

Leadership: Coordination and Collaboration With the Courts



2007 Annual Report of the Director

Administrative Office of the U.S. Courts

James C. Duff, Director



Annual Report of the Director

2007

ACTIVITIES OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS
JAMES C. DUFF, DIRECTOR

This report was prepared by the Administrative Office of the U.S. Courts
Office of Public Affairs
Washington, D.C. 20544
(202) 502-2600

www.uscourts.gov

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Director's Message

The federal Judiciary faces a broad range of administrative issues each year. Some are common in every year. Some emerge during the year. Some grow in importance over the years, particularly when unresolved in prior years. This message summarizes the most pressing issues we faced in 2007. The report that follows provides a more detailed review of the many issues we confronted.

In last year's Annual Report, I stated that we were very fortunate to have the steady leadership of Chief Justice John G. Roberts, Jr., during a year of transition within the Judiciary. Again in 2007, he clearly and concisely established the Judiciary's highest administrative priority for the year: the restoration of salaries of our judges. This did not come as news to those within the Judiciary, of course. It is one of our issues that has grown in importance with each passing year of declining real pay. But by singling out the issue in his 2006 Year-End Report on the Federal

Judiciary, the Chief Justice focused attention on the problem and enabled very substantial progress to be made in 2007 on resolving it.

Thanks to the concentrated efforts of the Ad Hoc Committee of Judges on Judicial Salary Restoration (appointed by the Chief Justice), several Justices of the Supreme Court, and the vast support of a wide range of associations and a coalition of interest groups, as well as editorial support from dozens of newspapers across the country, there are bi-partisan leadership co-sponsored bills pending in both chambers of Congress. These bills would provide significant salary restoration to federal judges, would delink judges' salaries from those of Members of Congress, and, in the case of the House version of the bill, would solve the problem of eroding pay in the future by allowing the judges' salaries to increase annually by the average cost-of-living adjustment received by all other federal employees currently

on the General Schedule. Among the scores of co-sponsors on these bills are Majority Leader Harry Reid and Minority Leader Mitch McConnell in the Senate, and Majority Leader Steny Hoyer and Minority Leader John Boehner in the House of Representatives. Speaker of the House Nancy Pelosi also supports the legislation. This bicameral leadership has pledged to try to pass this vital legislation in 2008. We will continue to work with the leadership in 2008 to remove this issue from our list of recurring, and growing, concerns.

One of the issues we confront annually, of course, is securing the Judiciary's funding from Congress. I am pleased to report that the Judiciary fared very well in its FY 2008 appropriations from Congress. The Judiciary received \$6.246 billion for 2008, including \$25 million designated as emergency spending to address workload needs associated with increased immigration enforcement. This represents a 4.5 percent

increase over fiscal year 2007 appropriations and is an excellent funding level in the midst of the contentious overall budget process between the Congress and the President. The success achieved by our financial staff and the efforts of the Judicial Conference's Budget Committee reflect very favorably on the Judiciary's credibility with Congress and on our relationship with our appropriators.

The Judiciary's recent budget successes can be attributed in part to its own cost containment efforts. In September 2007, the Judicial Conference approved recommendations to reduce the rate of growth in compensation for court staff, including chambers law clerks. The Conference also approved the provision of rent allotments to each circuit judicial council, which will limit the space that can be approved each year based on the amount the Judiciary can afford nationally in new rental costs. The Judiciary's National Rent Validation Program also exposed

In Addition . . .

to its service to the courts, the Administrative Office works very closely with Congress and our Executive Branch partners. These entities must rely on the AO for accurate and responsive information. Cooperative relationships and open lines of communication with them are crucial to solving problems that may arise.

overcharges and obtained substantial rent credits and long-term savings on the General Services Administration rent bill. As a result of these efforts, the gap between our estimated long-range budget requirements and actual funding levels has narrowed. We must remain diligent, however, in reducing the gap. We will continue to bring our efforts to the attention of our appropriators in Congress.

Similarly, the Judiciary demonstrated its commitment to maintaining integrity within the branch in 2007. The Judicial Conference has now implemented 8 of the 12 recommendations of the Report on the Implementation of the Judicial Conduct and Disability Act of 1980, chaired by Justice Stephen Breyer. They include urging the circuit councils to encourage their district courts to form committees of local lawyers to serve as intermediaries between individual lawyers and the formal complaint process, and establishing programs to provide assistance to chief judges who confront problematic behavior by colleagues on their courts and to judges who may be disabled or have other medical problems affecting their work. The remaining four

recommendations are scheduled to be considered at the March 2008 meeting of the Judicial Conference.

These types of self-governing measures and cost-containment initiatives, coupled with the comprehensive audit program at the Administrative Office of the U.S. Courts (AO) will continue to render unnecessary intrusions by the other branches of government into the management of the Judiciary. These initiatives are particularly beneficial when the Judiciary undertakes them on its own rather than under pressure from the other branches. With regard to our relations with the other two branches of government, the AO has made progress in improving inter-branch communication and will work on ways to advance those improvements.

We are also grateful to Congress for passing the Court Security bill in 2007 after years of working on the measure and to the President for signing it into law. The bill, among other things, requires the Director of the U.S. Marshals Service to consult with the Judicial Conference on a continuing basis regarding the security needs of the Judiciary, provides authority

to redact sensitive information from Financial Disclosure Reports until 2011, and creates a penalty for filing false claims and for the slander of title against federal judges. Congress changed the “FEGLI-fix” provision by removing its application to bankruptcy and territorial judges in the bill just before its passage because of a procedural budgetary concern, however, and we will vigorously seek this important remedial provision in 2008.

Finally, I would like to express my appreciation, as well as that of Deputy Director Jill Sayenga, to the Ad Hoc Advisory Committee of judges and leaders from the courts who provided practical and achievable recommendations to us on how to improve both the services of the AO to, and our working relationship with, the courts. The Advisory Committee focused on, among other things, improving how the AO receives input from the courts, and how we utilize that advice to guide and facilitate the development of the Judiciary’s policies and programs. We are now following the Advisory Committee’s recommendations, including a review of the deployment of our workforce and internal operations. We have

teams of AO managers to plan and implement the improvements. We are also reviewing the AO’s court advisory groups and streamlining our communications and working procedures. We will report on specific initiatives and improvements when they are finalized this year.

The AO also contained its internal expenses in 2007 through a hiring freeze, and later in the year by filling vacancies only after careful consideration and usually by moving staff within our own ranks. Notwithstanding the staff reductions at the AO, through efficient management and dedicated work, we believe that we have been responsive to concerns the courts have expressed without sacrificing service to them.

I look forward to your reactions to this Report and to working with you in 2008.

James C. Duff

Introduction

Much attention was focused on the Administrative Office's legislative efforts in 2007 to restore judges' salaries to a reasonable and fair level. Simultaneously, however, the AO made substantial effort to strengthen collaboration between the courts and the AO on other major projects and initiatives. Throughout the year, the AO teamed staff efforts with court expertise to set program goals and objectives and to develop initiatives geared to court needs in delivering justice throughout the country and providing quality customer service to the public each day.

Working with advisory groups, activities were coordinated throughout the year. In addition, there is a significant initiative underway to retool the advisory process, with active participation from court managers and judges. The AO Director appoints the advisors to serve on groups that help shape staff development of policy recommendations and programs, systems, and services for the courts.

The Judiciary system-wide cost-containment program initiated by the Judicial Conference in September 2004 continued in FY 2007. Cost-containment efforts, combined with an energized outreach effort to communicate the Judiciary's funding needs to Congress, have improved the financial outlook of the judicial branch significantly. Results of those efforts to conserve are described throughout this report in sections addressing initiatives to control courthouse rent costs, reconfigure computer servers for major technology programs, and plan for the Judiciary's future workforce, among others.

These successes, in addition to the various accomplishments this year in probation and pretrial services and federal defender programs, and much more, are described in the following report. ■

Collaboration . . .

Judges and court and AO staff again devoted substantial time to helping the courts meet phased-in requirements of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. In other areas, the procurement process, budget planning, and financial management applications were improved throughout the Judiciary in 2007.





Congressional Activity

CONGRESSIONAL RELATIONS

Administrative Office personnel support the Judiciary through regular communications with Congress. Agency staff convey and explain the policies adopted by the Judicial Conference to Congress; assist in the drafting of statements for judges testifying on behalf of the Conference; and identify and monitor legislation that could affect the organization and operation of the federal courts, particularly bills concerning judgeships, caseload, jurisdiction, appropriations, and courthouse facilities. They respond to congressional inquiries regarding legislative proposals and constituent concerns. They also coordinate with the Government Accountability Office (GAO) congressional studies affecting the Judiciary.

During the first session of the 110th Congress, legislative action was taken on a wide range of issues of importance to the Judiciary. Judicial Conference committee chairs and other representatives of the Judiciary testified at hearings during 2007 in support of legislative proposals of the Conference and in response to issues that could affect the Judiciary.

JUDICIAL SALARY RESTORATION

Congress adjourned for the year without taking final action on the federal judicial salary restoration initiative. Right through the very last few days of the session, extensive efforts focused on adding the pay bill that was reported out of the House Judiciary Committee (H.R. 3753 as amended) onto the final Omnibus Appropriations bill. The leadership of both the House and Senate were actively engaged in this effort, with the approval of the chairs of both Judiciary Committees.

Encouraging progress on our initiative was achieved early in December when the House Judiciary Committee reported out by a substantial 28 to 5 vote a complete substitute amendment for H.R. 1638. The substitute provides a substantial pay restoration for federal judges, delinks judges' salaries from congressional salaries, repeals Section 140, which required that Congress approve Judicial COLAs annually, and authorizes future annual pay adjustments at the level received by General Schedule employees.

The Senate Judiciary Committee began but was unable to finish its deliberations on the pay legislation and amendments to it before the end of the session.

These legislative advances were led by Judge D. Brock Hornby, chair of the Conference Committee on the Judicial Branch, with extraordinary effort by judges, legal organizations and other advocates of the Judiciary, who all played a vital role for congressional support and action. In February, Supreme Court Justice Anthony Kennedy appeared before the full Senate Judiciary Committee at a hearing on Judicial Security and Independence, focusing on the concerns of federal

NEW ACT IMPROVES SECURITY FOR JUDGES

Important court security measures are included in the Court Security Act that Congress passed in mid-December 2007.

Court Security Improvement Act of 2007

“The adequate security of federal judges and their families has been a long-term issue and concern,” said Administrative Office Director James Duff. “This bill will make much needed improvements in the way in which the federal Judiciary is protected.”

Thanks go to:

Senator Harry Reid (D-NV), Senate Majority Leader

Senator Patrick Leahy, Senate Judiciary Committee chair

Senator Arlen Specter (R-PA), ranking minority member, Senate Judiciary Committee

Senator Richard Durbin (D-IL)

Senator Edward Kennedy (D-MA)

Senator John Cornyn (R-TX)

Senator Orrin Hatch (R-UT)

Senator Charles Schumer (D-NY)

Senator Susan Collins (R-ME)

Representative John Conyers (D-MI), House Judiciary Committee chair

Representative Lamar Smith (R-TX), ranking minority member, House Judiciary Committee

Representative Bobby Scott (D-VA)

Representative Louis Gohmert (R-TX)

Testifying On The Hill



Justice Stephen Breyer testified at a House Judiciary Committee hearing in support of judicial salary restoration. During his testimony, Justice Breyer held up a sample of existing executive branch vacancy announcements to demonstrate the large number of those positions that are “delinked” and classified with compensation packages higher than congressional and judicial salaries.

judges about low salary levels and how the problem of inadequate pay has become a threat to judicial independence. Justice Kennedy detailed how the real compensation of federal judges has diminished substantially over the years compared to inflation and has fallen even further behind the gains in the average wages of American workers. He also recounted problems with the recruitment of potential nominees and retention of most talented and experienced judges due to the pay issue.

In April 2007, Supreme Court Justices Stephen Breyer and Samuel Alito testified before the House Judiciary Subcommittee on Courts, the Internet, and Intellectual Property on “Judicial Compensation and Judicial Independence.” Both Justices provided details on the erosion of the real compensation levels of federal judges, the

impact that the declining value of judges' pay is having on the morale and retention of judicial officers, and how the situation may adversely affect the health of the Third Branch. They also discussed how recent statutory changes in the pay structure of the executive branch have created substantial and growing disparities between the potential compensation various departments and agencies can offer their employees and the current pay level limits of Members of Congress and federal judges.

The Senate introduced the Federal Judicial Salary Restoration Act of 2007 (S. 1638) with Senate Majority Leader Harry Reid, Minority Leader Mitch McConnell, Senate Judiciary Committee Chairman Patrick Leahy, and other Judiciary Committee member Senators Orrin Hatch, Dianne Feinstein, Lindsey Graham, and Edward Kennedy, as co-sponsors. The original lead sponsors of the bill (H.R. 3753) were House Judiciary Committee Chairman John Conyers and Dan Lungren, joined by House Majority Leader Steny Hoyer, Minority Leader John Boehner, Howard Berman, Mike Pence, Mel Watt, Spencer Bachus, Adam Schiff, Judy Biggert, Debbie Wasserman Schultz, and Louie Gohmert. Many additional members of the Senate and the House also support the pay restoration legislation.

The pay restoration initiative will continue to be a highest priority issue for the Judiciary and the Administrative Office until it is achieved.

SECURING ADEQUATE FUNDING

Fiscal Year 2007 Full-Year Continuing Resolution. The Judiciary achieved a major success with the funding levels it ultimately obtained for the fiscal year 2007 funding cycle. After the 109th Congress adjourned without passing a spending bill, the incoming 110th Congress opted for a continuing resolution covering the entire year. This action essentially froze spending for most federal agencies at fiscal year 2006 funding levels.

Faced with the prospects of a hard freeze for fiscal year 2007, AO staff, in coordination with Judge Julia Smith Gibbons, chair of the Judicial Conference's Budget Committee, and judges around the country, mobilized to convince Congress of the devastating impact a hard freeze would have on the federal courts. These efforts proved successful. The Judiciary ultimately received nearly a 5 percent appropriations increase overall for fiscal year 2007, while most federal agencies were held to flat funding. The courts were able to address critical workload needs including backfilling some of the positions that were lost in recent years due to funding constraints.

In fiscal year 2007, the Defender Services program was able to fund base program requirements and provide a cost-of-living adjustment to the non-capital panel attorney rate, from \$92 to \$94 per hour, and to the capital rate, from \$163 to \$166 per

hour. Funding was sufficient in the Court Security program to fund nearly 4,000 court security officers, pay Federal Protective Service charges for perimeter security at courthouses, and purchase high-priority security systems and equipment for court facilities.

Fiscal Year 2008 Funding. The Judiciary's funding success continued into fiscal year 2008. All federal agencies began the year operating under a continuing resolution. In December 2007 Congress passed an 11-bill omnibus spending measure that provided fiscal year 2008 funding for the Judiciary. Overall, the Judiciary received a 4.5 percent appropriations increase over 2007, including \$25 million designated as emergency funding to address workload needs associated with increased immigration enforcement. Congress also authorized a cost-of-living adjustment for judges for 2008. The Judiciary received an excellent funding level given the well publicized differences between Congress and the White House over 2008 spending.



Judge Julia Gibbons, chair of the Judicial Conference Budget Committee, and AO Director James C. Duff presented the Judiciary's fiscal year 2008 budget needs to the Senate Appropriations Subcommittee on Financial Services and General Government.

Congress provided a 3.2 percent appropriations increase, including \$14.5 million in emergency funds to address immigration-related workload. This level, along with higher than anticipated fiscal year 2007 carry forward and fiscal year 2008 fee collections, will allow those court units experiencing workload increases—primarily district clerk and probation and pretrial services offices—to continue to hire additional staff in fiscal year 2008.

The Defender Services account increase included \$10.5 million in emergency funds for immigration-related workload. Congress also approved a \$6 increase to the non-capital panel attorney rate to \$100 per hour, and a \$4 cost-of-living adjustment to the capital rate to \$170 per hour. Although Congress did not approve the Judiciary’s request to increase the non-capital rate to \$113 per hour, given the current budget climate in Congress, the increase from \$94 to \$100 that was approved is progress in obtaining higher pay for panel attorneys.

Court Security received full funding. Congress approved a pilot project requested by the Judiciary to have the U.S. Marshals Service assume perimeter security functions, currently performed by the Federal Protective Service, at a limited number of primary courthouses.

Congress also approved a provision that grants the Judiciary the same tenant alterations authority the executive and legislative branches have to contract directly with vendors for projects costing under \$100,000 in lieu of contracting through GSA.

COURT SECURITY/REDACTION AUTHORITY

In December 2007, the President signed into law the Court Security Improvement Act of 2007. This law contains a number of important Judicial Conference-supported court security provisions. Notably, it requires the Director of the U.S. Marshals Service to consult with the Judicial Conference regularly regarding the security requirements of the Judicial Branch. This provision enhances the Judiciary’s participation in the policies and procedures of the U.S. Marshals Service as they pertain to court security. The law also extends until 2011 Judicial Conference authority to redact certain sensitive information from the financial disclosure reports of federal judges—giving the Federal Judiciary time to convince Congress that such authority should be made permanent. Additionally, the law creates a penalty for the filing of a false claim or the slander of title, which should curtail this pernicious practice.

The Court Security Improvement Act of 2007 also contains a Judicial Conference-supported provision that gives magistrate judges Federal Employees Group Life Insurance (FEGLI) coverage comparable to that of Article III judges. Unfortunately, at the last moment, bankruptcy judges and territorial judges were not included in this

“Congressional outreach efforts resulted in appropriation marks better than most executive branch agencies; and, cost containment helped realize lower than historical growth rates.”

“FEGLI fix” because of strict House of Representatives pay-as-you-go (PAYGO) budget rules requiring an identified offset for this mandatory spending. Despite this temporary setback, the Administrative Office will aggressively pursue a more favorable resolution of this unfair treatment in the second session of the 110th Congress.

Other provisions of the law include allowing judges to use their courthouses as their home of record for purposes of obtaining drivers licenses and other forms of identification, eliminates one judgeship for the Court of Appeals for the District of Columbia, and creates one judgeship for the Court of Appeals for the Ninth Circuit. The Judicial Conference took no position on the District of Columbia Circuit judgeship, but it has identified a need for additional judgeships for the Ninth Circuit. Finally, the law contains a modification to the authority of senior judges to participate in the selection of magistrate judges that is inconsistent with Judicial Conference policy. Specifically, it provides that senior judges who carry a 50 percent workload can participate in court management proceedings such as the appointment of court officers and magistrate judges, rulemaking, and other administrative matters.

Several judges helped bring to Congress’s attention the need for this law. Judge Hornby, submitted a statement to the Senate Judiciary Committee at a February 2007 hearing on “Judicial Security and Independence.” Judge David B. Sentelle, chair of the Committee on Court Security, testified at the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security hearing on this topic in May 2007, as well. Both



judges noted how several attacks on judges, their families, and court employees revealed security gaps that have caused all judges to be concerned for their safety and well-being. This new law is designed to improve the security of federal judges and their families.

COURTHOUSE CONSTRUCTION

Once Congress completed work on the FY 2007 appropriations bills in February 2007, the General Services Administration designated funding for four courthouse construction projects in Buffalo, NY; Salt Lake City, UT; Jackson, MS; and Fort Pierce, FL; and five repair and alteration projects in Albuquerque, NM; Milwaukee, WI; New York, NY; Brooklyn, NY; and New Bern, NC; with a small additional amount for a courthouse already under construction in Springfield, MA.

The 2007 funding levels reduced the Judiciary's FY 2008 request to six courthouse construction projects in Jefferson City, MO; Savannah, GA; San Antonio, TX; Mobile, AL; Rockford, IL; and San Jose, CA. The President's FY 2008 budget, proposed prior to the final FY 2007 funding decisions, included only partial construction funding for the Buffalo, NY project, which was fully funded a month later with FY 2007 funds, and for two courthouse repair and alteration projects in Las Vegas, NV and New York City, NY. In a final FY 2008 omnibus appropriations bill, Congress was able to provide funding for two of the requested courthouse construction projects (Jefferson City, MO and Rockford, IL) and for the two repair and alteration projects in the President's budget.

FEDERAL COURTS IMPROVEMENT

In spring 2007, the Director, on behalf of the Judicial Conference, transmitted to Congress over 30 legislative proposals to implement Judicial Conference positions. This Congress, they were separated into a civil and criminal packages that would improve judicial administration and court operations. AO staff conducted numerous briefings about the courts improvement legislation for House and Senate Judiciary Committee staff to answer questions about the proposals.

In addition, the AO transmitted on behalf of the Conference a proposal to amend the Higher Education Act of 1965 to make fulltime federal defenders eligible for cancellation of Perkins student loans over five years, which is the same forgiveness presently extended to U.S. attorneys.

JUDGESHIPS

During the first session of the 110th Congress, 39 nominees for Article III judgeships were confirmed—six court of appeals judges, and 33 district court judges. As of January 2008, there were a total of 43 judicial vacancies—14 in

the U.S. court of appeals, and 29 in the U.S. district courts. Although the total number of vacancies has stabilized over the last few years, the numerous judicial vacancies on specific courts continue to be a serious concern.

ARTICLE III JUDGESHIPS

At the direction of the Judicial Conference, Director Duff transmitted to Congress the Conference request for the creation of additional judgeships. The proposal would add 13 permanent and two temporary judgeships to the courts of appeals, 38 permanent and 14 temporary judgeships to the district courts, convert five existing temporary judgeships to permanent positions, and extend one temporary judgeship for an additional five years.

During the first session of the 110th Congress, the Senate passed legislation to create and extend certain temporary district court judgeships. The bill, S. 1327, would address judgeship needs in the Eastern District of California, the Northern District of Ohio, and the Districts of Hawaii, Nebraska, and Kansas. The House did not act on the legislation. The Chairman of the Senate Judiciary Committee has expressed a strong interest in addressing judgeship needs more comprehensively during the second session of the 110th Congress.

BANKRUPTCY JUDGESHIPS

The Conference's latest bankruptcy judgeship recommendations to Congress seek two permanent judgeships and one temporary judgeship for the Eastern District of Michigan and one temporary bankruptcy judgeship for the Northern District of Mississippi. They also would convert to permanent status one of the temporary judgeships in each of the following districts: Southern District of Georgia, Southern District of Illinois, Eastern District of Michigan, and the Western District of Tennessee.

OTHER LEGISLATION

The Judiciary also has considerable interest in several introduced bills that could significantly affect its operations but that were not passed during the first session. However, judges, Director Duff, and Administrative Office staff worked to raise awareness throughout Congress of the Conference's positions on these relevant issues.

CAMERAS IN THE COURTROOM

Bills that would permit the use of cameras in all federal courts in civil and criminal cases were actively considered in both the House and Senate. In October 2007, the House Judiciary Committee reported favorably a bill that would give

the presiding judge in a proceeding in the Supreme Court, courts of appeals, and district courts the discretion to permit electronic media coverage of any court proceeding over which that judge presides. Electronic media coverage would be barred if the presiding judge, or a majority of the judges participating determine, that such coverage would violate the due process rights of any party.

The Senate Judiciary Committee began consideration of a similar cameras bill, S. 352, in December 2007. It adopted an amendment making some of the same changes that were made in the House and adding provisions. Identical bills were introduced in the House (H.R. 1299) and Senate (S. 344) that would

require the Supreme Court to permit television coverage of all open sessions unless it decides, by majority vote, that allowing such coverage would constitute a violation of the due process rights of one or more parties. In December 2007, the Senate Judiciary Committee reported S. 344 favorably without amendment.

The AO on behalf of the Judicial Conference wrote to members of both the House and Senate Judiciary Committees to convey its strong opposition to the legislation because it would allow the use of cameras in the trial courts and change the present policy of allowing a court of appeals to first determine whether to permit cameras in that circuit. AO staff conducted numerous briefings with congressional staff regarding the Judiciary's views.

CONFERENCE OPPOSES CAMERAS

On behalf of the Judicial Conference, Judge John R. Tunheim told the House Judiciary Committee that cameras in courtrooms could impair a citizen's ability to receive a fair trial.



FOREIGN INTELLIGENCE SURVEILLANCE

The role of the Judicial Branch as a check on the Executive Branch has been a central question in the past year's congressional debate on foreign intelligence surveillance legislation. In August 2007, after a particular ruling by the Foreign Intelligence Surveillance Court (FISC), Congress amended the Foreign Intelligence Surveillance Act (FISA) with a six-month sunset, during which Congress debated a more permanent revisions to FISA.

Four bills were proposed in 2007, one each from the House and Senate Intelligence Committees, and one each from the House and Senate Judiciary Committees. Each took different approaches to questions of case and controversy, the role of the FISC in various kinds of surveillance activities, and remedies for third parties whose rights are implicated by surveillance procedures. All of the bills, however, included some version of the Judicial Conference proposal that the FISC be permitted to meet en banc, which will allow that Court more flexibility in addressing certain kinds of situations.

This discussion will continue in 2008.

BAIL BOND FAIRNESS ACT

The Bail Bond Fairness Act – opposed by the Judicial Conference – would prohibit federal courts from imposing conditions of bail other than appearance in court. This bill had been unsuccessfully proposed for over 10 years in the House and Senate, before the House Judiciary Committee passed it in 2003. In 2007, the House Judiciary Committee again took up the bill. Representatives of the Conference and the Department of Justice spoke in opposition to the bill at a hearing in June.

Nonetheless, the bill passed that Committee again, as well as the full House, on voice votes. In December 2007, the Senate Majority Leader and the Ranking Republican on the Senate Judiciary Committee co-introduced the bill in the Senate.



Action by Congress brought the bill closer to passage than it has ever come before, and the Judiciary's strong arguments in opposition continue.

CRIMINAL SENTENCING

Perhaps one of the most significant shifts in Congress last year has been a change in the focus of the discussion on criminal sentencing. The policy focus in the House and Senate Judiciary Committees has been, if anything, away from criminal sentencing and toward re-entry and rehabilitation and, exploring the efficacy of mandatory sentencing. In the meantime, Congress has not taken any action to oppose the Supreme Court's continuing guidance in outlining the advisory nature of the Sentencing Guidelines.

WHISTLEBLOWER LEGISLATION

Both the House and Senate reported bills that would enhance the protections provided to federal employee whistleblowers, but the two houses did not reach agreement on a final bill before the first session adjourned. The bills include provisions that would eliminate the exclusive jurisdiction of the United States Court of Appeals for the Federal Circuit to review whistleblower claims. Final decisions of the Merit Systems Protection Board (MSPB) regarding these claims would be reviewed either in the Federal Circuit or in an appropriate regional court of appeals. A letter expressing the Judicial Conference opposition to the provision permitting dispersed review of final decisions of the MSPB was sent to the House and Senate leadership and chairs of the respective committees.

SOCIAL SECURITY DISABILITY REVIEW

Over the past several years, the Judiciary has monitored Social Security Administration (SSA) proposals to change the administrative review process for disability claims. In commenting on the changes proposed in 2005, the Judicial Conference supported efforts to improve the efficiency of the administrative process for the review of disability claims but opposed changes that would eliminate a claimant's right to request review of an administrative law judge's (ALJ) adverse decision by the Appeals Council, or another administrative entity with comparable authority, prior to seeking relief in federal district court.

SSA implemented new procedures on August 1, 2006 in the Boston region and expanded the reach of those changes in late 2007. Under those procedures, the claimant would not have the right to request review of an adverse ALJ decision by the newly established Decision Review Board as is allowed with the existing Appeals Council. The Judiciary continued its dialogue with SSA expressing its concerns that elimination of the Appeals Council could significantly increase the number of SSA cases filed in the district courts.

These procedures would also be implemented nationwide. The comment period on the proposed rule closed at the end of December 2007.

HABEAS CORPUS

Chapter 154 of title 28, United States Code, which was established as part of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), provides for expedited federal capital habeas review when a state establishes that it has provided death row petitioners with qualified, competent, adequately resourced, and adequately compensated counsel in state post-conviction proceedings. Under AEDPA, the decision to "certify" states as entitled to expedited federal procedures was to be made by the federal courts. The USA PATRIOT Improvement and Reauthorization Act of 2005 shifted the certification determination from the federal Judiciary to the Attorney General of the United States, subject to de novo review in the U.S. Court of Appeals for the District of Columbia Circuit.

On June 6, 2007, the Department of Justice (DOJ) issued proposed regulations to implement the certification procedures. In a letter to the DOJ in August, the Judicial Conference urged DOJ to revise the proposed regulations to clarify the obligations of the state governments seeking the benefits of chapter 154 review and to provide guidance about the criteria to be considered by the decision-maker. Otherwise, the Conference noted that certification could be permitted in cases where a state has not in fact provided counsel services sufficient to enable federal court litigation to proceed fairly within the expedited timeframes required under chapter 154. As of December 2007, DOJ had not published the final regulations.

Judicial Resources

Intercircuit Assignments

Chief Justice Roberts approved 151 intercircuit assignments for 95 Article III judges to address workload needs during FY 2007: 62 senior judges, 32 active judges, and 1 retired associate justice. Of these, courts of appeals requested 116 intercircuit assignments. The majority of the district courts that requested visiting judges were from the Second, Fifth, Ninth, or Eleventh Circuits. The Fifth Circuit requested for the Southern District of Mississippi district court the assistance of one judge outside the circuit to hear Hurricane Katrina-related cases that may involve that court's staff. In addition the Fifth Circuit provided several judges from within the circuit to assist this district court. AO staff supported the work of the Judicial Conference Committee on Intercircuit Assignments by expeditiously processing these requests for Article III judges to perform judicial

duties outside their own circuits. The Intercircuit Assignments Committee chair and AO staff also continued to provide information at new chief judge orientations to encourage the use of intercircuit assignments.

Also during fiscal year 2007, bankruptcy judges reported providing 4,825.5 hours assisting other bankruptcy districts. A bankruptcy judge may be temporarily transferred to serve on an intercircuit or intracircuit assignment with approval of the judicial councils from the sending and receiving circuits.

Judges' Orientation and Outreach Programs

Staff hosted Chief Judge Orientation Programs for 13 new appellate and district chief judges, and general orientations for 23 judicial nominees for Article III judgeships, and for new bankruptcy judges. These programs offer information on such topics as judicial governance, pro-

curement, chambers staffing, ethics, and security, as well as services provided by the Administrative Office.

International Judicial Relations

Under the auspices of the Judicial Conference Committee on International Judicial Relations, AO staff coordinated and participated in briefings for 56 international delegations, including more than 346 judges, court administrators, and other officials from more than 60 countries. United States judges and court administrators participated

in many of these briefings via video conference. Through sponsorship by the Open World Program at the Library of Congress (LOC), AO staff hosted orientation programs for 228 Russian and Ukrainian judges in Washington, DC before the judges visited courts and communities throughout the United States. Several U.S. judges also met with Russian Supreme Court Justice Yuriy Ivanovich Sidorenko, chair of the Council of Judges of the Russian Federation, during his visit to the United States, and accompanied him to meetings with the Chief Justice and Supreme Court justices, U.S. senators,

AO staff . . .

Administrative Office staff support the work of the Judicial Conference and its committees, and all federal judges as they deliver justice in courts across the country. Representing judges' needs to Congress is a primary objective of AO staff.

“The Conference mandated use of automated conflict-checking for financial interests of judges in relation to case assignments.”

International Judicial Relations



The Library of Congress' Open World program brought together Administrative Office Director James C. Duff, Justice Yuriy Ivanovich Sidorenko of the Supreme Court of the Russian Federation and Chairman of the Council of Judges of the Russian Federation, and Chief Judge Robert H. Henry, chair of the Judicial Conference Committee on International Judicial Relations. The Open World program brings small delegations of leaders from Eurasia to the United States to see American-style democracy in action.

officials of the LOC, the United States Agency for International Development, and the Director of the AO. In addition to its work with the LOC, the Committee worked with the U.S.

Department of State on its projects with the Saudi Arabian and Montenegrin judiciaries.

Several federal judges also attended and participated in international

law-related programs overseas. A group of federal judges joined Supreme Court justices to participate in rule of law programs in Prague, Czech Republic, and the Ukraine, an environmental advocacy program in Bangladesh, and public integrity symposiums in Sofia, Bulgaria, and Budapest, Hungary. At the request of the Supreme Commercial Court of the Russian Federation Chief Justice Anton Aleksandrovich Ivanov, AO staff served as faculty at the Modern Information Technologies in U.S. Court Proceedings workshop in Moscow, Russia.

Automated Conflict Screening

The Conference mandated the use of automated conflict-checking for financial interests of judges in conjunction with case assignments. AO staff and the Conference Committee on Codes of Conduct prepared guidelines for judges, and each circuit filed a plan to implement the policy. During FY 2007, federal judges regularly used the automated conflict screening capabilities of CM/ECF. Conference committee and court manager input is guiding ongoing AO

enhancements to the conflict-screening software in CM/ECF.

Disclosure of Attendance at Privately-Funded Educational Seminars

The Judicial Conference requires judges and private educational program providers to disclose certain information about judges' attendance at these programs. AO staff developed a web-based system for seminar sponsors and judges to enter and manage on federal court web sites information about expense-paid, privately-funded educational seminars.

Financial Disclosure Report Redaction Authority

During 2007, efforts to restore the Judiciary's authority to redact personal and sensitive information from financial disclosure reports that had expired on December 31, 2005, were successful. See page 7 of this report for details.

Members of the Judicial Conference Committee on Financial Disclosure and AO staff made presentations on financial disclosure requirements at orientation seminars for new Article III, bankruptcy, and magistrate judges sponsored by the Federal Judicial Center, a training workshop for judicial assistants and secretaries, and orientations for new chief probation officers. In addition, AO staff expanded use of multimedia videos and published articles in several Judiciary publications about financial disclosure responsibilities.

Improving the Judicial Conduct Complaint Process

The Judicial Conference Committee on Judicial Conduct and Disability, with AO support, developed new draft Rules Governing Judicial Conduct and Disability Proceedings Undertaken Pursuant to 28 U.S.C §§351-364. Responding to recommendations from the Judicial Conduct and Disability Act Study Committee chaired by Justice Breyer, the Judicial Conference directed the

Committee to develop, and present to the Conference for approval, guidelines and rules to implement the Judicial Conduct and Disability Act consistently in all federal courts. Public comment on the new rules was invited and will be considered prior to Conference action.

Reporting of Delayed-Notice Search Warrant Requests

The USA PATRIOT Improvement and Reauthorization Act of 2005 imposed new reporting requirements on judges and the Administrative Office. The Act requires judges to inform the AO of action they take on any application for a delayed-notice search warrant—also known as a “sneak and peek” warrant—or for an extension of such a warrant’s notice period. To make such reporting easier and more accurate, the AO has developed and implemented an automated reporting procedure for judges to use, rather than relying on paper forms. The AO will submit its first annual summary report of data to Congress covering FY 2007.

Law Clerk Assistance Program

Several Article III, bankruptcy, and magistrate judges used the Law Clerk Assistance Program this year to obtain cost-free support from law clerks employed by other federal judges. A borrowing judge assigns legal research and writing tasks electronically to currently employed law clerks with the lending judge’s permission. No travel or cost is incurred.

Computer-Assisted Legal Research Services

Staff guided more than 2,000 Judiciary users through the successful transition to the new www.westlaw.com research product. AO staff coordinated with the courts retirement of the old WestMate system, negotiated premium research features at no cost, and provided training to users, much of it through a new web page.

IT Training for Judges

The Administrative Office has partnered with the Federal Judicial Center to refocus training for judges to correlate more specifically to

their tasks and functions. Training will be delivered at the circuit or individual court level by a network of trainers from the court community. The AO is developing curriculum modules that may be tailored to local practices and preferences, offering a train-the-trainer class, creating and maintaining web-based material for use by local trainers, and providing help desk support.

Thirty-five judges participated in a roundtable conference in February to discuss the use of technology to support their daily work. The agenda addressed five judicial task areas: case management, writing and tracking opinions, working remotely, calendaring, and legal and courtroom technology, as well as the topic of IT awareness and training for judges. The group included circuit, district, bankruptcy, and magistrate judges, among whom were representatives from Judicial Conference committees on Bankruptcy Systems, Court Administration and Case Management, Criminal Law, Information Technology, Judicial Resources, and Magistrate Judges.

The Federal Judicial Center hosted the Roundtable with support and

coordination from AO staff. A follow-up session presented by the National Center for State Courts in October drew more than 100 federal judges, court administrators, IT staff from all court unit types, and AO staff.

Benefits and Retirement Training for Judges

There were 24 benefits and retirement programs for over 350 judges and their spouses during FY 2007. These programs were conducted for newly appointed judges, judges at the mid-point of their careers, and for those judges who were close to retirement. Program agendas included information on benefit options such as health and life insurance, including the flexible benefits program and long-term care insurance, the Judicial Survivors' Annuities System, and the Thrift Savings Plan. Information was added this year on the new Federal Employees Dental and Vision program. In addition, information was shared on the Judges Retirement Systems, the Federal Employees Retirement System, and the Civil Service Retirement System.

Capital Gains Tax Deferral

On December 20, 2006, the President signed into law a provision long sought by the federal Judiciary, permitting judges to defer paying capital gains tax on property sold to comply with conflict of interest requirements. The new provision, which is part of the Tax Relief and Health Care Act of 2006, extends to the federal Judiciary capital gains tax relief previously available to the executive branch. This provision applies to sales after the date of enactment of the act. In order to defer the gains, a judge must receive a certificate of divestiture from the Committee on Codes of Conduct. The Judicial Conference in September 2007 approved regulations for requesting and obtaining the certificates.

Support to Judicial Assistants and Judicial Secretaries

In August, 95 judicial assistants from appellate, district, territorial, and bankruptcy courts representing every circuit in the country attended a training workshop in Washington, D.C. Most attendees had been employed by judges for less than three years. The workshop provided information on judicial travel regulations, ethics, financial disclosure reporting, personal security, computer security, private seminar disclosure reporting, chambers, and case management and electronic case filing. An advisory group of judicial assistants helped the AO develop the workshop agenda, and several served as peer mentors. The AO also coordinates with the judicial assistants and judicial secre-

taries to provide policy and related information in the *Judicial Assistants and Judicial Secretaries Quarterly Bulletin*, which includes a work tips exchange column for readers. ■

“Training for judges is being changed to correlate more specifically to their daily tasks and functions.”

Security Initiatives

Court Security Appropriation Oversight

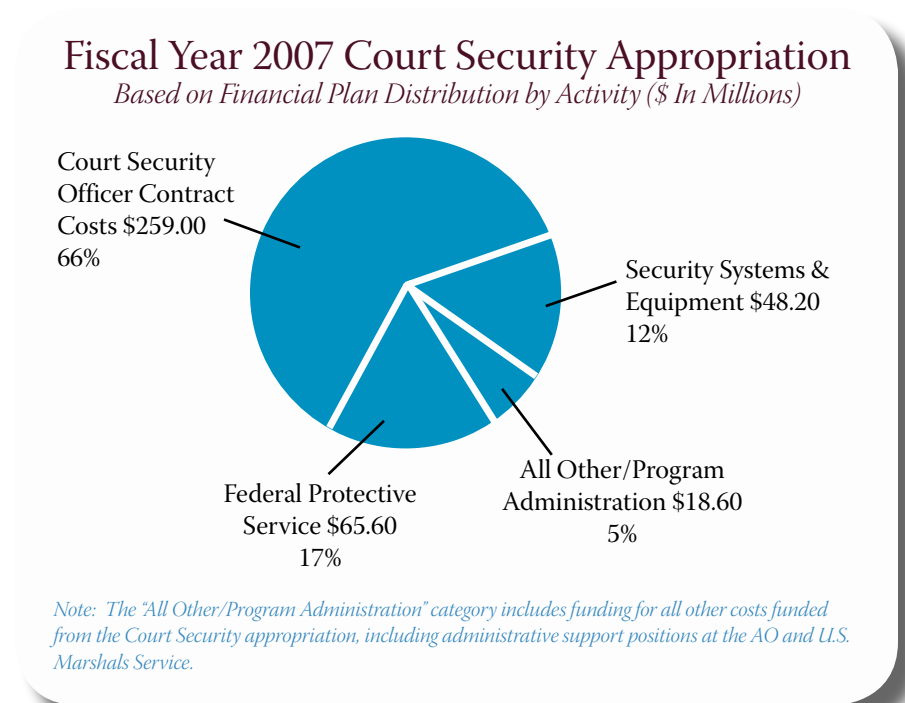
Security was one of the top five issues cited by judges and court unit executives in the Director's 2006 survey of court priorities. The fiscal year 2007 Court Security appropriation of \$391 million was primarily used to provide approximately 4,000 court security officers and physical security systems and equipment to federal courts nationwide. The annual appropriation request was developed largely based on input from individual chief judges, court security committees, court unit executives, and district U.S. marshals.

Staff worked closely with individual courts and the three executive branch providers of courthouse security: the United States Marshals Service (USMS) of the Department of Justice; the Federal Protective Service (FPS) of the Department of Homeland Security, and the

General Services Administration, to identify and validate security requirements so that the available funding was properly allocated, and used prudently to support the security countermeasures that were approved by the Judicial Conference's Committee on Judicial Security.

Approximately 66 percent of the Court Security appropriation was earmarked for the court security officer program. By using those contract personnel in conjunction with security systems and equipment, the USMS protected judges, members of the court family, jurors, trial participants, and visitors while in court facilities, and helped provide a safe and secure environment in which to conduct the Judiciary's essential business.

In fiscal year 2007, \$48.2 million was budgeted to address the security systems and/or equipment requirements of both the interior and exterior of courthouses. Included in that amount was funding to begin a nationwide initiative to replace the



video cassette recorders currently in use at 98 older court facilities with digital video recorders. Those new devices represented a substantial advance in surveillance camera and recording technology for courthouse security. Lastly, thanks to the proac-

tive cost containment procedures used collaboratively by courts and staff, \$5 million in FPS security charges were avoided, and thereby saved for use by the USMS to run its Judicial Facility Security Program.

Safety of Judges . . .

Security and safety of judges, court employees, and public visitors to courthouses continues to be central to Administrative Office efforts in programs coordinated for the courts.

Court Emergency Preparedness Planning

The Judiciary maintains comprehensive emergency preparedness, crisis response, occupant emergency, and continuity of operations (COOP) plans. In 2007, the Committee on Judicial Security recommended, and the Judicial Conference approved, changing the membership and mission statement of the local court security committees to include the responsibility for an effective emergency preparedness program. Courts nationwide trained in emergency preparedness during FY 2007.

Court personnel attended FEMA's "COOP Manager's Train-the-Trainer Course," giving managers a comprehensive review of COOP planning and management, as well as hands-on COOP exercises. The U.S. District Court for the Western District of Washington conducted a district-wide continuity training event, with assistance from AO and Federal Judicial Center staff. The Court of International Trade participated in Exercise Grand Slam, a full-scale, continuity relocation exercise conducted under the aus-

pices of the Metropolitan New York Federal COOP Working Group. The Federal Executive Board in Houston hosted a session of the COOP Program Manager's Course for 54 federal court personnel.

AO Continuity of Operations Planning

The AO COOP Plan was updated to include implementation procedures and transportation plans. In addition, a testing, training, and exercise plan and a corrective action plan were developed. These plans ensure that the AO is prepared to support the courts with as little interruption as possible if an emergency event occurs, and the Thurgood Marshall Federal Judiciary Building is not accessible. Teleworking and remote access have emerged as key tools for staff to use during any major emergency closure of AO office facilities. The AO conducted emergency communications team training with plans to train staff on the COOP Plan in preparation for the government-wide 2008 exercise. ■

AO Prepares For An Emergency



AO COOP team leaders discuss emergency procedures and how service to the courts would continue if the Thurgood Marshall Federal Judiciary Building were inaccessible.

Our Strategy . . .

Through its cost-containment efforts over the past three years, the Judiciary has successfully limited the growth of space, personnel, and operating costs. By continuing to apply this strategy, Judiciary financial experts estimate that hundreds of millions of dollars will be saved or avoided in costs over the next decade. Details of those savings are described throughout this report. The Judiciary has benefited from appropriation increases the past three years, and today, regards its financial future with cautious optimism.

Cost-Containment Success

In July 2007, the Administrative Office produced a 2007 update report on the substantial progress in implementing cost-containment initiatives, and ongoing efforts that have the potential to reduce future costs. In particular, it described long-term changes to spending categories that the Judiciary had once considered “uncontrollable,” including rent costs, magistrate judgeships, certain law enforcement-related costs, law books, and chambers staff expenses. Because future funding requirements are still estimated to exceed anticipated funding levels, continued good stewardship in budget management remains critical to the long-term financial health of the Judiciary.

In September 2007, the Judicial Conference considered and approved recommendations from longer-term studies and initiatives to reduce the growth in compensation costs for court staff, including chambers law clerks, and to provide each circuit judicial council with a rent allotment

tied to the amount the Judiciary can afford nationally in new rental costs. In addition, the Conference approved spending caps on defender services and court security requirements.

Rent Management Measures

National Rent Validation Program. The Judiciary’s National Rent Validation Program, which began in 2006, has resulted in substantial rent credits and long-term savings on the General Services Administration (GSA) rent bill for space the Judiciary occupies in federally owned facilities. As a result of the Judiciary’s partnership with GSA to validate rent charged the Judiciary, GSA is taking steps to improve its internal management controls and oversight of its rent-setting practices. These changes should help advance important goals: ensuring that the Judiciary is charged rent only for space it legiti-

mately occupies, that space is classified correctly, and that rent rates being charged are appropriate.

Circuit Rent Budgets. The Circuit Rent Budget initiative is designed to hold increases in rent to a cap established by the Judicial Conference. Circuit judicial councils, which have statutory authority to approve space as necessary, have now been given responsibility for determining how budget resources reserved for rent are to be spent within a framework approved by the Conference. Circuit rent budgets restore to the circuits and individual courts substantial authority to determine their own space needs and priorities. Representatives from courts and court units throughout the country assisted the Judicial Conference Space and Facilities Committee with developing this proposal.

Asset Management Planning. During the past year, Space and Facilities Division staff conducted

site visits to several courts selected as pilots for the development of the Judiciary Asset Management Planning Process (AMP). AMP goes beyond the identification of court space needs by accounting for the financial impact of space projects, such as major courthouse renovations and new courthouses, on the Judiciary’s rent budget. This extra planning step will help the Judiciary meet courts’ operational needs while controlling major costs, especially rent paid to the GSA.

After the Judicial Conference approved this initiative, an AMP working group was appointed with court representatives, court architects, and members of the Judicial Conference Committee on Space and Facilities to provide input and guidance to AO staff.

AMP pilot sites include small, medium, and large districts with a mix of court facilities of different sizes, types, and ages. Site visits were made to the Southern District of Iowa, Eastern District of Tennessee,

“Judiciary budget caps were initiated to keep program growth within congressional funding levels.”

Northern District of Texas, Southern District of Ohio, Eastern District of Kentucky, the District of Maryland, and Eastern District of Pennsylvania. In addition, the space requirements of the Third and Sixth Circuits were studied. Court staff provided information essential to prioritizing projects in keeping with the Circuit Rent Budget Initiative.

U.S. Courts Design Guide

Revised. Judges and court executives worked with the AO to revise the *U.S. Courts Design Guide*, the publication that sets space standards for construction and alteration of federal courthouses. Issued in December 2007, the book was revised with an eye toward controlling future space alteration expenses.

Budget Caps

The Judicial Conference approved budget caps through fiscal year 2017 on the major accounts of the Judiciary, including the Salaries and Expenses, Defender Services, and Court Security accounts.

The Conference Budget Committee initiated the concept of budget caps in order to limit program growth over the long-term to operate effectively within congressional funding levels. AO program offices and Judicial Conference committees with budgetary responsibility worked together to develop appropriate budget caps in these programs. The AO's rent management working group, consisting of AO and court members, developed a strategy for implementing the 4.9 percent rent cap approved last year by the Judicial Conference.



Technology Delivery Alternatives

Judicial Conference measures to contain costs in the technology area have emphasized maintaining a high level of service as a business requirement. As a result, keeping the Judiciary's technology infrastructure and applications running effectively has been at the heart of the AO and court partnership to reduce the number of servers running nationally supported business applications is resulting in short- and long-term cost savings, without compromising performance levels.

FAS, T: The Courts' Financial Management System. Once a proof-of-concept at 10 courts concluded, a hosted service facility was selected for consolidation of district court servers located at each of the 94 district courts. Cost savings and avoidances are estimated at approximately \$55.4 million through fiscal year 2012. By fiscal year end, 37 courts had consolidated operations at the hosting facility. The remaining 57 courts are expected to consolidate by June 2008.

PACTS: Automated Case Tracking For Probation and Pretrial Services.

Transition of the courts' local servers to consolidated facilities was completed in August 2007. Ninety-four servers that were previously installed in court locations have been replaced by high-powered web, database, and report server configurations installed at the hosting facility. It is anticipated that the PACTS server consolidation will save approximately \$2.6 million through fiscal year 2012.

Lotus Notes E-Mail. Major steps were taken in 2007 to consolidate the Judiciary's Lotus Notes e-mail servers as endorsed by the Conference IT Committee. Primary servers remain in 112 court locations for local management, while seven courts/districts elected to have their primary server consolidated into a single data center. All e-mail secondary/back-up servers have been consolidated into a single back-up site resulting in significantly improved disaster recovery and redundancy. Additionally, the circuit e-mail hub servers have been consolidated into two sites that provide back-up for each other. These consolidation initiatives were completed in December 2007.

Jury Management System.

Consolidating the JMS system onto the CM/ECF servers in each district court was completed in November 2007. This effort eliminates the need to replace 88 servers and will result in savings of \$4.8 million through fiscal year 2012. A JMS Web Page Team with representatives from nine district courts completed detailed business requirements for a national web page front-end for the JMS. The web page will give prospective jurors the option of providing and obtaining JMS-related jury service information online. Following development, testing, and piloting of the JMS web page, national deployment is expected to begin in 2008.

Workforce Planning Measure

Court Compensation Study.

Extensive participation by all stakeholders has been the hallmark of this study since it began in 2005. Conference leaders sought long-term solutions for the Judiciary's biweekly pay delivery system that would enable the courts to remain an employer of choice while making sure future

compensation costs are covered by projected federal budgeting. The Judicial Conference in September 2007 approved all five recommendations made by the Judicial Resources Committee after amending two. Three recommendations change chambers law clerk policies and were implemented by October 1, 2007. One recommendation discourages extension of leave act coverage to term law clerks; another limits judges to one career law clerk per chambers; and the third replaces law clerk salary matching with pay parity based on law clerk experience. The remaining two recommendations affect the majority of court employees. The first calls for updating Court Personnel System job classification, while the second alters salary progression policy and funding and authorizes development of national performance standards that courts will use locally. These two changes will be implemented over 18 months or longer. ■

Strategic Plan . . .

Mission-critical functions in the Judiciary depend on a successful enterprise-wide information technology (IT) program for judges, court staff, probation and pre-trial services officers, and others. The Judiciary technology program follows a strategic plan that adapts to the dynamic needs of its various constituencies.

Technology

Among IT program accomplishments during FY 2007 was great progress in reducing the number of servers hosting major Judiciary applications. The *Cost-containment Success* section of this report describes the numerous results of this effort.

Improving Communications Infrastructure

Two major efforts are under way related to changing the telecommunications infrastructure for the Judiciary. First, the contractual transition from GSA FTS2001 to GSA Networx will drive the acquisition of new data communications network (DCN) infrastructure and services. Parallel tasks associated with the actual network redesign are ongoing, including developing the strategy and defining the technical details. Staff will coordinate obtaining Judiciary-wide support and communicating extensively on progress. AO and

court representatives are working with a federally funded research and development center to support the complex engineering effort required to develop a new architecture and transition the current infrastructure. A new architecture should be put in place during 2008–2009.

Case Management/ Electronic Case Files (CM/ECF)

Electronic filing through CM/ECF has become the norm in the district and bankruptcy courts. All of those courts, except one district court and one bankruptcy court, have now implemented the system. Live operation with CM/ECF, including attorney filings, is now underway in three bankruptcy appellate panels and three courts of appeals, with the rest to follow during 2008.

More than 300,000 attorneys around the country and the world have now filed electronically using

CM/ECF. During the past year, users submitted over 40 million docket entries into the system. Nationwide, nearly half of those entries were made by attorneys rather than by court staff; and in the bankruptcy courts over 90 percent of the case openings were entered by attorneys. Hundreds of thousands of other users retrieved case information through the system's public access (PACER) feature, and the fees they paid for those retrievals have contributed to funding for the system.

The AO continued providing operational support to the courts in their use of CM/ECF, and enhancing all three systems—bankruptcy, district and appellate—with needed new features and software releases. For example, five releases of CM/ECF were issued during the year to help bankruptcy courts meet new case processing and statistical reporting requirements of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Working together, the courts and the AO identified more new capabilities that will enable CM/ECF to deliver ever greater benefit to the courts, the bar, and the public. A few of those include providing additional features for judges and chambers staff, further automating the quality assurance features that prevent or detect user errors, and further streamlining user interfaces. Work has begun on some of those new capabilities.

The AO continued to provide CM/ECF training for the courts. The annual CM/ECF operational practices forums drew 300 district attendees and 350 bankruptcy attendees. Run by staff from the AO court administration divisions in cooperation with the Federal Judicial Center, the forums provide annual sessions for CM/ECF court users to receive the latest technical instruction in the application and to share experiences and tips.

Remote Access

The Administrative Office in 2007 launched JPort, a new system to offer judges and Judiciary staff secure and easy remote access to Judiciary information via private networks. Remote access supports the goal of a virtual office or workplace for teleworkers and for disaster recovery as part of COOP plans. The new remote-access virtual private network (VPN) system is based on secure sockets layer (SSL) protocols and allows Judiciary users to connect to the DCN from any trusted computing device with an Internet browser and connection. Since its release, the JPort system has grown to nearly 2,000 users a month and more than 15,500 VPN user accounts, representing half the Judiciary population. This capability joins other remote access solutions already in place, including:

- JРАН – Judiciary Remote Access to Notes provides access to Judiciary e-mail from any machine via an Internet browser.

- VPN Client – Offers a secure client connection via office-issued laptops or personal computers in residences or other locations frequently used for work.
- BlackBerry – The handheld personal digital assistant for remote mobile messaging and Internet access.
- Good Mobile Messaging – Supports cellular phone access to the Judiciary e-mail system.
- Cellular/Wireless Broadband Cards – Vendor cards enable wireless laptop Internet access to use the VPN Client or JPort SSL VPN systems.

The Judiciary's Lotus Notes e-mail system, including remote access applications, currently supports the sending and receiving of encrypted email messages. By the beginning of 2008, users will be able to access and read these encrypted messages on both the BlackBerry and Good Mobile Messaging devices, thus improving security and functionality.

Remote Access Expands

JPort - Windows Internet Explorer

https://jport.uscourts.gov/dana-na/auth/url_default/welcome.cgi

U.S. COURTS

Welcome to the U.S. Courts SSL VPN Gateway

JPort

Username

Password

Please sign in to begin your secure session.

THIS SYSTEM IS FOR THE USE OF AUTHORIZED USERS ONLY!

This system is for the use of authorized users only. This system is monitored to protect against its unauthorized use and for maintenance purposes. In the course of such monitoring the activities of authorized users may be monitored and/or recorded by systems personnel. Anyone accessing and using this system expressly consents to system monitoring. If monitoring reveals evidence of unauthorized or criminal activity, systems personnel may provide that evidence to law enforcement officials.

Done Internet 100%

Judiciary users now can securely connect to the data communications network from any trusted computer.

E-mail Spam

January 2007 Through October 2007

Month	Total Number of Messages	Number of Spam Messages	Percent of Spam Messages
Jan 2007	10,232,535	5,112,159	50
Feb 2007	10,652,963	5,926,809	56
Mar 2007	12,346,645	6,953,049	56
Apr 2007	12,751,462	7,591,352	60
May 2007	14,723,714	8,576,705	58
Jun 2007	15,308,000	11,021,760	72
Jul 2007	17,200,000	12,556,000	73
Aug 2007	25,000,000	20,000,000	80
Sept 2007	28,800,000	23,644,800	82
Oct 2007	38,876,254	33,433,570	86

Measures to Block Unwanted E-mail Messages

Like most e-mail systems, the Judiciary's Data Communications Network has been adversely affected by spam. AO network engineers installed a commercial anti-spam software tool that deletes spam messages at the Judiciary gateways

upon receipt from the Internet. This action has greatly reduced the burden on the Judiciary's national network resources and technical support staff; however, the Judiciary's battle to thwart spam continues.

The accompanying table shows dramatic growth in the number of messages processed by the Judiciary's Internet gateways and the percentages that are spam.

Central Violations Bureau

The Central Violations Bureau (CVB) provides participating U.S. district courts and federal law enforcement agencies with an efficient processing system for handling petty offenses and some misdemeanor cases initiated by a violation notice. During fiscal year 2007, the CVB processed more than 350,000 citations and collected approximately \$20 million in fines and forfeitures that was deposited in the Crime Victims Fund. In addition, approximately \$5.5 million was collected through a \$25 processing fee, and those funds were used to support the operations of the Judiciary. The CVB also fielded approximately 500,000 telephone calls and e-mails from the public, courts, and law enforcement agencies.

During the year, the CVB worked with the U.S. Forest Service to pilot an electronic ticketing process for quicker, more accurate, and less costly ticket writing and processing, with information stored in a central Forest Service database and passed securely to the CVB.

Magistrate Judge Statistics Through Automated Records

District courts are now reporting magistrate judge workload statistics using MJSTAR, the automated reporting function in CM/ECF that is replacing the JS-43 form. The goal of MJSTAR is to improve the consistency and reliability of magistrate judge statistical information nationwide by minimizing the manual entry of data and standardizing data collection methods throughout the courts. As of November 1, 2007, 53 district courts were live on MJSTAR. Efforts are underway to assist the remaining district courts with conversion to MJSTAR.

NewSTATS

The New Streamline Timely Access to Statistics (NewSTATS) project continues to replace the current statistical system components that collect, process, and report caseload data. NewSTATS has created a modern data-mart that will increase the ability of the Judiciary to obtain more complete and meaningful caseload information and to conduct

more timely, accurate, and effective data analyses and forecasts. Resources required for NewSTATS were greatly impacted by a necessary shift in priorities from civil cases to bankruptcy cases in order to fulfill the Judiciary's reporting obligations under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. NewSTATS is currently receiving data from bankruptcy courts and will begin processing civil case data in 2008.

Availability of Electronic Transcripts of Proceedings

In September 2007, the Judicial Conference adopted a policy regarding the electronic availability of transcripts of court proceedings. The new policy makes transcripts in the case files available in the CM/ECF system and satisfies requirements of the E-Government Act of 2002. Work on this effort has been lengthy and thorough to meet the needs of all parties.

Electronic transcripts, once ordered by a party or the court and produced by the court reporter, will be available for public inspection without charge at the clerk's office

as soon as they are provided to the clerk of court as required by 28 U.S.C. §753. For 90 days after delivery to the clerks' offices, however, public purchases of either paper or electronic transcripts must be made through the court reporter or transcriber, as appropriate, thereby protecting rights of court reporters to charge for copies immediately after preparation. A docket entry in the CM/ECF system will provide information as to how to contact the reporter or transcriber. Electronic public access to transcripts through the PACER system will be available at eight cents per page beginning 90 days after the court reporter or transcriber has provided the transcript to the clerk. The transcript will be available in CM/ECF for court use at all times.

CM/ECF systems for bankruptcy and district courts are being modified to assist courts in implementing the policy.

Preserving Historical Records

Electronic Records Archives.

At the invitation of the Archivist of the United States, the Judiciary's chief technology officer has joined

18 federal and state members of the National Archives and Records Administration's (NARA) Advisory Committee on the Electronic Records Archives (ERA). The goal of the ERA initiative is to establish a comprehensive system for storing, preserving, and accessing any kind of electronic record, independent of any specific hardware or software. The Advisory Committee is particularly interested in ensuring that any investment made in federal electronic archiving needs will also benefit state agencies and private sector entities.

Archival Version of the Portable Document Format.

The AO has been actively involved in the International Standards Organization working group made up of industry and federal representatives, and charged with developing the technical standard for an archival version of the Portable Document Format (PDF/A). PDF/A is a non-proprietary electronic file format intended for the long-term preservation of electronic documents, based on the PDF standard currently used for all electronic filings captured in CM/ECF. The AO has taken a leadership role in creating and developing

this standard with the hope that it will be the long-term preservation method for the CM/ECF filing system. ■



Electronic Public Access

PUBLIC ACCESS TO COURT ELECTRONIC RECORDS (PACER) SYSTEM

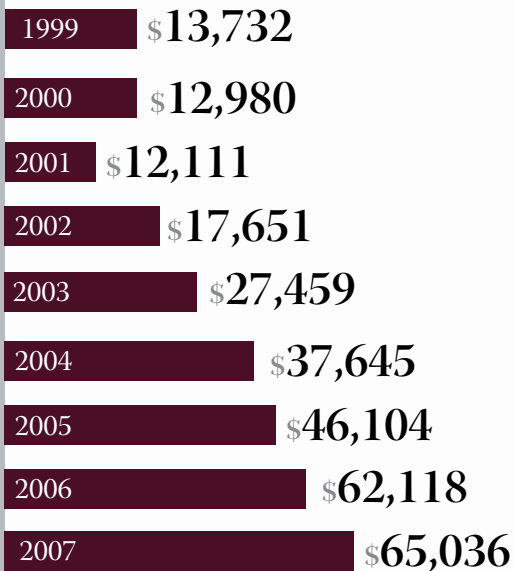
PACER ACTUAL REVENUE

PACER provides court information to the general public at a reasonable cost as directed by Congress.

PACER Actual Revenue

1999-2007

In Millions



The Judiciary Electronic Public Access Program provides court information to the public at a reasonable cost as directed by Congress to recoup program costs through user fees. The Electronic Public Access Fee Schedule at uscourts.gov lists fees set by the Judicial Conference. The program generated approximately \$65 million in FY 2007 through the CM/ECF Public Access to Court Electronic Records (PACER) system.

The PACER Service Center (PSC) provides centralized billing, registration, and technical support services for the Judiciary and the public. PACER registrations reached a new milestone during 2007, surpassing 750,000 user accounts. PACER customers include members of the bar; city, state, and federal employees; and the general public. In addition to collecting fees, PSC support staff established over 120,000 new accounts, fielded more than 120,000 help desk calls, and responded to almost 30,000 support e-mails. If not for the PSC, these communications would be directed to the courts. The operational cost of the PSC has consistently remained a small fraction of the revenue—in 2007, only 4.52 percent.

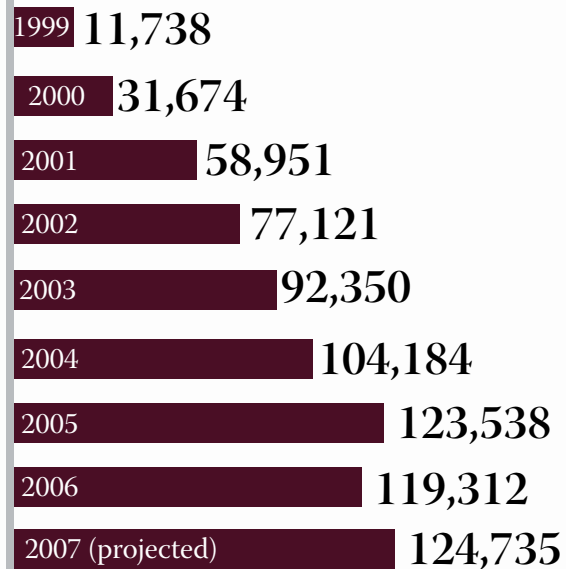
The PSC generates and provides a duplicate Social Security Number/Tax Information Number Report to bankruptcy courts, and has completed development of the centralized filer registration and maintenance program for the Appellate CM/ECF courts. The Eighth Circuit was the first court to go live with this program and, to date, has registered more than 5,000 attorneys.

In FY 2007, the Electronic Public Access Program initiated two pilot projects endorsed by the Judicial Conference to expand electronic public access to case information. The 12-month Digital Audio Pilot is studying the feasibility of including digital audio files of court proceedings in the CM/ECF system and making them available through PACER. Five courts are participating in this pilot: the Eastern District of North Carolina Bankruptcy Court, the Northern District of Alabama Bankruptcy Court, the District of Maine Bankruptcy Court, the Eastern District of Pennsylvania, and the District of Nebraska. A Government Printing Office pilot that will run for no more than two years in 16 federal deposit libraries and the Library of Congress, will assess the merits of providing PACER access to the public in Federal Depository Libraries free-of-charge.

NEW PACER CUSTOMERS BY YEAR

New PACER Customers

1999-2007 (projected)



“If not for the PACER Service Center, tens of thousands of customer calls each year would be directed to the courts.”

Collaboration . . .

The Administrative Office collaborates with the federal courts to help them define, recruit, manage, compensate, develop, and retain the workforce they require to fulfill their mission. During fiscal year 2007, the Judiciary began applying its human resources strategic plan developed the previous year by judges, court volunteers, and AO staff.

Human Resource *Development and Management*

Recognizing Court Employees

The Director's Awards Program recognizes the accomplishments of outstanding Judiciary employees whose creativity, ingenuity, resourcefulness, and dedication have benefited the Judiciary. In FY 2007, three employees received the *Award for Outstanding Leadership*:

- Michael W. Dobbins, clerk, District Court, Northern District of Illinois, was recognized for leading development of a software program that helps read judges' annual financial disclosure reports into the CM/ECF Financial Conflict Checking program; working with GSA to repair and alter public areas of the Illinois-Northern district courthouse to increase public safety and improve the court's image to the public; enhancing public service by expanding hours and training of employees in customer service; facilitating

the district court's transition to e-filing; and improving assistance to pro se litigants.

- Kenneth S. Gardner, clerk, Bankruptcy Court, Northern District of Illinois, received his award for major contributions related to advising the Administrative Office as it addressed changes required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) and then serving on an ad hoc committee to consider staffing impacts of the law. He was a member of the Court Compensation Study Working Group, and has served as president of the National Conference of Bankruptcy Clerks, where he established a program to provide mentoring by retired clerks and chief deputies. Gardner's contributions include realizing significant budget savings, improving customer service, increasing employee development, and helping develop national best practices in court administration.
- Gary H. Wentz, circuit executive, Court of Appeals for the

First Circuit, was recognized for a wide array of contributions related to cost containment and increased efficiencies throughout the Judiciary. He served on the AO Budget Finance Advisory Council (BFAC) that advises the AO on court financial management issues, and on the FAST working group that helps optimize use of the application in the courts. He also served on the Information Technology Systems Delivery Alternatives Group (SDA), which has looked at several decentralized Judiciary automation systems to determine where server consolidation would save money and staff effort.

Awards for Excellence in Court Operations (Court Technology, Court Support, and Mission Requirements) were awarded to:

- **Court Technology:** Luis Dimagiba, director of information technology, Pretrial Services Office, Central District of California; Wallace Johnson,

systems manager, United States Pretrial Services Office, District of New Jersey; Jonivonn B. DeGuzman, director of information technology; Nam Q. Huynh, systems manager; and Dzung B. Pham, automation programmer, U.S. Probation Office, Central District of California. These individuals were recognized for their innovative use of cutting edge technologies in supervising defendants and offenders. Their most recent success was development of kiosk-based reporting for defendants and offenders, which is especially helpful to supervising officers who work in remote locations and cover wide-ranging geographic areas.

- **Court Support:** Karen Hillebrand, secretary to Judge Nancy G. Edmunds, Eastern District of Michigan, was recognized for her creative and energetic efforts as an essential court team member and support provider. As one key example of her drive and self-motivation, she demonstrated creativity

and self-initiative in developing pdf and web forms that helped court staff use CM/ECF with greater ease and in less time.

- **Mission Requirements:** Marc Pearce, law clerk to Senior Judge Warren K. Urbom, District of Nebraska, was granted an award for developing one of the courts' earliest indepth analyses of potential avian flu-impacts on court operations. His work became the basis for the AO's pandemic template now on J-Net.

In addition, the following employees were commended for *Extraordinary Actions*:

- Michael Pentangelo, probation officer specialist and Eric D. Odegard, supervising probation officer, Probation Office, District of Alaska. The two officers were recognized for their exhaustive efforts to successfully track down and assist an offender under their supervision who failed to show up for drug testing, and had a history of depression and had threatened suicide.



Michael Dobbins



Kenneth S. Gardner



Gary H. Wentz



Luis Dimagiba



Wallace Johnson



Jonivonn B. DeGuzman



Nam Q. Huynh



Dzung B. Pham



Karen Hillebrand



Marc Pearce



Michael Pentangelo/
Eric D. Odegard

Recognizing AO Employees

Allen Brown, chief of the AO Policy and Strategic Initiatives Office, Office of Human Resources and Nick DiSabatino, chief of the Probation and Pretrial Services Technology Division, Office of Probation and Pretrial Services, are the recipients of the 2007 Leonidas Ralph Mecham Award for Exemplary Service to the Courts. The Judicial Conference Committee on the Administrative Office Committee selects the recipients. The award recognizes individual Administrative Office staff for specific accomplishments that have improved court administration, internal controls, program effectiveness, communications, or efficiency in the courts or the AO.

Brown was selected for his efforts in designing and coordinating the Court Compensation Study. The study examined compensation and classification policies for 27,200 employees across the court system, and involved nearly 600 judges and employees, along with the Court Compensation Study Working Group and the Judicial



Resources Committee. This extensive effort has resulted in recommendations to the Judicial Conference that have the potential to achieve a cost savings of approximately \$330 million between 2009 and 2017.

DiSabatino's nomination for the 2007 award was endorsed by 86 chief pretrial services officers. He was instrumental in the enhancement of the

national Probation/Pretrial Services Automated Case Tracking System (PACTS), which has saved the courts hundreds of thousands of dollars in operating and maintenance costs by warehousing data in one location. He also improved communication by establishing an Information Technology Working Group, which brings together probation and pretrial services

officers from around the country to develop innovative strategies to accomplish the work of the probation and pretrial services offices.

Electronic Personnel Transactions

The Administrative Office upgraded the Human Resources Management Information System (HRMIS), the Judiciary's online personnel records management system. In close partnership with court representatives, the AO provided nationwide face-to-face training for over 600 court users for the product release. The new product is user friendly and offers automated options for most personnel transactions. Data quality has improved; fewer transactions are lost; and processing of actions is quicker. Court users enthusiastically began using remote data entry during FY 2007, with 6,200 actions entered during a three-month period. The AO piloted automated leave tracking through HRMIS, along with the Eastern District of Michigan.

At the request of the Human Resources Specialist Advisory group of court HR managers (HRSAG), the

AO developed and added a feature allowing designated human resources staff to view judge data, enhancing local HR support to judges.

In addition, any AO hires are now completed using the automated recruitment and hiring system that is a component of the Office of Personnel Management's USA Jobs web site.

Flexible Benefit Program

More than 11,600 judges and employees enrolled in the Flexible Benefit Program for 2007, marking the seventh straight year of increased enrollment since the program began in 2000. The Judiciary's participation rate of 36 percent jumped from 33 percent in 2006, and it continues to far exceed rates for other employers. Judges and employees realized nearly \$36 million in tax savings in 2007 through this program, with an average increase in take-home pay of \$3,150 for judges and \$2,400 for Judiciary employees.

Work Measurement

The AO has begun implementing the refined work measurement process approved by the Conference

Committee on Judicial Resources (JRC) at its December 2006 meeting. Work measurement formulas guide the formulation of court budget requests. The process revision emphasizes transparency, court participation, rigorous data analysis, measurement of full staffing requirements, data collection focused on required workload, improved decision support, and multiple options. Staffing formulas will be developed based on a combination of court-reported data and concurrent data collection that the AO performs at selected sites. An ad hoc subcommittee of the JRC will oversee the work measurement process. If approved, the new staffing formulas would be used for the FY 2009 budget allocation process and in formulating the FY 2010 budget.

Telework

Administrative Office staff assisted the courts and their colleagues at the AO in developing telework programs as part of COOP and pandemic preparations. Two Federal Judicial Television Network broadcasts were completed this year: *Telework: It's about the "Work" Not*

the "Commute" which focuses on criteria used to determine telework eligibility; and *Telework: Simple Steps to a Practical Program*, which features a variety of telework pilot models for use in establishing or expanding a telework program.

Buyout and Early Retirement Program

The buyout and early retirement program assists court units and federal public defender offices in their efforts to retool and streamline operations and lessen the impacts of restructuring on their staff. During FY 2007, a total of 193 plans were approved, covering 223 actual buyout and/or early retirement separations, with buyout costs totaling approximately \$3.8 million. This program will continue in FY 2008.

Background Checks and Investigations

Background checks and investigations help ensure that court unit and federal public defender organization employees, contractors, and volunteers meet the appropriate standard of trust and confidence.

During FY 2007, 8,403 background check and investigation report results were completed. The AO manages a contract for courts to purchase electronic fingerprinting equipment to improve fingerprinting quality and efficiency; fingerprinting makes up approximately 90 percent of all checks and investigations. To date, 106 court units and federal public defender organizations have purchased the equipment. ■



Training

THE NATIONAL TRAINING SPENDING PLAN INITIATIVES

JUDICIARY ONLINE UNIVERSITY

JOU has provided cost-effective online training at user convenience since 2005.

- More than 4,000 employees have used the program.
- Courses were accessed 14,000 times.
- JOU has been a resource for job aids, skill briefs, and course summaries 54,289 times.

The National Training Spending Plan was established as the foundation for developing and delivering administrative and operational training to Judiciary employees. In FY 2007, initiatives focused on building partnerships in the Judiciary and with other agencies to maximize technology and minimize costs in training delivery.

Judiciary Online University (JOU). This year the Federal Judicial Center (FJC) joined three other judicial entities, the Office of Defender Services (ODS), Court of Appeals for the Federal Circuit, and the AO's Personnel Division, in uniting with JOU. Combining resources has resulted in a reduction of costs from \$74 to \$53 per license, at the same time increasing service offerings with the addition of several professional online libraries through the program, Books 24/7. More than 4,000 employees now use JOU. Since JOU's inception in August 2005, court staff have accessed more than 14,000 courses, completed 6,554 online courses, and used JOU as a resource for job aids, skill briefs, and course summaries a total of 54,289 times.

National Court Budget Management Training Program. In 2007, Administrative Office staff and 15 court faculty delivered court budget management training to almost all court unit executives, budget analysts, and other budget managers in the First, Second, Seventh, Eighth, Eleventh, and DC circuits. In two-and-a-half day sessions, attendees were schooled in practical aspects of day-to-day management of the local court budget with emphasis on small-group resolution of a complex budget case study that mirrors court budget issues and practices. Entering its third year, the program will train court unit executives and budget managers in the Fifth, Sixth, and Ninth Circuits as well as court unit executives new to the Judiciary.

CourtsLearn. Two Judiciary-specific courses were added to the online CourtsLearn this year: *Managing the Courts Budget* and *Contracting Officers' Technical Representative (COTR) Certification Program*. Fifty-nine Judiciary employees completed *Managing the Court Budget*, and 50 employees have been certified as Judiciary COTRs.

Employment Dispute Resolution. Court unit executives in six of the 13 judicial circuits were trained in EDR this fiscal year.

Teams . . .

Major work efforts and program areas are increasingly planned and carried out by the AO in partnership with the courts. Increased emphasis on AO-court work teams is intended to continuously improve customer service to the courts and to best meet their needs in the courthouse.

Key Programs, Work Efforts, and Studies

Implementing BAPCPA

The bankruptcy system continues to adjust to the sweeping changes of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Pub. L. No. 109-8) (BAPCPA), parts of which took effect in October 2005. A third wave of major changes took effect during fiscal year 2007.

Matching Staffing to Workload.

Over the last five years, bankruptcy clerks have reduced staffing by more than 900 employees, with over 200 leaving in fiscal year 2007, as the program continued to match resource requirements with workload needs. A program of early retirements and buyouts in 2007 helped address needs of dedicated court staff affected by the changing environment. During the year, the AO established a Bankruptcy Staffing Working Group, comprising judges, clerks of court, and a circuit executive, to help identify potential filing scenarios and how to staff them.

So far, the system has been successful in staffing to avoid disruption of court services to the public and meeting requirements of the amended bankruptcy code, while responding to the fluctuating bankruptcy filings—especially in the face of the nation’s changing economy.

Rules and Forms. The AO provided substantial support to the Advisory Committee on Bankruptcy Rules as it worked to develop permanent rules implementing BAPCPA. The Committee addressed issues voiced by its members and 60 comments raised about the published draft amendments and new rules and forms. After thorough Conference Committee review, amendments to the rules were submitted to the Supreme Court, and the Conference approved 22 new or amended bankruptcy forms.

Accuracy and Veracity Requirement. Bankruptcy administrators who administer cases in the six judicial districts of North Carolina

and Alabama have many new duties under BAPCPA. The AO and bankruptcy administrators worked closely to ensure random, independent audits in Chapter 7 and 13 cases. This effort is in response to Section 603, which requires the Judicial Conference to “establish procedures in bankruptcy administrator districts to determine the accuracy, veracity, and completeness of petitions, schedules, and other information that the debtor is required to provide.” Work also began on a BAPCPA requirement to audit petitions that disclose expenses or income exceeding a specified range.

GAO Studies. The AO responded to a number of studies undertaken by the Government Accountability Office, either specified by BAPCPA or requested by members of Congress; those studies are described on page 36.

Bankruptcy CM/ECF. AO and bankruptcy clerks, as well as court advisory and working groups devoted

substantial time during FY 2007 to ensuring that bankruptcy courts’ future electronic case management requirements, and especially chambers-related needs, are met by bankruptcy CM/ECF or a successor system.

U.S. Trustee Request. The AO, the Bankruptcy Committee, and especially its Automation Subcommittee, intensely studied the impact of a request from the Executive Office of the U.S. Trustees that the Judicial Conference consider requiring courts to accept, with limited exceptions, only data-enabled bankruptcy forms. That request, if approved, would require hundreds of data elements contained in 19 bankruptcy forms to be tagged for automated retrieval. Several policy and practical concerns are being analyzed, including issues of neutrality of the Judiciary, cost and access to the courts by debtors and attorneys, and various technical standards issues.

Bankruptcy Noticing Center (BNC)

The AO further assisted the bankruptcy court system in creating efficiencies and cost savings through its management of the BNC, which centralizes and automates the printing, addressing, batching, and mail processing of bankruptcy notices. In fiscal year 2007, the BNC produced and mailed approximately 105 million bankruptcy notices. It was the 14th year of operation for the program, which has enabled the Judiciary to meet its noticing responsibilities at a cost that is \$67 million less than a court-based noticing system.

Two specific initiatives during the year helped to increase savings: electronic bankruptcy noticing and an option to eliminate duplicate noticing. Regarding electronic noticing, by the end of the fiscal year, over 14 percent of all notices transmitted through the BNC were sent electronically through the BNC's Electronic Bankruptcy Noticing service. That initiative generated a cost avoidance of approximately 31 cents per notice, or an annual rate of \$4 million.

“ It was the 14th year of operation for the BNC program, which has enabled the Judiciary to meet its noticing responsibilities at a cost that is \$67 million less than a court-based noticing system. ”

Aggregate and Capital Goods Allotment Formulas Update

At the request of the Budget Committee of the Judicial Conference, Administrative Office staff and the Budget and Finance Advisory Council collaborated in fiscal year 2007 to update two important allotment formulas used to determine non-salary funding for each court unit. The aggregate allotment formula funds annual recurring operational expenses (e.g., training, office supplies, local telephone expenses, etc.). Likewise, the capital goods formula funds capital expenditures including furniture, copiers, and office equipment.

Together, these two funding formulas totaled \$130 million at full requirements in fiscal year 2007. The result of this update is a savings of \$9.2 million annually based on more current historical court spending patterns. In approving the updated formulas, the Budget Committee endorsed a two-year phase-in of the new formulas to give courts an opportunity to adjust to the lower funding formulas. Thus, the interim plan for fiscal year 2008 includes the initial phase in of the new funding formulas.

The updated funding formulas

- Provide a more credible and accurate assessment of court funding requirements to help explain budget requests to Congress;

- Redistribute funding in accord with actual use by court programs;
- Identify the need to explore other funding issues such as tenant alterations funding.

AO Aligns Financial Accounting System With Courts

Procurement Automation Initiative. As of October 1, 2007, the AO adopted a new web-based financial management system, FAS₄T, which combines acquisitions management with a financial management system. The new system expands capabilities for electronic requisitioning of goods and ser-

Innovations

planning for the long-term health of the Judiciary

- **Reductions in the Judiciary's rent payments because of an extensive effort to scrutinize rent bills from the General Services Administration;**
- **Changes to Judiciary space requirements in the *U.S. Courts Design Guide* to lower future rental costs without adversely impacting court functionality;**
- **Development of benchmark job descriptions and the completion of labor market research to assist in considering potential changes to court classification and compensation systems;**
- **Business process re-engineering support to help clerks' offices identify and adopt more efficient practices; and**
- **Evaluation and testing of alternative information technology service-delivery mechanisms, including server consolidation where a high level of service can be maintained.**

vices, and generates contracts and purchase orders that comply with the Judiciary Procurement Program Procedures (JP3) regulations. This change is another step toward a single financial management system for the entire Judiciary. The new procurement functionalities are available to requisitioners and contract-

ing officers at the Administrative Office, the Court of International Trade, the Court of Appeals for the Federal Circuit, the United States Court of Federal Claims, the Sentencing Commission, and the Judicial Panel on Multi-District Litigation. Server hosting for the system is located at the same facility.

Procurement Improvements

Administrative Services Methods Analysis Program (ASMAP).

An Administrative Services Methods Analysis Program (ASMAP) Steering Group with representation from across the Judiciary was established to identify more cost effective and efficient methods for providing administrative support to the courts without reducing the level of service. A group of 23 court subject matter experts was assembled to identify better practices in the procurement area, specifically working with AO procurement staff to focus on small purchases, including GSA contract purchases, blanket purchase orders, and open market procurement. From the ASMAP review, final best practices were developed and will be posted on the J-Net for court review and voluntary implementation.

National Conference Attorney Telecommunication System Contract.

In November 2006, following a thorough evaluation by AO staff with court participation, the AO awarded three blanket purchase orders (BPAs) for teleconferencing equipment. The BPAs meet a re-

quirement from the appellate court conference attorneys to replace existing systems that were no longer meeting the courts' technological needs. The BPAs were well received by the appellate courts, and two circuits procured equipment immediately following the award.

Changes to General Procurement Delegation Authorities.

In May 2007, the AO Director increased the general delegations of procurement authorities for chief judges and federal public defenders, following widespread completion of the Contracting Officers Certification program. These increased authorities give the courts and federal public defender organizations more latitude in managing their local budget allocations. Small purchasing thresholds were significantly increased for competitive, open-market procurements; levels for GSA federal supply schedule information technology purchasing authority were raised; authority to order against pre-competed contracts was increased; and delegated authority for interagency agreements and memoranda of understanding was expanded.

COTR Training. The Contracting Officers' Technical Representative (COTR) Certification Program was converted from an instructor-led format to online training for user convenience and efficiency. This course provides an overview of the roles and responsibilities of the COTR as a participant in the Judiciary procurement/contracting process as defined in Judiciary Procurement Program Procedures (JP3)7.2. COTRs monitor Judiciary contractor performance and serve as the technical liaison between the contractor and the contracting officer. Fifty employees were certified as Judiciary COTRs by year's end, while an additional 125 are in training.

Civil Criminal Accounting Module (CCAM) and Cash Receipting.

Use of the Civil/Criminal Accounting Module (CCAM) to support civil and criminal accounting and cash receipting functions grew to 43 courts in fiscal year 2007, with six additional courts scheduled to implement the new system early in FY 2008. CCAM, which has been adjusted to reflect lessons learned from early implementer experience, provides consistency and accuracy in courts' financial data, reduces risks as-

sociated with aging and unsupported hardware, and strengthens internal controls over financial processes.

Federal Rules of Practice and Procedure

The Rules Committees approved a comprehensive restyling of the Federal Rules of Civil Procedure and Illustrative Civil Forms to make them clearer, simpler, and easier to understand, without changing substantive meaning. The style revisions to the Civil Rules, which took effect on December 1, 2007, follow the restyling of the Federal Rules of Appellate Procedure in 1998 and Federal Rules of Criminal Procedure in 2002. The restyled Civil Rules were well received and in June 2007 the Standing and Civil Rules Committees were awarded the prestigious Burton Awards for Legal Achievement - Reform in Law Award.

Time-Computation Rules Amendments

In 2007, the Rules Committees approved for publication proposed amendments to over 90 time-computation provisions found in the

Appellate, Bankruptcy, Civil, and Criminal Rules. The changes were proposed with a view toward simplifying the provisions, eliminating inconsistencies in the computation of time periods under the procedural rules, and making time calculations more efficient for practitioners.

Under the proposed rules, virtually all short time deadlines would be extended to offset any impact that the new time-counting provisions may have in calculating time. Comment on the proposed amendments was invited in August 2007 and is possible through February 15, 2008.

Improving An Essential Tool

The Guide - Windows Internet Explorer

http://inet/Guide/index.html

Search: Guide

People Finder

Last Name

First Name

Quick Links

Home > Guide

Printer Friendly

Guide to Judiciary Policies and Procedures

The Guide to Judiciary Policies and Procedures is the official medium by which guidance and information is provided to the Judiciary in support of its day-to-day operations. The Guide also codifies policies which are promulgated by Director of the AO and approved by the Judicial Conference of the United States. Contributing offices and Divisions within the AO are responsible for maintaining their information in a current condition. Questions or comments regarding specific subject areas of the Guide should be directed to the appropriate responsible office.

Copies of Latest Transmittals

The Guide consists of the following volumes:

[Volumes 1-1C, Administrative Manual](#) [Volume 1 Transmittals](#)

Contains information and guidance regarding various administrative functions and procedures such as Travel, Financial Management, Human Resources, Printing and Mail Management, Contracting, Procurement and Property Management, Security and Claims. Also provides guidance related to delegations of administrative authorities in those areas.

[Volume 2, Codes of Conduct for Judges and Judicial Employees](#) [Volume 2 Transmittals](#)

Contains the various codes of conduct for judges and employees in the federal judiciary, as well as published advisory opinions interpreting the codes, reprints of applicable statutes and Judicial Conference resolutions and regulations.

[Volumes 3-3A, Judges Manual](#) [Volume 3 Transmittals](#)

Contains information of interest to all judges on a wide range of subjects such as Selection and Appointment, Compensation and Benefits, Travel, Chambers and Courtroom operations, Ethics and Financial disclosure.

[Volume 4, Clerks' Manual, United States District Courts](#)

http://inet/Guide/Volume_4.html

Local intranet 100%

With court and staff user input, the Judiciary has begun the enormous task of making its primary policy and procedures manual easier to reference online.

Guide to Judiciary Policies and Procedures Redesign

Redesign of the *Guide to Judiciary Policy and Procedures* continues with ongoing court input. Once completed, policy guidance to the courts will be written in simplified language and organized for more efficient information searches.

Management Reviews and Finding Best Practices

Management reviews are a cooperative effort between the Administrative Office and the courts to provide an objective evaluation of court operations. The AO coordinates on-site court management assistance and program reviews in the courts at the request of chief judges and court managers. Reviews may cover jury administration, court reporting, program operations and management, human resources management, property management, procurement, information technology operations, security, and continuity of operations plans and disaster preparedness.

Review procedures generally include observations of office operations, interviews with key staff, and the evaluation of appropriate court records and files. An exit interview to discuss preliminary findings and recommendations is usually held with either the chief judge or the court unit executive, and a detailed written report of findings and recommendations is provided to the court.

During fiscal year 2007, the AO District Court Administration Division completed seven management reviews in the district courts. The Appellate Court and Circuit Administration Division conducted a major court review in one of the court of appeals clerk's office. Requested by the chief judge, this review focused on the major operational areas of the clerk's office, including case management, motions processing, and calendaring.

Juror Utilization

The Judiciary continued its efforts to improve juror management practices and make better use of jurors. Since 2004, the number of jurors reporting for jury service but not selected, serving, or challenged

(NSSC), has been generally declining. After peaking at 40 percent for fiscal year 2003, the percentage of jurors NSSC has continued to fluctuate between 36 and 38 percent. For the 12 months ended June 30, 2007, the percentage of jurors NSSC was 38 percent. The Judicial Conference and the Administrative Office consider efficient juror utilization to be a high priority for the Judiciary.

Court Interpreting

In fiscal year 2007, there was a 17 percent increase in the number of events requiring the use of interpreters in the courts. District courts reported that they used interpreters in 246,037 events, compared to 210,336 events reported in fiscal year 2006. The number of languages requiring interpretation rose from 111 in 2006 to 115 in 2007. Spanish (234,462 events) remains the most-used language for interpreters in the courts, accounting for 95 percent of all reported events, followed by Mandarin (1,547 events). Other frequently used languages in fiscal year 2007 were Vietnamese (1,054 events),

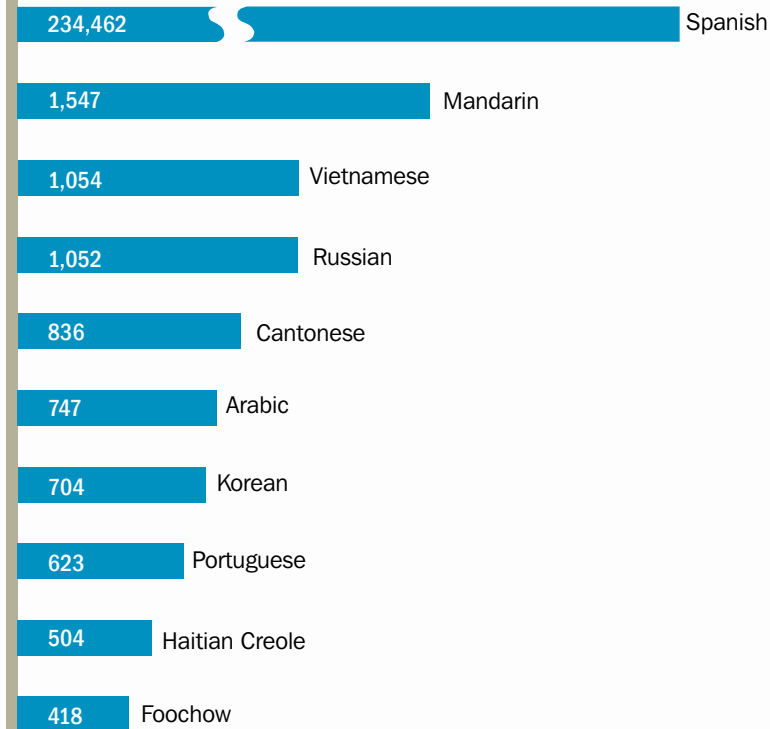
Russian (1,052), Cantonese (836), Arabic (747), Korean (704), Portuguese (623), Haitian Creole (504), and Foochow (418).

Interpreter Certification. In fiscal year 2007, a record 459 candidates took the oral examination component of the Spanish/English Federal Court Interpreter Certification Examination, and 77 candidates passed the exam and received certification. The written examination was offered in August 2006 in 33 locations nationwide, and will be offered again in fiscal year 2008. Those who pass the written examination are eligible to take the oral examination, which will be offered in fiscal year 2009.

National Court Interpreter Database. In fiscal year 2007, certified interpreters were offered the opportunity to update their contact information in the web-based National Court Interpreter Database (NCID). At the end of fiscal year 2007, the database contained the names of 891 active certified interpreters and 2,187 otherwise qualified interpreters in 187 languages. The number of otherwise qualified interpreters listed in the NCID grew by 358 in fiscal year 2007.

Court Interpreting

Fiscal year 2007 events requiring the use of an interpreter



Telephone Interpreting. The Judiciary's Telephone Interpreting Program (TIP) provides remote interpretation in short proceedings where certified or otherwise qualified court interpreters are not locally available. In fiscal year 2007, the Judiciary's TIP services were used in more than 3,684 events in 38 languages, with Spanish used for 90 percent of events. In total, 48 district courts used the Judiciary's TIP services. There were eight provider courts this year: the Central District of California, District of New Mexico, Northern District of Illinois, Southern District of Florida, District of Columbia, Southern District of California, District of Nebraska, and the District of Rhode Island. Staff interpreters handled 72 percent of the Judiciary's telephone interpreting proceedings, and the other 28 percent of the proceedings were handled by contract interpreters. The Judiciary's TIP saved an estimated \$1.1 million in interpreter travel and contract costs in fiscal year 2007, and \$5.8 million over the life of the program. More importantly, it ensured that qualified interpreters were available for defendants in court proceedings.

Long-Range Planning

Since becoming planning coordinator for the Judicial Conference's Executive Committee in December 2005, Judge Charles R. Breyer has sought to enhance the Judiciary's ability to identify, communicate, and consider matters of strategic importance to the Judiciary across committee jurisdictional lines.

At the March 2007 long-range planning meeting, committee chairs discussed a range of issues and topics that affect the entire Judiciary over the next 10 years and how to plan for them, including interbranch communication, facilities program developments, technology changes, and staffing trends. All Conference committee chairs were invited to participate.

Ideas generated at the September long-range planning meeting, planning recommendations made by the National Academy of Public Administration, and an assessment of planning approaches used by other organizations will help the AO and the Executive Committee consider changes to the long-range planning process. Underway is an assessment of the 1995 *Long Range Plan for the Federal Courts*—what has been

achieved by the Judiciary in following its recommendations, which recommendations remain unfulfilled, and what trends or developments have not occurred as forecast in the Plan.

Government Accountability Office Studies

The Administrative Office coordinates with Judicial Conference committees and the courts to respond to the GAO's requests for information on behalf of Congress, and to review and comment on GAO draft reports. Fiscal year 2007 was a very active year for GAO studies, especially in the bankruptcy arena. The GAO conducted 18 studies involving the federal Judiciary, eight of which pertained to the impact and effects of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), on the bankruptcy system. Study topics included:

- Costs of implementing BAPCPA
- Bankruptcy Data Collection and Reporting Issues
- Transferring Debtor Information to Child Support Enforcement Agencies

- Effects of the Legislation on Collecting Child Support Obligations
- Bankruptcy Reaffirmations
- Credit Card Penalties and Fees and their Effects on Bankruptcy Filings
- Effects of Corporate Bankruptcies on Employee and Retiree Benefits
- Credit Counseling for Consumers Before Filing for Bankruptcy
- Treatment of Crime Victims in the Federal Court System
- The American Samoa Judicial System
- Challenges Facing the U.S. Asylum System

Other studies included: Audit of Independent Counsel Expenditures; and Provisions on Providing Records with Social Security Numbers to State and Local Public Record Keepers.

Audits

The Administrative Office conducts financial audits, program audits to promote effective and economical business practices in AO and court operations. The AO's Office of Audit administers a comprehensive program of financial audits

covering all court units, Judiciary funds, and financial systems. Court audits are conducted on a four-year cycle for most courts, and on a 30-month cycle for larger courts.

In 2007, the Administrative Office issued final reports for 97 cyclical financial audits of the courts. It completed 73 other financial audits, including audits of Chapter 7 trustees, Criminal Justice Act grantees, and audits in response to a change of clerk and to follow-up on prior reviews. One hundred thirty-four debtor audits were conducted in 2007, under BAPCPA Section 603 requirements for Chapter 7 and Chapter 13 debtors, as described elsewhere in this report. ■

Defender Services

Death Penalty Authorization Process

Following discussions between the chairs of the Executive Committee and Defender Services Committee with senior officials at the U.S. Department of Justice (DOJ), the AO facilitated work with DOJ to develop a new Criminal Justice Act (CJA) Guideline. It encourages courts to set reasonable deadlines for completion of certain stages of the death penalty authorization process (subject to extension for good cause).

The deadlines pertain to defense counsel's mitigation submission to the local U.S. attorney, the U.S. attorney's submission of his/her recommendation about seeking the death penalty to the DOJ, and the Attorney General's decision on whether to pursue the case as a capital matter.

Case-Budgeting Video

In collaboration with the Federal Judicial Center, the AO produced a

training video for federal judges, "Budgeting Criminal Cases: High-Cost CJA Panel Representations."

The video focuses on issues related to the court's responsibility in managing expenditures in high-cost capital and non-capital criminal cases in which the defendant is represented by a private "panel" attorney pursuant to the CJA.

Criminal Justice Act Training

The AO presented and supported more than 30 training events for federal defender staff, CJA panel attorneys, and other CJA practitioners in FY 2007. Distance learning opportunities were enhanced, as federal defender organization staff accessed Judiciary Online University's web-based training more than 460 times during the year. In addition, the AO's Office of Defender Services continued to increase the quantity and accessibility of educational

materials on its web site (www.fd.org) for CJA practitioners.

Community Defender Organization Stewardship

Community defender organizations are nonprofit organizations funded by grants from the Defender Services appropriation. Like federal public defender organizations, they provide defense counsel to persons eligible for CJA representation. Based on a recommendation from a community defender organization working group established by the AO Director, the Committee on Defender Services directed community defender organizations to limit their personnel policies to those available to federal public defender organizations (or to obtain an exception from the Committee) when not doing so could result in additional costs. The working group continues to study person-

nel and benefits policies, as well as other issues of concern to community defender organizations and the Committee on Defender Services.

New Defender Organizations

Ninety of the 94 federal judicial districts are now served by a federal defender organization. A new community defender organization was established during 2007 in the Middle District of Georgia, as was a branch office in the Northern District of Mississippi, of the Federal Public Defender Organization for the Southern District of Mississippi. Only the Northern District of Alabama, the Southern District of Georgia, the Eastern District of Kentucky, and the District of the Northern Mariana Islands now operate without the benefit of a federal defender organization. ■

Stewardship . . .

A video focused on containing expenses in high-cost Criminal Justice Act panel representations, and a working group advised on managing personnel costs in community defender organizations.

Best Practices . . .

Updated during 2007, *The Supervision of Federal Offenders* includes guidance on current best practices in substance abuse and mental health treatment.

Probation and Pretrial Services

Evidence-Based Practices

To maximize defendants and offender success on supervision, the probation and pretrial services system has been adopting practices proven effective in reducing recidivism. These evidence-based practices have been extensively studied in state and local jurisdictions and include activities such as assessing a person's actuarial risk and need, enhancing the person's intrinsic motivation, and targeting supervision interventions to address the specifics of the case.

To promote use of evidence-based practices in the federal system, the AO established the Research-to-Results (R2R) grant program, which funded training and additional services related to evidenced-based practices in 18 volunteer districts. The AO also took steps to improve case assessment and planning with the testing of risk/needs tools in select probation offices. It sought

advice from experts as to what type of tool would best serve the courts' needs and set a goal to begin development of a new national tool that will begin in fiscal year 2008.

Substance Abuse and Mental Health Policy Updates

A working group of probation and pretrial services chiefs and officers and Federal Judicial Center staff teamed up with the AO to significantly revise *The Supervision of Federal Offenders, Monograph 109*, the primary policy resource for probation officers in the supervision of offenders. The revamped monograph offers updated guidance in substance abuse treatment and mental health treatment and brings the monograph in line with current knowledge about treatment and approaches that yield positive results in post-conviction supervision.

New Officer Training

In fiscal year 2007, the U.S. Probation and Pretrial Services Training Academy trained its 600th newly appointed officer. In 2005, the Administrative Office established the academy in partnership with the Federal Law Enforcement Training Center in Charleston, SC. The academy's five-and-a-half-week curriculum addresses officers' core investigation and supervision duties, including training in mental health, sex offender, and substance abuse issues; safety, including training in firearms, defensive tactics, and driving; and other important areas, including training in officer ethics and legal liability.

Providing training in an academy setting has improved consistency in policy and program implementation nationwide. For new officers, the training has helped foster professionalism and a shared vision, attitude, and direction.

25th Anniversary of the Pretrial Services Act

In September, pretrial services officers from across the country celebrated the 25th anniversary of the Pretrial Services Act. The Act expanded pretrial services—which had begun as an experiment in 10 districts—to every federal judicial district (except the District of Columbia) and established pretrial services as a critical part of the justice process. In carrying out their investigation and supervision duties, pretrial services officers help balance the defendant's right to pretrial release with the court's concern that the defendant neither fail to appear in court nor endanger the community. Since the passage of the Act, fewer than 2 percent of the cases have resulted in a released defendant's failure to appear for trial or a released defendant being arrested. ■

Approach . . .

AO communications within the Judiciary and with the public are broad-based and multi-media in approach. Print communications remain a critical tool, but are used sparingly to contain costs. The web is the Judiciary's most widespread communications vehicle, and both its Internet and intranet sites are the heart of public and internal messages. A strong video program enhances news, information, and educational programs.

Communications

J-Net Enhancements

During 2007, court and AO user feedback resulted in a number of enhancements to the Judiciary's intranet, which is essential to communications and information retrieval for all Judiciary users. Several key content areas, such as Legislation, Training, and Due Dates were developed in keeping with user feedback. At the AO, content posting processes are being streamlined. Content searches are being improved with modifications to the way information is labeled by submitters. Feedback methods will continue to include surveys, polls, an e-mail listserv, webmaster e-mails, and usability testing.

Newsletters

The Third Branch newsletter, the Judiciary's official public newsletter, continued to document key issues and programs to judges, court managers, and the public. Court managers read *The Federal*

Court Management Report online for updates about national court programs and accomplishments, and to learn about best business practices from courts across the country. In addition, the Administrative Office publishes several electronic newsletters for niche audiences throughout the federal courts.

Video

The AO produced 65 news, information, and educational videos in FY 2007. Programs were broadcast on the Federal Judicial Television Network (FJTN), streamed directly to court employees' desktops, and were shown at meetings and conferences during the year. Several videos were designed to teach public audiences more about federal court issues and programs. Video adds substantial impact to the AO's public affairs efforts and contributes to a cost-effective online training program. The AO video program earned several industry-wide professional awards for its productions during FY 2007.

Video Communications



Video adds impact to Judiciary communications and contributes to cost-effective online training.

Outreach

Prestigious national and international civic education organizations—including the Center for Civic

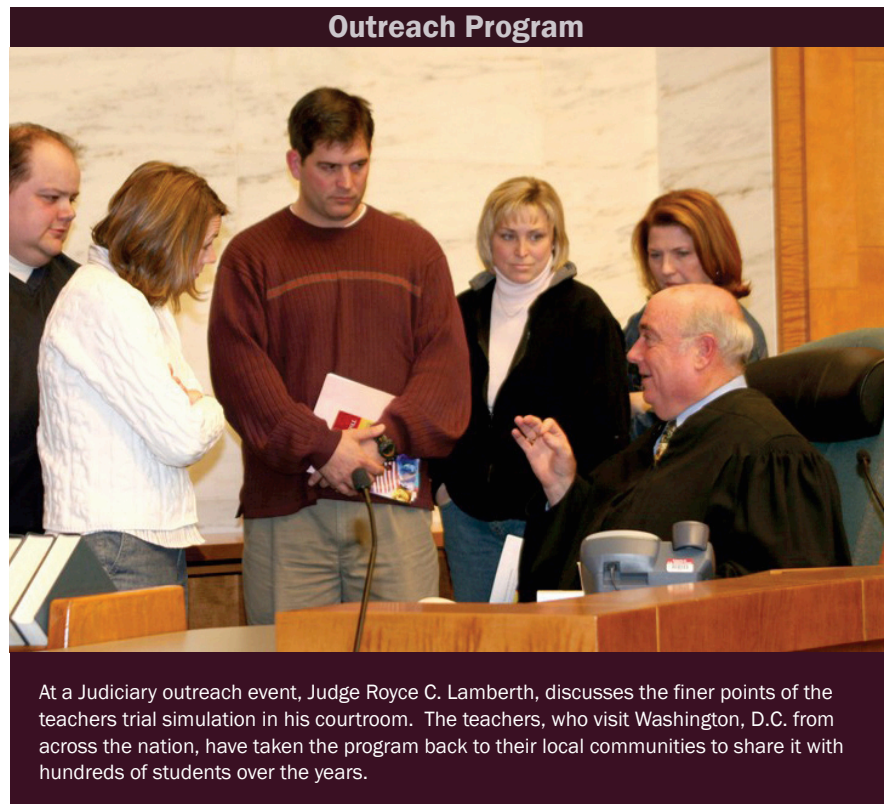
Education, Street Law, Close Up, Presidential Classroom, National Youth Leadership Forum, National Honors Convocation, and People to People Law Summit—have come to

rely on the AO public affairs office to design topical and highly realistic courtroom simulations as a highlight of their national and international programs. Many federal judges generously host students and teachers in federal courtrooms each year for events including Open Doors to Federal Courts, Law Day, Juror Appreciation Month, Teachers Institutes, and Constitution Day.

In FY 2007, staff developed 10 new programs and a wide range of supporting resources for courtrooms and classrooms. Five new initiatives were piloted with 1,550 students and teachers at the U.S. District of Columbia courthouse before making materials available to courts nationwide. Written evaluations and videotaped exit interviews immediately after courtroom programs help shape future efforts.

Media Relations

The Office of Public Affairs responded to more than 400 news media queries in 2007, and consulted dozens of times with court officials who confronted sensitive news media matters.



At a Judiciary outreach event, Judge Royce C. Lamberth, discusses the finer points of the teachers trial simulation in his courtroom. The teachers, who visit Washington, D.C. from across the nation, have taken the program back to their local communities to share it with hundreds of students over the years.

Uscourts.gov

The Federal Judiciary's public web site continued to provide the public with a full view of what goes on in the federal courts as well as information for those doing business in the courts. Enhanced site features and expanding content—including 100 news updates and numerous

videos, educational outreach information, probation and pretrial officer information, and the Private Seminar Disclosure System—have made uscourts.gov an essential element of the Judiciary's communications program. There were 5.7 million visits to uscourts.gov during 2007. ■

In Profile

IN PROFILE: THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

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

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

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

- Implements the policies of the Judicial Conference of the United States and supports its network of 24 committees (including advisory and special committees) by providing staff to plan meetings, develop agendas, prepare reports, and provide substantive analytical support to the development of issues, projects, and recommendations.
- Supports about 2,000 judicial officers, including active and senior appellate and district court judges, bankruptcy judges, and magistrate judges.
- Advises court administrators regarding procedural and administrative matters.
- Provides program leadership and support for circuit executives, clerks of court, staff attorneys, probation and pretrial services officers, federal defenders, panel attorneys, circuit librarians, conference attorneys/circuit mediators, bankruptcy administrators, and other court employees.
- Provides centralized core administrative functions such as payroll, personnel, and accounting services.
- Administers the Judiciary's unique personnel systems and monitors its fair employment practices program.
- Develops and executes the budget and provides guidance to courts for local budget execution.

- Defines resource requirements through forecasts of caseloads, work-measurement analyses, assessment of program changes, and reviews of individual court requirements.
- Provides legislative counsel and services to the Judiciary; acts as liaison with the legislative and executive branches.
- Prepares manuals and a variety of other publications.
- Collects and analyzes detailed statistics on the workload of the courts.
- Monitors and reviews the performance of programs and use of resources.
- Conducts education and training programs on administrative responsibilities.
- Audits the courts' financial operations and provides guidance on management oversight and stewardship issues.
- Handles public affairs for the Judiciary, responding to numerous inquiries from Congress, the media, and the public.
- Develops new ways for handling court business, and provides assistance to court employees to help them implement programs and improve operations.
- Develops and supports automated systems and technologies used throughout the courts.
- Coordinates with the General Services Administration the construction and management of the Judiciary's space and facilities.
- Monitors the U.S. Marshals Service's implementation of the Judicial Facilities Security Program, including court security officers, and executes security policy for the Judiciary.

ORGANIZATION: THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

Director

James C. Duff

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

Deputy Director

Jill C. Sayenga

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

Associate Director and General Counsel

William R. Burchill, Jr.

Robert K. Loesche, Deputy

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

Judicial Conference Executive Secretariat

Laura C. Minor, Assistant Director

Wendy Jennis, Jeffrey A. Hennemuth, Deputies

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

Legislative Affairs

Cordia A. Strom, Assistant Director

Daniel Cunningham, Deputy

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

Public Affairs

David A. Sellers, Assistant Director

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

Court Administration

Noel J. Augustyn, Assistant Director

Glen K. Palman, Deputy

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

Defender Services

Theodore J. Lidz, Assistant Director

Steven G. Asin, Deputy

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



In Profile

ORGANIZATION: THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS (CONTINUED)

Facilities and Security

Ross Eisenman, Assistant Director

William J. Lehman, Deputy

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

Finance and Budget

George H. Schafer, Assistant Director

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

Human Resources

Charlotte G. Peddicord, Assistant Director

Nancy E. Ward, Deputy

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

Information Technology

Howard Grandier, Acting Assistant Director

Barbara C. Macken, Deputy

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

Internal Services

Doreen G.B. Bydume, Assistant Director

Manages the Judiciary's procurement function; provides administrative support and services to the Administrative Office in areas such as budget, facilities, personnel, information technology and information management; and administers the Administrative Office's Equal Employment Opportunity programs.

Judges Programs

Peter G. McCabe, Assistant Director

R. Townsend Robinson, Deputy

Provides support and services for judges in program management and policy development, and assists judges and their chambers staff in obtaining support and services from other components of the Administrative Office; gathers, analyzes, and reports statistical data.

Probation and Pretrial Services

John M. Hughes, Assistant Director

Matthew Rowland, Deputy

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



Administrative Office of the U.S. Courts
Washington, D.C. 20544

www.uscourts.gov