

**REPORT OF THE PROCEEDINGS
OF THE JUDICIAL CONFERENCE
OF THE UNITED STATES**

March 12, 2024

The Judicial Conference of the United States convened on March 12, 2024, pursuant to the call of the Chief Justice of the United States issued under 28 U.S.C. § 331. The Chief Justice presided, and the following members of the Conference were present:

First Circuit:

Chief Judge David Jeremiah Barron
Judge William E. Smith,
District of Rhode Island

Second Circuit:

Chief Judge Debra Ann Livingston
Chief Judge Margo K. Brodie,
Eastern District of New York

Third Circuit:

Chief Judge Michael A. Chagares
Judge Juan R. Sánchez,
Eastern District of Pennsylvania

Fourth Circuit:

Chief Judge Albert Diaz
Judge John Bailey,
Northern District of West Virginia

Fifth Circuit:

Chief Judge Priscilla Richman
Chief Judge Debra M. Brown,
Northern District of Mississippi

Sixth Circuit:

Chief Judge Jeffrey S. Sutton
Judge S. Thomas Anderson,
Western District of Tennessee

Seventh Circuit:

Chief Judge Diane S. Sykes
Judge Jon DeGuilio,
Northern District of Indiana

Eighth Circuit:

Chief Judge Steven M. Colloton
Judge John R. Tunheim,
District of Minnesota

Ninth Circuit:

Chief Judge Mary H. Murguia
Judge Leslie E. Kobayashi,
District of Hawaii

Tenth Circuit:

Chief Judge Jerome A. Holmes
Chief Judge William Paul Johnson,
District of New Mexico

Eleventh Circuit:

Chief Judge William H. Pryor, Jr.
Judge Scott Coogler,
Northern District of Alabama

District of Columbia Circuit:

Chief Judge Srikanth Srinivasan
Chief Judge James Emanuel Boasberg,
District of Columbia

Federal Circuit:

Chief Judge Kimberly A. Moore

Court of International Trade:

Chief Judge Mark Barnett

Also participating in this session of the Conference were the following Judicial Conference committee chairs: Circuit Judges Jay S. Bybee, Jennifer Walker Elrod, Amy J. St. Eve, Michael Y. Scudder, Richard J. Sullivan, and William B. Traxler, Jr.; District Judges John D. Bates, David G. Campbell, Edmond E-Min Chang, James C. Dever III, Nicholas G. Garaufis, Darrin P. Gayles, Marcia Howard, Brian Stacy Miller, William L. Osteen, Jr., Mary Elizabeth Phillips, Robin L. Rosenberg, Patrick J. Schiltz, Cathy Seibel, Rodney W. Sippel, Glenn T. Suddaby, and Gregory F. Van Tatenhove; and Bankruptcy Judges Rebecca Buehler Connelly and Julie Ann Manning. Attending as the bankruptcy judge and magistrate judge observers, respectively, were Bankruptcy Judge Alan S. Trust and Magistrate Judge Timothy Adam Baker. Jarrett B. Perlow of the Federal Circuit represented the circuit executives.

Participating from the Administrative Office of the United States Courts were Judge Robert J. Conrad, Jr., Director; Lee Ann Bennett, Deputy Director; William S. Meyers, General Counsel; Joshua C. Lewis, Judicial Conference Secretariat Officer, and WonKee Moon, Deputy Judicial Conference Secretariat Officer; David T. Best, Legislative Affairs Officer; and Peter P. Kaplan, Public Affairs Officer. John S. Cooke, Director, and Clara J. Altman, Deputy Director, Federal Judicial Center, as well as Judge Carlton W. Reeves, Chair, and Kenneth P. Cohen, Staff Director, United States Sentencing Commission, also participated, as did Judge Robert M. Dow, Jr., Counselor to the Chief Justice and Ethan V. Torrey, Supreme Court Legal Counsel.

Attorney General Merrick B. Garland addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice. Senators Susan Collins, Lindsey Graham, and Sheldon Whitehouse and Representative Darrell Issa spoke on matters pending in Congress of interest to the Conference.

REPORTS

Judge Conrad reported to the Judicial Conference on the judicial business of the courts and on matters relating to the Administrative Office. Mr. Cooke spoke to the

Conference about Federal Judicial Center programs, and Judge Reeves reported on United States Sentencing Commission activities.

ELECTION

The Judicial Conference elected to the Board of the Federal Judicial Center for a term of four years, Judge Kathleen Cardone, United States District Court for the Western District of Texas, and Judge Ralph R. Erickson, United States Court of Appeals for the Eighth Circuit, to succeed Judge Carol Bagley Amon, United States District Court for the Eastern District of New York, and Judge Thomas M. Hardiman, United States Court of Appeals for the Third Circuit.

EXECUTIVE COMMITTEE

RESOLUTION

On recommendation of the Executive Committee, the Judicial Conference approved a resolution in honor of Judge Roslynn R. Mauskopf's service as Director of the Administrative Office from 2021 to 2024.

MISCELLANEOUS ACTIONS

The Executive Committee—

- Approved on behalf of the Conference a resolution recognizing Judge Lavenski R. Smith, whose term of service as a member of the Judicial Conference and chair of the Executive Committee ended on March 10, 2024.
- Agreed with the determination of the Committee on the Judicial Branch that inflationary adjustments to judges' maximum daily travel subsistence allowance and maximum reimbursement for the actual cost of meals were not warranted at this time (*see Guide to Judiciary Policy*, Vol. 19, Ch. 2, § 250.20.20(b)(1) and § 250.20.30).
- Referred to the Committee on Codes of Conduct the question of whether additional guidance is needed on the ethical duties of judges in the hiring of law clerks, and to the Committee on Judicial Conduct and Disability for further

consideration whether any rule-based modifications should be made arising from the potential incompatibility of Judicial Conduct and Disability Rule 21(b)(2) and 28 U.S.C. §§ 352(c) and 357(c).

- Agreed to request that all Judicial Conference committees assess any diversity, equity, inclusion, and accessibility initiatives within their respective jurisdictions, in coordination with the Administrative Office.

COMMITTEE ON AUDITS AND ADMINISTRATIVE OFFICE ACCOUNTABILITY

COMMITTEE ACTIVITIES

The Committee on Audits and Administrative Office (AO) Accountability reported that it was updated on the status and results of various audits and engagements, including audits of the judiciary’s retirement funds, the Court Registry Investment System, and cyclical audits of court units and federal public defender organizations. The Committee was briefed on the AO’s progress in addressing corrective actions in response to recommendations from completed audits. The Committee was also updated on the planning and timeline for implementing changes to the judiciary’s financial reporting model and updates to the Judiciary Integrated Financial Management System. In addition, the Committee was briefed on ongoing developments in internal controls, including updates to tools and policy and ongoing training efforts. Finally, the Committee was provided a summary of studies related to the judiciary conducted by the Government Accountability Office.

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

MODIFICATIONS TO CHAPTER 13 PLANS EXTENDED UNDER CARES ACT

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136 (2020), added a temporary provision to 11 U.S.C. § 1329 to permit a chapter 13 debtor experiencing a “material financial hardship” due to the COVID-19 pandemic to modify a confirmed plan more than five years after the date the first payment under the plan was due, by extending the plan term up to two additional years. The temporary provision sunset in 2022, which has resulted in disagreement

among bankruptcy courts regarding whether a monthly payment amount can be modified under section 1329(c) for a plan that was extended beyond five years. The Committee on the Administration of the Bankruptcy System therefore recommended, and the Judicial Conference approved, seeking legislation that would amend 11 U.S.C. § 1329(c) to clarify debtors' ability to modify chapter 13 plans that were extended under the CARES Act to address potential feasibility issues caused by the CARES Act provision not having been renewed, as follows (new language underlined):

A plan modified under this section may not provide for payments over a period that expires after the applicable commitment period under section 1325(b)(1)(B) after the time that the first payment under the original confirmed plan was due, unless the court, for cause, approves a longer period, but the court may not approve a period that expires after the later of (i) five years after such time or (ii) the date on which the final payment is due under such plan.

COMMITTEE ACTIVITIES

The Committee on the Administration of the Bankruptcy System reported that it received an update from the Federal Judicial Center regarding the status of its study to develop new bankruptcy case weights, which began in October 2023. The Committee also continued to defer consideration of whether to identify additional courts to participate in the bankruptcy judgeship vacancy pilot, approved by the Conference in September 2014 (JCUS-SEP 2014, p. 7), until bankruptcy filings increase. Finally, the Committee reported that it continues to study long-range issues that will impact the bankruptcy system in the coming years through changing needs, filings, and budgets.

COMMITTEE ON THE BUDGET

COMMITTEE ACTIVITIES

The Committee on the Budget reported that it discussed the judiciary's overall budget outlook and status of fiscal year (FY) 2024 and 2025 appropriations and long-range budget estimates for FYs 2026-2030 for the Salaries and Expenses, Defender Services, Court Security, and Fees of Jurors and Commissioners accounts. It also discussed the continued importance of congressional outreach and the tight FY 2024 budget environment. The Committee reviewed various Conference committees'

ongoing evaluation of potential initiatives to help limit the growth of the judiciary’s budget, and discussed areas of exploration for its own strategic budget initiatives.

COMMITTEE ON CODES OF CONDUCT

REGULATIONS ON OUTSIDE EARNED INCOME, HONORARIA, AND EMPLOYMENT

On recommendation of the Committee on Codes of Conduct, the Judicial Conference approved revisions to the *Regulations on Outside Earned Income, Honoraria, and Employment* (*Guide to Judiciary Policy*, Vol. 2, Pt. C, Ch. 10) to reflect recent statutory amendments as well as various stylistic changes for clarity, and delegated to the Committee on Codes of Conduct the authority to make non-substantive or technical amendments to the regulations.

CODE OF CONDUCT FOR FEDERAL PUBLIC DEFENDER EMPLOYEES

In 2013, following a comprehensive review of the Code of Conduct for Judicial Employees (Employee Code), the Committee on Codes of Conduct recommended, and the Judicial Conference adopted, a revised Employee Code that clarified, among other things, its applicability to interns, externs, and other volunteers (JCUS-MAR 2013, p. 9). To be consistent with the Employee Code, the Committee recommended that the Judicial Conference approve an amendment to the Code of Conduct for Federal Public Defender Employees to clarify that the Code applies to interns, externs, and other volunteers. The Conference approved the Committee’s recommendation.

COMMITTEE ACTIVITIES

The Committee on Codes of Conduct reported that since its last report to the Conference in September 2023, the Committee received six requests for a confidential advisory opinion and issued six such opinions. During this period, the average response time to a request for a confidential advisory opinion was nine days. In addition, the chair responded to 40 informal inquiries, individual Committee members responded to 188, and Committee staff counsel responded to 736, for a total of 964 responses to informal inquiries during the past six months.

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

ASSIGNMENT OF CIVIL CASES WITH STATEWIDE OR NATIONWIDE IMPACT

The Judicial Conference has long supported the concept of random assignment of cases (*see* JCUS-SEP 1995, p. 46; JCUS-MAR 1999, pp. 12-13; JCUS-MAR 2000, p. 13). In keeping with this concept, the Committee on Court Administration and Case Management proposed a policy of district-wide case assignment for matters seeking statewide or nationwide injunctive or declaratory relief to help mitigate judge-shopping and ensure the integrity of and public confidence in the judiciary, which is particularly important in such cases that may affect numerous persons and entities not before the court. The Committee also noted that the importance of these cases being heard by a judge with local community ties is not a compelling factor, as the impact of any remedy would go beyond the parties and the local community. On recommendation of the Committee on Court Administration and Case Management, the Judicial Conference approved the following policy regarding case assignment practices:

District courts should apply district-wide assignment to:

- a. civil actions seeking to bar or mandate statewide enforcement of a state law, including a rule, regulation, policy, or order of the executive branch or a state agency, whether by declaratory judgment and/or any form of injunctive relief; and
- b. civil actions seeking to bar or mandate nationwide enforcement of a federal law, including a rule, regulation, policy, or order of the executive branch or a federal agency, whether by declaratory judgment and/or any form of injunctive relief.

CHAMBERS LEGAL RESEARCH RESOURCES

To contain library costs while ensuring that judges continue to have access to essential legal research resources, the Committee on Court Administration and Case Management recommended that with respect to the judiciary's library program, the Judicial Conference:

- a. set a nationwide cap of \$3,000 per chambers per year on legal research resources spending effective October 1, 2024, and authorize the circuits to grant limited exceptions, if warranted; and
- b. delegate to the Committee on Court Administration and Case Management the authority to make periodic adjustments to the nationwide cap.

The Conference adopted the Committee’s recommendation.

IMPLEMENTATION OF FIX NICS ACT

The Fix NICS Act of 2018, Division S, Title VI of the Consolidated Appropriations Act, 2018 (Pub. L. No. 115-141), requires the judiciary to share with the Department of Justice (DOJ) any criminal case records that would assist the DOJ in performing firearm purchaser background checks. The Judicial Conference in March 2020 approved a pilot program for providing criminal case judgment forms and certain associated case data to the DOJ via an electronic data feed to satisfy the judiciary’s obligations under this law, and in March 2023 expanded the scope of information to be provided through the pilot (JCUS-MAR 2020, pp. 12-13; JCUS-MAR 2023, pp. 14-15). Noting the successful implementation of the data feed in pilot courts and the potential for nationwide implementation to improve clerks’ office operations, the Committee on Court Administration and Case Management recommended that the Judicial Conference implement in all district courts the criminal case data feed between the judiciary and the DOJ created to meet the courts’ record-sharing obligations under the Fix NICS Act of 2018. The Conference approved the Committee’s recommendation.

PLACES OF HOLDING COURT

Northern District of Alabama. At the request of the Northern District of Alabama, and on recommendation of the Committee on Court Administration and Case Management, the Judicial Conference agreed to seek legislation to amend 28 U.S.C. § 81 to reorganize and reduce the number of divisions in the Northern District of Alabama from seven to five. The district noted that the proposal was designed to accommodate the closure of courthouses in several divisions and to transfer multiple counties to different divisions based on the closest geographic courthouses within the newly reorganized district, to ensure that litigants and the public travel to the most convenient courthouse.

District of South Dakota. At the request of the District of South Dakota, and on recommendation of the Committee on Court Administration and Case Management, the Judicial Conference agreed to seek legislation to amend 28 U.S.C. § 122 to remove references to the District of South Dakota’s divisions and associated counties and instead authorize the district to hold court in any South Dakota county seat within 60 miles of the existing places of holding court in Aberdeen, Deadwood, Pierre, Rapid City, and Sioux Falls. The district noted that the proposal would provide added flexibility at no additional cost and would simplify the statute by making future statutory revisions unnecessary in the event that county names change or new counties are established.

District of Utah. At the request of the District of Utah, and on recommendation of the Committee on Court Administration and Case Management, the Judicial Conference agreed to seek or support legislation to amend 28 U.S.C. § 125 to add Moab and Monticello as places of holding court in the District of Utah. The district sought this change to address barriers to jury service and court attendance in southeastern Utah, which is geographically remote from the district’s existing places of holding court in Salt Lake City, Ogden, Provo, and St. George.

COMMITTEE ACTIVITIES

The Committee on Court Administration and Case Management reported that it planned to send to all district judges guidance on civil case assignment in district courts intended to discourage perceived or actual judge-shopping. The Committee also agreed to consider recommending an expansion of the Judicial Conference’s current policy permitting remote public audio access to non-trial civil or bankruptcy proceedings in which a witness is not testifying, to include access to some witness testimony and other evidentiary proceedings in contested matters in bankruptcy cases. Following the completion of a Judicial Conference-endorsed pilot to study the effectiveness of jury panel-size benchmarks as an alternative method of measuring juror utilization (JCUS-MAR 2019, pp. 14-15), the Committee determined not to recommend any changes to current metrics for measuring juror utilization. In addition, the Committee discussed the emergent use of artificial intelligence to prepare submissions to the courts and to increase the efficiency of court administration and case management. Based on the preliminary success of the Shared and Remote Court Reporting project endorsed by the Committee and launched in 2023, the Committee also agreed to expand the project beyond the initial handful of participating courts. Finally, the Committee was updated on the Federal Judicial Center’s study regarding compliance with privacy rules in court filings, and plans to collaborate with the

Committee on Rules of Practice and Procedure to prepare the next statutorily required report on the adequacy of the privacy rules.

COMMITTEE ON CRIMINAL LAW

OVERVIEW OF PROBATION AND SUPERVISED RELEASE CONDITIONS

In 2016, the Judicial Conference approved a document entitled *Overview of Probation and Supervised Release Conditions* as a publicly available resource for defendants, the courts, and other criminal justice practitioners regarding the recommendation, imposition, and implementation of conditions of supervision (JCUS-SEP 2016, pp. 14-15). This guidance was intended to address, a variety of issues relating to conditions of supervision, including development and application of computer-related conditions of supervision. However, caselaw on these conditions since then has continued to evolve, as has the underlying technological environment, creating new challenges for monitoring individuals with computer and technology-related risk. Noting shifting techniques in a number of districts for managing these challenges, the Committee on Criminal Law recommended that the Judicial Conference approve updating the *Overview of Probation and Supervised Release Conditions* to incorporate information about this shift in approach as a resource for recommending, imposing, and implementing cybercrime-related conditions of supervision. The Conference approved the Committee's recommendation.

COMMITTEE ACTIVITIES

The Committee on Criminal Law reported on its continuing discussion of ways to incorporate evidence-based strategies into pretrial services, including its support for enhancing judiciary-wide literacy in the use of the Federal Pretrial Risk Assessment (PTRA) and its request that the Federal Judicial Center work with the Administrative Office to design a pilot for researching the impact on judicial decision-making of supplementing the bail report with PTRA information. The Committee also reported on the status of the ongoing initiative to replace the Probation and Pretrial Services Automated Case Tracking System (PACTS) with a new system, PACTS360.

COMMITTEE ON DEFENDER SERVICES

AVAILABILITY OF TRIAL TRANSCRIPTS IN CJA CASES

In 1971, expressing concerns about delay in the disposition of criminal appeals, the Judicial Conference adopted a resolution urging each circuit to develop plans to expedite the processing of criminal appeals by, among other methods, requiring all counsel to exhaust all efforts to perfect appeals without full trial transcripts (JCUS-OCT 1971, pp. 61-62). As reflected in Form CJA 24 (Authorization and Voucher for Payment of Transcript) and the *Guide to Judiciary Policy*, Vol. 6, Ch. 5, § 550.40, this policy dictates in CJA cases that in the absence of “special authorization,” trial transcripts should exclude prosecution and defense opening statements, prosecution and defense argument, prosecution rebuttal, voir dire, and jury instructions. The Committee on Defender Services recommended that the Judicial Conference eliminate the requirement that CJA appointed counsel seek special authorization before obtaining certain portions of the trial transcript, noting that doing so would address possible constitutional concerns while also advancing important programmatic goals of effective representation, independence of the defense function, reducing practice disparities between CJA appointed counsel and federal defender organization (FDO) practitioners, and cost-effectiveness. The Conference adopted the Committee’s recommendation.

COMMITTEE ACTIVITIES

The Committee on Defender Services reported that it received an update on the fiscal year (FY) 2024 budget outlook and expressed concern regarding the draft FY 2024 Financial Services and General Government appropriations bills which, if enacted in their form as of January 2024, would significantly underfund the Defender Services program. The Committee also reported that it continues to consider potential organizational models for an independent defender commission, consistent with recommendations from two Judicial Conference ad hoc committees and the legislative history of the CJA. While larger structural issues are being considered, the Committee discussed other potential measures to address concerns identified in the 2017 Report of the Ad Hoc Committee to Review the CJA Program that the Federal Judicial Center’s study on the implementation of that report’s interim recommendations found to be ongoing. In addition, the Committee discussed how meaningful access to counsel at the initial appearance—and counsel’s ability to advocate effectively for their client consistent with the legal standard set forth in 18 U.S.C. § 3142(f) of the Bail Reform Act—remains a programmatic priority and that the Committee would seek ways to

highlight the issue and provide assistance to districts that face logistical or other obstacles. Finally, the Committee approved the establishment of a combined-district FDO for the Districts of Guam and the Northern Mariana Islands and reiterated its strong support, consistent with long-standing Judicial Conference policy (JCUS-MAR 1993, p. 23), for the establishment of FDOs in the two remaining districts that operate without one.

COMMITTEE ON FEDERAL-STATE JURISDICTION

COMMITTEE ACTIVITIES

The Committee on Federal-State Jurisdiction reported that it continued its analysis of potential amendments to 28 U.S.C. § 1447(e) to address a situation in which a plaintiff adds a diversity-spoiling defendant—whether done with leave or as of right—after a case has been removed from state court. The Committee received a report from its state chief justice members, focusing on the impact of artificial intelligence on the courts and the practice of law. The Committee also discussed recent developments and pending legislation relating to immigration policy, including potential legislation to create a new immigration court system.

COMMITTEE ON FINANCIAL DISCLOSURE

MEANS OF RELEASING FINANCIAL DISCLOSURE REPORTS

Financial disclosure reports that are not included in the judiciary’s online database are currently provided to requesters through an electronic storage device, unless otherwise requested (JCUS-MAR 2017, pp. 12-13). To increase efficiency and reduce cost and time burdens on the judiciary, the Committee on Financial Disclosure recommended that the Judicial Conference authorize the release via reliable electronic means of financial disclosure reports not included in the judiciary’s online database. Such means include email and could include other reliable electronic means (such as file sharing) the Committee may choose to adopt as judiciary needs and technology evolve, and the Committee may continue to use electronic storage devices, as

necessary, during the transition to email. The Conference adopted the Committee's recommendation.

COMMITTEE ACTIVITIES

The Committee on Financial Disclosure reported that it was updated on continuing development and implementation efforts for the new electronic financial disclosure filing and release system, including a small pilot beginning in February 2024. The Committee approved publishing to the judiciary's online database judges' financial disclosure reports filed in calendar year 2022 and later that amend any earlier reports. The Committee authorized revisions to the financial disclosure regulations, Form AO-10, and the Filing Instructions for Judicial Officers and Employees to help ensure complete reporting of gifts and reimbursements consistent with the Ethics in Government Act of 1978, as amended. The Committee also discussed the ongoing review of public written allegations of errors or omissions in a filer's financial disclosure reports that were referred to it in 2023.

As of December 5, 2023, the Committee had received 4,474 financial disclosure reports and certifications for calendar year 2022 (out of a total of 4,549 required to file), including 1,327 annual reports and certifications from Supreme Court justices and Article III judges; 314 annual reports from bankruptcy judges; 579 annual reports from magistrate judges; 1,787 annual reports from judicial employees; and 467 reports from nominee, initial, and final filers.

COMMITTEE ON INFORMATION TECHNOLOGY

COMMITTEE ACTIVITIES

The Committee on Information Technology reported that it approved delaying implementation of the first phase of the judiciary's new policy restricting access to non-public judiciary networks and systems from outside the United States and its territories from January 31, 2024, to at least May 1, 2024, to ensure the technology needed to support the policy is tested and ready to operate. In addition, the Committee received a presentation regarding IT workforce strategic planning and noted the urgent need to address acute IT staffing shortages in many court units and within the Administrative Office (AO). The Committee was also briefed on progress made in the AO's process for developing national mandatory technical and operational IT standards and agreed that the AO should continue working collaboratively with the

court and federal defender communities to fine-tune the process and use it to develop and implement additional enterprise IT standards. Finally, the Committee received an update on the relocation of the judiciary’s internet data center, as well as a summary of work completed by the Administrative Office’s Judiciary IT Security Task Force.

COMMITTEE ON INTERCIRCUIT ASSIGNMENTS

COMMITTEE ACTIVITIES

The Committee on Intercircuit Assignments reported that 55 Article III judges undertook 81 intercircuit assignments from July 1, 2023, to December 31, 2023. During this time, the Committee continued to disseminate information about intercircuit assignments and aided courts requesting assistance by identifying and obtaining judges willing to take assignments. The Committee also reviewed and concurred with 11 proposed intercircuit assignments of bankruptcy judges and 6 of magistrate judges.

COMMITTEE ON INTERNATIONAL JUDICIAL RELATIONS

COMMITTEE ACTIVITIES

The Committee on International Judicial Relations reported on federal judges’ contributions to international rule of law work since the Committee’s last report to the Judicial Conference. The Committee considered reports addressing work by federal judges in rule of law programs from the Supreme Court of the United States; Administrative Office; Defender Services Committee; Federal Judicial Center; Federal Court Clerks Association; Congressional Office for International Leadership; U.S. Agency for International Development; U.S. Patent and Trademark Office; and U.S. Departments of Commerce, Justice, and State. The Committee received a briefing on the current state of the justice sector in Ukraine from the International Legal Assistance Consortium. It also received a briefing on judicial vetting as an anti-corruption measure in Moldova from the Chair of Moldova’s Judicial Vetting Commission. The Committee is contributing to rule of law development efforts in both countries.

COMMITTEE ON THE JUDICIAL BRANCH

JUDGES' TRAVEL REGULATIONS

On recommendation of the Committee on the Judicial Branch, the Judicial Conference approved amendments and clarifications to the Travel Regulations for Justices and Judges, *Guide to Judiciary Policy*, Vol. 19, Ch. 2. The substantive changes include: (1) modifications to provisions governing senior judges' commuting expenses to add ridesharing as a reimbursable expense and private car service as an enhanced expense, and to require circuit judicial councils, when authorizing enhanced expenses, to specify a set duration for and periodically re-evaluate such authorizations; (2) a new requirement to provide lodging receipts to receive reimbursement; (3) removal of the prohibition on claiming more than one type of reimbursement method during the same trip; (4) organizational changes designed to highlight certain existing requirements related to meals reimbursement; (5) clarification of the types of subsistence expenses that may be reimbursed when staying at the judge's own residence while on official travel; and (6) removal of the requirement for chief judges to submit governance and travel education reports for their entire court (as opposed to individual judges submitting their own reports). The amendments make additional minor clarifications and formatting changes.

COMMITTEE ACTIVITIES

The Committee on the Judicial Branch reported that it discussed recent legislative items of interest to the judiciary, including those related to judicial security, judgeships, ethics and transparency, and modernization of the judiciary's case management system. The Committee received a briefing from the Chief Information Technology Security Officer on IT security matters and the efforts of the Judiciary IT Security Task Force. The Committee was briefed on civics education activities across the judiciary and was visited by the Supreme Court Historical Society's Executive Director and Director of Civics Education for a briefing about the Society's civics education programs.

COMMITTEE ON JUDICIAL CONDUCT AND DISABILITY

COMMITTEE ACTIVITIES

The Committee on Judicial Conduct and Disability reported that it discussed and considered complaint-related matters under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364 (Act), and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules). The Committee agreed to make publicly available the online Digest of Authorities on the Act. The Digest will assist chief judges, circuit judicial councils, and court staff administering the Act. The Committee and its staff have also continued to address inquiries regarding the Act and the Rules, and to give other assistance as needed to circuit judicial councils and chief judges.

COMMITTEE ON JUDICIAL RESOURCES

COURT REPORTER QUALIFICATION STANDARDS

Pursuant to 28 U.S.C. § 753(a), the Judicial Conference has established minimum qualifications for official court reporters in federal courts, requiring applicants to possess a minimum of at least four years of prime court reporting experience in the freelance field of service or in other courts or a combination thereof, and have qualified by testing for listing on the registry of professional reporters of the National Court Reporters Association (formerly the National Shorthand Reporters Association) (JCUS-SEP 1977, pp. 55-56; JCUS-MAR 1979, pp. 16-17). Noting that national demand outpaces the supply of available court reporters, and resultant judiciary-wide concerns about recruiting and hiring court reporters, the Committee on Judicial Resources recommended that the Judicial Conference amend the minimum qualification requirements for court reporters to reduce the number of years required of prime court reporting experience in the freelance field of service or in other courts or a combination of such experience from four years to one year. This change would better align with state court qualification requirements and allow federal courts to recruit from a larger pool of candidates, without precluding a court from establishing stricter qualification requirements than those established by the Judicial Conference. The Conference approved the Committee’s recommendation.

STAFFING FORMULA FOR COURT OF FEDERAL CLAIMS CLERK’S OFFICE

On recommendation of the Committee on Judicial Resources, the Judicial Conference approved an updated staffing formula for the U.S. Court of Federal Claims clerk’s office to be implemented in fiscal year 2025 that provides 63.48 full-time equivalent positions based on statistical year 2023 workload.

COMMITTEE ACTIVITIES

The Committee on Judicial Resources reported that it agreed to advise the Executive Committee that it does not recommend any statutory and policy changes to provide additional flexibilities to retain chief and deputy chief probation officers beyond the current mandatory separation age, in response to a request from that committee to consider the issue. The Judicial Resources Committee indicated that it requested that the Administrative Office consider implementing changes to judiciary databases to capture data on the number of motions filed to reduce or modify sentences under 18 U.S.C. § 3582(c)(1)(a), (c)(1)(b), and (c)(2). The Judicial Resources Committee also approved an updated work measurement study schedule.

COMMITTEE ON JUDICIAL SECURITY

COMMITTEE ACTIVITIES

The Committee on Judicial Security reported that it discussed ongoing efforts to protect the personally identifiable information (PII) of judges and their families, and in particular the need for additional state-level online privacy legislation to protect judges’ PII. The Committee also discussed the reorganization of the U.S. Marshals Service’s (USMS) Judicial Security Division with the USMS Director to help ensure that the restructuring of contracting and procurement responsibilities does not negatively impact the USMS’s ability to administer programs funded by the judiciary’s Court Security appropriations. Additionally, the Committee discussed the status of the Courthouse Hardening Program, which was established to fortify the perimeters and entrance points of courthouse facilities, with representatives from the General Services Administration, Federal Protective Service, and USMS. The Committee also received a briefing on the Judiciary Security Officer Program, which

was implemented in 2022 and is now fully staffed with 16 Judiciary Security Officers in circuits across the country.

COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATE JUDGES SYSTEM

CHANGES IN MAGISTRATE JUDGE POSITIONS

After considering the recommendations of the Committee on the Administration of the Magistrate Judges System and the views of the Administrative Office, the district court, and the circuit judicial council, the Judicial Conference agreed to redesignate the location of one full-time magistrate judge position in Little Rock to Little Rock or Jonesboro in the Eastern District of Arkansas.

STANDARDS FOR EVALUATING MAGISTRATE JUDGE RESOURCE REQUESTS

In furtherance of a judiciary-wide strategic budget initiative to identify ways to help limit the growth of the judiciary's budget, the Committee on the Administration of the Magistrate Judges System undertook a broad review of its standards for evaluating requests for magistrate judge resource requests, including for new magistrate judge positions, accelerated funding for new magistrate judge positions, and filling magistrate judge position vacancies. While the Judicial Conference has established policies governing the consideration of requests for accelerated funding (JCUS-SEP 1998, pp. 85-86) and processes for filling position vacancies (JCUS-OCT 1970, p. 72; JCUS-SEP 2004, p. 26), the Committee has historically established its own criteria for evaluating requests for new positions. Upon the conclusion of its review, the Committee agreed to update its criteria for evaluating requests for new positions to require consideration of the feasibility of using recalled or visiting magistrate judges to address the court's need, and to recommend that the Conference formally approve these criteria along with updates to its standards and processes for evaluating requests for accelerated funding and for filling position vacancies to reflect current practice. On the Committee's recommendation, the Judicial Conference adopted the following standards:

New Magistrate Judge Positions. With regard to district court requests for new magistrate judge positions, the Committee on the Administration of the Magistrate Judges System shall:

consider the following criteria:

- i. the comparative need of the district judges for the assistance of magistrate judges and the overall workload of the district court;
 - ii. the commitment of the court to the effective utilization of magistrate judges;
 - iii. the availability of sufficient work of the sort that the district judges wish to assign to magistrate judges to justify authorization of additional full-time positions; and
 - iv. the feasibility and availability of using recalled magistrate judges, with or without staff, or visiting magistrate judges to address the court's need.
- a. for requests where the ratio of authorized magistrate judge positions to district judgeships would be greater than 1-to-1, if approved for a new position, also find:
- i. a heavy per district judgeship caseload;
 - ii. extensive use of existing magistrate judge resources; or
 - iii. other special caseload factors or unusual circumstances.

Accelerated Funding for New Magistrate Judge Positions. Accelerated funding for new magistrate judge positions should be recommended by the Committee on the Administration of the Magistrate Judges System only where the requesting district court demonstrates exceptional or emergency circumstances that cannot be ameliorated by the use of recalled or visiting judges and that warrant the budgeting of resources needed for the approximate six-month period of acceleration.

Filling Magistrate Judge Position Vacancies. The relevant circuit judicial council must recommend that the position be filled and the vacancy must be reviewed by the full Committee on the Administration of the Magistrate Judges System unless the chair of the Committee decides, based on a recent survey of the relevant district conducted in accordance with 28 U.S.C. § 633(a), that the vacancy may be filled without full Committee involvement.

DIRECTOR’S REGULATIONS GOVERNING THE REIMBURSEMENT OF EXPENSES FOR PART-TIME MAGISTRATE JUDGES

On recommendation of the Committee on the Administration of the Magistrate Judges System, the Judicial Conference amended the Director’s Regulations Governing the Reimbursement of Expenses for Part-Time Magistrate Judges (*Guide to Judiciary Policy*, Vol. 3, Ch. 13) to clarify the reimbursement process (including that courts may opt to receive funding to support part-time magistrate judges through district clerk’s office staffing allocations in lieu of the reimbursement system), update references, and make various organizational and stylistic changes.

COMMITTEE ACTIVITIES

The Committee on the Administration of the Magistrate Judges System reported that it considered eight district-wide surveys and, where appropriate, endorsed suggestions regarding magistrate judge utilization in those districts. Between its June 2023 and December 2023 meetings, the Committee, through its chair, approved filling 20 magistrate judge position vacancies in 17 district courts (JCUS-SEP 2004, p. 26), and the Committee approved one request for the recall of a magistrate judge where the recalled judge’s travel and subsistence costs were estimated to exceed \$10,000. At its December 2023 meeting, the Committee also approved a request from one court to fill a magistrate judge position vacancy and requests from 10 courts for the recall, extension of recall, or extension of staff or clerk’s office support, for 12 retired magistrate judges. The Committee continued to discuss the development of a standardized, quantitative model for evaluating the utilization of magistrate judges, and again referred the matter to its utilization subcommittee to consider development of an alternative tool to assess magistrate judge utilization, such as a summary report that could provide a more comprehensive assessment of a court’s utilization practices and how such practices have shifted over time. The Committee received a report from the Committee’s liaison to the Judicial Resources Committee diversity subcommittee’s Diversity, Equity, and Inclusion Roundtable and an update on the Federal Judicial Center’s research and preparation of a report on district courts’ efforts to address diversity in the magistrate judge selection process. The Committee discussed Committee on Criminal Law initiatives relating to incorporating evidence-based strategies into pretrial services and a pilot program aimed at researching the impact on judicial decision-making of supplementing the

pretrial services bail report with information from the Federal Pretrial Risk Assessment (*see supra*, p. 11).

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

COMMITTEE ACTIVITIES

The Committee on Rules of Practice and Procedure reported on the continued work among the Appellate, Bankruptcy, Civil, and Criminal Advisory Rules Committees to consider expanded access to electronic filing by self-represented (*pro se*) litigants. In addition, the Committee reported on the work of its joint subcommittee (composed of representatives from the Bankruptcy, Civil, and Criminal Rules Advisory Committees) concerning a suggestion to adopt nationwide rules governing admission to practice before the U.S. district courts. The Committee also reported on initial discussions by several advisory committees concerning a suggestion to require complete redaction of social security numbers, as well as ongoing work to prepare the upcoming 2024 report to Congress on the adequacy of the privacy rules. The Committee approved publication of proposed amendments to Bankruptcy Rules and a Bankruptcy Form. The public comment period for the proposed amendments will be open from August 2024 to February 2025.

COMMITTEE ON SPACE AND FACILITIES

COMMITTEE ACTIVITIES

The Committee on Space and Facilities reported that it approved, subject to funding availability, one request for No Net New project funding under the Judicial Conference's No Net New policy adopted in September 2013 (JCUS-SEP 2013, p. 32), and three requests for Component B project funding pursuant to the Judicial Conference approved rent allotment methodology (JCUS-SEP 2007, pp. 36-37). The Committee also extensively discussed the space-related initiatives referred to the Committee for evaluation as part of the judiciary's strategic budget initiative and the Committee's ongoing efforts to re-evaluate the judiciary's space needs and to identify opportunities for space-related cost efficiencies. Additionally, as part of its long-range facilities planning discussion, the Committee discussed how to manage new requests from courts for Phase I feasibility studies, given the backlog of pending study requests and the number of projects on the judiciary's *Courthouse Projects Priorities* list awaiting funding. Finally, the Committee was updated on Capital Security Program

projects and, to mitigate project delays and cost escalations, agreed to return to its original practice of managing the program like a portfolio and requesting a standard funding level for the program.

FUNDING

All of the foregoing recommendations that require the expenditure of funds for implementation were approved by the Judicial Conference subject to the availability of funds and to whatever priorities the Conference might establish for the use of available resources.

Chief Justice of the United States
Presiding