ECF server environment to a new shared AO-hosted JMS server farm. As part of the intake counter renovation in Baltimore, the IT department created an automated bulletin board consisting of a kiosk PC and a touch screen monitor. Significant changes were completed to the Attorney Bar Admissions and Registration Systems.

The IT department had several changes, upgrades, elimination of services, protocols, or programming changes. The District Court IT support team continued to provide day-to-day support, implemented new equipment, and supported remote Court proceedings while presented with challenges that arose in FY21 as a result of the continuing pandemic.

Jury

Jury trials were postponed by Order of the Court until March 15, 2021. During FY21, 13,525 jurors were summoned for jury service. A total of 982 trial jurors reported to the court for participation in jury trials. There were 9 criminal and 11 civil jury trials.

FY19	FY20	FY21
2,562 jurors reported 46 jury trials (30 cr/16 cv) 15,250 jurors summoned	1,678 jurors reported 31 jury trials (21 cr/10 cv) 9,875 jurors summoned	982 jurors reported 20 jury trials (9 cr/11 cv) 13,525 jurors summoned

Grand Jury was postponed by Order of the Court until February 16, 2021. Between the 5 active grand juries, 2,415 grand jurors spent 122 days and 675 hours in session. A new grand jury was selected in each division with 3 supplemental grand juries also selected.

FY19	FY20	FY21
3,865 grand jurors convened on 192 days, spending 1,006 hours in session	2,613 grand jurors convened on 133 days, spending 675 hours in session	2,415 grand jurors convened on 122 days, spending 675 hours in session

Naturalization

Naturalization ceremonies were held at United States Citizenship and Immigration Services headquarters in Baltimore during FY21. On ceremony days, there were multiple ceremonies held back-to-back.

FY19	FY20	FY21
1,178 citizens naturalized 31 ceremonies	1,882 citizens naturalized 26 ceremonies	1,989 citizens naturalized 12 ceremonies

Procurement

In FY21, the Procurement department prepared approximately 574 obligations totaling more than \$9.4 million.

These obligations included several largescale furniture projects such as the purchase of furniture for Baltimore’s Ceremonial Courtroom and a Greenbelt Chambers. Contract awards for IT related initiatives included the purchase of various equipment to support secured, remote court proceedings and chambers activities. Other IT-related procurements included shared network storage and Courtroom technology upgrades.

Space & Facilities

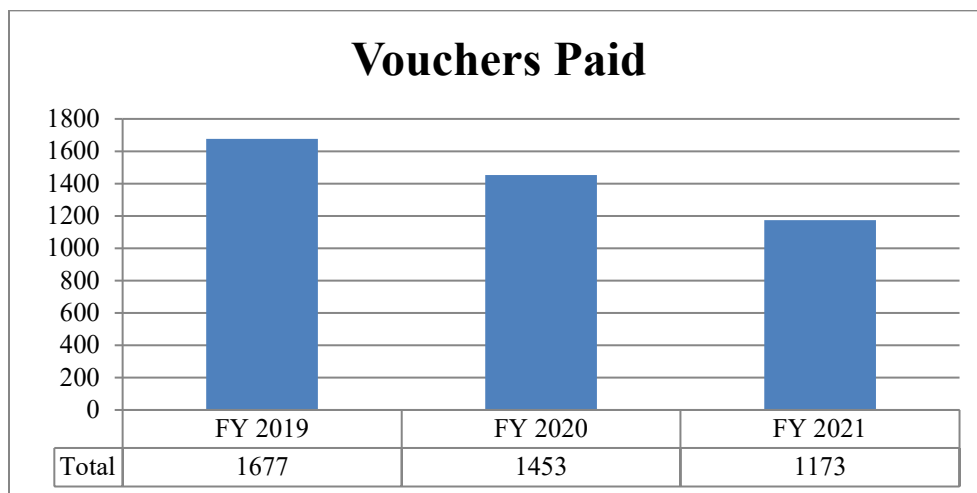
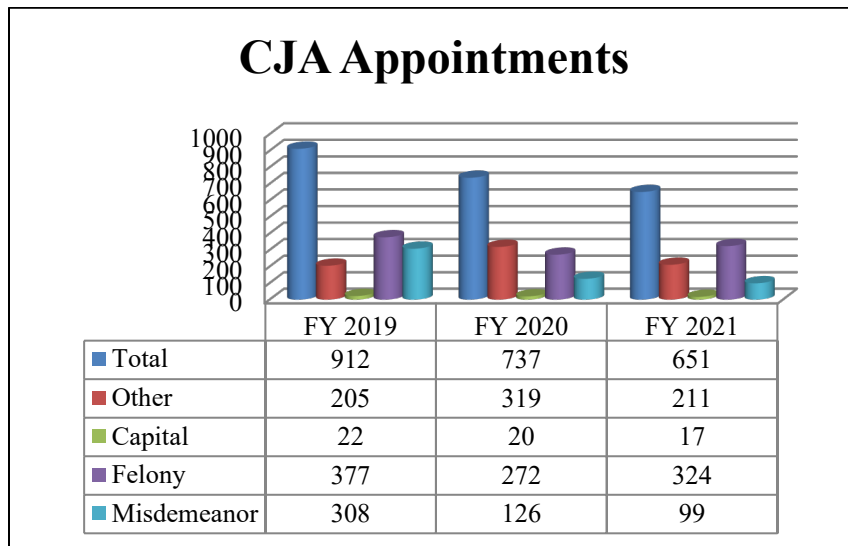
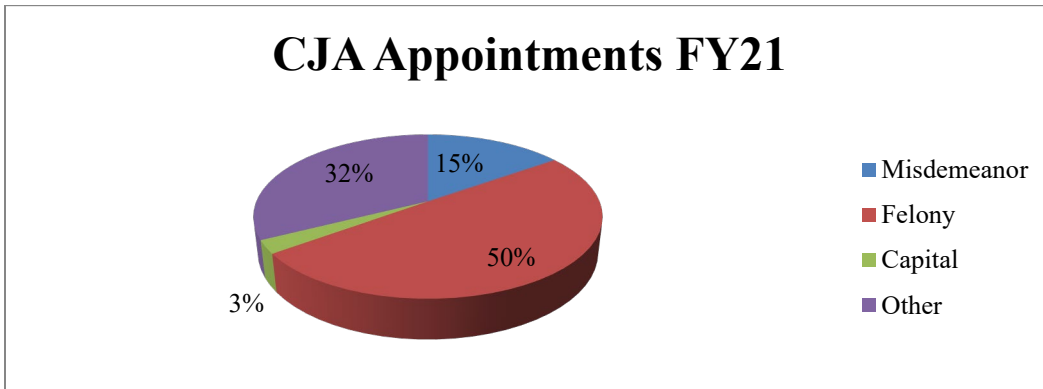
In FY21, the Space and Facilities Department managed two projects in the Greenbelt Courthouse that were funded in previous years. The Greenbelt Courthouse projects consisted of construction management for the Greenbelt Clerk’s Office renovation project, and the renovation of a judge’s chambers. In Baltimore, projects included the complete renovation of three District Judges’ chambers, a modernization update to the judges’ elevator and the renovation of the Cannon Conference Room in Baltimore.

CRIMINAL JUSTICE ACT (CJA) COORDINATING ATTORNEY

The District Court’s CJA Coordinating Attorney, Maureen Essex, continues to act as a liaison between the court and the CJA felony and misdemeanor panels’ attorneys. The office 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. In addition to coordinating the appointments of counsel, the office maintains conflict lists in multiple defendant cases. The Attorney attends the court’s CJA Committee meetings and makes recommendations on all applications for the felony panel to the CJA Committee.

The Attorney is assisted by Tyra Wilson, CJA Technician. The office carefully audits each voucher for accuracy and compliance with CJA Guidelines. Once a thorough review of the submitted vouchers has been completed, the voucher is approved if it is below the case compensation maximum. If the voucher is above the case compensation maximum, the office prepares a letter to support the claim for the presiding judicial officer.

In FY21, the Court made 651 CJA appointments, a decrease from FY20. Of note, none of the cases eligible for the death penalty were ultimately authorized by the Department of Justice.



The Attorney reviews all requests for expert funding. If the amount of funding requested is less than the statutory maximum and the requested funding is appropriate, the request is approved. If the requested funding level exceeds the statutory maximum, \$2,700.00, the office reviews the request, makes a recommendation, and prepares a draft confidential memorandum to the Fourth Circuit Court of Appeals Chief Judge Roger L. Gregory for the presiding judicial officer's review. A directory of experts is maintained, and the office often attempts to negotiate a reduction in the requested hourly rate.

PRO SE STAFF ATTORNEYS

Pro Se Staff Attorneys review prisoner civil rights complaints, habeas petitions, and non-prisoner self-represented civil filings. Staff Attorneys work generally on prisoner and habeas cases (other than federal § 2255 habeas actions) through to dispositive orders. The Staff Attorneys Office continues to assist the Clerk's Office in review and identification of pro se filings, with the administrative assistant responding to letters received from local, state and federal prisoners requesting information on various matters.

In FY21, 28% of all civil filings were routed through the Staff Attorney's Office. Prisoner civil rights and habeas actions accounted for 19% and non-prisoner self-represented cases accounted for 9%.

Prisoner civil rights numbered 471 cases, only slightly down from last year's 480 cases. Habeas accounted for 179 cases, a significant decrease from last year's 548 cases. This overall decrease was partially anticipated due to the large rise in habeas filings in FY20 attributable to the decision in *Rehaif v. United States*, 588 U.S. ___, 139 S. Ct. 2191 (2019) to vacate federal convictions.¹

The court continued to see a significant number of civil rights filings by prisoners alleging assault by corrections officers, failures and delays in providing medical and mental health care, and retaliation by officers for inmates' filing complaints with this court or through the administrative remedy procedures at place in prisons regarding the conduct of officers. These complaints came from state, federal and local facilities. Filings from prisoners complaining of poor conditions at the Baltimore County Detention Center continue from last year at a high rate.

Non-prisoner self-represented cases numbered 319 (up from 275 in FY20), but still down from FY19 numbers. During limited instances of office closures, self-represented plaintiffs continued to file new cases through the mail or by using a drop box at the Baltimore and Greenbelt Courthouses. Like years prior, there continues to be a need for appointment of pro bono counsel for self-represented prisoner litigants.

¹ *Rehaif v. U.S.* held that in a prosecution under 18 U.S.C. §922(g) and §924(a)(2), the Government must prove both that the defendant knew he possessed a firearm and that he knew he belonged to the relevant category of persons barred from possessing a firearm. *Rehaif* abrogated Fourth Circuit precedent holding that a defendant's knowledge of his prohibited status is not an element of a § 922(g) offense. See *United States v. Langley*, 62 F.3d 602, 606 (4th Cir. 1995) (en banc).

At the close of the fiscal year, staffing for the Staff Attorney's Office consisted of a Supervising Attorney, six Staff Attorneys, and an Administrative Assistant shared with the Clerk's Office.

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 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 FY21. 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. 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. 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.

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.

BANKRUPTCY COURT

The Bankruptcy Court is staffed by six active judges and one recalled judge, and had one judicial vacancy as of the end of FY 2021. Judge Ruark took the Bench as the Court's sixth active bankruptcy judge in November 2020.

On October 28, 2020, at the "Celebrate Pro Bono Awards Ceremony," the Maryland Volunteer Lawyers Service (MVLS) honored the United States Bankruptcy Court for the District of Maryland with the 2020 award for Special Project of the Year. The award was given for the Court's creation of the Telephone Debtor Assistance Project (TDAP), and was given in recognition of the Court's "outstanding pro bono commitment to MVLS clients and the support of the launch of the TDAP project."

The Bankruptcy Court launched its recently improved website on December 7, 2020. This multi-year project substantively overhauled and reorganized the website to be more intuitive and helpful to viewers. It included improvements to the look and feel of the site with cleaner lines, the

use of “mega menus” for easy navigation, greatly improved mobile access, and a host of other improvements, updates and additions.

On May 8, 2021, the Bankruptcy Court completed the conversion of its core Case Management, Electronic Case Filing System (CM/ECF) to NextGen CM/ECF. Going live on NextGen, which provides enhanced system security, was the result of a multi-year planning effort and culminated in a planned multi-day CM/ECF downtime during which the IT Team worked around the clock to complete the conversion. Thanks to comprehensive training and planning, court staff was fully prepared for calls and emails from CM/ECF users needing assistance logging in upon completion of the conversion, and for most users the conversion was nearly seamless.

In September 2021, Judge Catliota and Clerk Mark A. Neal addressed both the Baltimore and Greenbelt chapters of the Maryland Bankruptcy Bar Association for a virtual update on the state of the court and its pandemic operations.

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.

Pandemic Related Operations Continuing in FY21

In response to the continued pandemic and impact of the virus in the U.S. and Maryland, the Bankruptcy Court took numerous steps as the pandemic, which began in mid-FY20, continued throughout FY21. At the beginning of FY21 the Executive Management Team (EMT) continued to work on the plan for reconstitution to more normal operations, implementing Phase 3 of reconstitution, with the court’s public intake counters reopening to the public by appointment only effective October 1, 2020, and with additional staff reporting on site. Despite the return to more limited operations because of increased COVID-19 infection rates beginning in November 2020, Chief Deputy Clerk Thomas Kearns and Director of Administrative Services Diane Hydovitz coordinated the procurement of supplies to outfit courtrooms and Clerk’s Office space with protective barriers and appropriate signage, for the eventual resumption of in-person proceedings and broader in person intake operations.

Additional staff reported on site when the public intake hours expanded to five days a week effective March 1, 2021, and appointments were eliminated at the public intake counters shortly thereafter, along with further increases of on-site staffing. With most staff reporting on site regularly by the end of the fiscal year, the Clerk’s Office continued to prepare for the eventual resumption of more regular in-person hearings.

Bankruptcy Case Statistics

Bankruptcy case filings continued to be significantly and negatively impacted during FY21 as a result of the pandemic and various related state and federal moratoriums on evictions and foreclosures. Overall, in Maryland there were 8,624 new bankruptcy cases and 272 new adversary proceedings filed in FY21. That number consists of 6,587 Chapter 7 liquidation filings; 1,953

Chapter 13 individual reorganization filings; 83 Chapter 11 business or individual complex reorganization filings; and one Chapter 12 family farmer filing. Nationwide overall case filings fell by 29% in FY21, and the District of Maryland experienced a decrease of 35% in total filings when compared to FY20.

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, 2021, 15% 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 rose sharply over the last 10 years and was over 20% of all case filings for five consecutive fiscal years prior to the start of the pandemic in FY20. But for the pandemic, it is likely that the rate of self-represented filings would have exceeded 20% in FY21. The district continues to rank as one of the top self-represented filing districts nationwide.

Bankruptcy Clerk's Office

During FY 2021, the Clerk's Office received and managed \$3,491,033 in funds relating to filing and other fees. In addition, the Clerk's Office managed unclaimed funds totaling \$5,204,094 as of September 30, 2021. 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 \$98,745 and registry funds with a balance of \$77,286 as of September 30, 2021.

The Clerk's Office provided staff members with numerous opportunities to enhance professional development throughout FY21. Quarterly, staff members participated in Joint Information Sessions which focused on sharing best practices, exploring opportunities to improve work procedures, and recognizing examples of exceptional critical thinking and innovation. In addition, Case Administrator Specialists Christopher Adams and Laurie Arter implemented a robust training program maintained on Blackboard that expanded the employee training curriculum to include topics such as customer service, effective communication, and teamwork, and containing activities designed to test the learner's knowledge; the program was developed in 2020, and used for onboarding new staff in 2021. The Clerk's Office also initiated a multi-year project focused on redefining and restructuring teams to identify opportunities for collaboration and enhanced proficiency.

The Strategic Training Committee hosted two virtual learning events facilitated by the Employee Assistance Program; the first was on Effective Communication in June 2021, then on Transitions in the Workplace in August 2021. The Committee also developed several new diversity and inclusion information pages to highlight available resources, events, and activities for National Hispanic Heritage Month, Pride Month, Asian Pacific American Heritage, and Deaf History Month. To mark Black History Month, staff explored physical and virtual copies of the Green Book and its relation to local history.

Director of Operations Kelly Grant, along with Division Managers Amber Sauria and Artisha Kimble, facilitated an innovative program to increase communication and understanding between the Clerk's Office and Chambers. The Operations Managers coordinated an initial round table discussion between Judge David E. Rice and Clerk's Office staff on the topic of deficiency notices, as both professional development for staff and to promote relationship building across the

court. This began an ongoing series of quarterly round table discussions led by judges on various bankruptcy topics.

The Clerk's Office staff participated in several opportunities to support the local community in FY21. Despite social distancing limitations, the Clerk's Office successfully renewed its annual Community Service Day in May 2021, with remote volunteer opportunities to support the Maryland Food Bank, Support Our Troops, St. Jude's Children's Research Hospital, and Manna Food Center. In August 2021, the Intake Team hosted a back-to-school drive for the entire Court to collect supplies for two local, underprivileged schools and their students.



Buysao Adu-Bakare and Dominique FosterShari Hunt-Caldwell with the back-to-school donations collected in Baltimore. Greenbelt.

The Clerk's Office Social Circle Committee and Wellness Committee developed opportunities for staff to continue connecting remotely and to promote staff wellness.

While the 2021 National Conference of Bankruptcy Clerks (NCBC) Annual Conference was again cancelled, Court Operations Specialists Shanita Taylor and Joyce Yalley participated in a virtual version of the 2021 LEAD Academy sponsored by NCBC. The LEAD Academy (Leadership, Excellence, Achievement, and Development) is a four-month program for non-supervisory NCBC members to help them gain essential leadership skills to take on greater responsibilities in their current positions.

The IT team implemented NextGen CM/ECF in May 2021. Going live on NextGen was the result of a multi-year planning effort with numerous testing scenarios and culminated in a planned multi-day CM-ECF downtime during which the IT team worked around the clock to complete the conversion.

The IT team developed and implemented a remote recording and courtroom Audio-Video (AV) management solution. All active courtrooms were upgraded to allow for the courtroom deputy to be either on-site or remoter during hearings. Additionally, the IT team designed a solution to improve sound quality in all active courtrooms.

The IT team deployed a pilot exhibit presentation system in Greenbelt Courtroom 3E, following the prior deployment in Baltimore Courtroom 9C in FY19. 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.

The Clerk's Office had several staffing changes in FY21 with the retirement of Systems Analyst/Programmer John Held and Courtroom Deputy Brenda Wolfe; the departure of Case Administrator IIs Jolon Anderson and Natalie Guerra, IT Security Officer Liz Henry, Systems Administrator Jean Bernard Agenor, Web Design Engineer/Administrator Nate Andersen, Information Technology Technician Michelle Spruell, Term Law Clerk Tiffany Franc, Career Law Clerk Brittani Gordon and Administrative Analyst Phaedra Neal; and the hiring of Programmer Analyst Joel Butler, Term Law Clerks Addison Chappel and Robert Hockenbury, Case Administrator IIs Kieshonda Taylor and Sherona Thompson, and IT Security Officer Raymond Odom. In addition, Amanda Kaniowski was promoted from Case Administrator II to Administrative Analyst.

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 (AO) 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.

Clerk Mark Neal also served as a member of the AO's Financial Transactions and IT Security Staffing Formula Development Steering Group. This group, which began its work in March 2021, is assisting the AO by providing advice during the validation of the financial transactions and IT security modules of the district clerk's staff formula as well as assisting in determining the staffing requirements for these functions in the appellate court and circuit offices, bankruptcy clerk's offices, and probation and pretrial offices.

Information Technology

During FY21, the Network Shared Services (NSS) team led several district-wide IT infrastructure design, upgrade and deployment projects. This included deploying new edge and core routers, which concluded the Wide Area Network (WAN) upgrade effort; implementing Microsoft Teams for all users; deploying new anti-malware server and desktop solutions; upgrading wireless controllers in both courthouses in preparation for wireless access points replacement; procuring new wireless access points for both courthouses; performing a complete refresh of the server room in the Baltimore courthouse; and selecting a new primary storage subsystem and developing an implementation plan.

FY21 continued the ever-increasing cybersecurity activity and attacks. The court encountered and mitigated numerous cybersecurity related incidents, including ransomware attempts and malicious software execution on end-user devices. The NSS team also addressed IT cybersecurity requirements associated with the widely advertised SolarWinds incident. The NSS

Team further provided information and training to end users during National Cybersecurity Awareness Month in October 2020 and ran several phishing exercises to keep staff aware of potential cybersecurity incidents.

The court continued its long-standing tradition of sharing administrative services when doing so will increase efficiencies and reduce costs for the judiciary. Toward that end, the Bankruptcy Court continued the NSS agreement with the District Court. 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 Quality Control Program (QCP), as several courts continue to utilize QCP during and after their transition to CM/ECF Next Gen.

DEBTOR ASSISTANCE PROJECT

The Debtor Assistance Project (DAP), a legal clinic that is a partnership between the U.S. Bankruptcy Court for the District of Maryland and various members of the Maryland legal community, provided services to individuals who filed bankruptcy petitions without an attorney or were considering filing for bankruptcy and planned to be self-represented. The Telephonic Debtor Assistance Project (TDAP), which was piloted starting in January 2020, continued throughout FY21. The 30-minute no cost consultations were conducted via Zoom and staffed by volunteer attorneys, who received the participant's financial documents electronically and in advance of each session. After analyzing the success of the pilot initiative, the Court decided to make the TDAP a permanent program and resource for self-represented debtors. Due in large part to scheduling and other administrative support from the Maryland Volunteer Lawyers Service (MVLS) and Mid-Shore Pro Bono, two of the court's core DAP partners, the TDAP and its volunteers were able to provide 91 consultations in FY21.

PROBATION AND PRETRIAL SERVICE

Probation and Pretrial Services, in the District of Maryland, are consolidated under the leadership of Leon A. Epps, Jr., who was appointed Chief Probation Officer in August. The office is organized into two departments: Investigation and Supervision. The office currently has 121 staff members, which includes 88 officers, as well as 33 employees who directly support the work of the officers in all departments. The department is the second largest in the Fourth Circuit, and the eleventh largest in the country.

Pretrial Supervision

Probation Officers enforce Court ordered conditions, monitor compliance, support positive change, and provide access to services that will help to mitigate identified risk factors. Officers also create detailed plans consisting of activities and strategies to assist in promoting compliance with release conditions and to initiate appropriate intervention strategies to address defendant needs. Supervision activities include home visits, employment visits, contact with third party custodians, meetings with substance abuse and mental health counselors, coordinating random drug testing for defendants, and reviewing criminal record checks.

Approximately 18% of defendants under pretrial supervision violated a condition of release. Less than 1% failed to appear in Court, below the national average of 1.8%. Approximately 1.6% of those under supervision were re-arrested, below the 2.8% national average. All violations are reported to the Court, and many did not result in a revocation of supervision or Court action. Pretrial Officers make every effort to implement supervision strategies to mitigate risk and the potential for future violations before recommending revocation of release conditions.

Post-Conviction Supervision

Probation Officers utilize evidence-based interventions during the period of supervision to reduce recidivism and promote positive and lasting changes in individuals. This is accomplished while ensuring that the conditions of supervision are enforced throughout the term of supervision. In FY21, the Supervision Department supervised over 2,900 individuals convicted of federal offenses, 97% of whom were convicted of a felony. The offense categories comprising most post-conviction supervision cases in the district were drugs, weapons, violence, and sex offenses (81%).

Post-conviction supervision begins in the prerelease planning phase. Officers completed 827 prerelease investigations in FY21. These investigations include an inspection of the proposed residence, criminal record checks on occupants, and verification of home ownership or lease agreement. The process for investigating a proposed residence for individuals who wish to relocate to our district is similar; Officers completed 225 pretransfer investigations.

Officers meet with individuals at the Residential Reentry Centers during the prerelease supervision phase, which begins up to four months prior to their release. Telephonic and other virtual meetings were incorporated more during FY21. Through collaboration with case managers, Officers identify and address obstacles to a successful reentry into the community. There were over 400 of said meetings during FY21.

During the period of supervision, officers practice community-based supervision which entails:

- Conducting a thorough interview with the person under supervision upon 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 the ability to pay court ordered financial obligations.
- Preparing case plans addressing all Court or Parole Commission ordered conditions, specifying methods to enforce those conditions, assessing skills and deficits for persons under supervision, and citing objectives and officer strategies to facilitate success.
- Providing continuous monitoring of the behavior of the person under supervision in the community through contact with family members, employers, and treatment providers. Officers document their efforts in the Probation Automated Case Tracking System (“PACTS”).

- Assisting persons under supervision with obtaining meaningful employment. This includes referrals to resources in the community that provide training and employment opportunities, providing an orientation for persons under supervision who are unemployed or underemployed to assist them with job searches, as well as partnering with employers in the community who can provide stable and gainful employment.
- Providing effective treatment services with officers utilizing 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 adjust as necessary to better assist those under our supervision.
- 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 pursued only when all other interventions have failed or when the violation conduct endangers the community. On a national level, 29.8% of all supervision cases that closed in FY21 were closed by revocation. The district's revocation rate was 11%, the fourth lowest revocation rate among all districts.

When appropriate, early termination from supervision is sought for individuals who have complied with their conditions of supervision and meet our eligibility requirements. 183 individuals received early termination from supervision which resulted in a supervision cost savings of more than \$1.3M.

Investigation Department

This year, the Presentence and Pretrial Departments consolidated to form the Investigation Department. This new department is responsible for preparing written pretrial and presentence reports for the Court. Investigators strive to complete thorough written pretrial reports for all defendants. Officers prepare reports that succinctly describe a defendant's background, identify risk factors, and recommend appropriate release conditions or detention. Having a written report at the initial appearance can assist the Court in making an informed decision regarding release or detention. Over 600 pretrial investigations were completed. Officers conducted interviews in 91% of all cases activations which is 36% higher than national average. The District of Maryland's detention rate was 45%, which is 24% lower than the national detention rate.

Officers in the Investigation Department are dedicated to producing quality Presentence Reports and responding timely to inquiries from the Court and our stakeholders. This is accomplished by maintaining a high level of expertise with United States Sentencing Guidelines, and with the sentencing factors enumerated under 18 U.S.C. §3553(a).

The Presentence Report assists the Court with determining an appropriate sentence and it assists the Bureau of Prisons with inmate classification, designation, programming, and release planning. The presentence investigation process includes conducting a comprehensive investigation of the defendant's criminal history, family background, financial profile, and substance abuse and mental health history. Officers collaborate with stakeholders during the

investigation; however, they exercise independence when applying the United States Sentencing Guidelines.

In FY21, the Investigation Department completed 474 guideline investigations. Additionally, the department completed 181 pre-plea investigations which provides counsel with a preliminary criminal history assessment that assists them during plea negotiations.

Training and Officer Development

Throughout FY21, officers participated in multiple trainings to further develop and expand their knowledge in a multitude of areas. Areas of training included: sex offender, workplace relations, evidence-based practices, pretrial risk assessments, district review preparation, firearms, wellness, terrorism prevention, bias awareness, sentencing guidelines, cybercrime, financial investigations, gangs, location monitoring, computer monitoring, substance abuse, mental health, and officer safety.

CONCLUSION

The bench wishes to thank our visiting judges: Honorable Stephanie D. Thacker of the U.S. Court of Appeals for the Fourth Circuit (USA v. Jordan and USA v. Piccirilli); Chief Judge Thomas E. Johnston of the Southern District of West Virginia (USA v. Fitzgerald); Honorable Liam O’Grady of the Eastern District of Virginia (USA v. Byrd and USA v. Ravenell); Honorable Leonie M. Brinkema of the Eastern District of West Virginia (Booth v. Baltimore City Board of School Commissioners); Honorable John F. Anderson, Jr., of the Eastern District of Virginia (Annappareddy v. Lating, et al); Honorable T.S. Ellis, III, of the Eastern District of Virginia (Catchings, et al v. Wilson, et al); and the Honorable Roderick C. Young of the Eastern District of Virginia (Paragon Systems, Inc. v. Hughes, et al and Paragon Systems, Inc. v. Walden Security, Inc., et al).

The bench wishes to also thank visiting magistrate judges for services performed in the District of Maryland: Honorable Michael S. Nachmanoff of the Eastern District of Virginia; Honorable James P. Mazzone and Honorable Robert Trumble of the Northern District of West Virginia; and, the Honorable Pamela Meade Sargent of the Western District of Virginia.

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.